



# Federal Division Office Survey Summary

Local Public Agency Programs:  
State of the Practice Research in the Development of LPA  
Program Stewardship and Oversight Strategies

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**Photo: Typical example of a two lane transportation project with sidewalks, curb landscaping, and street parking.**

## Introduction

Each year State Departments of Transportation (DOTs) entrust the administration of approximately \$8B in Federal-aid highway program funds to local public agencies (LPAs) for the construction of highway infrastructure.<sup>1</sup> A recurring theme that is encountered from Federal Highway Administration (FHWA) Division Offices and State DOTs is that overall LPA oversight has been and continues to be a high risk area.<sup>2,3</sup> HEPR is making a concerted effort to bring more visibility to the LPA realty program area and its needs and challenges by developing an “LPA Oversight and Stewardship Toolkit” of practices and effective techniques to assist State DOTs and LPAs in the administration of the right-of-way Federal-Aid Program.

In support of FHWA’s LPA Toolkit development, FHWA’s Office of Real Estate Services and the U.S. DOT Volpe National Transportation Systems Center (Volpe Center) distributed a survey to FHWA division offices, seeking information on the state of the practice, strengths, and weaknesses of current oversight of LPA’s realty programs. The survey, which was open from February 18, 2014 to April 18, 2014, included multiple-choice and open-ended questions, and FHWA Division Office coordination with State DOT personnel was encouraged, as appropriate. Together, the questions were designed to help FHWA learn more about effective LPA oversight approaches in the realty program area to include in an LPA Toolkit. The Toolkit will be a data-driven resource that identifies the state of the practice, emerging effective practices, perceived barriers, and impacts resulting from LPA realty oversight programs.

The project team invited all FHWA Division Offices to respond via email. The project team sent one email reminder and made follow-up telephone calls to non-responders during a two-week deadline extension period in order to maximize the response rate.

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<sup>1</sup> Office of Inspector General. July 15, 2011. FHWA’s Oversight of Federal-Aid and Recovery Act Projects Administered by Local Public Agencies Needs Strengthening.

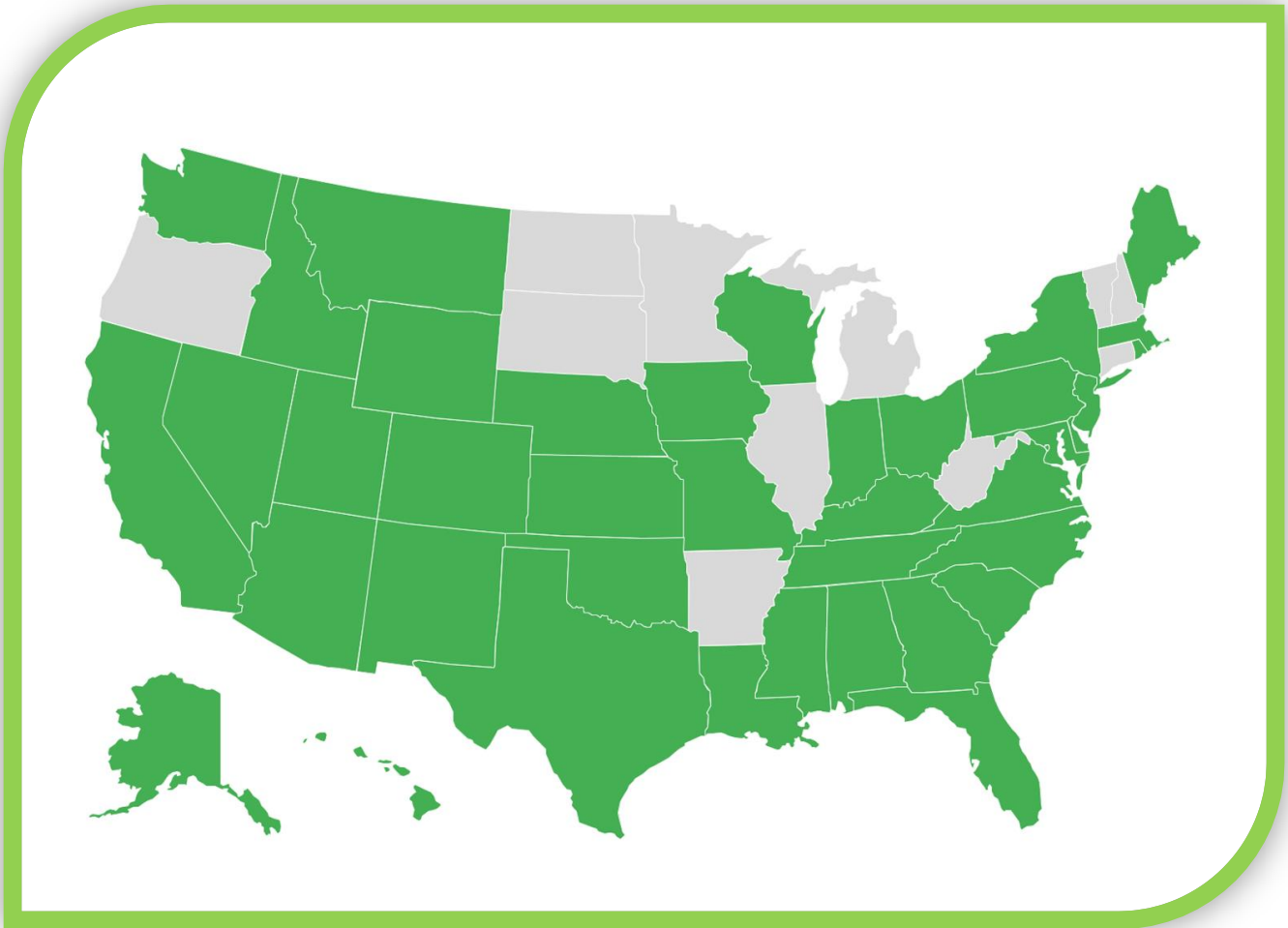
<sup>2</sup> FHWA/HPC-10. December 2006. The Administration of Federal-Aid Projects by Local Public Agencies.

