

## Session 68

### Annette Brennan

FL. Dept. of Transportation

### *R/W-Design Coordination: The Good, the Bad and the Ugly*

#### **Topic Description**

R/W Design Coordination

Panel Discussion-No Presentations

#### **Speaker Biography**

Annette Brennan joined the Department of Transportation in 1993 as Project Manager in District VII. In 1995 she transferred to District V as the District Structures Design Engineer. Later, she was appointed District Consultant Project Management Engineer in 2000, and in her current position as District Design Engineer in 2002.

As District Design Engineer, Ms. Brennan directs the district functions related to project production in four areas; such as Project Development; Technical Support, consisting of Value Engineering, Structures, Utilities, Roadway, Drainage and Pavement Design; Production Support, consisting of Preliminary Estimates, Specifications, Checking; and Consultant Project Management.

Before beginning her career as a state employee, Ms. Brennan work for twelve years in the consultant world for US Steel, DMJ&M and PBQ&D as a Structural Engineer and Project Manager.

Ms. Brennan is a graduate of Rensselaer Polytechnic Institute in Troy, New York with a degree in Civil Engineering. She has received her registration as a Professional Engineer in Virginia and Florida.

Ms. Brennan is married with three children.

## Session 68

Rich Doyle

TBE

### *R/W-Design Coordination: The Good, the Bad and the Ugly*

#### **Topic Description**

Engineers who will or do make design decisions that impact right of way needs, and thereby impact the viability of critical roadway projects will benefit from this course. The course will sensitize participants to the increasingly negative impact of right of way costs on the FDOT work program, present alternatives to substantially reduce right of way costs without sacrificing safety or quality of design, and help understand the right of way acquisition process and how it relates to the design process.

Panel Discussion-No Presentations

#### **Speaker Biography**

Richard T. Doyle, AICP, PE is the Senior Vice President in charge of Right-of-Way Division for TBE and Chair of the FICE Right of-Way Subcommittee. His experience includes work for all eight FDOT Districts and SCDOT. He developed cost-to-cures for 20 years; testified on cost-to-cures in 10 trials; and participated in dozens of mediations and depositions related to cost-to-cures. Mr. Doyle is a licensed PE in Florida and Texas, Charter member of the American Institute of Certified Planners, Fellow in the Institute of Transportation Engineers, and licensed real estate broker in Florida. He received his bachelor/master's degrees from Notre Dame and Harvard, respectively, with additional graduate work at Massachusetts Institute of Technology (MIT) in civil engineering.

## Session 68

### Joe Jordan

FL. Dept. of Transportation

### *R/W-Design Coordination: The Good, the Bad and the Ugly*

#### **Topic Description**

Panel Discussion-No Presentations

A panel discussion on the benefits of coordination between the Offices of Design and Right of Way, and what can happen when the coordination effort fails.

#### **Speaker Biography**

Joe Jordan is the District Two Right of Way Manager. He has worked for the Department for 31 years. All of this time has been in the District Two Office of Right of Way. He has been the Right of Way Manager for 13 years. He has a bachelor's degree in Business Administration from Florida State University, and a Master's degree in Business Administration from the University of North Florida.

## Session 68

George Lovett

FL. Dept. of Transportation D5

### *R/W-Design Coordination: The Good, the Bad and the Ugly*

#### **Topic Description**

Panel Discussion-No Presentations

#### **Speaker Biography**

George has been the District Five General Counsel for 19 years. For the last 5 years he has also served as the District Right of Way Manager.

## **Session 68**

### **Jimmy Pitman**

FL Dept. of Transportation - District Two Design

### ***R/W-Design Coordination: The Good, the Bad and the Ugly***

#### **Topic Description**

This topic is intended to provide discussion and examples of good and bad coordination efforts between Design and R/W.

#### **Speaker Biography**

Mr. Pitman has 23 years of experience as a designer and project manager. He is a long time FDOT employee and is currently the District Design Engineer in District 2.

