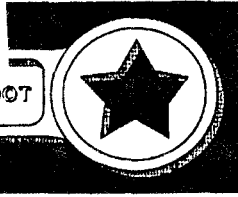


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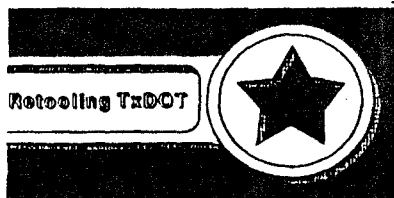
TTS

Retooling TxDOT



**Right-of-Way
Acquisition Process
Vision**

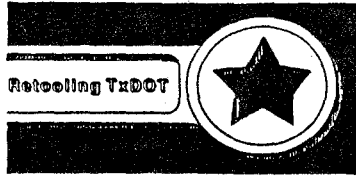
February 2, 1995



**Right-of-Way
Acquisition Process
Vision**

February 2, 1995





Right-of-Way Acquisition Process Vision Statement

TxDOT envisions right-of-way acquisition and utility adjustment processes which are integrated with the planning, design and construction processes.

The right-of-way acquisition and utility adjustment processes will be:

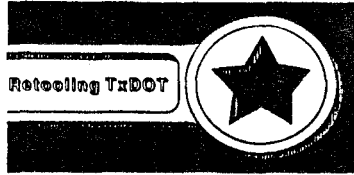
- streamlined, simple and proactive
- flexible, allowing for appropriate process variations
- enabled by innovative practices and policies
- supported by technology.

Participants, both internal and external, will work as partners and team members, with shared objectives and accountability for results.

Decisions will be made where the work is performed. Reviews, approvals and hand-offs will be minimized.

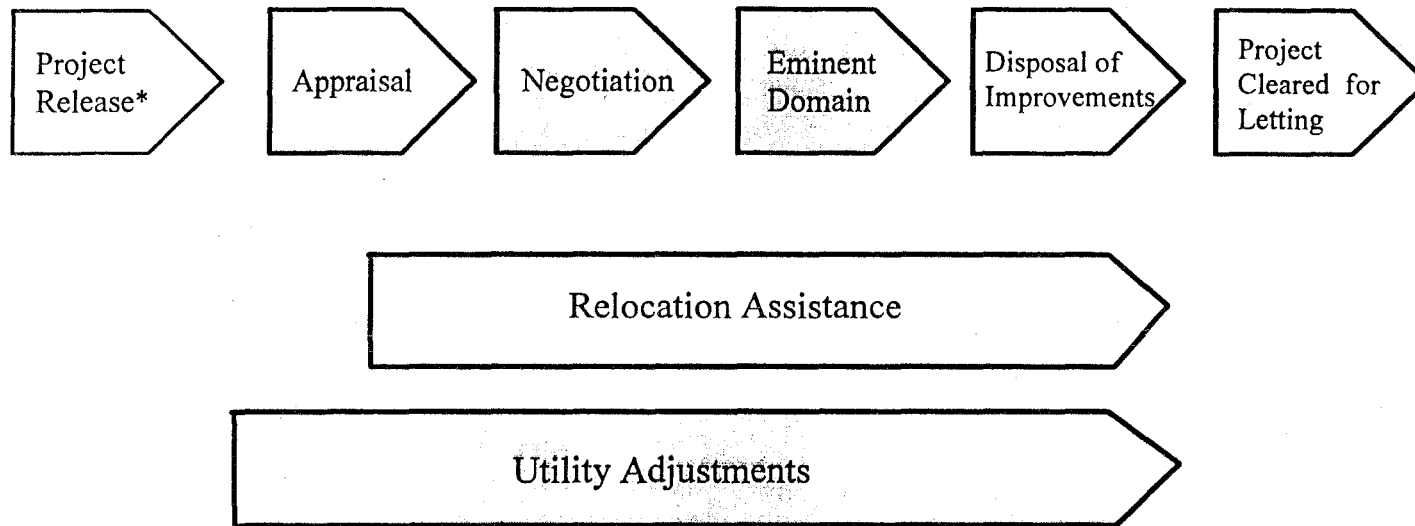
Goals of this vision will be:

- zero letting and construction delays caused by right-of-way acquisition and utility adjustment activities
- zero claims related to such delays
- zero project over-runs related to such delays
- effective working relations among internal and external stakeholders, including better communications with our customers and prompter service
- optimal use of human and financial resources
- minimal paperwork.

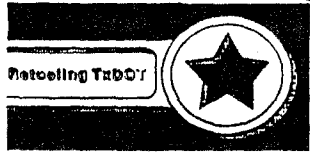


The business of providing right-of-way acquisition services is comprised of several sub-processes. Visioning workshops were held for appraisal, negotiation, eminent domain and utility adjustments.

Right-of-way Acquisition Retooling Project Scope



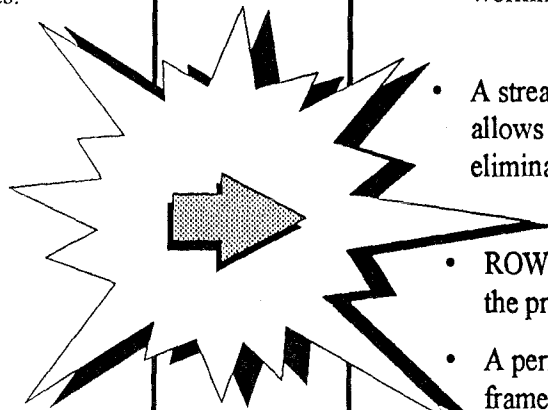
* After completion of the public involvement process and environmental clearance.



