



Adding

ROW

to your PMC Team

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Could it be the solution for your agency to manage more work with less people?



Let's look at four agencies that utilized this approach when they were tasked with implementing large transportation programs: Idaho, Indiana, Arkansas and Missouri.

EXAMPLE 1: Idaho Transportation Department (ITD) GARVEE Program

The Idaho Transportation Department (ITD) contracted with Connecting Idaho Partners (CIP), a joint venture between Washington Group International and CH2MHill, to manage the Grant Anticipation Revenue Vehicle (GARVEE) Bond Program. CIP proposed to utilize a third-party right of way services provider to balance resources by adding staff to manage and negotiate right of way on certain projects. Spitzer & Associates was added as a sub to CIP for oversight of a portion of the right of way work.

Funding from the GARVEE Bond program became available in 2006. Hiring CIP for program oversight was "a necessary model" says Amy Schroeder, P.E., who is currently a transportation program manager over both bonding programs. "When the legislature authorized funding for the program, there was no allocation for additional personnel for the department. (In Idaho, the legislature determines staffing levels for state agencies.) Initially, the program was for \$1.2 billion and was completed for \$1 billion.

"The department requested authorization from FHWA for CIP to have authority to give final approval on documents. When this authority was not given, a single point of contact was established within ITD for each technical area. This worked especially well in the right of way and environmental industries. ITD also did periodic audits to keep track of the program and had no negative findings on the work of the right of way."

Barbara Waite was the point of contact at ITD for the right of way process. Barbara explains, "The PMC group needed to know how right of way was done at ITD. I was the go-to person and processed the payments, guiding them through some experimental processes like incentive payments. I was also the go-between with FHWA and our group.

"It worked well because at the time we had 23 people in headquarters and six districts with one to four employees — and all of the staff were busy. The department staff didn't have time for this massive program with several projects in it. As time wore on, internal staff were less busy and the right of way process was brought in house. At the time, it worked great because staff were not available," says Barbara.

As funding from the Infrastructure Investment and Jobs Act makes its way to the states, how will your organization manage the increase in the workload and maximize the impact of this new legislation while ensuring compliance with federal law? What many agencies don't realize is that a considerable influx of funding or the undertaking of large-scale programs is often *in addition* to the standard agency workload, not just shifting funds from the usual annual program.

While agencies often hire project management consultants (PMCs) to assist with their workload, the PMC teams often do not always include right of way (ROW) expertise, or the right of way consultant may be added after the program is underway. Adding ROW to the PMC contract at the beginning may be the solution.

Donna Roche, a member of the Spitzer team at the time, commented, “Having a single point of contact with ITD was great. Documents were approved and processed in a timely manner that helped to keep the project on schedule.” Amy added, “Having a single point of contact with ITD helped to prioritize right of way inside the department.”

While the GARVEE program was federally funded, the new current effort was funded by the state beginning in 2017 and is currently being managed internally by ITD staff led by Amy as the transportation bonding program manager and Justin Pond, right of way program manager.

EXAMPLE 2: Indiana Department of Transportation (INDOT) – I-69 Project

Mike Jett is currently a division director for ORC, but he served as right of way director for the Indiana Department of Transportation (INDOT) at the time of the I-69 project. He oversaw all phases of project planning, execution and closeout to meet the scope, schedule and budget for land acquisition for large complex projects for INDOT including right of way buying, condemnation, public hearings, mediation, contract management, property owner relation management and team coordination. The I-69 project alone delivered 989 parcels on time and remained under the \$121.5 million budget for the right of way portion of the project.

Parsons Brinckerhoff (PB) was hired as the PMC for this project and managed the right of way process for the first six months. As appraisals fell behind schedule, ORC was hired to track and follow up on the appraisers and review appraisers to help meet the project schedule. The success of this oversight led to ORC’s

role changing as the project progressed to one of managing all activities associated with the right of way process including the quality and timeliness of all work completed by more than 30 subconsultants working on the project and performed as the PMC for the right of way phase.

“My perspective, having been the INDOT real estate director and now as the divisional director at ORC, is that the PMC program is a WIN-WIN for all parties,” Mike says. “During my term with the State of Indiana, having resources on all fronts was a lifesaver. Indiana was fortunate to be allocated ample funds for both major projects and maintenance of current infrastructure for the last few decades. Without our consultants, we would not have successfully delivered projects on time and within budget. The key to success was setting the expectations for the entire team, internal and external, throughout the duration of the project.”

