# Project Development Process (PDP) - An Overview

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**TPMI 2016** 

# Project Development Process

- Definition
- Background
- Methodology
- Challenges
- Opportunities
- Interactive Discussion

### **Definition - PDP**

- The Project Development Process is the use of multidisciplinary concurrent efforts to develop transportation projects from inception to construction.
  - Work is accomplished in parallel rather than in series
  - Requires the active involvement of all project development players throughout each of the development phases
  - Concurrent efforts bring about the design in its final form
  - Maintains commitment of concurrent design activities established in 1998
  - This concept accelerates project development, but comes with serious and potentially costly risks, cost of re-work being the most significant

# Background

#### 2010 Performance Audit Action Item #26:

"Develop a project-specific risk assessment methodology that should be a required task in the project planning phase. The project risk assessment should provide the basis for concluding that a low-risk project would not be subject to certain control reviews such as the review of signed and sealed plans by Central Office Location and Design..."

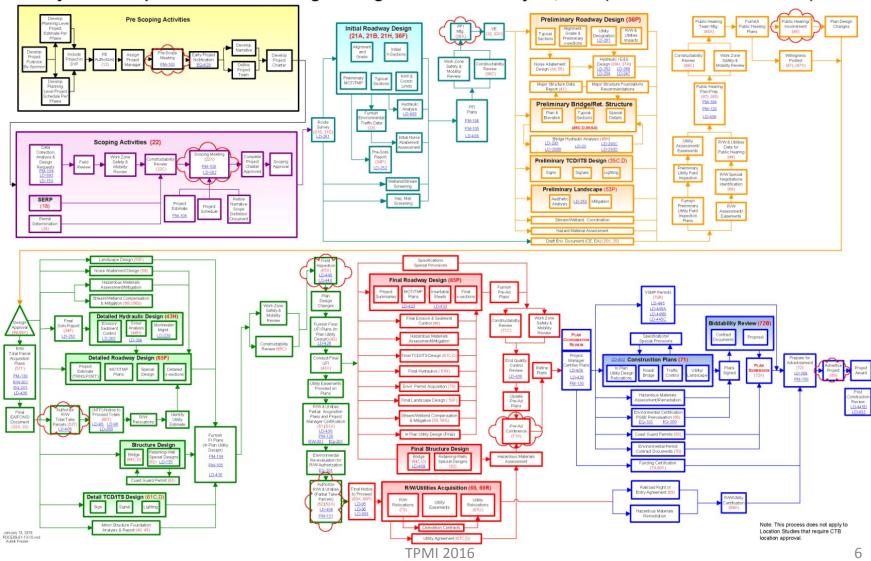
- 1&IM 249.4 implements a two-tier project system addressing Item #26.
  - Tier 1 = routine maintenance and operations projects (regardless of cost), SAAPs, all NFO preventative maintenance and construction Projects < \$5M Construction Cost
  - Tier 2 = all FO (now PoDI/PoCIs) construction, operations or maintenance projects, all NFO > \$5M construction cost, and all projects designated as Design Build at the Scoping stage

### The Process

- The Project Development Process
  - VDOT's Approved Process
  - Focus on Teamwork and Risk Management
  - Based on 5 Phases
    - Scoping
    - Preliminary Design
    - Detailed Design
    - Final Design and ROW Acquisition
    - Advertisement

### The Old Process

Project Development Concurrent Engineering Process – January 13, 2010 (Total & Partial R/W Takes)



### The New Process

**VDDT** Project Development Process Click on the appropriate Phase link Scoping Phase Preliminary Design Phase Roadway Delivery Draft ERP Structure and Environmental Bridge TCD/ITS SYIP (DBB, DB, PPTA) Document Landscaping Materials **Public Outreach** /Public Hearing Set Line Final Public Hearing Permit Driven Constructability and Design P.E. PROJECT and Grade Prepare Initial Determination Scope/ And Work Zone Approval Bridge Typica AUTHORIZED reliminary R/W INITIATION Review **PFI Meeting** Meeting Section, etc. Data Sheet 20% ROW and Stakeholder Value Utility **Documents** Survey Engineering Impacts and Outreach **Detailed Design Phase** Final Design & ROW Acquisition Phase **Advertise Plans** Roadway Roadway Utility repare R/W Structure and Structure and Design Plans Bridge TCD/ITS Bridge TCD/ITS Landscaping Materials Materials Final PS&E Environmenta Authorize and ROW Certificate Field Utility PROJECT and Utility Update Inspection Field PAC Advertisement (Partial Takes) DELIVERY Survey Bas File E&S Meeting Inspection Hydraulie Bidibility Review 100% Constructability ROW and **ACRONYMS** Constructability Work Zone and ACRONYMS

CSE - Common Sense Engineering

BB - Design Build

DBB - Design, Bid, Build

ERP - Environmental Review Process

EAS - Erosion and Sediment Control

EAS - Erosion and Sediment Control

EAS - Erosion and Sediment Control

FOR - Pre-Advertisement Conference

PAC - Pre-Advertisement Conference

PE - Preliminary Engineering

PFI - Public Private Transportation Act

PSEE - Plans, Specifications & Estimate

ROW - Right of Way

TCD - Traffic Control Device

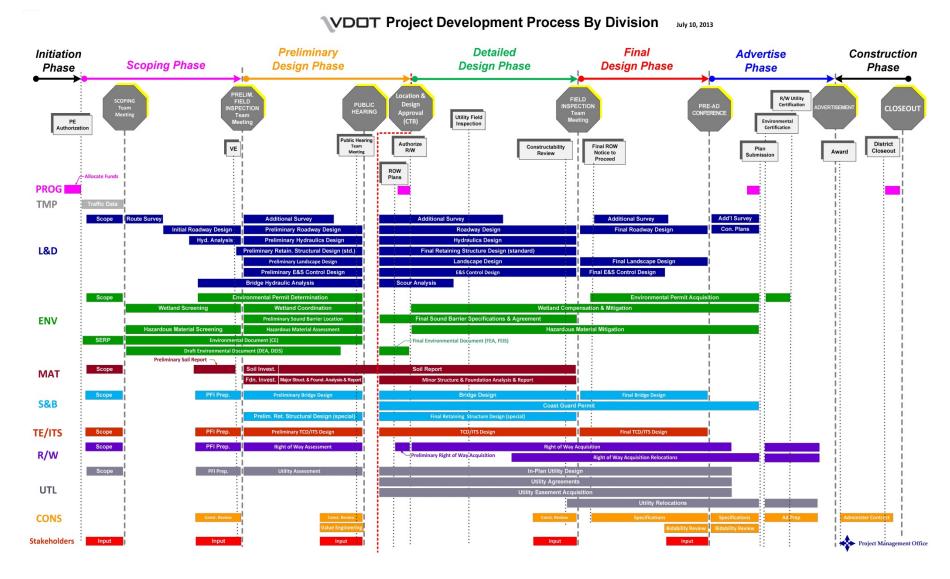
TMP - Traffic Management Plans

USIP - Unified Six Year Improvement Program Utility MOT / TMP Plans and Work Zone Impacts Review (Total Takes Review PROJECT CLOSEOUT LEGEND CODE REQUIREMENTS State Required \* Pre-Scoping funds are available for use on For Applicable State and Federal Certain pre-design activities. See IIM-PMO 1.1 F Federal Required Code regulations please click on box indicated with S, F or S/F Federal / State Required **Project Management Policy** 

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Thursday, October 29, 2015

### The New Process



### The Process

What the PDP isn't:

Completely rigid or inflexible

**BUT BE CAREFUL!!!!** 

Many of the steps are legal requirements....

