



# Memorandum

July 7, 2016

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THRU: *jc* Jeff Carpenter

FROM: Linea Laird, P. E. *3*  
Assistant Secretary of Engineering and Regional Operations

SUBJECT: Project Delivery – Use of Consultants for Right-of-Way Activities  
*PD 16-02*

## Background

On June 3, 2009 the Department's Chief Engineer, J. C. Lenzi, sent a memorandum to all project offices informing them of the process that was being required by the Federal Highway Administration (FHWA) regarding consultant oversight of right-of-way (real estate) services. That process not only required the Region Real Estate Services (RES) office to approve and oversee consultant-provided RES, but also to direct and administer consultant real estate staff.

Since 2009 the RES staff has worked closely with FHWA's Realty Officer to develop and implement various process improvements. In January 2016 WSDOT certified and received FHWA approval of the Right of Way Procedures Manual (M 26-01). That manual contains a number of process improvements, including changes in the Right of Way Certification process, which clarify and streamline our project delivery of real estate services.

During the period in which the Lenzi memorandum guided the WSDOT process for the use of consultant real estate services, there was a reduction in the number of experienced real estate staff, both in HQ and the Regions, predominately through attrition. With the increase in transportation funding resulting from the Connecting Washington funding package in 2015, our processes must be lean and innovative in addressing the real estate needs of our current and future projects. The directive of the 2009 Lenzi memorandum must be re-engineered to ensure we successfully meet our real estate needs.

### Actions Taken

Effective June 1, 2016 the 2009 Lenzi memorandum was removed from Chapter 14 of the WSDOT R/W Procedures Manual (M 26-01) and in its place a new Chapter 16 was created to address the contracting for real estate services by the Regions and also under the GEC and Design Build contractor. The 2009 memorandum is no longer active.

Chapter 16 now provides a process for the inclusion of the Region and HQ RES staff in the oversight of consultant real estate services. The role of RES in that process has changed, and RES involvement will be performed mainly through a quality assurance process referred to as Oversight Feedback Review (OFR). The Region and/or HQ RES staff will meet with the project real estate services consultant team prior to the start of real estate activities on a project, and that will be followed with a series of OFRs that will be conducted throughout the project. When the project real estate activities have been completed and the project successfully certified, the RES team will conduct a close-out meeting with the project team.

It should be emphasized that this change in the process for allowing GEC and Design Build contract management of real estate consultants will not diminish our commitment to comply with Federal and State requirements. The focus of Chapter 16 is to ensure that our RES team has a meaningful role in the oversight of work performed by real estate consultants. The Oversight Feedback Reviews that will be conducted will be led by the RES team and the project team is expected to provide the necessary documents and allow the RES review team full access to the project files. Equally important, the RES review team will provide feedback to the project team not only on the team's findings, but also offer recommendations on appropriate action items to address both the continuation of successful practices and correction of items found to be in non-compliance with applicable Federal and State requirements.

Should you have any questions regarding this matter, or for additional information, please contact HQ RES.

JC:pt

cc: Keith Metcalf, Acting Deputy Secretary  
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