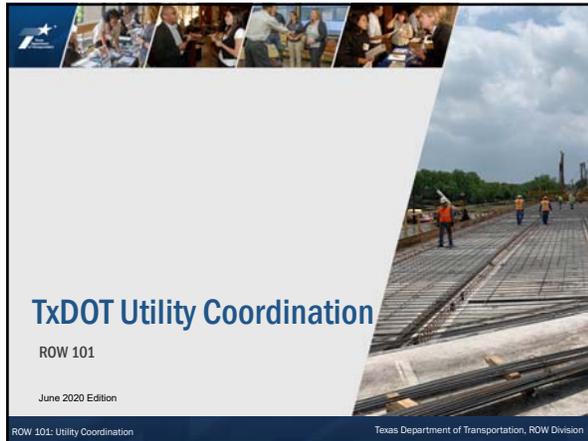


# TxDOT Utility Coordination





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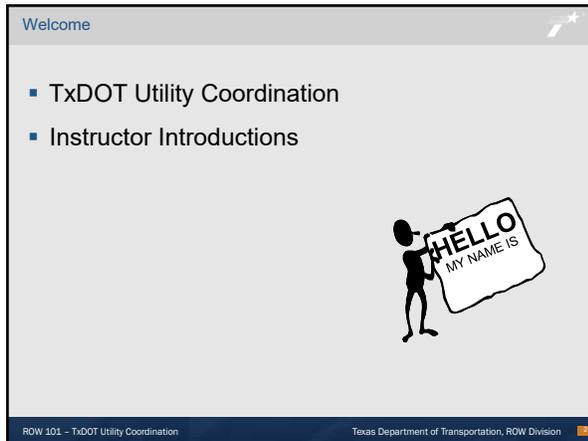
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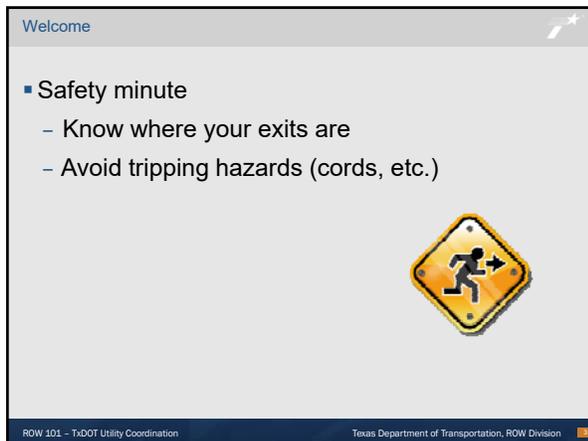
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Welcome

- Housekeeping
  - Turn off email & phones, clear other distractions from your training area
  - If you leave the training window, please send a chat when you leave and when you return. Please do not leave for more than 5 minutes.
  - Breaks are scheduled approximately every hour
  - Please mute yourself when not talking

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Welcome

- Ground Rules
  - Participate and be prepared to be called on by name
  - Be patient waiting for a response to your chat messages



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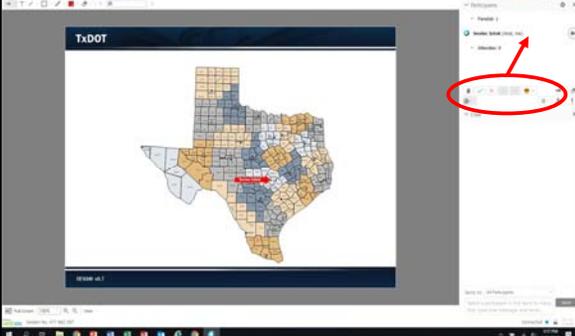
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Raise Hand, Yes/No, Reactions



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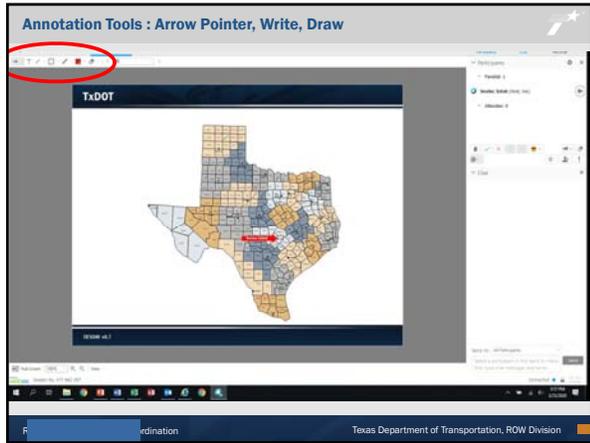
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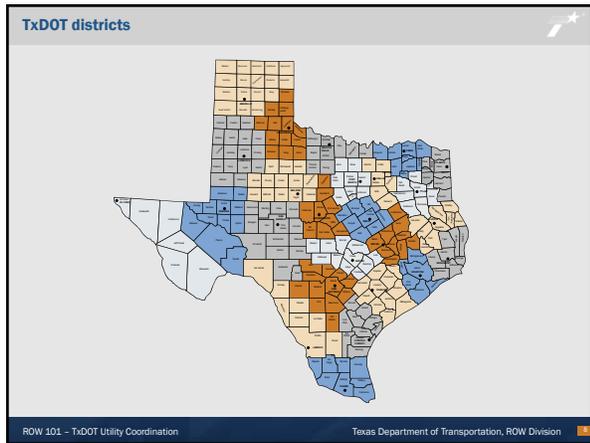
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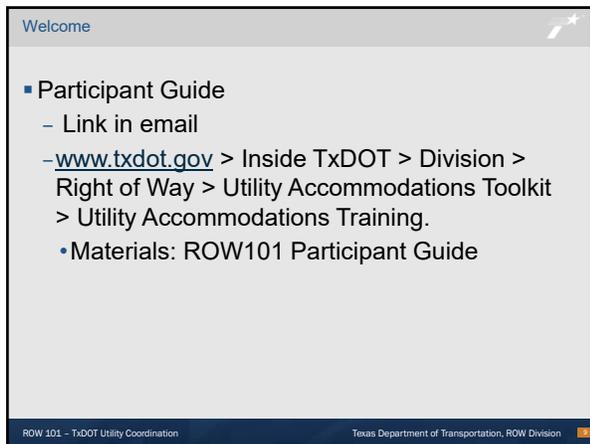
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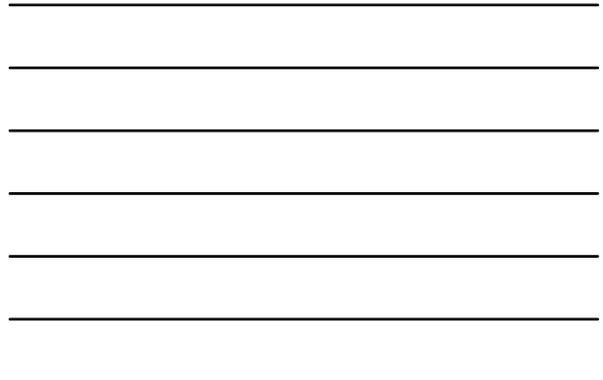


Additional Resources

**Utility Accommodations Toolkit**

- <https://www.txdot.gov/inside-txdot/division/right-of-way/utility-accommodations.html>

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Additional Resources

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Additional Resources

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DAY 1

- Introductions
- Goals
- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination

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DAY 2

- Utility Coordination (continued)
- Buy America/Iron & Steel Preference Provisions
- Cost Estimating
- Monitoring Progress
- Recap of Days 1 & 2

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DAY 3

- TxDOTCONNECT
- Billing and Invoicing
- Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- Wrap Up

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DAY 1

**Introductions**

- Goals
- TxDOT Project Development Process Overview
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Participant Introductions

- Name
- Company
- Role
- Expectations of Class
- Hobby



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DAY 1

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**Goals**

The goal of this session is to equip participants with a basic knowledge and understanding of the TxDOT Utility Accommodations process.

By the end of the session, participants will be able to:

- Reference applicable rules, regulations, policies, and procedures
- Identify and coordinate utility conflicts
- Understand the different types of agreements
- Develop agreement and billing packages
- Monitor the utility project progress
- Update the appropriate data systems with utility information



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**DAY 1**

- Introductions
- Goals
- **TxDOT Project Development Process Overview**
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination

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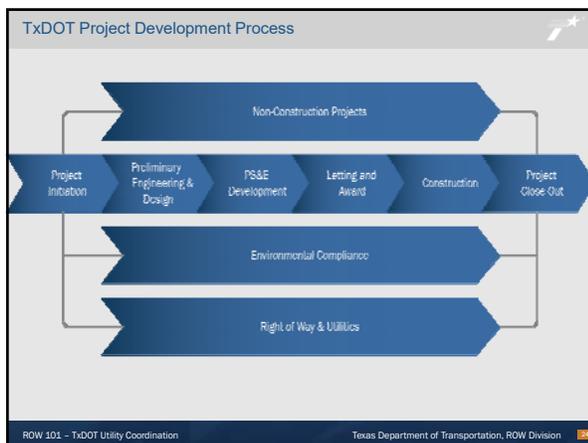
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DAY 1

- Introductions
- Goals
- TxDOT Project Development Process Overview
- **Applicable Laws and Regulations**
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination

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Applicable Laws/Regulations

- **U.S. Code, Title 23 – Highways**
  - 23 USC 313 – Buy America
    - <https://www.gpo.gov/fdsys/granule/USCODE-2011-title23/USCODE-2011-title23-chap3-sec313>
- **U.S. Code, Title 49 – Transportation**
  - 49 USC – Subtitle VIII – Pipelines
    - <https://www.gpo.gov/fdsys/pkg/USCODE-2011-title49/html/USCODE-2011-title49.htm>



