

ARTICLE 4

RIGHT-OF-WAY UTILIZATION

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Section	4.01	<u>GENERAL</u>
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The purpose of this ARTICLE, in the interest of public health, safety and welfare of the citizens and inhabitants of the City of Ocoee, Florida, is to control, by the issuance of Right-of-Way Utilization Permits, the utilization of the public rights-of-way and public easements lying within the City of Ocoee. It is the intent of this ARTICLE to promote good engineering practices which will assure the maximum utilization of the public rights-of-way and public easements by all the citizens, with the lowest life cycle cost to all due safety, operation and maintenance. Right-of-way Utilization Permits shall be obtained as prescribed in the City of Ocoee Code of Ordinances. All activities within the jurisdiction of this Manual shall be reported to all Utilities in the area at least 48 hours prior to commencement. Permits from other entities may be required in addition to the City permit.

Section	4.02	<u>DEFINITIONS</u>
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The term “right-of-way” and the term “easement” as used in this ARTICLE, unless otherwise designated, shall be deemed public rights-of-way and public easements.

Section	4.03	<u>EXCLUSIONS</u>
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All construction and maintenance performed within the public rights-of-way and public easements lying within the City of Ocoee, Florida, unless specifically exempt, are within the purview of this ARTICLE, regardless of size or extent. Exclusion from any part in this ARTICLE does not provide exclusion (applicability of) of any other provisions.

Pre-application meetings are recommended and pre-Construction conferences are mandatory between the Owner/Developer, their Engineer, all utilities, and the City Staff when City facilities or improvements to be dedicated to the City are involved.

In all cases, full consideration shall be given to sound engineering principles and economic factors. Final determination of the types of facilities permitted shall be based on a cost/benefit analysis of the feasible alternatives. Consideration shall be given to aesthetics by all right-of-way users avoiding unnecessary appurtenances.

All construction and maintenance shall be performed with proper shoring, barricades, and maintenance of traffic signage in accordance with the MUTCD, the regulations of the Florida Industrial Safety Board, and the FDOT Safety Manual. All street closures will be restricted to the limits of rights-of-way with necessary traffic control devices and markings. A Right-of-Way Utilization Permit shall be required.

Shoring shall be required where necessary to protect existing pavement, and must be properly protected and removed.

All side drains, side ditches and storm sewers shall be referenced as to grade and location prior to construction.

Where direct burial of utilities is not required, only single-pole support systems shall be permitted within the rights-of-way. Any exception must be amply justified and approved by the City Engineer. Where it is necessary to place aerial crossings which may interfere with traffic, careful planning of work with regard to the safety of vehicular traffic is mandatory. No temporary supports shall be allowed closer than the minimum clearance unless they are incorporated with a suitable barrier system. Such temporary construction shall be completed in the minimum time possible as approved in the Permit.

Where feasible, all longitudinal underground facilities shall be placed outside of the pavement of main-traveled lanes. Where encasement is used, the encasement pipe shall have strength equal to or exceeding the carrier pipe. Encasement shall be in accordance with ARTICLE 26 of this Manual. PVC pipe used in roadway crossings for use as non-pressure conduit intended for direct burial, or concrete encasement, unless otherwise specified, shall have a minimum pipe stiffness of 120 psi at a deflection of 0.2 inch, when tested in accordance with ASTM D-2412. Casing shall normally be required for paved roadway crossings of underground utilities where the carrier is of insufficient strength due to composition or depth of cover in accordance with this Manual.

All gas piping to be maintained by public and private utilities must comply with the Federal Standards as listed in the Florida Public Service Commission Rule 25-12.05, as amended by Order No. 5221, with any subsequent modifications thereto.

All jack and bore crossings shall be a continuous operation at each location at the proper location and depth. Any deviation from the above will be sufficient grounds for work stoppage, plugging the line with concrete, and replacing the line at the proper location. All operations shall be in accordance with ARTICLE 26 of this Manual.

