

**Policy:** 6863-12- Public Interest Determination

**Section:** Preconstruction Procedures

**Office/Department:** 6Utilities

**Reports To:** 6Div Director Operations

**Contact:** 404-631-1000

### Introduction

This Procedure is considered the Public Interest Determination Procedure and will be used as a final recommendation to the Commissioner for consideration and approval for the Department to participate in the costs of the utility relocation, removal, and adjustment work and to put the required utility work into the Department's construction project as pay items to be performed by the Department's Contractor. Please see the [Commissioner's Policy 3E-1 Public Interest Determination](#) for Policy information and requirements.

### Utilization

The Project Manager shall ensure this Procedure is utilized on applicable projects as defined under Automatic Determination, Consideration, and Mandatory categories. Questions regarding the use of this Procedure should be directed to the State Utilities Office. This Procedure shall be used on ALL Federally Funded Projects with determinations and exceptions noted below:

#### Automatic Determination

Because the responsibility of the pre-construction phase, including utility coordination, is shifted to the Contractor or Developer, all Design-Build (D/B) and Public-Private Partnerships (PPP) Projects meet the determinations "in the best interest of the public" and "expedites the staging of the project". Therefore, all D/B and PPP projects shall be automatic Public Interest Determinations and should include, in accordance with the executed Memorandum of Understanding (MOU), the utility relocation, removal, and adjustment work in the construction project as part of the Project scope. For D/B projects, the Department is authorized to pay or participate in the costs for the utility relocation, removal, and adjustment work, excluding work considered as betterment. For PPP projects, costs for the utility relocation, removal, and adjustment work shall be determined during the PPP process and shall be in accordance with O.C.G.A. 32-2-80. The Project Manager shall ensure, as the PPP process progresses, funding and inclusion of the utility relocation work is adequately addressed in the PPP Project's proposal and the requirements of O.C.G.A. 32-2-80 are met. For D/B and PPP Projects sponsored by an entity other than the Department, such as a local government, the Sponsor should be responsible for utility relocation costs. Such responsibility shall be documented in the Project Framework Agreement (PFA) between the Department and Sponsor.

In order for the utility owners to be reimbursed on D/B and PPP projects, unless the owner is holding a compensable property interest, a Memorandum of Understanding (MOU) must be executed between the Department and each utility owner. The coordination for the execution of a MOU will be coordinated by the District Utilities Engineer (DUE). The DUE and Project Manager shall ensure the MOU specifies the Department's Contractor (D/B) or PPP Developer shall perform the utility's relocation, removal, and adjustment work required for the Project. The Utility may also elect for the D/B (Contractor) or PPP developer to perform the utility relocation, removal, and adjustment design, but is not obligated under the law to perform the design. On D/B projects, utilities shall be identified in accordance with the approved Overhead/Subsurface Utility Engineering Investigation. For PPP projects, identification of utilities will be the responsibility of the developer.

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The Project Manager shall ensure that the requirements set forth in O.C.G.A. 32-2-78, 32-2-79, 32-2-80, and 32-2-81 are met when applying this Procedure to PPP and D/B projects.

#### Consideration

Consider using this Procedure on Minor Projects (as defined by the Plan Development Process) such as intersection improvements/signal upgrades located in urban areas and bridge replacement projects located in urban areas.

Consider using this Procedure on Interstate (or Limited Access) Interchange Construction/Re-Construction Projects.

Consider using this Procedure on Emergency projects requiring utility relocation work as part of the infrastructure re-construction.

*Note: Final determination for projects in the "consideration" category shall be mutually agreed to by the Project Manager and the District Utilities Engineer. Disagreements shall be forwarded to the State Utilities Engineer for final reconciliation and determination.*

#### Exception

This Procedure should not be used on Minor Projects (as defined by the Plan Development Process) with exceptions as allowed in the consideration category.

This Procedure should not be used on other Interstate or Limited Access Projects such as resurfacing or pavement rehabilitation.

This Procedure should not be used on any State Aid Projects.

#### Mandatory

This Procedure shall be utilized on all remaining projects, including Major Projects (as defined by the Plan Development Process).