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Applicable Laws/Regulations

- **Code of Federal Regulations, Title 23 – Highways**
  - 635.410 – Buy America Requirements
    - [https://www.ecfr.gov/cgi-bin/text-idx?SID=ce6d8dea25fa7228c170625f88164960&mc=true&node=se23.1.635\\_1410&rqn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=ce6d8dea25fa7228c170625f88164960&mc=true&node=se23.1.635_1410&rqn=div8)
  - Part 645 – Utilities
    - <https://www.ecfr.gov/cgi-bin/text-idx?SID=ce6d8dea25fa7228c170625f88164960&mc=true&node=pt23.1.645&rqn=div5>
- **Code of Federal Regulations, Title 49 – Transportation**
  - Subchapter D – Pipeline Safety
    - <https://www.ecfr.gov/cgi-bin/text-idx?SID=8ed118913e6b29dce605dc4781bcd1ca&mc=true&tpl=/ecfr/browse/Ttitle49/49C/subchapD.tpl>

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Applicable Laws/Regulations

- **Texas Transportation Code, Title 6, Subtitle A, Chapter 203**
  - Subchapter E – Relocation of Utility Facilities
    - [http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN\\_203.htm](http://www.statutes.legis.state.tx.us/Docs/TN/htm/TN_203.htm)
- **Texas Administrative Code, Title 43, Part 1, Chapter 21**
  - Subchapter B – Utility Adjustment, Relocation, or Removal
  - Subchapter C – Utility Accommodation (**UAR**)
    - [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac\\_view=4&ti=43&pt=1&ch=21](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=43&pt=1&ch=21)



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DAY 1

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Definition of Utility



**What is a Utility?**

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Definition of Utility – Texas Transportation Code

**SUBCHAPTER E. RELOCATION OF UTILITY FACILITIES**

- Sec. 203.091

DEFINITION. In this subchapter, "utility" includes a publicly, privately, or cooperatively owned utility that provides telephone, telegraph, communications, electric, gas, heating, water, railroad, storm sewer, sanitary sewer, or pipeline service.

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Definition of Utility

**Texas Administrative Code**

TITLE 43	TRANSPORTATION
PART 1	TEXAS DEPARTMENT OF TRANSPORTATION
CHAPTER 21	RIGHT OF WAY
SUBCHAPTER C	UTILITY ACCOMMODATION
RULE §21.31	Definitions

(53) Utility--Any entity owning a utility facility.

(54) Utility appurtenances--Any attachments or integral parts of a utility facility, including fire hydrants, valves, communication controller boxes and pedestals, electric boxes, and gas regulators.

(55) Utility facilities--All utility lines, pipelines, saltwater pipelines, conduits, cables, and their appurtenances within the highway right of way except those for highway-oriented needs, including underground, surface, or overhead facilities either singularly or in combination, which may be transmission, distribution, service, or gathering lines.

(56) Utility product--The product, such as water, saltwater, steam, electricity, gas, oil, or crude resources or communications, cable television, or waste disposal services, carried by the utility facility.

(57) Utility strip--The area of land established within a control of access highway, located longitudinally within the area between the outer traveled way and the right of way line, for the nonexclusive use, occupancy, and access by one or more authorized utilities.

(58) Utility structure--A pole, bridge, tower, or other aboveground structure on which a conduit, line, pipeline, or other utility facility is attached.

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DAY 1

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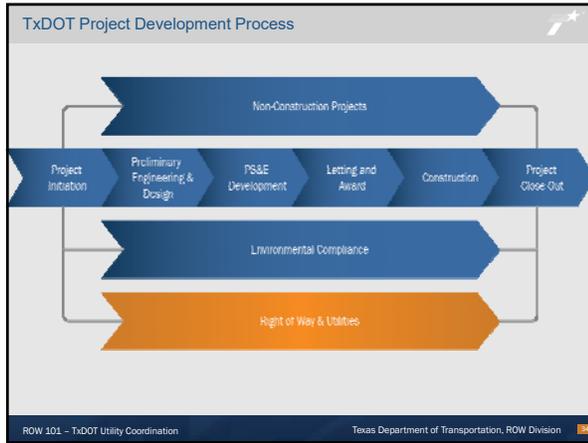
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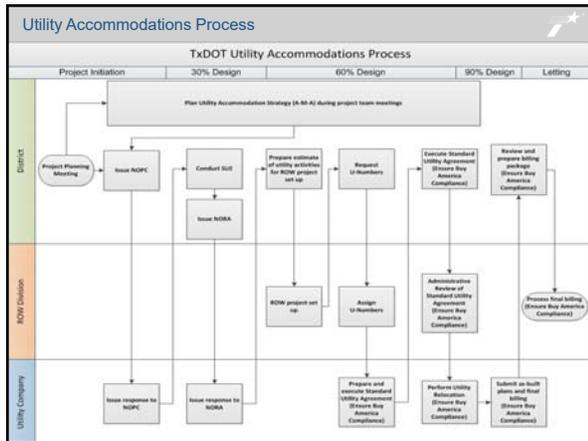
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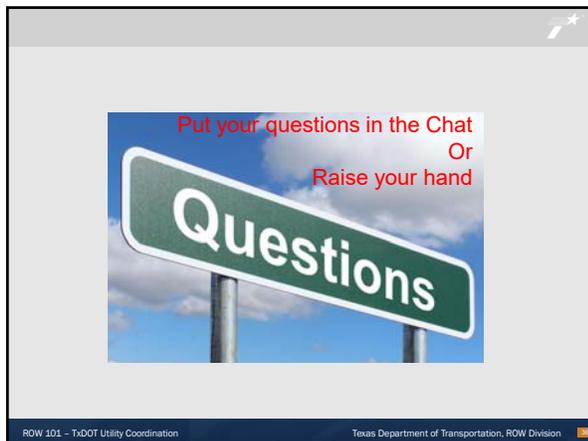
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Break



Use green checkmark when you return 

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DAY 1

- Introductions
- Goals
- TxDOT Project Development Process Overview
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- Utility Accommodations Process Overview
- **Utility Coordination**

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Objectives in Utility Coordination

- Address all impacted utility facilities
- Complete utility accommodations prior to let date



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## Utility Considerations

Identifying Utilities

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Transportation Project Initiated

### Notice of Proposed Construction



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### Identifying Utilities



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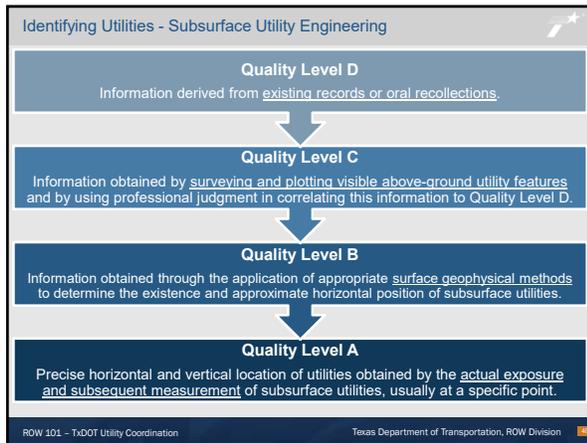
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Subsurface Utility Engineering

SUE should be used in the **earliest phase of design** (i.e. Schematic /30% Design) when possible for all Construction & ROW Projects to ensure that all projects are "Ready to Let".

**Levels C & D**  
Are the most commonly used, but can be the most unreliable and the least accurate.

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Subsurface Utility Engineering

**Benefits**

- Enhanced decision-making process
  - A-M-A
- Reduced costs
  - \$4.62 for every \$1 spent
- Save time
- Avoid unnecessary utility relocations
- Enhanced safety

- FHWA

**Part of PEPS budget. Does not impact districts' project budgets.**

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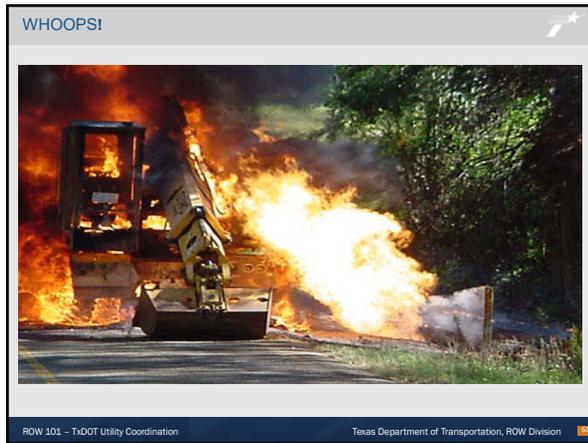
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Early and Frequent Communication

The following represents key opportunities for communication and coordination of utility accommodation activities:

- Annual Transportation Improvement Program (TIP) Meetings
- Annual Utility Meetings
- Utility Coordination Council Meetings
- Initial Project Notification Meetings
- 30%, 60% and 90% Design Meetings
- Routine UC Meetings
- Pre-Letting Meetings
- Construction Meetings

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### Utility Considerations

Avoid, Minimize, Accommodate (AMA)

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Avoid, Minimize, Accommodate (AMA)

- It is important that TxDOT work closely with utility industry partners to determine both the identification and scope of the utility effort within the proposed TxDOT project.
- To this end, ROW Division has implemented the AMA principle.



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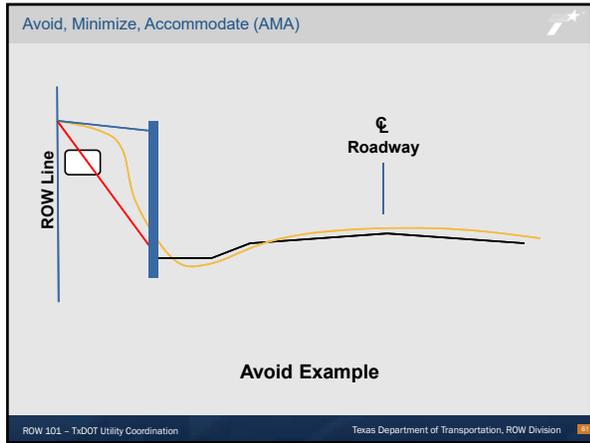
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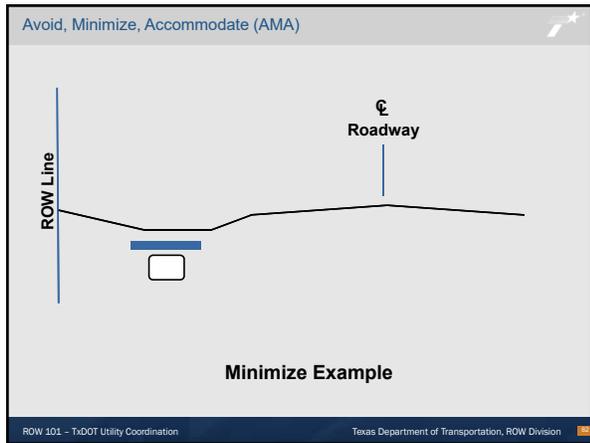
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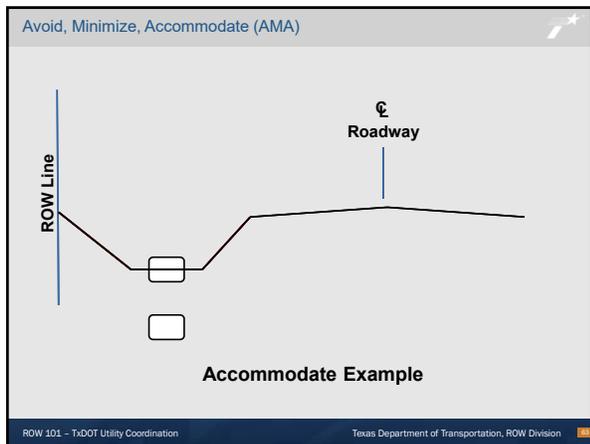
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Utility Adjustment Required

Notice of Required Accommodation



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Horizontal lines for notes or comments.

