



# Acknowledgments

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# Acronyms

AASHTO                    American Association of State Highway and Transportation Officials



In order to meet these objectives Volpe organized and conducted

Opportunities and potential next steps for FHWA are:

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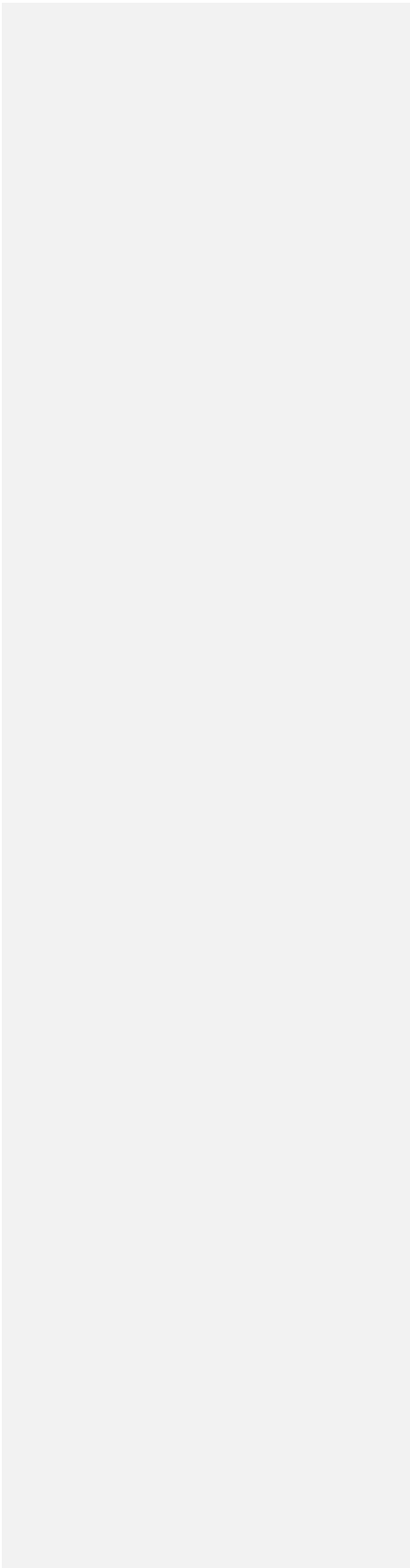
# 1 Background

## 1.1 Problem Statement



Following up on the webinar, Volpe

# 2 Findings





In Maryland, districts are responsible for acquisitions from privatparties (homeowners,

## **2.3 The Agreement Process**

### **2.3.1 Highway Agencies**

#### **Connecticut**

##### Process

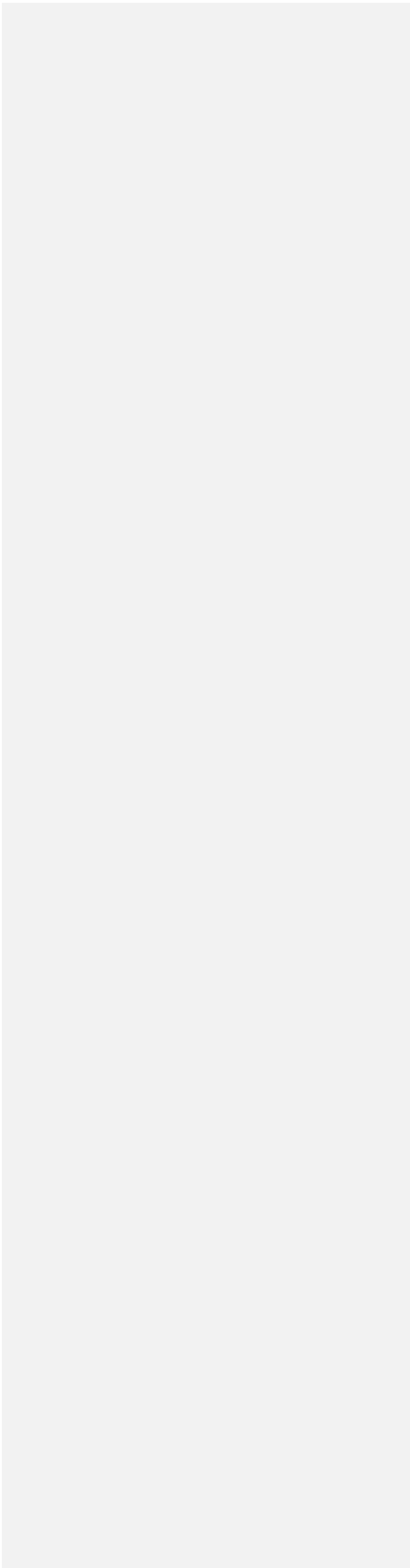
For the bus way project, engineering was the primary focus, though utilities and legal issues were also involved. Because of the complicated nature and engineering of the project, those responsible at the ROW office decided that a team approach would be the best approach to

provided compensation in November 2011. The temporary easement agreement was still pending at the time of the interview in December 2011. There is a temporary easement for the construction period.



