TxDOT Utility Coordination
Welcome

- TxDOT Utility Coordination
- Instructor Introductions

Safety minute
- Know where your exits are
- Avoid tripping hazards (cords, etc.)
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
  - You are muted – instructor must un-mute you

Welcome

- Ground Rules
  - Participate and be prepared to be called on by name
  - Be patient waiting for a response to your chat messages
  - Raise your hand (using the hand icon) if you have an immediate question or comment

Raise Hand, Yes/No, Reactions
Welcome

- Participant Guide
  - Link in email
- Materials: ROW101 Participant Guide
Additional Resources

- Texas Transportation Code, Title 6, Subtitle A, Chapter 203
  - Subchapter E – Relocation of Utility Facilities

- Texas Administrative Code, Title 43, Part 1, Chapter 21
  - Subchapter B – Utility Adjustment, Relocation, or Removal
  - Subchapter C – Utility Accommodation (UAR)

- R/W Utility Manual (09/18 Update)

- Utilities Forms and Publications
  - Buy America Guidelines

- Utility Accommodations Toolkit
Additional Resources

- Utility Accommodations Toolkit
DAY 1
- Introductions
- Goals
- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination

DAY 2
- Utility Coordination (continued)
- Cost Estimating
- Monitoring Progress
- Recap of Days 1 & 2

DAY 3
- TxDOTCONNECT
- Billing and Invoicing
- Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- Wrap Up
DAY 1

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

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

DAY 1

Introductions
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- Utility Coordination
ROW 101 – TxDOT Utility Coordination Texas Department of Transportation, ROW Division

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

DAY 1

- Introductions
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TxDOT Project Development Process

- Project Initiation
- Right-of-Way & Utilities
- Environmental Compliance
- Design
- Construction
- Project Close-Out
- Non-Construction Projects
DAY 1

- Introductions
- Goals
- TxDOT Project Development Process Overview

**Applicable Laws and Regulations**

- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination

Applicable Laws/Regulations

- **U.S. Code, Title 23 – Highways**
  - 23 USC 313 – Buy America

- **U.S. Code, Title 49 – Transportation**
  - 49 USC – Subtitle VIII – Pipelines

**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&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=ce6d8dea25fa7228c170625f88164960&mc=true&node=se23.1.635_1410&rgn=div8)
  - Part 645 – Utilities
    - [https://www.ecfr.gov/cgi-bin/text-idx?SID=ce6d8dea25fa7228c170625f88164960&mc=true&node=pt23.1.645&rgn=div5](https://www.ecfr.gov/cgi-bin/text-idx?SID=ce6d8dea25fa7228c170625f88164960&mc=true&node=pt23.1.645&rgn=div5)

**Code of Federal Regulations, Title 49 – Transportation**

- Subchapter D – Pipeline Safety
  - [https://www.ecfr.gov/cgi-bin/text-idx?SID=e009d51c825339c0865d6c4781b0f1aa&mc=true&node=leef&path=9subchapD](https://www.ecfr.gov/cgi-bin/text-idx?SID=e009d51c825339c0865d6c4781b0f1aa&mc=true&node=leef&path=9subchapD)
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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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**Definition of Utility**

**What is a Utility?**
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.

Definition of Utility

Texas Administrative Code

(3) Utility—Any entity owning a utility facility.

(4) Utility apparatus—Any attachments or integral parts of a utility facility, including the conduits, valves, communication controller boxes and pedestals, electrical boxes, and gas regulators.

(5) Utility facilities—All utility lines, pipelines, substation pipelines, conduits, cables, and their appurtenances within the highway right of way: combustible for highways or central points, including underground, water, or overhead facilities, other publicly or as a combination, which can be transmitted, distributed, stored, or gathered here.

(6) Utility product—The product, such as water, subwater, steam, distillation, gas, oil, or crude resources or communications, value returns, or waste disposal services, caused by the utility facility.

(7) Utility right—The area of land established within a central of access highways, located longitudinally within the area between the outer boundary and the right of way line, for the accommodation, occupancy, and access to one or more modified utilities.

(8) Utility structure—A pole, bridge, tower, or other aboveground structure on which a conduit, line, pipeline, or other water facility is strung.

