



Message from the Director

Mary Ridgeway, HEPR Office Director

Sitting here at Headquarters, as the season's first snow falls right outside, I'm thinking about how lucky I am to be back in Washington, D.C. beginning my new role at FHWA as the HEPR Office Director. It will be my third time working at HQ over the course of my 18-year FHWA career, which also spans time at four division offices. I was first with the agency back in 1994 but left for the Missouri DOT during a time that FHWA was reducing its workforce, and I always regretted that decision. So when FHWA rehired me mid-career, I was almost as thrilled then as I am today.

I would like to take this opportunity to thank Arnold Feldman, Mark Ferroni and Dawn Horan for their service as Acting Director - supporting all of you and keeping everything running! Given that HEPR has been without a permanent office director for some time now, I am eager to begin supporting you all on your endeavors. If you're like me, you may be wondering "what will the new person be like?" especially since it's a new Office Director. Well, I can assure you that my leadership philosophy is to empower people and provide guidance without micro-managing. My general office philosophy is to try to enable a workplace that encourages having fun because I think people work better when they're happy.

On a personal note, I have two lab mixes ("The Girls") that I adore even though they've taken over most of my spare time. When I'm not taking them on walks, you might find me exploring the area, going to plays, and watching movies. I've been known to attend a garage sale or two as well.

I met some of the HEPR staff last month, and I'm excited to get to know everyone better – here at HQ and in the field – as I embark on this new role. I encourage you all to take advantage of my open door policy and stop by or call to talk about work, life, garage sale finds, or anything else!

News

What's New at HQ?

News from the States

Resource Center News

Featured Articles

Joint ROW/Environment Efforts "Bounding" to Create a New Mexico Meadow Jumping Mouse Preserve

ROW Mentoring Program

Introducing Realty Colleagues

Ekaraj Phomsavath, NJ
Scott Frey, ID
Neosha Lawhorn, GA
John Duel, Headquarters

What's New at Headquarters?

There has been a lot going on at Headquarters since the last Realty Newsletter!

Farewell to Dawn Horan

HEPR and the Realty staff nationwide want to wish the very best to Dawn Horan in her new position in HCC, as well as our thanks for the professionalism, courtesy, and cooperation she afforded everyone in her roles as Division Realty Officer, Outdoor Advertising Program Lead, HEPR Team Leader, and HEPR Acting Office Director.

Dawn exemplified FHWA's core values in many ways. Her collaboration with other Federal agencies and daily interactions with all FHWA personnel in HQ and in the division offices demonstrated support, cooperation, and communication. She encouraged personal development by sharing learning opportunities, always being available to help, and encouraging the development of leadership and technical skills throughout all of Realty. Dawn played a key role in the delivery of the Right-of-Way Program through her work and efforts to improve the Realty Program as a whole.

Dawn touched the lives of many people both in Headquarters and in the field. She will be missed in Realty but luckily, she is only a floor or phone call away. Realty Rocks!

Environment and Realty Discipline Seminar (ER Seminar)

On May 14-18, 2018, FHWA hosted a learning and development seminar for the Environment and Realty Disciplines in Chantilly, Virginia. The seminar brought together over 200 staff from FHWA Headquarters, Resource Center, Division Offices, and Federal Lands Highways offices to network and learn from each other over the four-day event. This seminar was held just after Executive Order 13807 was issued, charging transportation project professionals with the task of shortening the project permitting process. Correspondingly, the theme chosen for this event was "Innovate and Accelerate: the Future of Project Delivery." Sessions covered major topics in environment, project level air quality issues, and real estate, all with the goal of engaging participants through interactive discussions on innovation in project delivery.

Feedback from the conference was overwhelmingly positive. New and experienced staff alike commented that the seminar gave them a great opportunity to ask questions and share best practices about the work they do. HQ and Division Office staff discussed methods to ensure that effective lines of communication are maintained. One primary item of focus was ensuring that the Division offices are the State DOTs primary contact. Staff agreed that it is important to both ensure the State DOTs receive timely responses and to ensure that the Division offices lead the communication process to the maximum extent practicable.