Agreement Documents

MDOT





process. Once the engineering aspects are ironed out ROW is not a problem, and the dollars and cents generally work out simply.

#### Agreement Documents

NJDOT does not have a ðuvcpfctfö citgg o gpv fqew o gpv. In general, NJDOT only gets easements (temporary and permanent).

#### Fees and Compensation

NJDOT pays for Amtrak to review construction plans and pays for flagmen, security, etc. This is considered as a cost of doing business. These costs are negotiated by the project manager, not by the ROW people and most costs are not real estate costs. There were no rental fees for easements.

#### Schedule

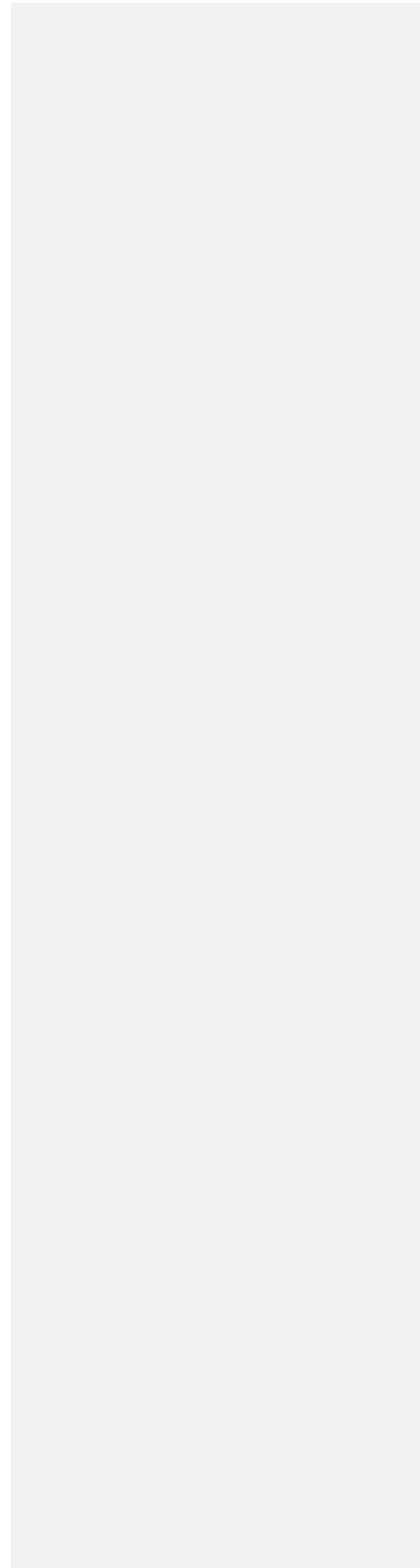
NYSDOT tries to do permanent easements rather than fee taking. In New York ROW must be







## **Liability Insurance**













**2.4.2 Amtrak Point of View**  
**Appraisal**

Appraisal is generally not a contentious part of the negotiation. Any real estate transaction, whether for permanent or temporary use, requires an appraisal of the property. The appraisal is a critical component of the negotiation process, as it provides a fair and accurate valuation of the property. The appraisal is typically conducted by a professional appraiser, who is independent of the parties involved in the transaction. The appraisal is based on a variety of factors, including the location, size, and condition of the property, as well as the current market conditions. The appraisal is typically completed within a few weeks of the transaction, and the results are used to determine the fair market value of the property. The appraisal is a key factor in the negotiation process, as it provides a basis for determining the price of the property. The appraisal is also used to determine the value of the property for tax purposes. The appraisal is a critical component of the negotiation process, and it is essential to have a professional appraisal conducted by a qualified appraiser.



that establishes an upfront cost in which the State will take the first \$X in risk. Amtrak will take all liability above that for a one-time fee.<sup>11</sup> Amtrak tries to set risk fees and caps based on prior experience with this type of risk and the cost of insurance that might cover that risk. However, Amtrak noted that insurance coverage of that sort











