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# **RIGHT OF WAY**

## **LOCAL PUBLIC AGENCY PROGRAM**

### **Best Management Practices**

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Real Estate Services Research Report

May 31, 2000



United States Department of Transportation  
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400 7<sup>th</sup> Street, S.W.  
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[www.fhwa.dot.gov/realestate](http://www.fhwa.dot.gov/realestate)

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### ***1.0 Introduction***

Our nation's cars and trucks overwhelmingly start their journeys on a street or road that has been built and maintained by a city, township, or county. Over 75% of our nations' highway system is the responsibility of a local unit of government. Maintaining and improving this system is of national importance.

The Federal-aid highway program is built upon a strong State-Federal partnership. Federal Highway Administration (FHWA) program funds go to the states and a portion of these funds are then used for local roadway programs. How these programs are carried out through relationships and processes is the topic of this paper. To develop this paper, a close look was taken at the Washington State Department of Transportation's (WSDOT) method of administering its local roads program. WSDOT's program is effective, and encompasses a wide variety of challenges and situations that are found in varying degrees in most other States. In the introductory part of this paper, it addresses a more intensive overview of the background of the governmental relationships that shape a local roads assistance program. The middle section shares a series of overviews on how State and local agency offices function. The final part highlights the factors that have contributed to success and provides concepts that may assist in further program improvements.

The goal of the research was not to evaluate the how-to processes of completing right-of-way projects, but to understand how WSDOT and its Local Public Agencies (local agencies) developed a mutually beneficial working relationship that resulted in maximizing Federal funds. The Highways & Local Programs Service Center provides technical support staff, a Local Programs engineer (engineer) in each of WSDOT's six regional offices. The Real Estate Services (RES) division provides technical support staff, a local agency coordinator (coordinator) who is also located in each regional office. The regional coordinator and engineer are supported by staff in each region and by management at Headquarters located in their respective Olympia Service Centers. These two positions, the coordinator and engineer, are just one key component to the successful right-of-way program between WSDOT and its local agencies.

Another key component is the interaction between the local agencies and the state-provided engineers and coordinators. WSDOT trains and advises the local agencies. The coordinators assist local agencies with project certifications, right-of-way plans, relocation plans and other right of way assistance as needed. The regional engineers and management staff from the Olympia Service Center provide local agencies with preliminary engineering reviews, project management and oversight, administrative support and grant preparation. WSDOT's RES and Highway and Local Programs Divisions are focused on customer satisfaction and long-term relationships. The relationships may have begun, as a necessity, to obtain federal funds, but was it state and Federal policies and programs that was the catalyst of this positive relationship?

It is true that state and Federal policies and procedures have been implemented to foster the improvement of our highway system, from local streets and roads on through the Interstate

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System. The Federal-Aid Highway Program has included these local streets and roads in many forms, simply because of the overall importance they hold in our daily lives. The most recent major highway funding legislation, the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991 and the Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21) of 1998, both continue a high level of financial support for local projects. The funding of these projects through the Federal-Aid Highway Program delivery system brought with it programmatic requirements in areas such as Civil Rights (Civil Rights Act of 1964), Environment (National Environmental Policy Act), and acquisition of right-of-way (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).

The FHWA pledged to assist State Transportation Departments (STDs) establish opportunities to use TEA-21 federal funds. FHWA listened to its partners and customers (the STDs and local agencies), to assist with the development of streamlined guidance documents for right-of-way transactions. The FHWA envisioned this relationship as a partnership among the federal government, STDs and local agencies.

Washington State embodies such a partnership. Instead of adversarial interagency relationships among FHWA, STDs and local agencies, the relationships observed were based on mutual respect, trust and shared visions and goals. A new era of empowerment has arrived with the millennium. This new attitude leads each organization to meet its goals of providing the most cost efficient, quality transportation system possible.

Why would any organization that already has too many tasks to complete without sufficient funding elect to invest so much time and resources into training another organizations' employees? Most would say, "We don't have enough resources to complete state projects, let alone assist the local agencies." Perhaps if sharing of process knowledge leads to increased revenue for your organizations, then the investment would be a "win-win" for all involved. This sharing of right-of-way process knowledge and production tools, such as the Local Agency Guidelines (LAG) Manual and many training programs, has led to positive professional working relationships between WSDOT and its local agencies.

What was the mechanism that changed the public perception and relationship between WSDOT and its local agencies from foe to friend? One answer is the mutually beneficial need that both STDs and local agencies have for obtaining federal funds for transportation improvement projects. STDs and local agencies working together on common goals to obtain maximum Federal funding was the catalyst these organizations needed for the relationship to develop. Common visions formed a comprehensive and cohesive process that would direct how WSDOT and its local agencies communicate, share process knowledge and work together to meet common goals. WSDOT employees realized that communication and training for local agencies on ROW processes made everyone's job easier. The upfront investment of time resulted in a big picture payoff in time, money and, something money cannot buy, partnerships.

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#### ***2.0 Coordination between FHWA, WSDOT & Local Public Agencies***

WSDOT accomplishes key project construction elements while simultaneously maximizing eligibility for Federal funding and coordinating local plans and input through the agency's organization and governance structure, and transportation planning process. These two items, maximizing federal funding and coordinating local plans are instrumental in the success of the WSDOT/local agency relationship model.

The Washington State Transportation Commission sets transportation goals and policies in Washington State. It accomplishes and coordinates the element of State Policy and planning and ultimate project selection. This seven-member Commission is empowered to:

- Propose legislation related to transportation,
- Establish state transportation policies,
- Direct the Secretary of Transportation to prepare and submit a statewide transportation plan,
- Approve and propose the biennial and supplemental transportation budgets,
- Approve issuance and sale of highway bonds, and
- Exercise other powers as vested in it by state law (RCW 47.01).

The Transportation Commission appoints the Secretary of Transportation, who serves as WSDOT's executive. WSDOT is organized into executive staff, five-service centers, three modal divisions, and six regional organizations. Two of the service centers and all regional organizations play key roles, vital to understanding this coordinated planning process. The Environmental and Engineering Service Center incorporates the RES Division (ROW activities). The Olympia Service Center (OSC) Coordination Manager resides in this Division. This position manages the Local Agency Oversight Program, supports the coordinators, and provides training, technical assistance and support of the local agencies.

A second key service center is the Highways & Local Programs Service Center. This center exists to assist the local agencies on all facets of their federally funded projects. At the regional level, the Local Programs office is directly responsible for local agencies that use federal funds on transportation projects. Therefore, these parties provide the role of oversight, technical assistant, midcourse adjustment and correction. Additionally, these parties ensure regulatory compliance for funding eligibility. The regional engineer also serves as a technical advisor to the local agencies for all engineering aspects of the projects. The engineers and support staff are located in each of the six regional offices. They report to the Region Administrators but are key regional support for the Highways & Local Programs Service Center.

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#### ***3.0 Intergovernmental Relationships in Washington State***

The WSDOT mission statement proclaims, “Together we efficiently build, maintain, operate and promote safe and coordinated transportation systems to serve our public.” It accomplishes this through a decentralized governance structure that includes a central office and six regional offices that have responsibility for carrying out the mission locally. This type of decentralized governance structure relies on downward delegation of decision-making authority to the regional offices. The central office role is more of mentor, trainer, technical consultant, and administrator of policy and procedures.