# Legal Hierarchy - Federal

**Code of Federal Regulations (CFR)** 

**CFR Sections that pertain to Highways** 

- Title 23 Highways FHWA
- Title 33 Navigation and Navigable Waters Corps of Engineers, Coast Guard
- Title 36 Parks, Forests, and Public Property
- Title 40 Protection of the Environment Environmental Protection Agency, Council on Environmental Quality / NEPA

### The Bottom Line





# Place a penny of federal money on a project and instantly "federalize" it

# Legal Hierarchy – Commonwealth of Virginia

**State Constitution** 

**Code of Virginia – Statutes** 

Virginia Administrative Code – Regulations

Local Code/Ordinance <a href="http://www.municode.com/">http://www.municode.com/</a>



Road Building is a "Concurrent Power" (Responsibility) between national, state and local governments

# The Reality

A roadway project developed by the State, utilizing both Federal and State funding sources, must be developed in accordance with Federal and State Law

VDOT's Chief Engineer and Chief Financial Officer have directed that the construction, maintenance and operations programs be developed so as to meet Federal Obligation Authority targets

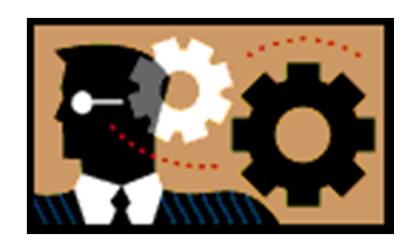
# The Legislative History - Federal

- Code of Federal Regulations
  - Total
    - April 1, 2000 138,049 pages
    - April 1, 2014 175,496 pages (+27%)
  - Title 23 Highways
    - April 1, 1999 561 pages
    - April 1, 2013 629 pages (+12%)
  - Title 33 Navigation
    - July 1, 1999 2,024pages
    - Sept.1, 2015 2,698 pages (+33%)
  - Title 36 Parks & Public Property
    - July 1, 1999 1,558 pages
    - July 1, 2015 1,888 pages (+22%)
  - Title 40 Protection of the Environment
    - July 1, 1999 24 Volumes, 16,221 pages
    - July 1, 2013 34 Volumes, 25,954 pages (+60%)

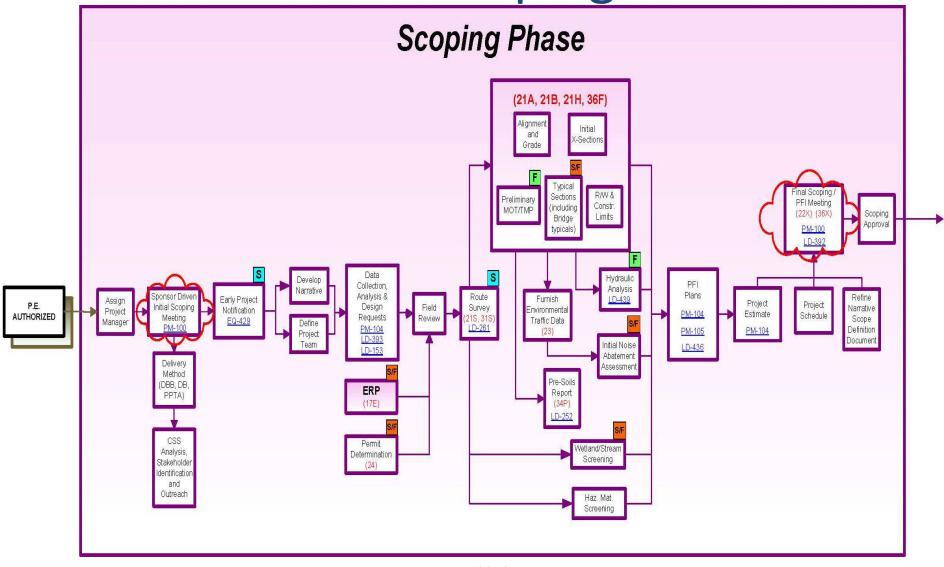
# The Legislative History - Virginia

- Code of Virginia
  - Highway Laws of Virginia
    - June 30, 1998 646 pages
    - June 30, 2014 1112 pages (+72%)
- Virginia Administrative Code
  - Title 24 Transportation and Motor Vehicles
    - Agency 30 Department of Transportation
      - 42 Chapters

### The Bottom Line



As our legal/governance systems become increasingly complex, we must constantly strive to educate ourselves in order to navigate them effectively



Interstate Access Points
23 U.S.C 111- Interstate Access (IJR/IMR)

Limited Access Highways § 33.2-400 to 404

### **Project Delivery Method**

23 CFR 636 - Design Build Contracting

§ 2.2-4306 - Design Build Procurement

§ 33.2-1800 to 1824 – Public-Private Transportation Act of 1995

**Bicycle and Pedestrian Accommodations** 

23 CFR 652 Pedestrian and Bicycle Accommodations

§ 33.2-354 – Statewide Pedestrian Policy

§ 33.2-112 – Sidewalks and Walkways

March 18, 2004 - CTB Policy for Implementing Bicycle and Pedestrian Accommodations

Design Standards for Secondary Roads § 33.2-327

Paving of Unpaved Roads § 33.2-332

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# **Scoping Regulations**

FEDERAL & STATE REQUIREMENTS					
Phase	Step in Process	Federal Requirement	State Requirement		
Scoping	Early Project Notification		Section 10.1-1188		
	Environmental Review Process (ERP)	23 CFR 771,	<u>§ 10.1-1188B</u>		
	Permit Determination	33 USC 1344, 33 USC 401, Section 26A of the TVA Act	§ 62.1-44.15:20_4 VAC 20-333-10 et seq, 9 VAC 25-210 and 9VAC 25.680		
	Route Survey		§ 33.2-104, §33.2-208		
	Preliminary MOT/TMP	23 CFR 630 Subpart J			
	Typical Sections (including Bridge typical Bike & Peds)	23 CFR 652; 23 USC 217(e) 23 USC 109 (m)	§33.2-354 24VAC30-151-600 24VAC30-91-110		
	Hydraulic Analysis	23 CFR 650.117			
	Initial Noise Abatement Assessment	23 CFR 772	§ 33.2-215, § 33.1-12, VDOT Policy		
	Wetland/Stream Screening	33 USC 1344	§ 62.1-44.15		

- Embrace Context Sensitive Solutions (CSS) to engage stakeholders and manage expectations
- Embrace Common Sense Engineering to develop good, not perfect, projects and save money
- Determine public involvement strategy
- Determine project delivery method
- Determine tier level
- Discuss the scope and get buy-in from team members
- Include bicycle and pedestrian components from the start
- Include all necessary schedule activities
- IJRs and IMRs are to be completed in this phase
- Phase ends with Preliminary Field Inspection and Approved Scope



What's Missing at this Stage of the Game?