49 CFR 24 Notice of Proposed Rulemaking (NPRM)

In June, the Regulatory Reform Task Force (RRTF) determined the 49 CFR 24 Notice of Proposed Rulemaking (NPRM) to be a significant rulemaking primarily due to the fact that it is a government wide rule and has high interagency interest. In mid-August, the final draft of the NPRM was submitted to the Chief Counsels office. An internal FHWA HQ circulation is expected to begin in early September. Upon completion of the internal FHWA HQ circulation the NPRM package will be forwarded to the Office of the Secretary of Transportation for approval and concurrence. The Office of Management and Budget will then begin circulating the NPRM internally with the Federal government for formal review. That portion of the review process to be completed between late December 2018 and early January 2019.

Strategic Implementation Plan Reviews



Realty staff will still see Dawn Horan around the hallways at DOT Headquarters. Source: FHWA

Over the last few months, four HEPR Headquarters staff members finished a series of Strategic Implementation Plan (SIP) reviews that HEPR has been conducting with assistance from the Resource Center over the last five years. The SIP describes FHWA objectives in delivering the highway transportation program. The goals of the reviews were to identify best practices and training opportunities with the Resource Center. Each review gave Headquarters staff the opportunity to meet for one day with Division Office personnel, followed by a one-day meeting with state DOT personnel to identify best practices in achieving SIP review goals. HEPR is currently developing a report that will summarize the results of the SIP reviews and expects it to be finalized in the near future.

Realty Website Makeover

Finally, HEPR is undertaking an effort to revamp its website. As one of HEPR's primary communication vehicles, the website is critical to conveying information necessary to helping staff do their work. As such, HEPR is soliciting immediate input on how to make the website more accessible and easier to navigate. If you have ideas for how HEPR's website can be improved, contact John Duel at John.Duel@dot.gov or 202-366-9488. HEPR plans to make website updates during Winter 2018.

News from the States



California

- The California Division attended the Renewable Energy in the ROW Peer Exchange in Baltimore, MD. Caltrans also attended and presented on the use of solar technologies at Caltrans and their abundance of solar energy. Caltrans solar projects are 100% on state owned facilities.

Georgia

- The Georgia Division developed two training courses for consultants: (1) ROW 101 and (2) ROW 102. The courses cover basic and detailed training on the Uniform Act and GDOT processes and procedures. They were first held in the Macon, Georgia DOT office with a total of 51 attendees.

Hawaii

- Hawaii facilitated a weeklong series of workshops, presented by the Resource Center, on Appraisal, Acquisition, Relocation and Negotiation. Attendees included representatives from the Division Office, Hawaii DOT and local agencies.

Illinois

- Illinois Division Office provided six acquisition training sessions for Illinois DOT.

Indiana

- Indiana developed processes for the development of ROW Use Agreements and the determination of fair market value for broadband installation in the ROW.

Kansas

- The Kansas Division conducted project reviews on each of the seven Kansas districts and major cities.

Kentucky

- Kentucky held its annual Partnering Conference in Louisville Kentucky. It is a three-day event where over 600 employees took part in seminars geared towards improving the overall management of the Kentucky Transportation Cabinet and its resources. Day Two consisted of break-out sessions. The ROW sessions offered covered:
 - Railroad session-Railroad acquisition, crossings, etc.
 - Expedited Project Development: ROW Public Meeting and Revised Scoping
 - Effective Communications with Legal
 - Business Relocation Panel/Examples



Executives participate in a panel at the annual Partnering Conference in Kentucky.

Source: FHWA

Attendees were equipped and inspired through presentations & peer exchanges with transportation industry professionals across all modes. Partners include FHWA and ACE-KY.

Louisiana

- Hubert Graves retired as the Right of Way Administration for the Louisiana Department of Transportation and Development. Chuck McBride is was appointed ROW Administrator.

Mississippi

- The Division Office selected Donald Davis as its new Division Administrator.

Oklahoma

- The Division office conducted a review of ODOT's Property Management Program. As a result of that review the division created Property Management teaching tools.