#### Notifications

Public Interest Determination Policy "No-Use" decisions shall be documented in the Concept Report and Preliminary Field Plan Review Report. The Project Manager shall notify the State Utilities Engineer and the District Utilities Engineer of all "Use" and "No-Use" determinations.

### **Utility Participation**

A utility owner may elect not to put their relocation work in the Department's contract to be performed by the Department's contractor. If the utility owner elects not to allow the Department to put the owner's relocation work in the Department's contract, the utility owner is obligated under O.C.G.A. 32-6-170 and 32-6-171 to submit a utility work plan and comply with the approved utility work plan. The utility owner may be liable for any potential delays to the Department or the Department's contractor.

If the utility elects not to participate, their relocation may be reimbursable, in accordance with the Utility Accommodation Policy and Standards Manual, if they hold a compensable property interest at their present location.

## Definitions

Normal procedural definitions within the Department remain unchanged. The following definitions are for the purpose of this Procedure only:

**Note: Identified (\*) definitions related to risk are from the Federal Highway Administration's Guide to Risk Assessment and Allocation for Highway Construction Management, October 2006 (Glossary Pages 55-56). Language in [italics] added to clarify this Policy and its requirements.**

3<sup>rd</sup> Party/Utility Owner: Any privately, publicly or cooperatively owned line, facility, or system for producing, transmitting or distributing communications, cable television, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including river gauges, fire and police signals, traffic control devices, and street lighting systems, which directly or indirectly serve the public. The term "utility" may also be used to refer to the owner of any above described utility or utility facility. (see Office of Secretary of State, Rule and Regulations, Chapter 672 Rules Governing Utilities Mediation Process)

*[The owner of the utility facilities will be shown on the project plans as defined in the Plan Presentation Guide. For this Policy, the terms "3<sup>rd</sup> Party" and "Utility Owner" are one in the same.]*

Betterment: Any upgrading of the facility being relocated that is not attributable to the highway construction and is made solely for the benefit of and at the election of the utility (23 CFR, Part 645, Subpart A).

\*Brainstorming: A general creativity technique that can be used to identify risks using a group of team members or subject-matter experts. Typically, a brainstorming session is structured so that each participant's ideas are recorded for later analysis. A tool of the risk identification process.

*[The Brainstorming activities will be performed during the Concept Team Meetings and the Preliminary Field Plan Review Meetings by the subject matter experts on the Concept and Preliminary Field Plan Review Teams.]*

\*Checklist: A list of many risks that might occur on a project. It is used as a tool in the risk identification process. Checklists are comprehensive, listing several types of risk that have been encountered on prior projects.

*[Creation of Checklist occurs at the Risk Identification Phase. The Utility Risk Management Plan Page of this Procedure shall be used to list all identified risks.]*

\*Probability: Likelihood of the occurrence of any event.

\*Probability and Impact Matrix: A common way to determine whether a risk is considered low, moderate, or high by combining the two dimensions of a risk: its probability of occurrence and its impact on objectives if it occurs.

*[See Definition for [Risk Matrix](#)]*

\*Project Objective: A particular goal of a project. All projects have four objectives: scope, schedule, cost, and quality.

\*Risk: An uncertain event or condition that, if it occurs, has a positive or negative effect on a project's objectives. Internal risks are defined as those risks that arise within the scope and control of the project team. External risks are those risks that are generally imposed on the project from establishments beyond the limits of the project. Risks that are inherently unpredictable but generally foreseeable.

Known: Item or situation containing no uncertainty

Unknown: Item or situation we know but we do not know how they will affect the project

Known-Unknown: An identifiable uncertainty

Unknown-Unknown: Item or situation whose existence has yet to be encountered or imagined

*[For this Procedure, the outcome is an answer to this question: What are the Risks to the project's scope, schedule, budget, and staging if a 3<sup>rd</sup> Party is allowed to perform the utility relocation, removal, and adjustment work?]*

\*Risk Acceptance: A technique of the risk response planning process that indicates the project team has decided not to change the project plan to deal with a risk or is unable to identify any other suitable response strategy.