**FDOT DESIGN CONFERENCE**  
**"R/W-Design Coordination: The Good, the Bad, and the Ugly"**  
**August 1-2, 2006**

**I. Introduction of Moderators and Panelists** - Kenneth M. Towcimak, Director,  
Office of Right of Way

Panel Members: Joe Jordan, District 2 Right of Way Manager; Jimmy Pitman,  
District 2 Design Engineer; George Lovett, District 5 Right of Way Manager;  
Annette Brennan, District 5 Design Engineer; Rich Doyle, Senior Vice President,  
TBE Group

Moderators: Tom Shields, Manager, Appraisal & Appraisal Review; John  
Garner, Manager, Production & Program Operations

**II. Introduction to the Topic**

A. Design decisions can significantly affect right of way costs and schedules.

B. Property owners are entitled to compensation for the value of all land,  
improvements, severance damages to remaining property, business damages (in  
some cases), and attorney fees and expert witness costs.

C. Design may affect the amount of property taken, shape and configuration  
of the remainder property, location of external and internal access, usability of  
buildings, parking and other improvements, etc.

D. Close and early coordination between design and right of way is required  
to minimize these impacts to property being acquired for right of way.

E. Late design changes can significantly impact right of way schedules and  
costs because of the sequential nature of many right of way activities required by  
federal and state law.

F. Eminent domain laws in Florida are among the most generous in the  
nation in payment of property owner attorney fees and all costs to defend the  
taking.

G. Non-monetary benefits resulting from late design changes may result in  
payment of substantial property owner attorney fees.

H. The Design/Right of Way team must consistently be vigilant to identify  
unnecessary or unanticipated impacts to the Right of Way resulting from design  
decisions.

I. Through questions to our panel, we hope to highlight ways to improve coordination and communication between Design and Right of Way.

III. **Questions to the Panel** - Moderators

A. R/W Input into PD&E and Design

1. What are some examples of situations where breakdowns in communications between Design and R/W have led to increased costs or problems with project delivery?
2. What processes are available to solicit and incorporate R/W input into the PD&E and/or Design process?
3. What are the more common types of design changes that typically evolve from R/W input that result in significant R/W cost savings?
4. What can be done to reduce or control the number of changes to R/W requirements after the requirements have been provided to the R/W Mapping staff?
5. When is the preferred time (or times) for engineers and R/W professionals to jointly field review a project?

B. Dealing with Property Owners

1. What techniques are available for dealing with property owner requests directly to the designer for changes in project design?
2. How can the Department avoid claims for non-monetary benefits arising from changes made at the request of property owners?
3. What process is followed in your District for R/W personnel to get approval for design considerations negotiated as part of the acquisition process?
4. How do you ensure that such changes, after approval, get incorporated into the design plans?
5. Is standard language available for incorporating such changes into settlement agreements?

C. Training

1. What training efforts are presently in place, both at the district level and statewide program level, that address the need for and benefit of early R/W and Design coordination?

D. Retention/Detention Ponds

1. “Ponds on Wheels” refers to a situation where pond locations change continually throughout the design and R/W phases. One proposed partial solution has been to identify and design more than one pond site for a single purpose. Negotiations would then begin in a manner similar to a home purchaser considering more than one home. What are your thoughts on this and other similar solutions to “Ponds on Wheels?”

2. What are some of the issues and possible solutions for ensuring that pond location and design meet functionality requirements and minimize construction costs while still accounting for property owner concerns and R/W considerations?

