

Practice Update

Hurricane Preparedness for Construction Projects Before, During, and After the Storm

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Proper planning is the cornerstone of hurricane preparedness. With 10 to 17 named storms, five to nine hurricanes, and two to four major hurricanes still expected this 2019 season, it is imperative that every construction project within the state of Florida have a fully coordinated hurricane plan in place. Ideally, the hurricane plan would be expressly incorporated (in the form of a detailed exhibit) into the written contract between the owner and the general contractor, and the general contractor would be required to incorporate that plan into each of its subcontracts with lower tiered subcontractors on the project.

The hurricane plan should be agreed upon by all primary project participants, including the owner, lead design professional, and general contractor. It should address a wide range of issues that could arise prior to, during, and after a hurricane, and should contain provisions to ensure personal safety, minimize property damage, accidents, and downtime on the project. No two projects are exactly alike and the plan should therefore be tailored to incorporate each specific project's details and requirements. Consultation with an attorney who specializes in construction contracts may be helpful in drafting a plan appropriate for the project. Additionally, because the scope and design of a

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project tend to change over time, the plan should be re-evaluated by the entire project team should any substantial revisions to the project occur.

In developing a given project's hurricane plan, the plan should divide responsibilities into individual phases, each outlined so that the appropriate actions and duties of team members during the various stages of a hurricane event are clearly set forth. Moreover, each project team participant should have a representative designated to ensure proper plan compliance. Plan flexibility is also important because, as history has proven, the nature and conditions of each storm may vary significantly. As a general rule, the plan's phases should consist of the pre-hurricane procedures stage, the pre-evacuation stage (coastal areas), the hurricane watch and warning stages, and the post-hurricane procedures stage.

Pre-Hurricane Procedures Stage

During the first stage, every team participant should submit emergency contact information, identify key personnel responsible for implementing the plan, identify evacuation procedures, and order additional hurricane supplies to be available on the project prior to the hurricane season. The foregoing exchange of information can be put together in the form of an emergency contact list and should be distributed to the owner, general contractor, and other key team members at the outset of the project and then updated and redistributed as the information changes during the course of the project.

Pre-Evacuation Stage (Coastal Areas)

The pre-evacuation stage typically commences once a Tropical Storm Warning or Hurricane Alert becomes effective or is believed to be imminent. At this stage, the project's key personnel should be monitoring the news alerts regularly and begin making preparations to evacuate all nonessential

personnel. All shipments and deliveries of non-essential materials for the project should be halted. If there appears to be a strong likelihood of hurricane conditions in the area of the project, all construction documents, records, files and computers should also be moved off site or appropriately stored, and the project as a whole should be secured, including the removal or safe storage of any building materials which could become projectiles. It is also important to locate copies of all applicable project insurance policies, including but not limited to the builders' risk policy and any other property policies, and to store them in a water safe condition off the site.

Hurricane Watch and Warning Stage

When hurricane conditions are expected within 24-48 hours, the plan should progress to the hurricane watch and warning stages. We all know that loose material, such as loose wood, rebar, scaffolding, and roof tile can become dangerous projectiles. Depending on the size of the project, and the manpower available at the time, one general contractor might be able to properly secure all of these items within 24 hours, while another will need two or more days to accomplish that same goal. In either case, by the conclusion of the Hurricane Warning Stage, the site should be fully secured, power should be disconnected, and a recovery team should be in place and available to return to the project once conditions have subsided and it is safe to return. It is also a good idea, for insurance claim purposes, to make a video or photographic record of the site in its pre-storm condition.

Post Hurricane Procedure Stage

The post hurricane procedure is the last stage of the plan and should begin as soon as individuals may safely return to the site. If power lines are down or water mains damaged, appropriate utility companies and the fire department should be contacted to ensure the safety of the site before allowing anyone to enter. Thereafter, a complete project assessment

should promptly be conducted by the recovery team, accompanied by a damage report. The damage report should include pictures and/or video of the project and neighboring properties, if affected, and the applicable insurance adjusters should be immediately notified in writing in accordance with the written notice provisions of the policies. Lastly, all project team representatives should be notified of the status and advised when they can mobilize onto the site to begin clean up and to recommence construction.

Additional information should also be included in the plan such as definitions of hurricane related terms, emergency and applicable project phone numbers, contact information, and storm tracking sources and websites. With the extensive damage and attendant complications experienced during recent hurricane seasons, and because preparation is the best protection, every Florida construction project should have an establish hurricane plan in place prior to June 1st. However, if your contract does not currently have a plan in place, one can easily be added via a contract amendment.

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