



ACEC-NH/NHDOT

Partnering Meeting



June 7, 2024

Introductions

- Welcome
- Panel Discussion – Sensational Awareness and Effective Communication
- General Meeting

- **Panel Discussion – Sensational Awareness and Effective Communication**

Consultant Quality Initiative (CQI) Committee

ACEC-NH:

- Alex Koutroubas
- Chris Mulleavey
- Darren Blood
- Marty Kennedy
- Rob Faulkner
- JoAnn Fryer

NHDOT:

- Nickie Hunter
- Jim Marshall
- Loretta Girard Doughty
- CR Willeke
- Tobey Reynolds
- Kevin Nyhan
- Jennifer Reczek

- **CQI Committee Update**

Darren Blood & Marty Kennedy

Presentation/Discussion

- New Roles at DOT
- Website Update
- Closeout Audits
- Indirect Cost Rate (ICR) for Subconsultants
- Partnering Perspectives

General Announcements & Updates

- Director of Operations– Susan Klasen
- Assistant Director of Operations – Tim Boodey
- Assistant Traffic Engineer - Matt Lampron
- Chief of Pavement Section – Cassie Burns
- District 1 Engineer and Assistant - Vacant

DOT - Website Update

- Possible Action Projects Page Updated
- Solicitation format updated
- Shortlist firms updated regularly
- New release of the Procurement Manual coming soon.

Closeout Audits

- Overhead held for entirety of contract
- Federal Aid Projects & Cost Plus FF
- After the final invoice is processed
- Reconcile indirect cost/overhead with actual approved annual rate
- Rate is lower, Consultant may owe DOT
- Rate is higher, Consultant may invoice DOT
- Begins with contracts that have a final invoice after July 1, 2024

ICR for Subconsultants(SC)

Current

- If the SC has an audited ICR, nothing additional needed
- If the SC has less than \$200,000 in active contracts, then SC submits a self-certification form.
- If the SC has more than \$200,000 in active contracts, the SC needs an audit ICR

ICR for Subconsultants(SC)

Issue

- ICR development for small firms are burdensome

Factors

- Many small firms have very low overhead
- DOT needs the support of these small firms

ICR for Subconsultants(SC)

Solution

- A sub-consultant who does not have a current audited ICR but has a cumulative active contract total above \$200,000
- May apply for an unaudited ICR of up to 110%
- When using an unaudited rate, the consultant must submit an ICR schedule to the Internal Audit Office for review of the proposed rate.

Partnering Perspectives

- Roles and responsibilities on Consultant lead projects (9/2022)
 - *“...New Hampshire Department of Transportation in partnership with ACEC firms will streamline the project design process by defining roles and responsibilities and working collaboratively.”*
 - **Streamline Design Process** – Reduced number of submissions, standardized scope of work & fee matrix
 - **Streamline by defining roles and responsibilities** – haven’t seen this being formally done
 - **Working Collaboratively** – Witnessed pockets of this happening on many different projects. Two-way street. “I’m the engineer of record so it is my decision...but we are the owner...”

Partnering Perspectives

- Roles and responsibilities on Consultant lead projects (9/2022)
 - *“..the professional engineer for the consultant who will be placing their Professional Engineering (PE) stamp on the plans is responsible for the design and for design decisions.”*
 - *“Major decisions such as the selection of an alternative or a design decision that could substantially increase the cost or delay the delivery of the project shall be made by the NHDOT.”*
 - These statements do not always work perfectly together. Many ways to solve the same problem. DOT doing less checking and more reviewing. DOT will always be the owner and future maintainer. Turning around major final design submissions in a shorter timeframe. Still, some work to do here.

Partnering Perspectives

- Roles and responsibilities on Consultant lead projects (9/2022)
 - *“Project progress meetings attended by NHDOT staff, and the consultant team will be held in advance of project submissions.”*
 - If this is happening, I am not seeing it. Is it a scheduling issue?

