

Right of Way Scheduling

How to keep your projects from becoming ZOMBIE projects?

Right of Way Scheduling

1. State receives a disbursement of money “Federal Dollars.”
2. That money is divided up between agencies.
3. Money not used when programmed is at risk of being lost.

What has ADOT done to mitigate, limit, or prevent putting funding at risk?

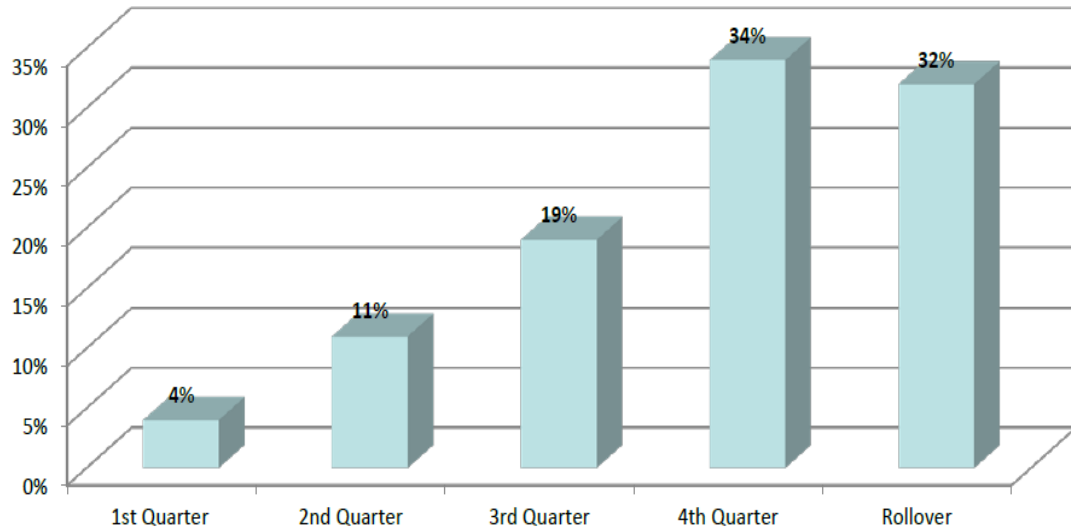
1. ADOT established a date by which projects must be submitted for authorization prior to the end of ADOTs fiscal year.
2. Arizona Management System
3. Set up a 20-30-30-20 guidelines

WHY?

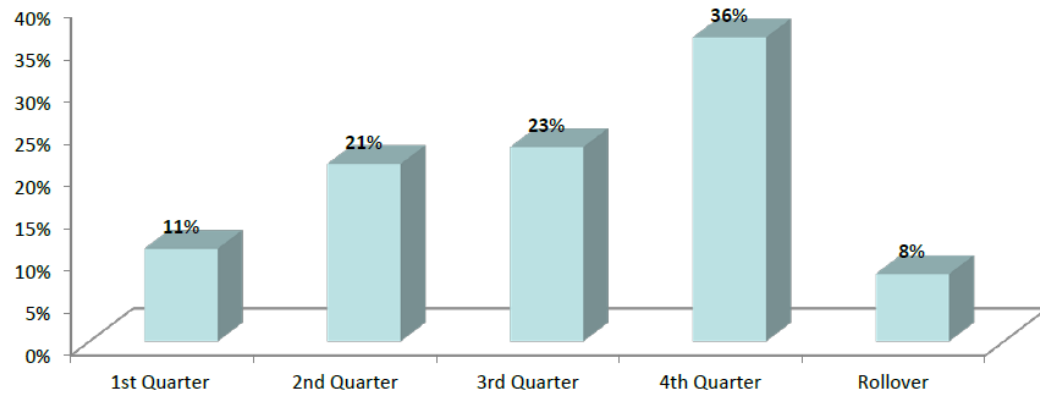
It allows ADOT time to substitute projects that are ready to deliver but just need funding.

Allows time for the funding to be borrowed or lent by ADOT or LPA agencies through their prospective COGS & MPOS.

