

# THE FEDERAL HIGHWAY ADMINISTRATION's 2014 Excellence in Right-of-Way Awards



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### **Cover Photos**

From top left to right: Wyoming DOT Shoshone & Arapaho (S&A) Right-of-Way Team (From left to right is Letitia Black, BIA; Colette Friday, S&A DOT; Nadine Vasquez, S&A DOT; Wildene Trospier, S&A DOT); Arizona DOT Strategies for Complicated Cost-to-Cures Team. (from left to right is Thomas Flynn, Richard Erickson, Paula Gibson, John Eckhardt, and Dave Edwards); ponds on former Snyder property; and Louisville-Southern Indiana Ohio River Bridges Project.

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## Congratulations to the Winners of the 2014 Excellence in Right-of-Way Awards



Congratulations to the winners of the 2014 Excellence in Right-of-Way Awards. The Federal Highway Administration (FHWA) developed this biennial awards program to offer distinction to those who excel in meeting the challenges associated with acquiring real property for Federal aid projects. The awards honor exceptional innovations that improve the real property acquisition process while ensuring that property owner and tenant rights are protected.

The competition for this year's awards was robust. FHWA received nearly 50 commendable entries nominating right-of-way programs, projects, and leaders nationwide for a variety of awards. Judges carefully reviewed the entries to award worthy nominees in the following award categories: Innovation, Leadership, Stewardship, Streamlining and Integration, and Peer of the Year. The 2014 award recipients were honored during the 2014 American Association of State Highway and Transportation Officials Subcommittee on Right-of-Way, Utilities and Outdoor Advertising Control Conference in Salt Lake City, Utah.

The 2014 award winners represent excellence among their peers. Their innovative work is indicative of the cutting-edge work State Departments of Transportation (DOTs) and Local Public Agencies (LPAs) are performing across the country. The work embodies FHWA's current Every Day Counts (EDC) Toolbox strategies and Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21) principles to improve process efficiency, performance goals to tackle the challenges facing the U.S transportation systems. For example, many of the 2014 winners use team building technologies and coordination to streamline and ensure the timely delivery of highway projects while increasing interagency and public involvement. I am happy and proud to share these important ideas to benefit the right-of-way community and the public.

Again, I congratulate the winners in the 2014 Excellence in Right-of-Way Awards! Thank you for implementing unique approaches to meeting the challenges of acquiring real property and serving the public.

Gloria M. Shepherd  
Associate Administrator for  
Planning, Environment and Realty

## Peer of the Year

**Washington State DOT (WSDOT)**  
**Relocation Lead, Mega Projects**  
**Mr. Patrick Forinash**

This award recognizes Patrick Forinash of WSDOT for his leadership and dedication during the unique relocation of Seattle's Museum of History and Industry (MOHAI) to a replacement facility. Patrick sought innovative solutions to a challenging relocation and established strong relationships with MOHAI staff. His leadership was instrumental in minimizing the amount of downtime and successful coordination among all parties.

Since transferring to the WSDOT Real Estate Office in 1993, Patrick has performed many duties including acquisitions, relocation, and property management. He is currently the Lead Relocation Agent in the Mega Projects Office, responsible for overseeing the relocation of many businesses, residences, and non-profit organizations.



Patrick Forinash, Relocation Lead,  
Mega Projects, WSDOT

The MOHAI, located near the University of Washington, was required to relocate because of the State Route 520 Bridge Replacement and High-Occupancy Vehicle (HOV) project. At the time, WSDOT did not have any reliable data for estimating the costs of moving a museum or staff with relocation experience of this kind. Patrick stepped in and accepted the challenge. He conducted extensive interviews with MOHAI staff to better understand how a museum operates, how artifacts should be handled, and what specialized equipment and facilities would be required to complete the move. Patrick also researched similar relocations in other states for innovative practices and lessons learned.

Once WSDOT made an offer to acquire the museum, Patrick began planning for the move. Patrick spent countless hours coordinating with MOHAI staff, WSDOT relocation staff, and commercial movers to organize and plan the move. In the process, Patrick gained the trust and respect of all those that he worked with and developed strong relationships, which reduced conflict during the relocation. Furthermore, he worked with FHWA division staff to anticipate problems and develop innovative solutions. Under Patrick's leadership, claims were documented correctly and issues were settled professionally and expeditiously.