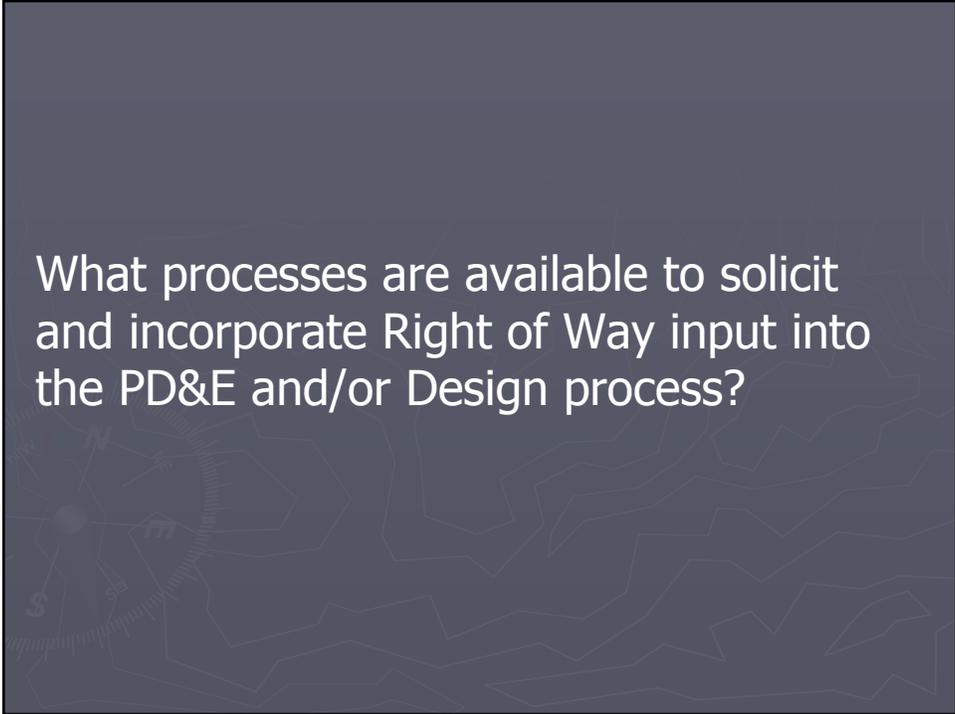
E. Local Agency Program

1. A successful Local Agency Program requires considerable coordination and teamwork. What can be done to enhance the level of coordination and teamwork?

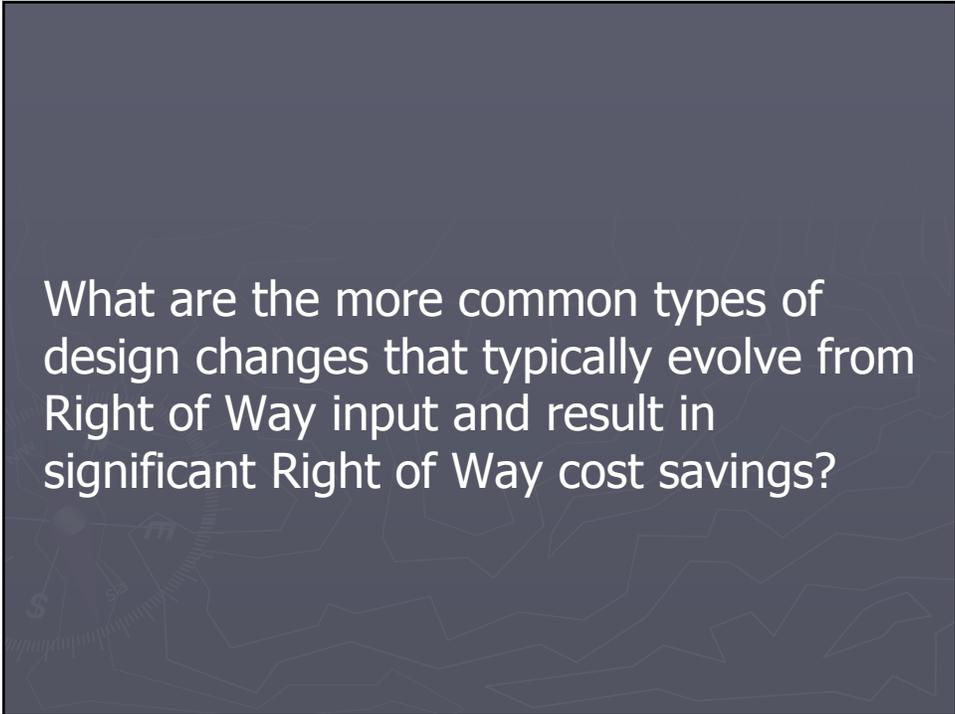
# R/W – Design Coordination The Good, the Bad & the Ugly