#### **NEPA**

**National Environmental Policy Act** 

42 U.S.C. 4321-4347

23 CFR 771

49 CFR 662

4VAC25-130-740.4

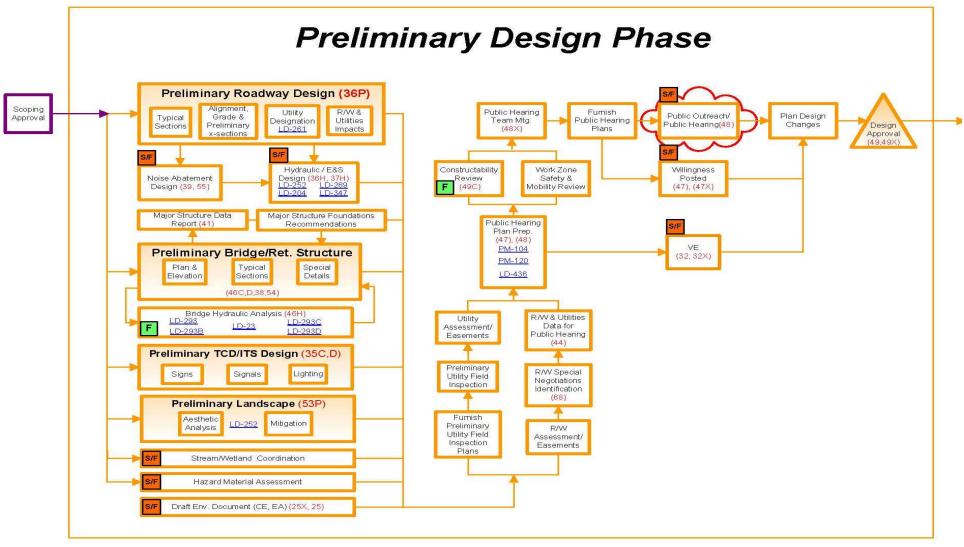




- Secondary Road Bridge Replacement
- Functional Class: Rural Major Collector
- Traffic Count: 545 VPD
- Posted Speed: Not Posted
- Bridge Width: 24'
- What issues do you need to think about as you prepare to scope the project?

- Environmental Impacts
- Road Closure or Staged Construction?
- Utility Impacts
- Typical Section
- Coast Guard Permit?
- Others?

### The PDP – Preliminary Design Phase



# The PDP – Design Phase

#### **Preliminary MOT/TMP**

23 CFR 630.1012 – Project-level Procedures - Refers to Traffic Management Plans and requires state to develop a Temporary Traffic Control (TTC) plan, a Traffic Operations (TO) and a Public Involvement (PI) plan

#### **Value Engineering**

23 CFR 627.1 – Value Engineering – All NHS projects above \$25M in total cost

§ 33.2-261 – Value Engineering required in certain projects – Any project, any highway system more than \$5M in construction cost

#### **Access Management**

§ 33.2-245 - Access Management Standards 24 VAC 30-73 - Access Management Regulations for Principal Arterials, Minor Arterials and Collectors

# The PDP –Preliminary Design Phase

#### **Initial Noise Abatement Design**

23 CFR 772.11 - Noise Abatement § 33.2-276 - Noise Abatement Practices and Technologies

#### **Public Involvement**

23 U.S.C. 128 – Public Hearings 23 CFR 771.111 h(1) –

"Each State must have procedures approved by the FHWA to carry out a Public Involvement/Public Hearing program pursuant to 23 U.S.C. 28 and 40 CFR 15 parts 1500 through 1508."

§ 33.2-208B – Location of Routes

24 VAC 30-380-10 - Public Participation Guidelines

"The publication of a notice of willingness to hold a public hearing, with no public request for a hearing by the expiration date will satisfy any public hearing requirements."

## The PDP – Preliminary Design Phase

#### **Limited Access Control Changes**

§ 33.2-400 – Power and Authority of the Board to establish, modify or extinguish limited access

Tier 1 or Tier 2 Projects: By Commonwealth Transportation Board

#### **Location Approval**

§ 33.2-1701.14 – General Powers of Board – Vacate or change the location of any public highway.

Tier 1 or Tier 2 Projects: By Commonwealth Transportation Board

#### **Design Approval**

Tier 1 Projects: By VDOT District Project Development Engineer

**Tier 2 Projects: By VDOT Chief Engineer** 

23 CFR 771.111 h(2-vi) – "Submission to the FHWA of a transcript of each public hearing and a certification that a required hearing or hearing opportunity was offered."

# **Preliminary Design Regulations**

FEDERAL & STATE REQUIREMENTS					
Phase	Step in Process	Federal Requirement	State Requirement		
Preliminary Design	Noise Abatement Design	23 CFR 772	§ 33.2-276		
	Hydraulic/E&S Design	23 CFR 650 Subpart 4 23 CFR 650,201	<u>§62.1-44, 15:52</u>		
	Bridge Hydraulic Analysis	23 CFR 650.115			
	Stream/Wetland Coordination	33 USC 1344 Section 404	9 VAC 25-660 § 62.1-44.15-20		
	Draft Environmental Document (CE, EA, EIS)	23 CFR 771			
	Public Outreach/Public Hearing/Willingness Posting	23 USC 128 23 CFR 771 40 CFR 1506	§33.2-208 §33.2-338 §33.2-1701 24 VAC 30-11-10, & 24VAC30-380		
	Access Management		§ 33.2-245 24VAC30-73		
	Value Engineering	23 CFR 627.1	§ 33.2-261		

## The PDP – Preliminary Design Phase



- Maintenance of Traffic and Sequence of Construction plans do not make up a Traffic Management Plan (TMP). They are just one component of the TMP. Transportation Operations and Public Involvement are the other components.
- The State VE requirements are more rigid than the Federal.
- Noise abatement design (potential sound walls) work should begin as soon as scoping is approved.
- Changes to Limited Access Control are to be completed in this phase

## The PDP – Preliminary Design Phase

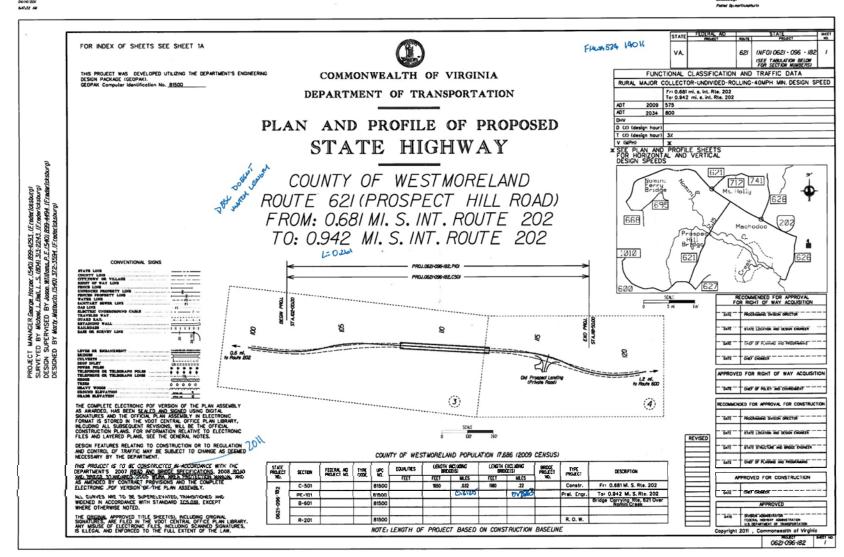


- Opportunity for public involvement is a state and federal requirement on projects that require regulatory action. This does not necessarily mean that you must conduct a public hearing, you may just post a willingness for a hearing.
- Regulatory action includes, but is not limited to, acquisition of property, approval of a NEPA document, establishing or changing a limited access freeway.
- Some exceptions apply for Emergency,
   Maintenance and Operations projects.
- Phase ends with Design Approval