Right-of-Way Appraisal Sub-Process

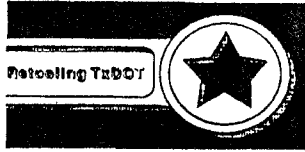
Old Way

- Use of the same complex method to determine the value of all parcels, regardless of parcel value or characteristics.
- Transactions with fee appraisers are driven by rigid policies and cumbersome paperwork requirements.
- Cumbersome, lengthy standard department appraisal report package.
- ROW is not included in the project development process.
- Accountability for letting delays rests with the organizational unit "holding the ball" when the letting date is missed.
- Multiple division-level low-value or redundant review and approval steps.

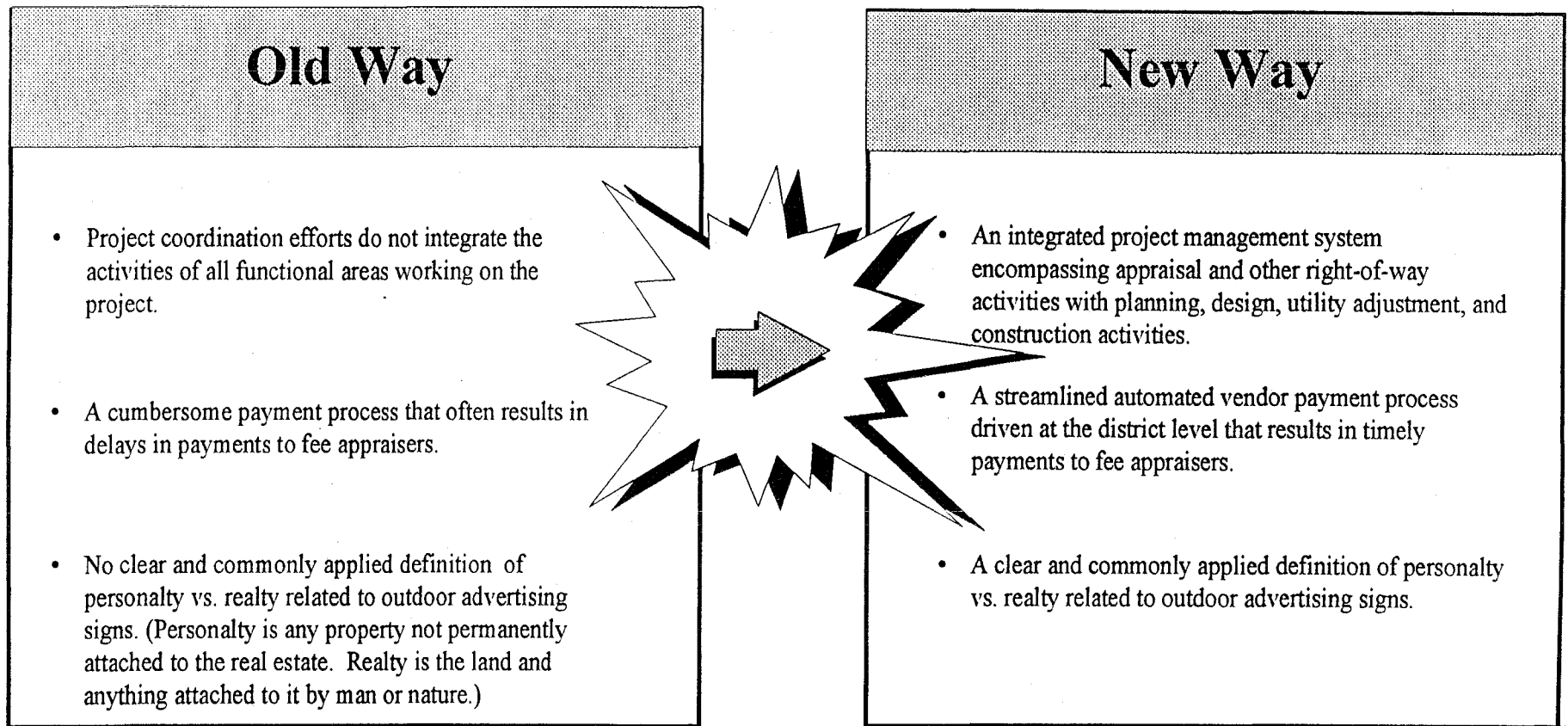


New Way

- Flexibility for using different value determination methods driven by parcel characteristics and professional judgement.
- Use improved techniques in selecting, contracting, working with, and compensating fee appraisers.
- A streamlined appraisal report form package that allows for flexibility in valuation approach and eliminates redundant forms.
- ROW functional area included as an equal partner in the project development process.
- A performance measurement and accountability framework that encourages teaming and sharing responsibility.
- Empowerment and accountability at the appropriate level giving districts final authority to approve fee appraiser contracts, appraisals, and value findings, and pay invoices.



Right-of-Way Appraisal Sub-Process (cont.)





