

# GDOT STATE UTILITIES OFFICE

## Utility Owners' Pre-Construction & Construction Responsibilities



# Introduction

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Senior Utility Coordinator  
AMEC E & I



# Vision & Philosophies

**2001 Vision – Office of Utilities**

**Philosophies – “Cradle to Grave”**

*[Concept thru Final Acceptance]*

**& – “The 4 C’s”** *[Communication,  
Cooperation, Coordination  
& **Commitment**]*

# Challenges

**2002 – GHCA Concerns & Commissioner**

**2005 – GDOT Board**

*presentations*

*creation of task force*

# Utilities on the ROW

## WHY?

- 23 CFR Part 645, Subpart B

“...it is in the public interest for utility facilities to be accommodated on the right-of-way of a Federal-aid or direct Federal highway project when such use and occupancy ... do not adversely affect highway or traffic safety...”

## DRIVING FORCES....

- Commissioner & Highway Contractors  
“Move Utilities Faster”
- FHWA “Avoid Unnecessary Utility Relocations” or FHWA may not pay
- Don't fix on construction what is possible to fix in **preconstruction**

# Analysis & Strategies

- **3<sup>rd</sup> Parties – OCGA Review:**

*[Amend Legislation]*

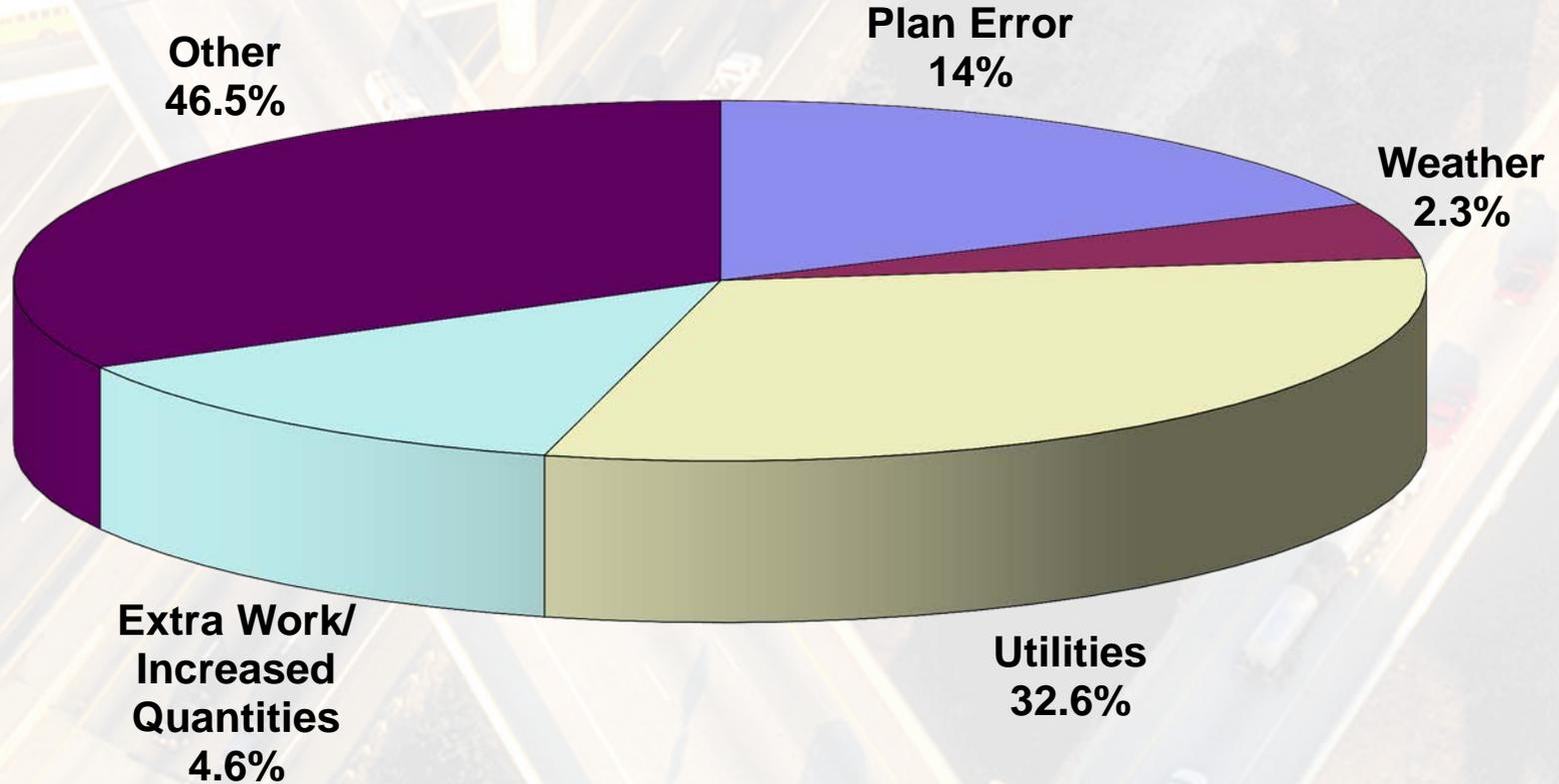
- **Utility Accommodation Policy Manual:**

