



Message from the Director

It's been said, don't retire *from* something; have something to retire *to*. In March 2017 when I sign off from FHWA, that's my plan. As many of you know, over the last three years I've split my time between Washington D.C. and North Carolina. And while my experience at FHWA has been a wonderful one and I've met so many talented realty professionals, I'm looking forward to a few less frequent flyer miles and a lot more quality time spent with my family, especially my granddaughter.

I began this journey in January 1974 as a trainee in Florida. Now, over 40 years later, I look back and can confidently and happily say that from a public service perspective, FHWA has been just about the best place to work one might hope for. I appreciate your hard work over the years and wish everyone well as you continue the important work of developing, implementing, and evaluating FHWA's real estate policies and programs.

*Virgil Pridemore, Director,
Office of Real Estate Services*



HEPR Director, Virgil Pridemore, enjoys one of his last days in the U.S. DOT Headquarters office.

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Have a Suggestion for a Future Newsletter?

Please contact Maggie Duncan-Augustt at 202-366-9901 or maggie.duncan-augustt@dot.gov if you have a suggestion for a topic or project to highlight in an upcoming edition of the Realty Newsletter.

News from Headquarters



Administrator Awards Recipients

HEPR would like to extend a warm congratulations to Cheryl Malin (NY Division Office) and Chrisy Currier (TX Division Office) who both recently received Administrator Awards. FHWA gives out Administrator Awards annually, and this year two Division Office staff were recognized for their leadership and realty excellence. Chrisy's award was for her "outstanding efforts to the realty and ROW program in the Texas Division Office and for providing invaluable expertise to resolve complex realty challenges on the Harbor Bridge Project." Cheryl's award was for her "contributions and excellent customer service in proactively addressing challenges and developing innovative solutions for the northeast Right-of-Way team."

Both Cheryl and Chrisy were excited to be able to travel to U.S. DOT Headquarters this past December to accept awards—each not knowing any specifics about what she was being recognized for until moments before the ceremony. Before they collected their plaques from FHWA Administrator Nadeau, HEPR organized a small reception so that other realty colleagues could celebrate Cheryl's and Chrisy's notable achievements.

New Research Projects

HEPR has several new research projects underway that aim to improve the effectiveness of acquiring and managing highway real property interests and advancing technological innovations. One example is the office's option contract research. MAP-21 amended section 108 of U.S.C. 23 to replace the terms "real property," "right-of-way," and "rights-of-way" with "real property interests," making it possible for State departments of transportation (DOTs) to use option contracts in Advance Acquisition projects. The research will examine what types of options are appropriate for State DOT use, how option considerations should be determined, and whether and to what extent Federal funds should participate in the option consideration. Another example is HEPR's research on the waiver valuation provision in 49 CFR 24.102(c)(2). HEPR has identified the "waiver valuation" as a key component of the "Right-of-Way Flexibilities" in the Realty Program's Every Day Counts (EDC) initiative. HEPR is sponsoring this state-of-the-practice research project to document the waiver valuation's current use among acquiring agencies in the Federal and Federal-aid Realty Programs, and identify potential regulatory revisions that might result in greater efficiencies through wider use.

Finally, many State DOTs have converted from a manual, paper-based ROW cost estimate process to an electronic ROW cost estimate system or process. As such, HEPR is sponsoring research that will provide FHWA with clear and concise documentation for transportation professionals in state and local public agencies to use in support of implementing electronic right-of-way cost estimate calculators for ROW and related activities. Information on additional research projects is available at http://www.fhwa.dot.gov/hep/hep_research/resources/publications/fs_real_estate.cfm.

Local Public Agency (LPA) Toolkit Update

A new feature was recently added to FHWA's LPA Toolkit, which is available at www.fhwa.dot.gov/real_estate/local_public_agencies/lpa_tool/. Within the navigation on the lefthand side of the page, there is a new "I want to know more about..." window that allows users to select a realty topic of their interest. Users can select from the subjects of relocation, property management, acquisition,

appraisal, or uniform act and then be redirected straight to the corresponding section in HEPR's Real Estate Acquisition Guide for LPAs. The new navigational aid can streamline readers' efforts to find information relevant to their work.