DAY 1

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Utility Coordination

DAY 1

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Use green checkmark when you return
Objectives in Utility Coordination

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

Coordination Opportunities

- Early identification of utilities
- Early and continuous communication with TxDOT project teams and utility companies
- A-M-A Process
- Cost estimating
- Agreements with partners
- Timely resolution of conflicts
- Timely reimbursement for eligible costs
Identifying Utilities

Subsurface Utility Engineering

SUE (Subsurface Utility Engineering)

A branch of engineering practice that involves managing certain risks associated with:
- utility mapping at appropriate quality levels
- utility coordination
- utility relocation design and coordination
- utility condition assessment
- communication of utility data to concerned parties
- utility relocation cost estimates
- implementation of utility accommodation policies and utility design

https://www3.apwa.net/content/library/colorcc.pdf
Subsurface Utility Engineering

Utility Types:
- Electric
- Gas / Oil / Steam
- Communications
- Water / Sewer Line

Investigation Methods:
- Ground Penetrating Radar (GPR)
- Excavating by Vacuum
- Excavating Soil with Caution
- Hand Digging w/Surveying

Identifying Utilities - Subsurface Utility Engineering

Quality Level A
Precise horizontal and vertical location of utilities obtained by the actual exposure and subsequent measurement of subsurface utilities, usually at a specific point.

Quality Level B
Information obtained through the application of appropriate surface geophysical methods to determine the existence and approximate horizontal position of subsurface utilities.

Quality Level C
Information obtained by surveying and plotting visible above-ground utility features and by using professional judgment in correlating this information to Quality Level D.

Quality Level D
Information derived from existing records or oral recollections.

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.
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.
WHOOPS!

Without SUE, THIS COULD BE YOU!!

Utility Identification Exercise

Utility Accommodations Process
Utility Considerations

Communicate Early and Often

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

Utility Considerations

Avoid, Minimize, Accommodate (AMA)
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.

Avoid, Minimize, Accommodate (AMA)

Avoid Example

Minimize Example
### Calculating Estimates

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<th>Utility Name</th>
<th>Estimate of Adj. by EXIST</th>
<th>Estimate of Adj. by Utility</th>
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<td>Total</td>
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### TxDOTCONNECT – Utility ID

- [Utility ID Request](#)

### Utility ID Request
Utility Considerations

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.
Reimbursement Eligibility

Function

Other Important Considerations

Direct Conflict

Betterment

Steps in Determining Reimbursement Eligibility

First Step (Function)
- Interstate
- Non-Interstate
- Toll Facility

Second Step (Proof of Compensable Interest)
- Not Applicable
- Easement Documentation
- Easement / Toll Designation Documentation

Third Step (Calculate Ratio)
- Not Applicable
- Eligibility Ratio

Fourth Step (Other Considerations)
- Function
- Direct Conflict
- Betterment

Eligibility

ROW Utility Manual – Chapter 8, Section 2
Utility Considerations

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
Betterment

Types of Betterment

- Elective (Choice)
- Forced (Required)

Steps in Determining Betterment

1. First Step: Existing Facility (Type, Size, Length and Capacity)
2. Second Step: Proposed Facility (Type, Size, Length and Capacity)
3. Third Step: Identify Upgrades or improvements
4. Fourth Step: Betterment Ratio

Betterment Ratio = \( \frac{\text{Elected Betterment Cost} - \text{Replacement 'in - kind' Cost}}{\text{Elected Betterment Cost}} \)

Put your questions in the Chat or Raise your hand
Utility Considerations

Utilities in the Highway Contract

Combined Transportation Utility Construction (CTUC)

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.

The utility adjustment / relocation work would then be constructed by the TxDOT contractor.
**Advanced Funding Agreements (AFA)**

**When is an AFA needed?**
Anytime that ineligible utility work is included in the highway contract.

**What is an Advanced 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.

**CTUC – 100% Eligible**

**Utility Adjustment in the Highway Contract: 100% Eligible**

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CTUC – Partial Eligible

Utility Adjustment in the Highway Contract: Partial Eligible

Contractor

TxDOT

Utility

Advanced Funding Agreement and Standard Agreement in a Complex Lateral Utility Adjustment, the TxDOT is responsible for the engineering and design.

