



Realty Digest - Winter/Spring 2023

Director's Message

Nic Thornton, HEPR Office Director

It is a very busy time to be at FHWA and the Office of Real Estate Services (HEPR) as many changes and transitions are underway, most notably, implementation of the Bipartisan Infrastructure Law (BIL). You can read more about BIL implementation, and its relevance to the realty world, in this edition.

HEPR also has several new team members who bring an extensive amount of experience to the office in a variety of real estate program areas, and we're thrilled to have them join the team! Be sure to read more about these new team members in the Staff Updates section.

In October of last year, I traveled to Jackson, Mississippi to speak at a regional forum of the International Right of Way Association (IRWA). It was great to meet with the FHWA Realty Specialist, Rick Mangrum, who was a tremendous host, and meet several members of Mississippi DOT's Right of Way Division, all of whom impressed me with their strong commitment to their work and the Right of Way discipline. I plan to do more travel like this in 2023 and look forward to meeting more realty staff at FHWA and our partner agencies and to learning more about activities in the field.

Speaking of travel, IRWA has announced that they are bringing back the Federal Agency Update as part of their International Education Conference, which will be held in Denver in June of 2023. Several Federal agencies, including FHWA, have already agreed to participate and hold sessions. I am excited about this opportunity to share information about several key FHWA initiatives, and I hope to see many of you there! If you work for a Federal agency that is interested in participating, please contact Peter Clark (Peter.Clark@dot.gov) and he will put you in touch with the relevant contact person at IRWA.

Finally, I want the Realty Digest to be as informative and relevant as possible, which means we need to hear from those of you that are implementing the

program in the field! In that spirit, if you have topics that you'd like to see covered in future editions of this newsletter, or if you're interested in writing an article as a guest contributor, please don't hesitate to reach out to Carolyn James at Carolyn.James@dot.gov.

And as always, please don't hesitate to contact me if I can be of any assistance!

Nic Thornton

Nic can be reached at Nicholas.Thornton@dot.gov.

Focus on Headquarters

Bipartisan Infrastructure Law

On November 2021, President Biden signed the Infrastructure Investment and Jobs Act (IIJA) also known as [Public Law 117-58](#) or the Bipartisan Infrastructure Law (BIL) into law. The BIL is the largest long-term investment in infrastructure and the economy in the Nation's history. It provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including roads, bridges, mass transit, water infrastructure, resilience, clean energy (e.g., electric vehicle infrastructure), and broadband. The infrastructure law allocated funding to over 350 distinct programs across more than a dozen Federal departments and agencies including reauthorizing numerous Federal surface transportation programs and investing billions in transformational projects that will create good-paying union jobs, grow the economy, enhance U.S. competitiveness, and make the transportation system safer, resilient, and equitable.

Through the Federal Highway Administration (FHWA), the BIL makes an investment of \$350 billion in highway programs including the [National Highway Performance Program](#), the [Surface Transportation Block Grant Program](#), the [National Highway Freight Program](#), the [Tribal Transportation Program](#), the [Federal Lands Transportation Program](#), and the [Appalachian Development Highway System](#) among others. Also, within FHWA, the BIL creates more than a dozen new formula and discretionary programs focused on key infrastructure priorities, including the [Bridge Formula and Investment Program](#), the [Carbon Reduction Program](#), the [Reconnecting Communities Pilot Program](#), the Congestion Relief Program, the Wildlife Crossings Pilot Program, and the [Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation \(PROTECT\) Program](#). In addition, the BIL creates more opportunities for local government and other entities (e.g., Metropolitan Planning Organizations, Tribes, and other public authorities) by making them eligible to compete directly for FHWA funding.

FHWA is one of the Federal agencies with the largest BIL funding and responsibilities. Many new and existing BIL programs authorize capital investment and may require land or right-of-way (ROW) acquisitions. As such, FHWA's Office of

Real Estate Services (HEPR) will continue carrying out its stewardship and oversight to ensure that the right of way acquired alongside highways is managed in a way that enhances communities and protects the environment. Novel electric vehicle infrastructure and broadband projects along highways are of particular interest. The BIL includes up to a \$7.5 billion investment in electric vehicle charging stations to help build out a national network of 500,000 electric vehicle chargers. Through the \$5 billion authorized to the [National Electric Vehicle Infrastructure Formula Program](#) and the \$2.5 billion authorized to the [Discretionary Grant Program for Charging and Fueling Infrastructure](#), FHWA provides funding for deployment of electric vehicle chargers along highway corridors to facilitate long-distance travel as well as within communities to provide convenient charging where people live, work, and shop. Similarly, the BIL will help ensure that every American has access to reliable high-speed internet by investing in broadband infrastructure construction through programs such as the [Broadband Equity, Access, and Deployment \(BEAD\) Program](#), the [Tribal Broadband Connectivity Program](#), and the [Middle Mile Grant Program](#).