Partnering Perspectives

- Roles and responsibilities on Consultant lead projects (9/2022)
 - *“Given that the consultant is responsible for timely delivery of the design and for making the day-to-day design decisions, technical reviews conducted by the NHDOT will focus on whether the design submitted by the consultant meets NHDOT requirements (scope, constructability, traffic control, items/pay limits).”*
 - I have seen an improvement here. This is reflected in faster review times. I have also heard firms pushing back some when DOT suggests a preference change.

Partnering Perspectives


- Roles and responsibilities on Consultant lead projects (9/2022)
 - *“The consultant (the responsible engineer) is expected to make presentations at all project related NHDOT meetings (Front Office, Traffic Control, Estimate Review, etc.).”*
 - Most progress in this area. Have seen many more consultant presentations at FO, TCC, & ERC. Have also seen Consultant take a more active role in presentations to the public/officials.

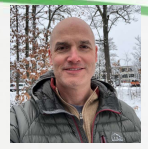
CQI Sub-Committees

- LPA Updates – CR Willeke
- Bridge Sub-Committee – Jennifer
[NHDOT/ACEC-NH Bridge Subcommittee](#)
- Highway Sub-Committee – Jim
[NHDOT/ACEC-NH Highway Design Subcommittee](#)
- Contracts Sub-Committee – Darren
- Environmental Sub-Committee - Kevin



ACEC-NH
AMERICAN COUNCIL OF
ENGINEERING COMPANIES
OF NEW HAMPSHIRE





Julie Avenant

Local Public Agency (LPA) Update

NHDOT/ACEC Partnering Meeting
NHDOT Headquarters
John O. Morton Building
Concord, New Hampshire
June 7, 2024

Vacancy 1


Vacancy 2

Vacancy 3


Vacancy 4



Tom Jameson



Linda Wescott



Jodi Sottilaro



Tony Puntin




C.R. Willeke



New Hampshire
DOT
Department of Transportation

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OF NEW HAMPSHIRE

Right-of-Way Process Update

- 1) Quick Refresher on how LPA projects acquire property
- 2) Changes coming to improve the process and save efforts for your firm, the community, and the Department

	C	(Data collection, Public input (2 meetings), preliminary impact evaluation, alternat
Prelim →		E (Plan, profile, cross section, drainage, estimate)
Public Hearing →	D	
NEPA →		F (Cultural and Natural Resources, Contamination)
ROW Phase →		G
Final Design/PS&E →		H



New Hampshire
DOT
Department of Transportation

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Right-of-Way Steps (before acquisitions)

- 1) Existing ROW has already been determined: Engineering Study
 - 2) Temporary and permanent impacts outside of existing ROW have already been identified: Engineering Study and/or Preliminary Design
 - 3) Public hearing for eminent domain was already conducted if necessary: Preliminary Design
 - 4) **Notification of Abutters Rights: Upon First Contact**
 - 5) Develop ROW Plans: Preliminary Design or Final Design
 - 6) Determine Just Comp (appraisals or waiver valuations): Preliminary Design or Final Design
 - 7) NHDOT approves Just Compensation
- Acquire needed property rights: After NEPA approval and after Notice to Proceed to ROW Phase Activities

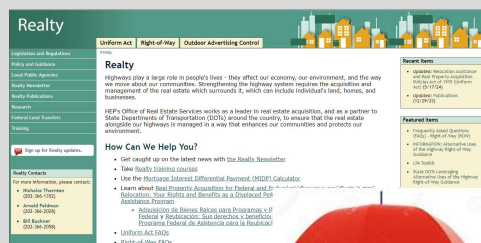


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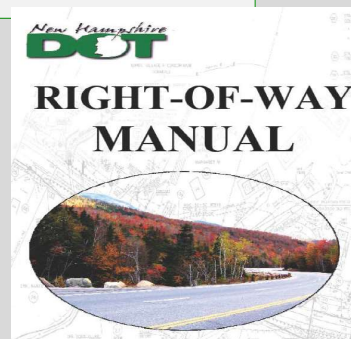
➤ Federal Law Uniform Act of 1970 49 CFR Part 24

Where to find information?

