

PROPOSED

1 RESOLUTION NO. 2019-

2 A RESOLUTION OF THE BOARD OF COUNTY
3 COMMISSIONERS OF BROWARD COUNTY, FLORIDA,
4 PERTAINING TO UNAUTHORIZED PEAK-HOUR LANE AND
5 PEDESTRIAN ACCESS ROUTE CLOSURES, AND TRAFFIC
6 SIGNAL MAINTENANCE AND OPERATION NOT IN
7 CONFORMITY WITH THE MINIMUM STANDARDS
8 APPLICABLE TO PUBLIC RIGHT-OF-WAY UNDER BROWARD
9 COUNTY JURISDICTION FOR CONSTRUCTION PROJECTS IN
10 BROWARD COUNTY RIGHT-OF-WAY; AMENDING
11 CHAPTER 25, EXHIBIT 25.A, OF THE BROWARD COUNTY
12 ADMINISTRATIVE CODE ("ADMINISTRATIVE CODE") TO
13 INCLUDE PROVISIONS RELATING TO THE ASSESSMENT OF
14 LIQUIDATED DAMAGES; AND PROVIDING FOR
15 SEVERABILITY, INCLUSION IN THE ADMINISTRATIVE CODE,
16 AND AN EFFECTIVE DATE.

17 (Sponsored by Commissioner Tim Ryan)

18 WHEREAS, the Minimum Standards Applicable to Public Right-of-Way Under
19 Broward County Jurisdiction ("Minimum Standards") were developed and compiled by the
20 Engineering Division of the Broward County Department of Public Works, adopted by the
21 Board of County Commissioners of Broward County, Florida ("Board"), on November 12,
22 1985, became effective on December 1, 1985, and have been amended from time to
23 time;

24 WHEREAS, the Minimum Standards were established to provide for the safe,
orderly, and efficient use and development of public right-of-way while serving the needs
and interests of the public;

WHEREAS, the Board has determined that it is in the best interests of the health
and safety of the residents of Broward County ("County") to modify the procedures
governing construction in County right-of-way; and

1 WHEREAS, this amendment authorizes assessment of liquidated damages for
2 any unauthorized peak-hour lane closures, pedestrian access route closures, and traffic
3 signal maintenance and operation not in conformity with the Minimum Standards for
4 contractors performing work in County right-of-way, NOW, THEREFORE,

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6 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
7 BROWARD COUNTY, FLORIDA:

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9 Section 1. Chapter 25, Exhibit 25.A, Chapter 3, of the Broward County
10 Administrative Code is hereby amended to read as follows:

11 CHAPTER 3. GENERAL PROVISIONS

12 **3-1. Public and Occupational Safety.**

13 ...

14 3-1.4.2 *Maintenance Period:* The ~~provisions~~ requirements of this ~~Section~~
15 Chapter shall be in effect under all weather conditions, twenty-four (24) hours per day,
16 every day, from the commencement of work until final acceptance by the Highway
17 Construction and Engineering Division, except in times of emergency, when the Highway
18 Construction and Engineering Division shall issue special instructions to the permittee.
19 ~~The~~ However, the provisions of Section 3-1.1 of this Chapter, ~~however,~~ shall apply at all
20 times.

21 3-1.4.3 *Liquidated Damages:* All contracts or permits for construction in
22 County right-of-way shall require and contain provisions for the assessment of liquidated
23 damages for unauthorized peak-hour lane closures, pedestrian access route closures,
24 and traffic signal maintenance and operation not in conformity with the Minimum

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 Standards. The Director of the Highway Construction and Engineering Division is
2 authorized to establish the amounts to be assessed as liquidated damages for all
3 contracts and permits governed by the Minimum Standards and levied in accordance with
4 this section.

5
6 Section 2. Severability.

7 If any portion of this Administrative Code Resolution is determined by any court to
8 be invalid, the invalid portion will be stricken, and such striking will not affect the validity
9 of the remainder of this Administrative Code Resolution. If any court determines that this
10 Administrative Code Resolution, in whole or in part, cannot be legally applied to any
11 individual, group, entity, property, or circumstance, such determination will not affect the
12 applicability of this Administrative Code Resolution to any other individual, group, entity,
13 property, or circumstance.

14
15 Section 3. Inclusion in the Broward County Administrative Code.

16 It is the intention of the Board of County Commissioners that the provisions of this
17 Administrative Code Resolution become part of the Broward County Administrative Code
18 as of the effective date. The sections of this Administrative Code Resolution may be
19 renumbered or relettered and the word "resolution" may be changed to "section," "article,"
20 or such other appropriate word or phrase to the extent necessary in order to accomplish
21 such intention.

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