Open cutting of existing roadway pavement shall generally not be allowed, but may be considered under one or more of the following conditions upon the City Engineer's approval:

- A) Subsurface obstructions.
- B) Limited space for jacking pits.
- C) Condition of roadway surface, including imminent resurfacing and rebuilding.
- D) Where facility design prohibits.
- E) Extreme economic hardship.

In any analysis of a request for open cutting, primary consideration shall be given to the safety and convenience of the public. Permitted open cuts shall be in accordance with the Typical City Details attached as part of this Manual. The City Engineer will consider use of other methods where conditions warrant.

Where an open cut is considered, a smooth all-weather surface must be provided and maintained all times. Permanent replacements of the temporary patch shall be made within 5 days of completion of the crossing. Proper repairs of open cuts shall be in accordance with this Manual.

The City shall establish control of access based upon location, geometric design, and traffic operations controls (in accordance with this Manual), all of which shall encourage safe and efficient operations, as well as provide suitable and sufficient access.

Any construction and maintenance performed within the rights-of-way and public easements of the City that encroach or affect in any way a primary drainage canal, lake, drain well, and/or drainage easement or right-of-way under the jurisdiction of Orange County shall also obtain a Right-of-Way Utilization Permit from the County complying with the existing ordinances of Orange County, Florida and its Right-of-Way Utilization Regulations.

Section

4.05

RESTORATION AND MAINTENANCE

All public rights-of-way and public easements shall be restored to their original condition or better, in keeping with this Manual, and in a manner satisfactory to the City Engineer.

All excavated material in excess of the quantity required for backfill, and unusable material shall be disposed of at the Permittee's expense, and not placed within the limits of the public right-of-way or easement unless so directed by the City Engineer or his Designee.

At such locations where City signs and reflectors will interfere with proposed construction, the Permittee or their Consultant shall notify the City 48 hours in advance of starting work. All signs and reflectors will be removed or relocated only by City forces. Any signs or reflectors damaged, destroyed, removed, or relocated shall be replaced at the expense of the Permittee. No private signs of any type shall be permitted within the right-of-way.

Sodding operations are to begin as soon as fine grading and weather conditions permit, as directed by the City. Any private yards or part of the right-of-way in front of private property that has a grass mat shall be resodded with like sod.

All debris shall be removed and properly disposed of by the Permittee at the Permittee's expense. Dust control shall be mandatory.

All vegetation shall be provided the maximum protection as required by the LDC. The indiscriminate cutting of trees or disfiguring of any feature of scenic value, including methods such as herbicide treatment, shall not be permitted. Trees and/or shrubs destroyed during construction are subject to replacement at the Permittee's expense as directed by the City. The necessary trimming or cutting of trees by utility companies, in the interest of public safety or continuity of utility service, shall not be considered indiscriminate where such utilities cannot bypass the obstruction without violating the clear roadside policy. This shall not be construed to mean that existing pole lines must be relocated to comply with the above. City tree removal permits shall be obtained from the City Building Department.

All landscaping within public rights-of-way and public easements shall comply with the following provisions:

- A) The City Engineer or his Designee may request line of sight calculations and details to determine the permissibility of various landscaping and signage in areas of ingress and egress per the requirements of this Manual.

