



TEXAS DEPARTMENT OF TRANSPORTATION



RIGHT-OF-WAY & UTILITIES

Best Practices for
Coordination with LPAs

Definition of “Local Government Projects”

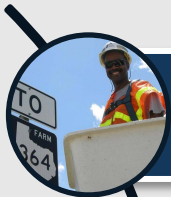
LG Projects

At least one phase of project development* or the program is managed by a local government agency for which it is being reimbursed with federal (FHWA) and/or state (TxDOT) funding, or

A locally-funded project managed by a local government on the State Highway System

* *Environmental, design, ROW, utility relocation, construction*

Local Government Program FY 2014



More than 700 active LG projects



More than 200 LGs

- *Cities, counties, regional toll authorities, RMAs, MPOs, etc.*



All 25 districts have active projects



Estimated more than \$1 billion/year in total project costs

Funding Program Types

FY 2014



Transportation Enhancement/Alternatives



Surface Transportation Program – Metropolitan Mobility



Congestion, Mitigation, Air Quality



Safe Routes to Schools, Traffic Signals

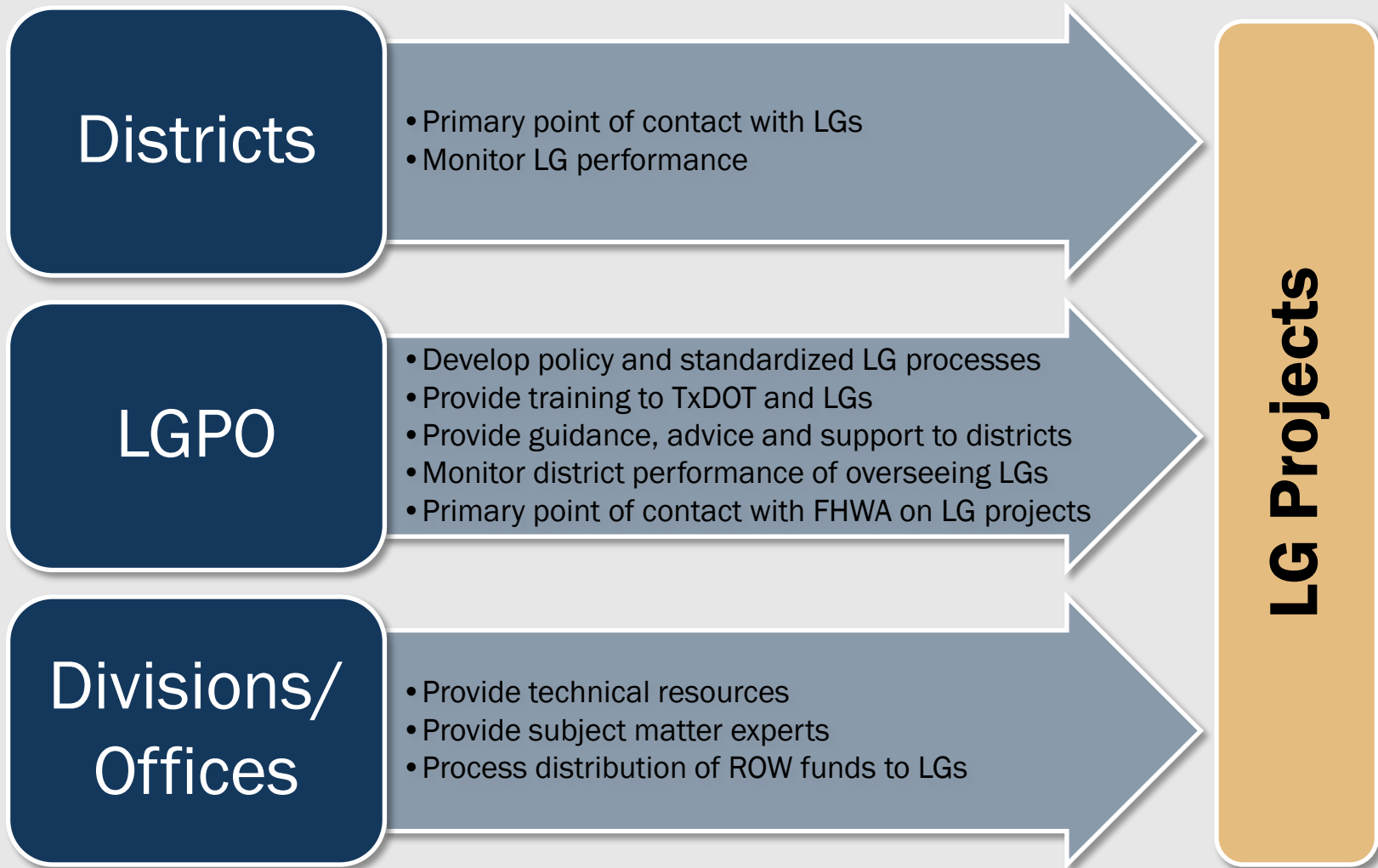


Pass-Through Finance



Border Colonias, County Transp. Infrastructure Fund, etc.