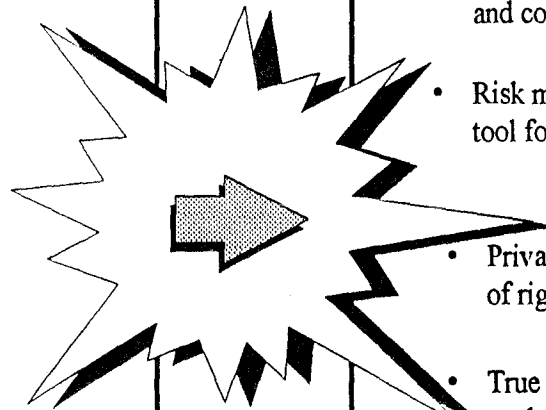
Right-of-Way Negotiation Sub-Process

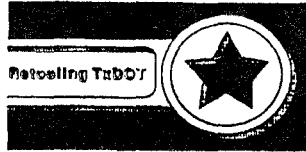
Old Way

- Right of way is seldom acquired until after a project release is executed and environmental clearances are performed.
- Currently, all parcels to be acquired must have title insurance purchased and a full appraisal performed regardless of value.
- Contracting is used for fee appraisers only. Current practices do not allow for contracting other right-of-way activities.
- Current practice is to make "one offer" to the property owner. There is no flexibility in place to allow for negotiations prior to or after the offer is made.
- The current payment process to pay property owners takes 6 - 8 weeks.

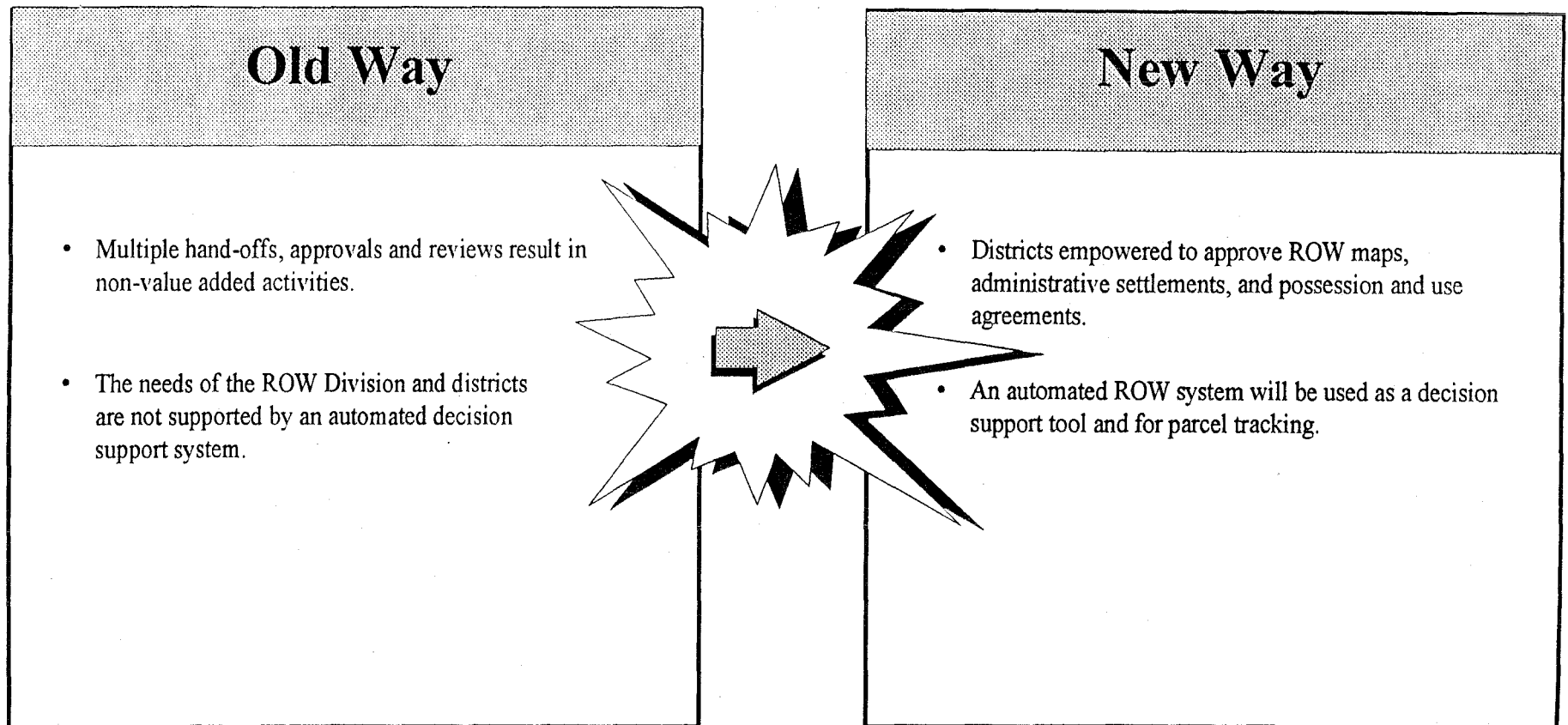
New Way

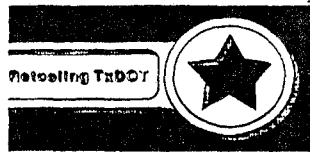
- A risk assessment will be performed to determine if right-of-way acquisition can begin on projects before the environmental clearance is complete. Right-of-way acquisition will be integrated earlier in the project development process through scheduling and coordination efforts with stakeholders.
- Risk management will be used as a decision support tool for all ROW acquisition activities.
- Private vendor contracts will be allowed for all areas of right-of-way.
- True negotiations with the use of administrative settlements, mediation, possession and use agreements, and purchase of uneconomic remainders.
- The payment process to pay property owners will be streamlined.