Beyond infrastructure, and relevant to HEPR, the BIL also created species management programs. Under the [Pollinator-friendly Practices on Roadsides and Highway Right of Way Program](#), FHWA can provide grants to carry out activities to benefit pollinators on roadsides and highway right of way, including the planting and seeding of native, locally-appropriate grasses and wildflowers, including milkweed. In addition, through the [Invasive Plant Eradication Program](#), FHWA can provide grants to eliminate or control existing invasive plants, prevent introduction, or prevent encroachment by new invasive plants along and in areas adjacent to transportation corridor right of way. Currently, these programs are not funded. FHWA will begin to implement them if they are funded in future appropriations bills.

Additional and updated information of the BIL programs, funding, and technical assistance can be found on [Build.gov](#) and the [FHWA BIL webpage](#).

HEPR Technical Support for the Uniform Act

Federally funded programs or projects which are designed to benefit the public often need to acquire private property in order to develop facilities and infrastructure, which sometimes results in the displacement of individuals from their homes, businesses, or farms. The Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act, 42 U.S.C. §§ 4601 et seq.) provides protections and assistance for people that are relocated due to federally funded projects. Congress enacted the law to ensure that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy. These protections created a uniform approach to real property acquisition and for relocation assistance across the entire Federal government, as well as all recipients of Federal funding for projects and programs (e.g., states, territories, Tribes, and units of local government).

In 1987, Congress designated the U.S. Department of Transportation (DOT) as the Federal Lead Agency for the Uniform Act, a role filled by FHWA's Office of Real Estate Services (HEPR). Duties include the development, issuance, and maintenance of the government-wide regulations, providing technical assistance to other Federal agencies, and reporting to Congress on these programs and activities.

The article shown below describes two key upcoming pieces of technical assistance that HEPR offers for Uniform Act practitioners.

Uniform Act Conference

Since MAP-21, FHWA has worked with other Uniform Act Federal agencies to identify their training needs. Based on input from the agencies, FHWA is now planning to organize and convene a conference on the Uniform Act to discuss a variety of relevant Uniform Act topics and to provide a collaboration and networking forum for Uniform Act practitioners at Federal agencies.

Scheduled for February 6 to February 8, 2024, the Conference will offer a forum for networking and discussing topics related to Federal agency collaboration, the Final Rule, and GIS data optimization. The attendees will be provided the opportunity to interact with peers supporting appraisal, legal, acquisition, and relocation programs. The Conference will feature a series of panels and presentations by subject matter experts on various Uniform Act topics.

Registration will be limited to Federal agencies, consultants, and grantees using Federal funds to administer the Uniform Act program. More details on the Conference and a registration link will be available on the HEPR website in the coming months.

For additional information, contact Peter Clark at Peter.Clark@dot.gov.

Basic Residential Relocation Under the Uniform Act Course

FHWA's new web-based training course, "[NHI 141055 Basic Residential Relocation Under the Uniform Act](#)," developed by HEPR, is complete. FHWA added the new training course to the National Highway Institute (NHI) catalog in December 2022 and will offer the course on three occasions in 2023. The first offering was held from January 3 to January 20, 2023. The other two offerings will occur from April 10 to April 28, 2023, and from October 2 to October 20, 2023.

This course consists of 8 hours of self-directed web-based training (WBT) lessons, and 15 hours of instructor led web-conference training (WCT) lessons spread over 11 business days. The tuition for the 23 hours of WBT and WCT instruction for this course is \$300 per participant.

In September, the course was presented as an FHWA Internal Realty Discipline Training. Attendees participated in a combination of one-on-one instruction, full class instruction, and breakout sessions to work on various relocation scenarios

during the WCT lessons. FHWA Resource Center Realty Discipline Team members, Marshall Wainwright and Chad Crawford, presented the series of seven WCT lessons.

A companion course, "[NHI-141056 Basic Nonresidential Relocation under the Uniform Act](#)," is scheduled to be publicly available beginning in May 2023, with offerings scheduled for the first week of May, the last week of September, and the second week of December in 2023. The tuition for the 14 hours of combined WBT and WCT lessons for this course will be \$100 per participant. The course consists of 7 hours of self-directed WBT lessons and 7 hours of instructor led WCT lessons.

For more information, contact Melissa Corder at Melissa.Corder@dot.gov.

Focus on the Field

Realty Discipline Awards Announced

Partnership

Brian Hasselbach (Montana Division), Deputy Division Administrator for the Montana Division, is being recognized with the Realty Partnership Award. This past year, Brian was instrumental in providing innovative, collaborative, and invaluable solutions to a request from a non-profit institution, a local government, and the Montana DOT. The site in question was only accessible via a very narrow and dangerous road. Brian worked diligently with all parties involved to develop an innovative and high-quality ROW Use Agreement. As a result of his efforts, the agreement addressed the fundamental need to protect the integrity of the Interstate System while providing an alternative site to use for a tram. Utilizing EDC's Value Capture principles, Brian conceptualized a "public benefit" fee that the non-profit will contribute from the ticket sales revenue that would be dedicated to funding Title 23 eligible transportation activities with Montana.