In February of 2014, the final artifact was installed at the museum's new location. Patrick's leadership and teamwork was essential in making the relocation of MOHAI successful.

# Innovation Award

## Utah DOT (UDOT)

### Right-of-Way Division

#### Local Government Right-of-Way Electronic Project Management Module

This award recognizes the UDOT Right-of-Way Division for its creation of a local government component within their Right-of-Way Electronic Project Management (ePM) module. This right-of-way component allows UDOT to effectively oversee and manage the right-of-way process at the local level by providing standard forms and contracts, a project delivery method, and a tracking system for local acquisitions.

Before UDOT developed this tool, each LPA receiving Federal funding for right-of-way had to manage, track, and complete all necessary files for UDOT review and audit as needed. The UDOT realized standard forms, contracts, delivery methods, and a tracking system for each LPA would make the process more efficient, and allow UDOT to confirm agency compliance with the appropriate State and Federal rules and regulations.

After assessing the needs and potential costs for each LPA to develop their own system, UDOT decided to create a Local Government component within UDOT's Right-of-Way ePM module to help facilitate the entire acquisition process. When an LPA is ready to begin a project that requires right-of-way acquisition, the agency now only needs to send UDOT their agency's logo and preferred address to be added to all contracts, forms, letters, etc., which are generated by ePM for use by the LPA.

LPAs have seen immediate cost savings in time, training, project development and delivery. Instead of spending several weeks developing new spreadsheets, contracts, and forms for each project, LPAs can begin a project using this standard platform. Each LPA is now able to standardize their right-of-way acquisition process and improve project delivery and auditing processes. Additionally, UDOT and LPAs can now seamlessly monitor the right-of-way acquisition process from inception through completion in a single system. The ePM module has improved UDOT's right-of-way program and overall project delivery by saving costs, ensuring quality and enhancing consistency.

*Contributors: James Olschewski, Lyle McMillan, Michael Timothy, and Monty King.*



Right-of-Way LPA Team. From left to right is Mike Timothy (UDOT), Hugh Haddock (FHWA), Monty King (UDOT), Lyle McMillan (UDOT Director of ROW), James Olschewski (UDOT)



## LEADERSHIP AWARD

### **Indiana DOT (INDOT)**

#### **Real Estate Division**

#### **Louisville-Southern Indiana Ohio River Bridges Project**

This award recognizes the INDOT Real Estate Division for its creative approach to team building and right-of-way coordination on the Louisville-Southern Indiana Ohio River Bridges Project. The bridge project is a combined \$2.3 billion major construction and reconstruction project jointly undertaken by INDOT, the Indiana Finance Authority (IFA), and the Kentucky Transportation Cabinet (KYTC) to improve cross-river mobility in the Louisville, KY metropolitan area. The project involves two new bridges – the East End Crossing and the Downtown Crossing – and related approaches.



INDOT Real Estate Team

After carefully evaluating the project's size, scope, and schedule of right-of-way activities, INDOT's real estate management team decided the existing one-size-fits-all right-of-way approach was inadequate for this project. Instead, management creatively built a right-of-way team composed of Indiana DOT staff and consultants to address complex issues, provide program oversight and management, and develop a strong partnership with field agents throughout project implementation.

The INDOT appointed two consultant teams to deliver turnkey right-of-way services. The INDOT's Real Estate Division provided program oversight and management assistance to the appraisal, buying, and relocation teams. The INDOT staff and consultant field agents worked side by side in the field. The teams obtained right-of-way entry grants on all available parcels for early access to right-of-way, used administrative settlements to expedite negotiations and relieve congestion in the courts, used appraisal waiver valuations for parcels valued less than \$10,000 to accelerate delivery of offers to purchase, and prepared weekly parcel-specific status reports.

A true partnership emerged among the agents, who were able to streamline the process and secure parcels faster than normal, increase work capacity, and clear the right-of-way ahead of schedule and under budget. The INDOT acquired a number of complex right-of-way parcels of great interest to the community, including 41 relocations and 293 displacees. Successful resolution of these challenging parcels demanded "boots on the ground" by INDOT's real estate team and reliance upon FHWA's EDC Toolbox strategies to ensure timely and cost-effective right-of-way delivery.