Right-of-Way Negotiation Sub-Process (cont.)

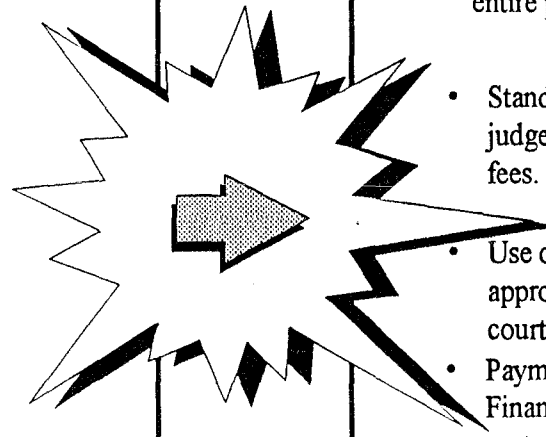




Right-of-Way Eminent Domain Sub-Process

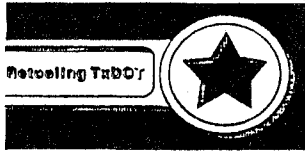
Old Way

- Attorney General's office - Transportation Division is totally centralized.
- Approval of eminent domain proceedings (minute order) done on a parcel by parcel basis by TxDOT Commission.
- Special Commissioners appointed on a parcel by parcel basis.
- No procedural guidelines for use by the department or the courts.
- Payment process goes from district to Right of Way Division to Budget and Finance Division to Comptroller and return same route.
- No quick-take ability.