*[Risk Acceptance is accepting the risks associated with allowing the 3<sup>rd</sup> Party to perform the required utility relocation, removal, and adjustment work. Risk Acceptance is one of only two outcomes from the Concept Team meeting and the Preliminary Field Plan Review Meeting. A Utility Risk Management Plan recommending Risk Acceptance requires review and approval by the State Utilities Engineer.]*

\*Risk Allocation: Placing responsibility for a risk to a party through a contract. The fundamental tenets of risk allocation include allocating risks to the party best able [to] manage them, allocating risks in alignment with project goals, and allocating risks to promote team alignment with customer-oriented performance goals.

\*Risk Assessment: A component of risk management that bridges risk identification and risk analysis in support of risk allocation.

\*Risk Avoidance: Changing the project plan to eliminate the risk or to protect the project objectives from its impact. It is a tool of the risk response planning process.

*[Risk Avoidance is avoiding the risks associated with the 3<sup>rd</sup> Party performing the required utility relocation, removal, and adjustment work. By placing the utility work in the construction project, with the work to be done by the Department's contractor, the risks associated with the 3<sup>rd</sup> Party are avoided. This is the basis of a Public Interest Determination request. Risk Avoidance is one of only two outcomes from the Concept Team meeting and the Preliminary Field Plan Review Meeting. A Utility Risk Management Plan recommending Risk Avoidance, if approved by the State Utilities Engineer, shall result in a Public Interest Determination Recommendation being forwarded to the Commissioner for review and action.]*

*[For this Procedure, Risk Documentation occurs at the Concept Team Meeting and the Preliminary Field Plan Review Meeting and is documented on the Procedure's Risk Matrix and Summary sheets.]*

\*Risk Event: A discrete occurrence that may affect the project for better or worse.

\*Risk Frequency: Likelihood of a risk occurring.

\*Risk Identification: Determining which risks might affect the project and documenting their characteristics. Tools used include brainstorming and risk checklists.

\*Risk Management Plan: Documents how the risk processes will be carried out during the project. This is the output for risk management planning.

*[For this Procedure, the Utility Risk Management Plan will have two outcomes: Risk Acceptance or Risk Avoidance. The Utility Risk Management Plan will be generated from both the Concept Team Meeting and the Preliminary Field Plan Review Meeting and will be submitted to the State Utilities Engineer for review. Utility Risk Management Plans with a Risk Avoidance recommendation, approved by the State Utilities Engineer, will be forwarded to the Chief Engineer and the Commissioner as a Public Interest Determination Document for review and action.]*

Risk Matrix: The document used by the Concept Team and the Preliminary Field Plan Review Team to identify the risk frequency, risk severity, and risk assessment for each identified project risk related to utility relocation, removal, or adjustment work performed by a 3<sup>rd</sup> party (utility).

\*Risk Mitigation: Seeks to reduce the probability and/or impact of a risk to below an acceptable threshold.

\*Risk Severity: Judges the impact(s) of the risk should the risk occur.

Utility Risk Management Plan Sheet: The document or sheet that is part of this procedure and is used to document identified risks, risk frequency, risk severity, risk assessment, and the Utility Risk Management Plan recommendation.

\*Triggers: Indications that a risk has occurred or is about to occur. Sometimes called risk symptoms or warning signs, triggers may be discovered in the risk identification process and watched in the risk monitoring and control process.

Utility Relocation Cost: The total costs associated with the relocation, removal, or adjustment of utility facilities made necessary by the proposed construction of a Department project. For the purposes of this procedure, this does not include those costs that are already determined to be reimbursable by the Department through a utility owner's prior property interest (See section 4.2 of the Utility Accommodation Policy and Standards Manual, Current Edition). If the Public Interest Determination is approved by the Commissioner, the costs for the utility relocation work will be the responsibility of the Department (see O.C.G.A. 32-6-170) and the utility relocation work will be placed in the Project as pay items for the Department's Contractor to perform.

## **Process and Responsibilities**

Depending on the type of project and the scope and complexity of utility removal, relocation, or adjustment work necessary, there are certain known and unknown risks involved when a 3<sup>rd</sup> Party performs relocation, removal and adjustment work on a Department Let Construction Project.

This Procedure outlines the process to identify, assess, and, if so determined, avoid the risks by removing the 3<sup>rd</sup> Party and requiring the Department's contractor to perform the utility removal, relocation, or adjustment work **or** accept the identified risks and allow the 3<sup>rd</sup> party to perform the required utility removal, relocation, or adjustment work.