WSDOT clearly understands its role in carrying out these responsibilities. It delegates authority to the regional offices and local agencies that are certified to perform highway construction functions. For smaller local agencies that require more leadership, direction, training and/or technical support, liaison functions and training processes provide these key supports. Furthermore, options exist to allow the local agencies to contract with the parent organization (WSDOT) for any specific role needed to carry out the project.

WSDOT provides support to local agencies to coordinate and maximize eligibility and receipt of Federal funds for roadway projects. Additionally, WSDOT provides staffing to ensure compliance with technical engineering concerns involved in constructing safe transportation infrastructures. This staff focuses on maintaining relationships between WSDOT and the numerous tributary organizations that may be involved in the project. These critical positions are located where needed—at the regional office level where planning and implementation occur. Local agency coordinators are available to assist local agencies on any project at any stage of development, regardless of how the project is funded. This holistic approach permits flexibility both vertically and horizontally across stakeholder agencies. This results in an approach to ROW functions, which balances the best interests of property owners and taxpayers.

WSDOT manages a \$2 billion program including construction, maintenance, operations and ROW. This study focuses on two service centers of WSDOT, The Engineering and Environmental Service Center, which include RES, and the Highways & Local Programs Service Center. The RES division, located in Olympia, employs 25 professionals, while Highways and Local Programs Service Center employs 35. Of these 35 professionals, only 6 individuals are involved with right-of-way processes and local agency assistance. The number of RES personnel located within the six regional offices encompasses 105 professionals. Region Local Programs employs approximately 25 professionals, who are located within the six regional offices.

In fiscal year 1999 (FY99), local agencies obtained approximately 560 parcels (100 projects) for approximately \$10 million with Federal participation. WSDOT acquired about 430 parcels (94 projects) costing \$34 million during this same time period. This indicates that approximately 57% of the total numbers of parcels obtained with Federal involvement were by local agencies. Furthermore, at the state level, WSDOT’s RES acquired another 584 parcels in calendar year 1998 and 730 parcels in calendar year 1999. These parcels did not involve Federal dollars, as



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compared to the 430 parcels in FY 99. This demonstrates that almost twice as many WSDOT RES State projects were constructed with state rather than Federal funding.

#### ***4.0 Case Studies of WSDOT/Local Public Agency Coordination***

The researcher visited and interviewed staff from WSDOT RES and Highways & Local Programs Service Center at Headquarters in Olympia. In addition to the visits to headquarters, three WSDOT RES's regional offices, the Southwest Real Estate Services, Olympic Real Estate Services, and the Northwest Real Estate Services were visited. Stops were made at two local agencies that both are certified for ROW procedures (Clark and Snohomish County).

Given the goals and responsibilities among the aforementioned organizations, it becomes important to understand how the professional working relationship between WSDOT and its local agencies evolved. The evolution of positive relationships was not a result of enforcement of public policy. Instead, it evolved because of the need for Federal funding for roadway construction projects, as well as the Federal requirements tied to eligibility for this funding. Federal eligibility regulations require all Federal funding to be funneled to the local agencies through the STD. Consequently; the STD is then responsible for ensuring all Federal requirements are met at the local level through project oversight. The required linkage between WSDOT and its local agencies forced cooperative planning and better communication. This led to more integrated working relationships built on mutual respect, trust, and understanding for all entities.

The roles of each individual and job process are now clearly defined and communicated throughout each organization, through the development of a Local Agency Guidelines Manual and several training programs. These programs are offered to local agencies by WSDOT to facilitate knowledge of the ROW process. WSDOT RES staff opened up its procedural training course to local agencies and consultants, and dubbed it "Charm School." These training and communication tools fostered two of the key components needed for a successful program. Other key elements include a sufficient organization structure that enables a STD to staff for positions, like the local agency coordinator and engineer. These key positions should be staffed with personnel who possess strong human interaction abilities, excellent coordination and communication skills. With this concept in mind, let's evaluate the WSDOT and local agency relationship from the perception of both the staff of WSDOT RES and the local organizations.

#### ***4.1 Headquarters, Olympia Service Center Office of Real Estate Services Olympia, Washington***

It would be difficult to discuss the relationship between WSDOT's regional offices and its local agencies, without first discussing WSDOT's overall philosophy. WSDOT's mission and philosophy are carried out under a decentralized organization that empowers each of its six regional offices to conduct its transportation projects. However WSDOT's and its regions' overall philosophy remains centralized. This philosophy embraces the intent of the Code of Federal Regulations (CFR) that requires cooperation between WSDOT and local agencies that

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elect to use Federal funding on transportation projects. Federal regulations permit delegation of authority to local agencies through the FHWA/WSDOT Stewardship Agreement for certain aspects of roadway projects.

The relationship between WSDOT RES and its local agencies evolved through a learning and sharing environment. Local agencies did not have ready access to Procedures and Policies in the 1970's, as WSDOT was not required to monitor the operations of local agencies at that time. The Washington State Relocation Act of 1975 brought forth an auditing type of program that might be seen as adversarial. The local agencies were doing work without guidelines, then audited and told, "This is not right." The auditing issues tended to be more about the letter of the law rather than the spirit. The Uniform Act and amendments of 1987 brought the mechanism for effective communication among Federal, state and local agencies: sharing knowledge and personnel. The more informed the local agencies became on right-of-way processes, the easier it was for WSDOT and the local agencies to get the project certified.

WSDOT's RES Division embraced the Uniform Act and amendments of 1987 and worked on procedures and processes that mirrored that of the FHWA. WSDOT's objective in adapting the FHWA procedures was to provide the right environment and production tools for obtaining maximum Federal funds. Secondly, this was to provide the locals with state guidance documents that would allow the local agencies to meet Federal-Aid requirements for local transportation projects. WSDOT first talked to its partners, the local agencies, to determine what tools would be helpful, then diligently worked to provide them the information required to become certified for Right-of-Way Acquisition Procedures. WSDOT also provided process training on how to complete the work in accordance with state and Federal guidelines.

The process for how local agencies obtain certification for right-of-way acquisition requires the agency to submit its acquisition procedures to its regional engineer. The regional engineer reviews the procedures and forwards them through the regional coordinator to the OSC Coordination Manager for approval. If the local agency procedures are approved, then the local agency will be approved to acquire right-of-way. The level of approval will be dependent on the local agency's staff qualifications. If the local agency has a minimal staff, then it may be approved to acquire a single project with direct supervision from the regional coordinator. The OSC Highways & Local Programs Engineer will write an acquisition of right-of-way procedures letter to the local agency, with a copy provided to the regional coordinator. The Highways & Local Programs Service Center Project Development Engineer and the region coordinator then conduct periodic reviews of the local agency procedures on all Federal aid projects.

The reviews include assurance that the local agency will conform to state and Federal laws and FHWA regulations. The local agency will provide a list of all positions administering the project, performing appraisal, appraisal review, acquisition, relocation and property management. The local agency will provide a list of current staff and their qualifications to work in the representative positive. The local agency will then provide its policy for handling administrative settlements, including the approving authority(s) and process, and its appraisal waiver process.

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Galen Wright, the Manager of the local agency coordinators at headquarters, was charged with the development Chapter 25 (Right of Way Procedures) of the Local Agency Guidelines Manual. He also provides the local agencies with a short ROW training course at least twice a year, either on an individual or an area-wide basis. This one-day course provides instructions on how to buy ROW using Washington state ROW procedures. Mr. Wright will provide this training within days after a request from a local agency.

This willingness to serve the local agencies with information and training support created a paradigm shift about 10 years ago. Staff at WSDOT illustrated the desire to assist with the project certification process, and communications improved. The result: both WSDOT and the local agencies developed a mutual respect and trust for one another.