2006 Design Conference

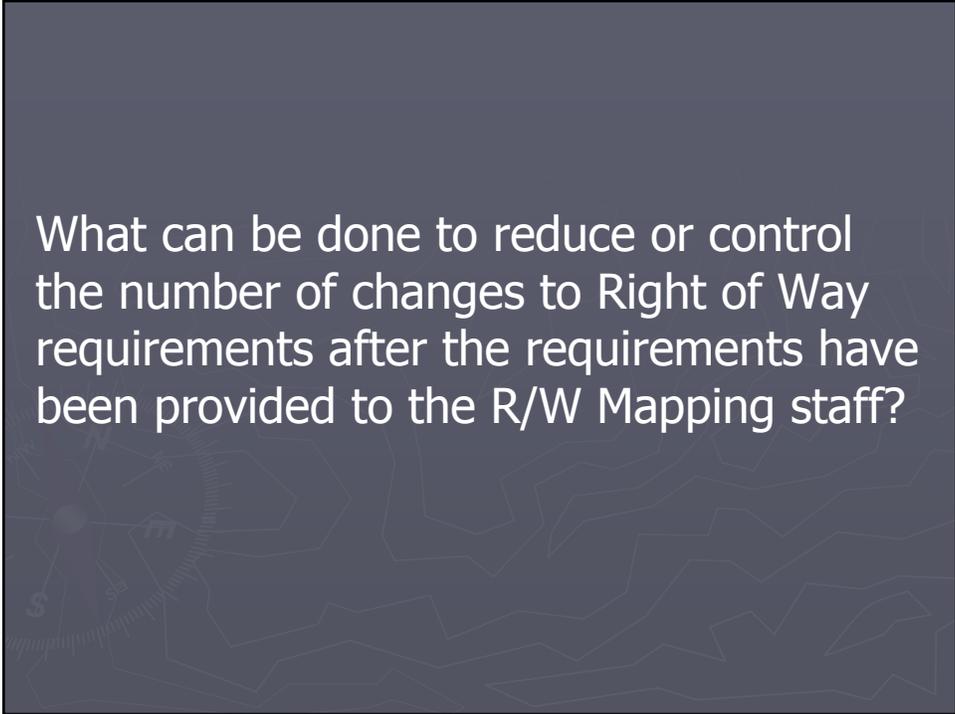
What are some examples of situations where breakdowns in communications between Design and Right of Way have led to increased costs or problems with project delivery?

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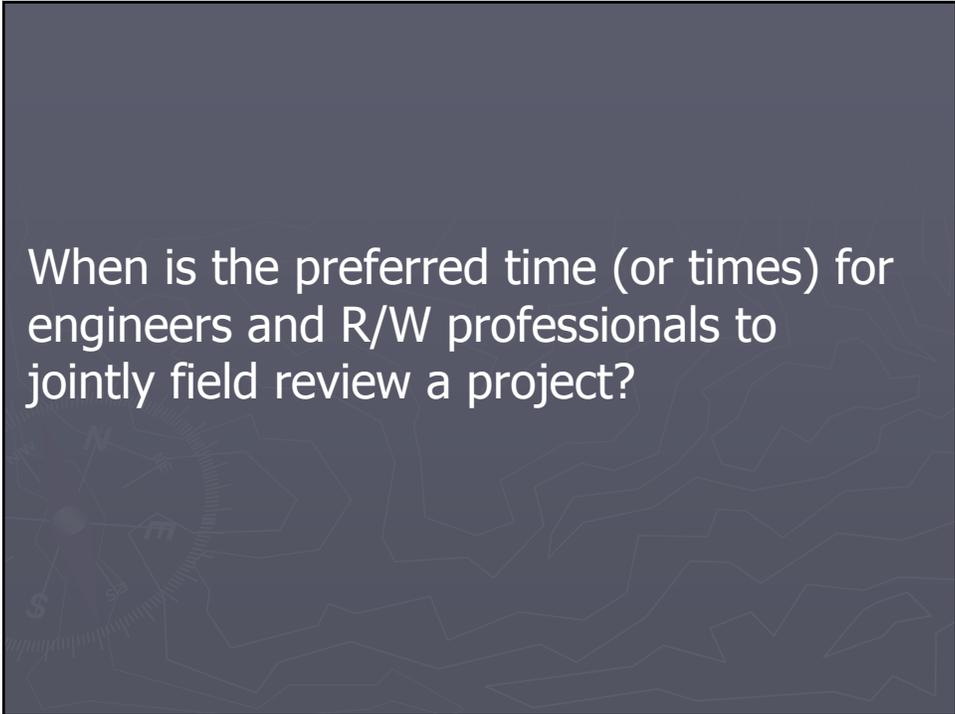
What processes are available to solicit and incorporate Right of Way input into the PD&E and/or Design process?

