

Best Practices for Utility Agreements

Tuesday, May 24th, 9:30 AM





TxDOT / UESI Information Exchange Session Agenda



Topic	Who
Ground Rules	Anna Pulido, PE – Utility Portfolio Section Director, TxDOT
Safety Message	
DE&I Moment	TxDOT, ROW Utility Specialist
Introductions	Trisha Frederick, PE, MBA – Costello, Inc. Utility Engineering Division Manager, Partner
Presentation: Common Deficiencies in Utility Agreements	Wayne Robinson – TxDOT, ROW Utility Specialist
Panel Discussion – Best Practices for Utility Agreements	Trisha Frederick, PE, MBA - Moderator
Open Discussion and Q&A	Anna Pulido, PE and Trisha Frederick, PE, MBA
UESI Announcements	Sandee Khoury, P.E.
Adjourn	Anna Pulido, PE

Moderator:



Trisha Frederick, PE, MBA

*Utility Engineering Division Manager,
Partner – Costello, Inc.*

Trisha Frederick, P.E. has 18 years of experience in the design and construction of utility and transportation projects for both the public and private sectors. Her engineering experience covers the investigation of existing utilities, to facilitating utility adjustments to accommodate the physical construction of transportation improvement projects.

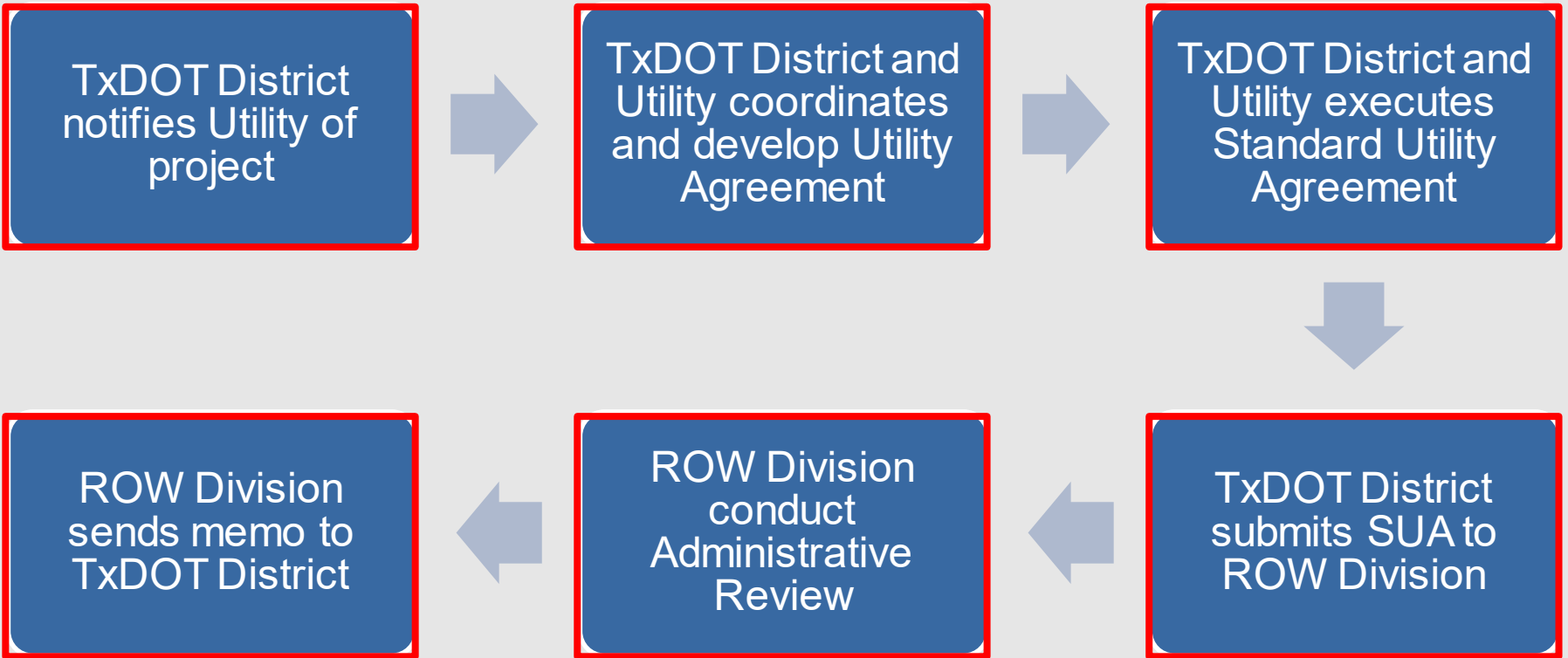


TxDOT/UESI Information Exchange Session

Common Deficiencies in Utility Agreements



May 25, 2022





- Why does ROW Division review the Standard Utility Agreement?
 - ROW Division role is to ensure that the agreement meet State and Federal Compliance and oversight of the Utility Accommodation Program.





1. Lump Sum items in the cost estimates.
2. Not capturing all costs of relocation.
3. Insufficient information on plans.
4. No plans attached to UJUA.
5. Not addressing utility's property interest in the right of ways.
6. Not giving reasons for supplemental agreement.
7. Incorrect betterment ratio calculation. Incorrect composite eligibility ratio.





- Lump Sum items in the cost estimates.