During this time, the annual Regional Right-of-Way Conferences in the Northwest were reinstated. A strong component of those conferences is to facilitate training and communication, not only between the four invited states, but also among WSDOT and its local agency partners. Among the techniques used to enhance the communications were long deliberate breaks to encourage mutual professional sharing of issues, which were often important to many of the participants. These sessions, both formal and informal, assisted all entities with sharing technical knowledge and building professional relationships. Examples include inviting consultants and local agencies to the “Charm School training.” WSDOT tailored the course toward local agencies to best meet their needs. WSDOT also provided copies of the Local Public Agency Manuals to all local agencies. WSDOT’s project-certification attitude illustrates preventative-versus-corrective action. This serves to ensure upfront communication so that the process is followed correctly at project initialization. This attitude circumvented problems arriving near the end of the project, resulting in significant savings of money and time. Not only does WSDOT’s management team provide the overall philosophy; it also assists each regional office with technical support on right-of-way issues on an as- needed basis.

#### ***4.2 Headquarters, Olympia Service Center Office of Highways & Local Programs Olympia, Washington***

While WSDOT RES Division focuses on technical assistance relating to right-of-way issues, the office of Highways & Local Programs provides engineering, program management, and administrative support to local agencies using federal funding for transportation projects. The service center employs 36 professional in Highways & Local programs. This division works in cooperation with all six WSDOT Regional Local Programs engineers and support staff. This regional engineer provides preliminary engineering, technical advice, and coordinates with RES to assist local agencies with right of way and relocation plans. The H&LP Service Center administers the federal programs for local agencies through the FHWA Stewardship agreement with WSDOT. The management philosophy of H&LP is that of a local agency advocate. They seek to maximize available federal funding for as many local agency projects as possible. The planning, administration, operational and program management assistance available to the local

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agencies adds value as it addresses local agencies' strategic transportation improvement planning.

#### ***4.3 Washington State Department of Transportation, Real Estate Services Northwest Region***

The WSDOT Northwest Region, based in Seattle, contains six and ½ counties, includes the major cities of Bellingham, Everett, and Seattle, and encompasses much of Puget Sound. This WSDOT Region has the largest number of local public agencies, approximately eighty-eight, 25 of which are certified for procedures. The 88 local agencies represent cities, counties, and tribes. NWRES has 43 employees in the Real Estate Division, and over the last biennium completed about 20 projects involving 350 parcels, and \$37.9 million. Its philosophy is that ROW people represent both the agency and customer, and furthermore are representatives of the state as it oversee the best interests of taxpayers' money.

Out of the 43 employees, one individual spends 100% of his time providing technical assistance and training opportunities to the local agencies in the region. This local agency position provides numerous opportunities for time and money savings for the stakeholders, although, this position is not specifically funded. ISTEA mandates that local agencies within individual states that elect to complete highway projects using Federal appropriations must seek technical assistance from the state.

The Northwest Region is the most populated region in Washington State and, as such, has diversified projects. One project, the Lummi Shore Drive in Whatcom County, was a 4.7-mile segment of Lummi Shore Road involving the Lummi Indian Tribe. This Tribe has obtained ROW procedure certification for project administration and property management. The project entailed 59 parcels and two relocations. Unique challenges exist when securing right-of-way property for highway construction projects on Indian Tribal lands. It requires working across cultural boundaries and through the Bureau of Indian Affairs (BIA). For example, of the 59 parcels involved in this project, the Tribe owns 40 parcels in trust. Individual members of the Tribe own the remaining 19 outright. Properties held in trust may result in complicated title ownership issues. For example, right-of-way acquisition of Indian land may include several parcels that may have more than 100 owners each. Obtaining right-of-way properties is difficult to begin with, however this task becomes even more challenging when crossing cultural boundaries.

NWRES, supported by staff at Olympia Service Center RES, has had many meetings with the chief planners from the Tribe. The Tribe requested that one of its members be trained by WSDOT to understand and explain to other Tribal members the project and property ownership procedures. Not only did this help with addressing the language issues, but it also facilitate the understanding of two different cultures. WSDOT allowed Richard Jefferson, representative from the Lummi Indian Business Council, to serve as project negotiator. This added tremendous value as it became clear that Tribal members would respond much better if a Tribal Council member

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called on them rather than an outsider. NWRES is working with the Lummi Indian Business Council and Whatcom County to complete the two relocations. This project is currently submitted for project certification. This is one more example that relationships work better when trust is involved.

Meeting with the Northwest RES brought a different perspective to this relationship. During conversations with Larry Huggins, local agency coordinator, it was confirmed that Mr. Huggins loves his job. Having the region with the largest number and greatest diversity of local agencies, parks, and Indian Tribes, this coordinator excels in customer satisfaction. “Since all of my time is working with local agencies, you cannot help but develop respect and trust for one another” stated Mr. Huggins. Ms. Deanna Clark-Willingham greeted Mr. Huggins at the Snohomish County office with a warm greeting. Ms. Clark-Willingham is the Real Property Administrator for the county’s Department of Public Works. She stated, “It’s always a pleasure to see Larry and the staff at WSDOT.” According to Ms. Willingham, this was not always the case in the past.

#### ***4.4 Washington State Department of Transportation, Real Estate Services Olympic Region***

The WSDOT Olympic Region RES, located within several miles of the Olympia Headquarters, employs ten individuals in its real estate section. This region represents seven counties and has 20-40 local agencies, with at least 15 certified for ROW procedures. Olympic region is currently working on 42 projects and completed \$15 million in projects last year. Michael Leitch, Manager of Real Estate Services for this region, described the local agencies as its partners and clients in the ROW arena. According to the Highways and Local Programs Engineer and the local agency coordinator, many of the local agencies did not have sufficient or qualified staff internally to certify ROW projects or complete relocation projects. Olympic RES staff partners with local agencies and assists with real estate appraisal certifications, relocation assistance, and project certification.

The “one for all” team mentality was shown during this study. Instead of boasting about the wonders of the staff at the Olympic region had discussion on the true business at hand, which is to move projects forward to certification that they are ready for construction. This focus was obvious from the moment that the multi-jurisdictional team sat down at the table. The table consensus was, “Let’s get this project certified to go to ad.”

This enthusiastic attitude permeated the room when highlighting project work completed for the city of Bremerton. This project involved excellent coordination among headquarters, the Olympic region, and the local agency (the City of Bremerton). The project was completed by the City of Bremerton to modify city streets to accommodate the Navy. The project was concentrated in an 8 to 10 block area and was completed on a fast track of two years. The Navy was expanding the Puget Sound Naval Shipyard, a large acquisition project involving 100 parcels and relocation of approximately 130 residents and 12 businesses. Jim Bryant, Staff Attorney for the Navy, stated that hiring WSDOT for the 130 displacements was the best

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decision he made on this job. Captain D.F. Walsh reinforced this opinion in written correspondence to the Secretary of Transportation. Captain Walsh indicated, "...throughout the project, (WSDOT) made suggestions based on experience and expertise that saved all concerned time and money." The estimated cost of the project came in under budget by \$1.2 million.

Other important aspects of this project included the quality of service the Olympic region staff provided to its customers—the displaced residents and businesses. Again, the letter from Captain Walsh stressed that the relocations were completed successfully to meet project schedule requirements. WSDOT was on a fast track and dealt with a great number of people in a short time frame. Knowing the people in the area through involvement with community activities and public meetings allowed WSDOT to better illustrate the agency's dedication to the people in the neighborhood. Of particular interest was the relocation of a church built in 1916. Paul Woolson, the local agency coordinator for the Olympic region, made sure that the caretaker of the church was appropriately relocated and had somewhere to go. Woolson and his wife attended the last congregation services at the old church that was followed by a parade involving the whole congregation as they walked down the street to the new church location.