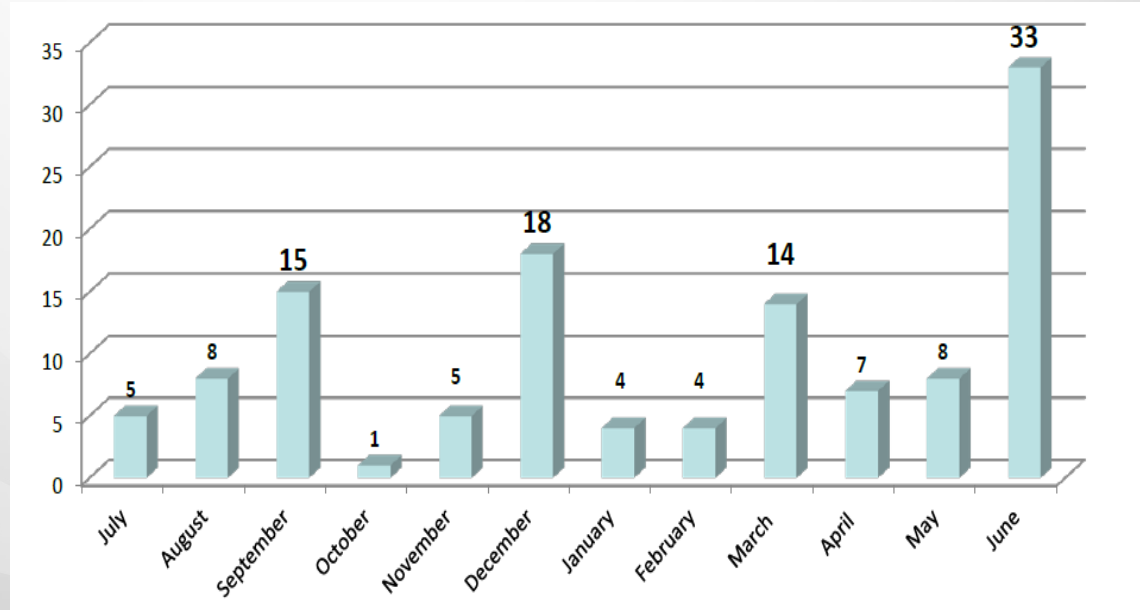
Fiscal Year 2015
Zombie Outbreaks
20-30-30-20



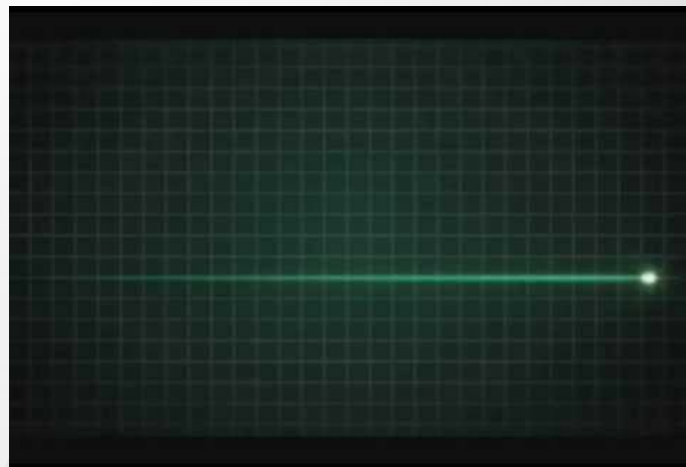
Fiscal Year 2017
Zombie Outbreaks
20-30-30-20



Fiscal Year 2018
 Zombie Outbreaks
 20-30-30-20
 State, Local, CA, RR & Re-
 Advertisement



Where do we want to get too?
We want our projects to have a
heart beat. We want them to live
and not become Zombie Projects.



Zombie Project



So how many of you know of a project that has become infected with a Zombie Virus because of right of way (scientific name RPI)?

What would you say if I told you there was vaccine to help stop the spread of a Zombie Infection?

Since the last EDC meeting a sample vaccine was sent out and LPAs were asked to submit a sample with the results after it was used.
(RW Schedule)

The results are not good and show that more attention is needed. I think we will likely continue to see outbreaks from the results.

Zombie Project Vaccine



Side Effect of Vaccine!

Better Planning

May cause heartburn for Council Member & Management. (Approvals earlier for RW needs and permissions.)