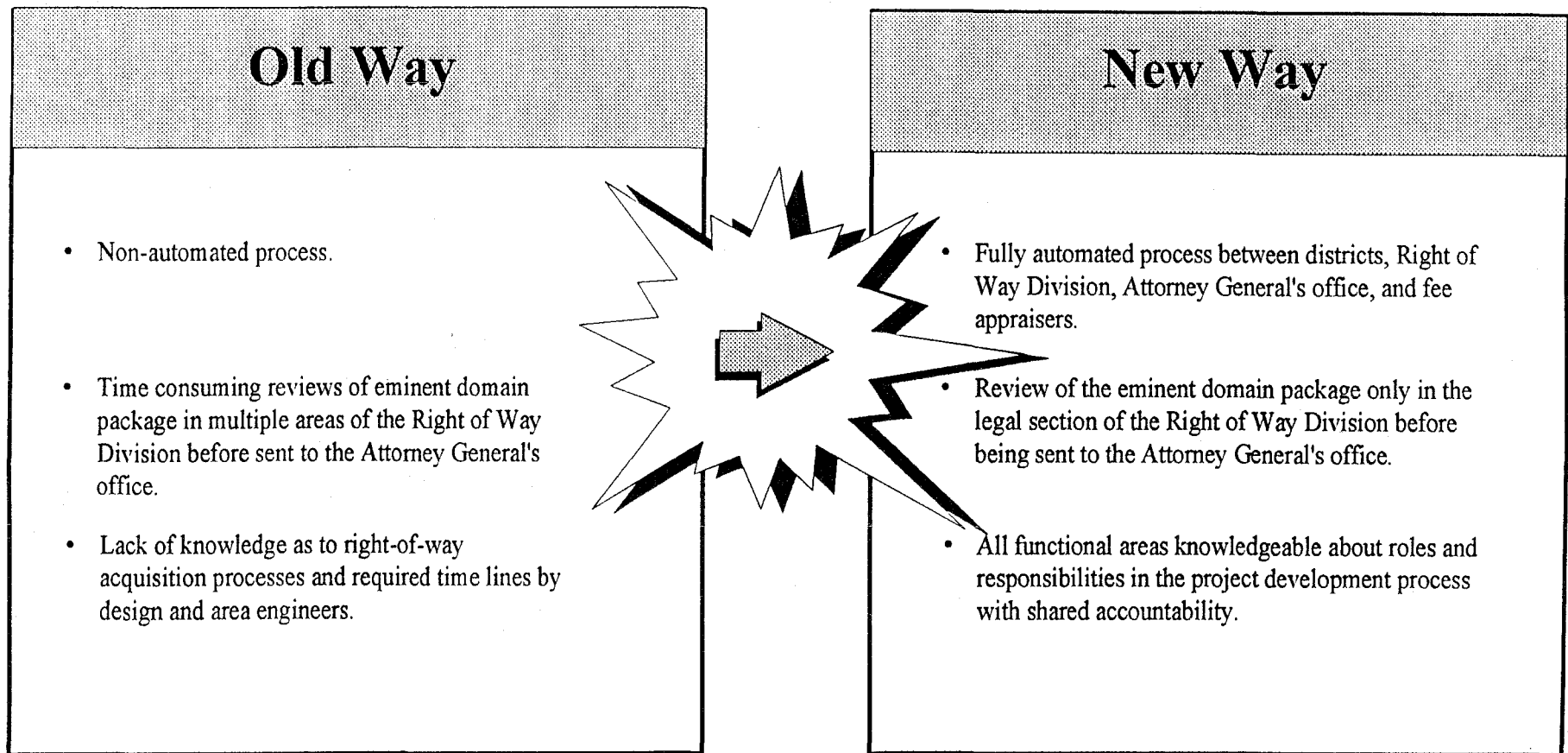


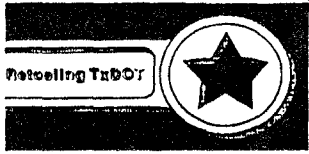
New Way

- Attorney General's office - Transportation Division is regionalized for better familiarization of projects and better attorney - client relationships.
- Approval of eminent domain proceedings done for an entire project by the Executive Director.
- Standing Special Commissioners panel appointed by judge for an entire project along with standardized fees.
- Use of procedural guidelines to include steps and appropriate laws for department personnel, courts and court clerks.
- Payment process goes from district to Budget and Finance Division to Comptroller and return same route.
- Quick-take statute provides project scheduling management with a known date of possession.

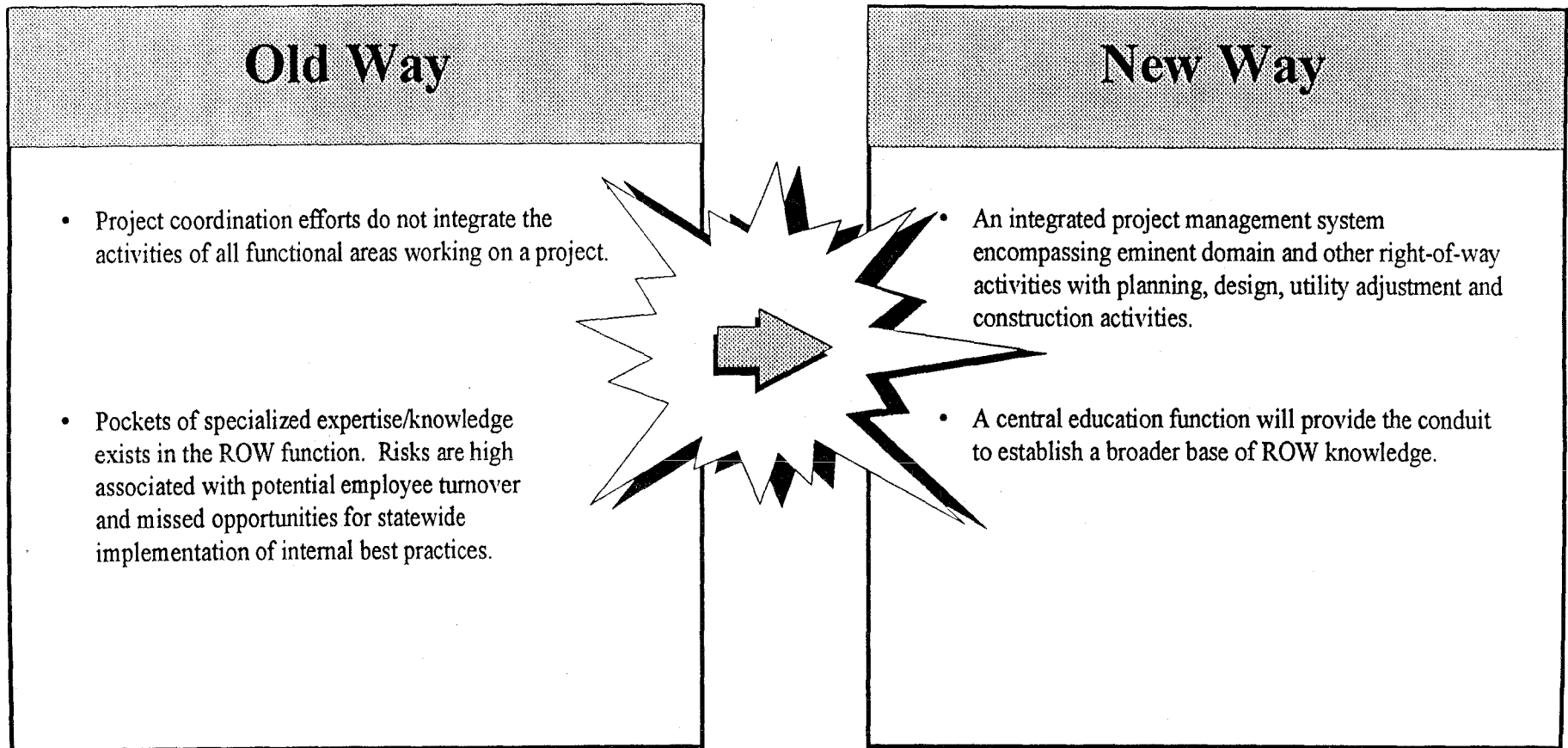


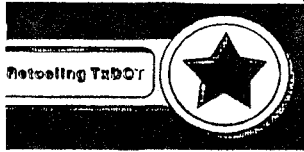
Right-of-Way Eminent Domain Sub-Process (cont.)