South Carolina

- Jessica Hekter has a new position. She is the Planning and Program Delivery Team Leader for the Division Office.

South Dakota

- The Division assisted the South Dakota DOT in the relinquishment of a Highway Easement Deed to the National Park Service.

Tennessee

- Theresa Claxton made a presentation about the Federal-aid Program and the Right-of-Way Program at the Tennessee IRWA Chapter 32 meeting on May 3, 2018. TDOT will be conducting an All Agents Meeting in Pigeon Forge, Tennessee. The Meeting will be held November 5-7.

Texas

- The Texas Division has extensive involvement in the Title VI mitigation on the US 181 Harbor Bridge project. The Division conducts quarterly audits, participates in bi-weekly status meetings and participates in Community Advisory Board meetings with affected property owners in the Hillcrest neighborhood.

Utah

- The Utah Division, with Utah DOT, hosted the Western States Utility Summit in May 2018. Representatives from FHWA Division and HQ, State DOTs and Utility Professionals were in attendance.

Washington

- The Washington State DOT, in collaboration with the WA Division Office and the Resource Center, offered two training classes on valuing temporary easements on September 10th and 12th, 2018. The training sessions, which were conducted in Olympia, were made available to local agencies, consultants, and WSDOT staff. The sessions were taught by a team consisting of Chad Crawford from the Resource Center, Dave Leighow from the WA Division Office, a Review Appraiser from WSDOT, and a Fee Appraiser from Seattle. The training came about as a result of some questions on how certain agencies were valuing temporary easements and how the offers based on those valuations were being structured. The sessions had over 200 attendees and the course evaluations were complementary of the instructors and the agenda. We are planning on doing other Appraisal training sessions in the Spring of 2019.
- The WSDOT completed the replacement of the Wildcat Creek Bridge project on SR-12 at White Pass, WA in September 2018. While there were no Federal funds in the bridge replacement project, the Division Office did process a Federal land transfer under 23 CFR 710.601(a) as a project with a "strong Federal transportation interest." The Division developed a format for requesting HQ HEPR concurrence in that determination and HEPR responded with their approval within 24 hours of the request. This was a significant accomplishment, as a delay in the project would have pushed the project into a new construction season and the likelihood was very high that the detour route for the bridge would have had multiple closures due to snow and ice during the winter season.

News from the Resource Center



On the Move with the Resource Center Realty Team

(Article by the FHWA Resource Center)

Where did 2018 go? As I am writing this Realty article, it seems we were just celebrating all the end-of-year holidays, and in a flash, we are gearing up again. I attribute the months flying by to the exciting and busy 2018 schedule the Resource Center Realty Team has had. The Realty Team has had the opportunity to reach so many employees within the FHWA Divisions Offices, State Departments of Transportations, local agencies, Federal agencies and the consultant world. I recently had the pleasure of delivering an appraisal training with over 200 attendees!

During our time this past year, there has been one constant theme that has emerged in every aspect of our contact within the Realty discipline. The importance of communication/coordination to effectively deliver the right-of-way program. In almost every scenario, the breakdown of communication has resulted in the difficulties of delivery.

The Realty Team stresses the importance of being involved in the early stages (planning/design/environmental) of the project. The communication between right-of-way professionals and other disciplines is a critical process for the project to stay on schedule. Identifying right-of-way issues or difficulties early can have a resounding effect on project delivery.

What is the most difficult aspect of the right-of-way process? I am sure most of you would respond that communicating with the public would be the answer. Keep in mind that we are trying to acquire property that owners do not necessarily want to sell. Can you see how communication/coordination would be critical when dealing with the public? I often say it is not what you say, but how you say it. It is imperative that right-of-way professionals have a strong grasp of the acquisition and relay that information to the property owner in terms they will understand to achieve a successful negotiation. For example, relocations are almost always the most time consuming acquisitions and require the most personal information from the property owner/tenant. The need for the correct personal information and role it plays in the relocation process must be communicated to the property owner/tenant. The information collected during the relocation interview will also drive the advisory services that are required for a successful relocation.