*[Reasonable Rules and Regulations (P&P)]*

- **Department Policies & Procedures**

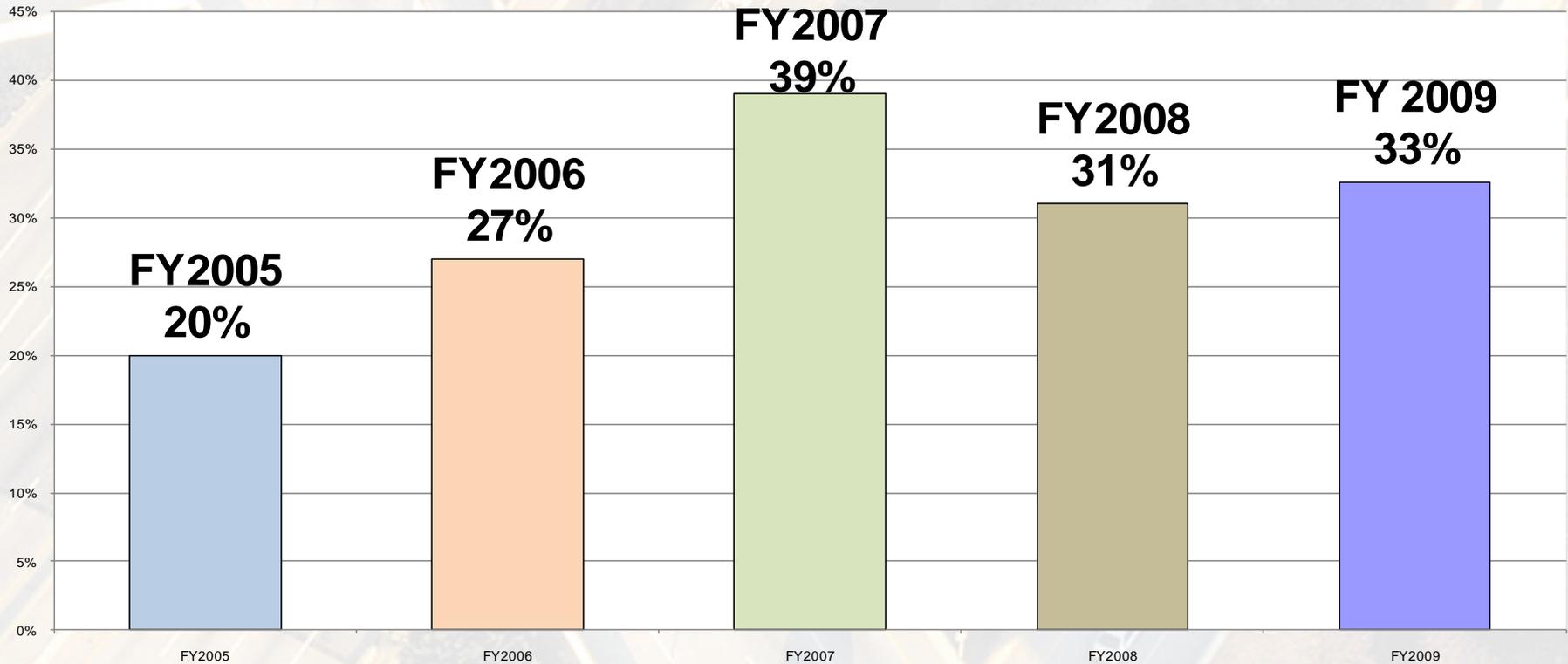
*[PFA to PDP to Construction Specs]*

# FY 2009 TIME EXTENSIONS

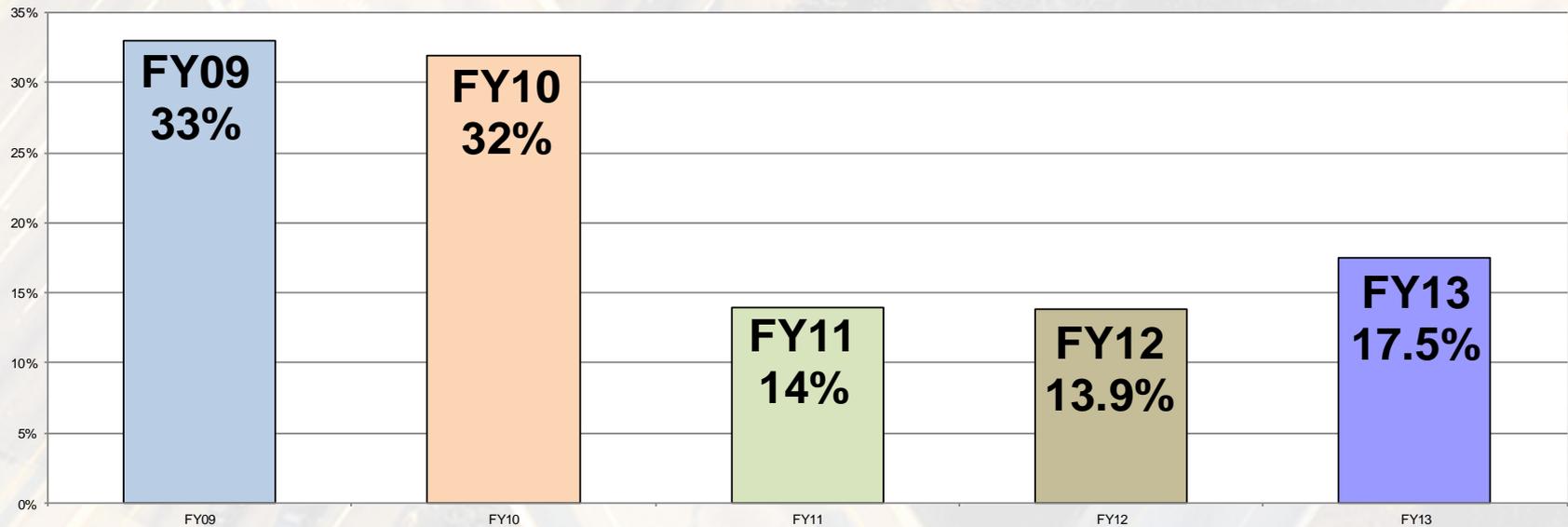


Time Extensions were processed on 8.4% of all let projects.

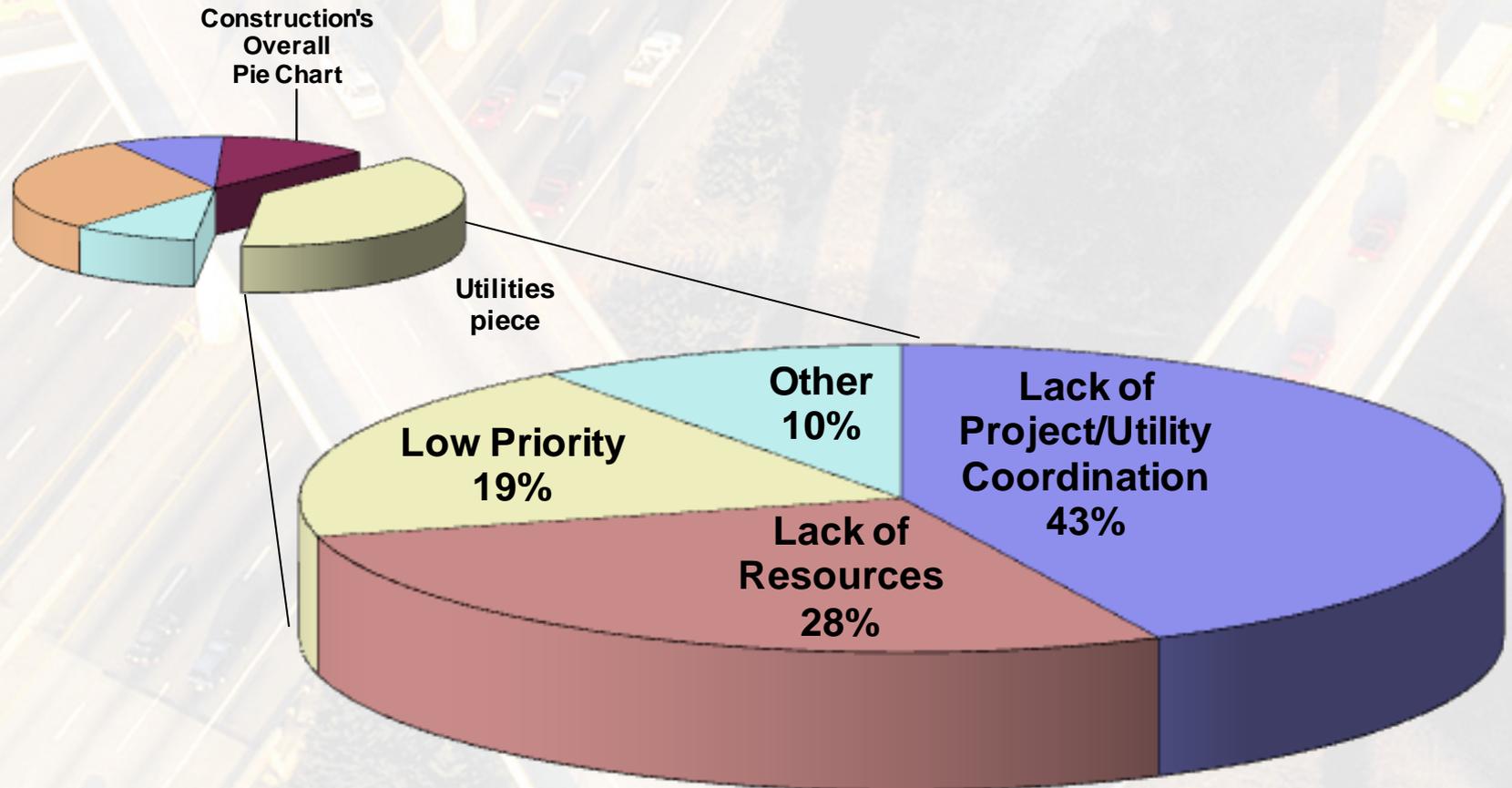
# % Time Extensions Related to Utility Delays