A Utility may be responsible for the adjustment of the engineering and design.

Advanced Funding Agreements (AFA) – Attachment B

Total Estimated Costs

Total Cost = Construction Labor + Materials

Lump Sum Retention Amount Due to Utility

Amount of Current Utility Relocation Costs

$122,435.68

Estimated Current Eligible for Relocation

Estimated Eligibility Ratio

$122,435.68 x 1.175 = $141,599.20

TxDOT Responsible for

Amount to be Reimbursed to Utility before eligibility ratio

Utility Responsible for

Estimated amount to be included in Construction Agreement

B Utility Adjustment

$141,599.20

Total Cost

$122,435.68

Standard Utility Agreement – Attachment "A", Cost Estimate

TxDOT Contractor

$212,435.68

Amount to be Reimbursed to Utility before eligibility ratio

$141,599.20
Utility Considerations

Exceptions to Policy

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

(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

(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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Exception Example

Longitudinal Water Facility

\[ E \]

Roadway

20"

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Put your questions in the Chat
Or Raise your hand
Will start tomorrow at 10:00am!

Welcome Back!

DAY 2

- Utility Coordination (continued)
  - Cost Estimating
  - Monitoring Progress
  - Recap of Days 1 & 2
Utility Considerations

Utility Agreement Development

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.

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.
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.

Types of Agreements

**Master Utility Agreement**
- Standard Utility Agreement
- Supplemental Utility Agreement
- Utility Joint Use Agreement
- Utility Installation Request (Permit)
Types of Agreements

- Master Utility Agreement
- Standard Utility Agreement
- Supplemental Utility Agreement
- Utility Joint Use Agreement
- Utility Installation Request (Permit)
Types of Agreements

- Utility Joint Use Acknowledgement

Master Utility Agreement
- Standard Utility Agreement
- Supplemental Utility Agreement
- Utility Joint Use Agreement
- Utility Installation Request (Permit)

Utility Installation Request (Permit)
Various Elements of an Agreement Package

Submittal Memo To Division

Utility Agreement Checklist

Form - ROW-U-35

Put your questions in the Chat
Or
Raise your hand

Break

Use green checkmark when you return
DAY 2

- Utility Coordination (continued)
  - Cost Estimating
  - Monitoring Progress
  - Recap of Days 1 & 2


MADE IN U.S.A.

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."
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.”

2019 Buy America Guidelines

• Removed 90% and 100% iron and steel composition requirements – replaced with predominately
• Language addressing the need to verify compliance prior to installation of materials
• Language addressing the acceptance of written certifications when Mill Test Reports are not available
• Language addressing betterment utility facilities must comply with Buy America Requirements

2019 Buy America Guidelines

Guidelines
- Provide examples of where the law may be subject to Buy America Requirements
- Language – verify compliance prior to installation
- Language – acceptance of written certification – in certain instances
- Language – betterments
2019 Buy America Guidelines

Buy America 2019 Updates

- Added the definitions from the 2017 guidelines
- Miscellaneous items do NOT have to be Buy America compliant
- Included option for utility owner to sign Form 1818
- Added language on what to include on written certification letter

2019 Buy America Guidelines

Certificate of Compliance Letter - Sample

- Product description name from approved estimate, invoice and Form 1818
- Official Company Letterhead
- Buy America does not apply to Miscellaneous items
Utility Agreement Revisions

Added language – specifically referring to Buy America and Steel and Iron Preference Provisions.

Utility Agreement Revisions

Added language – consequences of non-compliance.

Utility Agreement Revisions

Revised language – reimbursement requests to be submitted within one year of work being completed.

Utility Agreement Revisions

Added language – consequences of non-compliance.