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What are the more common types of design changes that typically evolve from Right of Way input and result in significant Right of Way cost savings?

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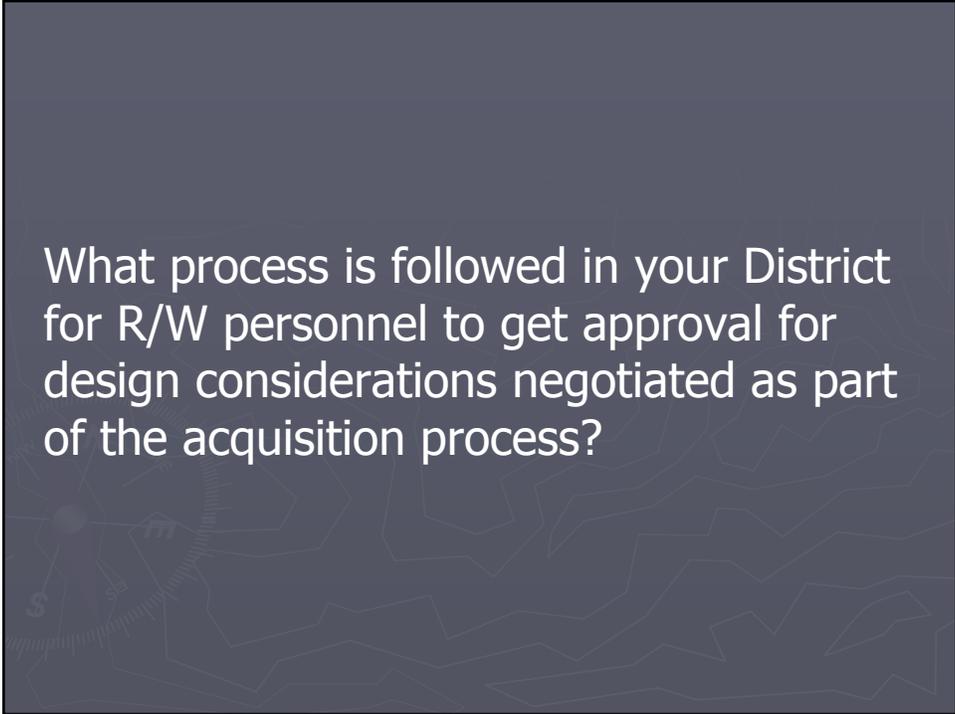
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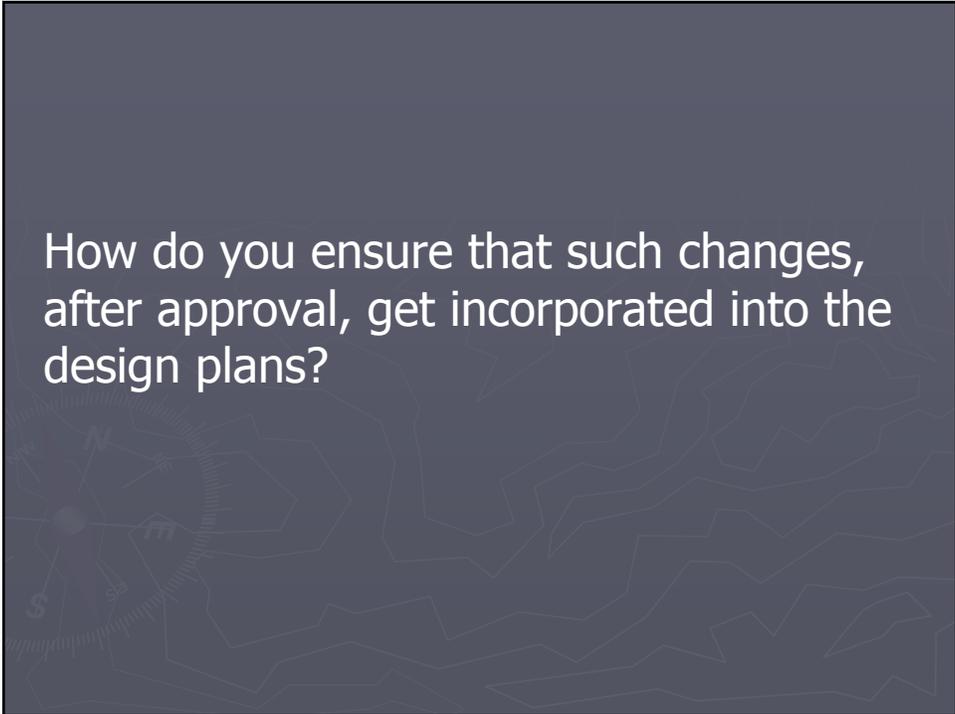
When is the preferred time (or times) for engineers and R/W professionals to jointly field review a project?