<sup>3</sup> Office of Inspector General. July 15, 2011.

## Response Rate

Thirty-eight (38) of 51 FHWA Division Offices<sup>4</sup> responded to the survey (Figure 1). Three (3) respondents indicated in their responses to the first question that they did not have LPA programs, and thus were exempt from the remainder of the survey.<sup>5</sup>

**Figure 1. Survey Respondents (green indicates response received)**



<sup>4</sup> There are 52 FHWA Division Offices, one for each state and one for Puerto Rico and the District of Columbia, respectively. The Maryland Division Office response included information for Washington, D.C.

<sup>5</sup> See Q1 in the “LPA Size” section for more information.

## Survey Results

The following section synthesizes responses received for each survey question. The summary is organized according to the following question-type categories, which were used in the survey:

- LPA size
- LPA function
- LPA oversight practices at FHWA Division Offices
- LPA oversight practices at State DOTs
- LPA and consultant experience and training needs
- LPA Toolkit recommendations

Any additional clarifying narrative that respondents gave is noted in the summary for the corresponding question.



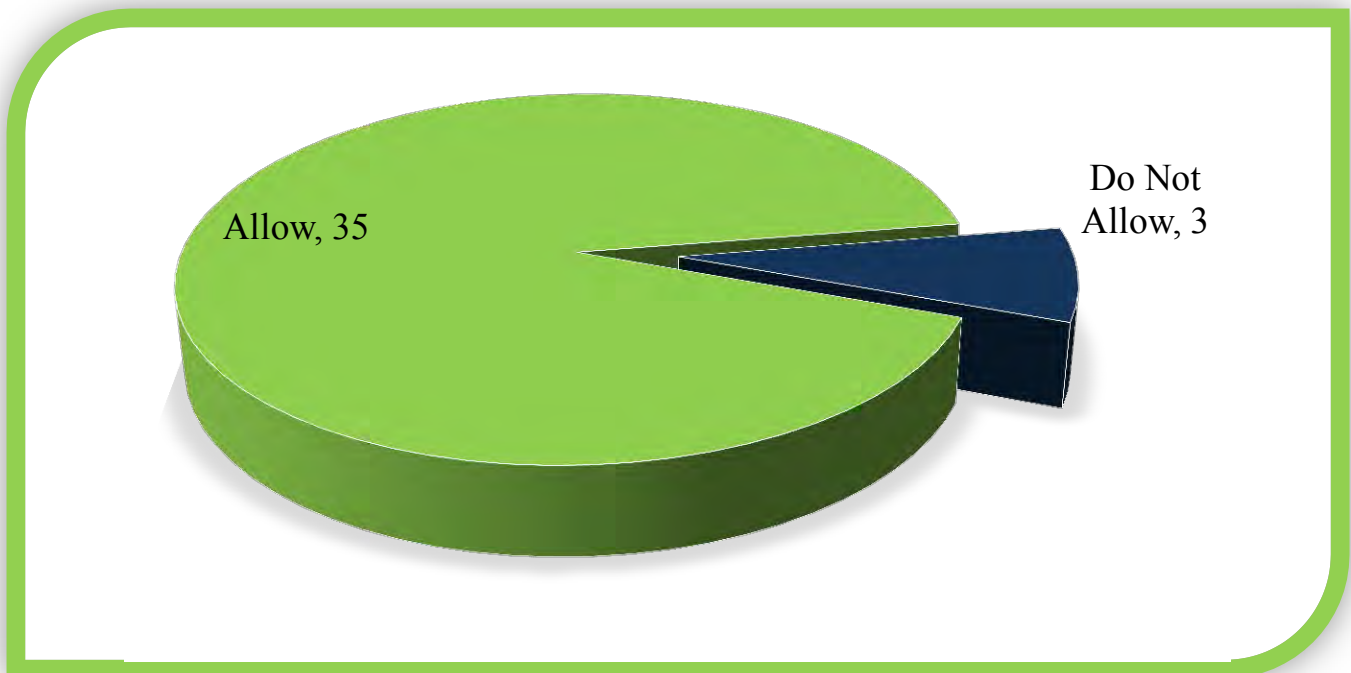
**Photo: Federal, State, and local public agency staff on a site visit to Oregon DOT's Solar Highway Demonstration Project (USDOT Volpe Center 2011).**

## Section 1: LPA Size

### Q1. Does your State allow LPAs to administer Federal-aid projects?

Nearly all respondents (92 percent) indicated that they do allow LPAs to administer Federal-aid projects. Alaska and Delaware indicated that they do not have LPA programs and thus do not allow LPAs to administer Federal-aid projects. Oklahoma also does not typically allow LPAs to administer Federal-aid projects. Instead, the Oklahoma DOT works one-on-one with each LPA when right-of-way (ROW) activities are to be performed (Figure 2). Additionally, New Jersey is currently phasing out its LPA program. Currently, LPAs in New Jersey only receive state funds for their projects, as there has been a belief that the Federal processes that are associated with using Federal funds may delay projects. However, it is unclear whether enough state funding will continue to be available to support the planned LPA projects. For this reason, New Jersey requires LPAs to adhere to Federal regulations in the event that LPAs receive Federal funds in the future (in which case, the New Jersey Division Office would ensure that the LPAs follow Federal regulations throughout the entire process).