EXTERNAL ENGINEERING - Cost documented with INVOICES and / or CHECKS					
Outside ENGINEERING A	EA	1	\$22,601.55	\$	22,601.55
UPS & Associates (Easements)	EA	1	\$25,860.00	\$	25,860.00
UPS & Associates (Utility Agreements)	EA	1	\$20,750.00	\$	20,750.00
SUBTOTAL				\$	69,211.55
EXTERNAL SURVEY / LANDMAN					
UPS & Associates (Survey)	EA	1	\$42,450.00	\$	42,450.00
				\$	-



- The cost estimate items must be sufficiently detailed to provide TxDOT with a reasonable basis for analysis.
 - Examples of Cost Estimate Items
 - Internal and External Labor
 - Materials
 - Internal and External Engineering
 - Replacement Easement
 - Others
- Items should include appropriate units and unit price for each (See Utility Manual, Chapter 6 Section 2).



- Not capturing all costs of relocation.

- All costs associated with the utility relocation must be captured in the utility agreement.

- Temporary Bypass
- Easement Costs
- Stopples
- ROW Agent or Attorney Fees
- Construction Easements
- Environmental Evaluation



[Company Name] General Ledger						
Address: 123 Street Avenue, Cityville, State, 12333						
Report Date:						
1 Jan, 2019		-		31 Dec, 2019		
General Ledger Report						
Date	Account Type	GL Account Name	GL Account #	Vendor/Client	Debit	Credit
(Recording Owner Investment)						
1-Feb-19	Asset	Petty Cash	1000-1	-	\$5,000.00	
1-Feb-19	Equity	Owner's Equity	3000-1	-		\$5,000.00
					\$5,000.00	\$5,000.00
(Sales made to Client A)						
1-Apr-19	Asset	Accounts Receivable	1200-1	Sunny Auto Services	\$3,000.00	
1-Apr-19	Revenue	Sales	4000-1	Sunny Auto Services		\$3,000.00
					\$3,000.00	\$3,000.00
(Payment Received from Client A)						
1-May-19	Asset	Petty Cash	1000-1	Sunny Auto Services	\$3,000.00	
1-May-19	Asset	Accounts Receivable	1200-1	Sunny Auto Services		\$3,000.00
					\$3,000.00	\$3,000.00
(Transaction)						
					\$0.00	\$0.00
(Transaction)						
					\$0.00	\$0.00



