

Office of Real Estate Services Newsletter



U.S. Department of Transportation
Federal Highway Administration

Summer 2008



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The Safety Effects of Electronic Advertising Signs on Driver Attention and Distraction

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Director's Message

By Gerald Soloman

Welcome Back to the Office of Real Estate Services Newsletter. I hope you enjoyed the inaugural edition.

For the summer edition, it was suggested that I comment on the fact that while many use the summer months to rest and relax, in the "right-of-way

world," it is often a time for continued learning. In response to the suggestion, I looked at what was happening around our office, and in other realty offices around the country, and found that this was correct. The calendars reflect a number of national and regional meetings addressing right-of-way and outdoor advertising. Among the summer meetings are the International Right-of-Way Association's Annual meeting, the annual meeting of the National Alliance of Highway Beautification Agencies, the annual Access Control Conference, and the workshops of the Transportation Research Board. There also have been, or will be, a number of meetings with Division Offices and/or State DOTs to provide training or technical assistance and include Oregon, Washington, West Virginia, California, Rhode Island, Massachusetts, Kentucky, Indiana, and others. No rest for the weary right-of-way professional.



Director Gerald Soloman

Having said that, and seeing what happens to those who do not report truthfully on the TV show "The Moment of Truth," I will acknowledge that I do plan to take a summer vacation. This summer my wife and I will travel to Alaska, but not on an excursion such as that described by Jon Krakauer in his novel *Into the Wild* which I highly recommend (even for those who have seen the film adaptation). Rather, for a laid back experience that includes room service and safely guided tours of our 49th and largest State purchased for \$7.2 million from Russia in what was known as "Seward's Folly."

But I don't want to write about my vacation plans. What I want to write about is summer. What summer most reminds me of is outdoor advertising. Why? When I think of summer, I think of *Jaws*. And, as is the case for *Into the Wild*, I recommend the book by Peter Benchley over the movie notwithstanding that it may be one of the best movies ever made. But when I think of the movie, I think of the billboard for Amity Island. Recall that unscrupulous person(s) on

Amity who vandalized the billboard advertising the town by drawing a picture of a shark threatening the swimmer. The mayor was obviously concerned believing that it would scare away the tourists and create economic doom for the local businesses. The outdoor advertising control regulators, however, had a different reaction that did not receive attention in the film. They determined that the billboard was abandoned since it was not maintained and ordered that it be removed and the permit revoked. Fortunately for fans of summer thrillers, that wasn't covered in the film and the movie went on to become a blockbuster hit, winning three Oscars and being selected by the American Film Institute as one of the 100 Greatest American Films of all time.



The Amity Island billboard as it appeared in the film Jaws

Because summer reminds me of billboards, I decided to see if there were other examples of outdoor advertising in the arts. This did not turn out to be fruitful. I found only a couple of examples. The first was something called *The Billboard Song*, apparently written by Cy Coben and Charles Grean and sung by Homer and Jethro. While I have never heard it, the

lyrics didn't move me. The other was a song called *Signs* which I do recall being a hit by *The 5 Man Electrical Band*.

As I reviewed those lyrics, I decided that the signs referred to were likely either on-premises (e.g., "long haired freaky people need not apply") or signs within the right-of-way subject to the *Manual on Uniform Traffic Control Devices* (MUTCD) (e.g., "Do this, don't do that"). It is likely that the composer(s) could not find anything to rhyme with MUTCD, manual, or devices, and therefore left it ambiguous as to what kind of signs were being referred to. But if anyone has better examples of outdoor advertising in the arts, please let me know. And in the meantime, pick up a good book and enjoy the remainder of the summer.

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**Focus on
Headquarters**

**Including Right-of-Way in the
Process of Integrating Planning
and Environment**

By Cecil Vick

(Excerpt of a presentation by Cecil Vick – delivered at the 2008 Federal Highway Administration FHWA Conference)

For several years, FHWA has emphasized the integration of the environmental and planning processes. As the Mississippi



Cecil Vick, Keynote Speaker.

Division started working with the State to merge the two processes, we concluded that the integration should include right-of-way. The three disciplines have always been interdependent, and they have a common origin in the 91st Congress.

The 91st Congress passed two very significant laws with very similar purposes: the National Environmental Policy Act of 1969 (NEPA) and the Uniform Act Relocation Assistance and Real Properties Acquisition Policies Act of 1970 (Uniform Act). NEPA formulated a national policy, "encourage productive and enjoyable harmony between man and his environment." It required Federal agencies to use a systematic interdisciplinary approach to planning and decisionmaking that might affect the environment.