Edward Woolford (Utah Division), Realty Specialist, is being recognized with the Realty Partnership Award. He provides tremendous support partnering with our stakeholders on the implementation of the Federal Land Transfer (FLT) program. Ed is an experienced Realty Specialist who has consistently applied his knowledge of FLTs to advance the program. Ed has partnered with the Office of Real Estate Services on several national webinars relating to the FLT program, third party use of public lands for utilities, and several other national webinars and meetings. Ed also provided his expertise toward reviewing the National FLT Toolkit and participated in the National webinar rollout. He partnered with the Office of Real Estate Services on the development of a National Memorandum of Understanding (MOU) between FHWA, the U.S. Forest Service, and the Bureau of Land Management. His field experience and practical knowledge has contributed to the

development of this document which will serve as a MOU template for use when developing other MOUs with Federal Land Management Agencies. Ed's reputation within the Realty discipline has made him a "Go-To-Person" when others in the agency are seeking advice on difficult or complex realty issues.

Peer-to-Peer

The Peer-to-Peer Award recognizes FHWA Realty Discipline members who exemplify leadership, and dedication advancing the Realty Discipline. This award also recognizes the accomplishments which advance agency goals and represent actions or efforts that should be replicated throughout FHWA.

Maggie Duncan-Augustt (Office of Real Estate Services Headquarters Office) is the recipient of this year's Peer-to-Peer Award. Maggie was nominated for her successful partnership with the Realty Specialists in the DFS North region. She is diligent, resourceful, and methodically provides technical assistance for her region. Maggie is excellent in making connections and networking to find solutions. She follows up on complex issues and problems, which helps to ensure a successful outcome for her partners. This past year, Maggie provided quality technical assistance which contributed to the successful navigation of a high-profile managed Toll Lane project and successfully oversaw Uniform Act Lead Agency activities.

Realty Specialist of the Year

Neosha Lawhorn (Georgia Division) is being recognized with the Realty Specialist of the Year Award. Neosha is a Realty Specialist from FHWA's Georgia Division. She exemplifies excellence and leadership among FHWA's Realty Specialists. Neosha consistently achieves results through activities above and beyond her daily assignments. She has been a successful Realty Specialist for many years and demonstrates FHWA Core Values, including public service, integrity, and collaboration. Neosha recently exhibited these qualities in administering an alternative use of the ROW project for solar energy in the ROW. As a result of her knowledge and initiative, this project was highlighted as a case study and best practice which advanced this Federal ROW program. In addition, Neosha is always willing to share her technical knowledge with others and she mentors newer FHWA Realty Specialists.

For more information on the Realty Awards Program, contact Carolyn James at Carolyn.James@dot.gov

Realty Research

FHWA's Office of Real Estate Services (HEPR) develops and implements programs and activities to advance the fair, equitable and consistent acquisition and management of real property. The Office's research activities focus on:

- Support for updating the Federal regulations for acquiring and managing real property interests, and developing improved methodology, technology, and systems for use by agencies administering federally funded projects.
- Advancing technological innovations and research that streamline real property acquisition and management processes.

The Office's research goals include:

- Streamlining current acquisition and property management processes.
- Fostering and encouraging innovative processes, practices, and policies.
- Developing automation and tools that save time, cut administrative costs, and help ensure timely assistance for public transportation agencies at the state and local levels.

This new topic section will profile HEPR's ongoing research activities. Two of HEPR's current research activities are highlighted below: Alternative Uses of the Right-of-Way and State of the Practice – Federal Lands Transfer (FLT) Process.

For more information on the realty research program, please contact Melissa Corder at Melissa.Corder@dot.gov.

Alternative Uses of the Right-of-Way

State Departments of Transportation and local public agencies increasingly receive requests to use highway Right-of-Way for non-highway purposes. HEPR has completed the first phase of a multi-phased nationwide study to explore these requests and potential flexibilities in right-of-way use. The study examined existing operational and safety requirements, surveyed current property management processes, identified existing alternative uses, and compiled best practices for streamlining property management activities. The [FHWA Alternative Uses of Right-of-Way Study September 2018 – September 2021 final report](#) is now available on HEPR's website.

For more information, contact Lindsey Svendsen at Lindsey.S.Svendsen@dot.gov.

State of the Practice – Federal Lands Transfer (FLT) Process

This multi-phased research updates FHWA's understanding of the current state of the FLT practice (e.g., frequency and extent of use); and develops information and tools that will enhance the ability of FHWA, Federal Land Management Agencies, and State DOTs to efficiently and effectively complete the FLT process.

