

1. DISCUSS SAFETY CONCERNS RELATED TO UTILITY WORK PERFORMED ON PUBLIC PROPERTY.

Applicable Area:

# MIAMI BEACH

## COMMITTEE MEMORANDUM

TO: Land Use and Sustainability Committee Members

FROM: Eric Carpenter, City Manager

DATE: June 10, 2025

TITLE: DISCUSS SAFETY CONCERNS RELATED TO UTILITY WORK PERFORMED ON PUBLIC PROPERTY.

### **RECOMMENDATION**

The Administration recommends working closely with utility companies to make sure they comply with the City's right-of-way requirements and for Public Works inspectors to provide enhanced monitoring of their construction trenches and sites.

### **BACKGROUND/HISTORY**

On March 19, 2025, at the request of Commissioner Tanya Bhatt, the Mayor and City Commission (City Commission) approved item C4D (Attachment A), a referral to the Land Use and Sustainability Committee (LUSC) to discuss safety concerns related to utility work performed on public property.

It is perceived that whenever a utility company is issued a permit to perform work on public property, damage and/or hazardous conditions frequently persist for extended periods of time. Utility companies are responsible for ensuring the safety and restoration of areas impacted by the work they perform. Additionally, they are required to repair any damage caused during their operations, including any temporary repairs or measures to maintain public safety, repaving disturbed areas, restoring landscaping and signage, and returning the site to its original state.

Commissioner Bhatt believes that it is imperative that the City hold utility companies accountable and ensure that repairs are completed in a timely and satisfactory manner. Commissioner Bhatt would like to discuss policy and procedures in place to enforce the process for addressing damage to public property (e.g., streets, sidewalks, parks, landscaping, signage, infrastructure), and safety concerns caused by utility companies during the installation, maintenance, repair, or other actions. The sponsor would like for the Administration to include a recommendation on action steps that can be taken to immediately improve contractor compliance with the City's standards as a condition of receiving final approval of work performed on public property.

### **ANALYSIS**

Utility companies must apply for a Public Works Underground Utility Permit to perform utility-related activities within the public right-of-way (ROW). When excavation is required, particularly in streets or sidewalks, utility companies are responsible for ensuring public safety around the work zone. Public Works inspectors conduct routine inspections throughout the duration of the work to verify compliance with the approved permit conditions, ensure adherence to safety protocols, and address any hazards such as open trenches, obstructed sidewalks, or exposed infrastructure.

The Public Works ROW inspectors and staff are responsible for overseeing these efforts, though this is not their sole task. There are currently three (3) inspectors that inspect over 1,200 ROW

permits annually, actively monitor approximately several hundred open permits at any given time and conduct final inspections on building permits as needed. While managing this large volume of inspections and permits is a significant responsibility, the ROW inspectors and staff dedicate considerable effort to ensuring safety and compliance for all utility-related work in the ROW.

In addition to their regular responsibilities, the ROW team has been actively addressing open permits that date back to 2016. This ongoing effort involves coordinating with utility agencies to ensure that final restorations are completed, and permits are closed out. This effort is expected to be completed this fall.

Once all open permits have been addressed, the ROW team will then shift focus to monitoring permits that expire within the last two-week time frame. They will notify the respective utility agencies and require them to complete final restoration and close out the permits within 30 days. Failure to do so will result in violations against the utility agency. This will ensure that restoration activities are current.

During the course of excavation, utility companies are required to implement safe temporary measures to restore disturbed areas within the ROW, ensuring public safety until permanent restoration is completed. If the utility company needs to continue work in other areas under the same permit, they must ensure that any previously disturbed areas are temporarily restored to minimize disruption and hazards to the public.

Upon the final completion of all work covered by the permit, utility companies are obligated to restore all affected areas to their original condition. This permanent restoration must occur within ten (10) calendar days and includes repaving any disturbed road or sidewalk surfaces, replacing landscaping, and reinstalling signage or other public features.

#### ROW PERMIT GUIDELINES:

##### **1. Excavations During Construction**

Pursuant to the City's Ordinance, during any excavation operations, the person to whom an excavation permit has been granted shall place guardrails, ropes or barricades, and flashers, lanterns, flambeaus or red lights on each side of such excavation so as to apprise users of the street of the location of such excavation, which lights shall be kept lighted at nighttime in order to protect the public health, safety and welfare.

##### **2. Temporary Obstruction of ROW Permit**

Pursuant to the City's Ordinance, the Public Works Director may decline to issue a temporary obstruction of ROW permit for a period of one year from the date of any violation of three or more times within a 12-month period.