Local Government Projects Office



Successful execution of local government projects are a key component of TxDOT's mission



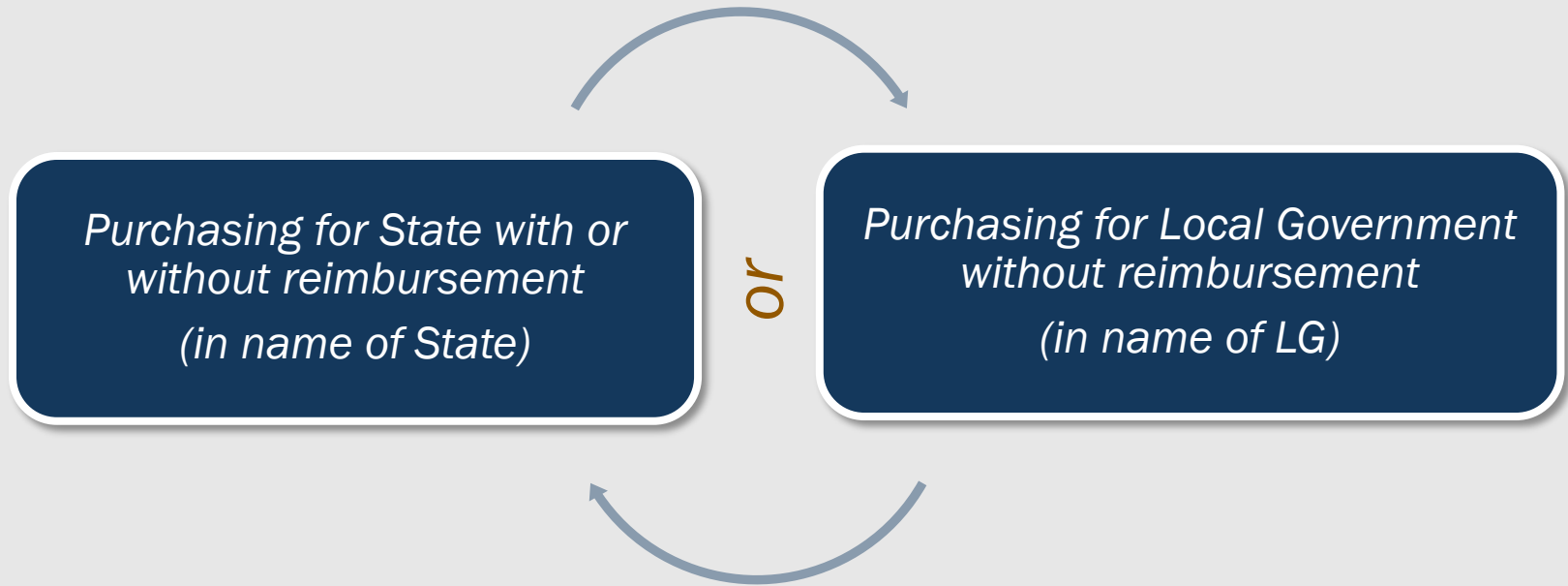
Work with others to provide safe and reliable transportation solutions for Texas

And a vital element of the Department achieving its goals



Local Government Projects ROW Acquisition

- Potential LG Responsibilities:



- In either case:

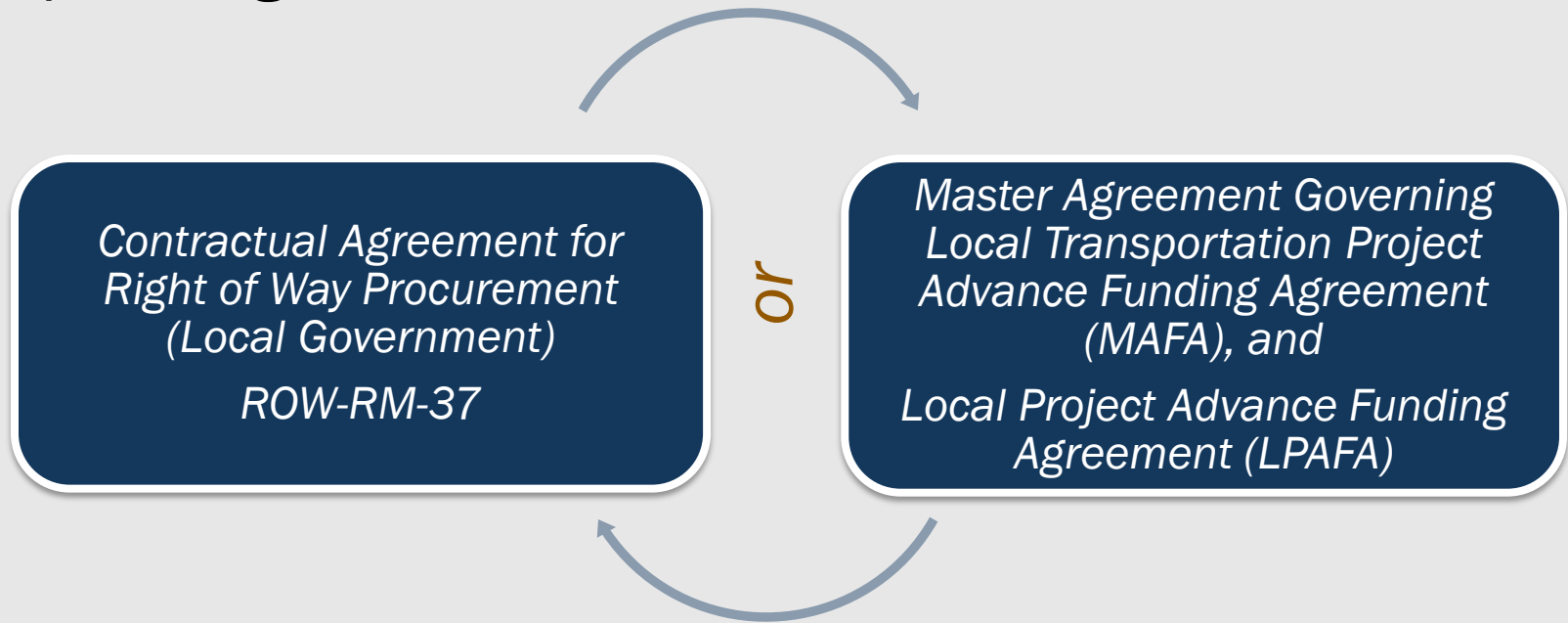
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act must be adhered to
http://www.fhwa.dot.gov/real_estate/uniform_act/

Failure to comply with the provisions of the Uniform Act may result in a denial of State/Federal participation in project costs



Local Government Projects ROW Acquisition & Utilities

- Requires Agreement between LG and TxDOT



- Defines:
 - Roles and responsibilities for LG and TxDOT
 - Payment/reimbursement terms
 - Procedures

Local Government Projects ROW Acquisition & Utilities

FEDERAL PROJECT AUTHORIZATION AND AGREEMENT Page 1 of 2

State: **TX** Date: **08/01/12** FPM No: **201215** FPM No: **201215**

Federal Project Number: **STP 2012(15)001** County: **San Antonio** Federal Project No: **201215**

Use to be used for: **ROW**

Project Description: **TO SERVICE AT VARIOUS LOCATIONS CONSTRUCTION UNDER FPM OF REVENUE NEAR SAN ANTONIO CONCOURSE**

Action Type: ☐ Original ☒ Amendment ☐ Renewal ☐ Extension ☐ Other

NOTE: TxDOT is authorized to proceed with the following work: ☒ ROW ☐ Construction ☐ Other

State Name: **TEXAS**

This agreement is subject to the following conditions:
1. The State agrees to provide the following information to the Federal Highway Administration (FHWA) for its review and approval:
a. A copy of the State's ROW Acquisition and Utility Relocation Plan (ROWAURP) for the project.
b. A copy of the State's ROW Acquisition and Utility Relocation Report (ROWAURR) for the project.
c. A copy of the State's ROW Acquisition and Utility Relocation Inventory (ROWAURI) for the project.