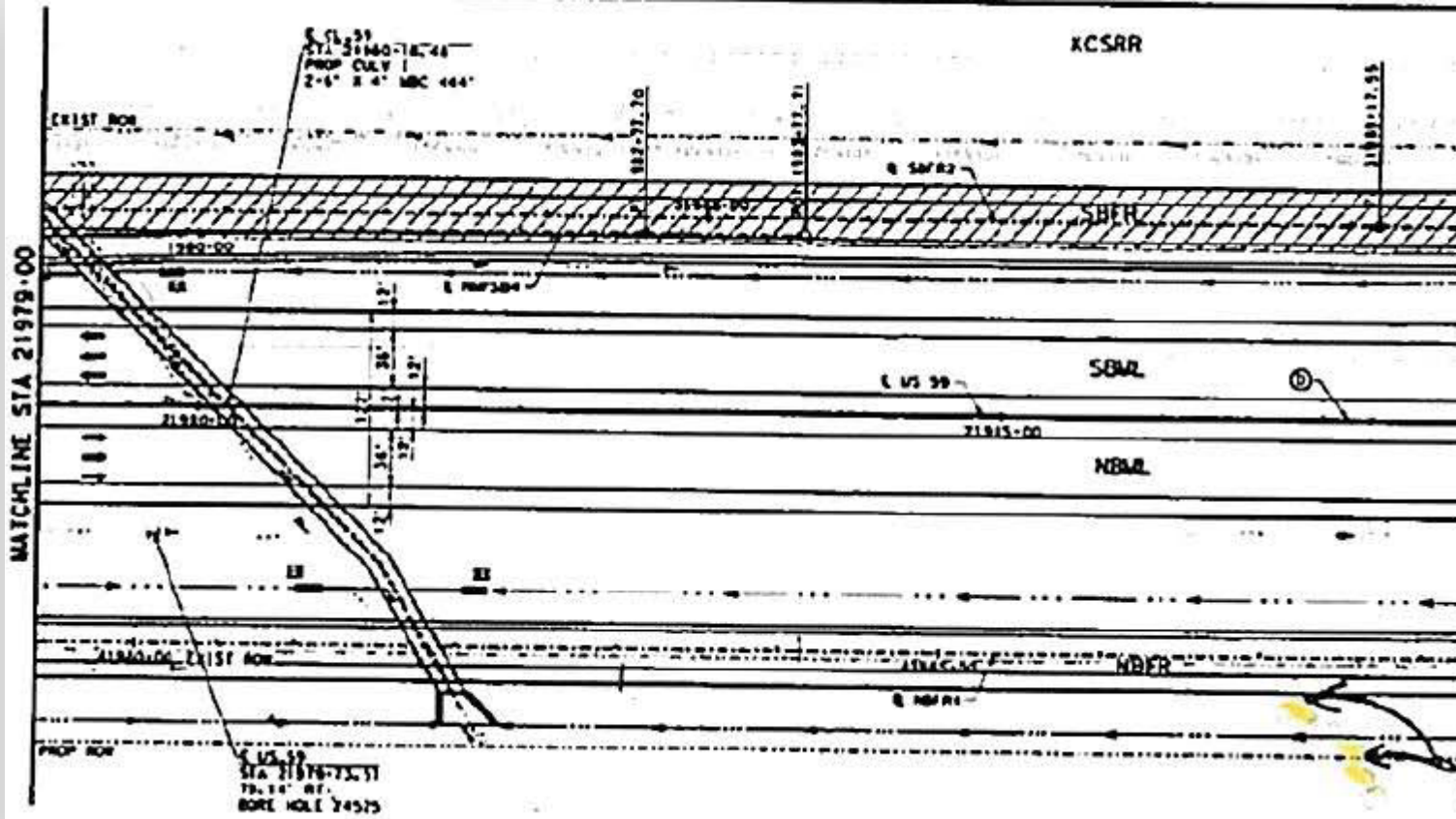
Missing Engineering Costs

Contractors Expense	337,898.45	
Materials	259,316.32	
Vouchers	2,254,391.53	
subtotal 1 :		2,851,606.30
Indirect Overhead:		855,481.89
Expenses not charged directly to project: Design, Project Management, Buildings, etc.		
Charged to Project		3,707,088.19
Less Elective Betterment		0.00
Salvage Material		(5,397.30)
Total Estimated Cost		3,701,690.89
Eligibility Ratio	100.00%	3,701,690.89

