Critical Path Thinking on Local Projects

March 2017
Build a Team for Success

- **Key Stake Holders:**
  - Project Manager / ERC
  - Design & Construction
  - Environmental / RW Engineering
  - Utility Coordinator
  - Real Estate Services
    - Appraising
    - Buying
    - Relocation
    - Condemnation
  - Property Management
Build a Realistic Schedule

- Ensure all aspects of the project are included.
- Provide adequate time for each task.
- Plan contingencies for potential roadblocks.
- Ensure everyone knows their expected delivery dates.
- Update the schedule as needed and provide updates to all stakeholders.
- Ensure all stakeholders understand the consequences of missing their dates.
Right of Way Acquisition Process

Acquisition Process: AVERAGE 275 DAYS FROM APPRAISING TO RW CLEAR

Condemnation Process: AVERAGE 450 DAYS FROM APPRAISING TO RW CLEAR
Best Practices

- Early Cost Assessment to ensure adequate funding.
- Project Scoping meetings with all stake holders.
- Kitchen Table Meetings (KTMs)
- Right of Entry and Tree Clearing Right of Entry (ROE).
- Administrative Settlements.
- Ensuring all stake holders are made aware of all updates and revisions.
- Utilizing available support resources (INDOT).
- Ongoing Communication with all stake holders.
- Risk Assessment to ensure modifications do not have a negative impact on other stake holders.
LPA Administrative Settlement

- Support/Justify
- Document
- Concept is being fair to all property owners on a project
### Secured Parcel Closeout List

Parcel packet contents must be maintained in the order described below for RW Agent submittal and any other reviews or audits.

<table>
<thead>
<tr>
<th>ITEM</th>
<th>YES</th>
<th>NA</th>
<th>Form</th>
<th>Required Items</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
<td></td>
<td>Conveyance</td>
<td>All Conveyance Documents (Deeds, Executions, with Legal Descriptions)</td>
</tr>
<tr>
<td>2.</td>
<td></td>
<td></td>
<td>T&amp;E</td>
<td>Title and Encumbrance Report (with Captive Deed and Mortgage Documents marked in upper right corner)</td>
</tr>
<tr>
<td>3.</td>
<td></td>
<td></td>
<td>Supp T&amp;E</td>
<td>Supplemental Title and Encumbrance Report (dated within the last 30 days) If a name change has been recorded, the new owner's name must be listed on the supplemental report</td>
</tr>
<tr>
<td>4.</td>
<td></td>
<td></td>
<td>Admin</td>
<td>If applicable, Administrative Settlement with Documentation</td>
</tr>
<tr>
<td>5.</td>
<td></td>
<td></td>
<td>Etc.</td>
<td>Any other relevant documents (Partial Mortgage Releases, Affidavits, Resolutions, Lead Paint Disclosures)</td>
</tr>
<tr>
<td>6.</td>
<td></td>
<td></td>
<td>Acceptance</td>
<td>Acceptance of Offer (usually page 3 of Uniform Offer)</td>
</tr>
<tr>
<td>7.</td>
<td></td>
<td></td>
<td>Checks</td>
<td>Property owner check and any other relevant checks</td>
</tr>
<tr>
<td>8.</td>
<td></td>
<td></td>
<td>SIC w/ Appraisal</td>
<td>Statement of Full Compensation followed by all Appraisal Documents</td>
</tr>
<tr>
<td>9.</td>
<td></td>
<td></td>
<td>Appraisal</td>
<td>If applicable, Appraisal Letter</td>
</tr>
<tr>
<td>10.</td>
<td></td>
<td></td>
<td>Retention</td>
<td>If applicable, Retention Letter</td>
</tr>
<tr>
<td>11.</td>
<td></td>
<td></td>
<td>Office</td>
<td>Any Uniform Offer(s) presented to an Owner with corresponding Conveyance Documents attached. Must show Proof of Delivery (date entered on page 1 of Offer for in-person offers, certified delivery confirmation for mailed offers or proof of publication). Include Letter to Owner if applicable</td>
</tr>
<tr>
<td>12.</td>
<td></td>
<td></td>
<td>Receipt of Conveyance</td>
<td>Acknowledgment of conveyance document received from owner</td>
</tr>
<tr>
<td>13.</td>
<td></td>
<td></td>
<td>Acquisition</td>
<td>Documentation/verification that each property owner received the brochure</td>
</tr>
<tr>
<td>14.</td>
<td></td>
<td></td>
<td>Tax</td>
<td>Documentation showing taxes are current for Partial Taxes / paid for current payable year for Total Taxes</td>
</tr>
<tr>
<td>15.</td>
<td></td>
<td></td>
<td>Reports &amp; SNET Letter</td>
<td>All Buyers Reports (in chronological order, most current first) with SNET Letter at end</td>
</tr>
<tr>
<td>16.</td>
<td></td>
<td></td>
<td>N/A</td>
<td>Face to Face Meeting Required</td>
</tr>
<tr>
<td>17.</td>
<td></td>
<td></td>
<td>Improvements in the Right of Way Agreed to</td>
<td>Confirmation of Required Action</td>
</tr>
<tr>
<td>18.</td>
<td></td>
<td></td>
<td>Excess Land</td>
<td>Confirmation of Required Action</td>
</tr>
</tbody>
</table>