Right-of-Way Eminent Domain Sub-Process (cont.)





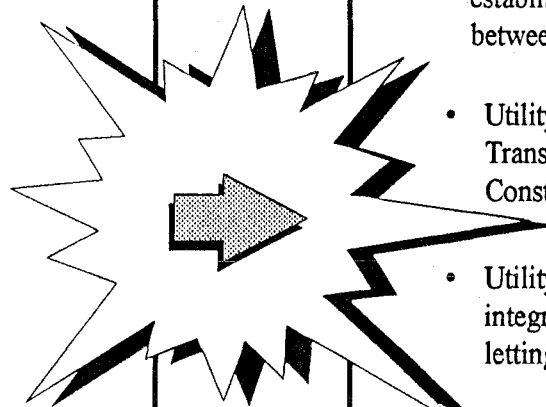
Right-of-Way Utility Adjustments Sub-Process

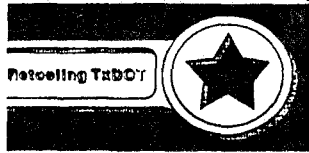
Old Way

- Utilities are often "surprised" by construction lettings.
- Each project is treated separately, resulting in "re-inventing the wheel" and coordination problems.
- Utility adjustments are considered as part of the ROW function.
- Project letting schedules are disrupted by unanticipated utility adjustments.
- Impediments to joint bidding between TxDOT and utilities.
- Maps cannot be shared due to incompatibility between GIS and CADD systems or they exist on a paper medium.

New Way

- Utilities are involved in the planning, design and construction process, beginning at the early phases of project development.
- Memorandums of Understanding are negotiated to establish roles, responsibilities and coordination between TxDOT and utilities on all projects.
- Utility adjustments are considered as part of Transportation Planning and Development and Construction areas.
- Utility adjustment time lines are jointly developed and integrated with the master project schedule prior to letting.
- Joint bidding between TxDOT and utility companies is encouraged.
- Maps are shared electronically (internally & externally) through standardized GIS and CADD systems.

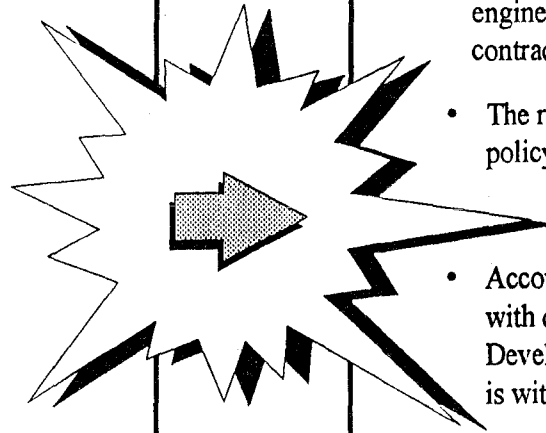




Right-of-Way Utility Adjustments Sub-Process (cont.)

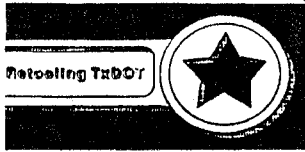
Old Way

- "Arms-length" or adversarial relationship between TxDOT and utilities.
- Delays associated with reviews, approvals and hand-offs.
- The role of the ROW Division is primarily one of review and approval.
- Accountability for utility adjustments is diffused among several functional areas.
- Utility costs are not eligible for reimbursement until the relocation workplan is approved by the ROW Division.