Utility Conflict Management Memo



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Horizontal lines for notes or comments.



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Texas Department of Transportation, ROW Division

Horizontal lines for notes or comments.

Lunch Break!

Please return by 1:30pm



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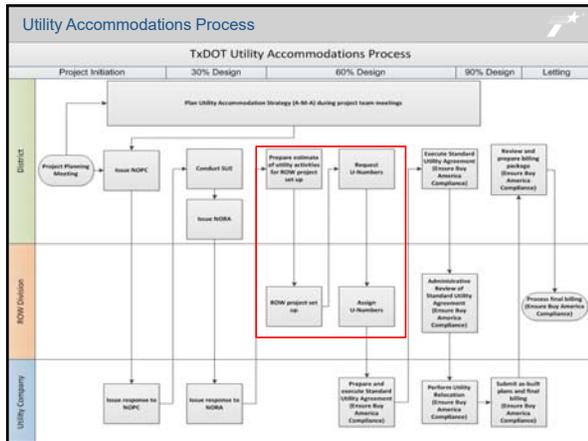
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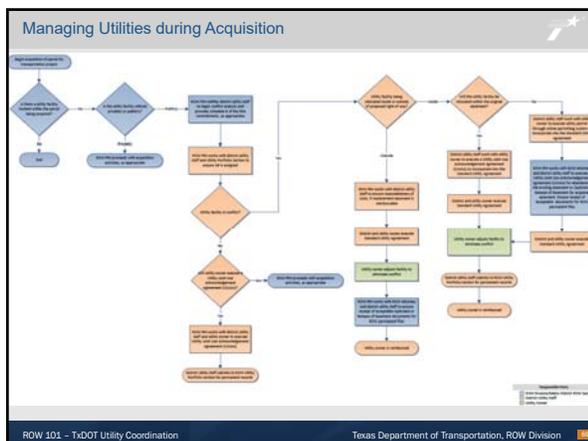
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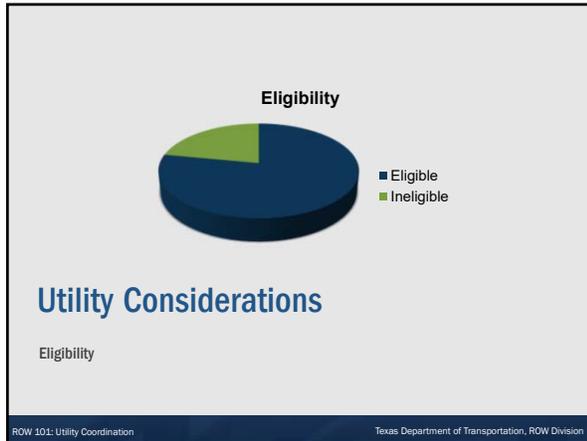
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Eligibility

Eligibility for reimbursement is determined by a number of different factors. One such factor is:

- The type of roadway facility
  - Interstate roadways are 100% eligible.
  - Eligibility on Non-interstate roadways is based on the utility having an existing property interest (easement) in which the existing utility facility is located and is impacted by the proposed highway improvements.
  - Toll roads are 50% eligible, at a minimum. May be more if the utility can establish property interest.

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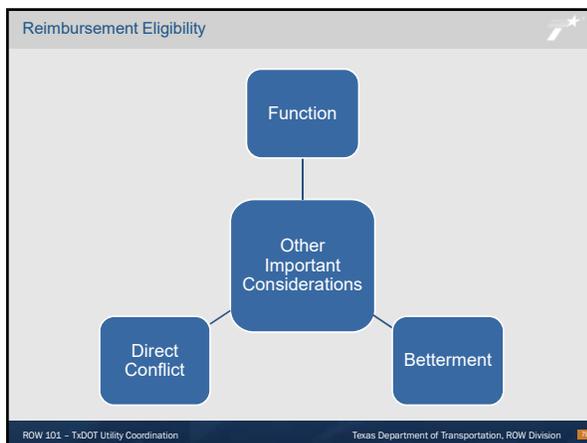
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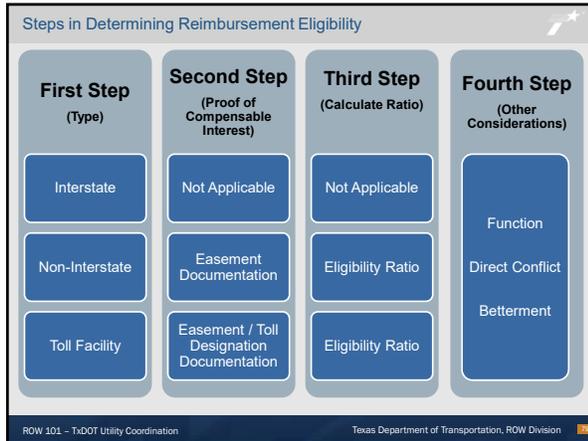
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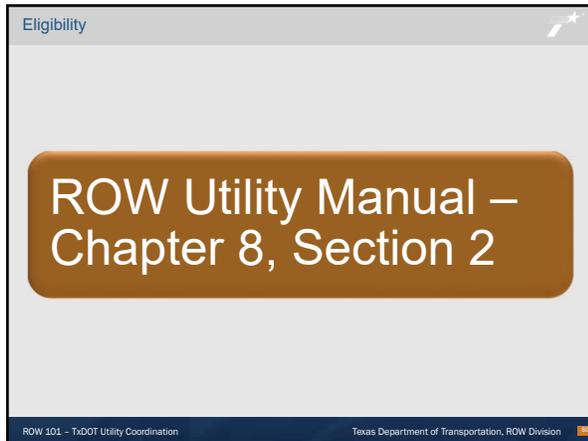
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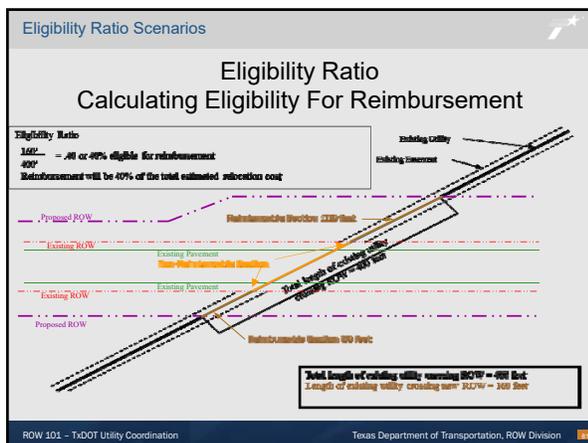
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## Utility Considerations

Betterment

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Betterment

### What is Betterment?

A betterment is any improvement or upgrade to the existing facility at the time the adjustment or relocation effort is made. Betterments, unless they are forced, are not eligible for reimbursement.

Example



2" Gas Line 6" Gas Line

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Betterment

### Types of Betterment



Elective (Choice) Forced (Required)

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Steps in Determining Betterment

First Step	Second Step	Third Step	Fourth Step
Existing Facility (Type, Size, Length and Capacity)	Proposed Facility (Type, Size, Length and Capacity)	Identify Upgrades or improvements	Betterment Ratio

**Betterment Ratio** = 
$$\frac{\text{Elected Betterment Cost} - \text{Replacement "in-kind" Cost}}{\text{Elected Betterment Cost}}$$

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Put your questions in the Chat Or Raise your hand



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Break



Use green checkmark when you return 

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## Utility Considerations

Utilities in the Highway Contract

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### Combined Transportation Utility Construction (CTUC)



**Joint Bidding**

**What is Combined Transportation Utility Construction (CTUC) or joint bidding?**

There are times when the utility does not have the resources to handle the scope or level of complexity of the adjustment or relocation work and meet the TxDOT project letting schedule.

If it is a benefit to TxDOT, the utility can be presented with the option to include the work in the TxDOT roadway contract.



**Construction Partnering**

The utility adjustment / relocation work would then be constructed by the TxDOT contractor.

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### Advance Funding Agreements (AFA)



**When is an AFA needed?**

Anytime that ineligible utility work is included in the highway contract.

**What is an Advance Funding Agreement (AFA)**

An agreement that specifies the scope and nature of the utility coordination and accommodation efforts. This is a project level or utility-specific agreement.

An agreement where the utility advances or contributes funds to the TxDOT project for any ineligible cost for utility work that has been included in the TxDOT construction project as joint bid work. This is an agreement to commit or contribute funds.

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## Utility Considerations

Exceptions to Policy

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### Exceptions to Policy Definition

#### §21.35. Exceptions

a) Exceptions to any provisions contained in the utility accommodation shall be justified and recommended for approval by the district engineer and authorized by:

- 1) The Right of Way Division Director for all facilities occupying the right of way; or
- 2) The Maintenance Division Director, when use and occupancy agreement is received for proposed utility facility installation on an existing highway.