- https://www.fhwa.dot.gov/real_estate/
- <https://mm.nh.gov/files/uploads/dot/remote-docs/right-of-way-manual-may-2019-adopted.pdf>



**Provides protections
and assistance to
abutters**



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Notification of Abutter Rights

It is essential to notify owners **in writing** of their rights relative to the Uniform Act **upon first contact**



1. Receive Just Compensation
2. Have property valued by an appraisal
3. Have a written statement of the established Just Compensation
4. Be present during the appraisal inspection
5. Challenge the Just Compensation offer
6. Receive payment before surrendering property
7. Receive reimbursement for incidentals

We are developing a template letter for LPA's to use

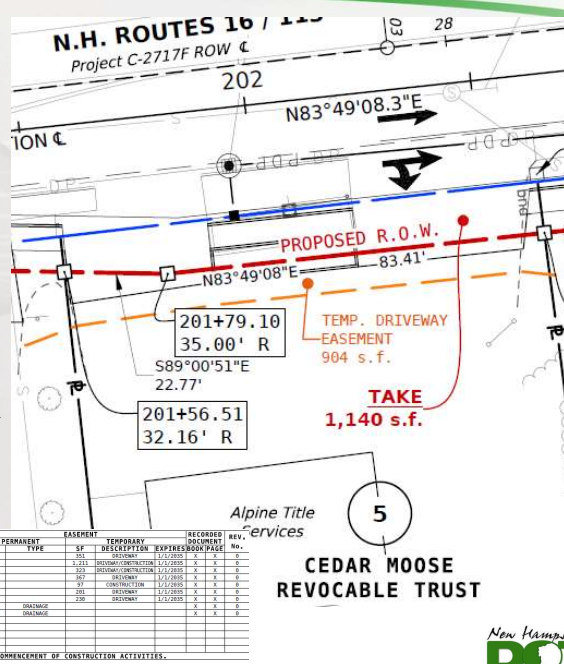


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ROW Plans

Show

- Existing & proposed work
- Permanent and temp needs
- Parcel Number
- Ownership
- Calculated SF impacts
- Total size of each parcel
- Visual illustration
- Color is helpful



PAR. No.	PROPERTY OWNER	TOTAL AREA SF PARCELS	TAKE AC.	RETRACTED LEFT AC.	RETRACTED RIGHT AC.	PERMANENT SF	EASEMENT TYPE	TEMPORARY SF	DESCRIPTION	EXPIRES	BOOK	PAGE	RECORDED	REV.
12	COLE TO CORWAY INC. LLC	0.22	0	0.22	0	0	0	0	0	0	0	0	0	0
13	APPLETREE AFFORDABLE HOUSING, LLC	1.27	0	1.27	0	0	0	0	0	0	0	0	0	0
14	SHAWNEE, INC.	0.29	0	0.29	0	0	0	0	0	0	0	0	0	0
15	SHAWNEE, INC. & DAUGHTER	0.29	0	0.29	0	0	0	0	0	0	0	0	0	0
16	CONVULSIONS CARPENTRY & CONSTRUCTION OF NEW HAMPSHIRE INC.	0.34	0	0.34	0	0	0	0	0	0	0	0	0	0
17	CORWAY MASTERPLACE ASSOCIATES, LLC	3.25	0	3.25	0	0	0	0	0	0	0	0	0	0
18	CORWAY MASTERPLACE ASSOCIATES, LLC	0.31	0	0.31	0	0	0	0	0	0	0	0	0	0
19	DAVE PROPERTIES, LLC	1.34	0	1.34	0	0	0	0	0	0	0	0	0	0

* DURATION OF TEMPORARY EASEMENTS WILL BE FOR 24 MONTHS - BEGINNING WITH THE COMMENCEMENT OF CONSTRUCTION ACTIVITIES.

