

# **TOWN OF PALM BEACH**

Information for Town Council Meeting on: January 11, 2022

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TO: Mayor and Town Council

VIA: Kirk. W. Blouin, Town Manager

FROM: H. Paul Brazil, P.E., Director of Public Works

RE: Florida Power and Light's (FPL) Request for Waiver of Construction Limitations  
in the Right-of-Way Between December 1, 2021 and May 1, 2022

DATE: December 20, 2021

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## **STAFF RECOMMENDATION**

Town staff request Town Council Members consider Florida Power and Light's (FPL) request to work in the right-of-way during season.

## **GENERAL INFORMATION**

FPL has an ongoing project to replace a damaged submarine feeder cable under the Intracoastal located just north of Phipps Park along South Ocean Blvd. The cable must be replaced as it has now failed three (3) times and has been determined to be irreparable should another failure take place. This feeder cable currently serves around 1,700 customers, including both towers of the condo located at 2100 South Ocean Blvd. FPL has been working on replacing this cable since the end of August 2021. While FPL indicates this is emergency work, they have failed to successfully complete the work in four (4) months.

FPL did not complete the work before December 1, 2021 and continued to work without notification or request for a waiver to Town requirements. On page 20 of the Standards Applicable to Public Rights-of-Way and Easements within the Town of Palm Beach in Section 2.24 Construction Hours, the manual states: "For all areas outside Worth Avenue, work is permitted from May 1<sup>st</sup> through November 30<sup>th</sup>, from 8:00 a.m. through 6:00 p.m., Monday through Saturday, excluding legal holidays. Except for emergency work, work is prohibited in the road right-of-way from December 1<sup>st</sup> through April 30<sup>th</sup> unless operation will not negatively affect area residences and businesses, and is of short duration, and will not block major roadways of the Town." While FPL's equipment and staff will be outside of the right-of-way, the conduit and cables are being pulled directly through the Town and FDOT's rights-of-way. Because the work crosses the Town's right-of-way, a right-of-way permit is required. FPL has secured a permit from FDOT.

Due to unforeseen circumstances, the work could not be completed prior to December 1, 2021. Town staff informed FPL that work had to stop until May 1, 2022 unless Town Council approved a waiver. FPL has changed their approach to performing this work and is now planning to work from the West Palm Beach side for the drilling and use the Town of Palm Beach location to pull the conduit and cable. FPL hopes to restart the work within the Town's right-of-way on January 12, 2022. They plan to start work from the West Palm Beach side of the Intracoastal on January 3, 2022 and then finish the work on the island. FPL has conveyed to staff that the job is currently at an extremely pivotal point in that they have the hole drilled, but don't have the conduit in the ground yet. Every day that the hole sits vacant, this allows for saltwater intrusion and increases the probability of the hole collapsing. For this reason, FPL is requesting approval to perform the remaining work in the Town of Palm Beach on the planned timeline listed below:

- Begin work on January 12, 2022 to pull the conduit. The cable pull will then take place from January 13<sup>th</sup> - January 17<sup>th</sup>. Since cable will be pulled from the west side of the intracoastal, there will only be a couple of smaller machines on the island. The major noise, exhaust, and commotion won't be taking place on the Town side.
- The week of January 17, 2022 crews will make terminations on the island and begin breaking down the equipment.
- The week of January 24, 2022 the crews will restore the City of West Palm's watermain back to preconstruction configuration.
- The week of January 31, 2022 restoration will take place at the lot north of Phipps Park to include sod replacement, bushes, trees, and plants as requested by the Town. Restoration will also include any disturbed area along A1A just south of 2100 South Ocean Blvd.

Because work will only occur Monday through Friday and only from 9:00 a.m. to 4:00 p.m., no other waivers from Town ordinances are being requested. The above time line is aggressive and staff has concerns that it may not be realistic.

### **FUNDING/FISCAL IMPACT**

No funding associated with this request.

Attachments

cc: Jason Debrincat, P.E., Senior Project Engineer