While NEPA required planning and informed decisionmaking to protect and mitigate impacts to the natural environment and to communities, with the Uniform Act the 91st Congress provided similar protections to individual citizens who were affected directly by projects. The purpose of the Uniform Act is, to provide for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and to establish uniform and equitable land acquisition policies for Federal and federally assisted programs. The Uniform Act is environmental mitigation for disproportionate right-of-way impacts. It also tries to make property owners and tenants whole, and it requires the same planning required in NEPA to assure that this can happen.

As we encouraged the State Department of Transportations

(State DOTs) to integrate the three functions, the Division Office reorganized to merge the three disciplines into one team. The Division now has a project development team with a leader who has significant experience in all three disciplines, a planner who is also a civil engineer, an environmental specialist with a post-graduate degree in planning, and a realty specialist with training in environment.

Everyone on the team is involved in all three disciplines, and all team members are involved in all phases of project development. We continue to cross train, and the goal is for each team member to be able to fill in for the others. The team members are gaining a range of experience and knowledge that better positions them for future leadership roles.

The Division encouraged the State's three distinct functional offices to communicate better and to integrate their expertise. The State DOT has placed two experienced Transportation Planners and three experienced Right-of-Way Specialists as staff members in the Environmental Division. These planners and realty specialists coordinate day to day planning and right-of-way activities within the framework of the NEPA process and serve as liaisons with the State's Right-of-Way and Planning Divisions.

There are three areas where this integration of processes has most positively impacted communities and the natural environment: right-of-way planning, environmental mitigation, and the mitigation of social and community impacts.

Planning for right-of-way activities is required in both the NEPA process and

by the Uniform Act. The planning processes for the two activities are almost identical, but they were often being duplicated by the State DOT's Right-of-Way Division and Environmental Division and occasionally by consultants under contract to the separate Divisions. Integration of the two processes through right-of-way coordination within the NEPA team has significantly reduced duplication.

The NEPA team found that right-of-way professionals are trained in the ways communities and neighborhoods function and that most of these professionals have highly developed communication skills. Working with the NEPA side, Right-of-Way has been able to mitigate social and environmental impacts in ways not available under normal right-of-way procedures. Right-of-way professionals have a hands-on

understanding of environmental justice. With right-of-way costs now commonly exceeding construction costs, right of way professionals are key to accurate project cost estimation.

The State DOT has large banking programs to address wetlands, streambanks, and endangered species. Right-of-Way has been very helpful in finding and acquiring properties for these banks. Experienced right of way agents are usually very familiar with land uses around the State. They are comfortable estimating land values and developmental costs. Right-of-Way professionals have established networks with realtors, developers, and realty personnel in other agencies. They often have established working relationships with landowners from prior projects.

The integration of Planning, Environment, and Right-of-Way in Mississippi has resulted in important benefits for all three disciplines and has benefited the public in many ways. I submit that while the integration of Planning and Environment is a much needed streamlining technique, its benefits are maximized when that integration includes Right-of-Way.

Cecil Vick, Team Leader
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Taking the Mystery Out of Carve-outs

By Dave Leighow

Dave Leighow of the HEPR team has written a paper to assist relocation agents in understanding and successfully computing carve-outs for purposes of Replacement Housing Payment (RHP) calculations.

Following is a brief abstract of his paper:

One of the most frustrating challenges for many relocation agents handling residential displacements is the use of the "carve-out" to establish the acquisition price of the displacement dwelling for purposes of computing a replacement housing payment. By following a few basic guidelines and re-orienting back to these basics when confronted with computation complexities, relocation agents can take the mystery out of carve-outs. The goal of this article is to provide those basics and, through the use of real-world examples, demonstrate how those basics apply to virtually any carve-out situation.

"Carve-out" is a term commonly used to describe the method for determining what portion of property occupied by a residential owner of 180 days or more is to be used in computing a replacement housing payment. The regulations seek to avoid penalizing a person who is situated on a site that is either larger than typical for residential use or is actually occupied and used for other purposes. If the excess land area (i.e., excess to what is typical for residential use in the area) is not "carved out" of the acquisition price when computing the replacement housing payment, then the displacee is penalized by contributing the value of this excess land toward the purchase of a comparable replacement dwelling and site.