Standard Utility Agreement

The Utility shall comply with the Buy America provisions of 23 U.S.C. § 402, 23 CFR 635.110, as amended, and the Steel and Iron Preference provisions of Texas Transportation Code § 225.156 and, when products that are purchased are supplied by the Utility's own facility, the products shall be manufactured or fabricated in the United States. Certification of the use of domestically manufactured products, TxDOT Item 1519 (Material Statement), along with all required attachments, must be submitted to the Director of the Division of the adjustment, removal, and relocation of the facility, as evidence of compliance with the aforementioned provisions. Failure to submit the required documentation or to comply with the Buy America, and Steel and Iron Preference requirements that result in (1) the Utility becoming ineligible to receive any contract or subcontracts made with funds authorized under the Interstate Surface Transportation Efficiencies Act of 1991, (2) the State withholding reimbursement for the costs incurred by the Utility in the adjustment, removal, and relocation of the Utility's facilities, and (3) removal and replacement of the non-compliant products.
Utility work that qualifies for reimbursement, based on compensable property interest, cannot be excluded from Buy America compliance requirements.

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.
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


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

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

- Product identified needs to match documentation submitted

  Standard Utility Agreement
  - Cost Estimate
  - Plan

  Form 1818
  - MTR's or Certification

  Invoice
  - Actual Cost
  - Quantity


- Buy America/Iron and Steel Provisions Documentation
  - UC verifies materials prior to installation
    - Supplier of materials must furnish for verification of compliance
      - Form 1818 Material Statement
      - Mill Test Report (MTR) or Written Certification by the vendor on company letterhead stating that materials were “melted and manufactured in the United States” (23 USC 313)(23 CFR 645.410)(TTC 223.045)
    - UC will verify Buy America/Iron and Steel Provisions Material in the field
      - Example: Matching stencil on material to Form 1818
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.

- **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.


**Process & Procedure Considerations**

- Design phase engineering & consideration for compliance concerns.
- Early identification of materials subject to Buy America and other compliance considerations.
- Communication extending the compliance requirements to third-party engineering firms.
- Verification of documentation and materials prior to installation.
- Review and revision of documentation standards for internal Buy America requirements.
- Communication standards for internal Buy America requirements on the cost estimate and through reimbursement procedures detailed in the ROW Utility Manual, with consideration for lump sum.
- Review and revision of documentation to meet Buy America requirements.
- Verification of documentation and materials prior to installation.
- Reimbursement procedures detailed in the ROW Utility Manual, with consideration for lump sum.

Put your questions in the Chat
Or
Raise your hand
DAY 2

- Utility Coordination (continued)
- **Cost Estimating**
- Monitoring Progress
- Recap of Days 1 & 2

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Cost Estimating
Reimbursable Costs

Overview
Adjustment costs eligible for reimbursement are those that are:
Performed in conformity with an approved utility agreement between
TexDOT 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.

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

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.
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.

Reimbursable Costs

Utility Design Considerations – Reimbursable Costs

- Design phase engineering & consideration for compliance concerns
- Additional Thickness of Pipe
- Joint Occupancy of Poles
- Coating & wrapping of Utility Lines
- Spare Conduits or Ducts
- Utility Facilities in Highway Structures
- Cathodic Protection of Utility Lines
- Taller Poles
- Existing Facilities Remaining in Place

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.
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

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.

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.
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.
Removable 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.

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

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
- revenue 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
- revenue loss (not to be confused with product loss during construction)
### Cost Estimate Example

#### Material Cost Estimate

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Est. Qty.</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Extended Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3&quot; SDR 21 PVC Water Line</td>
<td>960</td>
<td>LF</td>
<td>$15.00</td>
<td>$14,400.00</td>
</tr>
<tr>
<td>2</td>
<td>3&quot; DR 17 Yellowstone Certa-Lok PVC WL</td>
<td>320</td>
<td>LF</td>
<td>$17.00</td>
<td>$5,440.00</td>
</tr>
<tr>
<td>3</td>
<td>Gate Valve and Box</td>
<td>2</td>
<td>EA</td>
<td>$1,000.00</td>
<td>$2,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Flush Valve including G.V. &amp; Box</td>
<td>2</td>
<td>EA</td>
<td>$1,300.00</td>
<td>$2,600.00</td>
</tr>
<tr>
<td>5</td>
<td>Mainline Connection</td>
<td>2</td>
<td>EA</td>
<td>$1,800.00</td>
<td>$3,600.00</td>
</tr>
<tr>
<td>6</td>
<td>Bore and 6&quot; HDPE Casing</td>
<td>280</td>
<td>LF</td>
<td>$45.00</td>
<td>$12,600.00</td>
</tr>
<tr>
<td>7</td>
<td>New 3/4&quot; Service Meter, Connection, etc.</td>
<td>1</td>
<td>EA</td>
<td>$750.00</td>
<td>$750.00</td>
</tr>
<tr>
<td>8</td>
<td>Markers</td>
<td>8</td>
<td>EA</td>
<td>$60.00</td>
<td>$480.00</td>
</tr>
<tr>
<td>9</td>
<td>Metal Detectable Tape</td>
<td>1,000</td>
<td>LF</td>
<td>$0.20</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