- Utility Accommodation Rules

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### Exception to Policy

**CERTIFICATION FOR UTILITY ACCOMMODATION**

UT No.: \_\_\_\_\_ Permit No.: \_\_\_\_\_  
 Utility Name: \_\_\_\_\_ Utility Accommodation Limits: \_\_\_\_\_  
 District: \_\_\_\_\_ County: \_\_\_\_\_  
 ROW CSJ: \_\_\_\_\_ Construction CSJ: \_\_\_\_\_  
 Federal Proj. No.: \_\_\_\_\_ Highway: \_\_\_\_\_

Pursuant to authorities vested in 43TAC, Chapter 21, Section 21.35, the undersigned hereby certifies the following:  
 The proposed utility accommodation accompanying this certification has been found to not fully comply with provisions of the Utility Accommodation Rules as codified and judicially noticed.  
 After investigation and analysis of all pertinent information, it is determined the proposed accommodation is compatible with, and does not jeopardize, the public's safety, convenience, or investment in the highway facility and/or offers no impediment to the design, construction, operation or maintenance of the highway facility.

Certified and Recommended for Approval by: \_\_\_\_\_  
 District Engineer Date \_\_\_\_\_  
 District \_\_\_\_\_

Authorized by: \_\_\_\_\_  
 Director, Right of Way Division Date \_\_\_\_\_

[Contact Help](#)

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Exceptions to Policy

**§ 21.37. Design.**

**(b) Location.**

**(3) New Utility Facilities crossing the highway shall be installed at approximately 90 degrees to the centerline of the highway.**

- Utility Accommodation Rules

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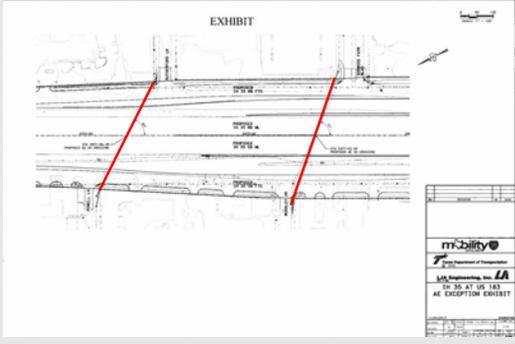
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Exceptions to Policy



EXHIBIT

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AC EXCEPTION EXHIBIT

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Exceptions to Policy

**§21.40. Underground Utilities.**

**(c) Water lines.**

**(2) Depth of cover. The minimum depth of cover shall be 30 inches, but not less than 18 inches below the pavement structure for crossings.**

- Utility Accommodation Rules

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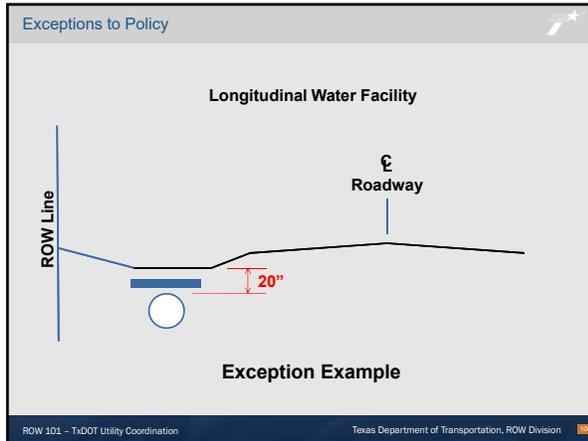
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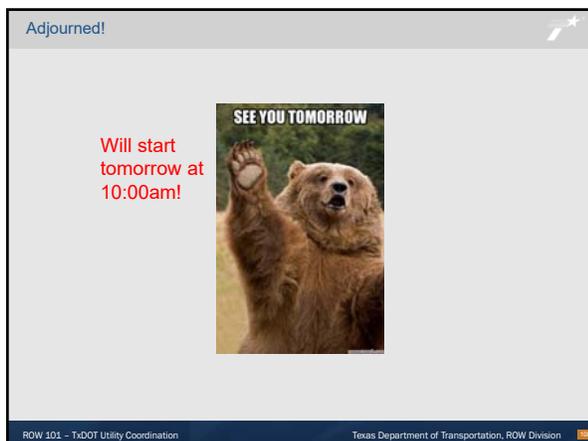
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Welcome Back



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DAY 2

- Utility Coordination (continued)
- Buy America/Iron & Steel Preference Provisions
- Cost Estimating
- Monitoring Progress
- Recap of Days 1 & 2

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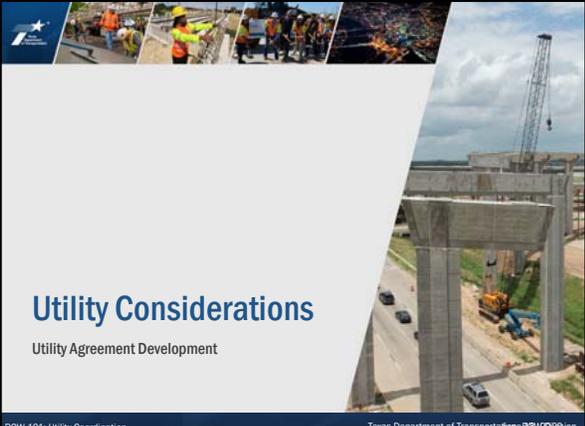
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Utility Considerations  
Utility Agreement Development

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Law - Texas Administrative Code (TAC)

43TAC §21.21 through §21.24

43TAC, Part 1 affects TxDOT operations. It is necessary to be familiar with the applicable parts and sections of 43TAC. Utility Agreements (43TAC §§21.21 through 21.24) states that the following will be in accordance with a written agreement between the State and the utility or LPA, whichever is applicable:

- Adjustment;
- Relocation;
- Removal of utility facilities on the State highway system; and
- Reimbursement for the costs of the work.

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Law - Transportation Code

Sec. 203.092. Reimbursement For Relocation of a Utility

A utility shall make a relocation of a utility facility at the expense of this state if relocation of the utility facility is required by improvement of:

A highway in this state established by appropriate authority as part of the National System of Interstate and Defense Highways and the relocation is eligible for federal participation;

Any segment of the state highway system and the utility has a compensable property interest in the land occupied by the facility to be relocated.

A segment of the state highway system that was designated by the commission as a turnpike project or toll project before September 1, 2005.

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Types of Procedures

**FUP Federal Utility Procedures**  
All utility adjustments are eligible for reimbursement by Federal law for Interstate projects.

**SUP State Utility Procedures**  
Utility adjustments on Federal-aid (non-interstate), Off-System, State, and FM highway projects require a determination of eligibility.

**LUP Local Utility Procedure**  
On local public agency (LPA) projects with TxDOT cost participation, a written agreement between TxDOT and the utility is not required.

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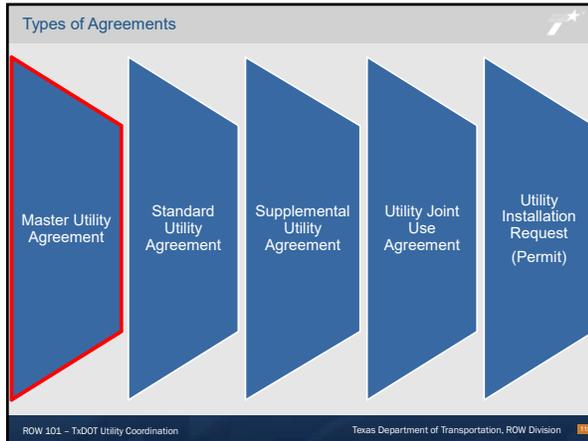
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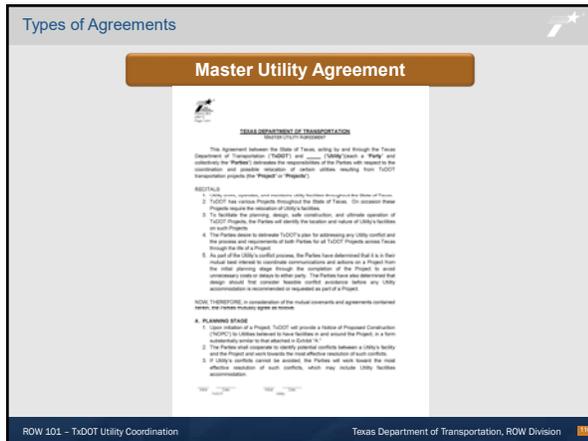
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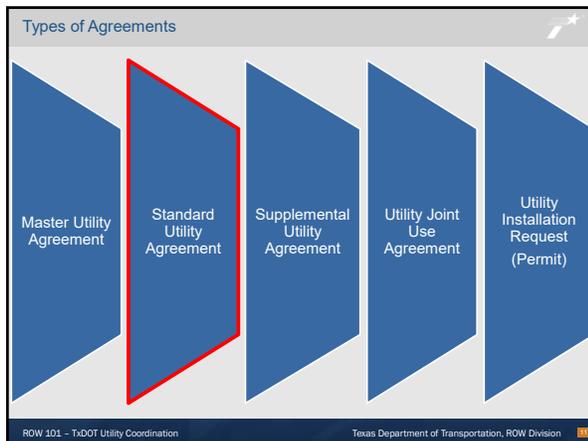
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Types of Agreements