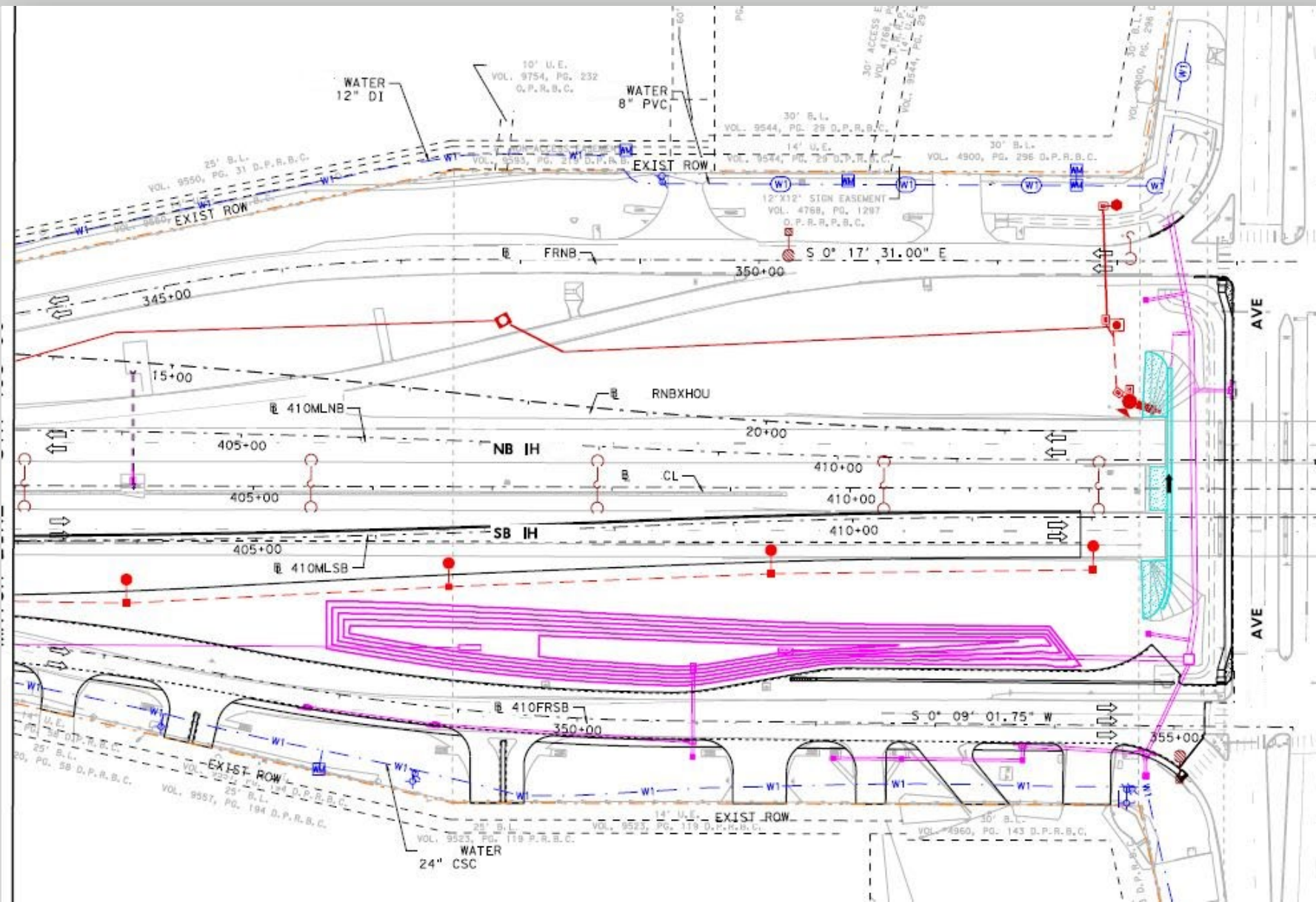


- Insufficient information on plans.

