



Realty Digest - Winter 2022

Director's Message

Nic Thornton, HEPR Office Director

I am honored to serve the Federal Highway Administration (FHWA) Office of Real Estate Services (HEPR) as the new Office Director. I have greatly appreciated everyone's support as I transitioned into this role over the past few months.

First, for those of you who I haven't met yet, I wanted to share a little about my background. I'm originally from Tallahassee, Florida and attended Florida State University and the University of North Carolina at Chapel Hill. I've worked at FHWA for almost twelve years now, starting as an attorney in the Office of Chief Counsel at FHWA headquarters where I worked primarily on legislative and regulatory matters. After working in that office for six years, I became a Special Assistant to two of FHWA's Deputy Administrators. I transitioned to HEPR in 2019 as a Team Leader before becoming the Director in August of 2021.

It is an exciting time to be at HEPR as many changes and transitions are underway!

The new Bipartisan Infrastructure Law (BIL) will continue to keep us very busy as we work to implement various programs with realty components and resolve what are sure to be a number of novel and complex real estate issues.

In addition, on January 20, 2021, President Biden signed Executive Order (EO) 13985, "Advancing Racial Equity and Support for Underserved Communities Through the Federal Government." Through the implementation of this Administration priority, the USDOT has undertaken a comprehensive approach to advancing racial equity for all, including individuals who have been historically underserved and adversely affected by persistent poverty or income inequality. Our role as the Lead Agency for the Uniform Relocation Assistance and Real Property Acquisition Act (Uniform Act) is essential to addressing this challenge and ensuring

that people are treated fairly by minimizing the hardships for those displaced by Federal programs or projects.

I truly believe that realty is one of the most consequential (and interesting!) subject matters that we deal with as an agency. Rest assured that as Director I am going to be proactive about making that point to our internal leadership here at US DOT and our external partners.

I look forward to meeting more realty staff at FHWA and our partner agencies and to learning more about activities in the field through the Realty Digest and the Realty Discipline. The staff here is truly the organization's greatest asset.

Nic Thornton

Focus on Headquarters

Frequently Asked Questions (FAQs) on Electric Vehicle Charging

In December 2021, FHWA announced the posting of new FAQs on Electric Vehicle Charging. The FAQs, which respond to questions that FHWA received after release of the April 2021 guidance memorandum, "State DOTs Leveraging Alternative Uses of the Highway Right-of-Way," are located on the Office of Real Estate Services' website at https://www.fhwa.dot.gov/real_estate/right-of-way/corridor_management/ev_charging_faq.cfm. Please contact Lindsey Svendsen at lindsey.s.svendsen@dot.gov with questions about the FAQs.

Federal Land Transfer Toolkit Released

In November 2021, HEPR published the much-anticipated Federal Land Transfer Toolkit (Toolkit) on its website. The Toolkit, which HEPR created with the input of realty specialists from Federal Land Management Agencies and State Departments of Transportation across the country, is a clearinghouse repository of information related to managing Federal Land Transfers. The Toolkit's content is intended to help practitioners, working in the program area, streamline the Federal Land Transfer process. The Toolkit is envisioned as a "living resource," and accordingly practitioners are encouraged to submit additional Toolkit materials to FHWA by contacting Carolyn James at Carolyn.James@dot.gov.

Explore the Toolkit and its resources at https://www.fhwa.dot.gov/real_estate/flt/toolkit/.

Outdoor Advertising Control Peer Exchanges and Additional Research

Congress enacted the Highway Beautification Act of 1965 (HBA) to control the erection and maintenance of outdoor advertising signs adjacent to certain Federal-aid highways in order to protect the public investment in such highways, promote the safety and recreational value of public travel, and preserve natural beauty (23

U.S.C. 131). The law required each State to enter into a Federal/State Agreement (FSA) that includes specific outdoor advertising parameters to which States must adhere. These FSA were written in the late 1960s and early 1970s, and most have not been amended since the original agreements were executed.

Between June 2021 and July 2021, HEPR convened a series of virtual peer exchanges to seek the input of practitioners on the challenges to updating their FSAs. FHWA Division Office and State Departments of Transportation (State DOTs) personnel from 46 States participated. FHWA was interested in learning what actions or activities it might take to assist State DOTs as they amend their FSAs. HEPR is now considering suggestions that the peer exchange participants made and is finalizing a meeting summary.

In parallel, HEPR has a research study underway with the Library of Congress to develop a series of case studies on First Amendment litigation related to outdoor advertising. Specifically, a number of U.S. Courts of Appeal have recently decided cases involving First Amendment challenges to State outdoor advertising control laws relating to exemptions for "On Premise" signs. The State laws were modeled after the HBA, which contains a similar exemption for On Premise (or On Property) signs. In several of the cases, courts have found State outdoor advertising laws to be unconstitutional restrictions on free speech, resulting in State statutes that have differing approaches to handling On Premise signs and thus inconsistencies across the nation.