Another good example of community involvement and caring was the services provided for a tenant of an apartment building that was left with no refrigerator and stove. The landlord took these appliances. Woolson, representing WSDOT, went out and purchased a refrigerator and stove that night for that tenant. Communication and teamwork was shown by all, including the Attorney General's office, which assisted with a number of appraisals having issues associated with hazardous waste. The City of Bremerton took a chance hiring the Olympic Region Real Estate Services staff instead of a consultant. This hiring of WSDOT signaled a sign of trust that WSDOT would meet the budget and schedule. Past local agency perceptions were that WSDOT would take care of its own projects first, putting local projects on the back burner. The city opened itself up to possible political criticism because of the magnitude of this job and concerns regarding trust. The city was happy with the project and will probably entrust WSDOT with Phase II, a 24-parcel project to begin in May 2000.

The state did not treat this job any differently than others in its current work-load. The appraisal process was started as soon as the design requirements were known. The right-of-way plan was prepared immediately. WSDOT staff attended public meetings to explain the process and introduce its staff to the public. WSDOT believes its role is to monitor projects, appraisals and relocations and provide assistance as needed. It believes that teamwork and people skills shown by its employees are the most important attributes.

#### ***4.5 Washington State Department of Transportation, Real Estate Services Southwest Region***

The WSDOT Southwest Real Estate (SWRES) division has 10 full time employees. During a normal year, this region handles thirty projects that could entail up to 80 parcels per project. Last year, it completed \$15 million in right-of-way program activities. The region contains seven

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counties located in the southwest corner of Washington State and includes the cities of Longview and Vancouver. Mount St. Helens also resides in this region. Sixty local public agencies are located in this region, 10 of which are certified for ROW procedures.

Discussions with WSDOT's SWRES uncovered several important issues to consider when developing a cohesive project work team. This team is, of necessity, composed of many different entities involved with different aspects of the project. While each entity's involvement with the project may address distinct issues, how all the project issues get handled involves the team. These issues include the need for early involvement and up front communication with the entire project team. The levels of project and state uniformity on job processes must be known and followed by all team members. Last but not least, the need for appropriate legal assistance throughout the project is of prime importance. The Mill Plain Project is an excellent example of how SWRES developed this type of cohesive project work team. This team completed a project in record time with great coordination between the WSDOT staff at SWRES, the staff at WSDOT Olympia Service Center, and staff from the City of Vancouver.

The Mill Plain Project is located in the City of Vancouver. This area had a high rate of poverty and crime. Of the 88 persons to be relocated in this project, 60 lived in unsafe apartment buildings. In fact, three different families shared one apartment. In this urban/residential/industrial area, the SWRES local agency coordinator had to be escorted to several dwellings by a plain-clothes police officer for safety reasons, while he hand carried each and every check to the displaced persons.

During this project one of the most challenging tasks was to secure the vacated apartments. This had to be done to prevent the property owner from leasing the apartments to someone else, and to prevent vagrants from moving into the newly vacated dwellings. SWRES and WSDOT Olympia Service Center secured the project relocation costs by using protective rent. Protected rent costs amounted to \$100,000, although actual project savings of over \$1 million were realized. Once the dwellings were vacated, WSDOT personnel secured the premises to discourage trespassing and vandalism.

Many benefits for others materialized from this project in addition to the development of the public transportation project. The city police and fire departments were able to use the vacated apartment building for training sessions for both firemen and police. The police training involved special weapons and tactics activities for officer training. The fire department used the building to train firemen on appropriate and safe fire fighting methods through the "Burn to Learn" activity. Communication and public involvement through neighborhood associations provided excellent communication tools to assist both SWRES and the City of Vancouver with positive media involvement.

This successful project illustrates what open candid communication and teamwork can do. This team was composed of individuals from the City Council, the Port Commission, the Neighborhood Association, Media, Police, Firefighters, Environmental Professionals, WSDOT

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Olympia Service Center, the Project Manager from the City of Vancouver, and SWRES. Over a period of 18 months, this group attended monthly meetings at the neighborhood associations and sent out factual newsletters and articles to everyone involved. The City of Vancouver made sure that the police and fire departments and the neighborhood associations received communications and remained involved throughout the project. The City of Vancouver hired a professional full-time Public Relations specialist, who also served as the Project Manager. WSDOT Olympia Service Center backed up SWRES.

Jim Ray, Manager of SWRES noted, “At the initiation of this project, no one would know the outcome of a project of this magnitude. The project grew from the efforts, communication, hard work, listening, and understanding of all parties involved. Although at the beginning of the project people expressed hesitation at the time commitment that would be required, at the end of the 18 month relationship, the group was sad that the project was completed because they would miss the relationships that were formed, the mutual support and respect, and the sense of teamwork that was generated.”

#### ***4.6 Local Agency, Northwest Region Snohomish County***

Snohomish County Public Works is located in the Northwest Region in Everett, Washington. The representative of Snohomish County is proud that its agency maintains a full certified agency status, for right of way work, although this was not always the case. With this status, Snohomish County can certify its own appraisal reviews and complete its own relocation projects. The agency has grown into this certified agency role as its relationship with WSDOT evolved from one that was sometimes based on fear, to one based upon mutual respect and trust. Snohomish County used to rely on WSDOT to provide appraisal review and relocation services. However, due to WSDOT time constraints, Snohomish County hired the appropriate staff to complete these functions. Snohomish County employs 14 employees in its Real Estate section (4 men and 10 women).

Ten years ago, a visit from WSDOT personnel was more likely to elicit groans rather than cheers. The focus then was on what the local agency was doing wrong, rather than how to find solutions for those issues. Then, things began to change for the better with a new focus on customer service throughout WSDOT’s organization. According to Ms. Deanna Clark-Willingham, Real Property Administrator for the Snohomish County Public Works, WSDOT now acts as an advisory consultant offering problem-solving advice, in more of a mentor and protégé relationship. Ms. Willingham began her work for the county in 1984, but saw the positive relationship with WSDOT developing in 1986 when Snohomish County funded the Northwest Regional ROW Conference, and invited and encouraged other local agencies to be involved in it. The communication between the parties improved dramatically.

Ms. Willingham stated that WSDOT served in a technical advisory role for Snohomish County by providing local agencies with valuable real estate ROW process training, referred to as



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“Charm School.” This allowed business and personal relationships to develop between Snohomish County and WSDOT personnel that carried over into the work environment. These relationships based upon trust and respect have deepened to such an extent that now Snohomish County sometimes holds the seminars and training sessions for the region. The monthly meetings of the International Right of Way Association (IRWA), the National Highway Institute (NHI) workshops, and the IRWA training classes have served to build the mutual respect that both the Local Agency and NWRES WSDOT staff have for each other.

What Snohomish County reminds us is that it takes time for trust to develop between parties that formerly seen these roles differently. Although the focus on customer service has improved communication between WSDOT and local agencies, it was not an overnight success, and in fact, is still ongoing as the nature and roles of individuals change.

