



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

July 28, 2015

Khoa Nguyen
Director, Office of Technical Services
Federal Highway Administration
3500 Financial Plaza, Suite 400
Tallahassee, Florida 32312

Re: State Specifications Office
Section **007**
Proposed Specification: **SP0071105FGT Legal Requirements and Responsibility to the Public - Utilities.**

Dear Mr. Nguyen:

We are submitting, for your approval, two copies of the above referenced Special Provision.

The changes are proposed by Thomas Bane of the State Program Management Office to address Florida Gas Transmission Company notification and other contractor requirements in accordance with their Global Agreement and Encroachment Agreements with FDOT.

Please review and transmit your comments, if any, within two weeks. Comments should be sent via email to daniel.scheer@dot.state.fl.us.

If you have any questions relating to this specification change, please call me at 414-4130.

Sincerely,

Signature on file

Daniel Scheer, P.E.
State Specifications Engineer

DS/ot

Attachment

cc: Florida Transportation Builders' Assoc.
State Construction Engineer

LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – UTILITIES.
(REV ~~3-194-10295-16-192237-278-15~~)

ARTICLE 7-11.5 is expanded by the following Subarticle:

7-11.5.5 Florida Gas Transmission Company, LLC (FGT) Facilities:

7-11.5.5.1 Notifications Under FGT Encroachment Agreements:

Notify FGT and the Engineer at least 48 hours before entering the limits of the Encroachment Area. Send notification to FGT by overnight next day courier service, certified mail, return receipt requested or email transmission.

7-11.5.5.2 Contractor's Responsibilities:

7-11.5.5.2.1 FGT Facilities: *Waive any and all claims for relief, whether in contract, tort or otherwise, against FGT arising out of the Buy America requirements set forth in 23 U.S.C. 313, as amended, and 23 CFR 635.410, as amended. Include this provision in all subcontracts, and require all subcontractors to include it in their subcontracts with others.*

Unless FGT facilities are located at a depth greater than eight feet, do not rely on as-built data or drill coordinates provided by FGT. Use soft dig field locates for FGT facilities.

Obtain approval ~~of~~ from the Engineer prior to the use of any area over any of FGT's pipelines for temporary construction space.

7-11.5.5.2.2 FGT Encroachment Agreements: *In addition to the requirements of 7-11.5.5.2.1, do not enter into the Encroachment Area until the FGT representative is present. Comply with the requirements of the FGT representative to safeguard FGT's property and operations. Specifically, comply with the Engineering and Construction Specifications in Attachment C of the FDOT/FGT Encroachment Agreement for this project. These documents are available at the following URL:*

<ftp://ftp.dot.state.fl.us/permitsandorutilityworkschedules/>

Invite the FGT representative to safety meetings.

Provide FGT access to the Encroachment Area and FGT pipeline facilities at all times.

Perform no work within the Encroachment Area on Saturday, Sunday or holidays, unless otherwise authorized by the Engineer.

**LEGAL REQUIREMENTS AND RESPONSIBILITY TO THE PUBLIC – UTILITIES.
(REV 7-28-15)**

ARTICLE 7-11.5 is expanded by the following Subarticle:

7-11.5.5 Florida Gas Transmission Company, LLC (FGT) Facilities:

7-11.5.5.1 Notifications Under FGT Encroachment Agreements:

Notify FGT and the Engineer at least 48 hours before entering the limits of the Encroachment Area. Send notification to FGT by overnight next day courier service, certified mail, return receipt requested or email transmission.

7-11.5.5.2 Contractor's Responsibilities:

7-11.5.5.2.1 FGT Facilities: Waive any and all claims for relief, whether in contract, tort or otherwise, against FGT arising out of the Buy America requirements set forth in 23 U.S.C. 313, as amended, and 23 CFR 635.410, as amended. Include this provision in all subcontracts, and require all subcontractors to include it in their subcontracts with others.

Unless FGT facilities are located at a depth greater than eight feet, do not rely on as-built data or drill coordinates provided by FGT. Use soft dig field locates for FGT facilities.

Obtain approval from the Engineer prior to the use of any area over any of FGT's pipelines for temporary construction space.

7-11.5.5.2.2 FGT Encroachment Agreements: In addition to the requirements of 7-11.5.5.2.1, do not enter into the Encroachment Area until the FGT representative is present. Comply with the requirements of the FGT representative to safeguard FGT's property and operations. Specifically, comply with the Engineering and Construction Specifications in Attachment C of the FDOT/FGT Encroachment Agreement for this project. These documents are available at the following URL:

<ftp://ftp.dot.state.fl.us/permitsandorutilityworkschedules/>.

Invite the FGT representative to safety meetings.

Provide FGT access to the Encroachment Area and FGT pipeline facilities at all times.

Perform no work within the Encroachment Area on Saturday, Sunday or holidays, unless otherwise authorized by the Engineer.