**Figure 2. States that allow LPAs to administer Federal-aid projects**

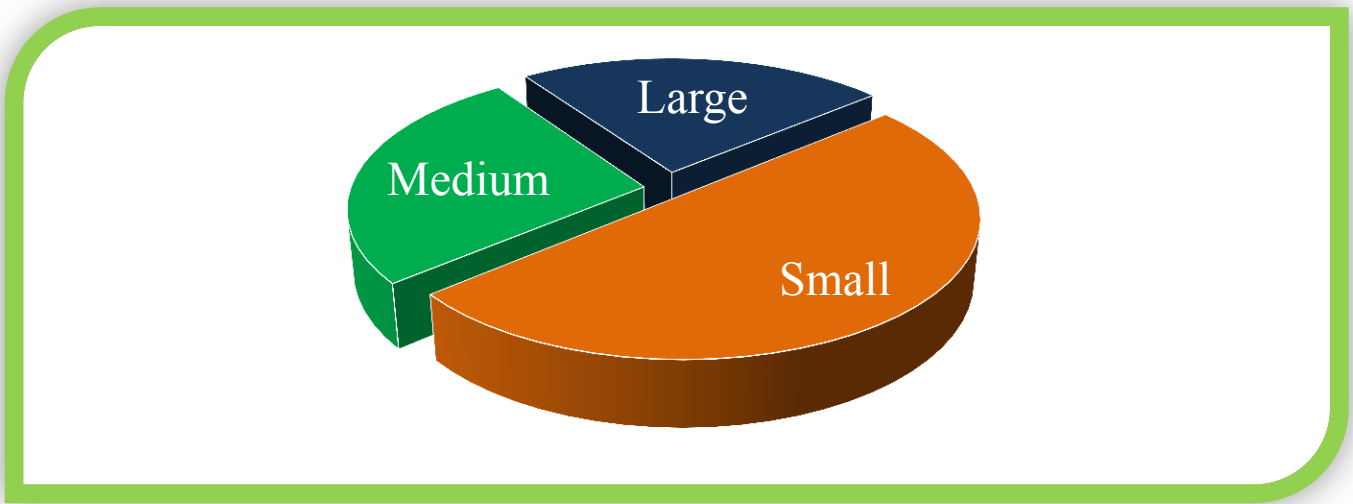




## Q2 and Q3. What is the size of your State’s LPA program?

FHWA asked two survey questions related to the size of States’ LPA programs. In the first (Q2), FHWA Division Offices were asked to choose one of three options regarding the size of their respective state’s LPA program: small (1-200 LPAs), medium (201-400 LPAs), and large (401-600 LPAs). Half of the respondents indicated that their States had small LPA programs. The remainder was split nearly equally, with “medium size” representing 26 percent and “large size” representing 24 percent (Figure 3).

**Figure 3. General size of States’ LPA programs**



In the second question on LPA size (Q3), FHWA Division Offices were asked to provide information on the size of the LPA programs in their respective states based on several measures. Some respondents noted that they do not track the size of their programs to the level of detail requested in the question (see “n=” for count of States that were able to provide data in Table 1).

**Table 1. Various measures of the size of LPA programs**

	# of LPAs receiving Federal-aid funds in 2013	# of active projects	# of projects involving ROW, including easement	Federal-aid funds authorized for local projects	% of total Federal-aid funds authorized for local projects
<b>Range</b>	1–197	1–1698	1–1540	\$1.14M–\$267.7M	1%–44% as: 6 States at 1–10% 13 States at 11–20% 1 State at 21–30% 2 States at 31–44%
<b>Mean</b>	60	260	106	\$84.3M	
<b>Median</b>	50	90	25	\$58	
<b>n=</b>	25	26	20	23	

Washington reported the highest number of LPAs receiving Federal-aid funds in 2013 (197); the most active projects (1698); as well as the highest amount (\$267.7M) and highest percentage (44%) of total Federal-aid funds authorized for local projects. Indiana reported the most LPA projects (1540) involving ROW. Montana is at the other end of the spectrum. The Montana Department of Transportation (MDT) previously administered an LPA program that was funded from a percentage of the State's Transportation Enhancements funding. LPAs managed projects under the program with oversight from MDT, but the projects typically did not require ROW acquisition. With the changes to funding programs based on Moving Ahead for Progress in the 21st Century (MAP-21), MDT is replacing its legacy program with a new certification program for LPAs to pursue the administration of Federal-aid funded projects. The new program is in its infancy, and currently only one LPA is certified.

Also of note is Kansas' voluntary Federal Fund Exchange Program. Each year, 20 percent of the Federal-aid funding that comes to Kansas DOT is made available to the State's LPAs. The majority of this "pass-through" of Federal funds is comprised of two programs: the Surface Transportation Program and the Highway Bridge Program. The funds under each of these categories are distributed to cities and counties based on federal law, state statute, or the policy of KDOT. The Federal Fund Exchange Program allows LPAs in Kansas the option to exchange their share of Federal-aid funding for State funding at an exchange rate of 80 cents for every \$1.00 of local Federal obligation authority exchanged. The state funds may be used for all phases of a project. These include, but are not limited to: preliminary engineering; ROW acquisition; utility relocations; construction; and construction inspection. Due to this program's success, the amount of Federal-aid funds that the LPAs have used in their projects has been reduced from the allotted 20 percent to 12 percent.<sup>6</sup>

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<sup>6</sup> More information is available at [www.ksdot.org/burlocalproj/BLPDocuments/Fund\\_Exchange\\_Program\\_Guidelines.pdf](http://www.ksdot.org/burlocalproj/BLPDocuments/Fund_Exchange_Program_Guidelines.pdf).

