Managing the Right of Way (ROW) Process for Design-Build (DB) Contracts by co-locating the project team

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Project Name: Central Mesa Light Rail Extension (CME)

Abstract: The CME project required ROW that impacted 122 parcels in primarily partial takes, some full takes, and some cut & reface parcels. The DB contract divided the parcels into three groups and identified availability dates for the contractor's use in scheduling. Some parcels required longer acquisition periods than anticipated. The co-location of key personnel from Valley Metro Rail (VMR), City of Mesa (COM) and the DB contractor facilitated the coordination required to establish workarounds and avoid major schedule delays. This approach contributed in the successful and timely project completion.

Project Phase(s): Engineering and Construction

Category: Management

1. Background

The CME Project is a 3.10-mile double track, center of roadway, light rail project located in the City of Mesa (COM), Arizona. This is a Small Starts project that was awarded the Project Construction Grant Agreement (PCGA) in October 2012. The project Grantee is the City of Phoenix and the Project Sponsor is VMR.

The CME project extends VMR's existing Central Phoenix/East Valley (CP/EV) light rail system, from its current terminus at the approximate intersection of Sycamore Street and Main Street to Downtown Mesa. Four (4) stations have been constructed: Alma School Road, Country Club Drive, Center Street, and Mesa Drive. A Park-and-Ride (PNR) lot has been constructed at the Mesa Drive Station. The Operations Control Center (OCC) was upgraded with additional equipment and work stations to support the light rail extension. No additional transit vehicles were required as part of the CME Project.

The contracting approach for the project was a DB procurement. VMR awarded the DB contract to Valley Transit Constructors (VTC) in April 2012. The project opened for Revenue Service on August 22, 2015.

2. The Lesson

The ROW acquisition schedules are inherently fluid due to several causes, including the negotiation process, the size of the take, the take type (fee versus easement), business or private residence, is relocation required, the owner of the property, the owner's financial situation, and the location of the taking. The design team's designs on a DB contract can affect the required ROW. When properties are being acquired after the Notice to Proceed (NTP) on a DB project, flexibility is required when it comes to construction phasing and mitigation efforts and must be documented in the construction contract.

The acquisition of ROW for the CME Project involved coordination of the process between the FTA, City of Phoenix (Grantee), VMR (Agency), and the COM (owner of the procured ROW). Much of the CME project's construction occurred within the existing right-of-way of Main Street in the COM. A number of the acquisitions were for small permanent easements for streets. At the major intersections, additional ROW takes were required, some full takes and some cut and re-facings were required. The PNR lot required the acquisition of six parcels. ROW was also procured for Traction Power Substations (TPSS) and Train Control and Signal Buildings.

ROW parcels requiring procurement were identified in the contract in three groups with established availability dates. Some parcels required longer than anticipated acquisition periods, leading to potential schedule delays.

Co-locating key personnel in one office was a significant advantage. The co-location of key personnel from VMR, COM, and the DB contractor facilitated exchange of critical information on a daily basis and ensured consistent procedures between the agencies. By co-locating all major CME project managers and decision makers, VMR and COM managers were able to streamline processes by using a single agency's forms and technical experts to coordinate the actions of their internal staff and external ROW consultants. The result of this team approach was the effective use of workarounds to mitigate delays in the availability of some parcels, and not unduly affect the overall project construction. The workarounds were recognized in the comprehensive settlement of $3.0M to the DB contractor that included all issues related to ROW acquisitions.

3. Applicability

The strategy of co-locating staff from the sponsor agency, DB contractor, and City would be effective on similar multi-agency projects, and also on DB projects where ROW acquisition, final design and construction are overlapping in a concurrent process.

4. Contact Person/Info

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