While writing this article, one item kept coming to my mind with regard to communication/coordination. I recently read an article by John R. Navratil titled "Appraisal Challenges in Design Build". Design-build projects are popular because they can save money and time, but if the communication/coordination has broken down between the design-build contractor and right-of-way agency, the results can be costly and time consuming. The level of communication/coordination also is affected by whether the right-of-way is kept in-house or is part of the design-build contract. Remember, some decisions still must be determined by an employee of the agency. The determination of just compensation is a prime example. Furthermore, there are certain items (row plans, title report, easement time frames, scope of work) that must be supplied to the appraiser for the appraiser to conclude a credible appraisal report. A major issue with design-build projects is that the design could be in the early stages or changing while parcels are being valued. The right-of-way agency must be in constant contact with the design team to make sure that properties which are valued (acquisition/damages/benefits) and acquired, matches the final design.

The realty team is here to serve you, your division and your state and local partners, so contact us with any request and we will gladly assist you with your needs.

Marshall at Marshall.Wainright@dot.gov or (404) 895-6158; Michele at Michele.Palicka@dot.gov or (404) 274-5235; and Chad at Chad.A.Crawford@dot.gov or (404) 290-0089.

Featured Articles



Joint ROW/Environment Efforts “Bounding” to Create a New Mexico Meadow Jumping Mouse Preserve

The 15 mile corridor of NM-434 along the perennial stream Coyote Creek is an important route for tourism, serving summer campers and mountain visitors. But this stretch of highway also presents safety issues due to the narrowness of the road and lack of shoulders. A project to address these issues and widen the road has been under consideration in New Mexico for the past 15 years, but had been continually postponed until recently. Widening the road impacts the surrounding ROW, which includes critical habitat of the endangered New Mexico meadow jumping mouse. Add in additional complexities of fishing easements and perennial streams, and it's no wonder a lot of consideration went into this project.

Phase one of this project was recently completed, reconstructing a roughly three mile stretch of NM-434, an area along the corridor containing critical habitat for the NM meadow jumping mouse. This project highlights cooperation and joint efforts between the SDOT ROW and Environmental constituents. New Mexico Department of Transportation (NMDOT) was the lead agency on the project, coordinating with the Army Corps of Engineers, New Mexico Department of Game and Fish, and U.S. Fish and Wildlife Service.



A bottomless culvert was installed under NM-434 to connect Big Blue Creek, a tributary to Coyote Creek, with NM-434.
Source: FHWA



NM Meadow Jumping Mouse critical habitat that is recovering since being fenced out of grazing. (Photo by Lana Lau, FHWA HQ)
Source: FHWA

One of the complications of the project involved a fishing easement across private properties in the area. Much of the critical habitat for the endangered New Mexico meadow jumping mouse was owned by the Brock family, and was being used as grazing areas for cattle. The Brock family initially agreed to a partial purchase of the property, but the property became an estate when the owner passed away and the family decided to sell the property in its entirety. The NMDOT purchased the 31 acres as a mouse preserve and planned to restore the area to a more natural meadow with longer grass to be a more conducive habitat for the species. To achieve this, NMDOT fenced off part of the property to prevent grazing across the whole area, which raised concerns from local residents who were now unable to fly fish in certain locations due to the fence's proximity to the water.

Balancing consideration and preservation of critical habitat for an endangered species, working with an active, perennial stream rather than temporary flows, and accommodating the fishing easement were all factors making this project rather unique for NMDOT. Most of the hesitation to initiate the project stemmed from its complexities and innate need for joint efforts to coordinate all the moving parts. However, confronting these unknowns and diving into the project is one of the factors that made this project a success, along with support from leadership and the experienced staff at NMDOT. This project has been a success. In addition to addressing safety issues along NM-434 and protecting critical habitat for an endangered mouse species, the public has been satisfied by the project thus far. While there was initial negativity surrounding the project, with the public skeptical and reluctant to support it, residents along the corridor have been surprised by, and pleased with, the project. Greg Heitmann, FHWA New Mexico, predominately attributes this success to agency collaboration and NMDOT's ability to work with the public.