There are three basic elements required in performing a carve-out calculation:

1. Determine whether the subject property includes area (land and/or improvements) that is excess to the owner-occupant's residential use.

2. Survey the area to determine what constitutes a tract that is typical in size for residential use in the area.

3. When applying the typical tract to the subject, use only that portion of the total acquisition price (land, improvements, damages) which represents the dwelling and typical tract.

The first “real world” example is a simple carve-out of a mixed-use property. In that example, the agent determined that the acquisition price attributable to the commercial portion of the dwelling and site had to be carved out of the total acquisition price in order to compare the acquisition price of the residential portion of the property to a comparable replacement dwelling.

In the second example, the acquisition is a partial taking of a property that is larger than typical for residential use in the area; and, there are damages to the remainder. The relocation agent had to establish what constituted a typical sized tract for residential use in the area, then determine what elements of the acquisition price (land, improvements, and damages) applied to the typical sized tract. Finally, the agent computed the RHP using the carved-out acquisition price.

There are many different scenarios that can influence the carve-out determination. However, with almost any scenario that might be encountered, application of the three carve-out basics would result in an appropriate carve-out price to use in the RHP calculation.

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American Association of State Highway and Transportation Officials (AASHTO) Right-of-Way and Utilities Conference 2008

By Robin Broils-Cox



AASHTO Conference

The 2008 AASHTO Right-of-Way and Utility Conference has come and gone



Excellence in Right-of-Way Awards Presentation



AASHTO attendees

leaving us with another successful year in its midst. The Michigan Department of Transportation (MDOT) did a fantastic job hosting this year’s AASHTO conference. Their hard work and dedication was evident throughout the conference—

from their choice of the hotel, The Amway Grand, the on site technical support in each break out session, to the evening out at the museum. Headquarters was represented by three Realty Officers: Gerry Solomon, Director; Arnold Feldman, Team Leader; and Robin Broils-Cox, Realty Specialist. The Office of Real Estate Services covered a gamut of Right-of-Way subjects



Faith Roland, International President-Elect of the Executive Board for the International Right-of-Way Association



FHWA-Office of Real Estate Services Office Director, Gerald Soloman

Office of Real Estate Services Newsletter

from Outdoor Advertising, Jurisdictional Exceptions, Acquisitions, Transportation Enhancements, Incentive Payments, and Air Space Leasing Security, to Functional Replacement.

Our *Excellence in Right-of-Way Award Ceremony* was successful in honoring the winning recipient in the categories of Leadership,

Stewardship, Innovation, Integration, Streamlining, and Technical achievement. Representatives for all the winning States, which also included the consultants, were present to accept their awards. We look forward to next year's AASHTO Right-of-Way and Utility conference in Oklahoma City, Oklahoma.

For more information, contact Robin.Broils-Cox@dot.gov

OUTDOOR ADVERTISING CONTROL

The Safety Effects of Electronic Advertising Signs on Driver Attention and Distraction

By Catherine O'Hara

The Office of Real Estate Services received the draft report of the first phase of this research study on June 30, 2008. The purpose of the report is to identify and evaluate the most significant issues and develop research methods to proceed with field investigations to provide data on the safety effects of electronic advertising signs on driver attention and distraction.

In July, two teams reviewed the report. The Federal Highway Administration (FHWA) review team included the Office of Planning, Environment, and Realty; Division Offices in Colorado, New York, and Texas; and the headquarters Offices of Safety, Design, and Transportation Operations. The second review team was composed of members of the TRB Human Factors subcommittee, and members from the National Alliance of Highway Beautification Agencies. The report is scheduled to be posted on the FHWA web site at http://www.fhwa.dot.gov/realstate/out_ad.htm.

The Office of Real Estate Services is meeting with researchers to prepare the Statement of Work for implementing the field investigation phase of study, using currently available resources, to determine the best process to develop meaningful

data in real world conditions. Once the process is defined, the Office of Real Estate Services will solicit the State DOT to assist in identifying appropriate field locations to perform driving tests and identify sources for follow-on research efforts that might be useful in relation to this specific research effort. It is anticipated that the full study and final report will be completed in the latter part of 2009.

In the long term, it is anticipated that this study will assist governing jurisdictions in further policy development regarding electronic signs.