Hard to read

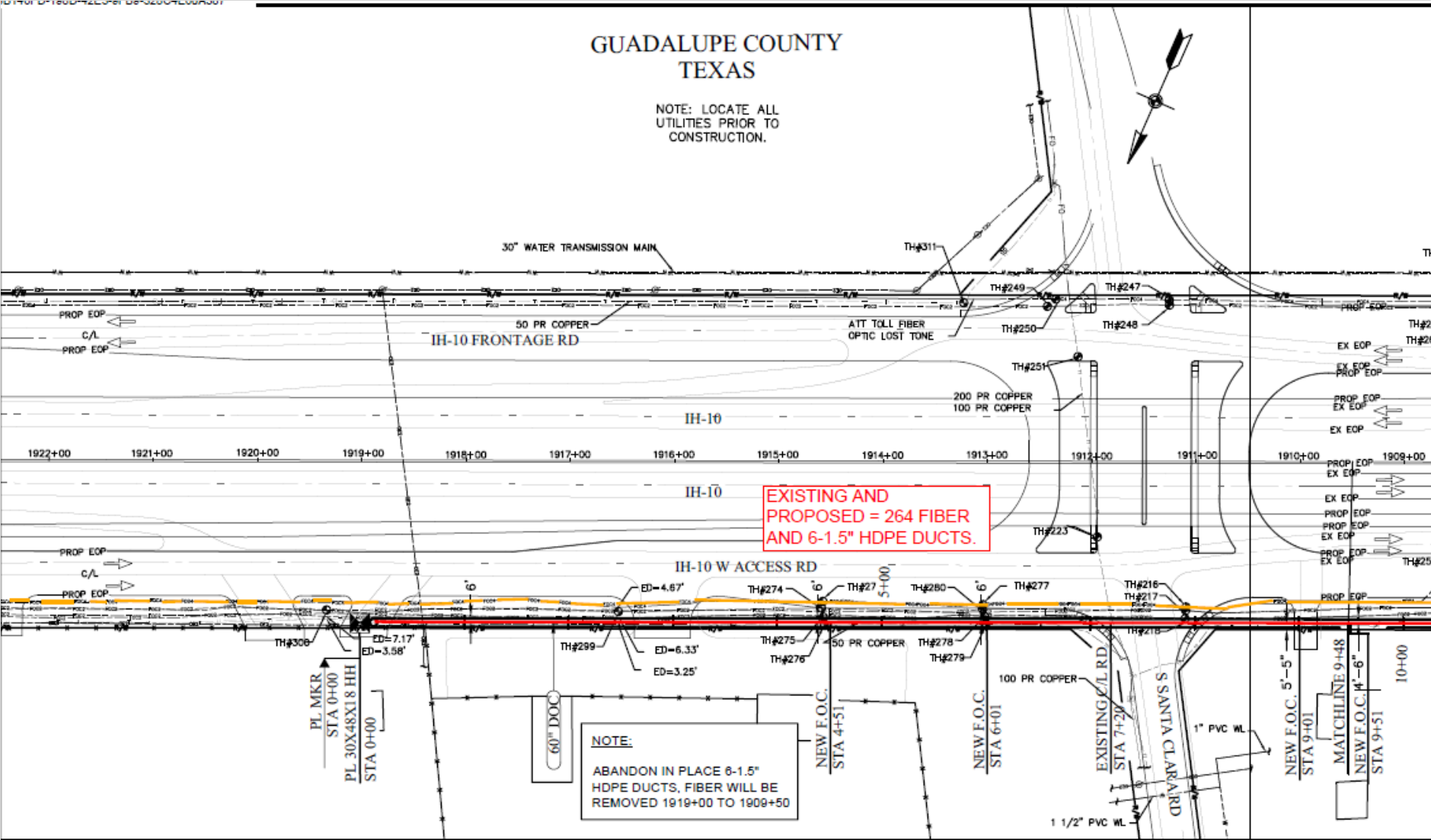


Congested Plans – Missing Existing & Proposed Facility





Where is the existing facility, proposed facility and conflict?





- The plans and profiles developed for an adjustment should clearly address existing/proposed utility's facility and existing/proposed ROW so that justification of the work.
- To assure utility policy compliance, for each Property Line, station number and offset should be shown on the plans (See Utility Manual, Chapter 6 Section 2).
- Appropriate plans will allow the reader to establish eligibility ratio.





