



Pinellas County

Staff Report

File #: 18-728A, **Version:** 1

Subject:

Facility Encroachment Agreement with CSX Transportation, Inc. for installation of fiber optic cable for the Alternate U.S. Highway 19 South Advanced Traffic Management System project from U.S. Highway 19 (34th Street) to S.R. 60 (Gulf to Bay Boulevard).

Recommended Action:

Approval of the Facility Encroachment Agreement with CSX Transportation, Inc. (CSXT), for installation of fiber optic cable for the Alternate U.S. 19 Highway South Advanced Traffic Management System (ATMS) project from U.S. Highway 19 (34th Street) to S.R. 60 (Gulf to Bay Boulevard).

Chairman to sign, and Clerk of Court to attest.

CSXT Agreement No. CSX858401, County PID: 002598A

Strategic Plan:

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.

Summary:

This agreement authorizes the County to perform installation of fiber optic cable beneath the CSXT right of way along Alternate U.S. Highway 19 (Missouri Avenue) as part of the Countywide Intelligent Transportation System (ITS) Program. The agreement also stipulates the encroachment fee, specifications and requirements for installation and maintenance of the cable, as well as liability and insurance requirements.

Additionally, County Resolution No. 06-70 prohibits the County from indemnifying other parties in most situations. While the County Attorney's Office was successful in negotiating some indemnification language, CSXT did not modify or waive all indemnification requirements requested by the County. The resulting language does not differ from what has been accepted in previous agreements with CSXT. Public Works Department staff will coordinate with the Risk Management Department to obtain the appropriate levels of insurance as suggested by the County Attorney and prior to commencement of construction activities. This agreement is necessary for successful completion of the project.

Background Information:

Installation of this cable traverses the CSXT rail corridor, which crosses Alternate U.S. 19 (Missouri Avenue) just south of West Bay Drive. The fiber optic cable will be installed below the railroad tracks by horizontal direction drill. In order to install the cable under the CSXT right-of-way, a Facility

Encroachment Agreement with CSXT is required.

Approval of this Agreement is retroactive with the effective date being March 13, 2018. The Agreement shall be in effect until completion of project construction, but no longer than five (5) years from the effective date of the Agreement.

Fiscal Impact:

Total cost to the County for authorization to install fiber optic cable is \$1,500.00 due to a one-time license fee. The contractor will be required to obtain a railroad protective liability policy either through a private insurance provider or as a rider to CSXT's existing policy. The County will self-insure for commercial general liability requirements.

There is no financial cap to the agreement since the County is responsible for all costs incurred as a result of project activities to CSXT's facilities and/or encroachment. The only foreseeable potential cost, in addition to the license fee and RPL fee listed above, is for flagging services. Flagging services may be required by CSXT and is reimbursable to CSXT at approximately \$800.00 per day. The installation of conduit is anticipated to take three (3) days or less for a total flagging cost of \$2,400.00.

The current anticipated construction cost for the entire fiber optic project from 34th Street to Gulf to Bay Boulevard is estimated to be \$3,364,946.00, which will be funded through a different agreement between the County and construction contractor.

Funding for this CSXT agreement is budgeted in the County's Capital Improvement Program. The funding source is the Local Option Fuel Tax (9th Cent). This agreement is consistent with the FY18 estimate submitted during the FY19 budget development process.

Staff Member Responsible:

Rahim Harji, Assistant County Administrator

Partners:

CSXT Transportation, Inc.

Attachments:

Facility Encroachment Agreement

Exhibit A

Project Location Map

Resolution No. 06-70

Email from CSXT regarding indemnification