

Right-of-Way and Utility Status

GOALS

1. To gather information on the extent of right-of-way and utility delays on Federal-aid construction projects in
2. To determine if letting projects to contract with unclear right-of-way and/or utilities is creating a significant increase in project cost.
3. Make this information available to management as one data element for their decision of whether the existing process is satisfactory or warrants revision. Having confidence in the process would allow and FHWA resources to be directed elsewhere.

BACKGROUND

Federal-aid Policy Guide (FAPG) 23 CFR 635C, Section 635.307(a) states that "The right-of-way clearance, utility, and railroad work are to be so coordinated with the physical construction that no unnecessary delay or cost for the physical construction will occur". Section 635.309(b) requires to submit a statement that "... either all right-of-way clearance, utility, and railroad work has been completed or that all necessary arrangements have been made for it to be undertaken and completed as required for proper coordination with the physical construction schedules". There shall also be "... appropriate notification provided in the bid proposals identifying the right-of-way clearance, utility, and railroad work which is underway concurrently with the highway construction".

FAPG Non-Regulatory Supplement 23 CFR 635C, paragraph 1.a. states that "... appropriate arrangements should be made to see that to the maximum extent practicable and economical, the right-of-way clearance, utility, and railroad work is completed before the physical construction is authorized, and that any such work to be performed during the physical construction of the project is properly coordinated therewith".

In response to these regulations, the Highway Design Division Operations and Procedures Manual, Section 5-101.B.3 contains procedures for Districts to follow on projects where there has been relocation assistance, right-of-way acquisitions, and/or utility adjustments.

Past experience has shown that a number of projects are let to contract in the larger urban areas with right-of-way parcels still to be acquired and utility facilities not yet adjusted. There have also been concerns raised about the reasonableness of the stated availability dates and the ultimate cost of delays in utility clearance and right-of-way acquisition. At PS&E time, an independent review is made by Design Division and FHWA Division Office engineers to determine whether a contractor can efficiently prosecute the work. FHWA Realty Specialists evaluate 's justification of the "reasonableness" of anticipated acquisition dates. These project-level reviews constitute a significant portion of the Division Office PS&E effort where right-of-way and utilities are not clear.

APPROACH

The review will be accomplished through meetings and discussions with appropriate personnel in the Right-of-Way Division, Construction and Maintenance Division, Design Division, and several Districts to determine their

respective roles in the process. The review may also include select contractors and utility companies who are routinely involved in projects to gain their perspective of the effects of right-of-way and utility delays. Further, a session with the Transportation Institute may be convened to determine what computer software is available and what data is needed to help assess costs to the public for right-of-way and utility delays.

This review will not cover the methodology used by a District to determine either project priorities or a proposed letting schedule. Nor will the review attempt to assess the reasons certain right-of-way parcels and specific utility relocations are not available by the dates listed in the proposal.

REVIEW RESPONSIBILITIES

This review will be accomplished using a team approach. It is anticipated that the following agencies and disciplines be represented:

FHWA:

STA:

SCHEDULE

TASK	May 94	Jun 94	Jul 94	Aug 94	Sep 94	Oct 94	Nov 94	Dec 94	Jan 95	Feb 95
1	XXXX									
2		XXXX								
3			XXX							
4			X	XXXX	XXXX	XXXX				
5						XX	XXXX			
6								XXXX	XX	
7									XX	XXXX

TASKS:

1. Formulate team
2. Develop guidelines
3. Interview Divisions
4. Interview Districts (probable travel)
5. Analyze data
6. Draft report
7. Final report

APPROVED:	DATE: / /
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SHEET ATTACHED FOR ADDITIONAL PARCELS? YES ____ NO ____

UTILITY ADJUSTMENTS NEEDED? YES ____ NO ____

UTILITY _____	SCHEDULED DATE _____	ACTUAL DATE _____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

SHEET ATTACHED FOR ADDITIONAL UTILITY ADJUSTMENTS? YES ____ NO ____

ARCHIVED