



U.S. Department
of Transportation
Federal Highway
Administration

Memorandum

WESTERN FEDERAL LANDS HIGHWAY DIVISION
610 EAST FIFTH STREET
VANCOUVER, WA 98661-3801

Subject: Identification of Roadway Footprint
for initiation of Right-of-Way Activities

Date: August 3, 2009

From: Cheryl Clark, P.E., Technical Services Engineer *CC*
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In Reply Refer To: HFL-17
#28117M_CC

To: Project Management Branch
Project Development Branch
Technical Services

As a means of promoting more effective communication among project delivery units, the Branch Chiefs in the Office of Project Delivery are monitoring process work flow for areas where there appear to be recurring problems. When there is evidence of a recurring issue, it is our intention to determine the cause, and, if appropriate seek solutions to streamline the workflow and prevent unnecessary rework.

This memo addresses one recurring issue: Changing the Right-of-Way (R/W) acquisition footprint once the R/W acquisition process has begun.

R/W acquisition for Federal Lands Highway projects must strictly adhere to federal regulations. The governing regulations specify time allowances and legal requirements that must be followed without exception. To be successful in acquiring R/W within the scheduled timeframe, a footprint of the roadway must be established, and adhered to, so the "take" of a property owner's land can be calculated, described, property titles searched, and legal exhibits prepared. Projects with condemnation are burdened with additional requirements.

On some projects, the R/W acquisition process becomes the critical path near the end of the project schedule. A change in the R/W acquisition footprint after the acquisition process has begun often requires the R/W specialist to begin the process anew for any affected parcels. This has the potential to impact the overall delivery schedule of the project. It is important for the Cross Functional Teams (CFT) to make a timely decision of when the project's R/W acquisition footprint is established so the R/W acquisition process can commence. Once the R/W acquisition process has begun the CFT must evaluate the impact to the schedule of any footprint changes against the benefit of those changes.



The CFT can collectively manage R/W acquisition with clear communication, decision-making, and documentation of the decision. When rights-of-way are to be acquired:

- *The Project Manager (PM) will lead the CFT to establish and ensure the footprint of the roadway is ready for R/W acquisition purposes;*
- *The PM will document the established footprint decision to the CFT through written correspondence; and*
- *The designer will provide the limits of construction information to R/W & Utilities so R/W plans may be developed.*

This does not preclude changes that are deemed necessary; however it requires a heightened awareness of the impacts of refining a design later in the schedule. If a change that affects the footprint is desired after R/W activities have begun:

- *The CFT member requesting a change in the footprint will submit a proposal to the Project Manager;*
- *The PM, collectively through the CFT, will analyze the request and make a decision on the best course of action for the project as a whole;*
- *The Branch Chiefs will need to support the decision if it crosses over the significant project change threshold; and*
- *The PM will document the changed footprint decision to the CFT through written correspondence.*

The R/W process is very prescriptive with legal constraints, and is therefore, not very flexible. Our understanding and compliance with these legal requirements will only help us to develop a realistic project schedule and to efficiently deliver our projects in a timely manner. The CFT as a whole is responsible for ensuring that all project delivery units will successfully comply with their project requirements and meet their project deliverables in a timely manner.

This process will be added to the Project Development and Design Manual through the revision of Western Federal Lands Highway Division Supplement 9.6.3- 1 *PS&E Development at Various Stages of Design*, (October 11, 2007).

It is our intention, by formally locking down the roadway footprint necessary to initiate R/W activities that PMs and CFTs become collectively aware of impacts to project schedule & resources, and subsequently reduce the amount of rework associated with R/W acquisition. Thank you in advance for helping make this happen.

cc: Bob Lale, Director of Project Delivery
Brent Coe, Construction Engineer
Phyllis Chun, Program and Planning Manager