Upcoming Events

National Highway Institute (NHI) Courses

- Advanced Relocation under the Uniform Act (UA), April 18–20 and June 6–8, 2017
- Basic Relocation under the UA, July 18–20

For more information, visit : www.nhi.fhwa.dot.gov/training/course_search.aspx?tab=0

Conferences

- AASHTO Subcommittee on ROW, Utilities, and Outdoor Advertising, Annual Meeting, April 30–May 4, 2017, Indianapolis, Indiana
- IRWA International Education Conference, June 11–14, 2017, Anchorage, Alaska

News from Regional POCs



Southern Corner News

Florida: The Florida Division reports that the Division Office and Florida DOT have been conducting Local Agency Program Workshops this winter at FDOT district offices.

Louisiana: The Louisiana Division reports that Louisiana Department of Transportation and Development (LADOTD) had its first design-build project where extensive real estate acquisition was required. The LADOTD had a very steep learning curve and was presented with various challenges. The agency is nearing the end of the ROW acquisition portion of the project and have many lessons learned. LADOTD is looking forward to a post project meeting to discuss opportunities to make any future such projects proceed more smoothly.

South Carolina: The South Carolina Division reports that Bill Jones recently joined the Division as a hybrid PDP (Civil Rights/Realty). South Carolina DOT is developing a pilot policy for right of way incentives.

Virginia: The Virginia Division reports that Janice Richard recently joined the Division as a Realty Officer.

Northern Corner News

New Jersey: The New Jersey Division reports that Ekaraj Phomsavath is the new Division Realty Specialist. The NJ Division Office ITS / ROW Specialist in collaboration with the Civil Rights Specialist and Transportation Engineer Team Leader are currently working with the New Jersey DOT ROW & Access Management Offices to develop an Americans with Disabilities Act (ADA) Sidewalk Policy. The scope of the policy is to comply with the ADA, streamline the ROW acquisition process for capital projects (i.e. road resurfacing) containing sidewalk work, and make additional ROW work more manageable.

Massachusetts: The Massachusetts Division reports that Tomasz Janikula recently joined as the Realty Specialist.

Pennsylvania: The Pennsylvania Division reports that the Division Office and the Resource Center conducted a Relocation Quality Assistance Review for PennDOT District 11-0 and are in the process of compiling the findings. PennDOT is revising the chapter of the ROW Manual on Administration for the Division Office review. In March, the Resource Center will be instructing a three-day relocation course for PennDOT .

Delaware: In February, the Delaware Division, Office of Real Estate Services, and the Resource Center conducted a review of the Delaware Department of Transportation's (DelDOT) Outdoor Advertising Program. The purpose of the review was to evaluate the effectiveness of DelDOT's Outdoor Advertising Control Program as required by the 1965 Highway Beautification Act. The review included a field review of over 200 signs, interviews with DelDOT staff, and a review of DelDOT's manual and regulations.

Ohio: The Ohio Division reports that the Division Office and Ohio DOT will conduct a joint process review to assess ODOT's LPA oversight practices. Also, the Division will follow-up with the PY15 process review that was completed for the Advertising Device Control program. There were many compliance issues identified included multiple sections of the Ohio Revised Code (ORC) that are in conflict with Federal Regulation. Ohio DOT agreed to correct the identified findings including the correction to the ORC. Ohio DOT submitted amending the ORC in the Omnibus Legislation Initiatives, still pending the legislation action.

Rhode Island and Connecticut: The Rhode Island and Connecticut Divisions report that Jennifer Janik recently joined as a Shared Resource Realty Specialist.

Western Corner News

Alaska: The Alaska Division reports that it is in the process of coordinating a comprehensive training workshop for Alaska Department Transportation and Public Facilities. FHWA's Resource Center will present the training and include a section on GIS and ROW that will examine ways to utilize tools already in place to aid in GIS mapping.

Arizona: The Arizona Division is currently working on a \$1.9 billion P3 project in Phoenix. The project, called the South Mountain Freeway (SR-202L), is a proposed new eight-lane freeway located in the south and southwestern portion of the Phoenix Metro Area. The FHWA, in conjunction with the Arizona DOT, approved the Final Environmental Impact Statement (FEIS) on September 18, 2014. After completion of the FEIS public review period, the Record of Decision was approved on March 5, 2015. The procurement phase ended with the execution of the Contract and NTP 1 to the developer on February 26th 2016, with anticipated substantial project completion in November 2019. More information on the project is in the "Featured Articles" section of this newsletter below.