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National Alliance of Highway Beautification Agencies Conference

By Catherine O'Hara



The FHWA is pleased to once again be a joint sponsor of the annual educational National Alliance of Highway Beautification Agencies (NAHBA) Conference held in Kalispell, Montana, August 10-13, 2008. FHWA takes pride in its association with NAHBA and its growth and accomplishments since it was formed in 1993. It is a source of overall information on outdoor advertising control issues to many organizations, groups, and individuals.

The agenda for this, the 11th NAHBA Conference, was developed by dedicated volunteers and is an

example of how the members excel in meeting their objectives. The agenda included panel discussions on better public awareness of the Highway Beautification Act and several panel discussions on signage issues relating to zoning, nonconforming signs, digital technology, and enacting State legislation. The conference encourages free and open discussion of both the current developments and the challenges of implementing highway beautification regulations. The FHWA looks forward to a continued association with NAHBA and appreciates the input we receive from NAHBA, as one of our stakeholders and partners. Contact: Catherine.O'hara@dot.gov

FOCUS ON THE FUTURE

Accommodation of Renewable Energy Resources in the Right-of-Way

By Virginia Tsu

In recent years the use of photovoltaic solar energy technology for the environmentally friendly generation and distribution of electricity has been accommodated within the highway rights-of-way in several European countries, including England, Germany, and Switzerland. Although solar panel technology has not yet been deployed within the rights-of-way of highways in the United States, there are efforts currently underway to accommodate them.

The Oregon Department of Transportation (ODOT) has taken the first step in advancing the use of solar energy technology, a renewable energy resource, through their Oregon Solar

Highway initiative. The concept of a "solar highway" is to accommodate the installation of solar panels at suitable sites within highway rights-of-way as a means of generating diversified and cleaner energy resources. The Oregon pilot will provide solar energy supplied by Portland General Electric directly to ODOT for powering various transportation services, such as lights and official highway signs.

The pilot site for the Oregon Solar Highway initiative, at the interchange of I-5 /I-205, south of Portland, is currently under review by ODOT and FHWA for environmental, safety, and operational considerations, as well as potential future expansion and level of public acceptance. ODOT expects to break ground in October, 2008.

Oregon's Solar Highway is consistent with President Bush's Advanced Energy Initiative that seeks to accelerate the widespread acceptance of clean solar energy technologies throughout the U.S. by 2015. Interstate 5 has been designated a "Corridor of the Future" and the accommodation of solar energy arrays would complement that designation.

More information on the Oregon Solar Highway can be found at: http://www.oregon.gov/ODOT/HWY/OIPP/inn_solarhighway.shtml .

Information on the President's Advanced Energy Initiative can be found at: <http://www.whitehouse.gov/stateoftheunion/2006/energy/print/index.html>

For more information contact: Virginia.Tsu@fhwa.dot.gov

New Mexico Selected for Carbon Sequestration Pilot Project
By Steve Earsom

Climate change is a global and complex problem that will take decades of effort to address. Emissions reduction through conservation and the deployment of new and existing technologies must occur to make meaningful reductions in concentrations of greenhouse gases, but experts say this will also take decades. Biological carbon sequestration in highway right-of-way offers a means to capture and store carbon in plants, and provides additional benefits such as improved water quality, reduced erosion rates, and increased wildlife habitat. To explore the value of carbon sequestration on DOT-controlled lands, FHWA's Offices of Natural and Human Environment (HEPN) and Project Development & Environmental Review (HEPE) are sponsoring a pilot project.

The goals of the pilot project are: (1) to develop successful strategies for sequestering carbon on rights-of-way and other lands managed by State DOTs through focused native vegetation management; and (2) to determine whether revenue can be generated from the sale of "carbon

credits” developed from these projects. A “carbon credit” is defined as one metric ton of carbon dioxide or its equivalent, and is the universal metric used in greenhouse gas accounting. These credits are currently being traded in the U.S. within a voluntary carbon market, which has developed due to concerns about climate change. Some companies,

organizations, and individuals who are seeking to voluntarily reduce their emissions are buying and selling carbon credits in this market to offset their “carbon footprint.”

In response to a questionnaire, fifteen States expressed interest in the project, and FHWA staff, along with the Volpe Center, conducted interviews with the highest ranked States to determine which would be the best match for the project. After site visits, the New Mexico DOT was selected. Though this might be a surprise to many people due to the State’s arid climate, the State has many miles of highway, fairly wide rights-of-way, and a wide range of native grasses, shrubs, and trees that are adapted to these conditions.