### Standard Utility Agreement

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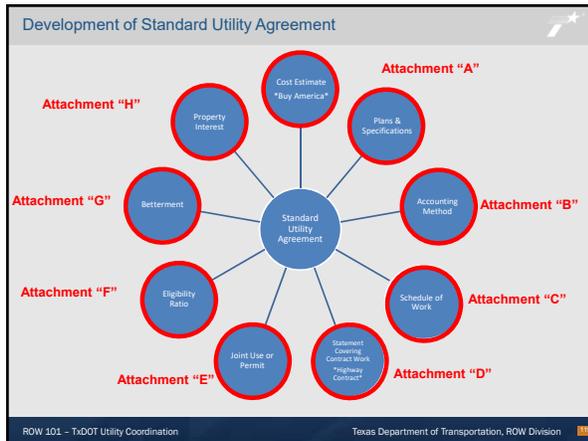
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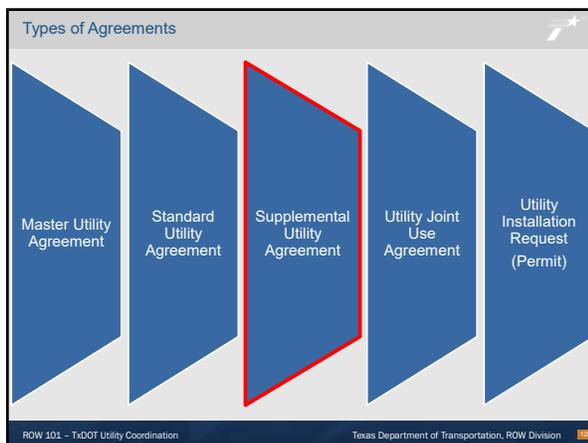
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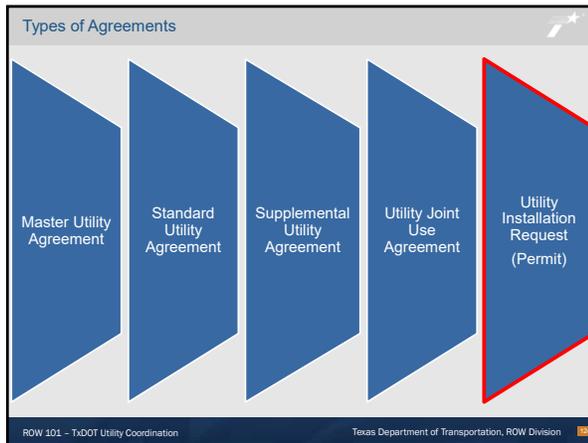
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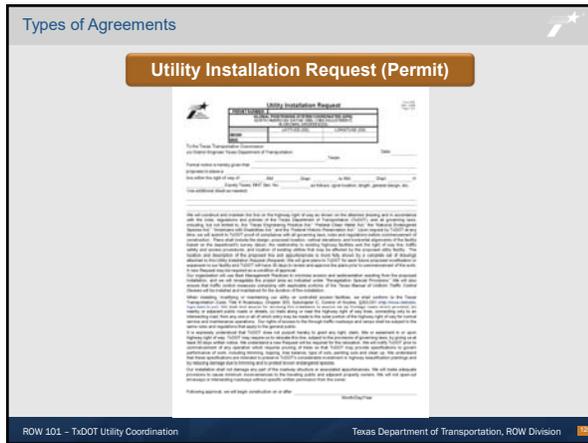
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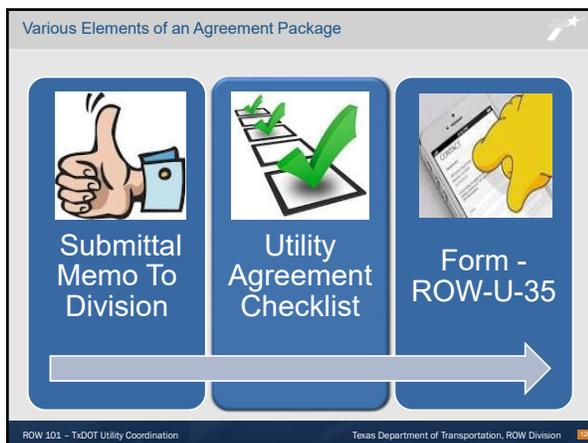
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Put your questions in the Chat  
Or  
Raise your hand



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Break



Use green checkmark when you return



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DAY 2

- Utility Coordination (continued)
- Buy America/Iron & Steel Preference Provisions
- Cost Estimating
- Monitoring Progress
- Recap of Days 1 & 2

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Buy America/Iron and Steel Preference Provisions



**MADE IN U.S.A.**



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Buy America Compliance - Foundation

Set forth in both the 23 USC 313 and 23 CFR 635.410

Requires that "all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title."

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Iron and Steel Preference Provisions

Set forth in TTC 223.045/SB 1289

Requires that "A contract awarded by the department for the improvement of the state highway system **without federal aid must contain the same preference provisions for iron and steel and iron and steel products that are required under federal law** for an improvement made with federal aid."

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Buy America Compliance

Buy America Compliance Is Not Optional

Utility work that qualifies for reimbursement, based on compensable property interest, cannot be excluded from Buy America compliance requirements.

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Buy America Compliance

Minimal Allowance

Non-domestic iron and steel materials may be used provided the cost of such materials does not exceed one-tenth of one percent (0.1 %) of the individual Utility Agreement amount, or \$2,500.00, whichever is greater.

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Buy America Compliance

Get Involved Early

- Buy America materials should be considered during project design phase
- Must be identified during development of cost estimate
- Be Careful - Third party entities may propose solutions based on specs rather than need to fulfill Buy America requirements

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Buy America/Iron and Steel Preference Provisions

**Document! Document! Document!**

- What should you document?
  - Notifications to third parties that project is Buy America / Iron and Steel Provision Compliant
  - Cost estimates
  - Verification prior to installation
    - Mill Test Reports or Certifications
  - Inspections during installation



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Buy America/Iron and Steel Preference Provisions

**How to Document Form 1818?**

- High Level Sequence of Events
  - Procurement of the material
  - Receipt of the materials along with appropriate documentation (e.g. MTRs)
  - Installation of the materials



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Buy America/Iron and Steel Preference Provisions

**Product identified needs to match documentation submitted**



- Standard Utility Agreement
  - Cost Estimate
  - Plan
- Form 1818
  - MTR's or Certification
- Invoice
  - Actual Cost
  - Quantity

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Buy America/Iron and Steel Preference Provisions

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Buy America/Iron and Steel Preference Provisions

- **The utility may request partial payments at monthly intervals.**
  - Utilities shall provide all documentation requirements for Buy America or State Iron and Steel Preference Provisions noted in the cost estimate with reimbursement requests prior to a partial payment.

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Buy America/Iron and Steel Preference Provisions

- **Invoicing and payment procedures**
  - Utility owner will provide one final and complete billing of all costs incurred, or of agreed-to lump-sum, **within one year** following completion of work
  - Must maintain detailed billing records demonstrating compliance with Buy America or State Iron and Steel Preference Provisions

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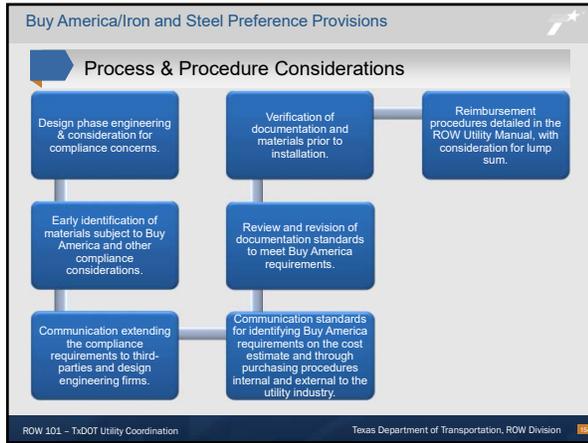
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DAY 2

- Utility Coordination (continued)
- Buy America/Iron & Steel Preference Provisions
- **Cost Estimating**
- Monitoring Progress
- Recap of Days 1 & 2

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Cost Estimating



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Reimbursable Costs

Overview

Adjustment costs eligible for reimbursement are those that are:

- Performed in conformity with an approved utility agreement between TxDOT and the utility;
- Necessary to restore, in the most economical manner, the utility's functional operations to a level similar to that existing before the adjustment;
- Necessary to comply with laws and ordinances; or Direct benefit to the transportation facility.

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Reimbursable Costs

### Foundation

The adjustment and accommodation of utility facilities on the State highway system, and reimbursement for the costs of such work, will be in accordance with the provisions of:

- Federal codes and regulations 23USC123, 23CFR645
- Texas codes and regulations 43TAC §21.21 through §21.24 & Sec. 203.092
- Texas Transportation Commission Minute Orders
- TxDOT policies – ROW Utility Manual

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Law – United States Code

### 23 USC 123

When a State shall pay for the cost of relocation of utility facilities necessitated by the construction of a project on any Federal-aid highway, Federal funds may be used to reimburse the State for such cost in the same proportion as Federal funds are expended on the project.

Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State.

Such reimbursement shall be made only after evidence satisfactory to the Secretary shall have been presented to him substantiating the fact that the State has paid such cost from its own funds with respect to Federal-aid highway projects for which Federal funds are obligated subsequent to April 16, 1958, for work, including relocation of utility facilities.

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Law – Code of Federal Regulations

### 23CFR 645 A §645.117 Cost Development & Reimbursement

To prescribe the policies, procedures, and reimbursement provisions for the adjustment and relocation of utility facilities on Federal-aid and direct Federal projects.

To prescribe policies and procedures for accommodating utility facilities and private lines on the right-of-way of Federal-aid or direct Federal highway projects.

Provisions of these regulations include applicability, policy, eligibility, definitions, general requirements, permits, and approvals.

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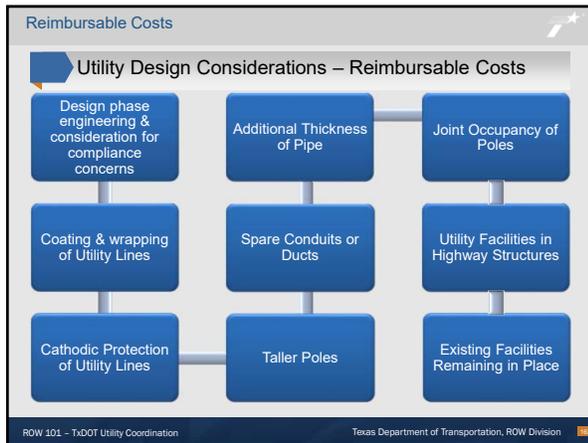
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Reimbursable Costs

### Design Engineering – Highway Contract Construction

In some cases, it will be advantageous to include utility adjustment work in the general highway contract.

Transportation Code, §224.008, requires that the cost of adjusting utility facilities associated with the acquisition of right of way, by or for TxDOT, be a cost of the acquisition.