*Contributors: Jim Crall, Mike Jett, Scott Adams, and Todd Clift.*

## STEWARDSHIP AWARD

### **Virginia DOT (VDOT) Property Management/Disposal Team Management and Disposal of Hunting Towers**

This award recognizes the VDOT Property Management/Disposal Team for its successful steward and oversight of the Hunting Towers, as part of the Woodrow Wilson Memorial Bridge Replacement Project. The VDOT purchased, managed, and sold the 530 unit Hunting Towers Apartment Complex between the years 2001 and 2013.



Hunting Towers

The team innovatively owned and managed the Hunting Towers apartment complex in a manner that met private ownership standards, such as maintaining a pool and exercise room; contracting to provide on-site staff and maintenance services; and renting the 530 units at a high occupancy rate. The VDOT and consultants met monthly to make decisions regarding property management issues. VDOT's effective management and disposal of the property resulted in a net revenue refund of over \$35 million towards other transportation projects.

In 2005, when construction work in the area was mostly completed, the disposal process for the property was initiated. This property disposal gave rise to litigation over the value, with the lawsuit subsequently being dropped after many months. In late 2012 the construction of the project was substantially completed and VDOT continued to move forward with the disposal process for the building. To avoid additional potential litigation, VDOT published an expression of interest to purchase and received multiple offers to buy.

Negotiations with the highest offers continued under the threat of litigation until VDOT successfully executed a purchase agreement free of litigation for \$78.1 million. Innovative and creative planning by the Property Management/Disposal Team resulted in the effective stewardship of Federal and state transportation funds.

*Contributors: Bryan O'Sullivan, Dave Holsinger, Nell Hord, Paul Stahl, Richard Bennett, and Stuart Waymack.*



## STREAMLINING AND INTEGRATION AWARD

### Arizona DOT (ADOT) Right-of-Way Project Management Section Estimating Cost to Cure Compensation

This award recognizes the ADOT Right-of-Way Project Management Section for implementing a new practice for estimating complicated cost to cure compensation for large-scale commercial and industrial facilities. This new method solicits input from property owner and tenants, encouraging owner buy-in, and results in higher-than-expected rate of successful negotiations.

Historically, ADOT has relied on fee appraisers to estimate cost to cure compensation. However, those estimates did not fully address or quantify the compensation associated with the impacts of the taking. This led to a higher than normal rate of condemnation because of differences in the estimated cost of the remedial work for the impacted parcel.

To address these issues, ADOT developed an appraisal of service, an approved pool of architectural and civil teams to prepare preliminary design, initiate local agency permit approvals, and estimate contractor costs for complicated cost to cure implications on impacted properties. These teams are comprised of architects, civil engineers, structural engineers, landscape designers, contractors, and various other specialists on an as-needed basis. Property owners and their legal representatives have indicated the remedial plans and estimates developed by these teams are comprehensive and fair.

The ADOT has applied this methodology on the I-10 expansion project through Phoenix and Tempe, with impacts to 130 commercial/industrial parcels estimated at \$362 million. Numerous parcels that would otherwise have been acquired as total acquisitions or subject to significant damage claims were acquired as partial acquisitions, saving the project millions of dollars. Since implementing this practice, ADOT has streamlined the appraisal process and successfully negotiated and closed every early acquisition parcel to which this process has been applied.

*Contributors: Dave Edwards, John Eckhardt, Paula Gibson, Richard Erickson, and Thomas Flynn.*



ADOT Strategies for Complicated Cost to Cure Team. From left to right is Thomas Flynn, Richard Erickson, Paula Gibson, John Eckhardt, and Dave Edwards.

## HONORABLE MENTION - INNOVATION AWARD

**Idaho Transportation Department (ITD)**

**Right-of-Way Section**

**Greg Graybadger**

**Appraisal Methodology on Land for Wetland Mitigation**

This award recognizes Greg Graybadger of the ITD Right-of-Way Section for his use of an innovative appraisal method for valuing wetland mitigation properties to provide a solution for interagency stakeholders.

The majority of right-of-way appraisals consist of applying time-tested methodology based on comparable market sales. However, sales motivated by a need for wetland mitigation credit are relatively rare because there is insufficient market activity to demonstrate a value premium attributable to properties for wetlands mitigation.