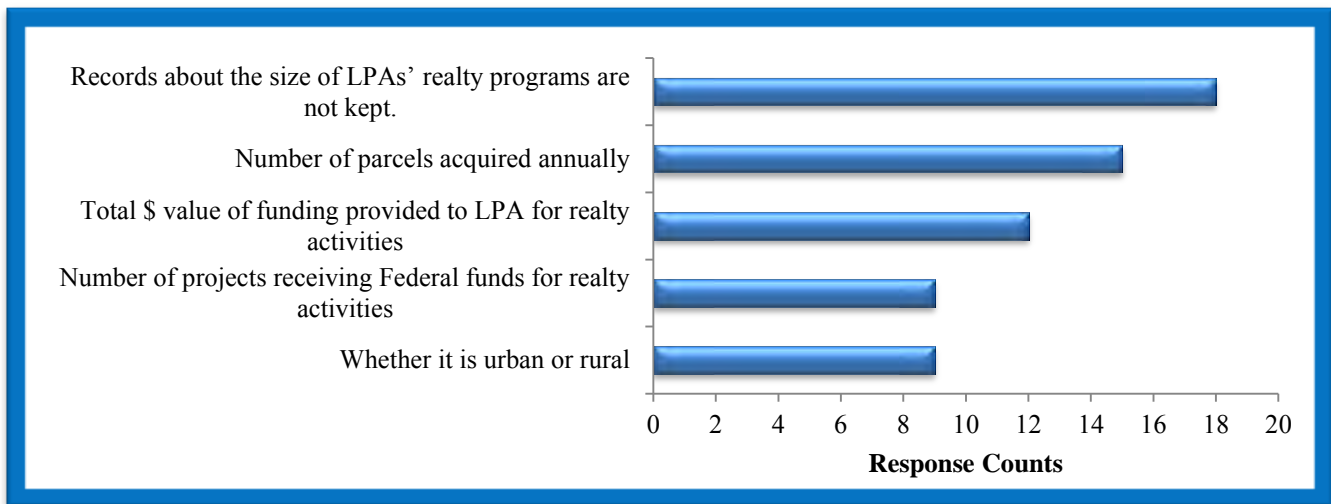
**Q4. Please indicate the ways your State measures the size of individual LPA realty programs.**

The survey offered the following response options for this question:

- Number of parcels acquired annually
- Number of projects receiving Federal funds for realty activities
- Total dollar value of funding provided to LPA for realty activities
- Whether it is urban or rural
- Other ways (list)
- Records about the size of LPAs' realty programs are not kept

Respondents provided the requested information in one of two ways. Some simply indicated whether they used the identified options to measure the size of individual LPA programs. Another smaller group