NOTE: AREAS WITH DECIMALS ARE ACRES, AREAS WITH WHOLE NUMBERS ARE SQUARE FEET



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Just Compensation

The Fifth Amendment of the United States Constitution provides that private property may not be acquired for a public use without payment of “**Just Compensation**”

- **Appraisals** are used to determine **Just Compensation**
- The **Uniform Act** mandates an **appraisal process**, governed by the following standards:
 - **USPAP** – Uniform Standards of Professional Appraisal Practice
 - **UASFLA** – Uniform Appraisal Standards for Federal Land Acquisitions

Section #19



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Appraisals (need 2 per parcel)

1. An appraisal for each parcel must be developed by State of NH Certified Appraiser
2. An independent review of each appraisal by a separate State of NH Certified Appraiser must be conducted
3. NHDOT can sometimes but not always provide the review appraisal – check with your LPA Project Manager



- List of NH Certified Appraisers
<https://mm.nh.gov/files/uploads/dot/re mote-docs/approved-appraiser-list.pdf>



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4 Basic Appraisal Types

Determine appropriate type of appraisal for **EACH** parcel

Complete Acquisition Appraisal

Before & After Appraisal

Full narrative before the acquisition and a second narrative of the property considering the project acquisition. The difference is the estimated “**Just Compensation**”

Land Value Appraisal

Used when there is no value difference (after a careful analysis) of the property before and after the project. Value of land only (per square foot or per acre)

Waiver Valuation

See next slide

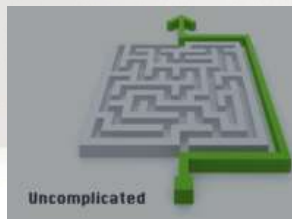
Red most common, but NHDOT needs to agree with type of appraisal being used – highlight of this presentation



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Waiver Valuation Process

- Limited to acquisitions < \$10,000
- Must be completed by qualified people
- Cannot be used for eminent domain
- Based on 49CFR 24.103(c)(2)
- Used for “**uncomplicated**” acquisitions to save time and money vs. a full appraisal process



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What is “uncomplicated”??

- Certain questions must be answered to determine if an acquisition is “uncomplicated” and if the waiver valuation process can be used.
- An LPA project checklist has been developed from NHDOT’s ROW Manual with a list of questions

WAIVER VALUATION PROCESS FOR LPA PROJECTS Checklist for Determination if Acquisition is “Uncomplicated”

Project Name: _____ Sponsor: _____
 State Number: _____ Sponsor Representative: _____
 Federal Number: _____ Date Completed: _____
 Map/Plot Number: _____ Property Address: _____

In Order to determine whether or not an acquisition is “uncomplicated” the following questions must be answered. If one of these questions is answered “yes” the acquisition could still be considered “uncomplicated”. Multiple “yes” answers would indicate that the acquisition could not be considered to be uncomplicated. A single “yes” answer would need to be further analyzed to decide whether the indicated situation causes the acquisition to become complicated and thus require the acquisition to be appraised. The project sponsor will need to submit the additional analysis required with the completed checklist.

This list of questions is not intended to be all inclusive. The key to use this method of determining compensation is that impacts of the acquisition are minimal or can be easily measured by their cost to cure.

- ☐ Is the acquisition over \$10,000?
- ☐ Is the acquisition anything more than a strip acquisition?
- ☐ Are buildings, wells, signs, etc. affected?
- ☐ Is the acquisition severing any buildings from remainder?
- ☐ Are trees, shrubs, or other landscaping involved?
- ☐ Is the proposed right of way line closer to any building after the acquisition to require analysis of possible proximity damages?