Item	Amount	Category	Notes
1. ROW	\$1,000,000	ROW	
2. Construction	\$500,000	Construction	
3. Other	\$0	Other	
Total	\$1,500,000		

Funds Available per FHWA Division Office By: **ROBERT E. GRUNBERG** Date: **08/01/12**

Federal Project Agreement

The State agrees that, as a condition to approval of the Federal funds obligated, it will accept and comply with the following provisions of the FHWA and its agreement with the State of Texas:

State Department of Transportation: **U.S. Department of Transportation**


State: **TEXAS** Federal Highway Administration

For: **Director of Engineering** **ROBERT E. GRUNBERG**

For: **Director of Engineering** **For: Director of Engineering**

Date: **08/01/12** Date: **08/01/12**

1. See Attached for Conditions



If ROW acquisition and utility relocation are eligible costs:

- TxDOT must have an executed Federal Project Authorization and Agreement (FPAA) from FHWA
- ROW Division must receive a copy of the FPAA

Local Government Projects ROW Acquisition

■ Developed Real Estate Acquisition Guide

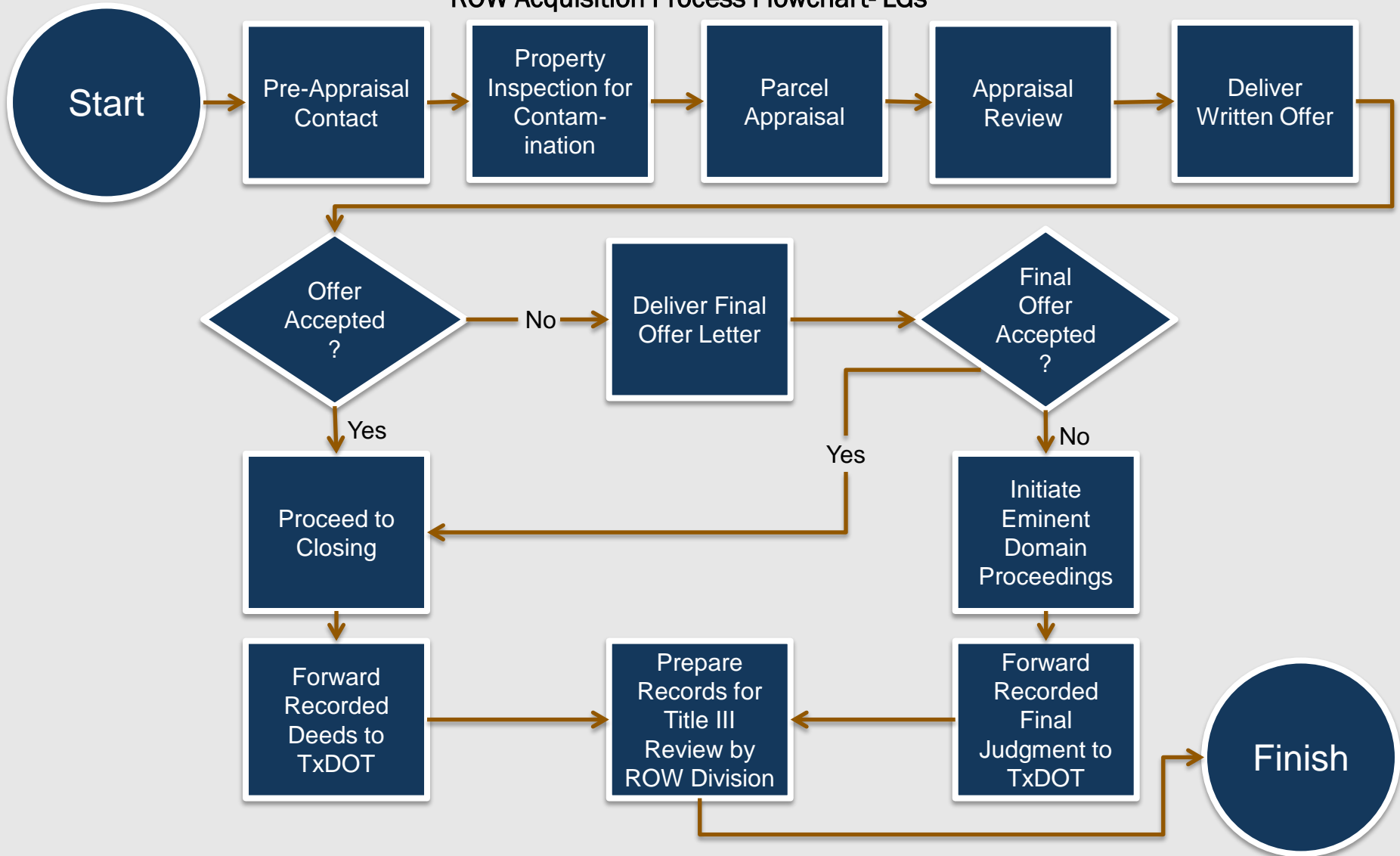
<http://onlinemanuals.txdot.gov/txdotmanuals/lpa/index.htm>.