- B) In order for the City to allow the non-City installation of right-of-way or easement landscaping, a statement in writing as to who will be responsible for the maintenance of the project including watering, fertilizing, pruning, etc., shall be required. This statement shall come from the adjacent property Owner/Developer, the appropriate homeowners association, or civic organization.
- C) The Permittee shall not hold the City responsible for any damage to the plants during subsequent right-of-way construction.
- D) Landscaping within State and County rights-of-way within the limits of the City of Ocoee shall comply with Orange County or FDOT highway beautification and planting regulations and the City of Ocoee requirements.
- E) Plants between 2 and 7 feet above the ground, in a median island within 100 feet of a crossover nose, shall provide a clear drivers sight distance. Conditions may require the above 100 foot length to be extended for safety considerations.
- F) A 4 foot mowing strip shall be maintained between the plants and the curb or sidewalks/bikepaths. If plants are desired in this mowing strip they shall be kept under 24 inches.
- G) No rock boulders, utility facilities, stationary signs, or above ground monuments shall be allowed in the medians.
- H) Persons and equipment maintaining the project are to carry out their work in such a manner as not to obstruct vision or traffic flow.
- I) Plantings shall be maintained at all times to prevent being a hazard in the safe operation of a vehicle, which includes the sight distance of drivers.
- J) Trees planted within the right-of-way on high speed (50 MPH and above) and high volume roadways shall be 30 feet from the edge of the pavement or at the right-of-way line. Each location will be reviewed for any special requirements by the City.
- K) Sprinkler heads and irrigation systems installed adjacent to public roadways and sidewalks shall be designed to insure public safety and shall not spray water over or on the roadway or sidewalk area. They shall not be operated during high pedestrian or vehicular travel times. On non-curbed streets, the sprinkler heads shall be located adjacent to the right-of-way line or on private property to prevent damage from any vehicles, parked or otherwise.

Section 4.06 UTILITY ACCOMMODATION

4.06.01 General

The placement of utilities within the public rights-of-way and public easements shall be placed in accordance with all applicable Codes, and current industry standards. All accommodations within the FDOT maintained right-of-way shall be in accordance with FDOT's Utility Accommodation Guide. All accommodations within the Orange County maintained roadways shall be in accordance with Orange County regulations. All other installations within the City maintained roadways shall be in accordance with this Manual.

As far as mechanically possible, the accommodations shall be followed for public right-of-way and public easement utilization within the City with the exception above.

All utilities are to be installed in accordance with the latest editions of the Federal Standards, as listed in the Florida Public Service Commission Rule 25.12.05, as amended by Order No. 5221 issued by the Commission on September 17, 1971, with any subsequent modifications thereto, the National Electrical Safety Code, FDOT's Safety Manual, MUTCD, LDC, this Manual, and any City Codes and Ordinances.

The criteria identified in this ARTICLE shall not be applied to a minor segment of an existing utility installation in such a manner as to result in misalignment of the installation or adjustment of the entire installation.

4.06.02 Light and Utility Poles

Light and utility poles shall be at least 18 feet from edge of pavement or at right-of-way line. Poles are permitted to within 12 feet from edge of pavement, provided a frangible base is used or if poles are placed behind a barrier. A minimum distance of 6 feet shall be required from the edge of pavement on deceleration and acceleration lanes. Where the design permits, a 14 foot clearance from finished grade shall be used. In curb and gutter sections, poles shall be at the right-of-way line with 4 foot minimum from face of non-mountable curb to front of pole. Edge of pavement does not include shoulder pavement.

In exposed areas, frangible or breakaway poles and light standards shall be considered to the extent practical. Where location is not exposed, consideration can be given to other type standards. Where feasible and practical, luminaries shall be attached to existing utility poles which meet offset criteria. For the purpose of this ARTICLE, frangible base poles will be accepted as bases in accordance with the FDOT Index Number 9623 (including later revisions), approved slip-type bases, or aluminum poles with an 8 inch outside diameter and 0.188 inch wall thickness, mounted on cast aluminum flange base, alloy 356-T6 and 356-F.

Projects where the 4 foot minimum offset would place the utility or other obstruction in substantial conflict with the sidewalk/bikepath or an unreasonable conflict with requirements of the National Electrical Safety Code would be created (in the case of power poles), and other alternatives are deemed impractical, the minimum may be reduced to 2½ feet from back of curb. Each case where this deviation is proposed must be supported on an individual basis and approved by the City Engineer or his Designee.