*Uncomplicated Checklist
can be found in the
NHDOT LPA Training
Handouts online*



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Waiver Valuation Team

Min 3 Person Team:

- LPA Person in Responsible Charge
- Person with **market experience**, and
- Engineer of Record to determine **Estimate of Compensation**

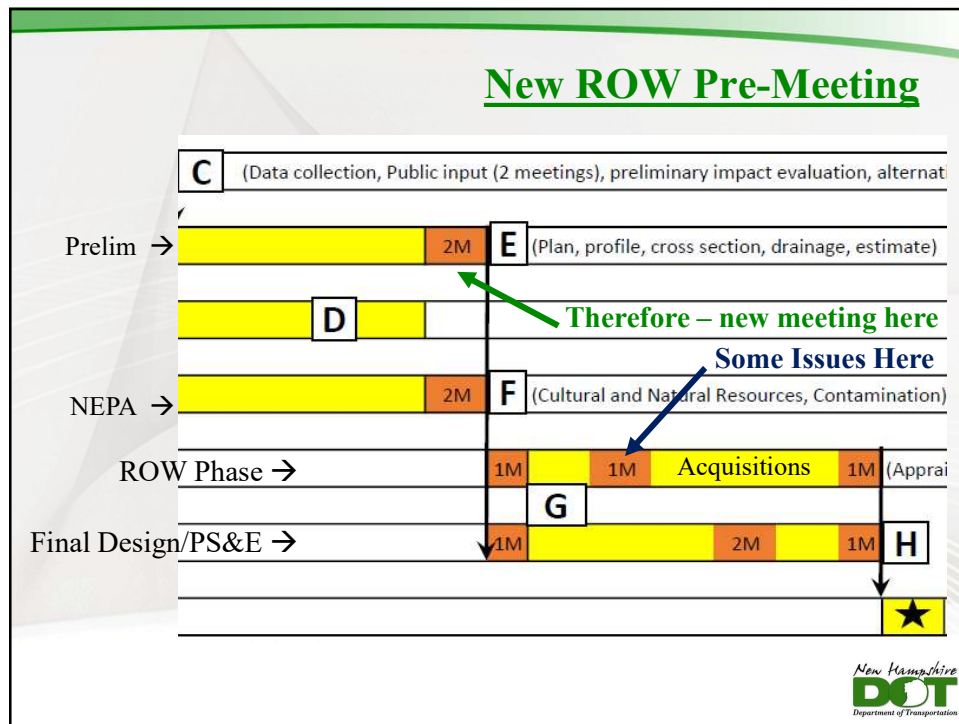
Compensation is based on **market values** in area and applied consistently to all parcels (**not assessed value**)



Minimum Offers – NHDOT = \$500




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Thank You
Any Questions ?



Local Public Agency (LPA) Update

C.R. Willeke, P.E.
NHDOT Municipal Highways Engineer
Charles.R.Willeke@dot.nh.us



Local Public Agency (LPA) Update

C.R. Willeke, P.E.