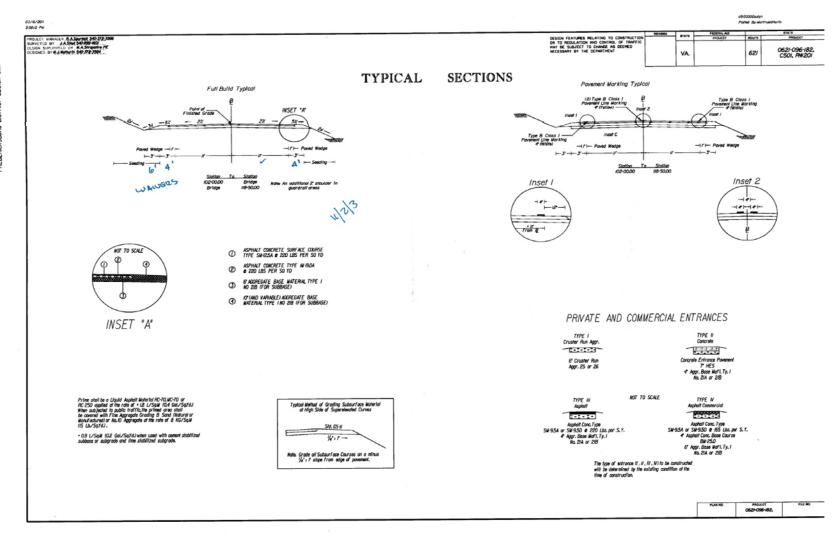
# Tier 1 Exercise – Prelim. Design

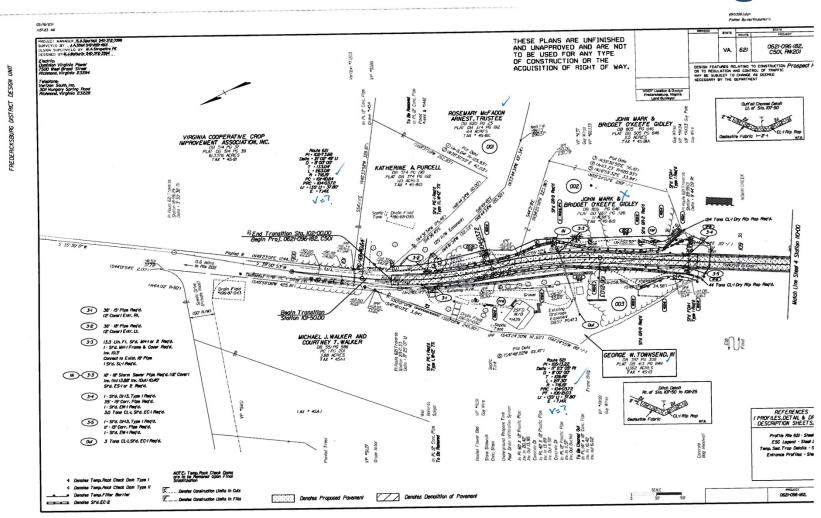


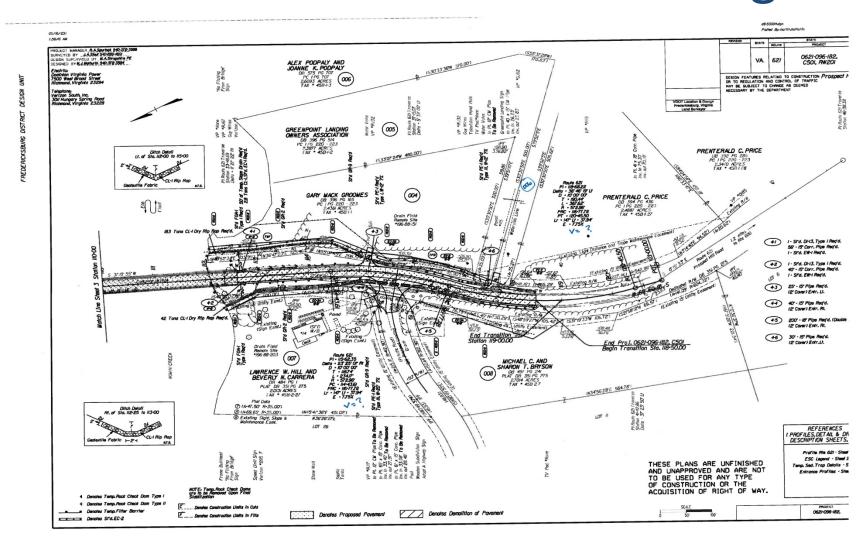
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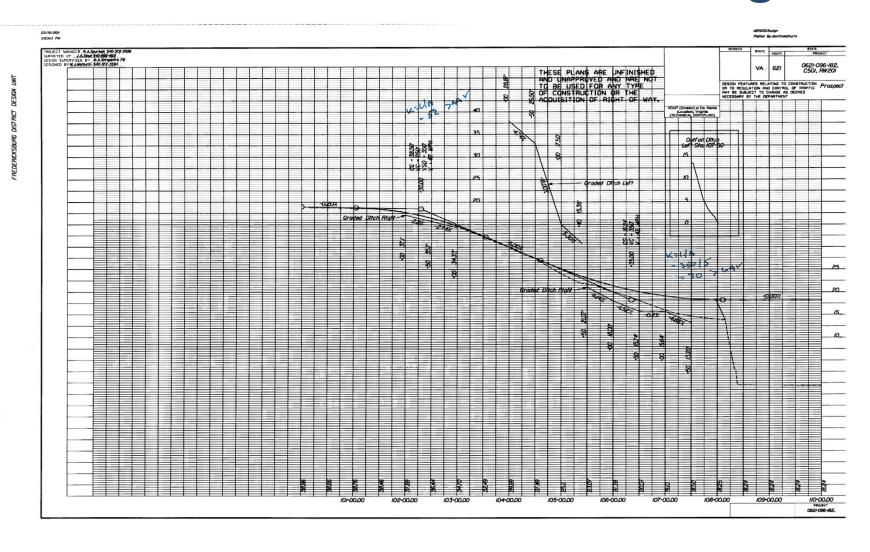


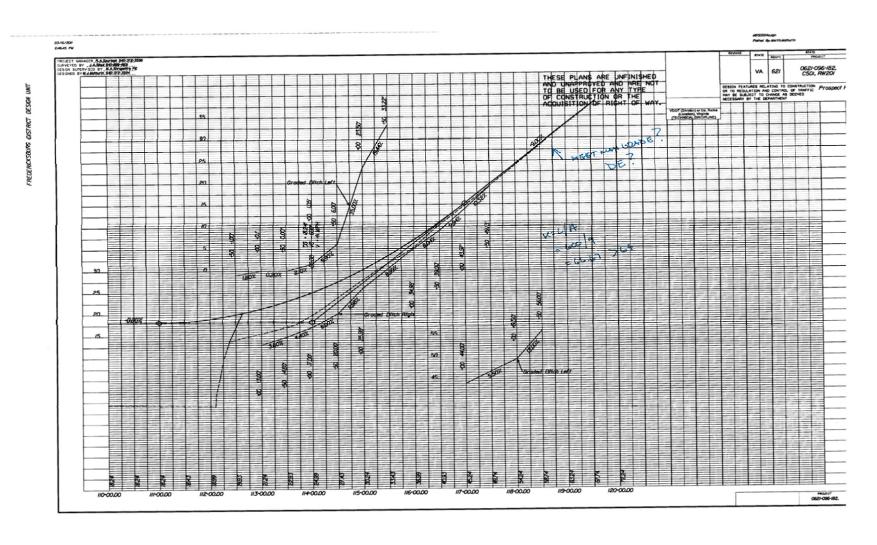
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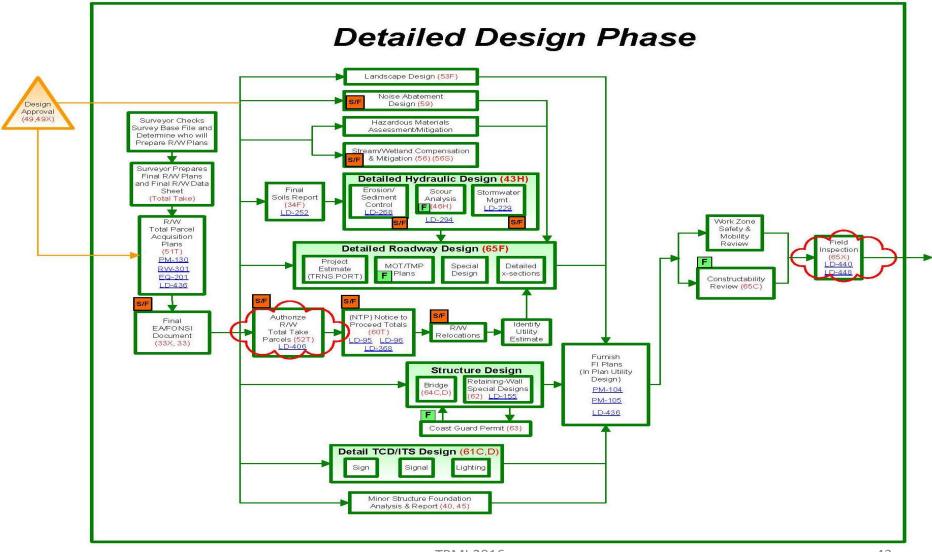