**ESTIMATE TOTAL (Items 1-9):** $42,070.00

---

### Actual Cost Estimate – Example 2

<table>
<thead>
<tr>
<th>Line Item</th>
<th>Description</th>
<th>Est. Qty.</th>
<th>Unit</th>
<th>Unit Price</th>
<th>Extended Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>3&quot; SDR 21 PVC Water Line</td>
<td>960</td>
<td>LF</td>
<td>$15.00</td>
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</tr>
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<td>$0.20</td>
<td>$200.00</td>
</tr>
</tbody>
</table>

**ESTIMATE TOTAL (Items 1-9):** $42,070.00
Actual Cost – Line Item Breakout

<table>
<thead>
<tr>
<th>Estimating Surveying</th>
<th>Rate</th>
<th>Hours</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>PM</td>
<td>$75.00</td>
<td>13.75</td>
<td>$1,437.75</td>
</tr>
<tr>
<td>Sr Surveying Tech</td>
<td>$95.00</td>
<td>10.23</td>
<td>$993.75</td>
</tr>
<tr>
<td>Surveying Tech</td>
<td>$80.50</td>
<td>16.21</td>
<td>$1,300.00</td>
</tr>
<tr>
<td>Acreage</td>
<td>$65.55</td>
<td>0.49</td>
<td>$32.50</td>
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<tr>
<td>GPS 3 Personnel Crew</td>
<td>$75.00</td>
<td>22</td>
<td>$1,650.00</td>
</tr>
</tbody>
</table>

Lump Sum Cost Estimate – Example

<table>
<thead>
<tr>
<th>Description</th>
<th>Rate</th>
<th>Hours</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Example 1</td>
<td>Rate</td>
<td>Hours</td>
<td>Cost</td>
</tr>
<tr>
<td>Example 2</td>
<td>Rate</td>
<td>Hours</td>
<td>Cost</td>
</tr>
<tr>
<td>Example 3</td>
<td>Rate</td>
<td>Hours</td>
<td>Cost</td>
</tr>
<tr>
<td>Example 4</td>
<td>Rate</td>
<td>Hours</td>
<td>Cost</td>
</tr>
<tr>
<td>Example 5</td>
<td>Rate</td>
<td>Hours</td>
<td>Cost</td>
</tr>
</tbody>
</table>

Put your questions in the Chat Or Raise your hand

Questions
DAY 2

- Utility Coordination (continued)
- Cost Estimating
- Monitoring Progress
- Recap of Days 1 & 2

Utility Considerations

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
Some changes may require execution of Form ROW-U-COA, Standard Utility Agreement – Supplemental Agreement.

**Lump Sums**

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 credits 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.

---

**Put your questions in the Chat**

**Or**

**Raise your hand**

---

**Break**

Use green checkmark when you return
DAY 2

- Utility Coordination (continued)
- Cost Estimating
- Monitoring Progress

Recap of Days 1 & 2

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Cost Estimating
- Monitoring Progress

TxDOT Project Development Process
Recap of Days 1 & 2

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Cost Estimating
- Monitoring Progress

Applicable Laws and Regulations: Additional Resources

- Texas Transportation Code, Title 6, Subtitle A, Chapter 203
  - Subchapter E – Relocation of Utility Facilities
- Texas Administrative Code, Title 43, Part 1, Chapter 21
  - Subchapter B – Utility Adjustment, Relocation, or Removal
    - Subchapter C – Utility Accommodation (UAR)
- R/W Utility Manual (09/18 Update)
- Utilities Forms and Publications
- Buy America Guidelines
- Utility Accommodations Toolkit
Definition of Utility

Public Utility - A person, firm, corporation, river authority, municipality, or other political subdivision that is engaged in the business of transporting or distributing a utility product that directly or indirectly serves the public and that is authorized by state law to operate, construct, and maintain its facilities over, under, across, on, or along highways. The term includes a common carrier and a gas corporation.