An agreed-on series of coordination steps with agreed-on timelines theoretically is possible. It would appear possible for Amtrak to anticipate the needed review workload,

case-by



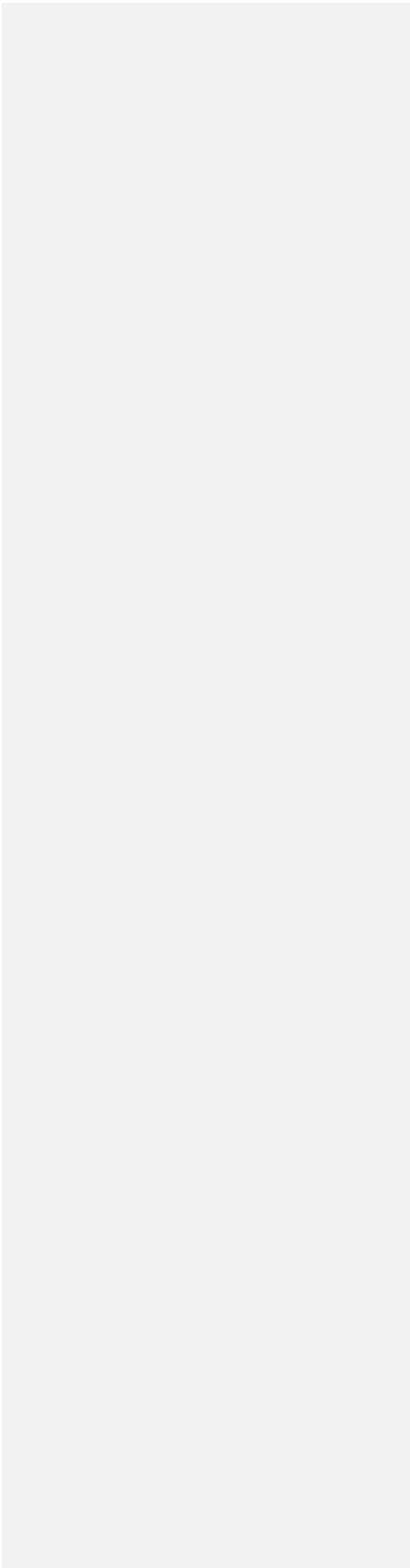








**Amtrak Interview Summary**  
**Project Types**



Once all of the offices have agrhed, the agrhements arh sent to their counterparts at the jtate. The

Amtrak would prefer to have everything in one master agreement. But generally progression is from a f g u k i p t g x k g y y q t m c i t g g o g p v , v j g p c ð h q t e g c i t g g o g p v . ð A n u q , u q o g v k o g u v j g t g c t g u k v g access agreements or preliminary engineering agreements, which are done separately. The preliminary engineering agreements can be a way of allocating liability for cleanup if a discovery is made that requires remediation.

If a stnte has the authority to indemnify and is willing to use it, Amtrak has the Stnte use that option, as well as receiving safety training from Amtrak.

If a Stnte does not have legnl authority to indemnify or has the authority but will not

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15.



## **State Interview Summaries**

### **Connecticut**

#### **Project Types**

The main project discussed was the development of a Bus Rapid Transit line. The project involved a 9.5 mile corridor for the planned New Britain-Hartford Bus way and involved temporary and permanent easements.

#### **Agreement Process**

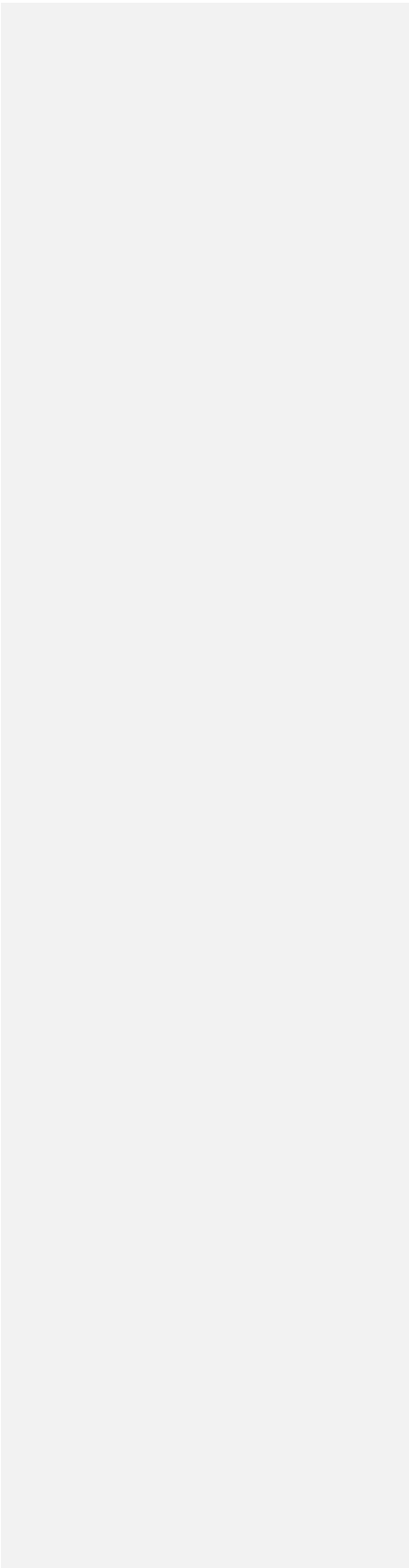
*Structure/Roles*



associated with approximately 10 billboards. The billboards were on Amtrak property and