Now, HEPR and the Library of Congress are conducting case studies on states that have recently amended their outdoor advertising laws due to court decisions in order to answer several questions including:

1. How did the State legislature amend its statutes in response to the court decisions?
2. What corresponding changes were made to the implementing regulations?
3. How does the revised legislation attempt to re-define On-Premise signs in a content neutral manner?
4. Apart from On-Premise signs, what other changes were made to the legislation?
5. In the affected States, what has been their experience with implementation of the new statutes and regulations?

HEPR anticipates completing the research during calendar year 2022.

Focus on the Field

The Uniform Act in Practice at the U.S. Army Corps of Engineers

Continuing the 50th anniversary of the [Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970](#) (Uniform Act) theme from the previous [Realty Digest edition Spring 2021](#), FHWA sat down with James I. Briggs, Jr. of the U.S. Army Corps of Engineers (USACE) to talk about how the agency implements the Uniform Act to ensure fairness and equity for those people whose real property is acquired, or who have to move temporarily or permanently, as a direct result of a USACE project or program.

According to Mr. Briggs, the Uniform Act is important to all civil works projects that USACE undertakes. In particular, his division – the USACE Mississippi Valley Division – often works on flood risk management projects where the Uniform Act comes into play. Example projects include navigation and flood control projects, such as work on levees, locks and dams, and the dredging of rivers. There are also nonstructural measures such as elevating existing structures or flood proofing (e.g., applying water-resistant materials to the outside of a structure) that can involve real property requirements for construction, operation, and maintenance. As part of project planning, USACE typically develops acquisition limits and identifies the type of real estate required. These requirements include temporary easements for work or staging areas; permanent easements; and fee title for mitigation or ecosystem restoration.

Often, USACE partners with state and local governments—mostly on a cost-share basis—on Uniform Act issues. For example, when USACE needs to acquire property (e.g., for a levee), oftentimes it's the non-federal sponsors that will acquire the property, while the USACE will construct the project(s). Sometimes USACE partners with other federal agencies (e.g., U.S. Fish and Wildlife Service or the Federal Emergency Management Agency) on Uniform Act implementation.

Mr. Briggs expects that the number of projects involving the Uniform Act and its protections will increase in the coming months, especially with infrastructure legislation moving to the national forefront. Such an increase would continue the recent trend as USACE's Uniform Act work has increased significantly over the last few years. Most of that work has been related to flood and coastal storm risk management, which is expected to only increase in relevance in the future.

Growth in USACE's real estate work along with workforce transition expectations have caused the agency to evaluate its real estate expertise. Roughly a quarter of USACE's real estate specialists are retirement eligible. USACE is currently considering its hiring and training options to ensure that its next generation of civil servant realty specialists understand the Uniform Act's importance and how it is applied as part of the day-to-day work responsibilities.

Staff Updates

Two Realty Specialists Retire After Storied Careers

Scott Frey

Scott Frey began his tenure with FHWA in 1983 as a member of that year's Highway Engineer Trainee Program. Following the completion of two years in the training program, Scott earned his first permanent assignment as an Assistant Area Engineer in Columbus, Ohio. He later moved to Albany, New York; Salem, Oregon; and finally, in 1995, to the FHWA Idaho Division Office in Boise where he served as the



Scott Frey, FHWA Idaho Division (retired)

Transportation Planner ever since. In addition, Scott served as the Realty Specialist since 2002. Upon retirement, Scott and his wife, Aileen, will be living in Corvallis, Oregon where they first met at Oregon State University many years ago. Scott thanks all of his FHWA colleagues for the comradery shared throughout his career with FHWA and sends best wishes to everyone.

Dave Leighow

In 1964, a 17-year-old college-bound young man from Kentucky listened to an inner voice telling him to explore the world. He upended his plans, convinced his parents to sign his four-year U.S. Army recruitment contract, and shipped off to basic training, and then to California to learn Russian at a military language institute.

More than four decades later, Dave Leighow still revels in being both a student and a teacher, gratified by a career in public service and in the transportation sector. Dave retired in November 2021 from FHWA's Office of Real Estate Services to spend time with his family and his beloved companion, a goldendoodle named Dixie.



Dave Leighow, FHWA Washington Division (retired)

The young man who learned Russian and spent several years posted in Germany returned to Florida, where he moved at age 12, and studied philosophy and religion and went on to obtain a master's degree in religion. Expecting to teach at the college level, he instead joined Florida Department of Transportation's right-of-way program in 1973, spending a total of 15 years there before a stint in transportation consulting.

Professionally, he centers a commitment to both learning and teaching, and he brings a thoughtful and analytical approach to problem-solving; a favorite quote

from Oliver Wendell Holmes reads, “the young man knows the rules, but the old man knows the exceptions.” After 49 years in the field – 32 of them with FHWA – he knows that creativity and possibility are found in those exceptions. And, when it comes to implementing Federal regulations, being flexible and “stretching the rubber band” is key to collaborating with state partners who are trying to achieve their transportation goals.