### Compliance Certification

I, Agent Name & Title, Agent Company, certify that this submittal is made in good faith, that the supporting data is accurate and complete to the best of my knowledge and that this submittal is in accordance with 49 CFR Part 36, PL 94-404 and IC 32-24 and that all applicable rules and regulations of the Federal Highway Administration have been complied with.

(Signature)

AGENT NAME & TITLE

AGENT COMPANY

Phone: AGENT PHONE

Email: AGENT EMAIL

All parcels to be submitted in the order of the closeout list.
Takeaways

- Assemble a **Team** that can achieve the needed expectations.

- Detailed and ongoing **Communication** with all stakeholders.

- **Risk Assessment**: a revision in the acquisition could result in a negative impact to utilities.

- Utilized all available **Support** resources.
Information Resources

- FHWA - Federal Highway Administration
  - http://www.fhwa.dot.gov/real_estate/


- Indiana Code
  - http://iga.in.gov/legislative/laws/2016/ic/
    - 32-34: Eminent Domain
    - 8-23-7: Real Property Transactions
    - 8-23-17: Relocation
Best Practices in UC!

- CCC
- SUE
- Design Memo 16-04
- Everyone Knows where everyone goes!
- Remember the “but for” rule!
- Use the Commitments Database
It’s about RISK!

Effect of Accurate Utility Information in a Bid Package

Contractor manages risk with higher bids on project.

Comprehensive, accurate utility documentation in bid package reduces level of risk.

If level of risk is reduced, contract bids are more likely to be lower.

Lower bids reduce the overall cost of the project.
The ROI is compelling!

- For every $1 spent on SUE, a project could see a minimum quantifiable savings of $4.62

"Cost Savings on Highway Projects Utilizing Subsurface Utility Engineering," Purdue University
You get to zip it together!
Ensure all aspects of the project are included.

Collaboration at the onset of the project with:

- Designers
- Right-of-way specialists
- Utility coordinators
- Construction
- Maintenance and inspections
Environmental Considerations

- Recognize that the best projects are a series of trade-offs between various disciplines.
  - Even a 4(f) impact can be the wiser choice when compared to costly/time consuming utility relocation
- Consider including utility corridors within the environmental footprint and right-of-way
- Understand the implication to changes in access for a parcel
  - How the use of the parcel remnant may change
  - Where utilities will need to relocate and how that may affect the use of the remnant
Consider the merits of using a buffered footprint for the environmental document.

Plan contingencies for potential roadblocks.
  - What options are there for construction sequencing if right-of-way acquisition or utility coordination are delayed.

Ensure everyone knows their expected delivery dates.
Update the schedule as needed and provide updates to **ALL** stake holders.

Ensure all stake holders understand the consequences of missing their dates.

Communicate!
Contact Information

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