



# Pinellas County

## Staff Report

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File #: 20-1235A, Version: 1

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### **Subject:**

Construction agreement and addendum between the County and Florida Department of Transportation to install fiber optic cable in new and existing Advanced Traffic Management System/Intelligent Transportation System conduit on State roadways.

### **Recommended Action:**

Approval of the construction agreement and addendum between the County and Florida Department of Transportation (FDOT) to install fiber optic cable in new and existing Advanced Traffic Management System/Intelligent Transportation System conduit (ATMS/ITS) on State roadways.

- Currently the county ATMS/ITS conduit system located within FDOT right of ways is reserved for fiber optic cable solely for transportation related purposes.
- The agreement and addendum authorize installation or usage of fiber within the conduit system for non-transportation public use purposes.
- County must obtain a FDOT utility permit prior to each installation or use of fiber.

FDOT Construction Agreement No. 2020-C-799-00012; Authorize the Chairman to sign and the Clerk of the Circuit Court to attest.

### **Strategic Plan:**

Ensure Public Health, Safety, and Welfare

2.1 Provide planning, coordination, prevention, and protective services to ensure a safe and secure community

Foster Continual Economic Growth and Vitality

4.4 Invest in infrastructure to meet current and future needs

4.5 Provide safe and effective transportation systems to support the efficient flow of motorists, commerce, and regional connectivity

Deliver First Class Services to the Public and Our Customers

5.1 Maximize partner relationships and public outreach

5.2 Be responsible stewards of the public's resources

5.3 Ensure effective and efficient delivery of county services and support

### **Summary:**

The Construction Agreement and associated Addendum provides the County sole use of one of the three smaller conduits (innerduct) within the FDOT ATMS/ITS conduit system, located in FDOT ROW. This Agreement and Addendum permit the County's use of the County innerduct to install fiber optic cable that can be used for non-transportation purposes countywide subject to authorization by FDOT

utility permits. This permission extends to existing as well as future fiber optic cable installed within the County innerduct. The County may permit other public entities to use fiber within the County innerduct. The agreement, in and of itself, does not authorize any fiber installation or usage. It provides that FDOT may authorize such usage by granting Utility Permits. FDOT Counsel and the County Attorney's Office agree that, because the Addendum is part of the Master Agreement (similar to an Exhibit) -- and not an amendment thereto - the Addendum does not require separate execution.

Additionally, Paragraph 29 of the Construction Agreement requires the County indemnify FDOT. County Resolution No. 06-70 does not allow the County to indemnify others. At the request of the County, FDOT has agreed to modify its boilerplate indemnification language through the Addendum by deleting Paragraph 29 and adding a revised Paragraph 17, which states that all who perform work in accordance with this Agreement shall indemnify, defend and hold harmless, to the extent and within the limitations of Section 768.28, Florida Statutes.

**Background Information:**

Currently the ATMS/ITS Conduit System consisting of a four (4) inch conduit containing three (3) innerducts reserved for fiber optic cable use in FDOT ROWs solely for transportation related usage. With initiation of this Agreement it designates use of each innerduct and provides sole access to one of the 3 innerducts to the County, which may be used for non-transportation related use. The first innerduct is reserved for fiber use for the ATMS/ITS transportation system, the second innerduct is reserved for use by the FDOT, and the third innerduct is reserved for use by the County.

**Fiscal Impact:**

N/A

**Staff Member Responsible:**

Kelli Hammer Levy, Director, Public Works

**Partners:**

Florida Department of Transportation

**Attachments:**

Florida Department of Transportation Addendum to Construction Agreement  
Florida Department of Transportation Construction Agreement