– Purpose of Guide is to:

- provide practical understanding of the right of way acquisition process
- serve as reference for persons involved in the acquisition of private property for public purposes
- identify pertinent state regulations that must be followed in the acquisition process
- identify various federal laws and regulations applicable to federally assisted projects

Local Government Projects ROW Acquisition

ROW Acquisition Process Flowchart- LGs



Local Government Projects ROW Acquisition & Utilities

Survey must comply with TxDOT's Survey Manual and ROW Manuals

- All surveying necessary for ROW acquisition must be performed under the supervision of a Registered Professional Land Surveyor (RPLS)
- All surveying must conform to applicable surveying laws and the Professional Land Surveying Practices Act
- Must follow the *General Rules of Procedures and Practices* of the Texas Board of Professional Land Surveying
- All projects must be tied to the Texas State Plane Coordinate system and GIS files must be provided
- Mapping and property descriptions must be reviewed by TxDOT prior to acquisition

The need for ROW maps on off-system projects will be determined by the complexity of the project and will be at the District's discretion

- LPA must maintain a map with sufficient data to allow for review and oversight
- Submission to the ROW Division is not required since parcels will not be added to the State highway system

Local Government Projects Utilities

- Relocate all utilities in conformance with TxDOT's Right of Way Division Utility Manual

<http://gsd-ultraseek/txdotmanuals/utl/index.htm>

- TxDOT will participate in costs associated with utility adjustments:
 - When highway right of way encroaches on a utility's right of way
 - When utilities are located on an Interstate or Toll highway project

■ Utility Accommodation Procedures

- Review list of all utilities on project
- Assure all utility owners are informed of their rights of reimbursement and the determination of eligibility is documented
- Assure all impacted utilities are accommodated in conformance with appropriate federal and state rules
- Assure utility owners are compensated for their eligible cost


Local Government Projects Utilities

- TxDOT's participation in the utility adjustment will be limited to the cost of making the adjustment, after deductions for the following:
 - Elective betterments
 - Accrued depreciation
 - Salvage or scrap value
 - Ineligible costs (e.g., loss of revenue, interest expense, entertainment, allowance for funds during construction)

Local Government Projects Utilities

Joint Use or Form 1082
(permit form) are in place
for all utilities

**Monitor adjustment for Buy
America compliance*



Utility Installation Request

Form 1082
(Rev. 12/09)
Page 1 of 2

PERMIT NUMBER		
GLOBAL POSITIONING SYSTEM COORDINATES (GPS) NORTH AMERICAN DATUM 1983. (1993 ADJUSTMENT) IN DECIMAL DEGREES (DD)		
BEGIN	LATITUDE (DD)	LONGITUDE (DD)
END		

To the Texas Transportation Commission
c/o District Engineer Texas Department of Transportation

County Texas, MINT Sec. No. _____ as follows: (give location, length, general design, etc.
Use additional sheet as needed)

Formal notice is hereby given that _____, Texas
proposes to place a _____
line within the right of way of _____, RM _____, Displ. _____, to RM _____ Displ. _____ in _____
County Texas, MINT Sec. No. _____ as follows: (give location, length, general design, etc.
Use additional sheet as needed)

We will construct and maintain the line on the highway right of way as shown on the attached drawing and in accordance with the rules, regulations and policies of the Texas Department of Transportation (TxDOT), and all governing laws, including, but not limited to, the "Texas Engineering Practice Act," "Federal Clean Water Act," the "National Endangered Species Act," "Americans with Disabilities Act," and the "Federal Historic Preservation Act." Upon request by TxDOT at any time, we will submit to TxDOT proof of compliance with all governing laws, rules and regulations before commencement of construction. Plans shall include the design, proposed location, vertical elevations, and horizontal alignments of the facility based on the department's survey datum, the relationship to existing highway facilities and the right of way line, traffic safety and access procedures, and location of existing utilities that may be affected by the proposed utility facility. The location and description of the proposed line and appurtenances is more fully shown by a complete set of drawings attached to this Utility Installation Request (Request). We will give plans to TxDOT for each future proposed modification or expansion to our facility and TxDOT will have 30 days to review and approve the plans prior to commencement of the work. A new Request may be required as a condition of approval.

Our organization will use Best Management Practices to minimize erosion and sedimentation resulting from the proposed installation, and we will revegetate the project area as indicated under "Revegetation Special Provisions." We will also ensure that traffic control measures complying with applicable portions of the *Texas Manual of Uniform Traffic Control Devices* will be installed and maintained for the duration of this installation.