May cause indigestion for Public Work Directors & Planners. (Better planning at initiation of projects)

May cause profuse sweating for Project Managers & Engineers. (Identify RW needs by 60% design plans and stopping project creep after submittal.)

May cause extreme fatigue and drowsiness for Acquisition Agents. (Agents will need to be involved during preliminary engineering planning & plan development stages. PA, 30%, 60%, preparation of acquisition & relocation plans.)

May cause allergic reaction in Attorneys. (Need to file condemnation cases sooner than later and will have to work within project schedule.)

24 Case Samples LPA Section

Question - What do you think the delays were due too?

- A) Right of Way or Real Property Interest Acquisitions.
- B) Planning / Scheduling
- C) Scope Creep
- D) None of the Above

24 Case Samples LPA Section

Question - What do you think the delays were due too?

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Three fold conclusion:

- 1) A lack of understanding of the Right of Way Process.
- 2) A lack of planning /Scheduling to allow the RW process to be complete.
- 3) Project creep.



What Can Be Done?

- 1) Use a scheduling tool that list the steps your agency must go through for an acquisition to be completed. Include the best and worst dates.
- 2) Bring in acquisition agents who will be responsible for acquiring the necessary real property interest on to the team as soon as possible.
- 3) Identify your RW needs early in the process. Don't change the agent unless absolutely necessary.
- 4) All RW needs should be identified no later than 60% design.

5) As soon as you know there will be an impact to a parcel, order the title work and obtain ownership information.

6) Order your appraisal early if you need them. There is no need to wait for NEPA clearance. What you CAN'T do is start negotiations with a property. The other caution I say is wait until two or three months out from final NEPA approval so that the appraisal doesn't have to be updated. Usually 2 months is good.

7) If federal funds are going to be used for RW, make sure that your request for RW authorization is submitted as soon as you have NEPA Clearance. This can take about 30 days.

8) While federal funds have been requested, have your RW agent prepare the offer packages so that they can MEET with the property owner as soon as you have authorization to spend RW funds.

9) Once offers have been made, follow up with property owners weekly if they didn't sign when you met with them. You don't have to wait 30-days for a follow-up.

10) Open escrow as soon as property owner has signed the purchase documents. Don't wait 30-60 days to do so. The escrow process can take 90 days or more.

11) If you can't reach a negotiated settlement and it has been 30-days since the offer was made, file for condemnation. You can always continue to negotiate up until the order of immediate possession (OIP) hearing.

12) Tell the attorney handling the condemnation case the date you need the OIP by and hold them to it as much as possible. *(Yes, they can't control the court calendar)*

13) Review the RW schedule regularly. When changes occur that impact design let others on the team know the impact to RW schedule.

It is always easier to advance a project than it is to delay a project. Don't put a project in jeopardy or at risk of losing the funding because of RW delays.

So what is the best way to avoid a Zombie Project?



Properly Scheduling of Right of Way

Best Worst Case Scenario Planning Tools!

	Best Case (In Days)	Date	Worst Case	Date
1 - 30% Plans Received	0		0	
2 - Prepare Acquisition/Relocation Plan	1	(Date _)	4	(Date _)
3 - Title Reports Requested	14	_____	30	_____
4 - 60% Plans Received R/W Defined	0	_____	0	_____
5 - Legal Description Prepared and Received	14	_____	30	_____
6 - Appraisal Started & Completed	30	_____	90	_____
7 - Appraisal Review Started & Completed	14	_____	30	_____
8 - Appraisal Correction (if needed)	7	_____	14	_____
9 - NEPA Clearance	0	_____	0	_____
10 - Federal Authorization (if using Federal Funds)	30	_____	75	_____
11 - Just Compensation Set, Offers Prepared, Appointments Set	7	_____	14	_____
12 - Offers Presentation to Owners (Start 30-Days)	7	_____	14	_____
13 - Owners Agree & Sign or File for Condemnation (30-Day End)	1	_____	30	_____
14 - LPA Council Actions	30	_____	45	_____
15 - Escrows Opened & Closed (Lien releases can take up to 90-days)	30	_____	90	_____
16 - Prepare, File and obtain OIP (condemnation)	90	_____	120	_____
17 - Prepared & Submit Files for Review to ADOT LPA Coordinator	7	_____	14	_____
18 - ADOT LPA Coordinator Review files & Prepared Right of Way Clearance	1	_____	4	_____

2, 3, Can be done at that same time but usually doesn't happen until 1 is completed.