California: On February 6–10, the FHWA Resource Center visited California's Central Valley, in Fresno, CA to deliver two realty workshops: Essentials for ROW Program Management and ROW 101. A total of approximately 60 people from the Caltrans District and local public agencies attended each workshop.

Nevada: The Nevada Division reports that it is performing a review of the Federally Funded Early Acquisition process that Nevada DOT uses. The Division will review recent environmental assessment projects for compliance with rules in place at the time of completion with an eye toward providing guidance in future compliance with the new 23 C.F.R. § 710 regulations.

Utah: The Utah Division reports that it is in the process of developing a Western State Summit for Utilities to be held in April 2017. The summit will focus on the demand for the future use of ROW for utilities,

including but not limited to, cell towers, charging stations, and alternative energy technologies. The summit will also address how to protect the ROW while streamlining the process for utilities. Sixteen western states are expected to participate.

Washington: In the third quarter of 2016, Washington State DOT drafted legislation to amend Washington state law to bring it into compliance with the changes in MAP-21 relating to the Relocation Assistance program. The bill is currently in the Senate and expected to be enacted this legislative session.

The Washington Division is working with WSDOT and the U.S. Coast Guard on an eventual Federal land transfer in Seattle. This action relates to the Alaskan Way Viaduct Tunnel Replacement project.

The WA Division Realty Program Manager participated in and gave several presentations at the first of a series of local public agency workshops for 2017. The workshop, held on January 10, 2017, included participants from local and county governments in the Olympic region. Other workshops in 2017 are planned for Seattle, Burlington, Vancouver, Spokane, and central Washington.

Mid-American Corner News

Illinois: The Illinois State Highway Toll Authority (ISHTA) is continuing acquisition and relocation of major industrial properties for the Elgin O'Hare Western Access Project, which includes 17 miles of new roads with 15 new or improved interchanges as part of a new, all-electronic toll road in the proximity of O'Hare International Airport. ISHTA is currently working with the City of Chicago Police to find a suitable functional replacement property for their K-9 training facility. The Illinois Division is performing quarterly spot checks and provides technical assistance for some of the more complex relocations. Also, the consultant providing Relocation services for ISHTA on this project is utilizing drones, which have assisted with inventorying personal property and provided an overall scale of the potential needs of the relocatees.

Kansas: In November, the Kansas DOT held two ribbon-cutting ceremonies for two major projects. The first was November 4th for a bypass project that has been over 30 years in the making due to potential environmental impacts to wetlands in the area. Since it was new alignment, a significant amount of ROW was acquired and a "Wetlands" visitor center was built. The second project held its ribbon-cutting November 29th. It was Kansas's first Design-Build project with a price tag of around \$280,000,000; it too required a significant amount of ROW, but it was completed on schedule and is close to being on budget.

Michigan: The Oklahoma Division reports that the Michigan DOT (MDOT) is proceeding with real estate acquisition for the Gordie Howe International Bridge, with new and unique issues presenting themselves regularly. Recently, the Michigan Division, in partnership with MDOT, resolved questions regarding the relocation of a group home and its tenants in the footprint of the bridge.

Nebraska: The Nebraska Division reports that it recently issued the final report for a joint process review conducted last year on the Nebraska Department of Roads (NDOR) acquisition process. Notably, 98 percent of files jointly reviewed were adequately documented to make a determination the Uniform Act was followed. There were some recommendations identified, such as training should be held for negotiators, improving communication with other divisions of NDOR that have a role that could affect ROW, and examining increasing the waiver valuation threshold. The Resource Center will deliver a training in April, and topics that will be covered are what a project acquisition file should contain, what to say and not say during negotiations, and business writing for an adequate call report.