When installing, modifying or maintaining our utility on controlled access facilities, we shall conform to the Texas Transportation Code, Title 6 Roadways, Chapter 203, Subchapter C, Control of Access, §203.031 (<http://www.statutes.legis.state.tx.us/>). We shall limit access for servicing this installation to access via (a) frontage roads where provided, (b) nearby or adjacent public roads or streets, (c) trails along or near the highway right of way lines, connecting only to an intersecting road; from any one or all of which entry may be made to the outer portion of the highway right of way for normal service and maintenance operations. Our rights of access to the through traffic roadways and ramps shall be subject to the same rules and regulations that apply to the general public.

It is expressly understood that TxDOT does not purport hereby to grant any right, claim, title or easement in or upon highway right of way. TxDOT may require us to relocate this line, subject to the provisions of governing laws, by giving us at least 30 days written notice. We understand a new Request will be required for the relocation. We will notify TxDOT prior to commencement of any operation which requires pruning of trees so that TxDOT may provide specifications to govern performance of work, including trimming, topping, tree balance, type of cuts, painting cuts and clean up. We understand that these specifications are intended to preserve TxDOT's considerable investment in highway beautification plantings and by reducing damage due to trimming and to protect known endangered species.

Our installation shall not damage any part of the roadway structure or associated appurtenances. We will make adequate provisions to cause minimum inconveniences to the traveling public and adjacent property owners. We will not open-cut driveways or intersecting roadways without specific written permission from the owner.

Following approval, we will begin construction on or after _____
Month/Day/Year

18

Local Government Projects ROW Acquisition & Utilities

- Submit to TxDOT:
 - Project Right of Way Acquisition Certification Form
 - Project Relocation Assistance Certification Form
 - Utility Certification Forms
- May be reasons to proceed with project letting even if ROW acquisition and utility relocation are incomplete
 - Specific commitments on legal access to all property and completion of all utility relocations must be specified within contract documents to inform bidders/contractor of limitations



Right of Way Division

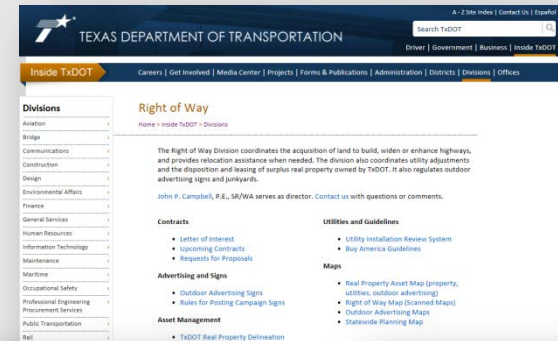
Online Resources

- 49 Code of Federal Regulations
(http://www.fhwa.dot.gov/real_estate/uniform_act/)
- Real Estate Acquisition Guide for Local Public Agencies
(<http://onlinemanuals.txdot.gov/txdotmanuals/lpa/index.htm>)
- Landowner's Bill of Rights (http://ftp.dot.state.tx.us/pub/txdot-info/library/pubs/cit/conspro/landowners_bill_of_rights.pdf)
- Title III Checklist
(<http://www.txdot.gov/txdotforms/GetForm?formName=/LPAIIIIPR.xdp&appID=/ROW&status=/reportError.jsp&configFile=WFServletConfig.xml>)

Contact Information & Tools

ROW Division

- Online
www.txdot.gov/inside-txdot/division/right-of-way.html
- Email
www.txdot.gov/contact-us/form.html?id=row-or-email
- Phone
John Campbell, PE, SR/WA, CTCM
– Director (512) 416-2918



Real Estate Acquisition Guide for Local Public Agencies



Revised August 2011

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ROW Utility Manual



DOT - Utility Installation Review (UIR) System

Utility Installation Review System Login

If you work at a Utility Company...

[Click Here to Login](#)

If you work at TxDOT...

[Click Here to Login](#)

Local Government Projects Program

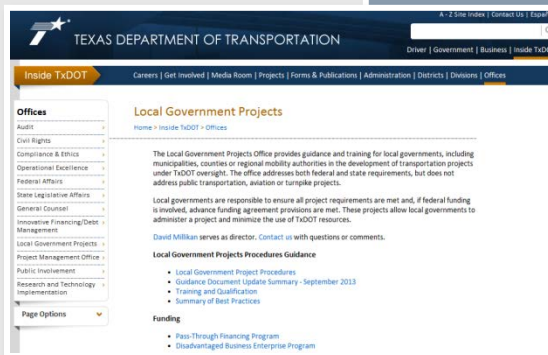


FHWA Resource

“Federal-Aid Essentials for Local Public Agencies” website

- www.fhwa.dot.gov/federal-aidessentials
- Informational videos and resources designed specifically for local public agencies