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How can the Department avoid claims for non-monetary benefits arising from changes made at the request of property owners?



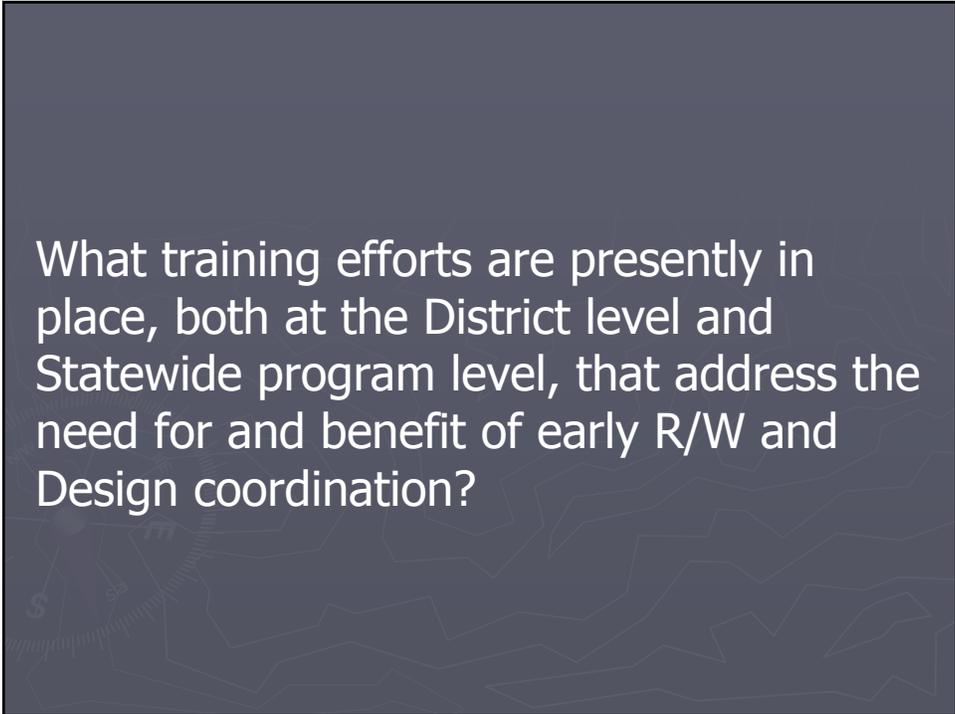
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How do you ensure that such changes, after approval, get incorporated into the design plans?

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A successful Local Agency Program requires considerable coordination and teamwork. What can be done to enhance the level of coordination and teamwork?

The End