Assistance provided by the Office of Real Estate Services has been critical to advancing the project. Janis

Gramatins and Ed Kosola provided expertise during project conception to ensure consistency with FHWA policy and to identify potential barriers to project success.

HEPN/HEPE will work with the FHWA Division Office, NMDOT and other partners to identify appropriate lands for inclusion in the project. Once acreage is quantified, HEPN/HEPE will work with the State to develop an effective vegetation planting and management strategy that will increase the amount of carbon sequestered on these lands. Based on this strategy, an estimate will be made of the biomass that will eventually grow in the project site. This will, in turn, allow an estimation of the carbon credits that could potentially be sold or otherwise used by the State DOT. Results of the project will be shared with all Division offices and State partners to inform decisions on similar future projects. The pilot project – screening and selection of a State, site selection, project development, and evaluation – is expected to take approximately one year.

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Minnesota Right-of-Way Visualization Pilot By William Lohr



The Minnesota Department of Transportation (MnDOT) recently concluded a pilot project aimed at helping landowners better understand highway construction improvements and the corresponding property acquisition impacts. MnDOT was able to create a video of the Highway 12/Delano project’s right-of-way acquisition impacts in the “before” versus “after” condition showing the roadway widening effect. By assembling aerial photography and electronic highway design files, along with property lines, photo rendering, and animation efforts, they created an accurate three-dimensional video model presentation for the proposed urban reconstruction project.

The public responded very positively, commenting that they had a better understanding of the layouts, maps, the scope of the project, and the impacts to their own properties. People inquired about the visualization cost and concluded that it was reasonable when broken down on a parcel by parcel basis. Additional comments from landowners included that they were “able to see projects as we do,” “visualization relieved anxiety of the unknown,” and they were “more comfortable” with the project.

This new tool developed by MnDOT has further enhanced communications of project impacts with the public and allowed the department to make more informed decisions.

MnDOT intends to use this tool on future projects and hopes that it will improve the transparency of the project development process in the future.

William.Lohr@fhwa.dot.gov

RESEARCH UPDATE

2009 STEP Research Program

We Need Your Input and Participation

STEP Research Program

The Federal Highway Administration is soliciting recommendations for utilization of funding that is being provided through the Surface Transportation Environment and Planning Cooperative Research Program (STEP) for FY 2009. Outdoor Advertising Control (OAC) / Realty Program Management is one component of the STEP emphasis areas. We are thereby requesting input from our partners and stakeholders who have an interest in collaborating on research plans and initiatives.

Previously, the Office of Real Estate Services has developed and delivered a number of diverse products and tools to right-of-way professionals. The Office of Real Estate Services efforts included outreach and professional knowledge exchange; sponsorship of international and domestic scans; sponsorship and co-sponsorships of national meetings, including the Uniform Act Symposiums and the Public Real Estate Education Symposium (PRES), research on relocation assistance, valuation and acquisition topics; and synthesis of best practices on a number of topics.

What Will STEP Fund?

As a funding source, the goal of STEP is to provide improved tools to the State DOTs and Local Public Agencies (LPAs) for the performance of their

responsibilities in real estate acquisition and Outdoor Advertising Control (OAC); develop and improve methods to support the institutional capacity of State DOTs and LPAs personnel in order to perform real estate acquisitions; relocation assistance; and property management activities for public projects subject to the Uniform Relocation and Real Property Acquisition Policies Act of 1970, as amended.

Potential activity in support of achieving these goals through STEP research could include assessing and developing improved tools, techniques, and procedures for real estate acquisition and OAC; developing innovative information-sharing methods among practitioners; developing and enhancing communities of practice, and web sites for real estate and OAC professionals; and developing training and technical assistance.

**Submitting Feedback—
We Need Your Input**

Under this new research program, we are partnering with you as stakeholders and as customers. It is crucial that we receive your input in identifying your right-of-way research and training needs.

This is your program and, as a vested partner, it is thereby imperative that your ideas, input, and feedback be presented. Stakeholders can submit research topics directly to the STEP web site, which also contains additional information about STEP. The feedback section of the web site is located at:
<http://knowledge.fhwa.dot.gov/cops/step.nsf>

To submit research projects, click on the appropriate topic and complete the form. Feedback is requested by

September 22, 2008.