General Requirements Include:

- Must Depict the Conflict
- Legend (of symbols, line styles)
- Preferred – Color Coded
- Existing and Proposed Right of Way Lines
- Existing and Proposed Utility Easements
- Existing and Proposed Utility Facilities
- Proposed Joint Use Areas
- TxDOT Highway Stations
- Utility Facility Offset from Right of Way Line
- Profile Views
- Betterments
- Eligibility Calculations by page (Facility Measurements to determine Eligibility and Verify Cost Estimate)

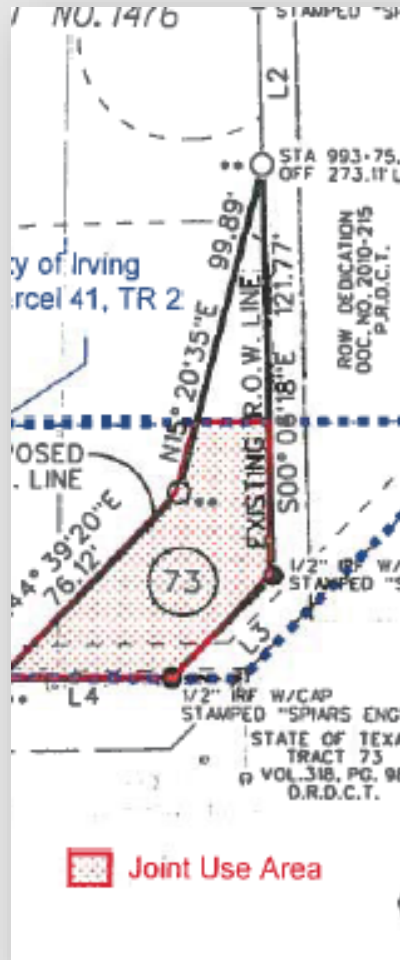


- No plans attached to UJUA.



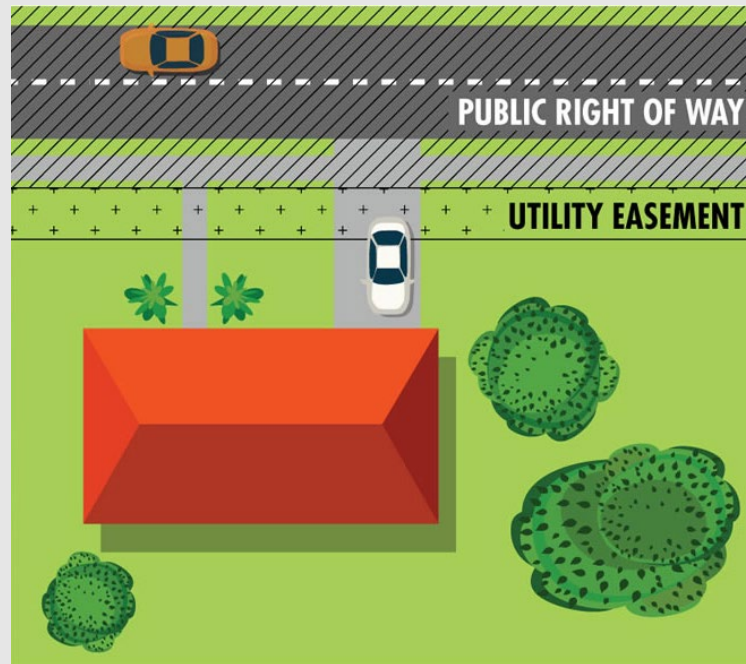


- The approved UJUA should include a plan with highlighted area of joint use.





- **Not addressing utility's property interest in the right of ways.**
- If the Utility own a property interest, after the project; what happens to the property interest?
 - Utility's property interest inside of the state right of way should be addressed either by UJUA or quitclaim.





- Not giving reasons for supplemental agreement.





- Reason to supplement the original agreement clearly should be stated and described in the supplemental agreement.
 - Why did the cost increase/decrease?
 - Is there a side-by-side cost comparison?
 - Why did the eligibility/betterment ratio change?
 - Is the calculation correct?
 - What Attachment is being corrected?