#### ***4.7 Local Agency, Southwest Region Clark County***

Clark County Department of Public Works is located in the Southwest Region in Vancouver, Washington, at the southernmost tip of the state. This county, roughly 1/3 the geographical size of Snohomish County, boasts that it once employed Joachim Pestinger, the current Director of the Real Estate Services Section of WSDOT. Mr. Pestinger’s service in the region may have facilitated the adoption of the WSDOT/local agency model, because of the credibility he carries of having worked “in the trenches.” This knowledge of regional office realities also provides insight when considering system changes, improvements or process analysis. Clark County has a quality improvement program that involves holding team meetings that usually last 3 to 4 hours. These meetings focus on what Clark County can do differently. Two issues this program identified are: 1) ROW needs to be more involved with design engineers, and 2) Management needs to be more aware of the true project cost of land for acquisition/negotiation and condemnation. The Clark County ROW budget is \$7.9 million. The county employs six to seven employees: three negotiators, one appraiser, and three document-closing staff. The county produces a Staff Business Plan that staff reviews monthly. The Plan provides project milestones for scheduling.

Clark County staff believes that WSDOT has lessons to learn regarding the facilitation of this intergovernmental process. For example, Mr. Lowell Weiss, Real Property Service Manager for Clark County Department of Public Works identified the need for the State to speed up the project certification process as one area for improvement saying that, “It should take days not weeks.” When asked for opportunities for improvement, Mr. Weiss stated, “If WSDOT did it electronically it could take only days instead of weeks.”

Secondly, Mr. Weiss said Clark County would not hire WSDOT to perform subcontracted work. While the State RES employees are qualified and capable, WSDOT has to put state transportation-projects first. Contractual work such as relocation assistance was “worked in” the schedule as a secondary priority. Clark prefers using consultants because of Clark County’s lack

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of office space, computers, and the higher overhead associated with more staff members. Additionally, Clark County prefers to hire consultants because the consultants place the County's project work first. WSDOT recognized this issue some time ago and established a list of several qualified consultants to assist local agencies with workflow. During the interview process, it was comforting to note that Mr. Weiss felt relaxed enough to discuss these issues directly with the SWRES local agency coordinator. The coordinator was also receptive to learn of opportunities for improvement.

Another example of lessons shared between the local agencies, WSDOT, and the FHWA in this county involved the environmental impact statement—more specifically wetland impacts and mitigation credits. The Environmental Species/Endangered Species Biological Assessments can hold up a ROW project for six to 12 months stated Weiss. Although working with right-of-way property for 30 plus years, one can learn many creative ways of working with wetlands in the right-of-way. One example involves a 38-acre parcel that contained wetlands. Clark County purchased this parcel even though the wetlands would not be impacted. These wetlands were banked for future use as wetland mitigation credits, when property taken requires wetland mitigation in a particular watershed area. The parcel cost Clark County \$7,000, although the value was later assessed to be \$30,000. These creative ways of approaching challenging environmental issues were shared so the process ideas could benefit all parties concerned.

Clark County sells excess property in lieu of liquidating it at Public Auctions. The county pays a real estate agent a 7 percent commission, however the realtor gives Clark County great exposure. Clark County has found that most of the time it receives 25% more for the property than it would otherwise receive from auctions. Advice on getting rid of property as soon as you get it was another important point. Renting is expensive. The money generated from the sales is deposited right back into the project.

Mr. Weiss also expressed the opinion that Clark County does the same transportation project work as WSDOT. In fact, Clark County considers WSDOT employees as a talent pool and has hired relocation experts as needed.

One of the lessons learned from visiting Clark County is that the exchange of employees can lead to greater independence for both parties. These exchanges have allowed for a greater bonding between WSDOT and Clark County by placing in each others organization trusted and talented individuals who lend instant credibility to the other party.

### ***5.0 Fundamental Aspects of WSDOT's Communication Model***

The fundamental aspects of moving forward as an organization outlined in this section are approaches proven effective for teams to enhance knowledge, problem solving ability, and skills in order to obtain process improvement. Successful performance of these key tasks has been shown to both improve performance and increase customer satisfaction in a wide variety of governmental, non-governmental, and private organizations. As evidenced by the following

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sections, WSDOT and its local agencies use many of the following methods in its day-to-day collaboration efforts:

- Strategic Planning;
- Commitment;
- Evaluation of Processes;
- Communication;
- Training; and,
- Measurement & Continuous Improvement

#### ***5.1 Strategic Planning***

In the State of Washington transportation process, strategic planning is coordinated simultaneously with communication from the bottom up, and leadership from the top down, through a continuous strategic planning loop.

The transportation planning process begins by the Transportation Commission, which develops goals and policies. These items, with adopted legislation, form the basis for the Washington Transportation Plan. The Plan also identifies responsibilities for each of the key stakeholders: the state, local public agencies, the private sector, and the Federal government.

#### ***5.2 Commitment***

One of the striking items about the WSDOT/local agency program is the commitment that the organizations and individuals exhibit. The building of a strong communication system must begin with management commitment to and acceptance of the program, and must extend to everyone involved in the process. At the state level, management should produce a policy statement declaring its agreement with the commitment to principles of the management model. Without such a commitment, the processes and procedures put into place have little chance to succeed. Local agencies that do not envision this level of commitment are unlikely to embrace the program.

WSDOT declares this commitment in several important ways. For example, the Transportation Commission has as one of its policy objectives, “Cooperate and coordinate with public and private transportation partners so that systems work together cost effectively.” This is supported by published desired outcomes of the Washington Transportation Plan, all of which include such values as a common vision, jointly set priorities, regional coordinated transportation efforts, and coordinated implementation plans, as noted above. WSDOT’s operating guidelines further underscore this point: “We partner with others. We openly and clearly communicate. We are committed to each other’s successes.”

Customer service is another stated operating guideline for the agency. The Olympia Service Center (OSC) Manager and the local agency coordinators demonstrate this commitment in the

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way they provide assistance. Regardless of how difficult the request or how unrealistic the time frame, these staff members strive to meet or exceed the local agency's expectations. For example, requests for training assistance are frequently handled in a matter of days rather than a matter of weeks. As soon as the OSC Manager receives the request for assistance from the region level, it becomes a high priority, with responsiveness as the measure of success. This willingness to do whatever it takes to serve the needs of the local agencies has generated great respect for the Local Agency Oversight Program—and more importantly for the OSC Manager who operates it.

This level of responsiveness and commitment to customer service also leads to more committed relationships between these collaborating agencies. This leads to mutual accountability, as both parties feel responsible to one another to fulfill designated job duties because of the quality of this previous service delivery.

WSDOT understands that customer service is a moving target, and, as such, uses the Baldrige value of customer-driven quality in which the customers judge the quality. In this instance, the customers are the local agencies. The fact that WSDOT listens to what the customer wants and needs was very well understood. During the interviewing process which was designed to discuss why WSDOT and local agencies' working relationship was so successful—and yes, to tout how wonderful the program was—they did not need to say a word. Actions at this time were more important than words. The individuals present during this interview included Highways and Local Programs Olympia Service Center staff, a representative from FHWA, ROW staff, and the Olympia Service Center Local Area Coordinator Manager. Next, a visit from the Deputy Director of Real Estate Services delightfully interrupted this meeting to discuss the real issues at hand—the Federal certification of a project for the RES Olympic region and its local agency so that the project could go to construction. A five-minute creative brainstorming session occurred right before this consultant's eyes resulting in possible solutions for this certification. The next afternoon, at the RES Olympic Region office, the project was the first thing discussed, prior to any sharing of best management practices. This is a team commitment illustrated first hand. The project and goal-driven client focus was WSDOT's number one commitment.