Area of Coyote Creek Fishing Easement and Fence that impacts casting of flyrods
Source: FHWA

The success of phase one of this project is critical to the ultimate success of entire corridor reconstruction project. The remaining stretch of the corridor still poses safety concerns, and this phase's initial success has been the longstanding lynchpin needed to provide confidence and support in the project. And the most rewarding part? For Heitmann it has been NMDOT's ability to improve public transportation safety, provide less risk for the drivers, and demonstrate how NMDOT can serve the public's needs.

ROW Mentoring Roll-Out

Based on feedback received at the Discipline Support Conference, HEPR has started a mentoring program for FHWA ROW Professionals. HEPR believes the program, which is modeled after a similar effort from FHWA's Office of Planning, is important because approximately 50 percent of FHWA's Realty Specialists have five or fewer years experience in the ROW field. The program, which is geared toward newer realty staff, is available for both Divisions and HQ staff.

Using FHWA's realty discipline SharePoint site, interested staff can sign up to be either a mentor or a mentee. There is an application for both prospective mentors and mentees posted on the site to help HQ best match people together. The application includes a list potential ROW topics from which mentors and mentees can choose. Once a mentoring relationship is established, HQ envisions mentors and mentees interacting as needed but at least monthly as agreed upon by the mentor and mentee.

Contact Lindsey Svendsen at Lindsey.Svendsen@dot.gov or 202-366-2035 if you have any questions.

Introducing Realty Colleagues



Ekaraj (Ek) Phomsavath, FHWA New Jersey

“There is never a dull day” says Ek who currently has a dual role at FHWA in both the Operations and ROW disciplines. First hired in 2003 through the Professional Development Program (PDP) in the Operations discipline in California, Ek has been working in ROW since August 2016 in the New Jersey Division office. His favorite part of working in ROW is having the opportunity to work on a variety of different program areas, ranging from outdoor advertising to property acquisition and management.

With his days typically spent coordinating with partner agencies, Ek sees himself as a librarian, attending meetings, sharing information, and connecting partners with Resource Center experts and specialists to provide technical assistance. Ek also is very appreciative of the relationships with fellow ROW counterparts, and his ability to pick their brains and learn something new. Building a rapport and sharing these relationships has been a key factor to Ek’s success. He collaborates with NJDOT and local MPO agencies on a daily and weekly basis. Ek jokes that another key to his success is his sharing of baby pictures.



Ek and his wife, Holly, celebrating Holly’s parents’ 50th wedding anniversary.
Source: FHWA

While his primary role in the division office is focused on ITS deployment and ROW, Ek also serves as the division office emergency coordinator, a USDOT Region II Emergency Transportation Cadre (ESF-1) member, and on the Office of Operations Transportation Cyber-security Response team. In the ESF-1 role, Ek was deployed in October 2012 to assist with impacts from Hurricane Sandy. Ek reported to the New York City Office of Emergency Management to run the USDOT operations in collaboration with the FEMA - New York Incident Management Assistant team and provided creative problem solving and significant informational support for all stakeholders on current USDOT Infrastructure conditions including waivers and permits, tolls, fueling operations for first responders, road, bridge, and tunnel closures – all while sleeping in the government vehicle when no hotel rooms were available during his first reporting date.

Outside of work, Ek enjoys spending time with his family, taking road trips with his wife and two daughters, cooking and trying new recipes, DIY home improvements (and sometimes mistakes), and reading military warfare books dating back to World War II. While living in DC during the late 1990s, Ek had his “15 minutes of fame,” serving as an extra in a scene for the movie *Shadow Conspiracy* starring Linda Hamilton and Charlie Sheen, where Sheen runs up a Judiciary Square metro station escalator. If he wasn’t hired at FHWA for the PDP position, Ek would be working in the IT industry as a computer programmer.