Held Public Hearing on this design.

What could go wrong?

- Landowners at each end objected to land taking.
- Landowners got politicians involved.
- Forced to redesign.

## The PDP – Detailed Design Phase



## The PDP – Detailed Design Phase

#### Final EA/FONSI (Finding of No Significant Impact)

23 CFR 771.119 &.121 – Include provisions for review of public hearing documents and recommendations of the applicant.

#### Final EIS/ROD (Record of Decision)

23 CFR 771.123 & .127 – Include provisions for review of public hearing documents and recommendations of the applicant.

#### **Authorize Right-of-Way – Total Take Parcels**

- § 25.1-417.9 General Provisions of Conduct of Acquisition "If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the agency concerned shall offer to acquire the entire property."
- 23 CFR 710.501/503 Early Acquisition/Hardship Acquisition allows for early acquisition if a hardship or a protective purchase. NEPA must be complete.

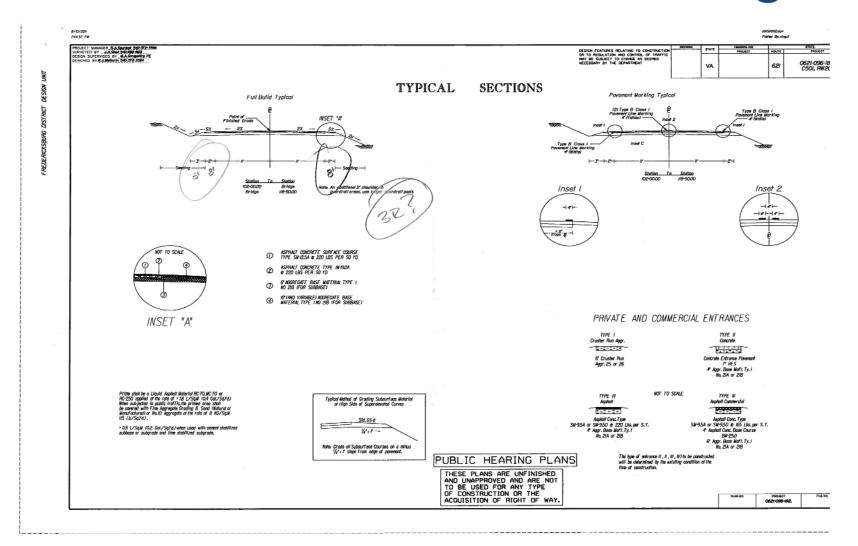
## **Detailed Design Regulations**

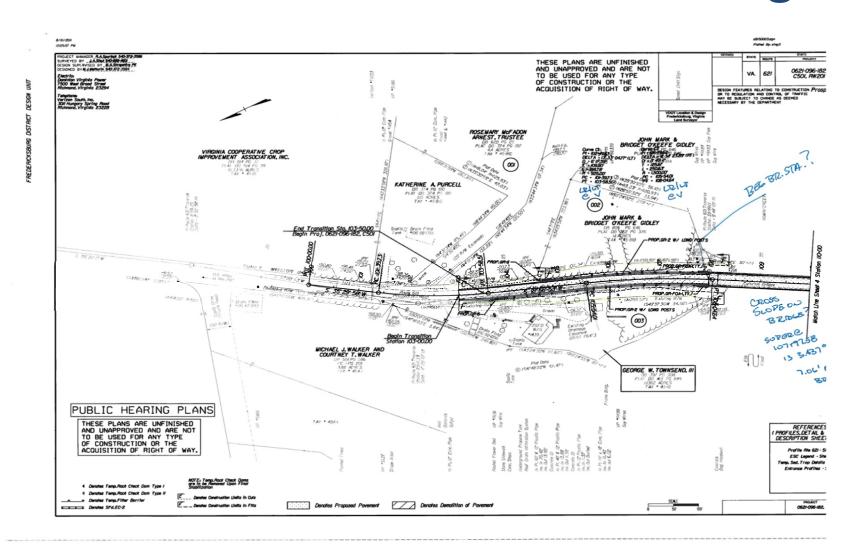
FEDERAL & STATE REQUIREMENTS						
Phase	Step in Process	Federal Requirement	State Requirement			
	Final Environmental Document (Fonsi/Rod)	23 CFR 771				
	Authorize R/W Total Take Parcels	49 CFR 24.102, 23 CFR 710, 23 CFR 710,501/503	§ 33.2-1001, §33.2-1004, §25.1-417, §33.2-1704			
	Notice to Proceed Totals	49 CFR 24-162	<u>§33.2-1007</u>			
	R/W Relocations	49 CFR 24.201-208	24VAC 30-41			
Detailed Design	Noise Abatement Design	23 CFR 772	§33.2-276 VDOT Policy			
	Stream / Wetland Compensation & Mitigation	33 USC 1344	9 VAC 25-210 §33.2-247 §10.1-561, §62.1-15.52			
	Erosion & Sediment Control	23 CFR 650.203	§ 10.1-561, §62.144.15.2 9VAC25-840			
	Scour Analysis	23 CFR 650 subpart A				
	Stormwater Management	40 CFR 130.6 40 CFR 122.26	VDOT Policy, §15.2-2114 §62.144.15.25 9VAC25-870			
	MOT/TMP Plans	23 CFR 630 Subpart J				
	Coast Guard Permit	33 CFR 115 23 CFR 650 Subpart H				