### ***5.3 Evaluating the Processes***

Prior to implementing improvements within an organization, the fundamentals of the key processes utilized by that organization must be evaluated and understood by the key stakeholders. WSDOT demonstrated this knowledge by seeking first to understand the required Federal processes and then to seek ways for the local agencies to be empowered, based on these required processes. The Local Public Agency Oversight program was based on needs identified from this process evaluation, rather than on perceived needs of the various parties. As a result, the services provided by the Olympia Service Center Manager are more responsive to customer needs, while making federal participation more likely. The Federal processes provide a baseline of reality for both parties. WSDOT has also participated in an external audit of its own processes. The Real Estate Acquisition Team (REACT) was established in March of 1998 to evaluate and recommend process improvements on all aspects of ROW acquisition. The team's goal was to

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improve the effectiveness and efficiency of acquiring real estate as a continuous improvement measure. Team members were selected to include those with expertise on all aspects of the process. A facilitator and technical writer supports them.

The REACT team drafted 24 recommendations during analysis of the real estate acquisition process. Of these recommendations, two were referred to a natural work group, four were dropped, and 18 were moved forward to implementation. The Assistant Secretary of the Environmental and Engineering Service Center reported that full implementation of these recommendations will reduce the number of days required to acquire ROW by a minimum of 26 days and up to 180 days, based on an average 10-parcel project—a clear process improvement!

The 1999 Baldrige Award Criteria for performance excellence in the category of information and analysis was well represented by the WSDOT REACT audit report. This audit also demonstrates that the Baldrige value of continuous improvement and learning, as WSDOT adapts to change, is growing strong within the agency. This audit assisted WSDOT to adapt to change while evaluating new and fresh approaches. WSDOT understands that organizational planning helps to make sure that analysis is relevant to appropriate technical decision-making. Knowing the benefits and costs associated with improved organizational knowledge will lead to improvement trends in productivity and project cycle time.

#### ***5.4 Communication***

“Communication is the key to a successful program,” states one WSDOT official. This seems to be the cornerstone of the local agency relationship success. All through the agency literature, repeatedly mentioned during staff interviews, and frequently cited in the surveys, was the importance of communication to this process. This communication/relationship role was solidified into a dedicated staff position—the local agency coordinator—specifically charged with establishing and maintaining relationships with the local agencies. Local agency coordinators are charged with keeping contacts open and maintaining early and continuous communication with staff from Highway and Local Programs regarding any pending projects. This continuous communication flow allows WSDOT to respond quickly to work out issues before they become big problems. The following example of a local agency coordinator’s job duties comes from the North Seattle area. One hundred percent of the job responsibilities of this staff position involve local public agency procedures:

- Assigning and monitoring ROW activities of local public agencies for State and Federal policy compliance.
- Recommending endorsement of certification or ROW procedures of local agencies.
- Reviewing transactions by local agencies for completeness of documentation and recommending action from audit findings for recovery of Federal-aid.
- Conducting training and giving assistance in the acquisition process to local agencies.

An administrator located at the OSC headquarters office coordinates the regional coordinators. Local agencies and coordinators may also go directly to this OSC Coordination Manager for

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assistance, information, or to contract work with WSDOT. The OSC Coordination Manager spends 70% of his time managing the statewide Local Agency Oversight program. Specific job responsibilities include:

- Monitoring and training of region coordinators
- Providing training for local agencies
- Approving and monitoring all local agency procedures and agreements for aid
- Certification of Federally funded local agency construction projects (with ROW) to FHWA
- Update chapter 25 (Right of Way Procedures) of the Local Agency Guideline manual
- Project manager for local agency contracts with OSC Real Estate Services for ROW acquisition
- Work with FHWA on periodic audits of local agency acquisition program.

The local agency coordinators work at the regional Real Estate Services offices, but specializes in ROW technical knowledge and have a strong functional relationship with the OSC Coordination Manager in the Real Estate Services Office of the Environmental and Engineering Service Center. The Highways & Local Programs Service Center is the portion of WSDOT that is directly responsible for the local agencies using Federal or State funds on roadway projects. The Local Programs regional offices exist to provide assistance to the local agencies in each region. If right of way staffing is insufficient, local agencies may contact the OSC Coordination Manager. If OSC cannot complete the task, this office will assist the local agencies to find an approved consultant. The regional Local Programs Engineer supervises the regional Local Programs office, and serves as technical advisor to local agencies regarding engineering concerns and federal requirements when using federal funds..

The local agency coordinator's duties are considered the highest importance in some regions and of very high importance in others. The coordinators have day-to-day contact with the OSC Manager. The regional RES manager and staff support each coordinator. This allows OSC headquarters to receive constant input from the local agencies through the coordinators.

WSDOT, by creating the Local Programs Engineer and Local Agency Coordinator positions, set the process in motion for excellent intra-agency and extra-agency communication, although WSDOT RES Division made it possible by empowering the right individuals in these respective roles. These individuals are dedicated to the position and make sure the messages are clear, concise and appropriately communicated.

### ***5.5 Training***

The ROW Division trains employees on new procedures resulting from process evaluation and modifications. Training includes internal as well as external training programs. Internal programs can involve mentoring, on-the-job training, how-to manuals, training databases, and staff meetings, where information is shared. Mentoring is one-on-one training, whereby senior, experienced staff provide assistance and guidance to new, inexperienced personnel. On-the-job

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training is another option. Although it can take several forms, on-the-job training is basically teaching new staff as work is performed, correcting errors along the way, and providing advice on how to avoid similar mistakes. Additional training may also be obtained from staff meetings and user groups designed to share information and experiences. Other valuable approaches include employee training manuals, cross-functional role development, internal quality audits, informational databases to track employee training and identify employee training needs, tuition reimbursement, and agency-approved or-sponsored courses. One very important external training course offered by WSDOT to its local agencies is a one-day ROW Procedures Course. This course is offered to local agencies upon request.

In addition to the flexibility of administrative options and the key roles of local agency coordinators, the regional Local Programs engineers, and the OSC Manager, WSDOT provides a plethora of training for staff and local agencies to further empower employees while also ensuring program integrity. The types of training offered include:

- Local Agency training of ROW Procedures
- Real Estate Services Process Training “Charm School,”
- Local Agency Guidelines Training,
- Appraisal Review Training,
- Relocation Assistance Training, and
- IRWA & NHI Courses

These training opportunities are ongoing and provide the participants with technical expertise needed to effectively carry out roles. Additionally, because of the local agency program and the highways and local programs’ role, technical assistance is available daily for local agencies in the region where the agencies are located. As a result, local agencies may immediately get assistance at whatever level of expertise required. However, it is important to note that the excellent training program is not what makes the relationship a success between WSDOT RES employees and local agencies. It is the fact that WSDOT RES is sharing its knowledge with its local agencies and empowering the local agencies with mutual respect, trust and knowledge.

### ***5.6 Measurement & Continuous Improvement***

“We don’t measure it, I just know it works...” was a heartfelt phrase heard from both WSDOT and local agency personnel during the course of this research. To hear this statement from so many individuals is in itself one measure of success, as personal intuition is an important (though often underutilized) measure of success. In other words, people can often tell when things are going well and when things are not, and react accordingly to institute the necessary change.

However, when significant improvements in communication or processes have occurred, as is the case in Washington State, people can sometimes become complacent about those changes and forget that continuous improvement of communication and process is fundamental to an organization’s or individual’s growth. Therefore, it is usually helpful for an organization to

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develop a more analytical measure of performance, or performance indicators, to continue challenging the key stakeholders in a process to even greater levels of service.