Private Utility - A person, firm, corporation, or other entity engaged in a utility business other than a public utility or saltwater pipeline operator. The term includes an individual who owns a service line.

Recap of Days 1 & 2

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Cost Estimating
- Monitoring Progress
Recap of Days 1 & 2

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Cost Estimating
- Monitoring Progress

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.

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.
Steps in Determining Reimbursement Eligibility

First Step (Function)
- Interstate
- Non-Interstate
- Toll Facility

Second Step (Proof of Compensable Interest)
- Not Applicable
- Easement Documentation
- Easement / Toll Designation Documentation

Third Step (Calculate Ratio)
- Not Applicable
- Eligibility Ratio

Fourth Step (Other Considerations)
- Function
- Direct Conflict
- Betterment

Types of Agreements

- Master Utility Agreement
- Standard Utility Agreement
- Supplemental Utility Agreement
- Utility Joint Use Agreement
- Utility Installation Review (Permit)

Recap of Days 1 & 2

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
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- Utility Coordination
- Cost Estimating
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Language – verify compliance prior to installation

Language – acceptance of written certification in certain instances

Language – betterments

Utility Agreement Revisions

Added language – specifically referring to Buy America and Steel and Iron Preference Provisions

Revised language – consequence of untimely submission

Revised language – reimbursement requests to be submitted within one year of work being completed

Added language – consequences of non-compliance
Recap of Days 1 & 2

- TxDOT Project Development Process Overview
- Applicable Laws and Regulations
- Utilities and Their Rights
- Utility Accommodations Process Overview
- Utility Coordination
- Cost Estimating
- Monitoring Progress

### Actual Cost Estimate – Example

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<td>$ 200.00</td>
</tr>
<tr>
<td><strong>ESTIMATE TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$42,070.00</strong></td>
</tr>
</tbody>
</table>
### Causes for a Supplemental Agreement

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lump Sums</td>
<td>Changes to scope of work.</td>
</tr>
<tr>
<td>Major Changes</td>
<td>Changes in the approved agreement, changes in the scope of work, as approved, and any new additions or major deletions to the approved agreement assembly.</td>
</tr>
<tr>
<td>Betterment Percentage Adjustments</td>
<td>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.</td>
</tr>
</tbody>
</table>

### Adjourned!

Will start tomorrow at 10:00am!

### Welcome Back

WELCOME BACK!
DAY 3

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

**Utility Accommodations Process**

**ROW Project Stages**

- **Pre-Environmental ROW/UTL Activities**
  - Activities that can be performed prior to obtaining full authority; for example: parcel surveys, appraisals and appraisal reviews, and preliminary utility investigations and identification of utility conflicts.

- **Post-Environmental ROW/UTL Activities**
  - Activities that can be performed after full authority is obtained, for example, negotiation with the property owner.

- **ROW/UTL Activities Completed**
  - Acquisition of all necessary parcels is complete.

- **Financial Closeout**
  - All financial transactions have been completed for the project.

- **Records Closeout Completed**
  - All records related to the project have been completed.
### Utility Parcels Status Progression

<table>
<thead>
<tr>
<th>Relevant Parcel status</th>
<th>When to use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Identified</td>
<td>Use once conflict analysis has found issue with utility</td>
</tr>
<tr>
<td>Utility Notified of Conflict</td>
<td>Use once utility provider has been notified of the utility conflict</td>
</tr>
<tr>
<td>Emergency Work Authorization Executed</td>
<td>Use when emergency work authorization is executed by TxDOT</td>
</tr>
<tr>
<td>Agreement sent to utility</td>
<td>Agreement sent to utility for completion</td>
</tr>
<tr>
<td>Agreement Received from Utility</td>
<td>Completed agreement received by Utility Coordinator from utility provider</td>
</tr>
<tr>
<td>Utility Agreement Executed</td>
<td>Use once utility agreement has been executed by TxDOT</td>
</tr>
<tr>
<td>Adjustment in Progress</td>
<td>Use once utility provider has begun work to move conflicting utility</td>
</tr>
<tr>
<td>Adjustment Completed</td>
<td>Utility adjustment has been completed in field</td>
</tr>
<tr>
<td>Adjustment Completed - 90% paid</td>
<td>Utility adjustment has been completed in field, 90% payment made</td>
</tr>
<tr>
<td>Adjustment Completed – Final Payment Made</td>
<td>Final payment made, no further cost related to adjustment</td>
</tr>
<tr>
<td>Utility No Longer in Conflict</td>
<td>Use this once all the utility work is completed or no further adjustment is required</td>
</tr>
</tbody>
</table>
Accessing SharePoint for TxDOTCONNECT help