For further information regarding STEP, you may also Contact:
Carolyn.James@dot.gov

Professional Development Program (PDP)

By Clifford Pearson

I was recently hired by the FHWA as a student hire in April, 2008. Shortly after, I received my BBA in Management and made my transition into full-time in the Department of Real Estate Services, FHWA. Fortunately, while finishing my bachelor's degree, I learned about the growing opportunities in the FHWA. I would be able to learn from a highly experienced staff and gain knowledge under the tutelage of those veterans in the field of real estate, planning, and environment while also being exposed to a host of other relevant topics.

I have been deeply interested in real estate ever since childhood;

however I never considered a career in public sector realty until recently. Joining the Right-of-Way division helped me recognize that the public sector is a productive way to develop skills and competencies in real estate. Now my goal is to work towards making intelligent transportation systems become more environmentally sound in the 21st century.



Clifford Pearson

I will continue to develop my competencies and skill sets by entering into the PDP this fall. I am anticipating a rigorous field training that will equip me to join the ranks of top performers in the field. As a native Washingtonian, the PDP will also afford me the opportunity to see first hand how other State transportation agencies operate under the Federal umbrella. This fall I will also be reaching out to students at my alma mater, Howard University, Washington, DC, and introduce them to opportunities in the public sector by exposing them to the Right-of-Way profession.

For more information on the PDP program please visit: <http://staffnet.fhwa.dot.gov/opt/training/FHWAPDP/pdphnbk.htm> or contact the Human Resources Office of the Professional Development Program
Juan.Sosa@dot.gov or
Clifford.Pearson@dot.gov

Summer Transportation Internship Program for Diverse Groups (STIPDG)

By Neosha Burns

The objective of the STIPDG is to provide college/ university students with hands-on experience and on-the-job training while working



Neosha Burns

on current transportation-related topics and issues. The STIPDG is open to all qualified applicants but is designed to provide qualified women, persons with disabilities, and members of diverse groups with summer opportunities in transportation where these groups have been under represented. I am originally from Indianapolis and attended Indiana University in Bloomington, where I received my Bachelors in Public Management. Upon gradation I worked as the Legislative Liaison for the Indiana State Department of Health. In August of 2007 I began work on my Master's of Public Administration degree at Tennessee State University in

Nashville and will graduate from the School of Public Service and Urban Affairs this December.



Gerald Solomon, Director Office of Real Estate Services, Neosha Burns STIPDG, Robin Broils-Cox, Office of Real Estate Services, receiving an award for Outstanding Mentor.

I spent six weeks this summer, at the FHWA being hosted by the Office of Real Estate Services, which provided great learning experiences. I was able to participate in the development of proposed regulatory revision to 23 CFR 710 and worked on succession planning and recruitment development for the FHWA. After spending 8 weeks at Headquarters, I am very interested in pursuing a career in the transportation field.

For additional information regarding this program please contact Serena Matthews-Parrish at **Serena.Matthews-Parrish@dot.gov**

Workshops and Conferences

Accelerated Construction Technology Transfer (ACTT) Workshops

By Kathy Facer

FHWA, AASHTO, and TRB established ACTT workshops to reduce congestion by delivering a quality transportation project more efficiently. Since 2002, 34 ACTT workshops have been held in 28 States and one local agency (Baltimore City). The ACTT workshops bring together a wide variety of national experts to focus on high priority projects. They provide experts a chance to interact and learn from the experience and perspective of others. They encourage participants to collaborate and explore the use of methods other agencies have used to develop solutions. A hands-on approach uses skill-set teams that focus on real projects.

The Montana Department of Transportation held an ACTT workshop in 2004 to accelerate the upgrade of US 93 between Evaro and Polson.

Implementing the suggested solutions sometimes requires legislative, regulatory and procedural change. It is hoped that a hard look at the processes used by State DOTs will provide the impetus for change and reduce overall project delivery time. The following are right-of-way related suggestions from several workshops:

1. Use an integrated project development approach with a project manager.



The Montana Department of Transportation held an ACTT workshop in 2004 to accelerate the upgrade of US 93 between Evaro and Polson.