Many methods exist to measure continuous improvement. The challenge is to find the most efficient, user-friendly process to measure performance in a tangible fashion. Two ways to measure results include internal and external surveys, as performance indicators. Internal and external customer survey forms are excellent ways to acquire performance feedback, process improvements, and problem-solving opportunities. Another good measurement tool is to assess how employees feel about the work environment and the new management system by asking what changes employees would recommend for system improvement.

The Baldrige value of “manage by fact” holds that information needed for performance measurement improvement comes in many forms. Examples of these key data include customer, product and service performance, operations, market, competitive comparisons, supplier, employee related, cost, and financial data. WSDOT uses benchmarking to understand and evaluate its performance. Benchmarking in WSDOT includes customer satisfaction measures. For example, WSDOT OSC staff consistently listens to what its customers want and then focuses to meet or exceed those needs. From an organizational standpoint, the REACT audit conducted in 1998 serves as an internal benchmark before obtaining outside input. The REACT audit was an excellent example of a performance indicator. The audit was designed to evaluate and make process improvement recommendations on all aspects of ROW acquisition. The team’s goal was to improve the effectiveness and efficiency of the real estate acquisition process as a continuous improvement measure. Looking externally requires bench marking with partners (like local agencies). Sharing information externally using formal surveys and questionnaires can lead to better service, as well as development of interpersonal relationships. Customer feedback received during the project will ensure the customer’s desires are built into the services.

### ***6.0 Key WSDOT/LPA Success Factors***

Several components contribute to the specific success of the WSDOT/local agency-partnering model. These factors include:

- A Shared Vision of Service
- The Local Agency Coordinators and Local Programs Engineers
- Guidance Documentation on the Transportation Process
- Maximizing Receipt of Federal Transportation Funding
- FHWA Certification Acceptance Program and the FHWA/WSDOT Stewardship Agreement.
- Clear Lines of Written Responsibility

For Washington State, these elements result in empowered and successful WSDOT/local agency relationships.



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#### ***6.1 A Shared Vision of Service***

An indispensable component of the relationships between WSDOT and its local agencies is shared vision of service to each other, both as organizations and as individuals. In a significant number of cases, relationships between organizations can become impersonal, resulting in missed opportunities for understanding and a greater chance for breakdown in communication between the parties. These communication breakdowns lead to barriers between organizations and individuals, decreasing the effectiveness of the process in question.

In Washington State, the catchphrase “How can I help you?” is intrinsic to the way WSDOT and the local agencies work together. This shared vision of service, as well as communicating it to the other key stakeholders in the process, is evident in individuals throughout various levels of each organization. The values that lead to this vision are not just a part of a mission statement. Nor are the values just a written list that is never referred to by the people in question. Instead, they are written on the hearts and attitudes of the individuals who carry out the process.

When this is the case, communication between organizations and individuals becomes more personal. Barriers are removed between WSDOT and its local public agencies, which increase the effectiveness of the processes between the two parties.

It was obvious that the local agencies and WSDOT were focused on the needs of their customers, the citizens of Washington State. Both entities had shared vision of building the best transportation system in the most cost-effective and time-efficient manner. The local agencies and WSDOT staff understood that Federal funding was necessary in order to enhance city, county, and state transportation needs, therefore they first listened and learned the most efficient means of obtaining Federal funds to assist with project efforts. WSDOT adopted the Federal regulations and developed a user-friendly Local Agency Guideline Manual to assist its partners and clients (local agencies) with knowledge and authority when using Federal funds. WSDOT trained and openly communicated with local agencies until such point that the agencies were self-sufficient. WSDOT illustrated that it is much better to teach an agency to fish for itself than to provide the agency with fish. Independence and knowledge are power.

It is not possible to evaluate this partnership without considering the impact and contribution from FHWA. It is apparent that WSDOT enjoys a strong partnership relationship with not only their local FHWA staff but also with other technical experts available to them through the Western Resource Center. The individual contributions from FHWA staff are important, but the most important element is the mutual respect and shared vision among the various players.

#### ***6.2 The Local Agency Coordinators***

Another key element of the WSDOT/local agency model is the coordination mechanism built in between headquarters divisions and the regional offices. The coordinators work closely with the Local Agency Engineer in each region and with The Olympia Service Center Real Estate Services

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Office. As a result of this cohesive coordination, communication flows smoothly between the Environmental & Engineering and the Highways & Local Programs despite the fact that the coordinator is working in a regional office, rather than at OSC headquarters. Issues identified by these cross-center staff can readily be incorporated into the training programs offered, and into Local Agency Guidelines Manual. The OSC Coordination Manager located in RES Olympia at headquarters bears primary responsibility for these functions.

#### ***6.3 Guidance Documentation on the Transportation Process***

WSDOT produces a number of tools to assist with transportation improvement/construction process. These tools include ROW manuals that lay out specific steps and processes required by Federal and State law, the FHWA and WSDOT in clear, easily understandable language. The ROW manual identifies the technical aspects involved in securing ROW when required. The Local Agency Guidelines manual provides the authority delegation options available to local agencies, and the steps required to apply for certification. Examples and state forms are included throughout the manuals and are updated regularly. WSDOT maintains a distribution list of all manual holders and distributes updates and interim policy changes to the manual holders, as these issues are brought forth. Manuals can be provided on CD-ROM for those wanting the information in this format. Specific staff members are responsible for updating each chapter in the manuals, and these responsibilities are included in the staff's job descriptions. The manuals describe all project processes and provide direction and clarification for the end users.

#### ***6.4 Maximizing Receipt of Federal Transportation Funding***

Transportation projects, though important and necessary both locally and nationally, are usually time-consuming and expensive. Federal funding is available to underwrite many of the costs associated with projects, provided the projects are consistent with national goals and priorities. However, securing this funding is complicated and requires adherence to Federal law and policies. Failure to do so may result in non-receipt of expected funding and obvious public relations problems. WSDOT has created a division, three types of staff positions, and a defined coordination role to simplify and streamline this process for local agencies. This technical assistant position is located at the regional offices for ready local agency access. By creating a method to maximize potential Federal funding and ensuring that eligibility requirements are not forsaken, WSDOT greatly increases local agency options for highway construction projects.

#### ***6.5 Liberal Delegation of Authority***

The Certification Acceptance (CA) program permits FHWA delegation of authority to WSDOT for approving project development and construction administration. WSDOT further has the option of delegating some of this authority through the FHWA Stewardship Agreement to qualified local agencies, other state and federal agencies, and/or Indian Tribes. An agency with CA can be the approving authority for administering FHWA funded projects in the following areas:

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- Location and design
- Utility agreements
- Railroad agreements
- Standard consulting engineering agreements
- Public hearings, findings, and orders
- Plans, specifications, and estimates
- Tied bids
- Advertising periods of less than three weeks
- Advertising and award of construction contracts
- Construction administration
- Construction material testing and testing personnel

WSDOT has overall responsibility for local agencies using Federal funding and is responsible for guiding local agencies through the requirements of the Uniform Relocation Act. When WSDOT does work for local agencies, a government contract agreement for aid (GCA) is used. The GCA is general and each project is defined by a specific task assignment. Any time agencies want to perform services for one another; this GCA must be in place. Local agencies benefit from the Certification Acceptance program by time and money savings from developing, advertising, awarding, and managing its own projects.