Therefore, the PS&E must clearly indicate which cost items are for utility adjustment. The utility adjustment work must be accumulated and charged to a right of way control section & job number (ROW CSJ) obtained from ROW Division.

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Reimbursable Costs

### Consulting Engineers

If the utility is not adequately staffed to perform engineering services for the required adjustment, it may secure consultant services. The method of payment to compensate the consultant for all work required shall be set forth in the original contract and in any contract modifications.

The methods of payment that should be used are:

- Cost per Unit/ Billable Rate
- Profit Amount
- Specific Rates by feet, yards, etc.
- Direct Cost Using Multiplier

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Reimbursable Costs

### Utility Cost Estimates

Cost estimates may be built using one of multiple cost methods. Acceptable methods for developing relocation costs include:

- actual direct and related indirect costs accumulated in accordance with a work order accounting procedure;
- actual direct and indirect costs accumulated in accordance with an established procedure developed by the utility and which the utility uses in its regular operations;
- an agreed fixed amount (lump sum) payment; and
- other acceptable costing methods, such as unit costs.

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Cost Estimates

### Actual Cost Estimates

Records of actual costs incurred form the basis for reimbursement to the utility.

Cost estimate should allow comparison with the actual records of cost accumulation at billing.

The comparison of cost to actual cost is a requirement at billing.

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Cost Estimates

### Lump Sum

Lump sum over \$500,000.00 must be approved by ROW Division.

Lump sum estimates should detail major cost categories.

Actual bids must be secured to support contract work in the estimate.

Reimbursable contract costs are limited to the amount of the low bid.

Copies of bids received should be included in the agreement assembly.

The estimate should be explicit regarding the work to be performed under contract and the work to be accomplished with internal forces.

If the work to be accomplished is performed under a continuing contract, only the current rate schedules included in the continuing contract must be submitted to support the charges in the estimate.

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Cost Estimates

### Cost Estimate Categories

The cost estimate submitted in support of the agreement will set forth the items of work to be performed, as broken down into the following categories:

- Materials and supplies
- Labor
- Overhead
- Transportation and equipment
- Traffic control
- Right of way
- Salvage, Abandoned Facilities, and Removal of Materials
- Credits, Betterments & Highway Contract Costs

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Reimbursable Costs

### Utility Cost Estimates – Ineligible Costs

Common ineligible costs that may not be claimed in the utility's overhead account are:

- advertising and sales promotion;
- interest on borrowed funds (allowance for funds used during construction (AFUDC));
- charges for the utility's own funds;
- resource planning and research programs;
- stock and stockholder's expenses;
- Federal and State income taxes;
- provisions for contingent reserves;
- directors' salaries;
- special management studies;
- bad debts;
- sales and rate studies;
- contributions;
- fines and penalties;
- entertainment;
- lobbying; and
- revenue loss (not to be confused with product loss during construction)

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Cost Estimates

### Cost Estimate Example

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## Utility Considerations

Monitor Progress

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### Monitor Progress



- Know the process, project, scope, timelines, etc.
- Identify key personnel, roles and responsibilities
- Clearly identify goals and objectives
- Hold regular meetings
- Document, document, document
- Keep complete, accurate and up to date records
- Constantly evaluate and make adjustments

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### Causes for a Supplemental Agreement



- Some changes may require execution of Form ROW-U-COA, Standard Utility Agreement – Supplemental Agreement.
- Lump Sum** Changes to scope of work.
- Major Changes** Major changes are those exceeding \$100,000.00 or 25% of the approved agreement, changes in the scope of work, as approved, and any new additions or major deletions to the approved agreement assembly.
- Betterment Percentage Revisions** Adjustments containing betterment credit require revisions when any changes are involved. Any changes in work may require a revision of the betterment percentage established in the approved agreement assembly.

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Put your questions in the Chat  
Or  
Raise your hand



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Break



Use green checkmark when you return



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DAY 2

- Utility Coordination (continued)
- Buy America/Iron & Steel Preference Provisions
- Cost Estimating
- Monitoring Progress
- Recap of Days 1 & 2

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**Recap of Days 1 & 2**

- **TxDOT Project Development Process Overview**
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Buy America/Iron and Steel Preference Provisions
- Cost Estimating
- Monitoring Progress

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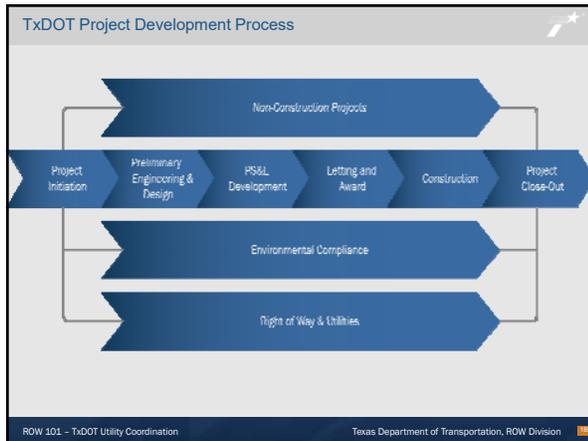
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**Recap of Days 1 & 2**

- TxDOT Project Development Process Overview
- **Applicable Laws and Regulations**
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Buy America/Iron and Steel Preference Provisions
- Cost Estimating
- Monitoring Progress

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**Recap of Days 1 & 2**

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- **Utility Accommodations Process Overview**
- Utility Coordination
- Buy America/Iron and Steel Preference Provisions
- Cost Estimating
- Monitoring Progress

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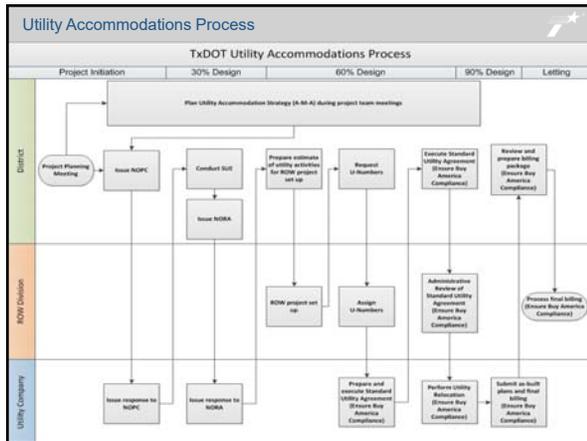
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**Recap of Days 1 & 2**

- TxDOT Project Development Process Overview
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- Utility Accommodations Process Overview
- **Utility Coordination**
- Buy America/Iron and Steel Preference Provisions
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**Avoid, Minimize, Accommodate (AMA)**

- It is important that TxDOT and their Consultants work closely with utility industry partners to determine both the identification and scope of the utility effort within the proposed TxDOT project.
- To this end, ROW Division has implemented the AMA principle.

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**Eligibility**

Eligibility for reimbursement is determined by a number of different factors. One such factor is:

- The type of roadway facility
  - Interstate roadways are 100% eligible.
  - Eligibility on Non-interstate roadways is based on the utility having an existing property interest (easement) in which the existing utility facility is located and is impacted by the proposed highway improvements.
  - Toll roads are 50% eligible, at a minimum. May be more if the utility can establish property interest.

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**Steps in Determining Reimbursement Eligibility**

First Step (Function)	Second Step (Proof of Compensable Interest)	Third Step (Calculate Ratio)	Fourth Step (Other Considerations)
Interstate	Not Applicable	Not Applicable	Function Direct Conflict Betterment
Non-Interstate	Easement Documentation	Eligibility Ratio	
Toll Facility	Easement / Toll Designation Documentation	Eligibility Ratio	

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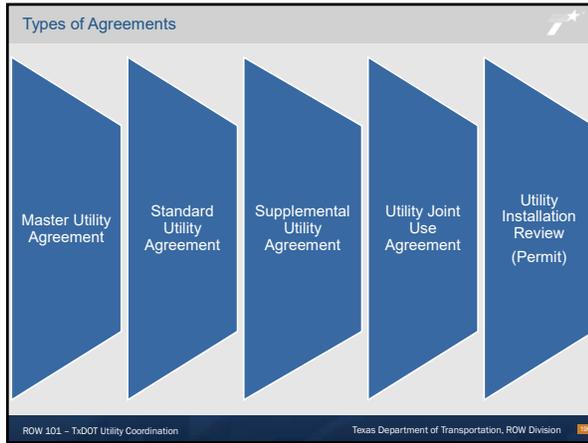
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- Recap of Days 1 & 2
- TxDOT Project Development Process Overview
  - Applicable Laws and Regulations
  - Utilities and Their Rights
  - Utility Accommodations Process Overview
  - Utility Coordination
  - Buy America/Iron and Steel Preference Provisions
  - Cost Estimating
  - Monitoring Progress
- ROW 101 - TxDOT Utility Coordination Texas Department of Transportation, ROW Division

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Buy America/Iron and Steel Preference Provisions

**Guidelines**

On federal-aid projects, utility facility owners will use domestically manufactured products that are composed predominantly of steel and iron to incorporate into the permanent installation of the utility. These products must be in compliance with the Buy America provisions of 23 CFR 635.410, as amended. Examples of such products may include steel, cast iron, and structural support members, towers, poles, and other steel or iron transmission towers and stand-alone structures; steel or iron support cables, high-strength bolts used as anchor bolts and anchor rods; steel or iron suspension, encasement, pipes, spigs, and valves; steel or iron reinforcing provided for all cast-in-place and precast installations, cross-arms, and bracing for hydrants, manhole covers, riser, and drop-rod grates.

Removed percentages

Provide example of materials that may be subject to Buy America Requirements

Language - verify compliance prior to installation

Language - acceptance of written certification - in certain instances

Language - betterments

Prior to the installation of products subject to Buy America compliance, the utility facility owner will submit an executed TxDOT Form 1011 with attached Mill Test Reports, issued and signed by the initial fabricator, supplier of materials, or utility owner. Mill Test Reports should state that the materials were manufactured domestically. In certain instances, the utility facility owner may demonstrate Buy America compliance by providing a written certification signed by the vendor or manufacturer on company letterhead or other acceptable documentation signed by an authorized representative certifying that all supplied materials subject to the Buy America provisions are fully compliant. The written certification will include the specific project information pertaining to the Standard Utility Agreement and state that all products that are composed predominantly of steel and/or iron were manufactured domestically and in compliance with the Buy America provisions of 23 CFR 635.410 as amended.