Greg applied the discounted cash flow analysis, typically used for valuing land proposed for subdivision, which had not previously been applied to this type of appraisal problem. Also known as "the development approach" to value, the methodology analyzes the property from the viewpoint of a private sector investor who would expect to make a profit by undertaking the project. It is a way of answering the question, "How much can I pay for this property and still make a profit through developing it?" Although public agencies are not profit-making, the economic theory is still applicable.

This valuation method demonstrated the maximum price which could be paid for the prospective property, when supported by market activity, and also established the financial feasibility of the mitigation project. Interviews with subject-matter experts and formal appraisal reviews validated the methodology used by Greg, and were found to produce a credible and well-supported valuation. Because of Greg's use of this valuation methodology, ITD was able to purchase properties and develop wetland mitigation credits required of the department under the Clean Water Act.



Greg Graybadger, ITD  
Right-of-Way Section

## Honorable Mention- Leadership Award

**Florence Green, North Carolina DOT (NCDOT)  
Assistant Right-of-Way Manager**

This award recognizes the commitment of Ms. Florence Green, formally with the NCDOT, for her leadership in developing and implementing a right-of-way training program for new employees and a series of professional development courses for existing staff and stakeholders. The NCDOT Training Program meets a right-of-way management challenge creatively and economically, while strengthening the core knowledge of employees. The program has also become a major training resource for the professional development of local municipalities and consultant stakeholders.



Florence Green, NCDOT, Assistant  
Right-of-Way Manager

Several years ago, NCDOT management recognized the need to offer a training program to strengthen the knowledge of right-of-way employees and provide an opportunity to grow within the discipline. In 2012, Ms. Green took the lead in developing a progressive training program made up of innovative right-of-way practices and methodology.

During the development of the program and identification of training needs, NCDOT asked right-of-way staff to fill out an extensive Right-of-Way Career Training and Professional Development Analysis survey questionnaire. This survey was designed to measure the current skill set of right-of-way staff, determine the career goals of each staff member, and identify the future needs of the right-of-way program.

After analyzing the results of the survey, NCDOTs' right-of-way management team worked with the National Highway Institute, the International Right-of-Way Association, the Appraisal Institute, and other professional trade partners to provide customized training for the state. NCDOT now administers a comprehensive test at the end of the two year new employee training program to measure the competency of new staff members. NCDOT also offers a professional development course series for staff and stakeholders. The trainings include coursework that help staff members expand their professional development opportunities and reach career goals.

Since the inception of the program in August 2012, the Right-of-Way Unit has offered 18 training sessions to approximately 250 staff, local agency partners, and consultant stakeholders throughout the state.

## Honorable Mention-Leadership Award

### Wyoming DOT (WYDOT)

#### **WYDOT Shoshone & Arapaho Right-of-Way Team Success on 17 Mile Roadway Project**

This award recognizes the outstanding coordination and teamwork between the Bureau of Indian Affairs (BIA), the Shoshone & Arapaho Right-of-Way, and WYDOT. The team worked together on the first federally-funded project in Wyoming to involve tribal staff in reconstructing a reservation roadway. The team members were self-starting, motivated, and collaborative, which allowed them to streamline BIA's right-of-way approval process.

The 8.2 mile roadway project required a realignment of the centerline, total realignment of one section of the roadway, and installation of a new irrigation system to facilitate ranching and farming along the rural route. With the impacts on adjacent land owners, it was apparent that thorough right-of-way planning and implementation would be required for the project.

In order to work on the project, WYDOT, the Shoshone & Arapaho DOT, and BIA formed an interagency right-of-way team. Throughout the project, team leadership, which included Letitia Black, Kevin Lebeda, and Howard Brown, created a positive environment that encouraged mentoring within the new team. Through their efforts, dedication and time commitment, they created a "can-do" spirit and engrained leadership qualities in all members of the team.

The team as a whole demonstrated numerous leadership qualities. Each team member took it upon themselves to be self-starting and willing to take on a fair share of the collective work. All members of the team worked aggressively and tirelessly to accomplish the project goals. Because of these qualities, the team fostered an environment of cooperation and respect. The team also used systems, procedures, and methods not previously available to produce the necessary documentation to complete right-of-way agreements for BIA approval.