Therefore, through analysis of a specific project's identified risks, the Department may determine the risks involved with allowing a 3<sup>rd</sup> Party to perform the removal, relocation, or adjustment work are too great with a potential for severe impacts to the project's objectives (scope, schedule, budget, and staging). These impacts ultimately affect the public with delays to motorists, business owners, local governments, etc. The risks identified as having potentially severe impacts are mitigated through the above referenced code section 32-6-170 et al. If the risk(s) frequency and severity are such that impacts to the project's objectives (budget, scope, schedule, and staging) are likely to near certain, then it is in the best interest of the public for the Department to practice risk avoidance by removing the 3<sup>rd</sup> Party, participating in the costs, and putting the removal, relocation, or adjustment work in the construction contract. Likewise for project staging – if the risk frequency and severity are such that impacts to the project's objectives (budget, scope, schedule, and staging) are likely to near certain, then such risks are avoided by removal of the 3<sup>rd</sup> Party, allowing the Department to participate in the costs and require the utility relocation, removal, or adjustment work in the construction project, thereby expediting the staging of the project.

In summary, project risks need to be identified during the early phases of the Plan Development Process. The risks identified are specific to those risks to the project when a 3<sup>rd</sup> Party is performing the required utility relocation, removal, or adjustment work made necessary by the Department's construction project. In order for the Department to pay or participate in the costs associated with the removal, relocation, or adjustment of a particular utility's facilities on a project, the following shall be established:

**IF:**

**Best Interest of the Public**

The Project Team (Concept and Preliminary Field Plan Review) has determined, with 3<sup>rd</sup> Party involvement, the risks and their severity pose potentially high negative impacts to the project. Therefore, it is in the public interest to avoid these risks by eliminating the 3<sup>rd</sup> Party.

**AND:**

**Necessary in order to expedite the staging of the project**

The Project Team (Concept and Preliminary Field Plan Review) has determined, with 3<sup>rd</sup> Party involvement, the risks and their severity pose potentially high negative impacts to the project's staging. Therefore, in order to expedite the staging and to avoid these risks, the 3<sup>rd</sup> Party is eliminated.

These two determinations are made through project risk identification, assessment, and allocation at the Concept Team Meeting and the Preliminary Field Plan Review Meeting. The process is the same whether performed at the Concept Team Meeting or the Preliminary Field Plan Review Meeting.

**The Detailed Procedure: Concept Team Meeting, Preliminary Field Plan Review Meeting**

*Note: References to "Team" mean the Concept Team and/or the Preliminary Field Plan Review Team. References to "Meeting" mean the Concept Team Meeting and/or the Preliminary Field Plan Review Meeting. References to "Report" mean Concept Report and/or Preliminary Field Plan Review Report.*

Prior to the Meeting, the District Utilities Engineer, Area Engineer (or representative), and the Project Manager shall be familiar with this Procedure. The District Utilities Engineer and Area Engineer shall perform an initial review of the project, including a field review, identifying utilities, and identifying and documenting obvious project risks.

This initial review shall be documented on a draft Utility Risk Management Plan sheet. The District Utilities Engineer shall bring this draft Utility Risk Management Plan sheet and copy of the Procedure to the Meeting and present to the Team for input and lead discussions on final project risk identification, risk assessment (evaluating such risks in the Risk Matrix), and recommendation of the Utility Risk Management Plan.

The District Utilities Engineer will identify, or cause to have identified, all known utilities within the project scope and limits. Knowing the existing utilities and project scope, the District Utilities Engineer and Project Manager shall lead discussions in risk identification. The Utility Risk Management Plan sheet has an established list, including the initial review with the Area Engineer. However, this should be a time for brainstorming to ensure all potential risks are identified by the subject-matter experts on the Team. All risks identified by the Team shall be documented on the Utility Risk Management Plan sheet.

*Remember, the Team should only focus and identify those risks associated with a 3<sup>rd</sup> Party being allowed to perform the necessary utility relocation, removal, or adjustment work and the potential impacts to the project, including staging.*

Once the Team identifies the risks, the District Utilities Engineer and Project Manager shall lead the Team in determining the frequency and severity of the identified risks and perform risk assessments (high risk, moderate risk, or low risk). The District Utilities Engineer shall document the frequency, severity, and assessment of each risk as well as Team comments to support the assessments on the Utility Risk Management Plan sheet.