# % Time Extensions Related to Utility Delays

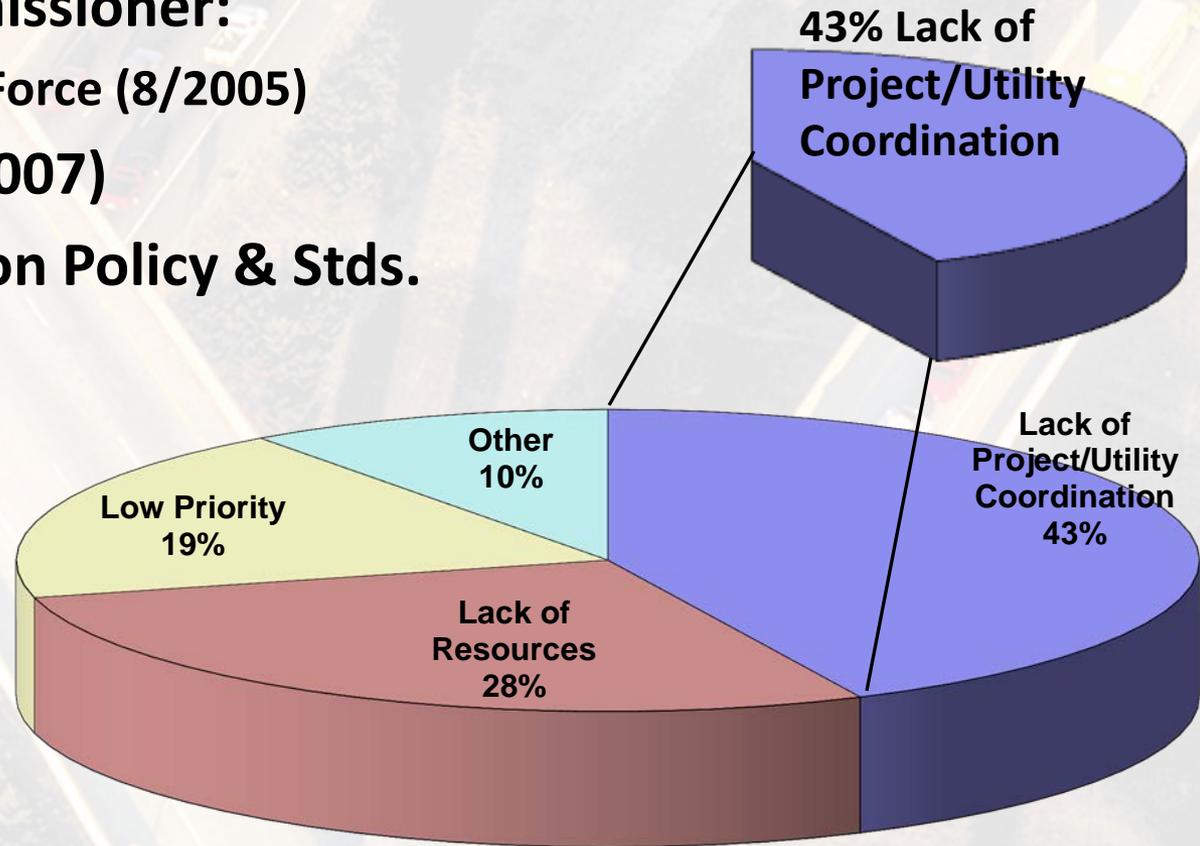


# Utility Categories – “causes of delays”



# Utility Policies & Procedures

- ❖ **GDOT Board & Commissioner:**
  - Initiated Utility Task Force (8/2005)
- ❖ **Legislation (SB 19 – 2007)**
- ❖ **Utility Accommodation Policy & Stds. Manual (1/2009)**
- ❖ **Internal GDOT P&P**



# Task Force Members

- Georgia DOT
  - Preconstruction
  - Construction
  - Operations
  - Field Districts
- Georgia Highway Contractors Assoc. (GHCA)
- Georgia Utilities Coordinating Council (GUCC)(EMCs, Electric, Telecom, Cable, Gas, Local Gov't, etc.)

# 2007: SENATE BILL 19

- 1) **Accountability** (no more excuses)
- 2) **PDP Deadlines** (utility relocation procedures – UAM)
- 3) **Mediation Rule** (process for handling utility delays on construction)
- 4) **Public Interest Determination**  
(Contract Items – GDOT fund \$\$)

Low Priority  
19%

Other  
10%

Lack of  
Resources  
28%

Lack of  
Project/Utility  
Coordination  
43%

# Escalation & Mediation Process

SB 19

- Became Law July 1, 2007
- Revises O.C.G.A. Sections 32-6-170 and 32-6-171
  - GDOT; Authority to Pay/Participate Utility Relocation \$ **(PID)**
  - Utility; may be liable to the Department/contractor for documented damages resulting from failure on the part of the Utility to comply with its Work Plan

# Escalation & Mediation Process

## SB 19 *continued*

- GDOT procedures to include establishment of mediation boards to hear and decide disputes between the Department and the Utility concerning:
  - Work Plan (Relocation plans, GUPS permit, & Utility Adjustment Schedule)
  - Revised Work Plan
  - Contractor's claim for delay costs
  - Any other matter related to the relocation of the utility's facilities
- Department shall promulgate reasonable regulations governing the mediation board, including procedural rules, and a list of qualified mediators

# Escalation & Mediation Process

From SB 19:

- Board Rule 672-19 was established and implemented January 1, 2008

From Board Rule 672-19:

- Escalation Process was created (See Chapter 4, The Utility Accommodation Policy and Standards Manual)

# Escalation & Mediation Process

- Utility Conflicts Special Provision
  - All Contracts Let April 09 and Thereafter
  - Requires the Contractor to follow Chapter 4 of the Utility Accommodation Policy and Standards Manual when addressing potential utility relocation Delays
- Worksite Utility Coordination Supervisor (WUCS - Section 107.21) – (Know This Person)
  - All Contracts

# Escalation & Mediation Process

What are Possible Issues on Projects?

- Dispute related to a Utility Work Plan or a revised Utility Work Plan, or...
- Dispute related to a contractor's claim against the utility owner for delay costs or other damages related to the utilities removal, relocation, or adjustment of its facilities, or...
- Any other matter related to the removal, relocation, or adjustment of the utility facilities



# URPN 4 Letter

- Notice of Failure to Submit
- Notice that project is moving forward
- Places potential liability of delay costs on Utility Owner

# URPN 4 Letter

Keith Golden, P.E., Commissioner



GEORGIA DEPARTMENT OF TRANSPORTATION

One Georgia Center, 600 West Peachtree Street, NW  
Atlanta, Georgia 30308  
Telephone: (404) 631-1000

PROJECT NUMBER: | | |  
PROJECT DESCRIPTION: | | | County, P.I. # | | |  
DISTRIBUTION: | | |

**Ref:** Notice – Failure to Submit Information for Utility Coordination Under  
OCGA 32-6-170 & 171 - Request for Project Information  
URPN #4 - Submission Electronic Files / Plans – Existing and Proposed Facilities

Ladies and Gentlemen:

On | | |, our Office transmitted two (2) sets of preliminary plans OR an electronic file for the above referenced project. The Department received your acknowledgment of receipt of the plans on | | |. Your marked plans, along with all other required documents should have been submitted to this Office no later than | | |. As of today, we have not received the following information:

- Marked plans showing proposed relocation to clear project for construction
- Letter regarding Utility Status – (No Conflict or No Facilities)
- Reimbursement Estimate Packages (if applicable)
- Permit Application (GUPS System)
- Relocation Schedule (Utility Adjustment Schedule)
- Certification Letter
- Notice of Intent
- No Cost Letter

On | | | our Office sent you reminder correspondence requesting the above information but as of today our Office has not received the requested information.

The Department will continue with the normal preconstruction and contract letting procedure in order to deliver this project on schedule. The Department will issue you a Notice to Proceed at the appropriate time. You are hereby notified that you may be responsible for delay costs to the Department and its Contractor.

If you have any questions regarding this, you may call me at | | |, or you may e-mail me at | | |.

URPN # 4 Notice-Failure to Submit

First Use: 1/15/2009  
Revised: 2/16/2009  
Revised: 9/30/2009  
Revised: 3/01/2010



