Communication with Utilities and Railroads in the Project Development Process (Right of Way)

California Transportation Commission Workshop
Presented by Mark Phelan
June 23, 2020
Primary Utility and Railroad Companies

Utility Companies

- Southern California Edison
- PG&E
- AT&T
- SDGE
- Sempra Energy

Railroads

- BNSF
- Union Pacific
- Southern Pacific
- BART
- Caltrain
- Metro

Dozens of other additional Utilities and Regional Transit Operators
Caltrans Project Development Process

- Need & Priority Identified
- PID
- PA&ED
- PS&E (Design)
- Construction
- Right of Way
Project Initiation – First Identification and Contact

**PID:** Occasional Early Coordination (informal)
- Potential conflicts noted in the Project Initiation Document
- Conceptual cost estimate prepared based on historic data
- Identify potential utility/RR agreements to plan schedule
- Very little contact at this stage with externals
PA&ED – Standard Early Coordination (informal)

- Conflicts are identified in more detail
- Begin consultation with Utility companies
- Send plans to utilities and request verification maps
- Identify required railroad agreements
Utility and Railroad Coordination – PS&E & R/W

Right of Way and PS&E phases are concurrent
- Identify replacement property rights as necessary
- Finalize Utility agreements, request and approve relocation plans and provide Notices to Owner
- Execute final agreements with Railroads
- Monitor Utility relocations, pay utility and railroad invoices
- Prepare and record conveyance documents
- Monitor RR and Utility agreements for schedule tracking and funding balances
- Close out and final accounting
Challenges

Caltrans:
- Scope changes
  - Agreement revision due to changing impact areas
  - “Re-starting the clock” due to revisions
  - Staff turnover and lack of expertise
- Lack of leverage
- Lack of quality as-built maps

Utilities and Railroads
- Independent offices/lack of corporate direction
- Staff turnover
- Disagreement on prior rights and liability for relocation
- Conflicting work of a higher priority (emergency repairs, fires, etc.)
- No Caltrans priority with major rail carriers (UP, BNSF)
Mitigation Strategies

- Engage utilities and railroads during PID review
- Improved mapping earlier in PA/ED phase
- Minimize scope changes during project development
- Identify conflict risks and risk management
- Project Team understanding of Utility and RR schedules
- Engage with utility management – identify focal points with partners
- Quarterly status meetings with utilities and railroads
Questions?
Communication with External Agencies in the Project Development Process (Environmental)

California Transportation Commission Workshop

Presented by Kirsten Helton

June 23, 2020
Agencies and Requirements

Increasing Project Delivery Requirements (Pre-1940 to Present)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Laws</th>
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<tbody>
<tr>
<td>To 1970</td>
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<td>102</td>
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<tr>
<td>To Present</td>
<td>108</td>
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</tbody>
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- Environmental Laws, Regulations and Orders
How Agencies Issue Permits

Agencies adopt Caltrans Environmental Documents to issue permits
Agency Coordination - PID

PID: *Occasional Early Coordination (informal)*

- For only most complex projects
- Survey methodologies
- Agency concerns
- Early concurrence on process
- All at a very conceptual level
PA&ED – Standard Early Coordination *(informal)*

- Proposed project alternatives
- Survey methodologies/Areas of project impact
- Agency concerns
- Concurrence on process
- Still fairly conceptual
PS&E – Permitting Process *(formal)*

- Survey results
- Areas of Project Impact – Quantified
- Mitigation proposals
- Concurrence on impacts/project actions/mitigation
- Narrow time frame
- All permits needed for RTL
Challenges

Caltrans:
• Lack of time/resources in PID
• Design timing
  – Failure to prioritize environmental considerations in Design
  – Late involvement of DES (Bridges)
  – Permit revision due to changing impact areas
• No time for negotiation of permit conditions in schedule

Agencies:
• Autonomous regions/field offices can affect consistency
• Complex approval process
  – Delegation of signature authority broached in AB1282
• Differing opinions on extent of jurisdiction and mitigation
Establishes the Transportation Permitting Task Force Statutory Goals:

- Early engagement
- Reasonable deadlines
- Greater certainty of permit approval requirements
Questions?