provided specific figures for the identified options. It is assumed that since this latter group is able to provide specific figures, they use these methods to measure the size of their individual LPA realty programs, and are thus counted in Figure 4.

**Figure 4. Ways States measure the size of individual LPA realty programs**



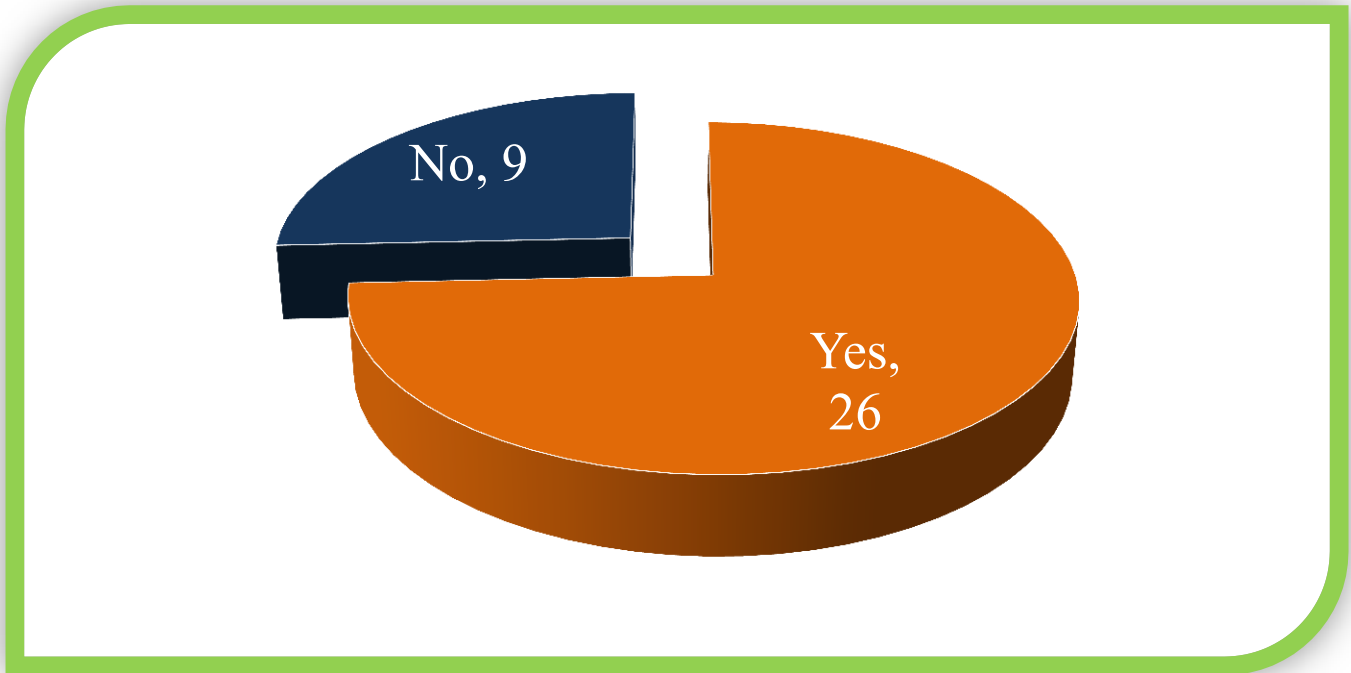
More than half of the respondents to this question (56 percent) do not keep records about the size of their LPAs' realty programs. For those States that do, the most common approaches used are tracking the number of parcels acquired annually and tracking the total funding amounts provided to LPAs for realty activities.