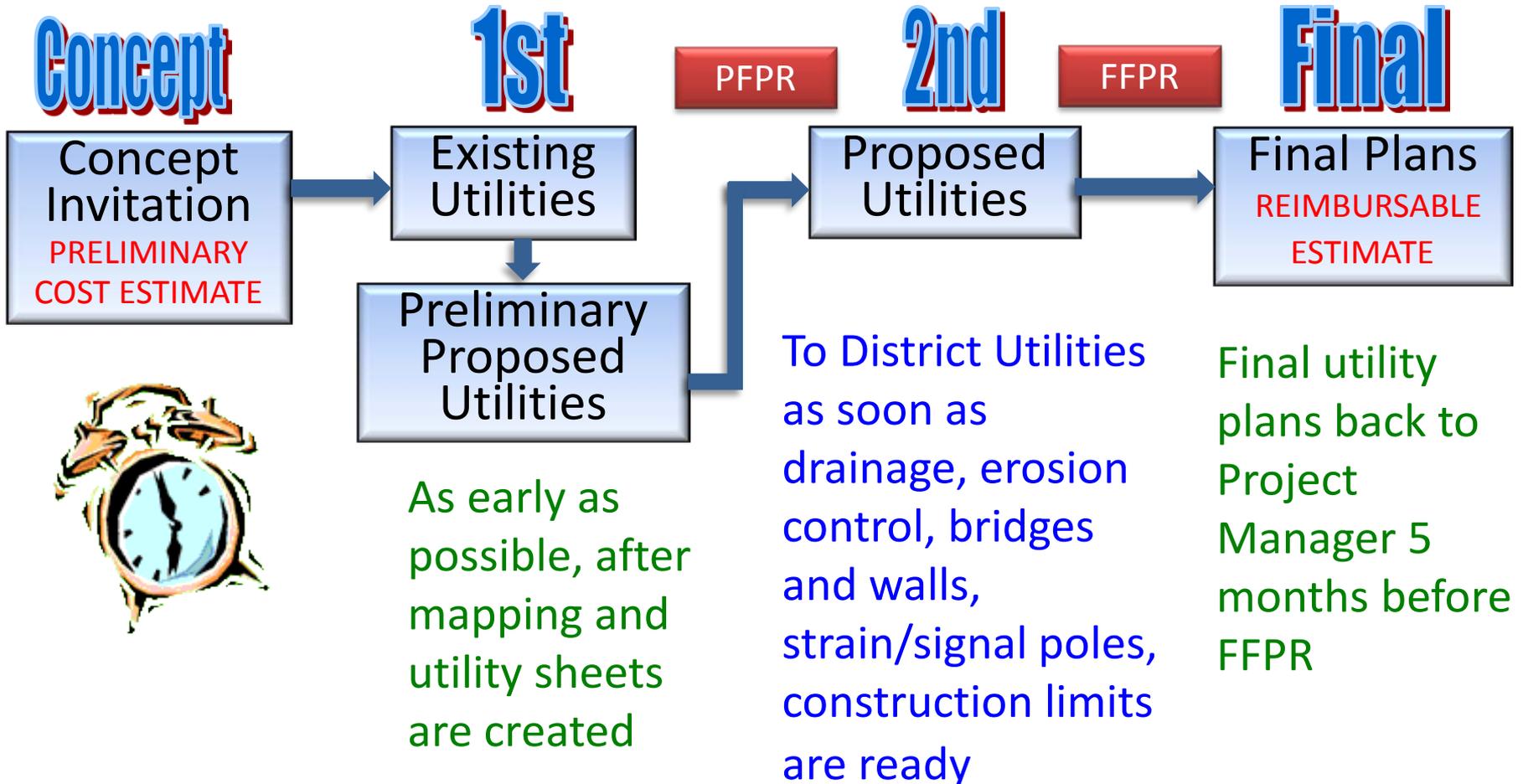
# UTILITY CONFLICT ANALYSIS

- “TRADITIONAL” PROCESS
- SUBSURFACE/OVERHEAD UTILITY ENGINEERING

# UTILITIES PLAN SUBMITTALS

## TRADITIONAL METHOD

(Hand marked, Transcribed and/or Electronic)



# What does this mean to a contractor?

Should it be shown like this?



Or this?





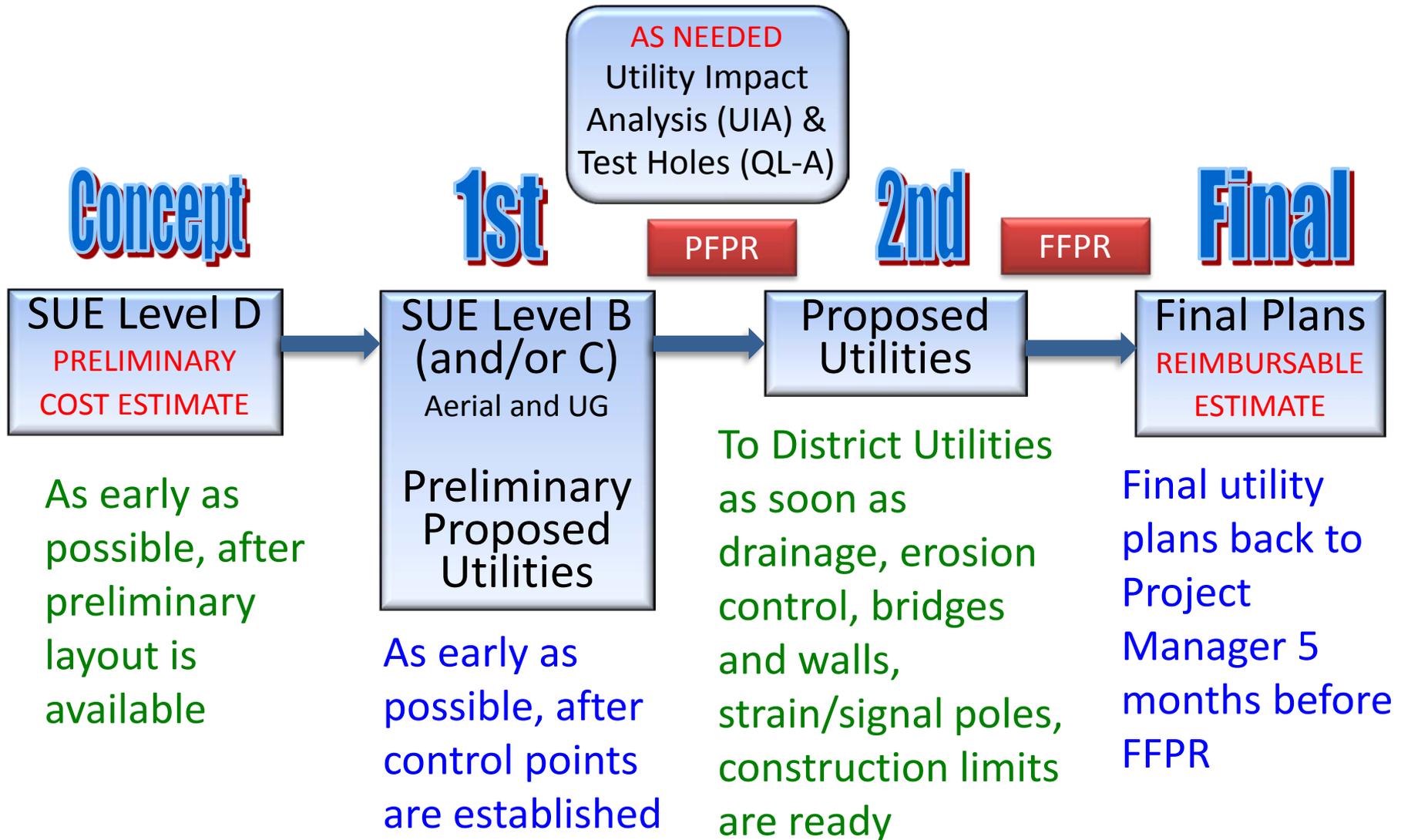
WHAT IF THAT  
THIN LINE  
REPRESENTS  
THIS?



# What Projects are Good Candidates for SUE Services?

- High Level of utility congestion expected
- High probability of utility conflicts on construction expected
- Project Area is characterized as suburban or urban
- Poor previous experience with utility owners to provide timely/accurate information
- High utility relocation costs estimated
- High probability existing utility installations can be retained to save relocation costs

# UTILITIES PLAN SUBMITTALS WITH SUE SERVICE



Conflict Matrix

Conflict	Station and Offset	Utility	Identified Conflict	Testhole Needed	Utility Impact with Cost ("As-designed")	Recommended Resolution	*Benefit of Resolution
C1	100+05, 21'L 14th St Constr. BL	AGL-BFO	Proposed storm structure and existing BFO	No	Relocate 1150LF of BFO-DUCT (\$91,000)	Relocate proposed storm drainage into street. Use DI's that drain toward roadway.	Save Cost to Relocate BFO-DUCT (\$91,000)
C2	100+66, 21'L 14th St Constr. BL	AGL-BFO	Proposed storm structure and existing BFO	No	See C1		
C3	100+38, 24'R 14th St Constr. BL	UNK@Tee	Proposed 18" storm and unknown utility tee	TH 1	Relocate unknown type and function utility	TH to identify utility and conflict	Eliminate possible delay during construction
C4	100+56, 25'R 14th St Constr. BL	8"W	Proposed 18" storm and existing 8"W	TH 2	Relocate 8"W (\$7,500)	TH on 8"W, adjust depth of proposed storm drainage	Save Cost to Relocate 8"W (\$6,000)
C5	100+61, 25R 14th St Constr. BL	8"W	Proposed 18" storm and existing 8"W	TH 3	Relocate 8"W (\$7,500)	TH on 8"W, adjust depth of proposed storm drainage	Save Cost to Relocate 8"W (\$6,000)
C6	100+82, 28R 14th St Constr. BL	4"G	Proposed storm structure and existing 4"G	TH 4	Relocate 20 LF of 4"G (\$6,000)	TH on 4"G, adjust depth of proposed storm structure	Save Cost to Relocate 4"G (\$4,500)
C7	101+22 27'R 14th St Constr. BL	4"G	Proposed 18" storm and existing 4"x2" gas tee	TH 5	Relocate 2"G & 4"G Tee (\$12,500)	TH on G lines, adjust depth of proposed storm structure	Save Cost to Relocate G lines (\$11,000)
C8	101+01 28'L 14th St Constr. BL	16"G	Proposed 18" storm and existing 16"G	TH 6	Relocate 16"G (\$10,000)	TH on 16"G, adjust depth of proposed storm structure	Save Cost to Relocate 16"G (\$8,500)
C9	101+25 41'L 14th St Constr. BL	BT-DUCT 2"G	Proposed storm structure and two BT-ducts	TH 7	Relocate BT-DUCT & 2"G (\$11,000)	TH on BT-DUCT & 2"G, adjust depth of proposed storm structure	Save Cost to Relocate BT-DUCT & 2"G (\$10,500)
C10	101+37, 41'L 14th St Constr. BL	6"W	Proposed 18" storm and existing 6"W	TH 8	Relocate 6"W (\$5,000)	TH on 6"W, adjust depth of proposed storm drainage	Save Cost to Relocate 6"W (\$3,500)
C11	101+57, 27'L 14th St Constr. BL	16"G	Proposed 18" storm and existing 16"G	TH 9	Relocate 16"G (\$10,000)	TH on 16"G, adjust depth of proposed storm structure	Save Cost to Relocate 16"G (\$8,500)
C12	101+58, 22'L 14th St Constr. BL	AGL-BFO	Proposed storm structure and existing BFO	No	See C1		
C13	101+90, 22'L 14th St Constr. BL	AGL-BFO	Proposed storm structure and existing BFO	No	See C1		
C14	102+20, 27'R 14th St Constr. BL	4"G	Proposed storm structure and existing 4"G	No	Relocate 4"G (\$4,500)	Relocate 4"G	Eliminate conflict with proposed DI
C15	102+36, 24'L 14th St Constr. BL	AGL-BFO	Proposed storm structure and existing BFO	No	See C1		

\*Please include all benefits incurred including time, costs, and safety improvements.