*Note: Utility owner representatives may be present at the Meeting. The utility's input may be used during this procedure; however, final determination of the Utility Risk Management Plan shall reside with the Department's Subject Matter Experts within the Team.*

With the assistance of the Team, the District Utilities Engineer and Project Manager shall summarize the Team's assessments, taking into consideration the weight or importance of each category and identified risk, and make the recommendation for a Utility Risk Management Plan. The recommendations by the Team shall follow these three summaries and shall be considered the Project's Utility Risk Management Plan:

1. Through risk identification and assessment, the Team has established that there is a high risk assessment associated with the project and 3<sup>rd</sup> Party involvement and recommends, in the best interest of the public and in order to expedite the staging of the project, the Department participate in the costs associated with the relocation, removal, and adjustment of the utility facilities and to include the work in the construction project. The Team's recommended Utility Risk Management Plan is Risk Avoidance, or;
2. Through risk identification and assessment, the Team has established that there is a moderate risk assessment associated with the project and 3<sup>rd</sup> Party involvement and recommends, in the best interest of the public and in order to expedite the staging of the project, the Department consider participating in the costs associated with the relocation, removal, and adjustment of the utility facilities and to consider including the work in the construction project. This recommendation may also include considerations for addressing certain utility facilities on the project that may present higher risks than other utility facilities. The Team should carefully consider all aspects of the project and weigh all of the risks in conjunction with each category of scope, schedule, budget, and staging. The Teams recommended Utility Risk Management Plan will either be Risk Avoidance or Risk Acceptance, or;
3. Through risk identification and assessment, the Team has established that there is a low risk assessment associated with the project and 3<sup>rd</sup> Party involvement and recommends the Department accept the identified risks and not participate in the cost associated with the relocation, removal, and adjustment of the utility facilities. Therefore, the Team is recommending

the 3<sup>rd</sup> party perform the utility relocation work and not to include the utility relocation work in the construction project. The Team's recommended Utility Risk Management Plan is Risk Acceptance. *Note: This recommendation does not relieve the Department from its responsibility to reimburse utility owners removal, relocation, and adjustment costs otherwise eligible under Section 4.2 of the Utility Accommodation Policy and Standards Manual, Current Edition.*

The Team's recommendation shall be documented on the Utility Risk Management Plan and on the Utility Risk Management Plan Memorandum. The District Utilities Engineer shall forward the Team's recommended Utility Risk Management Plan to the Project Manager (Concept Report) or the Review Engineer (PFPR Report) the next business day to ensure the Utility Risk Management Plan recommendation is included in the Report. The recommendation language to be included in the Concept Report will state if the Public Interest Determination Policy and Procedure recommended (Utilities) "YES" or "NO". The recommendation language to be included in the PFPR will state if the Public Interest Determination (PID) Procedure (in accordance with Policy 6863-12) for the relocation, removal, and adjustment of Utility facilities is or is not applicable to this project. The District Utilities Engineer shall forward all Utility Risk Management Plans from the Meeting to the State Utilities Engineer within 5 business days. The Project Manager, with assistance from the District Utilities Engineer, shall ensure and verify The Utility Risk Management Plan recommendation from the meeting is included in the Approved Concept and PFPR Reports. The District Utilities Engineer shall note all recommendations in the appropriate fields of TPro.

The State Utilities Engineer shall review all Utility Risk Management Plans.

The State Utilities Office will incorporate the Utility Risk Management Plan of Risk Avoidance into a Public Interest Determination Recommendation to the Chief Engineer for review and approval. Public Interest Determination Recommendations approved by the Chief Engineer shall be forwarded by said office to the State Utilities Office. The State Utilities Office will assemble the Public Interest Determination recommendation package and forward to the Commissioner for approval or rejection.

If the Commissioner approves the Public Interest Determination Recommendation, the Commissioner's Office will forward the signed Public Interest Determination to the State Utilities Engineer. The State Utilities Engineer shall notify, providing copies of the signed Public Interest Determinations, the Project Manager and District Utilities Engineer immediately in writing of the Commissioner's approval.