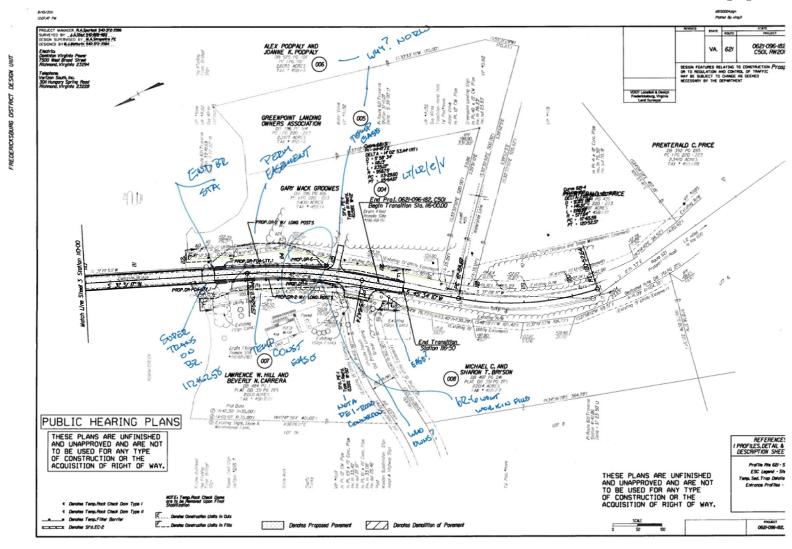
## The PDP – Detailed Design Phase

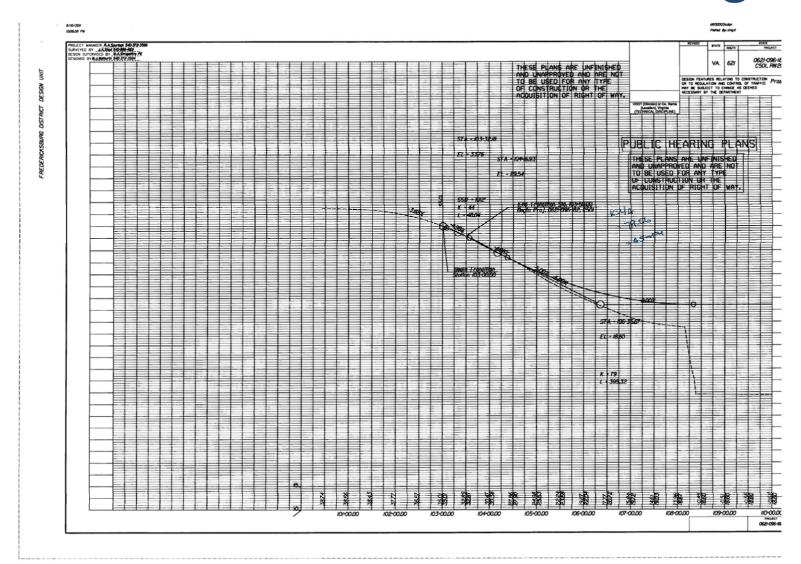


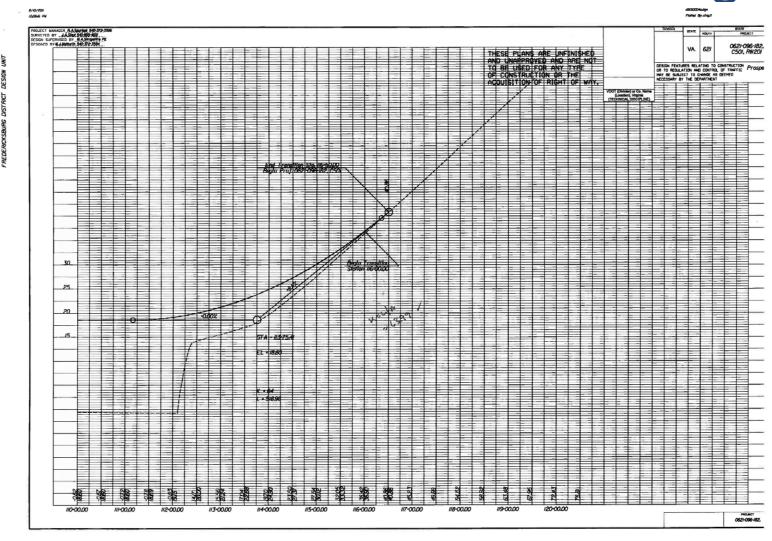
- Approval to acquire right-of-way is a fairly lengthy process, starting with public involvement, design approval, NEPA document approval, and state and federal acquisition authorization.
- Regulatory action includes, but is not limited to, acquisition of property, approval of NEPA document, establishing or changing a limited access freeway
- Phase ends with Field Inspection



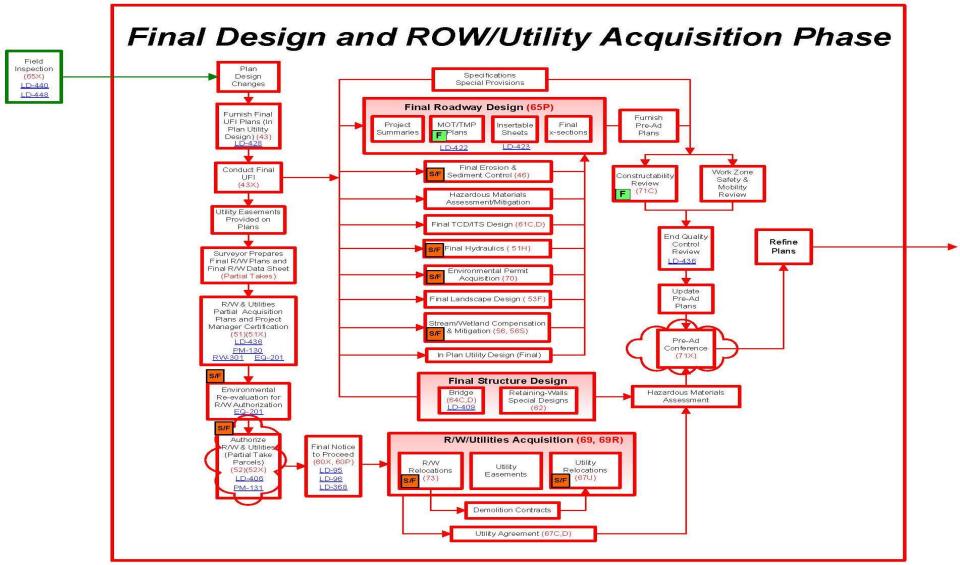








- Plans Ready for Right of Way Acquisition?
- Any foreseeable problems?



#### **Right-of-Way Acquisition**

- 23 CFR 710 Right-of-Way and Real Estate
- 49 CFR 24 Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs
- § 25.1 and 33.2-1001 Eminent Domain
- § 33.2-1704 Condemnation of Property
- § 25.1-417 and 33.2-1004 & 1005— Acquisition of Property

#### **Utility Agreements and Relocations**

- 23 CFR 645 Utilities prescribes policies, procedures and reimbursement provisions for adjustment and relocation of utilities on federal aid projects
- §§ 33.2-307, 308, 330 Relocation or removal of utility facilities within projects on Interstate System; Relocation or removal of utility facilities within projects on Interstate System; additional provisions; Relocation or removal of utility facilities within projects on Secondary System;

# Stormwater Management and Erosion and Sediment Control

- § 62.1-44.15:24 State Water Control Board (SWCB) shall permit, regulate, and control stormwater runoff in the Commonwealth.
- § 62.1-44.15:52 SWCB shall develop regulations for the effective control of soil erosion, sediment deposition, and nonagricultural runoff that shall be met to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources
- 9 VAC 25-870-10 Virginia Stormwater Management Program (VSMP) regulations
- 9 VAC 25-850 Erosion and Sediment Control and Stormwater Management Certification regulations