5 - 9, Happen after R/W requirements are known

12, Negotiation can't start until after 9 (NEPA Clearance has happened)

15, Lien release and consents from lien holders can take from 90 - 120 days and have additional requirements and cost.

Critical Path Method

[HELP](#)

Start Date
11/01/16
(change above to date created-author)

Finish Date
03/30/20
(change to appropriate start date)

(finish date will be automatically calculated)

DRAFT (11/01/16) - patoni

(change above to date created-author)

ANY PROJECT-estimated Right of Way Acquisition Process-multiple parcels

(change above line to your specific project description)

Weeks to Completion

177.97

(CAUTION! If the project R/W requirements affect numerous parcels, the "n" times should be appropriately increased for those relevant tasks-delete me



Times (in Weeks)

ID	Task Name	Predecessors (Enter one ID per cell)	Time Distribution:			Duration (exp. time)	ES	EF	LS
			O (min)	M (most likely)	P (max)				
10	Start: 30% Plans received-new right of way (R/W) confirmed					0.00	0.00	0.00	0.00
20	R/W Cost Estimate established	10	1	4	8	4.33	0.00	4.33	0.00
30	PRB/PPAC/STB/FHWA approval for preliminary engineering	20 10	5	6	7	6.00	4.33	10.33	0.00
40	Relocation needs identified and Relocation Plan prepared	10	8	26	52	28.67	0.00	28.67	0.00
50	ECS R/W Survey Scope of Work solicited, survey completed	30 10	8	8	14	10.00	10.33	20.33	0.00
60	Existing R/W report & title reports ordered and completed	30 10	26	26	52	34.67	10.33	45.00	0.00
70	R/W basemapping complete, FHWA NEPA approval obtained	50 10	13	19	26	19.33	20.33	39.67	0.00
80	60% Design Plans completed and Cost Estimate updated	70 60 50	2	4	8	4.67	45.00	49.67	0.00
90	R/W Requirements received and R/W Plans completed	80	8	12	14	11.33	49.67	61.00	0.00
100	State Route Resolution created and approved	90	8	8	10	8.67	61.00	69.67	0.00
110	Appraisal contract(s) bid and let	100 90	1	2	3	2.00	69.67	71.67	0.00
120	Appraisals completed and delivered for review	110 100 90	4	12	18	11.33	71.67	83.00	0.00
130	Appraisals reviewed, corrected and transmitted	120	2	4	6	4.00	83.00	87.00	0.00
140	Demolitions, costs-to-cure verified and EOs prepared	130	0.2	1	2	1.07	87.00	88.07	0.00
150	Parcel Delineation packages requested and delivered	130	1	2	3	2.00	87.00	89.00	0.00
160	PRB/PPAC/STB/FHWA approval for R/W acquisitions	130 110 90	5	6	7	6.00	87.00	93.00	0.00
170	Acquisition packages delivered to Acquisitions Section	160 140 130	0.2	0.4	1	0.53	93.00	93.53	0.00
180	Offers transmitted to property owners, properties posted	170 160 150 140 100	1	2	3	2.00	93.53	95.53	0.00
190	Accepted offers escrowed and close of escrows completed	180	4.3	8	14	8.77	95.53	104.30	0.00
200	Condemnations filed for all unaccepted offers	180	4.3	8	14	8.77	95.53	104.30	0.00
210	OSC's and OIP's obtained from all condemnation hearings	200 180 160 100	2	4	10	5.33	104.30	109.63	0.00
220	Relocations commenced and completed for all relocatees	210 190	4	13	52	23.00	109.63	132.63	0.00
230	HAZMAT testing, abatement and demolition completed	220 190	32	36	44	37.33	132.63	169.97	0.00
240	State Highway Resolution approved and R/W Clearance sent	230 220	8	8	8	8.00	169.97	177.97	0.00
250	Finish	240				0.00	177.97	177.97	0.00

CAUTION: Times for completion of the Right of Way Acquisition Process will be increased if any revisions of the original 60% Plan Impact target parcels!