A highlight of Dave’s career came in the mid-1980s: the lifelong learner had an opportunity to share his thoughts and ideas by testifying before Congress at the House Subcommittee on Public Works. The hearings centered on possible changes to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), and Dave, as a state relocation administrator, was selected to represent views of Florida DOT alongside colleagues from California and Oklahoma.

He cultivated more expertise while working on the Port Everglades Expressway (I-595), at the time the largest public works project in Florida’s history. Featuring a mélange of different relocation situations, Dave capably contributed to a successful project.

But Dave’s knowledge base isn’t limited to real estate; he has also been involved in environmental analysis and served as the director of planning and program development in FTA’s Region 9 office. One of his treasured colleagues, retired Division Administrator Dan Mathis, reinforced the idea that getting to “yes” is paramount when working with state partners. Dave made efforts to apply this tenet to each of his roles.

Looking back, Dave said he appreciated the goals he achieved over the course of his nearly five-decade career. The Kentucky-born high-schooler who wanted to see the world ended up getting to live in Europe, visit 44 U.S. States, and mentor and teach coworkers, collaborators, and contemporaries. Dave’s now looking forward to retirement.

Veredith “Vera” Anderson

Vera Anderson joined the Western Federal Lands Division in May 2021 as a Realty Specialist. She has over 15 years of experience as a Property & Acquisition Specialist/Right of Way Agent (ROW) working for the Washington State Department of Transportation (WSDOT), Clark County Public Works, and Clark Public Utilities. Vera also juggled a part time job with a private engineering firm to provide technical assistance for their ROW program. She earned her B.S. in Business Administration – Management in 2018 with the specific purpose and goal of working for FHWA one day.

Sheryl Snyder

Sheryl Snyder joined the Maine and New Hampshire Divisions effective June 2020 as a shared resource. She brings to the Divisions over 25 years of diverse experience at the Federal level. Most of her experience is with the Federal Lands Division, where she served as a Construction Inspector, a Lead Realty Specialist,

and a Program Manager where she oversaw and provided technical assistance for the right-of-way programs, ensuring compliance with the Uniform Act.

Elizabeth Shipley

Elizabeth Shipley joins the Vermont FHWA as the Environmental and ROW Program Manager with nine years of experience conducting and managing environmental projects. In her most recent previous position with the U.S. Army Corps of Engineers (USACE) in Baltimore, Maryland, she gained expertise in writing, reviewing, and overseeing contractors in all aspects of National Environmental Policy Act (NEPA) document preparation, conducting wetland delineations and archeological surveys, and creating maps using ArcGIS Pro. Prior to USACE, Elizabeth was a Hydrologic Technician with the U.S. Geological Survey where she collected, processed, analyzed, approved, and archived water quantity and quality data for the purpose of monitoring, modeling, and forecasting. She has a bachelor's degree in Political Science from Notre Dame of Maryland University and a master's degree in Environmental Planning and Geography from Towson University.

Sandra Villiesse

Sandra Villiesse joined FHWA's Wisconsin Division effective March 19, 2021 as the Right of Way, Outdoor Advertising and Junkyard Project Manager. Sandi brings to the Division over 30 years of experience at the State DOT level. In her most recent experience with the Wisconsin DOT, she worked with the Statewide Local Program overseeing and providing technical assistance in program and project delivery touching all areas of the state and local projects.

Ryan Wilson

Ryan Wilson joins the FHWA Alaska Division as a Civil Rights and Right-of-Way Program Manager. He previously worked for the Alaska Department of Natural Resources as a Natural Resource Manager, where he oversaw the land use and development of more than 20 million acres of State land, and for the Alaska Department of Commerce, Community and Economic Development as a Local Government Specialist. In his spare time, his interests include spending time with his family, fishing, and other outdoor activities such as football/sports, kayaking, and exercise.

Realty Specialist of the Year 2021

The Office of Real Estate Services is pleased to announce that Cheryl Malin has been selected as the 2021 Realty Specialist of the Year. Cheryl is the quintessential example of a person with the qualities and characteristics that would allow someone to be successful in the Realty profession. For 20 years she has demonstrated integrity and a commitment to Public Service through her work with Federal and State DOTs. She

advances the Realty Discipline through her mentoring and coaching of numerous Professional Development Program participants, New York State DOT Realty Specialists, and members of the Northeast Resource Sharing Team, which includes seven states. Cheryl also shares her expertise through her participation in several national Realty initiatives while successfully managing the Right-of-Way program for one of the largest Federal-aid programs in the country.

Based upon Cheryl's achievements, at both the State and national levels, and her commitment to advancing the Realty discipline, we are proud to have her on the Federal Realty Team and present her with the Title of Realty Specialist of the Year.



Cheryl Malin, FHWA New York Division

Future Newsletters

If you have ideas or topics of interest that you would like to see featured in an upcoming edition of the Realty Digest contact Carolyn James at Carolyn.James@dot.gov or (202) 493-0353.