EXAMPLE 3: Arkansas CAP Program

The Connecting Arkansas Program (CAP) is one of the largest highway construction programs ever undertaken by the Arkansas State Highway and Transportation Department, now known as the Arkansas Department of Transportation (ARDOT). In November 2012, the citizens of Arkansas approved a half-cent increase to the state general sales tax that was estimated would provide \$1.8 billion in additional funding for road improvements over its 10-year life. The program is comprised of 36 projects in 19 corridors statewide.

ARDOT continued to manage their regularly budgeted program and the additional projects necessitated new resources to manage this large initiative. The state hired



Garver, LLC and their subconsultant team, which included ORC to provide expertise in right of way scheduling, cost estimates, risk assessments, quality assurance and right of way task orders and invoicing.

Donna Roche, project manager for ORC, said “When the plans were at 30% we did a cost estimate and provided feedback on the issues that might be cost prohibitive or impact the schedule. On one project the initial corridor was hitting a meat processing plant. This allowed for reconsideration of the route which was changed to avoid that business.”

Donna explained, “The on-call right of way consultants submitted all right of way work to the PMC’s ROW consultant for quality assurance review and recommendation for final approval by ARDOT. It was a very cooperative and productive environment.”

Donna said “The right of way review at 60% plans showed they were taking three different buildings due to the slope of the hill next to the highway. This design would have relocated three businesses. Garver considered building a retaining wall to avoid the businesses and asked ORC to provide the estimated cost of the acquisition and relocation for the three businesses. Our estimate for the three business relocations was \$1 million and the cost of a retaining wall was around \$500,000. This helped the engineers make a design decision that saved the state money.”

This project showed that participation of the right of way consultant in the planning and design phase can allow insight into complex relocation parcels that the design team may be able to avoid — or at least plan for in the schedule.

Adding the right of way expertise to the PMC team at the beginning of the project in Arkansas worked well for the CAP program.

EXAMPLE 4 – Missouri DOT / LPA Liaison Consultants

Beginning in January of 2022, Missouri DOT implemented the PMC concept for oversight of their LPA right of way program. Prior to this year, the LPAs were overseen by district right of way staff. The state was divided into four sections and two 3-year contracts for PMC oversight were awarded, each for two sections of the state. ORC is the LPA liaison for the two sections in western Missouri, and Lochmueller is the LPA liaison for the 2 sections in eastern Missouri.

Brenda Harris, right of way director for Missouri DOT, explained, “We anticipated about a 20% increase in LPA right of way work from the Infrastructure Bill and we wanted to free up our district right of way staff for other ongoing work. In the beginning, there were some bumps as we worked to educate both the LPAs and the consultants on how we wanted the process to work. By March, the program was working well. We created a dashboard to monitor turnaround time and costs and we are seeing that the oversight has improved turnaround and reduced costs for the state. Every year, FHWA does a risk assessment, and in prior years, the highest risk was the LPA work. After implementation of the liaison consultants to oversee the LPA right of way work, this risk fell from #1 to #4 — a significant improvement. Overall, the program has been very beneficial.”

In Summary

The Infrastructure Investment and Jobs Act is bringing more funding to the states and local public agencies. If you are looking for ways to effectively manage this additional workload, you may wish to consider adding consultants either for oversight of your LPA work or as team members on your PMC teams. Arkansas found it very beneficial to have the right of way consultant involved in the planning and design phases. This is something that FHWA has encouraged for years, but it is rarely implemented.

If your agency is considering using engineering firms as your PMC for a program, have you written your RFP to include right of way expertise on the PMC team for project management oversight? If not, you may want to consider it. 🌟



Catherine Colan Muth is the CEO of O. R. Colan Associates, LLC and its affiliate ORC Utility & Infrastructure Land Services, LLC. O. R. Colan Associates celebrated its 50th anniversary in 2019. In 2019 and again in 2020, ORC Utility & Infrastructure Land Services earned the Inc. 5000 award for being one of the fastest growing companies in the county. Both are branded as ORC.