## Section 2: LPA Functions

### Q5. Do LPAs in your State appraise ROW?

LPAs in most responding States are allowed to appraise ROW. One State qualified its answer by stating that its LPAs could appraise ROW if they had qualified staff available but that such instances are extremely rare. In States where LPAs do not appraise ROW, they likely hire fee appraisers from a list of certified/pre-qualified appraisers, or State reviewers complete the appraisals (Figure 5).

**Figure 5. States with LPA Programs that allow LPAs to appraise ROW**



## Q6. Do LPAs in your State acquire ROW?

LPAs in all 35 States responding to this question that have LPA programs acquire ROW. In four of those States—Idaho, Indiana, Pennsylvania, and Wyoming—consultants conduct acquisitions on the LPAs' behalfs. In the remaining States, both consultants and LPAs themselves (in-house) conduct ROW acquisitions.



**Photo: Decorah, Iowa- The Trout Run Trail with this pedestrian bridge as part of the 11 mile loop**

## Q7. Did any LPAs in your State participate in Federal-aid projects that required the relocation of displaced or personal property in FY13?

More than two thirds of the responding States (66 percent) indicated that their States had LPAs that participated in Federal-aid projects requiring the relocation of displaced or personal property in FY13.<sup>7</sup> Of the 12 States that did not have LPA Federal-aid projects with relocations in FY13, one mentioned that it does not allow LPAs to perform relocations. In that State, only qualified consultants or State DOT personnel are allowed to complete relocations.

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<sup>7</sup> Indiana noted that the LPA project with relocations for which it was replying occurred in FY12.

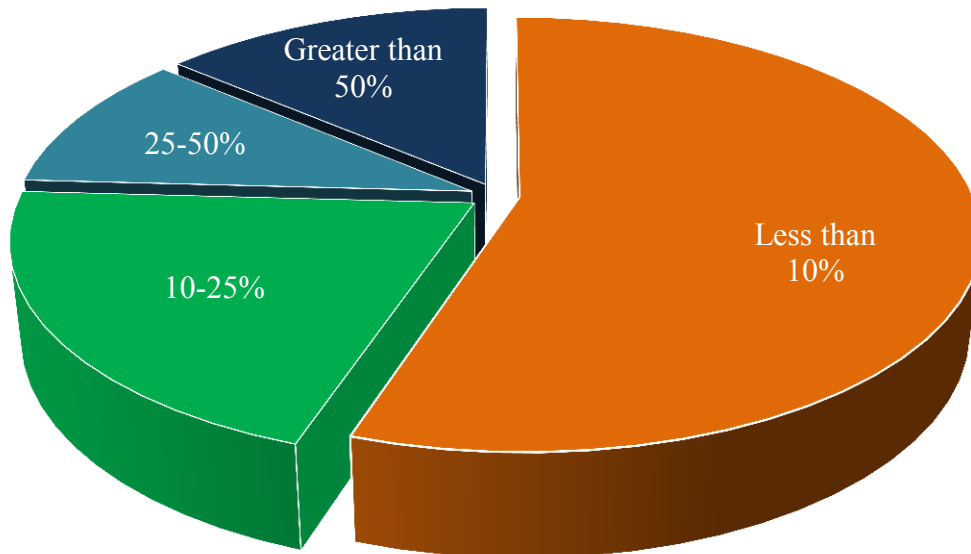
**Q8. What proportion of LPAs in your State do you believe can successfully complete complicated acquisitions, relocations, and appraisals?**

