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

Environmental → Abstracting → Engineering → Appraising → Buying → Review → Finance → Property Management

Area of Acquisition Occupied?

YES

Relocation

APA Appraisal & Review 90-120 days

Offer Accepted? YES

Condemnation

NO

Condemnation Process: AVERAGE 450 DAYS FROM APPRAISING TO RW CLEAR

Acquisition Process: AVERAGE 275 DAYS FROM APPRAISING TO RW CLEAR

Offer and Negotiation 45-90 days

Money Posted 6 months

Final Judgment up to 3.5 years

RE Review

Legal Review 2 weeks

Process Voucher minimum 2 weeks up to 90 days

Distribute Payment(s) & Close Transaction 1-2 weeks

District Secures Property and Clears RW

Certify Project as "Clear" or "With Exceptions" varies

Varies widely depending on complexity

allow 1 day/parcel

60-90 days

Varies depending on complexity

Varies depending on complexity

Varies depending on complexity

???

Offer Accepted?

YES

NO

Claims Allowed:
Relo Clear + 18 months

Relo Clear:
Acquisition Paid + 30 days
-or-
90 Day Notice Expires (90-120 days from Initiation of Negotiation)
Best Practices

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

- Support/Justify
- Document

Concept is being fair to all property owners on a project
## Local Agency Name

### 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>Owner Name</th>
<th>Des.</th>
<th>Parcel</th>
<th>Date Submitted</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Description</th>
<th>Item</th>
</tr>
</thead>
<tbody>
<tr>
<td>Conveyance</td>
<td>Yes</td>
</tr>
<tr>
<td>T&amp;E</td>
<td>No</td>
</tr>
<tr>
<td>S. &amp; E</td>
<td>No</td>
</tr>
<tr>
<td>Acceptance</td>
<td>Yes</td>
</tr>
<tr>
<td>Checks</td>
<td>No</td>
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<tr>
<td>SK w/ Appraisal</td>
<td>No</td>
</tr>
<tr>
<td>Retention</td>
<td>Yes</td>
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<tr>
<td>Offices</td>
<td>No</td>
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<tr>
<td>Receipt of Conveyance</td>
<td>No</td>
</tr>
<tr>
<td>Acquisition</td>
<td>No</td>
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<tr>
<td>Tax</td>
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<td>IHAP</td>
<td>No</td>
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<tr>
<td>Reports &amp; SNET Letter</td>
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<tr>
<td>Imps &amp; Easmnt</td>
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</tr>
<tr>
<td>Excess Land - Required Action</td>
<td>Yes</td>
</tr>
<tr>
<td>Correspondence</td>
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<tr>
<td>Misc</td>
<td>No</td>
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<tr>
<td>ROE</td>
<td>No</td>
</tr>
<tr>
<td>Name Change</td>
<td>No</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 24, FE 50-66 and IC 30-24 and that all applicable rules and regulations of the Federal Highway Administration have been complied with.

Signature

Agent Name & Title

Agent Company

Phone

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
Effect of Accurate Utility Information in a Bid Package

Contractor manages risk with higher bids on project.

Comprehensive, accurate utility documentation in bid package reduce 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
DNA of Project Delivery

Critical Path:
- Identify Preferred Alternative
- Develop Preferred Alternative Stage 1 Design
- Preliminary Field Check and Right-of-Way
- Stage 2 Detailed Design and Right-of-Way
- Environmental Approval
- Stage 3 Final Design
- Permits Obtained Right-of-Way Clear
- Ready for Contracts Construction

Communication:
- NTP

Environmental:
- Land Acquisition
- Utility Coordination and Relocation
You get to zip it together!
Environmental Considerations

- 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
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
Environmental Considerations

- 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** stakeholders.

Ensure all stakeholders understand the consequences of missing their dates.

Communicate!
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