Texas: The Texas Division is actively involved in mitigation for a Title VI complaint that was filed against FHWA related to the Harbor Bridge project in Corpus Christi. The resolution to the complaint was to enter into a Voluntary Resolution Agreement to acquire and relocate property owners and tenants in the Hillcrest neighborhood who have been disadvantaged by living in the shadow of the Harbor Bridge for decades. The

properties are not in the footprint of the highway project but are being relocated as a mitigation effort and will follow portions of the Uniform Act.

Wisconsin: Taking advantage of new flexibilities found in the recently rewritten regulation, the Wisconsin Division approved its very first occupancy permit for the non-highway use of Interstate ROW. This first-of-its-kind Division approval action will allow the City of Milwaukee to build, operate, and maintain an Operations and Maintenance Facility to serve Milwaukee's soon-to-be-built streetcar project, a portion of which is being funded through a TIGER VII grant. The facility will be located beneath the bridges of I-794 in the City of Milwaukee, and the non-highway use is being allowed as an exception to the fair market value requirement where the use is for a publicly owned mass transit authority and where the use can be accomplished without impairing automotive safety or future highway improvements. For more information, see <http://milwaukeestreetcar.com/index.php>.

News from the Resource Center



On the Move with the Resource Center Realty Team

(Article by the FHWA Resource Center)

The Resource Center is happy to announce we have added a new member to our ROW team, Mr. Chad Crawford. Chad joins our team after working at the US Department of the Interior (DOI) for the past three years as a Review Appraiser in the Office of Valuation Services. Before joining DOI, Chad worked at Georgia DOT for 13 years in a variety of ROW roles including as a Right of Way Agent and Review Appraiser. Chad holds a Certified General Appraisal License and is a designated member of the American Society of Farm Managers and Rural Appraisers. The Resource Center team is excited to have Chad on the team to assist with Appraisal training and appraisal technical assistance as well as in all facets of the ROW discipline. Please contact Chad at 404-562-3673 or Chad.A.Crawford@dot.gov with any appraisal questions you might have, or ask him to assist you on your next appraisal review.

The Resource Center ROW team has kept very busy this past year delivering 18 Resource Center workshops and 13 NHI Courses across the country, including two trips to Guam. We have participated in five program/project reviews, five SIP reviews, and attended four national/regional/state conferences. We have enjoyed our time on the road and want to thank everyone who invited us out to assist in a review or teach a workshop. Our time in the field has taught us a lot and hopefully improved our right of way skills. We have numerous workshops and a few reviews already planned for the first quarter of 2017.

If you have not taken advantage of any of our services, 2017 might be a great year to give us a call. We know it will soon be time to be planning your Division Office's reviews and objectives for the next fiscal year, which might involve training for your DOT or local partners; we would love to help out in any way. We are here to serve you, your division and your State and Local partners. Please look over our [list of workshops we offer](#), if you do not see what you are looking for give us a call, we will gladly create a custom workshop for you. Some of the additional items we have offered training on include, appraisal waivers, GIS and MAP-21.

Thank you again for all of your support and we look forward to serving all of you in the future. We are just an email or phone call away. If we can be of assistance please contact:

Marshall at Marshall.Wainright@dot.gov or by phone at (404) 562-3692
Michele at Michele.Palicka@dot.gov or by phone at (404) 562-3918.
Chad at Chad.A.Crawford@dot.gov or by phone (404) 562-3673