##### **3. Permit Extensions and Expired Permits**

Pursuant to the City's Ordinance, should a utility company require an extension beyond the time originally allotted for excavation or other work but does not request such extension until after the original time has passed, a new permit will be required to continue or complete the work.

##### **4. Restoration of Excavation Sites**

Pursuant to the City's Ordinance, a deposit, as determined by the Public Works Director, shall be required based on the estimated cost of repairing and replacing any disturbance or excavation of the street, park, parkway, alley, easement, sidewalk, or other public ROW. This deposit may be used by the City to repair or replace any areas disturbed during work to restore them to their original condition.

Additionally, the individual or entity obtaining the permit must ensure that all disturbed areas are fully restored to the satisfaction of the Public Works Director. This includes repairing and replacing any excavated streets, sidewalks, or other public ROW within ten days after the excavation is no longer needed (completed). Failure to comply with the above requirements may result in delays or penalties as outlined in City ordinances.

### **FISCAL IMPACT STATEMENT**

No fiscal impact.

### **CONCLUSION**

The Administration recommends working closely with utility companies to make sure they comply with the City's ROW requirements and for Public Works inspectors to provide enhanced monitoring of their construction trenches and sites.

### **Applicable Area**

Citywide

### **Is this a "Residents Right to Know" item, pursuant to City Code Section 2-17?**

Yes

### **Is this item related to a G.O. Bond Project?**

No

### **Department**

Public Works

### **Sponsor(s)**

Commissioner Tanya K. Bhatt

### **Condensed Title**

DISCUSS SAFETY CONCERNS RELATED TO UTILITY WORK PERFORMED ON PUBLIC PROPERTY.



**COMMISSION MEMORANDUM**

TO: Honorable Mayor and Members of the City Commission

FROM: Commissioner Tanya K. Bhatt

DATE: March 19, 2025

TITLE: REFERRAL TO THE LAND USE AND SUSTAINABILITY COMMITTEE TO DISCUSS SAFETY CONCERNS RELATED TO UTILITY WORK PERFORMED ON PUBLIC PROPERTY.

**RECOMMENDATION**

**BACKGROUND/HISTORY**

Please place on the March 19, 2025 City Commission agenda a referral to the Land Use and Sustainability Committee ("LUSC") to discuss safety concerns related to utility work performed on public property.

Maintaining the safety and integrity of our roads, sidewalks, parks, and public spaces are vital to the quality of life of the City's residents and visitors. Regrettably, when utility companies are issued a permit to perform work on public property, damage and/or hazardous conditions frequently persist for extended periods of time.

Utility companies are responsible for ensuring the safety and restoration of areas impacted by the work they perform. Additionally, they must repair any damage caused during their operations, including repaving disturbed areas, restoring landscaping and signage, and returning the site to its original state. It's imperative that the City hold utility companies accountable and ensure that repairs are completed in a timely and satisfactory manner.

Accordingly, I would request that the City Administration be prepared at Committee to discuss the policies and procedures in place to enforce the process for addressing damage to public property (e.g., streets, sidewalks, parks, landscaping, signage, infrastructure) and safety concerns caused by utility companies during installation, maintenance, repair, or other actions; a record of what jobs have been completed and based on what criteria in the past 12 months; and a recommendation on action steps that can be taken to immediately improve contractor compliance with the City's standards as a condition of receiving final approval of work performed on public property.

**ANALYSIS**

**FISCAL IMPACT STATEMENT**

n/a

**Does this Ordinance require a Business Impact Estimate?**  
(FOR ORDINANCES ONLY)

If applicable, the Business Impact Estimate (BIE) was published on:  
See BIE at: <https://www.miamibeachfl.gov/city-hall/city-clerk/meeting-notice/>

**FINANCIAL INFORMATION**

**CONCLUSION**

**Applicable Area**

Citywide

**Is this a "Residents Right to Know" item,  
pursuant to City Code Section 2-17?**

Yes

**Is this item related to a G.O. Bond  
Project?**

No

**Was this Agenda Item initially requested by a lobbyist which, as defined in Code Sec. 2-481,  
includes a principal engaged in lobbying?** No

If so, specify the name of lobbyist(s) and principal(s):

**Department**

Office of Commissioner Tanya K. Bhatt

**Sponsor(s)**

Commissioner Tanya K. Bhatt

**Co-sponsor(s)**

**Condensed Title**

Ref: LUSC - Safety Concerns/Utility Work Performed on Public Property. (Bhatt)

**Previous Action (For City Clerk Use Only)**