*Note: The State Utilities Office is responsible for maintaining all approved Public Interest Determinations, all denied Public Interest Determination Recommendations, and all Utility Risk Management Plans and Memorandums received from the District Utilities Offices. The State Utilities Office is responsible for disseminating all necessary copies to all affected Department offices. This is in addition to the required submittals by the District Utilities Engineer.*

The Project Manager shall ensure all of the necessary documents for including the utility relocation, removal, and adjustment work are incorporated into the construction plans and specifications. This includes, but is not limited to, applicable special provisions (available from the State Utilities Office), utility plan sheets, pay item numbers, description, and quantities. The Project Manager shall ensure that adequate funds are encumbered, based on estimates provided by the District Utilities Engineer, to cover the additional expense of the utility relocation, removal, and adjustment work in the construction project. The District Utilities Engineer shall notify the utility in writing. The District Utilities Engineer shall continue required coordination and documentation with the utility. The District Utilities Engineer shall ensure a response is received from the utility. The District Utilities Engineer shall compile a list of all utilities covered under the Utility Risk Management Plan and forward to the Project Manager. Unfavorable responses from a utility shall be forwarded to the Project Manager and the State Utilities Engineer.



If there is an unfavorable response from the Utility, the State Utilities Engineer will coordinate with the District Utilities Engineer and Project Manager to communicate with the utility. This communication may take the form of a meeting or conversation with the ultimate goal being obtaining concurrence from the utility. If concurrence cannot be obtained, the State Utilities Engineer will notify the Commissioner, copying the Project Manager and District Utilities Engineer. The Project Manager will ensure the items of work required by the utility are not put into the project as pay items and the District Utilities Engineer will continue with coordination efforts with the utility owner.

### **Public Interest Determination and Subsurface Utility Engineering**

Subsurface Utility Engineering shall be utilized for all projects with a Commissioner approved Public Interest Determination. If the Commissioner approves the Public Interest Determination Recommendation, the State Utilities Engineer will notify the Project Manager and the Project Manager will request subsurface utility engineering from the State Utilities Office.

### **Public Interest Determination and the Project Environmental Document**

If the Public Interest Determination Recommendation is approved by the Commissioner, the Project Manager shall notify the Office of Environmental Services. The Office of Environmental Services shall ensure the Project's Environmental documents take into account and document the required utility relocation construction in the back portion of the project's right-of-way. The Project should be environmentally cleared the entire width of the required right-of-way.

### **Authorization to use at Final Field Plan Review - Chief Engineer**

The Chief Engineer has the authority to request the use of this Policy and Procedure at the Final Field Plan Review Process. If so required, the Office of the Chief Engineer will notify the Project Manager, the District Utilities Engineer, and the State Utilities Engineer. The Process will be the same as is for the Concept and PFPR Team Meetings.

### **Chief Engineer/Commissioner Denial of Public Interest Determination Recommendation**

If the Public Interest Determination Recommendation is denied by the Chief Engineer or Commissioner, the State Utilities Engineer will notify the Project Manager and the District Utilities Engineer immediately in writing. The State Utilities Engineer will coordinate with the Chief Engineer or Commissioner to provide written justification for the rejection of the Public Interest Determination Recommendation. The State Utilities Engineer will notify the Project Manager and the District Utilities Engineer. Upon receiving such notification, the District Utilities Engineer, shall notify the Utilities that they are responsible for the relocation, removal, and adjustment work. In addition, the District Utilities Engineer shall communicate the needs for any utility agreements that may be necessary due to the rejection of the Public Interest Determination Recommendation. The Project Manager shall ensure that adequate funds are encumbered to cover the addition expense of the utility relocation, removal, and adjustment work in the construction project.

The State Utilities Engineer shall note all Public Interest Determination recommendations, rejections, and approvals from the Commissioner's office in TPro.