Local Government Projects Program



TxDOT Resources

Local Government Projects Office website

- www.txdot.gov
 - *Inside TxDOT*
 - » *TxDOT Structure*
 - » *Offices*
 - » *Local Government Projects*
 - » www.txdot.gov/inside-txdot/office/local-government-projects.html

Local Government
Responsibilities
for FHWA and
TxDOT Funded
Projects

Texas Department
of Transportation

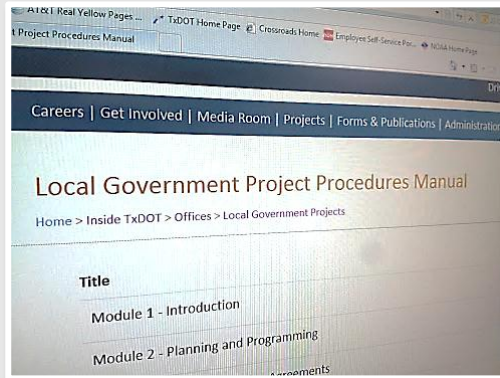


www.txdot.gov

TxDOT Resources *(cont'd)*

- *Local Government Responsibilities for FHWA and TxDOT Funded Projects flyer*
- *Local Government Project Procedures*
- *Summary of Best Practices – Local Government Projects*
- *LGPP training*
 - *Registration available through website*

Local Government Projects Program



Current LGPP

- “Control document” approved by FHWA
- Written February 2009
- Most recent update September 2014
- Available online
 - www.txdot.gov/government/processes-procedures/lgpp-manual.html
- 16 modules
- 325+ pages