NHDOT Municipal Highways Engineer

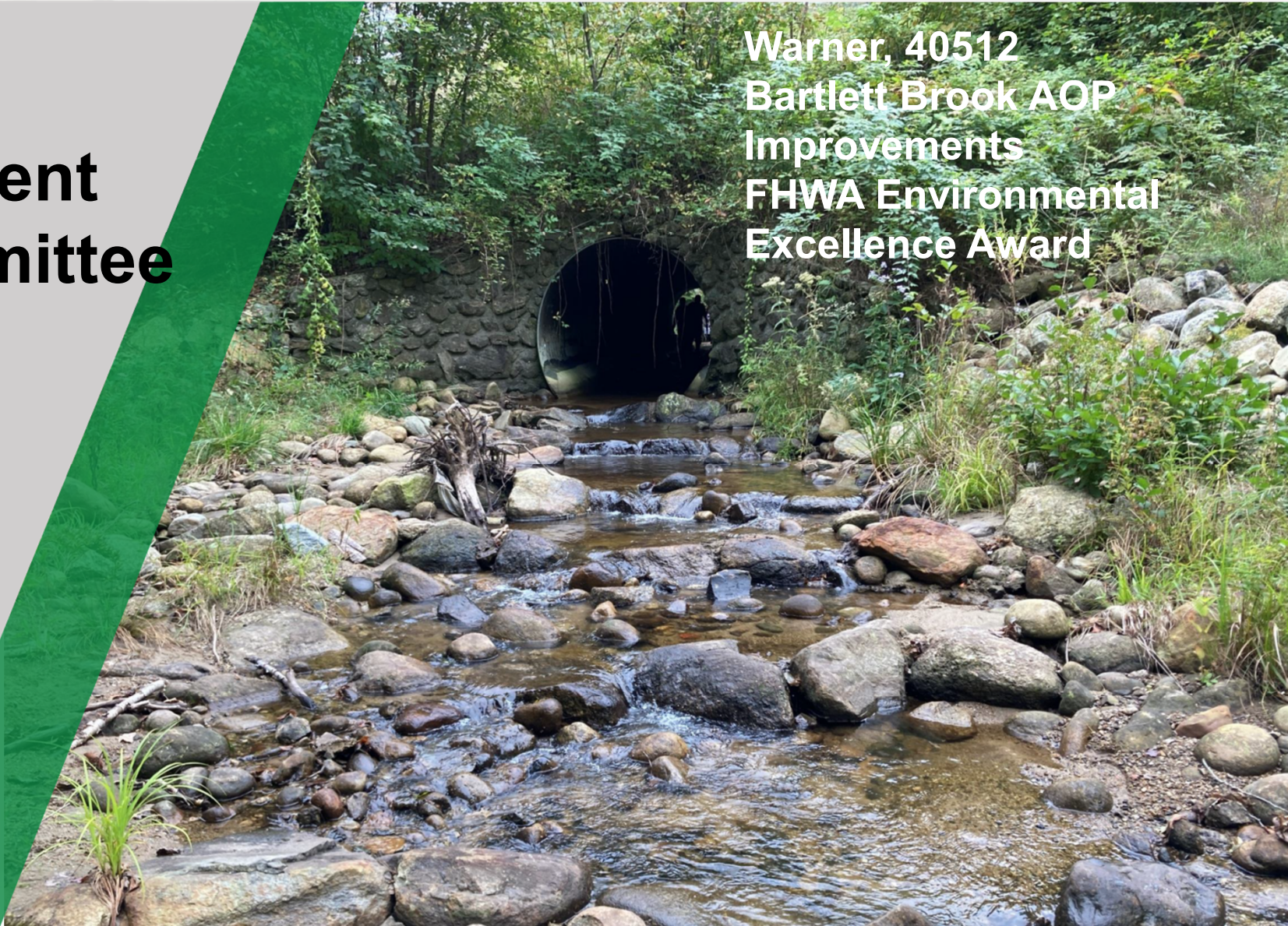
Charles.R.Willeke@dot.nh.us

CQI Environment Sub-committee

Kevin Nyhan
Administrator
Bureau of
Environment



Warner, 40512
Bartlett Brook AOP
Improvements
FHWA Environmental
Excellence Award



CQI Environment Subcommittee

- Guidelines signed: 3/20/2024
- First meeting: 4/8/2024
- Quarterly meetings
- Inaugural members:
 - Kevin Nyhan, co-chair
 - Christine Perron, co-chair
 - Matt Urban
 - Jon Evans
 - Kimberly Peace
 - Jennifer Riordan



CQI Environment Subcommittee

PURPOSE

Promote and empower NHDOT and ACEC partner environmental staff to engage in problem solving on environmental issues of mutual concern.

Advise the CQI Committee with recommendations on solutions to environmental problems.

Liaise with the ACEC/NHDES CQI Committee.

CQI Environment Subcommittee

COMMITTEE TOPICS

1. Environmental resource trends in NH and region
2. Regulatory changes and implementation
3. Legislative initiatives
4. ACEC and/or NHDOT quality improvement initiatives
5. Collaboration and problem solving
6. Identification of mutually beneficial training opportunities
7. Developing environmental topics for the annual technical exchange

CQI Environment Subcommittee


FIRST PRIORITIES

1. Emerging contaminants
2. Listing of tricolored bat to ESA and required compliance measures
3. DES upcoming revisions to Env-Wt PART 300
4. Improvements to NEPA guidance/training
5. Improving consistency in NEPA documents
6. Improving environment sections of design report
7. Updating NHDOT permit application checklist
8. **NEPA Programmatic Categorical Exclusions**
9. Section 4(f) tracking
10. WOTUS/wetland impact plan requirements