Scott Frey, FHWA Idaho

Wearing multiple hats at the Idaho division office in his roles as ROW program manager, transportation planner, and air quality specialist, in addition to starting his tenure as an area engineer, Scott sees himself as a “jack of all trades, master of none.” Scott’s been with FHWA for 35 years and counting, starting in 1983 in the highway engineering training program. Following completion of the two-year training program in Columbus Ohio, Scott’s career moves took him to assignments in Albany, New York, and Salem, Oregon before settling in Boise, Idaho, where he has been for the past 23 years. Scott has been active in the realty discipline for 16 years. Since Idaho has a relatively small population, Scott’s multiple responsibilities, communication ability,



Scott's "alter ego" outside of work, enjoying the beautiful Boise, ID outdoors.
Source: FHWA

and personal contacts and relationships with the state and local organizations have been imperative to Scott's success. If he wasn't working at FHWA, Scott would probably be working as a land surveyor in his home state of New Hampshire.

Scott is also the longstanding, self-appointed administrator of the "FHWA Challenge," an annual walk/run challenge event that started in California's Region 10 in the 1980s. Scott recognizes that while he's been a Challenge enthusiast for the past 35 years, a number of the charter members and originators deserve more attention. Some regular participants in the challenge include current Acting Executive Director Cheryl Walker and prior Executive Director Walter "Butch" Waidelich Jr.

It comes as no surprise that outside of work, Scott enjoys various outdoor activities in the Idaho wilderness areas, mountains, and wild and scenic rivers. Most prominently, he enjoys hiking, biking, camping, fishing, and skiing with his family, which is full of outdoor enthusiasts. The abundance of outdoor recreational activities and organizations in the state has been a major pull keeping Scott in Idaho.

Neosha Lawhorn, FHWA Georgia

One of Neosha Lawhorn's favorite parts about working in the realty discipline in FHWA's Georgia Division Office is that every day is different. Some days it's helping set up meetings with or delivering trainings to local public agencies. Other days it's answering emails and calls regarding challenging acquisitions or other property-related issues. This "never-routine" routine keeps her excited about work day in and day out. That's not to say her demeanor hasn't helped; over time, Neosha has found that patience, open-mindedness, and being well-organized are the qualities that have helped her succeed most.



Neosha Lawhorn got her start at FHWA as a PDP interning at Headquarters.
Source: FHWA

Thinking she would have a career in the health care field, Neosha's route to the Georgia Division started as a tip from a friend in graduate school. "I was working in health care policy," Neosha says, "when a friend told me about the great experience she had had in this STIPDIG program, which I had never heard of." This piqued Neosha's interest, since she was already exploring internship opportunities in the Washington D.C. area. She became a PDP, interned at HEPR, and rest is history. Before coming to Georgia Division, which she has been at for the last five years, Neosha spent time working in the Tennessee and Ohio Divisions.

Outside of work, Neosha's five-year old and one-year old twins keep her and her husband busy. Only time will tell whether her love for Mexican and Italian foods have been passed down! In the meantime, colleagues might find Neosha planning a family vacation to Charleston, South Carolina, which is one of her favorite places outside of Georgia to spend time.

John Duel, FHWA Office of Real Estate Services

First, please welcome John Duel to HEPR as our newest staff Realty Specialist. John, who has been working in the ROW profession for more than 25 years, joins the team from the District of Columbia DOT (DDOT) and before that Arizona DOT. At DDOT, John was responsible for the agency's compliance with the Uniform Act and the District's laws, regulations, codes, and rules as they applied to DDOT's ROW.

He has added to his daily commute but only by two blocks. HEPR's most recent staff member joins the team from Washington, D.C.'s District Department of Transportation (DDOT), where he ran the Right of Way

program for four years. DDOT manages the District's 1,400 miles of streets and 360 miles of alleys. Prior to that John worked at the Arizona DOT for 12 years, 6 as its ROW Plans Manager. He hopes that his knowledge and experience in ROW has prepared him for what he views as the ideal situation of working on ROW policy and program implementation with some of the most well-recognized and knowledgeable experts in the field.

Interspersed throughout his transportation related career, he taught third grade and was a fifth grade Language Arts teacher and 7th grade Biology instructor. He enjoys working on his '81 Ford Bronco and '87 Pontiac Fiero. He is finishing the initial write-up of the first season of his sitcom "Highway Robbery" that he hopes to pitch to a network soon. So when you speak with John, remember he is taking notes.