For more information, contact Carolyn James at Carolyn.James@dot.gov.

Staff Updates

New Realty Specialists Join Headquarters, Resource Center, and Division Offices

Bill Buckner

Bill Buckner started as HEPR's Program Implementation Team Leader in August. Bill brings more than 20 years of expertise in the areas of real property acquisition; property management, leasing, and disposal actions; real estate operations; customer focused professional services; utility accommodations, and legislative initiatives from his earlier roles as Right of Way Attorney/Project Delivery Manager for the Texas Department of Transportation, and as Attorney Advisor for the United States Coast Guard.

Bill can be reached at Bill.Buckner@dot.gov.

Cheryl Malin

This fall, Cheryl Malin joined HEPR's Program Implementation Team as a Realty Specialist. Before coming to headquarters, Cheryl served as a Realty Specialist with FHWA's New York Division Office, where she managed the Right of Way (ROW) Program for a large, complex State transportation program since 2006. She was also a member of FHWA's Northeast ROW Team, which provides ROW program management services to the New England States and New York. Prior to joining the New York Division, Cheryl served as the Realty Specialist in FHWA's Iowa and Florida Division Offices. She started at FHWA in 2001 as part of the FHWA Professional Development Program. Cheryl began her right of way journey working as a ROW Agent at the Florida Department of Transportation (FDOT) where she handled acquisitions and relocations and graduated from FDOT's Right of Way Training Program.

Cheryl can be reached at Cheryl.Malin@dot.gov.

Mike Dawson

Mike Dawson started as a Realty Specialist in HEPR's Program Implementation Team this fall. Previously, Mike served as the Realty Officer and Environmental Programs Coordinator in FHWA's North Carolina Division Office. In that role, Mike focused on the oversight of the Federal-aid Real Estate and Right of Way programs, with a particular focus on relocation, acquisition, appraisal, and property management, in addition to the outdoor advertising program. Prior to joining the North Carolina Division, Mike was a Realty Specialist in FHWA's Ohio Division Office. He started his career at FHWA in 1994 as a GS-12 Realty Specialist in the Office of Real Estate Services where he focused on the real estate appraisal and relocation

programs administered by FHWA in addition to being a Point of Contact for six FHWA Division Offices in the Midwestern United States. Over the course of his career with FHWA, Mike has received numerous awards recognizing his achievements and contributions to the agency, including the Administrator's Superior Achievement Award and the Administrator's Leadership Award. Mike held several positions before entering Federal service, including Community Planner for a local government as well as a real estate appraiser for both a commercial lender and a county government. Mike holds a bachelor's degree in Geography with a concentration in Urban Planning from Frostburg State University.

Mike can be reached at Michael.Dawson@dot.gov.

Eric Deitcher

Eric joined the Federal Highway Administration (FHWA) in March 2012 as a Transportation Specialist in the Kansas Division. His responsibilities included the Civil Rights and Realty/Right of Way programs in the Kansas Division along with maintaining the Technology Transfer (T2) Program through the Kansas Department of Transportation (KDOT) and the Kansas Local Technical Assistance Program (LTAP) Center at the University of Kansas.

In December of 2022, Eric was promoted to a Realty Specialist with the FHWA Resource Center with an emphasis in the areas of Uniform Act acquisitions for Local Public Agencies (LPA's), Civil Rights in the Right of Way, Right of Way and Utilities and Outdoor Advertising and Junkyard Control.

Prior to coming to FHWA, Eric worked for KDOT for nearly 13 years with an emphasis on their Right of Way program both internally and with the LPA's, bringing over 12 years of his title insurance and licensed realtor experiences with him.

Eric can be reached at Eric.Deitcher@dot.gov.

New Realty Specialists join Division Offices

HEPR would like to welcome the following new Realty Specialists who have joined Division Offices since the last Realty Digest:

- Jimmy Crane, Michigan Division (James.Crane@dot.gov)
- Courtney Eason, Tennessee Division (Courtney.Eason@dot.gov)
- Maureen Gresham, Idaho Division (Maureen.Gresham@dot.gov)
- Alan Hansen, Arizona Division (Alan.Hansen@dot.gov)
- Dianna McKeon, Washington Division (Dianna.McKeon@dot.gov)
- Thava Overstreet, Kentucky Division (Thava.Overstreet@dot.gov)
- Jean Parlow, Wyoming Division (Jean.Parlow@dot.gov)

- Derrick Roma, Rhode Island and Connecticut Divisions (Derrick.Roma@dot.gov)
- Bob Seliskar, Montana Division (Bob.Seliskar@dot.gov)
- Elizabeth Shipley, Vermont Division (Elizabeth.Shipley@dot.gov)

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.