**Key:**

AC - Asbestos Concrete  
 BE - Buried Electric  
 BFO - Buried Fiber Optic  
 BT - Buried Telephone  
 G - Gas  
 L - Left  
 MES - Mitered End Section  
 OE - Overhead Electric  
 OT - Overhead Telephone  
 R - Right  
 RCP - Reinforce Concrete Pipe  
 W - Water  
 WM - Water Main  
 TH - Test Hole, verify vert. and horiz  
 UNK - Unknown Type  
 SAN - Sanitary Sewer

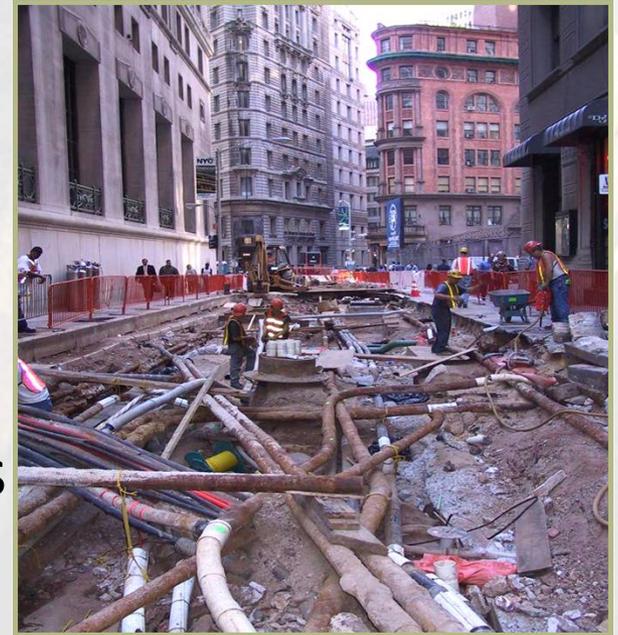
**Utility Owner:**

AGL Atlanta Gas Light  
 BE Georgia Power  
 BT Bell South  
 L3 Level 3 Communications  
 MFN Metromedia Fiber Network  
 SAN Fulton County Public Works  
 W City of Atlanta  
 UNK Unknown Owner



# Conflict Resolution Task Summary

- Utility Coordination
- Modify Project Design
- Prepare Conflict matrix
  - Introduced after 2005
  - Used whenever QL-B SUE is provided
  - After QL-B and prior to FFPR (ideally before PFPR)
- Introduce Design Alternatives
- Identify Required Utility Relocations
- Utility Relocation Plans complete
  - (Prior to FFPR)
- Final Utility plans to PM 5 months prior to FFPR



**Iterative Process (pending design progression)**

# Reimbursable Agreements

- Utility or Railroad typically paid to move
- Detailed Estimate required to determine basis for costs
- Audit of Labor and Materials required

# Agreements

- Types of work:
  - Water & Sewer
  - Electrical Distribution or Transmission
  - Natural Gas
  - Telecommunications/CATV
  - Traffic Operations Improvement
  - Lighting
  - Railroad Active Warning Devices
  - Railroad Crossing Surfaces
  - Railroad Grade Separations

# Payment Methods

Actual Cost  
Lump Sum  
Contract Item  
Unit Cost

# Actual Cost

- Actual replacement in-kind cost of work
- Requires field verification of Labor, Equipment, and Materials
- Must maintain detailed project records
  - Separate diary for each utility/railroad
  - Daily cost records (DOT 8465)
- DOT/FHWA may audit up to 3 years after final payment
- Contract work requires low-bid concurrence

# Lump Sum

- Fixed price – based on defined scope
- Verify scope is not reduced
- Detailed records required for materials
- Only one Final Bill required
- DOT/FHWA audit not required but may be done

# Contract Item

- Water, Sewer, Gas, Electric, Telecom
- Work included in roadway contract
- Memorandum of Understanding (MOU)
- Cost based on unit prices
- Utility may be paying for cost or upgrade ...
- If so, will require as-built comparison of cost vs. original estimate.
- Status report showing “c” items

# Unit Cost

- Water, Sewer, Gas, Electrical, Telecom
- Cost based on unit prices and concurrence with low-bid
- Detailed records required for materials only
- State participation in overruns minimized, except for increased units or new items
- Audits of project's actual costs may not required; only periodic reviews of unit costs

# UTILITY ADJUSTMENT SCHEDULE

Requested by DUE

Submitted by Utility

Reviewed and  
forwarded to Project  
Manager  
and District Estimator

UTILITY: Georgia Telnet Service Company, Inc. Original Schedule  
 PROJECT: J20045899-9 COUNTY: Appling/Wayne P.I. NO: 22500  
 ROUTE/ROAD: 21/441 DESCR: Savannah Parkway from Rich City to CR 188

## A. SUMMARY OF UTILITY FACILITIES AND UTILITY ADJUSTMENT SCHEDULE

LIST ALL EXISTING FACILITIES WITHIN PROJECT (exclude minor items)

Provide Quantity, Type of Facility and Type of Service Provided :

	QUANTITY IN CONFLICT	
10,280 lf, 7 copper cable, 5200 total pairs	7980	LF
6 fiber-optic cables, 512 total fibers	100	%
6 Vaults/Manholes-3 MH's in existing road, 2 in prop outside lane, 1 in prop curbline	None*	
18 - 4 inch ducts on existing bridge at Knowles Creek	ALL	
23,760 lf 300 Pair Aerial cable through project on power co. owned joint use poles	90	%
		LF

Existing facility locations were identified using **subsurface investigation (SUE)** dated: March 2, 2002

## SCHEDULE FOR ENGINEERING, RIGHT-OF-WAY, CONSTRUCTION, ETC:

Include weekends, typical weather & non-productive days	Total Estimated Calendar Days	Prior to Project Award	After Project Award	Critical Calendar Days
Preliminary Engineering	90	61	29	0
Right-of-Way Acquisition	0	0	0	0
Material Procurement	120	30	90	10
Construction Engineering	60	0	60	14
Clearing & Trimming	0	0	0	0
Infrastructure Construction	97	14	83	60
Splicing or Tie-in work	154	0	154	131

Schedule Calendar Days:

**215**

If schedule shows more than 120 critical calendar days, complete sections B & C on page 2

# Utility Adjustment Schedule

- Consists of four sections
  - Summary of Utility Facilities and Utility Adjustment Schedule
  - Special Requirements
  - Work Plan
  - Schedule Summary for Work Plan

# Utility Adjustment Schedule

- Summary of Utility Facilities and Utility Adjustment Schedule

## A. SUMMARY OF UTILITY FACILITIES AND UTILITY ADJUSTMENT SCHEDULE

LIST ALL EXISTING FACILITIES WITHIN PROJECT (exclude minor items)  
Provide Quantity, Type of Facility and Type of Service Provided :

QUANTITY IN CONFLICT	UNITS
_____	UNITS

Existing facility locations were identified using *(use drop-down menu)* dated: \_\_\_\_\_

This schedule is based on *(use drop-down menu)* dated: \_\_\_\_\_

*If any changes are made to the plans after this date, which affect the Utility, then this schedule may require modification.*

Prepared by (Utility Representative)	Title	Phone	Date
--------------------------------------	-------	-------	------

\_\_\_\_\_

Approved by GDOT	Title	Phone	Date
------------------	-------	-------	------

\_\_\_\_\_

Comments: \_\_\_\_\_

# Utility Adjustment Schedule

- Special Requirements (Crucial to identify dependent activities)