CQI Environment Subcommittee

NEPA Programmatic Categorical Exclusions (C)

- CEs and Programmatic CEs in same doc
- Frontends approval information
- NEPA start date
- Opportunities for expanded discussion
- Phase in approach (now thru September)
- With FHWA for approval now
- Guidance and communication

 State of New Hampshire – Department of Transportation
**NATIONAL ENVIRONMENTAL POLICY ACT
CATEGORICAL EXCLUSION CHECKLIST**

Action/Project Name: _____ Project Name: _____ State Project Number: #####
Federal Project Number: _____ Federal Project Number: _____ CE Action Number: ##
NEPA Start Date: _____ Date: _____ (See Section XIII)

SECTION I: CLASSIFICATION DETERMINATION

☐ Programmatic Categorical Exclusion. (FHWA approval not required)
☐ Categorical Exclusion. (FHWA approval required)

Signature:

Prepared by: _____ Date: _____
Name: Click or tap here to enter text.
Title: Click or tap here to enter text.

Approval Recommended by: _____ Date: _____
Section Chief
NHDOT Bureau of Environment

Approved by: _____ Date: _____
Administrator
NHDOT Bureau of Environment

FHWA Approval: _____ Date: _____
(for Individual CE) Environmental Program Manager
FHWA NH Division Office

SECTION II: EXECUTIVE ORDERS AND SECTION 4(f)
(Check all that apply)

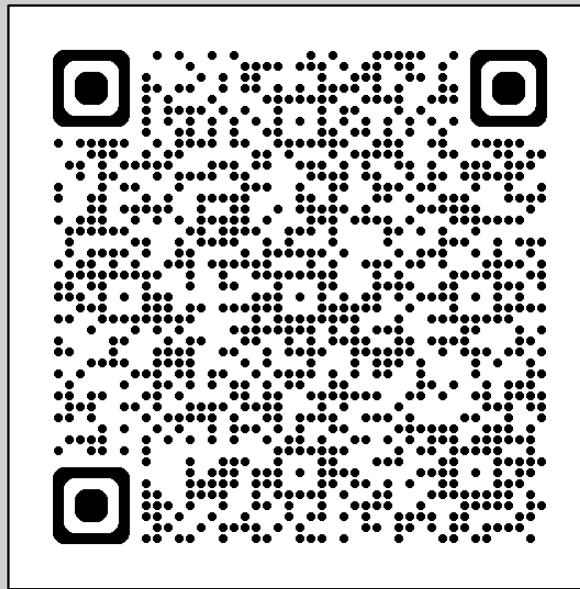
Executive Order 11988 – Floodplains
☐ The proposed action includes construction in floodplains. Pursuant to Executive Order 11988, this project includes the use of the *Programmatic Floodplains Finding for Categorical Exclusions dated April 21, 2003*.

Executive Order 11990 – Wetlands
☐ The proposed action includes construction in wetlands. Pursuant to Executive Order 11990, and US Department of Transportation Order 5660.1A, this project includes use of the *Programmatic Wetlands Finding for Categorical Exclusions dated September 13, 2001*.

Section 4(f) (49 U.S.C. §303 and 23 U.S.C. §139)
☐ The proposed action requires a full Section 4(f) Evaluation.
☐ The proposed action requires a Programmatic Section 4(f) Evaluation.
☐ The proposed action includes a *de minimis* Section 4(f) impact determination.
☐ The proposed action includes a Section 4(f) exception determination.

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Document Template March 2018
Revised May 2024

CQI Environment Subcommittee



<https://www.dot.nh.gov/projects-plans-and-programs/programs/environmental-management-system/project-management-section>

Questions?



Questions and Open Discussion

Upcoming Events (Tentative)

- Partnering Meeting - October 2024
- Winter Technical Exchange – Winter 2025
- Tech Exchange Conference - April 2025