*Contributors: Letitia Black of the Bureau of Indian Affairs; Colette Friday, Nadine Vasquez, Wildene Trosper, Emily Underwood, Howard Brown, and Nicole Brown of the Shoshone & Arapaho Department of Transportation; and Kevin Lebeda of WYDOT.*



Team photo. From left to right is Letitia Black, BIA; Colette Friday, S&A DOT; Nadine Vasquez, S&A DOT; Wildene Trosper, S&A DOT.

# Honorable Mention-Stewardship Award

## **Wisconsin DOT (WisDOT)**

### **Division of Transportation System Development**

#### **Bureau of Technical Services/Regional Real Estate Units – LPA**

#### **Local Public Agency Oversight, Guidance, and Training Programs**

This award recognizes WisDOT's Bureau of Technical Services/Regional Real Estate Units – Local Public Agency's collaborative effort to improve the quality of project oversight, guidance, and training for LPA programs. The team introduced ideas for innovative training opportunities, established new policy for more effective LPA stewardship, and monitored local agencies' right-of-way acquisitions for compliance with Federal, State and Local laws.

Since 2010, the Bureau of Technical Services/Regional Real Estate Units – LPA has delivered an array of training courses, state-sponsored conferences, webinars, and classroom type courses. The WisDOT's local program real estate unit's webpage included these trainings and other useful tools for local municipalities and real estate consultants known as the "Toolbox".

The WisDOT recognized that training courses and materials alone are not sufficient to ensure proper real estate acquisition, and that the need to better communicate early real estate involvement is critical to the success and timely delivery of right-of-way on transportation projects. In order to spread this message, the team began proactively seeking opportunities to talk to local municipalities as well as other departments within WisDOT on this subject.

The team also recognized the need to strengthen requirements for LPA right-of-way personnel. The team researched common practices for ensuring only qualified and competent staff acquires right-of-way, and then developed a new policy based on these findings which requires LPA staff to complete training prior to project acquisition.

The LPA Real Estate Unit's careful and responsible management has allowed WisDOT's local program to thrive. The steps that the team has taken have allowed local municipalities throughout the State to acquire needed right-of-way properly and efficiently while also minimizing inadvertent waste and abuse.

*Contributors: Teresa McClung, Cindy Michalski, Kerry Paruleski.*



Members of the WisDOT Real Estate Unit – Local Public Agency. From left to right is Cindy Michalski, Teresa McClung, and Kerry Paruleski.



## JUDGES

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**Kathy Facer** retired from the FHWA, Office of Real Estate Services, in December 2012 after forty years of service. During the fifteen years she worked for the FHWA Headquarters' office, she contributed to projects and processes under development all across the country. She was a mentor to many FHWA and State DOT right-of-way specialists on the requirements of the right-of-way program. She enjoyed facilitating communications and training for right-of-way professionals through use of electronic webconferencing.

**Lisa R. Harrison**, SR/WA, R/W-URAC, R/W-RAC, R/W-NAC, President of Pinnacle Consulting Management Group, Inc., is responsible for the executive management of a firm that provides project right-of-way/land acquisition and program management services. Lisa's continued dedication is reflected through her commitments as the International President of the International Right-of-Way Association (IRWA); 2005 IRWA Frank C. Balfour Right-of-Way Professional of the Year; 2005 Recipient of the Professional of the Year, Region 2, IRWA; IRWA Master Facilitator of 12 years; former Chair of the Right-of-Way Consultants Council and member of the International Relocation Community of Practice. During her right-of-way career, Lisa has provided consulting land acquisition/relocation services for numerous government agencies throughout the United States and has developed and implemented quality assurance and training programs related to the acquisition/relocation process.



**Joseph D. Pignato, P.E.** is an Assistant Director for the Minnesota DOT (MnDOT) in the Office of Land Management. Currently, Joe oversees MnDOT's Right-of-Way Acquisition, Property Management, Utility Agreements, and Utility Permits sections. Joe has been with MnDOT for 17 years, where he has worked in the areas of Consultant Services, Legislation, State Utility Engineer, Right-of-Way, and Special Projects. Prior to working at MnDOT, he worked for a local Minnesota Consulting firm for 10 years as a structural design engineer. Joe graduated from North Dakota State University with a degree in Civil Engineering.

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