**B. SPECIAL REQUIREMENTS** (staging required, dependent activities, joint-use coordination, etc.) NONE

# Utility Adjustment Schedule

## – Work Plan

### C. WORK PLAN – provide disposition of all existing and proposed facilities on project:

Location: Please identify by station(s), location number(s) or sheet number(s)	Description of Utility Work	Dependent Activities	Plan Stage No.	Days	Average number of workers

# Utility Adjustment Schedule

## – Schedule Summary for Work Plan

### D. SCHEDULE SUMMARY FOR WORK PLAN:

Exclude weekends, weather delays and non-productive time:

Work Phase	Total Estimated Days	Prior to Project Award	After Project Award
Preliminary Engineering			
Right-of-Way Acquisition			
Construction Engineering			
Material Procurement			
Clearing & Trimming			
Construction			
Splicing or Tie-in Work			
Service Considerations			
Temporary Work			

**Project Duration for Non-Concurrent Activities in Days:** \_\_\_\_\_

# Utility Adjustment Schedule

- Utility Adjustment Schedule Procedure
- Definitions

# Definitions

- Preliminary Engineering
  - Determining conflicts
  - Coordinating with other Utilities
  - Proposing new facility locations
  - Researching prior rights
  - Providing markups
  - Relocation design

# Definitions

- R/W Acquisition
  - Acquisition of survey permits or right of entry
  - Obtaining easements (if required)
  - Obtaining fee simple title
  - Condemnation

# Definitions

- **Construction Engineering**
  - Work order authorization
  - Creating staging plans (should be minimal)
  - Final relocation design (again minimal)
  - Establishing bid contract
  - Obtaining necessary permits (EPD, Corps, RR, etc.)
  - Staking

# Definitions

- **Material Procurement**

- Acquisition of materials or plant items
- Account for fabrication and delivery time (long lead items)

# Definitions

- Clearing and Trimming
  - Removal of unacceptable vegetation

# Definitions

- **Construction**
  - Installation of new facilities
  - Transferring existing facilities
  - Removal of existing facilities
  - Establishing bid contract
  - GDOT Bid Item project

# Definitions

- Splicing or Tie-in Work
  - Cutover work
  - Making final connection to or removal from the utility system

# Definitions

- Service Considerations
  - Coordinating with railroads
  - Construction limitations (special equipment or labor availability)
  - Operational or loading limitations
  - After hours or weekend work requirements
  - Contractual obligations to customers
  - Regulatory constraints

# Definitions

- Temporary Work
  - Accommodate contractor and/or GDOT

# Project Certification & Letting & Award

- Project Certification (10 weeks prior to Letting)
  - Work Plan
    - Utilities Relocation Plans
    - Utility Adjustment Schedule
    - GUPS Permits
- Project Letting (Funding Authorized)
- Project Award

# NTP/NOA

## Work performed by Utility Owner

### Construction Phase

#### Utilities Notice to Proceed

- By Law – Required 60 days Notice
- NTP usually occurs around project advertisement to contractors
  - Non-Reimbursable – NTP comes from the DUE's Office
  - Reimbursable – NTP comes from the SUO after Project is Awarded

#### Make Sure You:

- OBTAIN COPY OF THE AGREEMENT/ESTIMATE/PLANS
- VERIFY PLANS ARE LATEST REVISIONS/MATCH

# Pre-Construction Meeting

## Pre-Construction Conference

### Prior

- Send: Notice for utilities **and** railroads (2 - 4 weeks)
- Establish: Need Separate Utility Pre-Construction Conference? (Discuss with the AE/DCE)
- Review and be familiar with: Plans, Specs, Utility Documents
- Set: Agenda
- Prepare: Notes

# Overruns and Construction Changes

- Adequate documentation by requestor
- Investigate - Determine need, cost and scope
- Document changes in scope (betterment)
- Obtain Utility/Railroad Owner approval
- Obtain Recommendations to and from Area Engineer, District Utilities Engineer and State Utilities Office
- Changes may require FHWA approval

# Managing Utilities On Construction

## Escalation/Mediation Process

- Senate Bill 19 (became law July 1, 2007)
- Board Rule 672-19
- Chapter 4 of the Utility Manual Outlines

# Managing Utilities On Construction

## Managing Potential Utility Damages and Delay Costs

- What are Possible Issues on Projects?
    - 1. Revised Utility Work Plan
    - 2. Utility Damages or Delay Costs
    - 3. Any other matter related to the removal, relocation, or adjustment of the Utility's facility
- #2 and #3 follow the same process/steps.....
- No Utility Coordination Meeting

# Managing Utilities On Construction

- Escalation and Mediation Process during the Construction Phase
  - 1. Dispute regarding a Revised Work Plan – Process
    - If previously unforeseen utility removal, relocation, or adjustment work is found necessary after the letting of the project, the affected Utility Owner shall provide a revised Work Plan within 30 calendar days.
    - DUE reviews revised Plan (may consult w/ DCE/AE) to determine reasonability
    - The Department's contractor will need to review and comment on plan.

# Managing Utilities On Construction

## Dispute regarding a Revised Work Plan (continued)

- If the revised Work Plan is found unreasonable by the DUE based upon the required scope of utility adjustment and/or relocation required to accommodate a project, the DUE initiates the following escalation process:

### Escalation Process Step One

- DUE notifies utility owner of opinion in writing
- Utility will respond to notification within 10 business days with a justification or revision
- Depending on the complexity of the plan, the Utility, in their response, may request a coordination meeting with the DUE
- If the dispute cannot be resolved within 20 business days from the DUE's original notification, the dispute escalates to Step 2.

# Managing Utilities On Construction

Dispute regarding a Revised Work Plan (continued)

Escalation Process Step 2

- DUE provides written notification to State Utilities Engineer (SUE) that Step 1 of the escalation process did not bring resolution to the dispute and recommends escalation proceed to Step 2
- SUE schedules a utility work plan review meeting
- Meeting held within 20 business days of written notification by DUE
- At the meeting, attendees review proposed design and staging plans in reference to the revised work plan under dispute

# Managing Utilities On Construction

## Dispute related to a revised Utility Work Plan

### Escalation Process Step 2 (cont)

- From the meeting, one of the following written conclusions/recommendations shall be made:
  - The revised plan is satisfactory as submitted – approved by the Department
  - The revised work plan and/or the Department’s staging plan need further revisions to accommodate project construction. Such required revisions are approved and accepted by the Department and the Utility.
  - Recommendation for revised Utility Work Plan dispute to proceed to Escalation Step 3
  - Recommendation for revised Utility Work Plan dispute to proceed to full Mediation

# Managing Utilities On Construction

## Escalation and Mediation Process during the Construction Phase

Dispute regarding a contractor's claim against a utility for delay costs or other damages related to the utility's removal, relocation, or adjustment of its facilities.

### **Escalation Process Step 1**

- Once the Contractor determines the Utility's progress is 20% behind its approved Work Plan, Contractor will notify the Utility and the Department of such apparent delay in writing.
- Utility shall respond in 10 business days with a proposal to cure, or
- In some cases, the complexity of the project may require the Utility to request a coordination meeting be held to address the issues identified in the contractor's letter.
- If after 20 business days after the Contractor's notice the dispute cannot be resolved, the dispute shall proceed to Escalation Process Step 2 – State Construction Engineer.

# Managing Utilities On Construction

## Escalation and Mediation Process during the Construction Phase

### Escalation Step 2 - State Construction Engineer

- District Construction Engineer notifies the State Construction Engineer that the dispute was not resolved during the first step of escalation.
- State Construction Engineer schedules a project utility delay mitigation meeting.
- Meeting shall be held within 20 business days of the written notification

# Managing Utilities On Construction

## Escalation Step 2 - State Construction Engineer

- The following written conclusions/recommendations shall be the outcome:
  - The Utility's proposal to cure the delay is satisfactory for the completion of the project on schedule.
  - The Utility's proposal to cure the utility delay is not satisfactory for the completion of the project schedule, and the Utility may be liable for damages or delay costs. The dispute shall be resolved through payment or full Mediation.
  - The Department or its contractor shall notify the utility in writing that the Utility is liable for such damages or delay costs.
  - Notification should be sent only after the Utility has completed the related utility relocation or adjustment work that is related to the damage claim.
  - The Utility has 45 days from receipt of notification to either pay the amount of the damages or delay costs to the Department or its contractor or request full Mediation.