2. Set the project schedule as soon as possible.
3. Form a right-of-way, utility, and design team to coordinate issues early.
4. Set the right-of-way limits early assuming an open drainage system. Detailed design can continue within these right-of-way limits. After that, utility and right-of-way staff can coordinate and work on abstracts, descriptions, appraisals, and acquisition even though final design is not complete.
5. Coordinate with legal staff to get statutory authority to purchase whatever land is needed in conjunction with the project. This includes land needed for environmental mitigation and utility relocation.
6. Determine if right-of-way staff can acquire necessary utility easements. That means dealing with property owners once for both needs.
7. Concentrate first on the parcels that will require more time for difficult relocations. Work can begin on these acquisitions before final design is complete when the right-of-way limit is set early.
8. If 100% State funds are used to acquire parcels, these acquisitions may be eligible as a credit toward the required project match.
9. Use incentive payments to increase agreements and save time.
10. Revise the State eminent domain statute, if need be, to streamline acquisitions.
11. Authorize the use of outside counsel, if needed, to alleviate delays.
12. Use environmental mitigations, when necessary, to assist businesses and alleviate some of the real property impacts that are not covered by the Uniform Act.
13. Start acquisition of billboards early as these can be a source of significant delay in meeting schedules. Injunctions can delay projects

as much as 30 months.

14. Map existing utilities as soon as possible. Determine the corridor for utility relocation early.

15. Complete a visit to determine if any partial acquisitions should be full acquisitions.

16. Determine which parcels can be used for construction staging.

17. Acquire replacement housing as it becomes available, in advance of displacements when needed, to keep ethnic communities together.

18. Hold information meetings designed specifically to assist the residents and/or businesses.

Visit the ACTT web site, <http://www.fhwa.dot.gov/construction/accelerated/> to learn more, or contact Kathy Facer at Kathleen.facer@fhwa.dot.gov.

2008 Federal Appraisers' Workshop

By John Turpin

Throughout the fall and spring, the Office of Real Estate Services worked with Chief Appraisers from nine Federal agencies to create a program for the annual Federal Appraisers' Workshop. This annual workshop is held in Washington, DC during the first week of June. The Departments of Justice, Housing and Urban Development, United States Army Corps of Engineers, the Department of the Navy, General Services Administration, the Internal Revenue Service, and others worked cooperatively with us to make the workshop a success.

This year's event was attended by approximately 75 appraisers representing nine Federal agencies from 20 cities in the United States and Europe. The group came together to share information and experiences about issues that are common to Federal real estate appraisal practice.

The workshop was presented with the assistance of the American Institute of Real Estate Appraisal. Bill Garber and Brian Rogers of the Appraisal Institute's Washington office provided the group with a comprehensive legislative update on appraisal-related legislation pending in Congress.

Up to 14 hours of continuing education were provided to attendees at no cost. Plenary sessions were held on Tuesday and Wednesday, where participants discussed a wide range of "hot topics". Seven major topics were covered through presentations and panel discussions. These included appraiser independence, contracting with private-sector appraisers, appraisal review, Jurisdictional

Exception, public-interest value, and the Yellow Book.

Feedback from participants has been uniformly positive. Participants felt that this year's agenda was the most relevant in the last few years. For further information on the workshop, contact John Turpin at John.Turpin@DOT.GOV.

NAHBA Web Conference - The National Alliance of Highway Beautification Agencies (NAHBA) did host their quarterly Web conference on Wednesday, July 9, 2008, from 2:00 p.m.-3:30 p.m. (Eastern). All FHWA division offices are invited to participate. The link to enter the Web is

<http://fhwa.acrobat.com/nahba/> and the teleconference number to access the audio portion is 888-913-9965, password 23368. Participants from Federal, State and local governments, as well as industry representatives and scenic groups, normally take part in these quarterly sessions. The forum provides an avenue for open discussion on various issues concerning outdoor advertising control. For further information, you may contact Catherine O'Hara by e-mail: Catherine.O'Hara@dot.gov

2008 FHWA Environmental Conference Held June 17-19 in Washington, DC

- Approximately 250 transportation and environmental professionals from around the country attended this FHWA conference. Priority themes of global climate change; improving National Environmental Policy Act documentation, Section 4(f); and fiscal constraint, were woven throughout the event's six plenary and eighteen breakout sessions. Presenters

from FHWA Headquarters, division offices, attorneys, and representatives from other Federal agencies and State Departments of Transportation highlighted emerging trends and analysis techniques. Conference presentations are now available at <http://environment.fhwa.dot.gov/conference>. For more information, contact Marlys Osterhues at 202-366-2052.