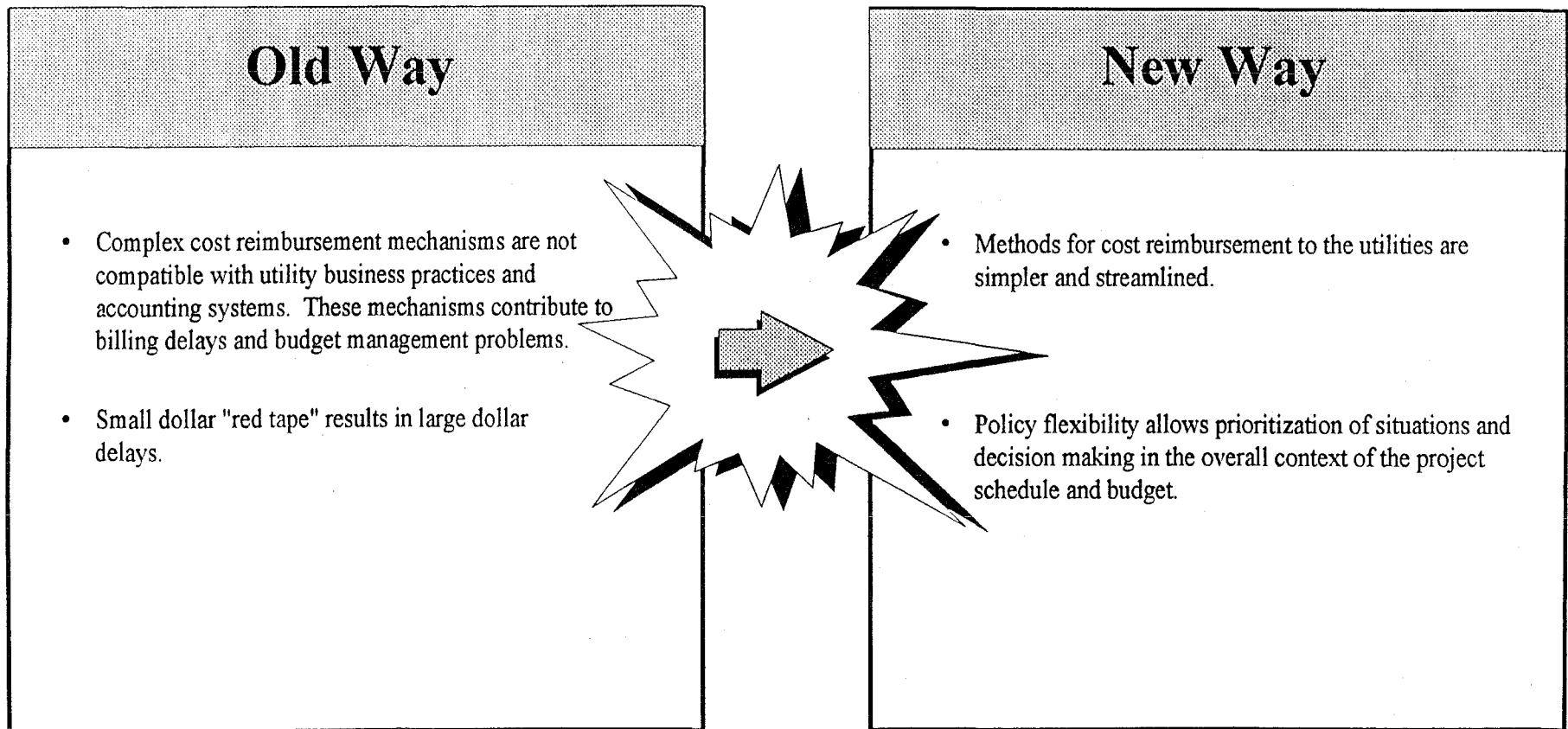


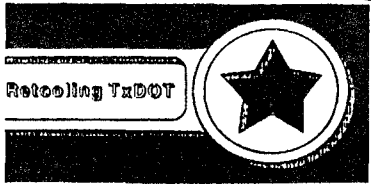
New Way

- Partnerships between TxDOT and utilities.
- Increased delegation of decision making authority to the districts including approving the use of consultant engineer services, approving consultant engineer contracts, and executing joint use agreements.
- The role of the ROW Division is primarily one of policy support and knowledge transfer.
- Accountability for Memorandum of Understanding is with district directors of Transportation Planning and Development. Accountability for utility adjustments is with TxDOT project managers.
- Utility costs are reimbursable as of date of initial contact letter.

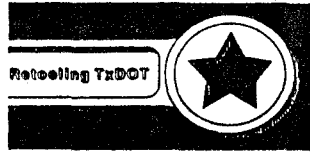


Right-of-Way Utility Adjustments Sub-Process (cont.)





Individual Sub-Process Vision Statements



ROW Visioning Workshop Participants

Appraisal

(1/11/95 - 1/13/95):

1. Bob Dunlap - ROW Division
2. Terry May - Dallas District ROW
3. Lynwood Walters - Beaumont District ROW
4. Kenneth Peacock - Atlanta District ROW
5. Samuel Wilson - Bryan District ROW
6. John Dawson - Brownwood District ROW
7. Connie Williford - Fee Appraiser
8. Jack Edwards - Federal Highway Administration
9. James Blackburn - Lufkin District ROW

Negotiation

(1/11/95 - 1/13/95):

1. Jim Henry - ROW Division
2. Richard Guerra - Pharr District ROW
3. Lawrence Emerson - Yoakum District ROW
4. Jerry Loven - Paris District ROW
5. Frances Willison - Houston District ROW
6. Sandra Gaither - Aviation Division
7. Sandy Allen - Federal Highway Administration
8. Howard Armstrong - Universal Field Service
9. Richard Hubbard - El Paso District ROW

Eminent Domain

(1/18/95 - 1/20/95):

1. John Zimmerman - ROW Division
2. Jack Carter - Amarillo District ROW
3. Glenn Price - Tyler District ROW
4. Butch Jackson - Corpus Christi District ROW
5. Robert Rice - Austin District ROW
6. Harvey Heerssen - Pharr District ROW
7. Bob Kovar - Design Division
8. Byron Hinton - Fee Appraiser
9. Richard Hubbard - El Paso District ROW
10. James Blackburn - Lufkin District ROW

Utility Adjustments

(1/11/95 - 1/13/95):

1. John Campbell - ROW Division
2. Bill Chance - Houston District ROW
3. Gene Rudd - Lufkin District TPD
4. W.L. Wimberley - Fort Worth District ROW
5. David Birmingham - Brownwood District ROW
6. Randy Spear - Waco District ROW
7. Herbie Belvin - San Antonio District ROW
8. Katherine Chase - Construction and Maintenance Division
9. John Lengyel - Houston Power & Light Co.

Right-of-Way Appraisal Vision Statement

We envision a coordinated appraisal program which enables TxDOT to maximize time and cost savings for ROW projects by:

- using effective communications between all partners from design to construction;
- including the appraisal team as an equal member of an overall project team with significant input towards the establishment of time-lines necessary to complete each phase, culminating in the establishment of a realistic letting date.