# Managing Utilities On Construction

Dispute regarding a contractor's claim against a utility for delay costs or other damages related to the utility's removal, relocation, or adjustment of its facilities (cont)

Escalation Process Step 3

# Project Closeout

- Final Inspection and Acceptance
  - Inspect and close out All Utility and Railroad agreements
  - CIA – Invite owner on final inspection or have them submit corrections list to incorporate in punch list
- Utility/Railroad Billing deadline -  
Owner has 12 months to submit invoice from completion of work
- Write Utilities/Railroads - Request final bill at work completion cc: DUE, SUO

# OVERVIEW OF MEDIATION RULE & PROCESS

## – LEGISLATIVE INTENT

- Mediation less expensive than Litigation

# OVERVIEW OF MEDIATION RULE & PROCESS

## APPLICABILITY

- Three (3) Types of Disputes
  - WORK PLAN
  - REVISED WORK PLAN
  - ANY OTHER MATTER

## TIME PERIOD FOR APPLICABILITY

- May 2008 Letting

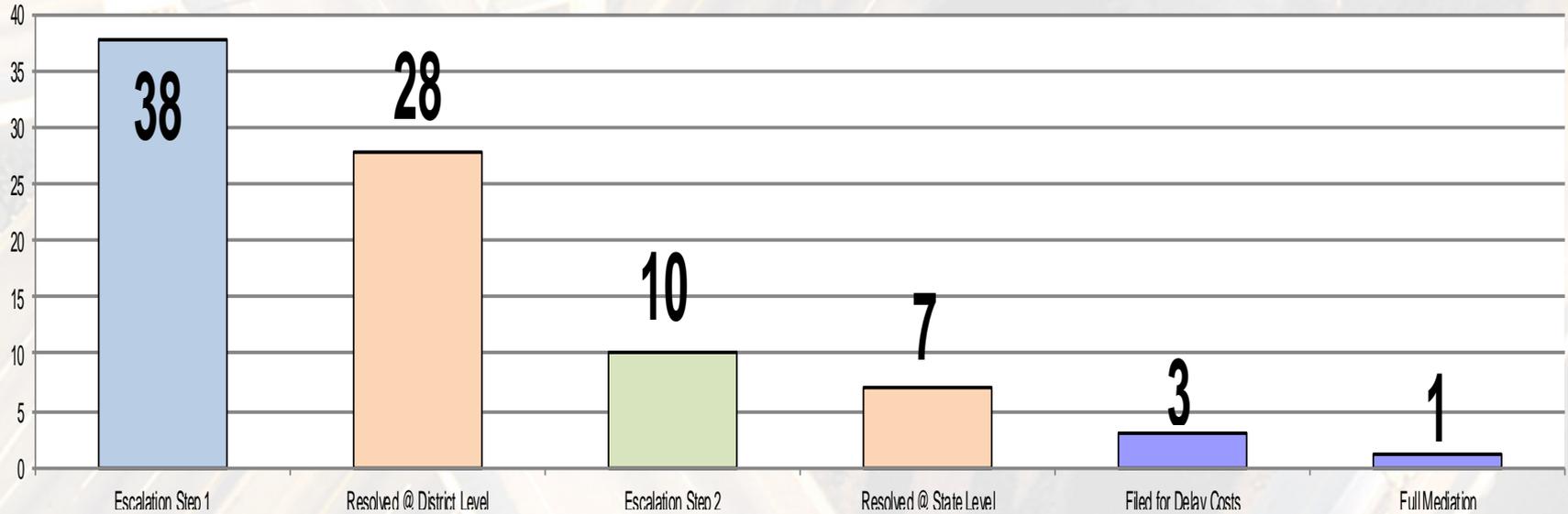
# **OVERVIEW OF MEDIATION RULE & PROCESS**

## **– ESCALATION PROCESS**

- **Notice of Potential Dispute to Utility**
- **Structured Negotiation Process**
  - **(Formalizing Communication)**
- **Prerequisite to the Mediation Board**

# Utility Escalation & Mediation

(Since 2011)



# Keys for Success

- Early & thorough coordination in PE phase  
(Follow the PDP)
- Use SUE at concept and/or early in preliminary design
- Accurately show resolution of all utility and railroad conflicts. (Incl SUE)
- Design around utilities/railroads when possible  
- innovative solutions

# Keys for Success (Cont.)

- Ensure utilities & railroads have required plans components for each submission
- Include critical schedule and staging
  - Incorporate Work Plan (UAS) into contract
- Consider potential delays and additional costs
- Build true relationships with Utilities & Contractors
- Field Plan Review (FPR) questions
- Utility Coordination Meeting (4 wks prior to FPR)

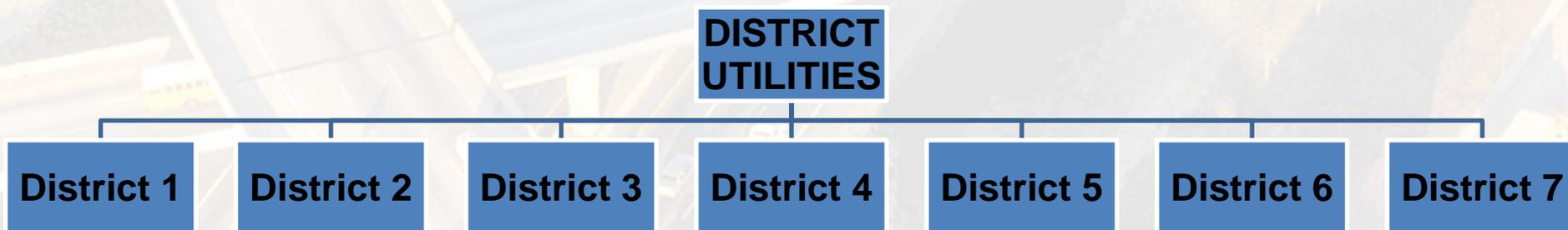
# FPR/Utility Coordination Questions?

- Water, Sewer, Gas, Power, or Telecommunications in contract?
- Reimbursable Utility and Railroad Agreements obtained? Estimate?
- Staging or Detours affecting Utility/RR?
- Special Requirements or Provisions?
- Transmission line crossings?
- Constructability Clearances at bridges?

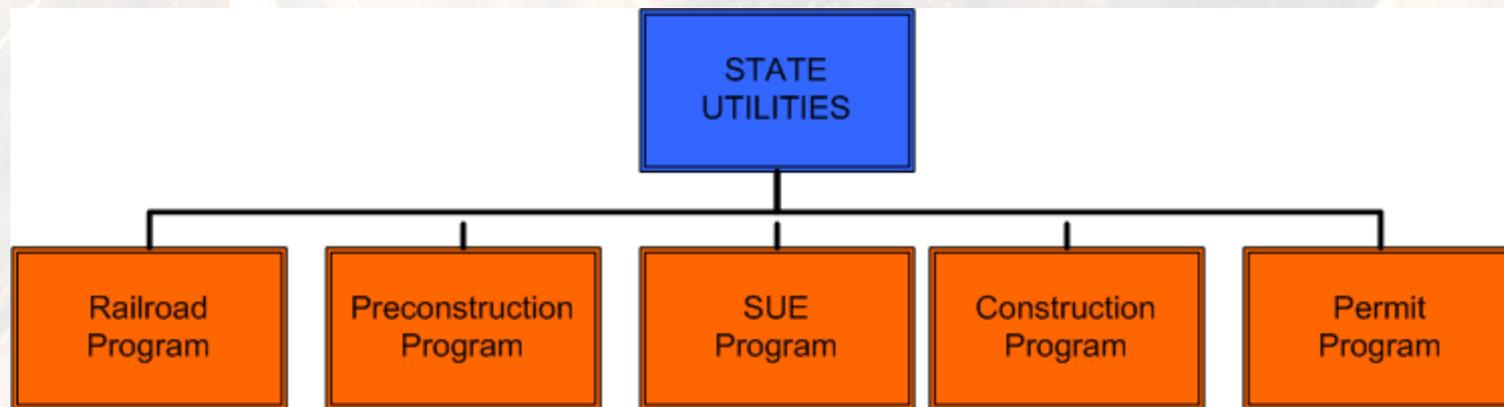
*See FPR Checklist on Utilities Website for more...*

# GDOT - Utilities

## Roles & Responsibilities



Permitting, Coordination, Estimates, Reimbursement Status, Railroad Maintenance (Coordination & Implementation)