**Maryland**





Also, as the State is seeking something from Amtrak (or other railroad), MDOT perceives the power and leverage to lie with the railroad.

#### *Schedule*

The process is iterative and takes approximately 6 to 18 months in general - usually around 6 with Amtrak. But MDOT

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the years for better or worse.

#### **raisal**

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#### **and Compensaon**

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project proce 7i0.006 Tc 58.73 0 Td(. )Tj0 Tc 4.77 0 Td( )TjEMC /P 4MCID 9 BDC /TT3 9.72 Tf-63.5 -21

MDOTby self- ihrad -10dup ts \$1 miohand Amtrak rauests tha wgraemets include 7i0.0437 Tc 304.58 0 T

## **Massachusetts**

### **Project Types**

No specific projects with Amtrak were discussed.

### **Agreement Process**

#### *Structure/Roles*

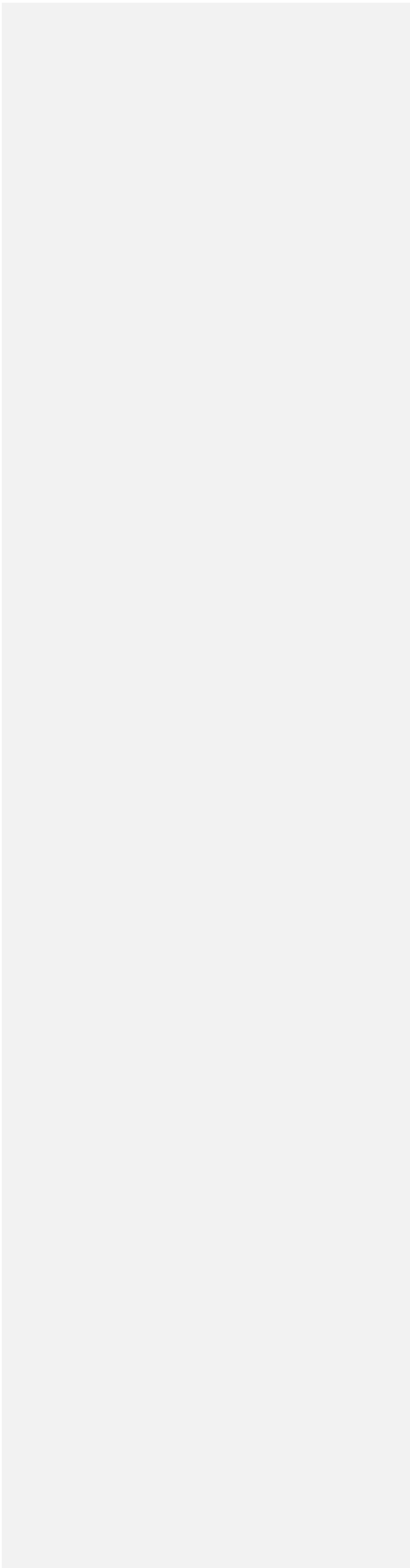
In Massachusetts there are two offices for real estate within MassDOT, and one office for MBTA. One of the MassDOT offices normally works with acquisitions for highways (acquiring property for bridge, roadway, and traffic mitigation). This office normally works on highway projects, but has recently been tasked more with rail. The other office serves more of a

### *Fees and Compensation*

As an example, for flag protection, MBTA and Amtrak would reach an agreement and MBTA would then hire Amtrak. There are two levels of cost structure Amtrak can use for this.

**New Jersey**

**Project Types:**



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## **New York**

### **Project Types**

New York provided four examples of recent agreements with Amtrak. None of these takings involved an active rail line and there were no service interruptions.

- ◁ Temporary easement initiated in April 2000
- ◁

is more amicable to friendly appropriation. Sometimes, thly go through purchase rather than appropriation. NYSFQV rtqxkfgu eqr { qh vjg ðocrö, pqvkeg qh crrtqrtkcvkqp, cpf

## **Liability and Indemnification**

New York State is self-insured.