Certain utility agreements, executed before Dec. 31, 2013, that do not have federal funding for utility materials or installation are not subject to Buy America unless it is otherwise stated in the contract. The date of the original utility agreement will be used as the date to determine Buy America compliance if the agreement is amended after December 31, 2013 unless the amendment includes major changes to the scope of work.

Betterments as part of a reimbursable Utility Agreement must be Buy America compliant.

Buy America does not apply to assembly materials, attached materials, housing encasements, or miscellaneous electronics, as defined below.

Buy America does not apply to any associated materials (including spare materials) required for maintenance.

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Adjourned!

Will start tomorrow at 10:00am!



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Welcome Back



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DAY 3

**TxDOTCONNECT**

- Billing and Invoicing
- Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- Wrap Up

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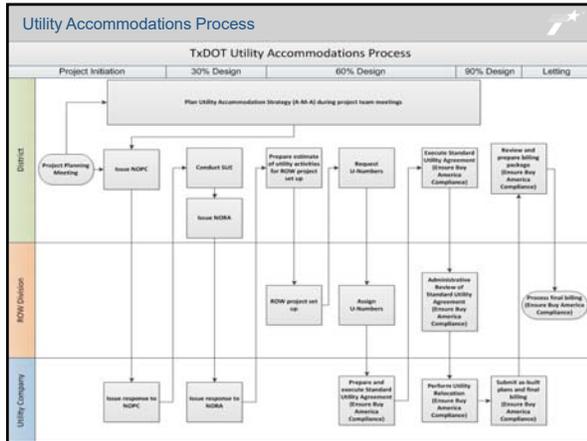
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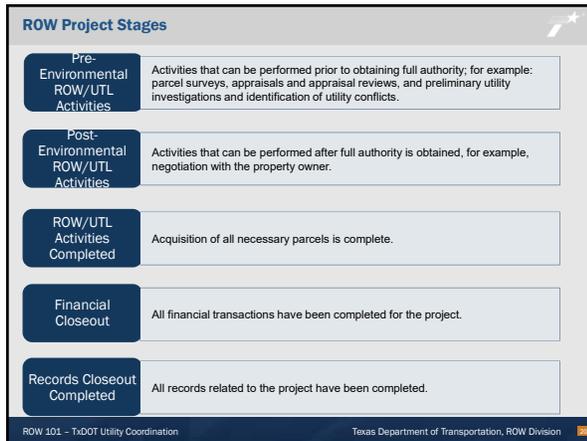
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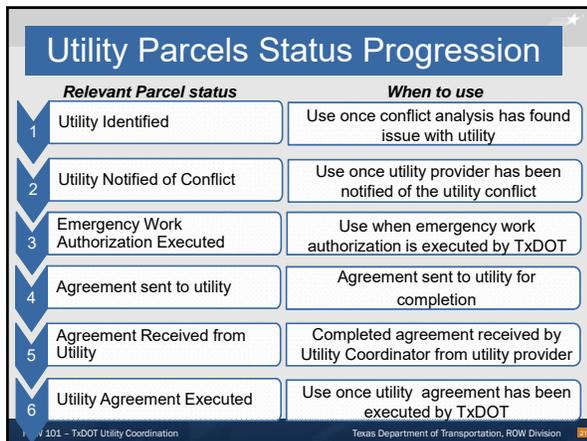
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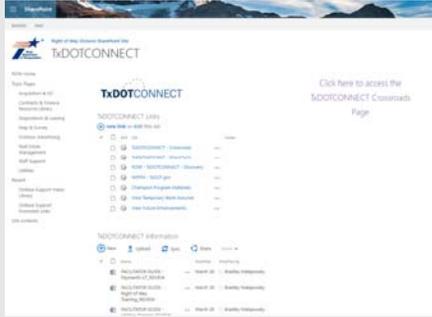
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SharePoint – TxDOTCONNECT Guide



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Put your questions in the Chat  
Or  
Raise your hand



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Break



Use green checkmark when you return 

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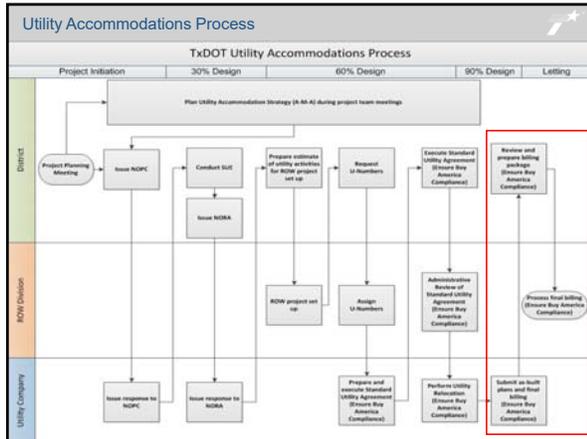
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**DAY 3**

- TxDOTCONNECT
- **Billing and Invoicing**
- Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- Wrap Up

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**Utility Considerations**

Billing/Invoicing

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Billing / Invoicing

### Participant Responsibilities

**Utility** – Provide “as-built” plans if significant differences from approved plans. Submit a single comprehensive invoice upon compilation of all records. Maintain detailed billing records demonstrating compliance with Buy America or State Iron and Steel Preference Provisions; the documentation must be available for review in the event of an audit.

**LPA** – Adhere to TxDOT guidelines, policies, and promptly process reimbursement requests.

**District** – Provide guidance to utility accounting/billing personnel regarding requirements of reimbursement. Assist the utility with forms, track & manage prompt billings, and review & process invoices.