We envision a streamlined appraisal approach free of self-imposed constraints.

We envision a flexible appraisal approach which allows for process variations depending on parcel characteristics, enabled by using tools such as:

- the appraisal waiver
- value finding
- employing appraisal firms as well as individual appraisers
- and appraisal contracts by the project as well as by the parcel

This vision will be enabled by the deployment of technology to internal and external partners at the level where work is performed.

This vision will be enabled by placing empowerment and authority at the lowest levels

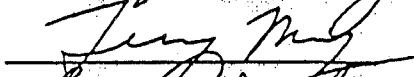
Bob Dunlap




John Dawson




Terry May



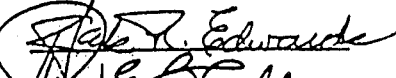
Connie Williford



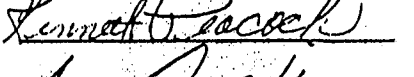
Lynwood Walters



Jack Edwards



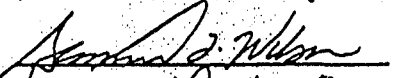
Kenneth Peacock



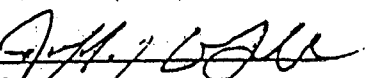
James Blackburn



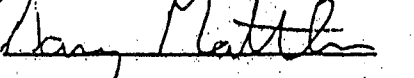
Samuel Wilson



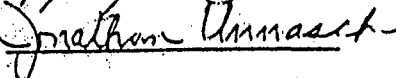
Jeff Grubb



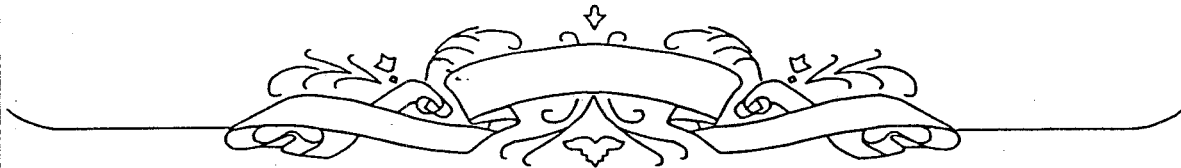
Gary Matthis



Jonathan Unnasch



RIGHT-OF-WAY NEGOTIATION PROCESS VISION STATEMENT



We envision a flexible and streamlined process which is responsive to the needs of our internal and external customers.

This process design will produce an environment of confidence, trust and partnership which empowers stakeholders to accomplish the acquisition of right-of-way.

This environment is created through the use of comprehensive networking of risk management, education and technology.



Trancy Willison Richard L. Barry Sandra Daiter
Jim Henry Laurence J. Emerson
Robert J. ... Sandra E. Allen
... ...

Utility Adjustments Vision Statement

We envision a partnership between TxDOT and the utility industry which promotes cooperation, understanding, and shared accountability. Utilities will be recognized as transportation entities and inseparable parts of the Texas transportation system.

Furthermore, we envision a utility adjustment process integrated with planning, design, right of way acquisition and construction to achieve efficient and accurate adjustments without letting delays or conflicts with construction in progress.

The utility adjustment process will be proactively managed and will begin in the programming stage. As team members, utilities will participate throughout the project development process.

Technology will support continuous exchange of information through automated processes, resulting in a comprehensive inventory of transportation assets, including utility facilities.

Benefits of our vision will be:

- to eliminate utility related letting delays
- to eliminate utility related construction delays
- to eliminate utility related contractor claims
- to execute Memorandums of Understanding with all utility companies.

Redirection of existing resources and priorities will allow for this vision to become an immediate reality.

Bill Wamberley	John W. Lloyd
John A. Be SR/WA	John A. Campbell
David R. Birmingham	W. Kenneth Rudd
Paul K. Spear	Alvin S. Seltzer
Bill Chance	Sammy Stone

January 13, 1995

Right-of-Way Eminent Domain Vision Statement

We envision a right of way acquisition process that will minimize the number of eminent domain cases through the use of innovative practices and policies.

When eminent domain proceedings are required, the process will be automated, simplified, streamlined, less bureaucratic, fair and quick.

We envision an efficient eminent domain process which:

- ◆ employs cooperation and communication between all stakeholders (e.g., design, right of way, construction, Attorney General's Office, fee appraisers, property owners, local public agencies, courts, and opposing counsels)
- ◆ utilizes technology to enhance effectiveness
- ◆ utilizes continuing education programs to empower participants
- ◆ promotes timely handling of eminent domain requests by minimizing reviews, approvals and hand-offs
- ◆ places empowerment at the lowest appropriate level.

Benefits of our vision will be:

- ◆ elimination of letting and construction delays caused by the right of way process
- ◆ reduction of net costs
- ◆ increased customer satisfaction
- ◆ increased flexibility in the eminent domain process
- ◆ better utilization of fiscal and human resources
- ◆ substantial reduction in paperwork.

This vision will result in the timely and cost effective acquisition of right of way

Pamela B. [Signature] *Robert R. Kona* *Jack D. Carter* *[Signature]*
[Signature] *Melvin A. Jochen* *Henry B. Louie* *Harvey L. Heenan*
[Signature] *Rosalee D. Durbant* *Sammy Stone*