Featured Article



Arizona South Mountain Freeway: Project Update

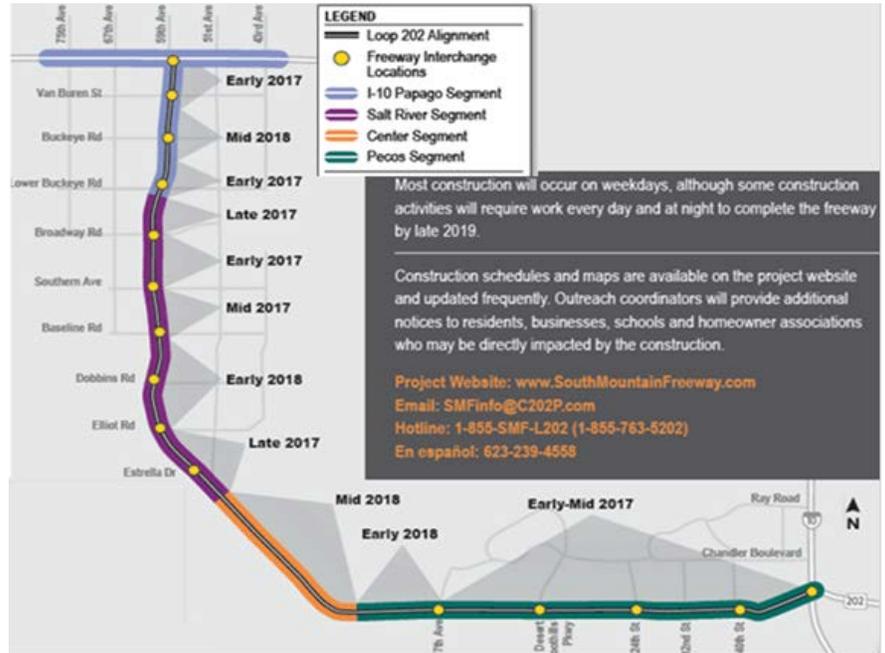
The South Mountain Freeway (SR-202L) is a proposed new eight-lane freeway located in the south and southwestern portion of the Phoenix Metro Area mainly on new alignment. On September 18, 2014, the FHWA Arizona Division, in conjunction with the Arizona Department of Transportation (ADOT), approved the Final Environmental Impact Statement (FEIS) for the project. The project will complete the Valley Freeway System approved by voters in the mid-1980s.



Rendering of the completed South Mountain Freeway Project

Due to the preferred alternative’s proximity to South Mountain Park, which is a resource having afforded protection under Section 4(f), historical, cultural, and recreational significance, as well as other community concerns, two lawsuits were filed against FHWA and ADOT regarding the project after the Record of Decision (ROD) was approved in March 2015. One was filed by a number of concerned advocacy groups and the other by the Gila River Indian Community (GRIC). On August 19, 2016, the court entered a summary judgment in favor of the defendants. Since that time both plaintiffs have filed notices of appeal to the US Court of Appeals and one plaintiff filed two motions for injunction pending appeal, both of which were denied. GRIC filed a motion for injunction that was denied as well.

The project procurement is now under way as a design-build-maintenance (modified P3) project with anticipated substantial project completion in November 2019. As of early January 2017, a total of 346 parcels have been identified as needed for the South Mountain Freeway project. Two-hundred fifty nine (259) acquisition offers have been presented, and 33 parcels have been processed for condemnation.



Construction schedule for the project.

Introducing Realty Colleagues



Kevin O'Grady, FHWA Headquarters

In January 2017, HEPR welcomed Kevin O'Grady—a career-long realty expert—to the FHWA team. Starting with a degree from Ohio State University in Real Estate and Urban Analysis, Kevin says he's been fortunate to have always worked "doing what he loves." After spending over 30 years with the Ohio DOT where he began his career working in the Appraisal Bureau of the Right-of-Way Office, Kevin is now excited to get the opportunity to serve as FHWA's liaison with appraisal oversight organizations and with other Federal agencies regarding implementation of the Uniform Act.

A retired Ohio National Guard motor sergeant for a medical company (that Kevin likens to a less-dramatic version of a team on the television show M.A.S.H.), Kevin jokes that he is also the "first of the second half dozen of siblings," and believe it or not, he is still close with all of them. In his early 20's, he backpacked with one of his older brothers to South America and later to Canada to view solar eclipses. Those trips contributed to Kevin's enthusiasm for going on travel adventures with his wife and three sons. A few years ago, Kevin and one of his sons attempted to see 26 National Parks in a four-state area in the southwestern United States, a circuit known as the "The Grand Circle." After 18 days of driving and camping, the two managed to see about 14 of the parks.

If he weren't working at FHWA, Kevin says he probably would be teaching classes on real estate appraisal—that or leading his own real estate acquisition/appraisal team. Thinking about his career, Kevin says, "Realty has never been boring. There's nothing cookie-cutter about what we do. It's always a challenge and at the same time been fun."



Kevin O'Grady of FHWA's Office of Real Estate Services enjoys boating in his spare time. Here, Kevin is at the helm at a lake in Salt Fork State Park, Cambridge, Ohio.