4.06.03 Mailboxes and Newspaper Boxes

Non-single family mailboxes, newspaper boxes, etc. shall be placed on private property or at the right-of-way line where possible. Poles may be located up to 6½ feet from right-of-way line, provided that they are at least 18 feet from edge of pavement. In curb and gutter sections, poles shall be at the right-of-way line with 4 foot minimum from face of non-mountable curb to front of pole. Edge of pavement does not include shoulder pavement. Poles shall not be permitted in medians, except for temporary construction purposes where incorporated within a suitable barrier system. Privately owned boxes, etc. are placed at the Owner's expense and liability, and when in City right-of-way shall be removed/relocated if directed to do so by the City Engineer.

Single family mailboxes shall be constructed and/or installed in a manner that does not endanger the public. U.S. Postal regulations shall be considered.

4.06.04 Other Structures

Devices such as signal-strain poles, above ground enclosures, and other items whose construction and size would cause extensive damage to a vehicle if struck are to be located according to the standards for utility poles.

4.06.05 Underground Installations

Underground utility installations shall have a minimum vertical clearance of 36-inches below the top of roadway pavement or top of ground, including ditch grades.

4.06.06 Aerial Crossings

Aerial crossings shall be in accordance with the National Electrical Safety Code, and a minimum of 18 feet over roadways and driveways. Crossing shall not interfere with existing or planned signal installation.

The roadside clearances for above ground utility facilities shall be consistent with those clearances applicable to other obstacles on the type of highway involved, reflecting good engineering and economic considerations.

4.06.07 Excavation

Where possible, excavation shall not be allowed within 4 feet of the edge of pavement. This shall necessitate that the utility be placed a sufficient distance from the pavement. Where this requirement imposes a hardship on the utility due to a narrow distance between the back of curb and the right-of-way or edge of sidewalk/bikepath, the utility may place their facilities within 2 feet of the back of the curb, but only upon approval from the City Engineer or his Designee.

Section **4.07** **INSPECTION**

The City Engineer or his Designee shall inspect work within the scope of this Manual to ensure that the rights-of-way are established and/or restored properly. Upon project completion, a final inspection shall be required. The City's representatives, together with the representatives of other interested agencies, shall perform the final inspection. Provide 48 hour prior request, excluding weekends and holidays, for final inspection.

The job shall be inspected against the provisions of the approved plans and the City Engineer shall not recommend acceptance until all such provisions are met, and any required tests are performed and accepted.

The Contractor shall have all materials within the scope of this Manual and the right-of-way regulations inspected before being laid, concealed or covered.

The Contractor shall inform the City Engineer or his Designee at the time backfill or any other process which should be monitored is occurring, and provide any requested reports. The laying and simultaneous covering of power cables, telephone cables, television cables, and gas mains is allowed outside the pavement.

Section **4.08** **OPERATIONAL SAFETY**

The City Engineer may disapprove any curb cut, median opening, or access which will constitute a public hazard or create excessive conflicts in traffic or pedestrian flow, or adversely impact the public safety.

The City Engineer or his Designee shall authorize a "stop work" order upon any Permittee who is committing or creating unsafe acts which may create a public hazard, or who is not complying with the provisions of the permit and this ARTICLE. The order shall remain in effect until such time as these matters are corrected.

The City Engineer or his Designee shall not be held responsible for any damages as a result of the above actions taken under this ARTICLE.

Section

4.09

EXISTING USES

Any Owner/Developer of property on which there is a roadway access point lawfully in existence, but which is determined by the City to present a hazard to the public safety and welfare due to the location of curb cuts, median openings, or other matters regulated within this Manual, and which does not comply with this Manual and/or the LDC shall be required to reconstruct or alter such hazardous situation at the time of any modifications/permits (use-changes , remodeling, reconstruction, enlargement, alterations, paving).

Any curb cut made after the date of this publication, which fails to provide for smooth flow of traffic on and/or off the right-of-way and traveled way, shall be closed by the City until repaired. The City Engineer or his Designee shall make such closure upon notification to the property Owner/Developer. The closure shall be maintained until the condition has been corrected to the satisfaction of the City Engineer.