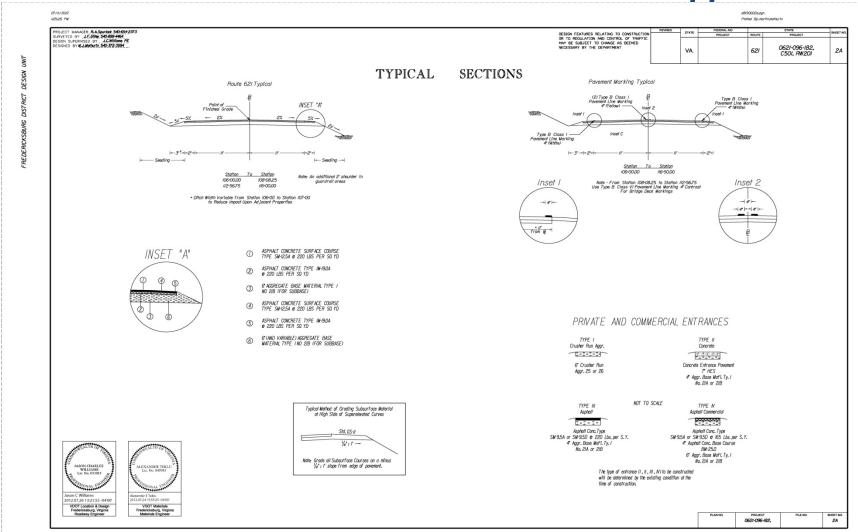
FEDERAL & STATE REQUIREMENTS						
Phase	Step in Process	Federal Requirement	State Requirement			
	Environmental Re- evaluation for R/W Authorization	23 CFR 771				
	Authorize R/W & Utilities (Partial Take Parcels)	23 CFR 710 23 CFR 645	§33.2-100.5			
	MOT/TMP Plans	23 CFR 630 Subpart J				
	Final Erosion & Sediment Control	23 CFR 650.207- 211	9VAC25-840 § 62.1-44, 15:52			
Final Design and ROW	Final Hydraulics	23 CFR 650.115				
Acquisition	Environmental Permit Acquisition	33 USC 1344 33 US C 401, Section 26A of The TVA Act	§ 32.2-258 § 62.1-44, 15:6 4 VAC 20-333-10 et seq, 9 VAC 25-210, 9VAC25-680			
	Stream/Wetland Compensation & Mitigation	23 CFR 777 16 USC 13.01	9VAC25-210-45			
	R/W Relocations	49 CFR 24 Subpart B	§ 25.1-400-417			
	Utility Relocations	23 CFR 645	§ 33.2-307-308, 330			

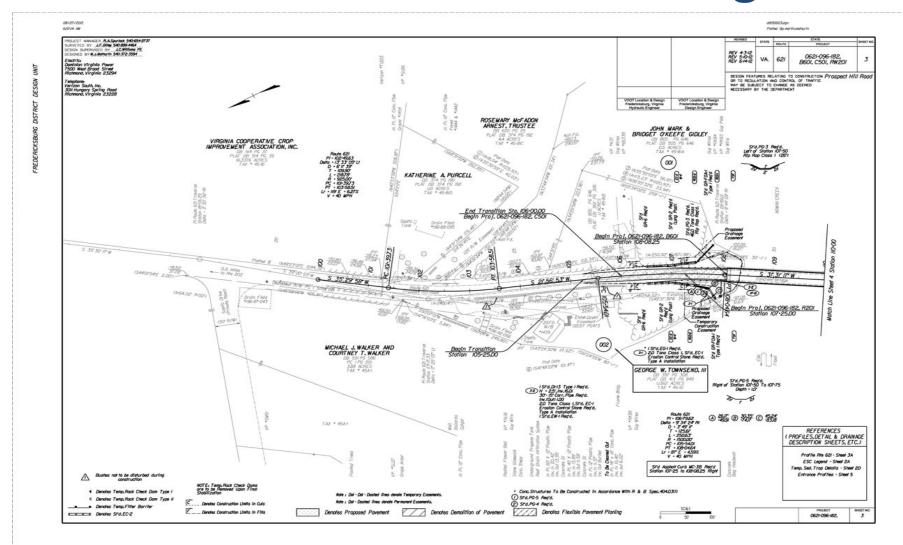


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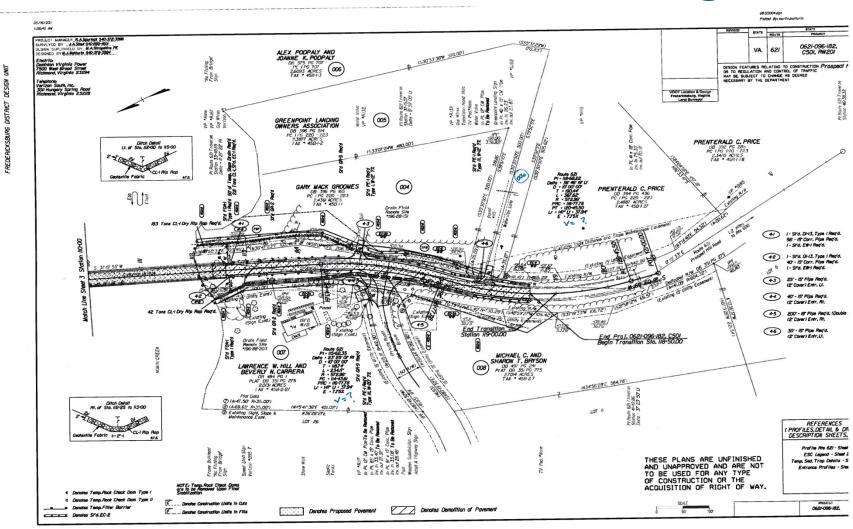


- There are significant rules and requirements when dealing with public and franchise utility relocations. VDOT's Right of Way and Utilities Manual, Vol. 2 is an excellent source for relocation requirements.
- Phase ends with the Pre-Advertisement Conference.