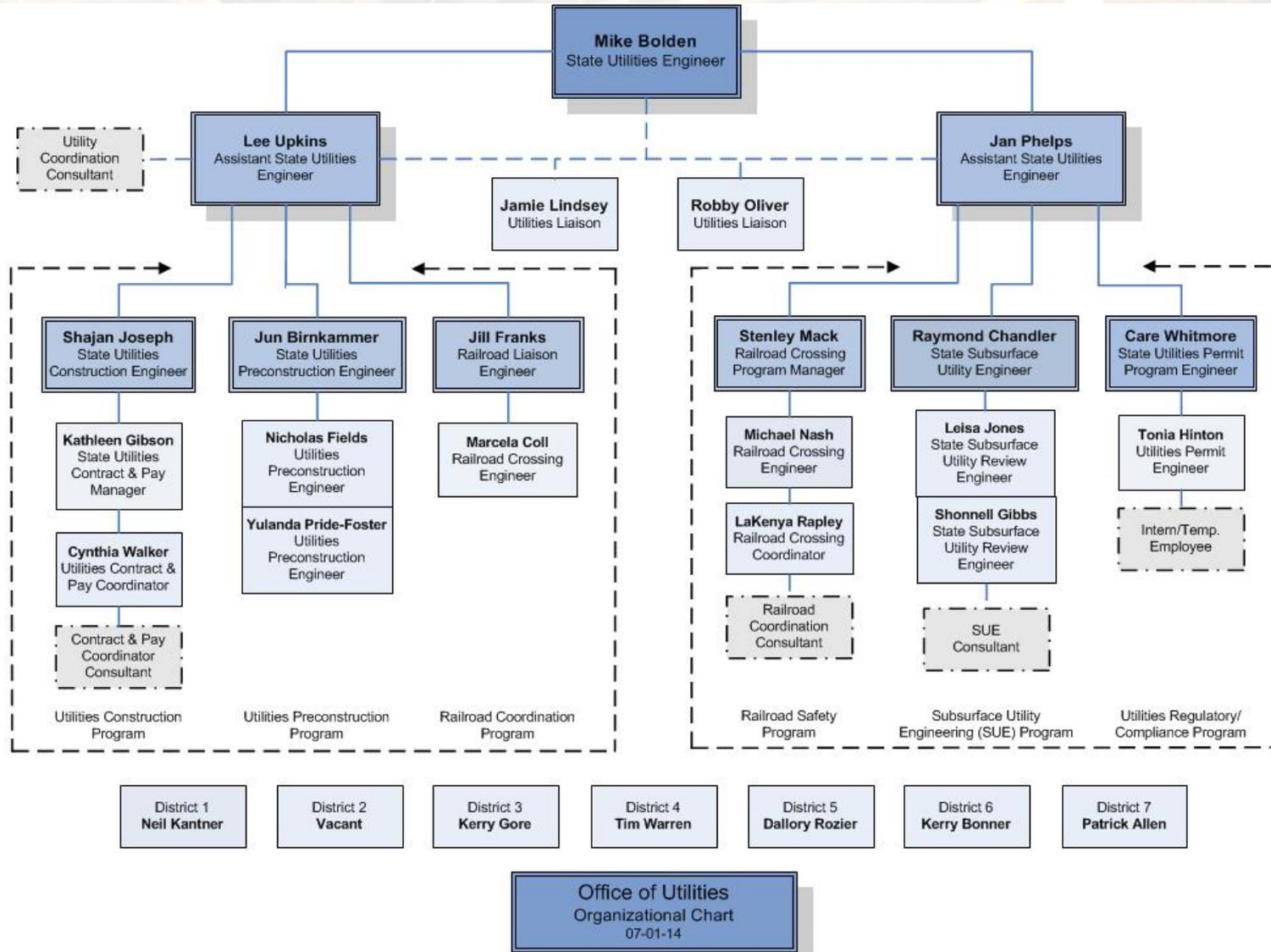
Sets Policy, Exceptions, Certifications, Agreements, Railroad and Construction Liaisons, Subsurface Utility Engineering Consultant Management Quality Assurance

# District Utilities Engineers

District	Location	Engineer	Phone	Email
1	Gainesville	Neil Kantner	(770) 531-5772	<a href="mailto:nkantner@dot.ga.gov">nkantner@dot.ga.gov</a>
2	Tennille	Jamie Lindsey (Acting)	(478) 232-9037	<a href="mailto:jlindsey@dot.ga.gov">jlindsey@dot.ga.gov</a>
3	Thomaston	Kerry Gore	(706) 646-7603	<a href="mailto:kgore@dot.ga.gov">kgore@dot.ga.gov</a>
4	Tifton	Tim Warren	(229) 391-5445	<a href="mailto:twarren@dot.ga.gov">twarren@dot.ga.gov</a>
5	Jesup	Dallory Rozier	(912) 530-4407	<a href="mailto:drozier@dot.ga.gov">drozier@dot.ga.gov</a>
6	Cartersville	Kerry Bonner	(678) 721-5321	<a href="mailto:kbonner@dot.ga.gov">kbonner@dot.ga.gov</a>
7	Chamblee	Patrick Allen	(770) 986-1066	<a href="mailto:paallen@dot.ga.gov">paallen@dot.ga.gov</a>



# State Utilities Office



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# References

## **SENATE BILL 19**

<http://www.legis.ga.gov/Legislation/en-US/display/20072008/SB/19>

## **GDOT RULE – CHAPTER 672-19**

## **GOVERNING UTILITIES MEDIATION PROCESS**

(Georgia Secretary of State website –

<http://rules.sos.state.ga.us/cgi->

[bin/page.cgi?g=STATE DEPARTMENT OF TRANSPORTATION %2FGOVERNING UTILITIES MEDIATION PROCESS%2Findex.html&d=1\)](http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE_DEPARTMENT_OF_TRANSPORTATION_%2FGOVERNING_UTILITIES_MEDIATION_PROCESS%2Findex.html&d=1)

## **ESCALATION POLICY (GDOT UAM)**

(GDOT website – Chapters 2 & 4 of the UAM:

[http://www.dot.ga.gov/doingbusiness/utilities/Documents/2009\\_UAM.pdf\)](http://www.dot.ga.gov/doingbusiness/utilities/Documents/2009_UAM.pdf)

# References

GDOT Office of Utilities web site:

<http://www.dot.ga.gov/doingbusiness/utilities/Pages/default.aspx>

Program Guide, Utility Relocation and Accommodation on Federal-Aid Hwy Projects. 6<sup>th</sup> Edition, January 2003 (SUE p. 30-33)

[www.fhwa.dot.gov/reports/utilguid/index.htm](http://www.fhwa.dot.gov/reports/utilguid/index.htm)

Code of Federal Regulations, Title 23, Part 645 Part A & B Utilities

<http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0645a.htm>

<http://www.fhwa.dot.gov/legsregs/directives/fapg/cfr0645b.htm>

GDOT Office of Right-of-Way web site:

<http://www.dot.ga.gov/aboutGeorgiadot/dotoffices/Pages/default.aspx>

GDOT Acquisition Guide (Local Agencies & Sponsors):

[http://www.dot.ga.gov/localgovernment/Documents/AcquisitionGuide\\_2008\\_10-23-08.pdf](http://www.dot.ga.gov/localgovernment/Documents/AcquisitionGuide_2008_10-23-08.pdf)

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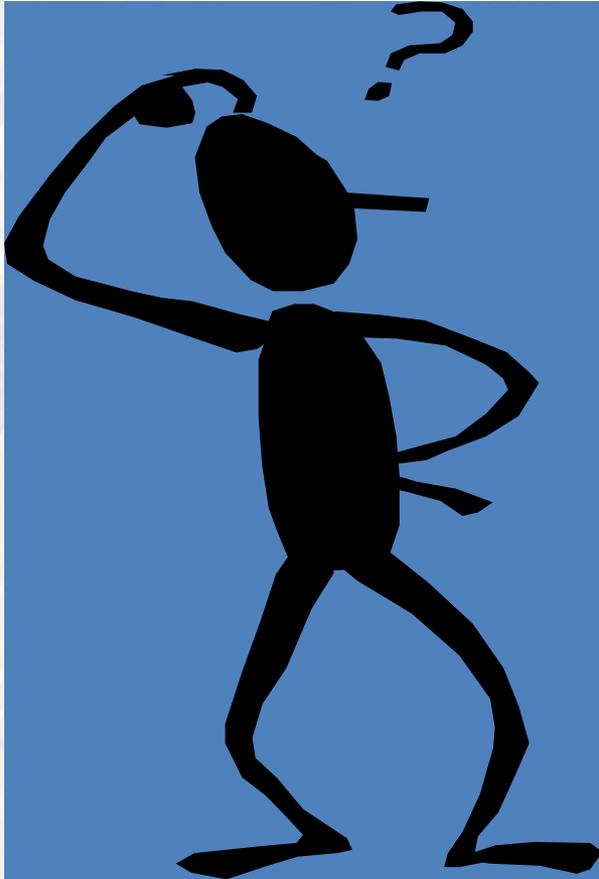
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# Questions?



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