



Florida Department of Transportation

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UTILITES BULLETIN 3/20/2009

Date: March 20, 2009

To: Utility Accommodation Manual Users

From: Brian Blanchard P.E., Chief Engineer *Brian Blanchard*

Copies to: Lora Hollingsworth P.E., Director of Design
David Sadler P.E., Director of Construction
Tim Lattner P.E., State Maintenance Engineer
David O'Hagan P.E., State Roadway Design Engineer
Thomas Bane P.E., State Utilities Engineer

Subject: Signing and sealing of engineering work (other than traffic control plans or plans for attachments to bridges) by the UAQ.

The utility industry has asked for clarification on Section 3.4.3 of the 2007 Utility Accommodation Manual which addresses when signing and sealing is considered acceptable by Florida Department of Transportation for the purposes of permitting utility work or other work proposed to be accommodated within the Florida Department of Transportation's right of ways.

Florida Department of Transportation has reviewed the following Board of Professional Engineer's opinion issued January 7, 2009:

"Pursuant to Section 471.003(2)(d), "regular full-time employees of a public utility or other entity subject or regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or the Federal Communications Commission" exempt from the provisions of Chapter 471, Florida Statutes. (Engineering Practice Act).

As such, any work done that would meet the definition of the "practice of engineering" by the utility company would have to be done by a regular fulltime employee to meet the requirements of the exemption. Engineering work for the utility company cannot be done by an independent contractor, or other party not on that utility company's payroll as a regular full-time employee,

unless they are licensed as a professional engineer or under the responsible charge of a licensed professional engineer."

Consequently, from the opinion above, it is the Florida Department of Transportation's position that when a Utility Agency/Owner has work that meets the definition of "Engineering", as defined in Section 471.005(7) Florida Statutes, performed by the Utility Agency/Owner's regular full-time employees or an independent contractor under the responsible charge of the Utility Agency full-time employee or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or the Federal Communications Commission, the work is not required to be signed and sealed.

It is the Florida Department of Transportation's position that when a Utility Agency/Owner has work that meets the definition of "Engineering", as defined in Section 471.005(7) Florida Statutes, performed by forces other than the Utility Agency/Owner's regular full-time employees or other entity subject to regulation by the Florida Public Service Commission, Federal Energy Regulatory Commission, or the Federal Communications Commission, the work is required to be signed and sealed by the Florida licensed professional engineer in responsible charge .

Conversely, it is the Florida Department of Transportation's position that when a Utility Agency/Owner has work that does not meet the definition of "Engineering", as defined in Section 471.005(7) Florida Statutes, performed by others, the Utility Agency/Owner is not required to have the work signed and sealed.

When reviewing utility plans that are not signed and sealed, the Florida Department of Transportation may request the UAO to provide a statement that the plans are exempt from the signing and sealing requirements prescribed in Section 471 Florida Statutes. Any questions about the above positions, and or interpretations are to be referred to the Florida Department of Transportation's State Utilities Engineer.