## **Appraisal**

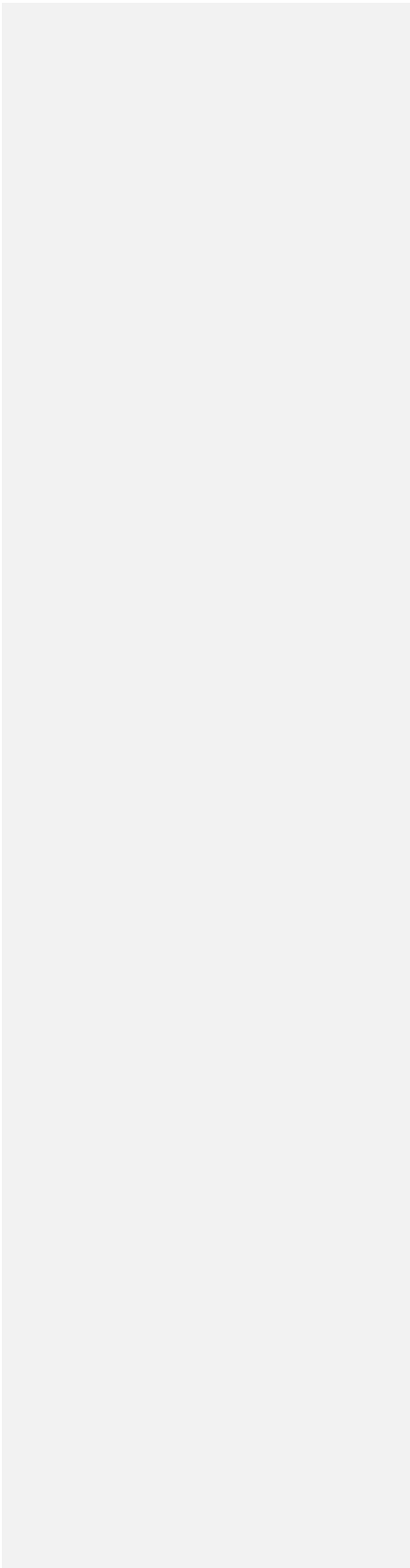
Determining the amount of compensation for the easement is straightforward and not contentious.



7. If yes, how were the issues resolved? What type of agreement was used? What were its major provisions?
8. Has your agency ever attempted to acquire ROW from Amtrak using eminent domain?
- 9.

P&W railroad has not asked for same level of aid on a noAmtrk2 67.

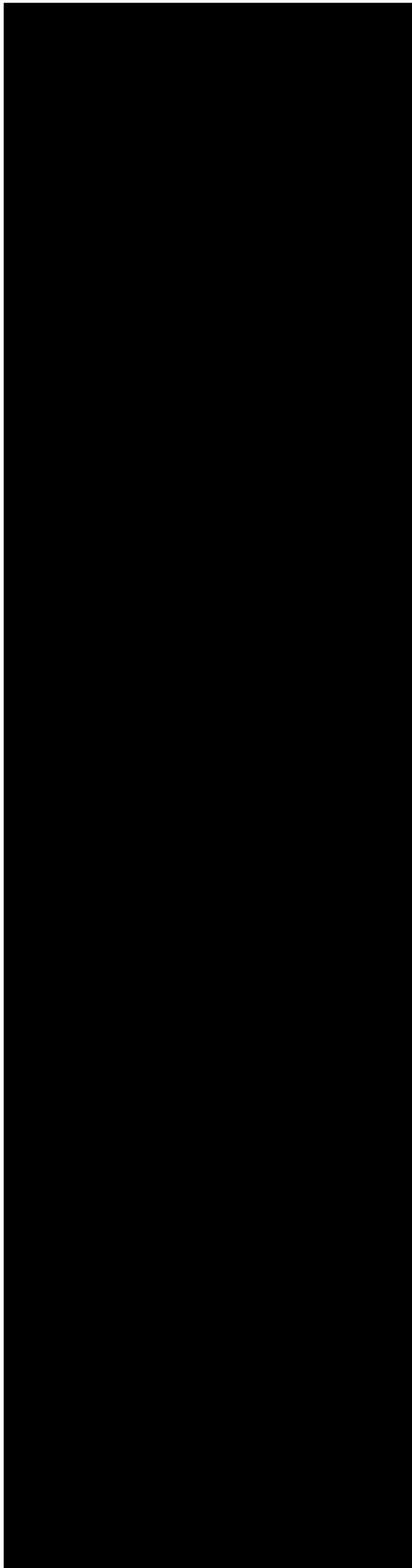
NYSDOT















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