### **Concept Team Recommendations and the Preliminary Field Plan Review**

A project can have two separate Risk Assessments – one from the Concept Team Meeting and one from the Preliminary Field Plan Review Meeting. If the Commissioner approved the Public Interest Determination Recommendation for the project in question from the Concept Team, it is not necessary to utilize this Procedure again - provided there have been no major changes to the scope of

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the project or change in concept. If after obtaining the Commissioner's approval for a Public Interest Determination there have been major changes to the project or concept is revised or changed, this Policy shall be utilized again at the next Concept Team Meeting. Questions in this regard should be directed to the State Utilities Office.

If the Commissioner rejected the Public Interest Determination Recommendation for the project in question at the Concept Phase, this Procedure shall be utilized again at the Preliminary Field Plan Review.

If the Concept Team recommended a Utility Risk Management Plan with Risk Acceptance, the Procedure shall be utilized again for the Preliminary Field Plan Review. The Preliminary Field Plan Review Team can reverse the Concept Team's Utility Risk Management Plan of Risk Acceptance and recommend a Utility Risk Management Plan with Risk Avoidance. If the Preliminary Field Plan Review Team reverses the decision of the Concept Team and recommends a Risk Management Plan of Risk Avoidance, the Concept Report shall be revised accordingly.

## **Documentation**

The Public Interest Determination Policy includes, in its entirety, the Commissioner's Policy, the Procedure, the Risk Matrix, the Utility Risk Management Plan, and the Utility Risk Management Plan Memorandum.

The Policy, Procedure, Risk Matrix, and Utility Risk Management Plan are all used during the process at the Concept Team Meeting and the Preliminary Field Plan Review Meeting.

The Utility Risk Management Plan and the Utility Risk Management Plan Memorandum are outcomes from the process, are included in the Concept Report and PFPR Report, and are submitted by the District Utilities Engineer to the State Utilities Engineer.

The State Utilities Engineer will submit all Utility Risk Management Plans recommending Risk Avoidance to the Chief Engineer and the Commissioner as Public Interest Determination Recommendations. The State Utilities Engineer will maintain all Public Interest Determination recommendations, approvals, and denials. The State Utilities Engineer shall note all Public Interest Determination recommendations, rejections, and approvals from the Commissioner's Office in TPro.

## **Performance Measures**

At the end of each Fiscal Year, the State Utilities Office will present to the Chief Engineer a report summarizing the progression of projects that have approved Public Interest Determinations. As projects are completed, they will stay in the report to provide historical data. As Public Interest Determinations recommendations are approved for a project, they will be added to the report.

As a minimum, the State Utilities Office will provide the following data in the report:

Project Number, PI Number, County, Identified Risks, Risk Assessments, Utility Risk Management Plan, Public Interest Determination Approval Date, Approved from Concept Team Meeting, PFPR Meeting, or FFPR Meeting, list of utilities under Approved Public Interest Determination, List of Utility Pay Items, List of Utility Pay Item Bid Prices, Actual Utility Pay Item Costs, Detailed Information on Non-PID Utilities (if any), Contract Construction Time, Actual Construction Time, Contract Completion Date, Actual Completion Date, Time Charges Start and Stop Dates, Summary of SA's (if any), Summary of Time Extensions (if any), and Summary of Claims (if any).

The Report shall be submitted by September 1 following the end of each Fiscal Year. The State Utilities Construction Engineer is responsible for compiling and maintaining the data for the report and shall prepare the report for the State Utilities Engineer in ample time for review prior to presenting to the Chief Engineer.

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## **Effective Date of Procedure**

The requirements of this Procedure are effective January 1, 2011 and shall apply to all projects (as identified in this Procedure) in progress that have not had a Concept Team Meeting or a Preliminary Field Plan Review meeting held, prior to this effective date.

If the effective date of this Policy post-dates a project's approved Concept Report or the project's beginning of the preliminary design phase, utilize this Policy for the first time at the Preliminary Field Plan Review.

If the effective date of this Policy post-dates a project's approved Preliminary Field Plan Review Report or the project's beginning of the final design phase, this Policy may be used at the Final Field Plan Review at the discretion of the Office of the Chief Engineer.

Listed below are support documents for the Public Interest Determination:

[6863-12a](#) - Utility Risk Management Plan Memorandum

[6863-12b](#) - PID Flow Chart

[6863-12c](#) - Utility Risk management Plan and Risk Matrix

## **References:**

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## **History:**

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