SharePoint – TxDOTCONNECT Guide

Put your questions in the Chat
Or
Raise your hand
Break

Use green checkmark when you return

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Utility Accommodations Process

---

DAY 3

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

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.

Prompt Payment Law
Prompt Payment Law

Best Practices

- District Review Invoices
- Reject within 21 days of date stamped
- Recommend for Approval
- Create Payment Assembly
- Submit to ROW Division in fourteen (14) days (preferred)
- ROW Division has sixteen (16) days to receive, review and make corrections

Partial Billing

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.
Lunch Break!

Please return by 1:30pm

Billing / Invoicing

Certificate of Fa...
Utility Payment Review – Utility Payment Checklist - District

Prior to the start of review,
- Fill out the top portion of the Billing Checklist (ROW-U-BillChkDist).
- Pull the agreement associated with the payment request.

Invoice from Utility on Company’s Letterhead

A. Every payment request from an utility must have a memo with the company’s letterhead.
B. Project Information
C. Begin and End Date of Installation.
D. Indicator of Final or Partial Billing
E. Billing Date
F. Invoice number (if available)
G. Reimbursement Breakdown
H. Location/instruction of where to send the payment.
I. Date Stamp from District

Types of Supporting Documentation

<table>
<thead>
<tr>
<th>Cost Type</th>
<th>Preferred Documentation</th>
<th>Acceptable Documentation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Labor</td>
<td>Certified Time Sheets</td>
<td>Certified Utility Company’s accounting ledger</td>
</tr>
<tr>
<td>Utility’s Equipment</td>
<td>Certified Time Sheets</td>
<td>Certified Utility Company’s accounting ledger</td>
</tr>
<tr>
<td>Materials and Supplies</td>
<td>Invoice from Supplier</td>
<td>Inspector’s diary of material on hand or installed and the Certified Utility Company’s accounting ledger</td>
</tr>
<tr>
<td>Consultant Engineering</td>
<td>Invoice from Consultant</td>
<td>Completed Plan Sets and Certified Utility Company’s accounting ledger</td>
</tr>
<tr>
<td>Contractor Services</td>
<td>Invoice from Contractor</td>
<td>Inspector’s diary or approval of work and the Certified Utility Company’s accounting ledger</td>
</tr>
</tbody>
</table>
Final Billing

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

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.
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

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.
Put your questions in the Chat
Or
Raise your hand

Break

Use green checkmark when you return

DAY 3

- TxDOTCONNECT
- Billing and invoicing
  - Utility Accommodation Coordination and Verification (UACV) Services
- Summary and Review
- Wrap up
Utility Considerations
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

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
Utility Accommodation Coordination and Verification (UACV) Services

High-Level Process

1. Request for UACV services by Districts to ROW Division.
2. Approval and management of release will begin.
3. Recommendation for approval will be sent to ROW Division.
4. District and Division will review scope.
5. Provider Division (ROW Division) will build scope of work.
6. Vendor will work with the District UC to complete the services.
7. Approval and management of release will begin.

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)
Utility Accommodation Coordination and Verification (UACV) Services

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 shared during the scoping meeting.
UACV - Scoping Meeting Minutes

- Minutes: Name of person to whom the meeting minutes shall be sent.
- Purpose: The meeting shall be called by the_______ to discuss the ________ of the Utility Coordination.

- Delivery of Meetings:
  - 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

UACV - Invoice Review

- 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
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
DAY 3

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

Wrap Up

Put your questions in the Chat
Or Raise your hand

Open Discussion
Please click the link in the chat to complete the Course Evaluation.

Thank You