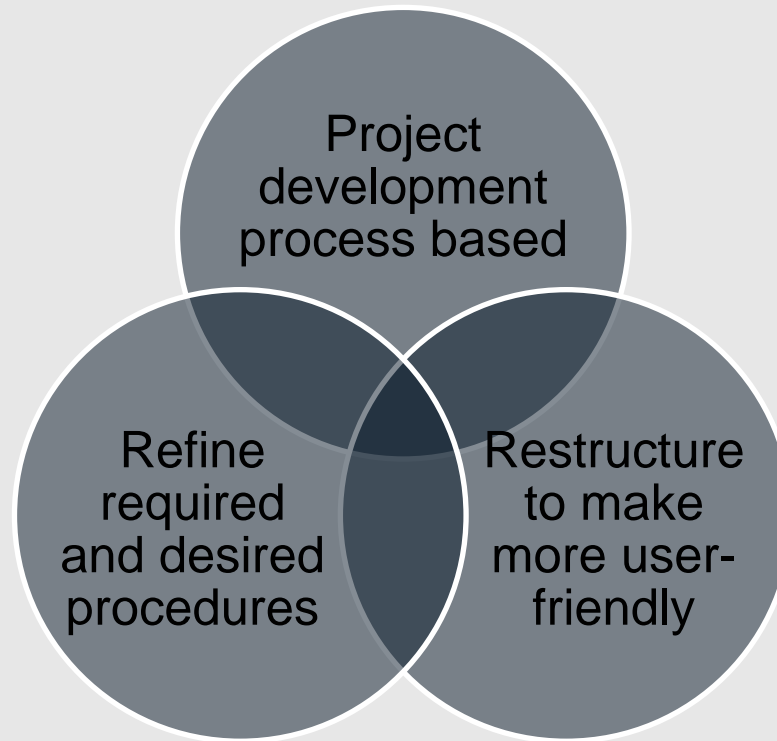
Local Government Projects Program



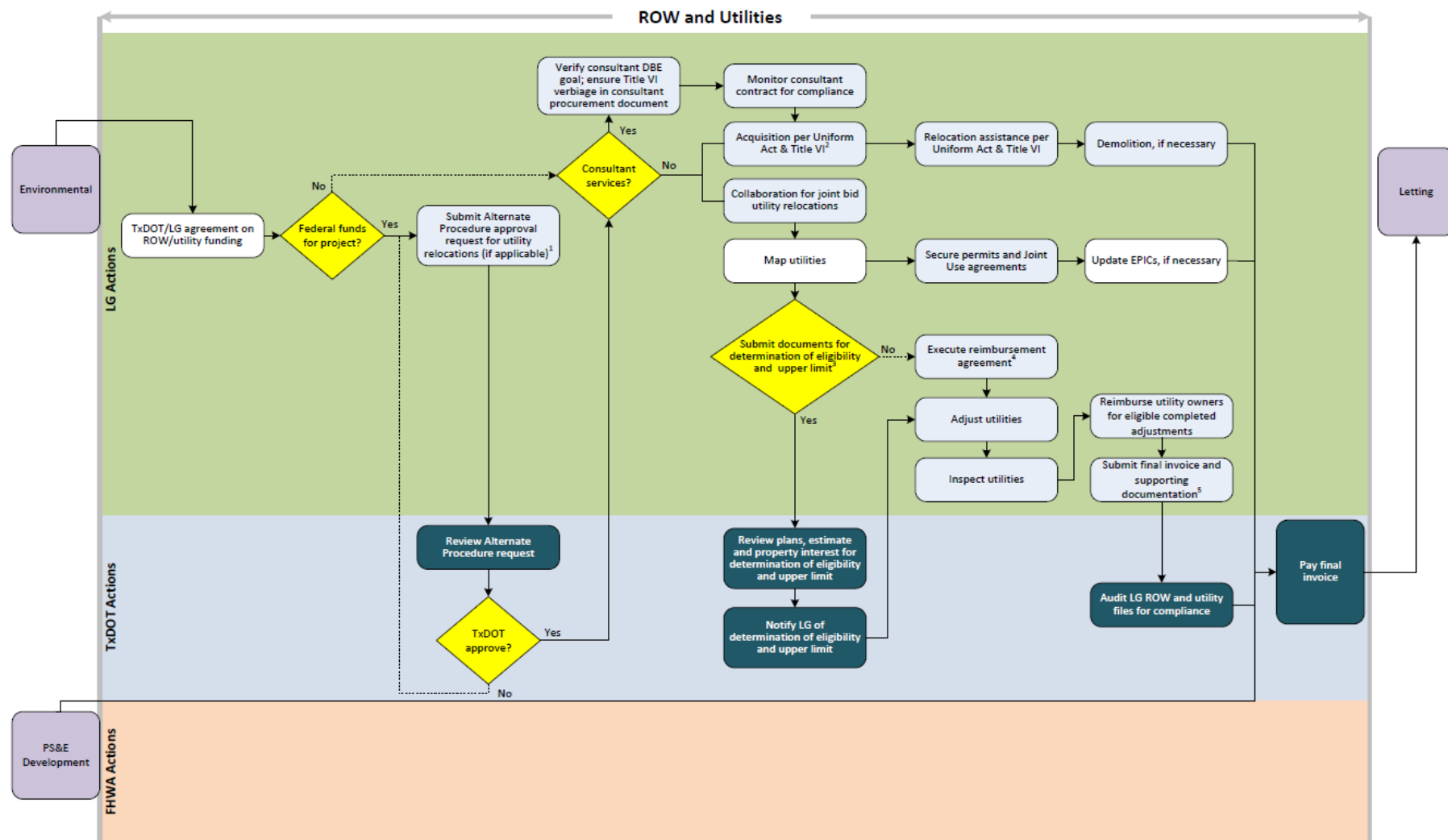
Summary of Best Practices – LGP

- *Provides guidance*
- *Released in September 2012*
- *Most recent update in September 2014*
- *Available on CD or online*
 - <ftp.dot.state.tx.us/pub/txdot-info/lgp/summary-best-practices.zip>
- *Includes checklists and sample forms*

Local Government Projects Program Update



Local Government Projects Program Update



NOTES:

1. Refer to the Local Utility Procedures in the ROW Utility Manual.
2. Refer to the Real Estate Acquisition Guide for Local Public Agencies.
3. Activity is optional.

4. Buy America compliance.

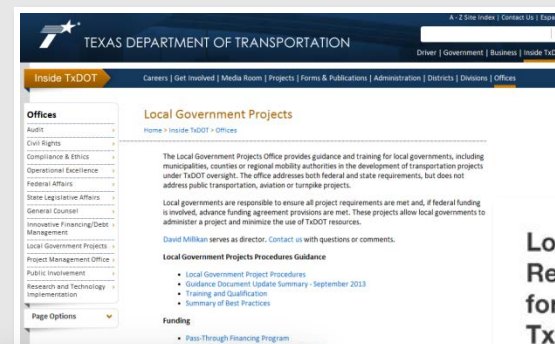
5. Payment will be made after audit is complete.

Right of Way Division

Contact Information & Tools

Local Govt. Projects Office

- Online
www.txdot.gov/inside-txdot/office/local-government-projects.html
- Email
www.txdot.gov/contact-us/form.html?id=lgp-or-email
- Phone
David M.Y. Millikan, P.E. – Director
(512) 416-2122



Local Government Responsibilities for FHWA and TxDOT Funded Projects

Texas Department of Transportation



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Local Government ROW Acquisition & Utilities