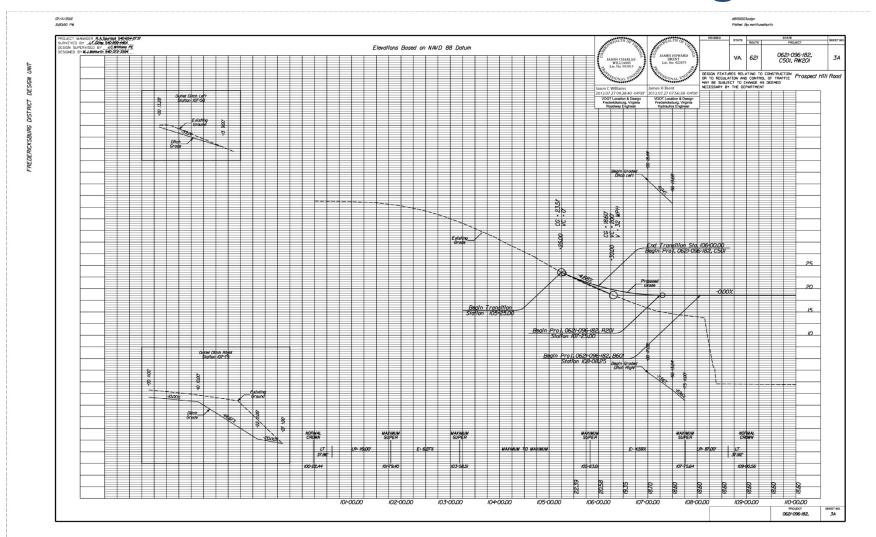


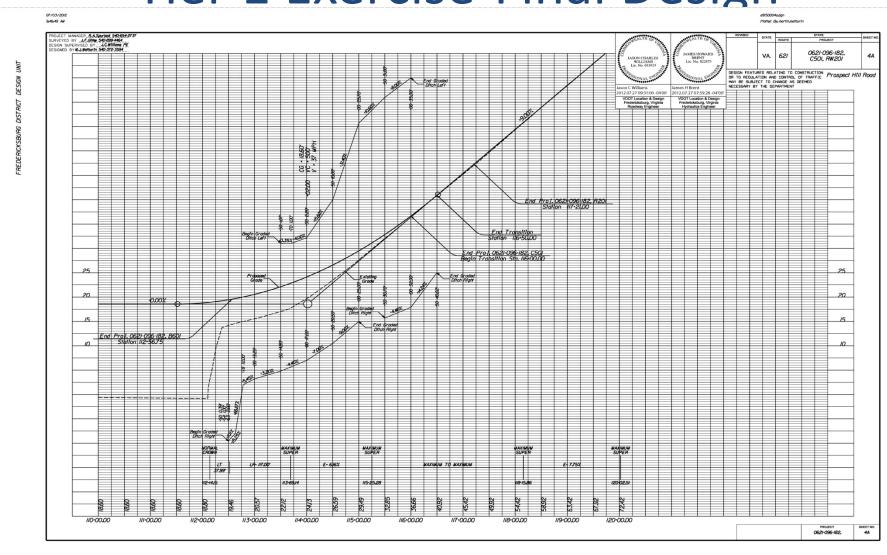


DESIGN

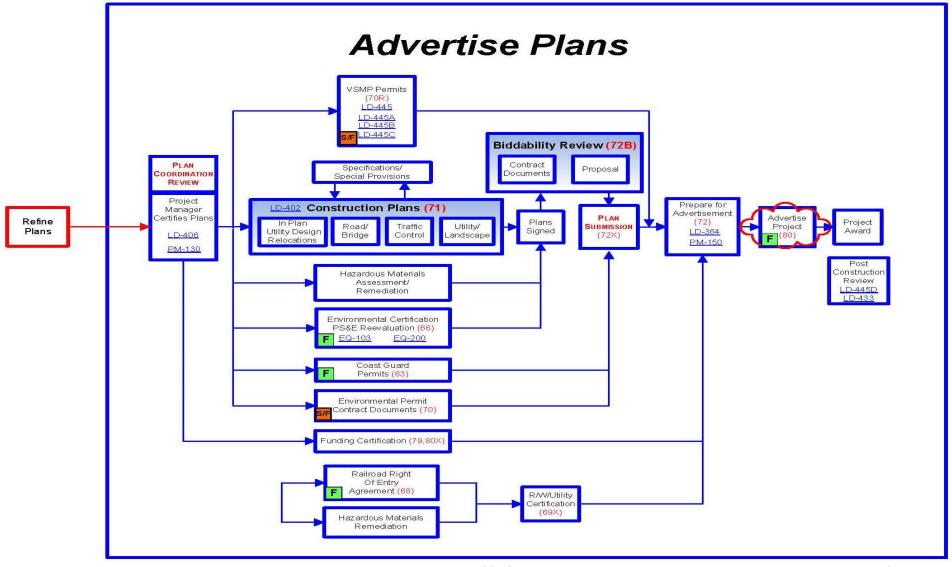


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#### The PDP – Advertisement Phase



#### The PDP – Advertisement Phase

#### **Environmental PS&E Re-Evaluation**

23 CFR 771.129(c) – After approval of the EIS, FONSI, or CE designation, the applicant shall consult with the Administration prior to requesting any major approvals or grants to establish whether or not the approved environmental document or CE designation remains valid for the requested Administration action. These consultations will be documented when determined necessary by the Administration.

#### **Prepare for Advertisement**

23 CFR 630 – Preconstruction Procedures – Subpart B – Plans, Specifications, and Estimates (PS&E) – Requires that the PS&E assembly be submitted to FHWA for their review on federal aid projects.

#### **Advertisement for Bids**

23 CFR 635 – Advertising for Bids and Proposals § 32.2-235 - Advertisement for Bids

# **Advertisement Regulations**

FEDERAL & STATE REQUIREMENTS					
Phase	Step in Process	Federal Requirement	State Requirement		
Advertise Plans	VPDES (Old VSMP) Permits Construction	S. 0.	§10.1-603.2:1 §62.1-44,15:25 9VAC25-870		
	Environmental Certification/PS&E Reevaluation	23 CFR 771			
	Coast Guard Permits	23 CFR 650 Subpart H 33 CFR 115			
	Railroad Right of Entry Agreement	23 CFR 646			
	Advertise Project	23 CFR 635	§32.2 -235		

#### The PDP – Advertisement Phase



- NEPA does not stop after the public hearing. Assurance of compliance with all previously attained approvals is a must to reach construction approval.
- FHWA reviews all PS&E's on federal oversight projects. They have been treating all ARRA funded projects as federal oversight as well.
- Virginia Stormwater Management Program (VSMP) permits must be acquired for all projects with 1 acre (2500 Sq. Ft. in Chesapeake Bay locales) of disturbed area
- Phase ends with Advertisement

#### The PDP - Challenges

- Global economic and fiscal uncertainty
- Legislative and programmatic changes
- Expanding federal and state regulations
- Increasing project complexity and/or difficult and challenging project contexts
- Dynamic environment with fluid priorities
- Projects competing for limited resources
- Public Interest / External Stakeholder involvement
- Federal Obligation strategies

## The PDP - Opportunities

- Utilize project management methodology and techniques to increase predictability and control and improve project team effectiveness
- Streamlined and/or tailored project development processes
- Strengthen stakeholder partnership (involvement and communication)
- Increase stakeholder and customer satisfaction
- Agility, creativity, and innovation driven solutions that employ flexible designs (Common Sense Engineering)

- Required by May 2014 CTB Resolution
- Identify, analyze and respond to project risks
- Applicable to all Tier II and other projects deemed high risk by the Commissioner
- Deeply interwoven into the PDP
- Controlled by policies, procedures and statutory requirements

#### **Examples of Risks**

- Environmental Approvals
- Geotechnical Conditions
- Right of Way/Utility Issues
- Permit Acquisition
- Third Parties (Localities, Railroads, Elected Officials, Citizen Support/Opposition)
- Funding

#### **Process**

At each stage of the PDP:

- Identify potential risks
- Assess impact on Scope, Schedule and Budget
- Assess probability of occurrence
- Develop risk matrix

#### **Overall Risk Rating**

Impact of occurrence	3 High	3	6	9
	2 Medium	2	4	6
	1 Low	1	2	3
	PXI	1 Low	2 Medium	3 Hiah

**Probability of Occurrence** 

#### **Risk Response Development (only 4 options)**

- Accept the Risk
- Mitigate the Risk (apply controls that reduce the impact or probability)
- Transfer the Risk (to another entity)
- Avoid the risk (try another way)
- Complete Risk Analysis Matrix and gain approval from District Management and Chief Engineer
- High Risk items must be presented to the CTB

#### The PDP – Interactive Discussion

- Issues hindering full implementation of PDP
  - Cultural / Corporate
  - Financial
  - Professional
  - Personal / Individual

#### The PDP – Interactive Discussion

- Potential Implementation Techniques
  - Contact Points / Communication Points
  - Critical Information Exchanges (What is it? Why do I need to know it? How do I need to use it to further develop the project? Who do I need to share it with?)
  - Decision Points / Outcomes
  - PDP Phase Coordination

# Project Development Process (PDP) - An Overview

Richard Worssam, P.E.

Assistant State Location & Design Engineer



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