Recent Field Visits by the Office of Real Estate Services -

Marshall Wainright of the Office of Real Estate Services (HEPR) recently provided real estate assistance to three Divisions: Rhode Island, Indiana, and Kentucky. He met with the Division Leadership and provided support to the Division Realty Officers. Marshall assisted the Rhode Island Division Realty Officer, Mike Butler, with a Process Review of the State's Relocation Program in coordination of the new NE Cluster ROW service sharing plan. He then visited the Indiana and Kentucky Divisions where, as the HEPR point of contact, he and the Division Realty staff met with and provided technical assistance to the respective State's Right-of-Way and Legal Officials in Relocation, TE activities, Outdoor Advertising Control and other topics. Marshall is available at 202-366-4842 or via email at Marshall.Wainright@dot.gov.

Access Management **By Kathy Facer**

There is constant pressure for State DOTs and local agencies to add additional access points and driveways. When agencies dispose of an access right, it can have monetary value and provide revenue that can be used on transportation projects. This must be balanced with safety for

travelers and efficient operation of the roadway system. Many State DOTs and local agencies have adopted regulations, policies and ordinances to guide them when making access related decisions. To assist them, the Federal Highway Administration (FHWA) funded the development of the Transportation Research Board (TRB) *Access Management Manual*. Additionally, every two years the TRB Access Management Committee sponsors a national conference for planners and practitioners to share knowledge, experience, and showcase best practices. The 2008 Access Management Conference was held in July in Baltimore, Maryland thereby allowed many east coast practitioners the opportunity to convene as a group for the first time.

Conference attendees honored one of the originators of the TRB Access Management Committee, FHWA's own Ron Giguere, who died this past March. Ron chaired the Committee for many years and was instrumental in securing funding for the *Access Management Manual*. The Committee has discussed a way to honor Ron in order to acknowledge his achievements. This acknowledgement may take the form of a biennial award to recognize a person for outstanding contribution towards the current state of the practice.

Conference participants received a CD prepared by the Office of Real Estate Services called, "*Reduce Congestion Mitigation Through Access Management - Safe Access is Good for Business!*" This CD is available from Kathy Facer by submitting an email request. It contains a video clip that can be used to explain the benefits and effects of access management to business owners. This year, the National Cooperative Highway

Research Program (NCHRP) has selected "*The State of Practice in Highway Access Management*," as a synthesis study to be conducted in fiscal year 2009 (NCHRP 40-11). We look forward to seeing the results of the study and determining the progress FHWA and the State DOTs have made in managing access rights.

For more information,
contact Kathy Facer at:
kathleen.facer@fhwa.dot.gov

Right of Way Humor

Reasons why it is great to be an appraiser:

By John Turpin

- Dazzle your friends with your knowledge of external obsolescence.
- The wonderful world of rats, bats, and spiders.
- See places in people's houses that usually require a search warrant to access.
- Arouse the suspicion of an entire neighborhood when inspecting comparable sales
- Chance to really irritate annoying real estate sales people.
- Walk around holding a clipboard.
- Spend hours writing volumes of supporting documentation to justify the market value of a property you already decided on when you pulled into the driveway.
- See that some people really do hang those black velveteen pictures of Elvis on their living room walls.
- Be one of a handful of people who know that USPAP is not a medical term.

Email: john.turpin@dot.gov

CALENDAR

September

September 1 - 30, 2008 (Planning)

TRB's 11th International Conference on Transportation Planning for Small- and Medium-Sized Communities:

Portland, OR

FHWA, FTA, and Oregon DOT are sponsoring this event.

Contacts:

Tom Schwetz - 541-682-6203

Stacey Bricka - 512-306-9065

September 6 - 10, 2008 (Planning)

AASHTO's National Civil Rights Conference Captain Cook Hotel

Anchorage, AK

Contact:

Hannah Whitney (AASHTO) - 202-624-5800

September 16 - 19, 2008 (Realty)

Mid-Atlantic States Right-of-Way Conference Morgantown, WV

Contacts:

David Neil - 304 558-9345

Carolyn Gorrell - 304 558-9333

September 25 - 27, 2008 (Realty)

Northwest Regional Right-of-Way Conference Coeur d'Alene, ID.

Contact:

Dave Leighow

October

October 8 - 10, 2008 (Realty)

Great Lakes Regional Real Estate Meeting Highway Federal Credit Union Administration Building St. Paul, NM

Contact:

Robert S. Brown - 651-366-3502

October 16 - 20, 2008 (Planning)

AASHTO Annual Meeting Connecticut Convention Center Hartford, CT

Housing will be provided by the Marriott Hartford Downtown Hotel

Contact:

Hannah Whitney (AASHTO) - 202-624-5800