**Division** – Provide guidance, process utility payments, and follow up on all billing / payment concerns.

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Prompt Payment Law



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Prompt Payment Law

### Best Practices

```
graph TD; A[District Review Invoices] --> B[Reject within 21 days of date stamped]; A --> C[Recommend for Approval]; B --> D[Return Invoices to Utility]; C --> E[Create Payment Assembly]; E --> F[Submit to ROW Division in fourteen (14) days (preferred)]; F --> G[ROW Division submits to Finance]; G --> H[ROW Division has sixteen (16) days to receive, review and make corrections]; H --> I[Reject within 21 days of date stamped];
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Partial Billing



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Billing / Invoicing

**Partial Payments**

Partial payments will not be made until all items on the cost estimate related to **Buy America or Steel and Iron Provisions** have been submitted and verified for compliance.

Each item must be listed according to its corresponding item in the estimate.

All Partial Payment Requests must be prepared in a format that corresponds with the Estimate Section of the approved Utility Agreement.

All payment requests must be supported with adequate documentation to support the actual costs.

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Billing / Invoicing

**CERTIFICATE OF PARTIAL PAYMENT FOR UTILITY ESTIMATE**

Partial Payment No. \_\_\_\_\_ U# No. \_\_\_\_\_  
 District \_\_\_\_\_ Certificate Period \_\_\_\_\_  
 ROW CSL# \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_  
 Utility Co. \_\_\_\_\_ Agreement Date \_\_\_\_\_

Application is hereby made for payment of labor and materials furnished to date in accordance with the above-referenced agreement.

Amount of  Original  Revised Estimate

Total Actual Cost Incurred	\$	
Less Refinement Rate Credit (Percentage)	%	\$0.00
Less Salvage Credit	\$	
Difference	\$	\$0.00
Eligibility Ratio		
Eligibility Amount	\$	\$0.00
Less 10% Retained	\$	\$0.00
Difference	\$	\$0.00
Less Previous Payments	\$	
Amount Due This Certificate	\$	\$0.00

Utility Company Representative \_\_\_\_\_ Date \_\_\_\_\_  
 Title \_\_\_\_\_ [Continue/Save](#)

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**Types of Supporting Documentation**

Cost Type	Preferred Documentation	Acceptable Documentation
Utility Labor	Certified Time Sheets	Certified Utility Company's accounting ledger
Utility's Equipment	Certified Time Sheets	Certified Utility Company's accounting ledger
Materials and Supplies	Invoice from Supplier	Inspector's diary of material on hand or installed and the Certified Utility Company's accounting ledger
Consultant Engineering	Invoice from Consultant	Completed Plan Sets and Certified Utility Company's accounting ledger
Contractor Services	Invoice from Contractor	Inspector's diary or approval of work and the Certified Utility Company's accounting ledger

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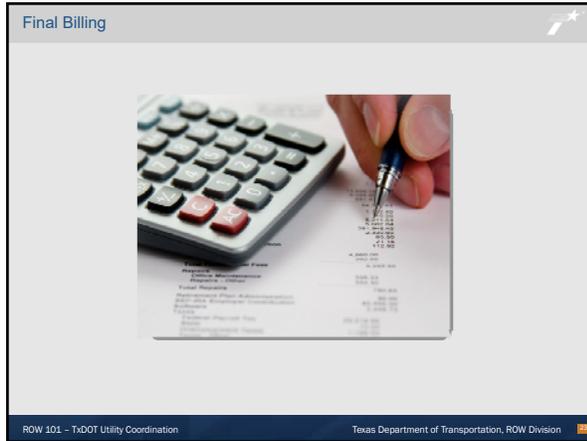
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- Utility Payment Assembly**
- Memo Signed by District Engineer
  - Form ROW-U-BillChkDist (Billing Checklist)
  - Comptroller of Public Accounts (CPA)
  - Invoice from Utility Company
  - Actual/Lump Sum Cost Breakdown
  - Supporting Documentation including Buy America or Steel and Iron Provisions Documentation
- ROW 101 - TxDOT Utility Coordination Texas Department of Transportation, ROW Division

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Reimbursement Supporting Documentation - Ledger

Some companies may supply ledgers for reimbursement. This is acceptable if it has been signed by an authorized representative of the company and printed on a company letterhead.

For review:

Make sure that all the columns add up and clearly indicates the reimbursement amount.

Billing / Invoicing

Final Payments

Final payments will not be made until all items on the cost estimate related to **Buy America or Steel and Iron Provisions** have been submitted and verified for compliance.

Each item must be listed according to its corresponding item in the estimate.

Final Payment Requests must be prepared in a format that corresponds with the cost estimate.

Payment requests must be supported with adequate documentation evidencing reimbursement of actual costs.

Reimbursement Supporting Documentation – Cost Comparison

Estimated Construction Costs				Estimated Construction Costs			
Interstate Highway 405/51 Street Connection				Interstate Highway 405/51 Street Connection			
Units: From \$K (\$100) to \$M (\$1,000,000)				Units: From \$K (\$100) to \$M (\$1,000,000)			
Category	Item	Quantity	Unit Price	Category	Item	Quantity	Unit Price
A. Materials	Buy Item 1 Material Subtotal			B. Storage, Recondition Facilities & Removal of Materials	Material		
	Buy Item 2 Material Subtotal				Material		
	Buy Item 3 Material Subtotal				Material		
	Material Sub-Total				Storage, Recondition Facilities & Removal of Materials Sub-Total		
C. Labor	Buy Item 1 Labor Subtotal			D. Differences	Buy Item 1 Material Subtotal		
	Buy Item 2 Labor Subtotal				Buy Item 2 Material Subtotal		
	Buy Item 3 Labor Subtotal				Buy Item 3 Material Subtotal		
	Labor Sub-Total				Material Sub-Total		
E. Construction	Buy Item 1 Construction Subtotal			F. Overhead & Profit	Buy Item 1 Construction Subtotal		
	Buy Item 2 Construction Subtotal				Buy Item 2 Construction Subtotal		
	Buy Item 3 Construction Subtotal				Buy Item 3 Construction Subtotal		
	Construction Sub-Total				Overhead & Profit Sub-Total		
G. Engineering & Services	Buy Item 1 Engineering & Services Subtotal			H. General Overhead	Buy Item 1 General Overhead Subtotal		
	Buy Item 2 Engineering & Services Subtotal				Buy Item 2 General Overhead Subtotal		
	Buy Item 3 Engineering & Services Subtotal				Buy Item 3 General Overhead Subtotal		
	Engineering & Services Sub-Total				General Overhead Sub-Total		
I. Transportation & Equipment	Buy Item 1 Transportation & Equipment Subtotal			Original Estimated Amount	Original Estimated Amount		
	Buy Item 2 Transportation & Equipment Subtotal				Equipment Fee		
	Buy Item 3 Transportation & Equipment Subtotal				Amount of Final Invoice		
	Transportation & Equipment Sub-Total						
J. Right of Way	Buy Item 1 Right of Way Subtotal						
	Buy Item 2 Right of Way Subtotal						
	Buy Item 3 Right of Way Subtotal						
	Right of Way Sub-Total						

Billing / Invoicing

Miscellaneous Claims

If a utility does not submit an invoice within 24 months after the end of the fiscal year in which the date the performance of the service under the contract is completed, (i.e., by August 31, 2015 for the fiscal year ending August 31, 2013), the reimbursement must go through the Miscellaneous Claims Process, which may require the **reauthorization of funds by the State Legislature**. Therefore, TxDOT encourages utilities to submit their billings within this time frame.

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Put your questions in the Chat  
Or  
Raise your hand



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Lunch Break!

Please return by 1:30pm



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DAY 3

- TxDOTCONNECT
- Billing and Invoicing
- Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- Wrap Up

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### Utility Considerations

Utility Accommodation Coordination and Verification (UACV) Services

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### Utility Accommodation Coordination and Verification (UACV) Services

- ROW Division, Utility Portfolio Section (UPS), has procured purchase orders through the Purchasing Division to assist the districts with project delivery.
  - Purpose: Provide utility coordination services (Non-Professional Services)
  - Vendors: 12 Vendors
  - Each Vendor Awarded: \$2,000,000.00
  - Duration: 24 month period

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Utility Accommodation Coordination and Verification (UACV) Services

- Some of the services provided are:
  - Internal and external communication
    - Work plans
    - Orientation
    - Initial meetings
    - Progress Meetings
  - Progress reporting
  - Utility Agreement Assembly and review
  - AFA Review (Where applicable)
  - Invoicing and Payment review
  - On-site Verification of Adjustment or Relocation (Inspection)
  - TxDOTCONNECT Data Entry

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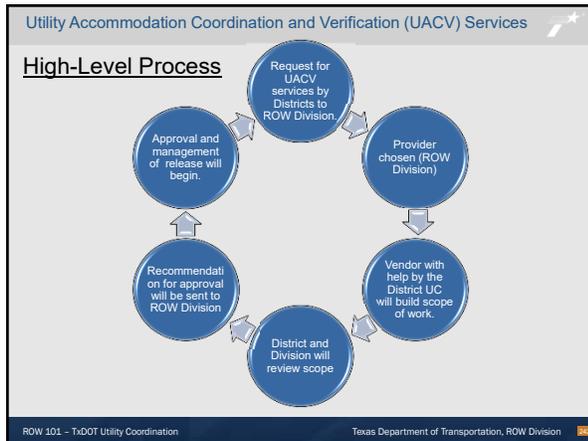
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Utility Accommodation Coordination and Verification (UACV) Services

- UACV Forms to be familiar with:
  - UACV Request Form** - (To be filled out by Districts and submitted to ROW Division)
  - Release Template** - (To be filled out by Vendor)
  - Responsibilities of the State (Exhibit A)** - (To be filled out by ROW Division and/or District)
  - Special Provisions (Exhibit B)** - (To be filled out by ROW Division and/or District)
  - Schedule (Exhibit C)** - (To be filled out by Vendor)
  - Fee Schedule (Exhibit D)** - (To be filled out by Vendor)

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**UACV Purchase Order - Scope**

- District Utility Staff will need to provide the Vendor with the following information:
  - Ready to Let Date
  - TxDOTCONNECT Status
  - Environmental Clearance Status
  - PS&E – milestones and deliverables
    - In-house or Consultant?
  - Contact list of Utilities within project limits (if available)
  - Utility Conflict Matrix (most current)
  - SUE Data (if applicable)
  - Frequency of update meetings
- NOTE: Vendor is viewed as an extension of TxDOT's Districts Utility Staff, any pertinent information needs to be shared during the scoping meeting.

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**UACV - Scoping Meeting Minutes**

**Attendees:** Name of people in attendance at the meeting

**Purpose:** The meeting was set up by the \_\_\_\_\_ District to scope the \_\_\_\_\_ project with Name of Vendor for a UACV/contract. Purchase Order (PO) will include coordination and inspection/verification.

**Estimated Milestone Dates/General Notes**

- Let Date:
  - Enviro Clearance Date:
  - ROW Cleared Date:
- PS&E:
  - a. In-house design or Consultant?
  - b. Milestones and Deliverables of PS&E (dates)

**Vendor Action Items**

- Name of Vendor will handle all utilities on this project – coordination, reimbursement agreements/packages, billings and inspections.
- Name of Vendor will provide estimates for Exhibits C and D for TxDOT review.

**District Action Items**

- Utility conflict list will be sent to Vendor.
- KMZ file of the project
- Review and comment on provided Exhibits C and D for TxDOT review with Division.
- Set up kick-off with in-house design PM or PS&E Consultant

**ROW Division Action Items**

- Provide minutes to the scoping meeting.
- Assist with review and comment on provided Exhibits C and D for TxDOT review with District.

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**UACV - Deliverables**

- Deliverables shall consist of but not limited to the following:
  - Status reports (Frequency agreed upon by Vendor and District)
  - Daily diary entries
  - Meeting Minutes
  - Schedules of work to be accomplished
  - All documents pertaining to phone calls and phone conferences with utility companies
  - Review all activities performed to ensure compliance documents

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UACV – Invoice Review

- Invoicing as per invoicing instructions (Ref. Paras. 11.3.6.2 and 26.1.)
- District utility coordinator will be required to review invoices for accuracy and give concurrence of charges and recommend or reject payment

**ORIGINAL INVOICE:** A comprehensive and detailed invoice with reference to the line item on the Schedule 1 - Pricing for each item charged. The original invoice shall be e-mailed to the e-mail address indicated on the purchase order to ensure timely payment and shall include the following:

- 26.1.1. Complete purchase order number.
- 26.1.2. Vendor Federal Employer Identification Number (EIN).
- 26.1.3. Date and time of service.
- 26.1.4. Location of service.
- 26.1.5. Vendor's employees' names and titles with hours totaled.
- 26.1.6. Labor hours and rates detailed on each vendor invoice.

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Put your questions in the Chat  
Or  
Raise your hand



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Break



Use green checkmark when you return 

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DAY 3

- TxDOTCONNECT
- Billing and Invoicing
- Utility Accommodation Coordination and Verification (UACV) Services
- **Summary and Review**
- Wrap Up

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Summary

The goal of this session was to equip participants with the basic knowledge and understanding of the TxDOT Utility Accommodations process

Participants should now be able to:

- Reference applicable rules, regulations, policies, and procedures
- Identify and coordinate utility conflicts
- Understand the different types of agreements
- Develop agreement and billing packages
- Monitor the utility project progress
- Update the appropriate data systems with utility information



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DAY 3

- TxDOTCONNECT
- Billing and Invoicing
- Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- **Wrap Up**

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Put your questions in the Chat  
Or  
Raise your hand



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Open Discussion



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Course Evaluation



Please click the link in the Chat to complete the Course Evaluation.

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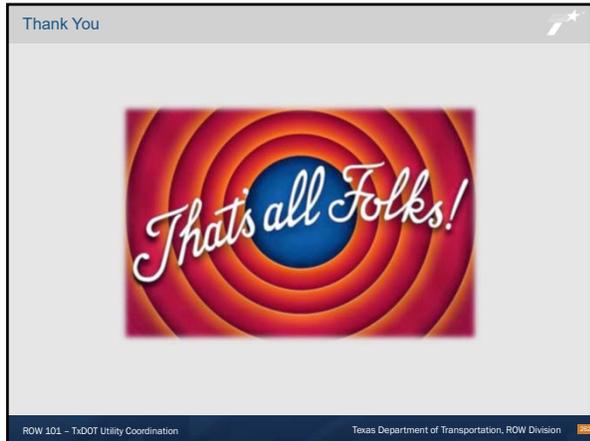
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