- Incorrect betterment ratio calculation. Incorrect eligibility ratio.
- Formulas
 - Betterment Ratio

Betterment Ratio

$$= \frac{\text{Betterment Est.Total (B)} - \text{IN - KIND Betterment Est.Total (A)}}{\text{Betterment Estimate Total (B)}}$$

OR

$$\text{Betterment Ratio} = (B-A)/B = X/B$$



- **Formulas**
 - **Eligibility Ratio**

A = Total number of eligible facilities within the project

B = Total number of facilities in conflict within the project

C = Eligibility Ratio, calculate to the nearest hundredth

$$A/B = C$$



ROW 100 – Identifying and Managing Utility

ROW 101

Conf

7/12/

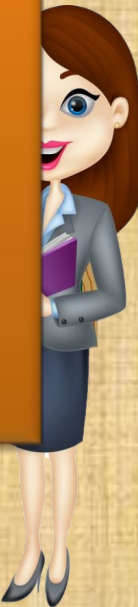
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2022 Utility Week

October 31, 2022, to November 3, 2022



• Training Opportunities





Visit the
TxDOT Utility Accommodations
Toolkit on TNtoday

<https://tntoday.dot.state.tx.us/row/Pages/utl.aspx>

Panelist:



Matt Reinhard

*Transmission Line Engineer – Oncor
Electric Delivery*

Matt Reinhard is a graduate of the University of North Texas in Denton, Texas. He has been working at Oncor since 2018 as part of the Transmission Line Engineering group. In 2020 Matt became a part of the Oncor Utility Relocations team and worked as the Oncor Resource Engineer for a number of Transmission Line relocation projects for TxDOT and other customers. Currently, Matt is now working as part of Oncor's Regulatory group supporting the Relocations team.

Panelist:



Antony Cognasi, PE

Design Services – Oncor Electric Delivery

Antony Cognasi is a graduate of Texas Tech University from Lubbock, Texas and a registered Professional Engineer in the State of Texas. He has been working at Oncor Distribution since 2014 in Oncor's Utility Relocations group and worked on a number of TxDOT relocation projects. Currently, he is a Supervisor in the Relocations group that works with reimbursable projects for all entities. He enjoys spending time with family and playing a round of golf with friends.

Panelist:



Sandee Khouri, PE

*Senior Vice President, Utility Solutions
Discipline Lead – Cobb Fendley*

Sandee Khoury has 24 years of experience in utility coordination, engineering, and design. She is a Utility Accommodation Rules (UAR), right-of-way policies and procedures, utility conflict analysis and corridor planning expert. Ms. Khoury has served various clients, including utility owners, municipalities, transit authorities and TxDOT, primarily in the Central Texas Region.

Panelist:



Stefan Srnensky

*Project Delivery Utility Specialist –
TxDOT*

Stefan Srnensky is a utility team lead at the TxDOT Austin District responsible for processing standard utility agreements and the corresponding reimbursement payments. He has worked for the Austin District going on 5 years. Prior to TxDOT he worked for Texas Parks & Wildlife as a water and wastewater treatment operator. He worked in multiple state parks replacing outdated infrastructure and improving treatment processes. Stefan enjoys cooking, wood crafts, golf, and fishing.

Panelist:



Corinna Clark

Utility Specialist – TxDOT

Corinna Clark is a Utility Specialist for the Texas Department of Transportation, in the ROW Division. For the first 28 years, she has worked in the Paris District in Design, Construction, Maintenance, Administration, and specializing in Utilities for 15 of those years. As a Division Utility Specialist, these past 2 years, her goals are to provide quality guidance and help develop a successful and effective utility relocation program within the State of Texas.

At what point should we discuss compensability with the Utility Owner?

What are best practices to execute agreements in a timely manner?

What is your process to obtain final approval and an executed agreement?



TOP 4 REASONS TO ATTEND CECON:

- Build relationships with Texas civil engineers & suppliers
- Explore legislative & industry panels
- Discover the latest in innovation and technology and their impact to the utility engineering and surveying field
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