#### ***6.6 Clear Lines of Written Responsibility***

As previously discussed, a local agency that applies to be certified for acquisition of right-of-way submits its acquisition procedures to its regional engineer. The regional engineer reviews the procedures and then forwards the procedures through the regional coordinator to the OSC Coordination Manager for approval. If the local agency procedures are approved, then the local agency will be approved to acquire right-of-way. The level of approval will be dependent on the local agency's staff qualifications. If the local agency has a minimal staff, then it may be approved to acquire a single project with direct supervision from the regional coordinator. The OSC Highways & Local Programs Engineer will write a right-of-way procedures letter to the local agency, with a copy provided to the regional coordinator. The regional engineer and coordinator then conduct periodic reviews of the local agency procedures on all Federal-aid projects.

By clearly delineating the areas of delegated responsibility, WSDOT has virtually eliminated the possibility of misunderstanding and confusion in conversations between WSDOT and its local agency.

In summary, the relationship between WSDOT and its local agencies is truly a partnership, with mentoring and support provided every step of the way. This nurturing and supportive relationship is available on an as-needed basis and is built on a solid foundation of mutual trust

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and respect. The relationship began in a more authoritative manner, consistent with WSDOT's overall responsibility for the local agencies using Federal funding and ensuring they meet the requirements of the Uniform Relocation Act. As local agency competence grew, local agency autonomy also grew, further fostering the relationship between these partnering entities.

#### ***7.0 Improvement Opportunities for STDs***

No evaluation touting potential for improvement in intergovernmental communication would be complete without noting potential for even further improvements. The management process demands a push toward continuous improvement of customer focus and operational procedures. Working together to improve communication and process for benefits of key stakeholders is a journey, not a destination.

Consistent with the goal of continuous improvement, four specific areas that most states could evaluate as opportunities for improvement include:

- 1) Funding for a Local Agency Coordinator position;
- 2) Development of Regional Business Scheduling Plans;
- 3) Development of Customer Surveys; and
- 4) Development of Performance Indicators for Feedback.

The following paragraphs describe each of these opportunities for improvement in greater detail.

##### ***7.1 Funding for a Local Area Coordinator***

The WSDOT study clearly identified how a position such as the local agency coordinator provides value to any transportation program. A key component to the success of any STD/local agency relationship is the appropriate communication system. Establishing this type of rapport will involve a time commitment and a liaison position, like the local agency coordinator position in WSDOT. The amount of time and number of positions required will be dependent on the size of the state's transportation program. However, if this position remains not funded, its success will be compromised, as the position will be difficult for the STDs accountability purposes. Funding of these positions would provide resources necessary to carry out the intent of the TEA-21 legislation.

##### ***7.2 Development of Regional Business Scheduling-Plans***

One important comment made by each WSDOT region visited was the fluctuating workloads for state employees. This concern was also expressed by four of five STDs studied during a previous research project. Demand for transportation construction projects inherently fluctuates within states based upon local and regional needs. This "feast or famine" workload creates staffing challenges for the heartiest of STDs. Consultants may be used to assist STD staff during peak workflow. But, sufficient state staff that could be mobilized to address specific workload needs

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in specific areas could provide a win-win solution to this dilemma. Local STD divisions could have regular meetings that establish a process improvement team and a plan designed to address the one primary goal—a more balanced workload. Place these plans on either a web page, intra-internet service bulletin board, and on file with each local agency. This plan is a customer commitment plan, demonstrating commitment to customer satisfaction by listening to the STD's partners and customers—the local public agencies. The development of these regional business-scheduling plans can be facilitated by managers from each region, by an outside facilitator, or with assistance from the FHWA.

#### ***7.3 Development of Customer Survey***

The use of internal and external surveys has been mentioned an excellent way to acquire performance feedback, process improvements, and problem-solving opportunities. Informal feedback now occurs through instituted positions within STDs. However, a more formalized system of surveying for performance feedback from key customer constituencies of each group would provide STDs and partners with even more strategic information. STDs could survey employees regarding performance within the ROW division and between divisions at the state level.

In a decentralized STD model, internal surveys could also be developed and sent to regional offices to assess headquarters performance regarding its support for each region. Local agencies could survey its regional office regarding customer service, responsiveness, and technical knowledge regarding requests for assistance or training. Certified local agencies could survey its subcontractors regarding the ease with which contractual processes were administered. This would be particularly insightful if these subcontractors worked for more than one local agency, or in more than one region of the state. Furthermore, FHWA could survey the STDs RES operation with regard to how Federal requirements, processes and staffing facilitated or created barriers to the implementation of this State/local agency-partnering model. The effect of diversified surveying would instill mini-feedback loops continuously sending back strategic information regarding baseline transportation project processes.

#### ***7.4 Development of Performance Indicators***

One widely accepted approach is to monitor and measure improvement through evaluating and interpreting data that relate to specific processes. Because these data are used to measure quality, they are referred to as performance measures and/or indicators. Service performance indicators involve measuring effectiveness, capability, and efficiency of the process. Collecting appropriate data for use as performance indicators means understanding your processes and comparing data against appropriate measures. It is important to use the output from performance indicators to establish strategic goals. Performance indicators must be measured on a regular basis and the results evaluated. Monitoring the management system and measuring results will indicate planning and implementation successes. Additional performance indicators should be

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implemented to assist in gaining even greater efficiency in STD/local agency relationship process.

### ***8.0 Conclusion***

Knowing the importance that our local street roadways, state highways and the interstate highway system provides its citizens, it is understood that the design, construction and maintenance of our transportation system is of utmost importance. Ensuring that STDs and local agencies maximize the use of Federal funding available through TEA-21 is of prime importance to all stakeholders. Federal and state policies and procedures were developed to provide the stakeholders with knowledge so that all transportation projects are conducted using a customer-focused and project-driven approach.

Sharing knowledge on right-of-way procedures with local agencies assures that transportation projects (local, state or Federal-aided) are being completed in the most cost-effective manner. As illustrated in this report, sharing of ROW process knowledge between WSDOT and its local agencies provides all involved with an understanding of each organizations' prime directives. WSDOT and its local agencies have shared visions and goals, and therefore established relationships based on mutual understanding, respect, and trust while maximizing federal-aid. The upfront investment made by STDs and local agencies resulted in long-term relationships that save a tremendous amount of time and money, while improving the quality and price of the transportation system. This commitment to communication and training local agencies has resulted in transportation projects that are completed correctly the first time by everyone involved in the process. The STD and local agencies operate at optimal efficiencies and have excellent communication and coordination among all involved in the project. The case studies highlighted just three of the many federal-aided local agency transportation projects. In these three examples, the local agencies contracted with WSDOT for project assistance. The projects were completed on time, in budget and in compliance with State and Federal guidelines.

Instituting intergovernmental cooperation across agency boundaries, cultural boundaries and jurisdiction levels is, at best, a challenge. However, a fluid, cooperative planning relationship among these parties, if designed correctly and supported, will allow STD ROW departments to:

- Meet departmental goals,
- Maximize the productivity of transportation dollars,
- Minimize redundancies or incongruities among transportation systems,
- Share planning responsibilities with key partners strategically positioned at the local level, and
- Meet both the spirit and mandate of a statewide planning process conducted in consultation and coordination with regional planning organizations.

A WSDOT official nicely sums up these benefits:

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*“The right-of-way staff is a great example of teamwork in action, as they are always willing to help with problems, share information and ideas, and fill in for each other when necessary. ROW employees will spend the time it takes to do the jobs correctly and as efficiently as possible, knowing employees are walking a narrow line, representing the best interests of the property owner and the best interests of taxpayers.”*