Overall, most respondents do not believe LPAs in their States can successfully complete complicated acquisitions, relocations, and appraisals (

Figure 6). This is the case regardless of the size of the States' LPA programs as determined by the number of LPAs in each State, i.e., Question 2. Specifically, 76) percent (out of 22 respondents) noted that they believe 25 percent or fewer of their States' LPAs can successfully accomplish these activities; over half of this group believed the proportion is closer to 5 percent or less. Four States indicated that none of their LPAs could successfully complete the ROW activities.

In contrast, five States believe 50 percent or more of their LPAs can successfully complete complicated acquisitions, relocations, and appraisals. California noted that it believes all of its LPAs could accomplish the tasks, "otherwise we should not provide them with funds."

**Figure 6. Proportion of LPAs believed to be able to successfully complete complicated acquisitions, relocations, and appraisals\***



*\*Note: The bins in this chart are not sized equally. "Less than 10%" is separated out due to the large number of respondents who indicated that their LPAs' abilities to successfully complete ROW tasks were limited.*

## Section 3: LPA Oversight Practices at FHWA Division Offices

**Q9.** How do you ensure that LPAs do not overlook the ROW phase and that all necessary ROW is being acquired to construct the project?

FHWA intended responses to these questions to address FHWA Division Office oversight specifically. However, respondents also provided information about State DOTs' oversight practices as well. Information regarding both Division Office and State DOT practices is included in this section, as it is difficult to differentiate between the two in the respondents' comments.

**ROW Certification and periodic process reviews**—Eleven States indicated that they ensure that LPAs do not overlook the ROW phase and that all necessary ROW is being acquired to construct projects via a ROW certification process. This was the most cited approach used. The next most common approach mentioned was periodic process or program reviews. Eight States indicated that they use this approach, with the Iowa Division Office adding that once the Division Office authorizes a project's ROW it contacts the DOT's LPA ROW section to remind the DOT to reach out to the LPA to discuss the project in question and to offer assistance and direction.

**General oversight process**—Seven States indicated that their general oversight process ensures that LPAs do not overlook the ROW phase. Nebraska's Department of Roads (NDOR), for example, reviews every tract of every LPA ROW project for Uniform Act compliance. NDOR also reviews all LPA plans to ensure that ROW needs are adequate. In Mississippi, the FHWA Division Office coordinates reviews with the Mississippi DOT's (MDOT) ROW Division, which must provide the ROW certificate for every LPA project. If the LPA needs to acquire ROW for a project, the LPA must contact the MDOT District ROW coordinator before ROW acquisition begins. The MDOT coordinator reviews the LPA's ROW project before the certification is completed. Additionally, the FHWA Mississippi Division Office reviews MDOT's LPA manual to ensure that LPAs are clearly informed of the proper procedures to successfully complete projects.

**Random, project-level spot checks**—Four States noted that they use random, project-level spot checks to ensure that LPAs do not overlook the ROW phase. Arizona, for example, conducts spot checks based on a risk assessment of current LPA projects. Utah does project file spot checks after kick-off meetings with LPAs. Similarly, in Tennessee, the FHWA Division Office does spot

checks in conjunction with Tennessee DOT Headquarters on projects that are less than two years old to ensure LPAs are meeting all requirements.

**State-provided training**—Four States mentioned that they provide State-specific training to LPAs and local project managers to teach them about Federal ROW requirements and procedures. In Texas, when the DOT becomes aware of a project that requires local acquisition of ROW, it schedules training with the LPA on the Uniform Act and related Federal and State laws that govern ROW acquisition and relocation.

**Early coordination**—Four States noted that their DOT ROW personnel are encouraged to coordinate early and often with LPAs to ensure that all ROW acquired for or in anticipation of Federally-funded projects meets Uniform Act requirements. In South Carolina, the DOT has established LPA procedures that include several review/approval milestones. This approach guarantees that the DOT and LPA are closely coordinated throughout the ROW phase.



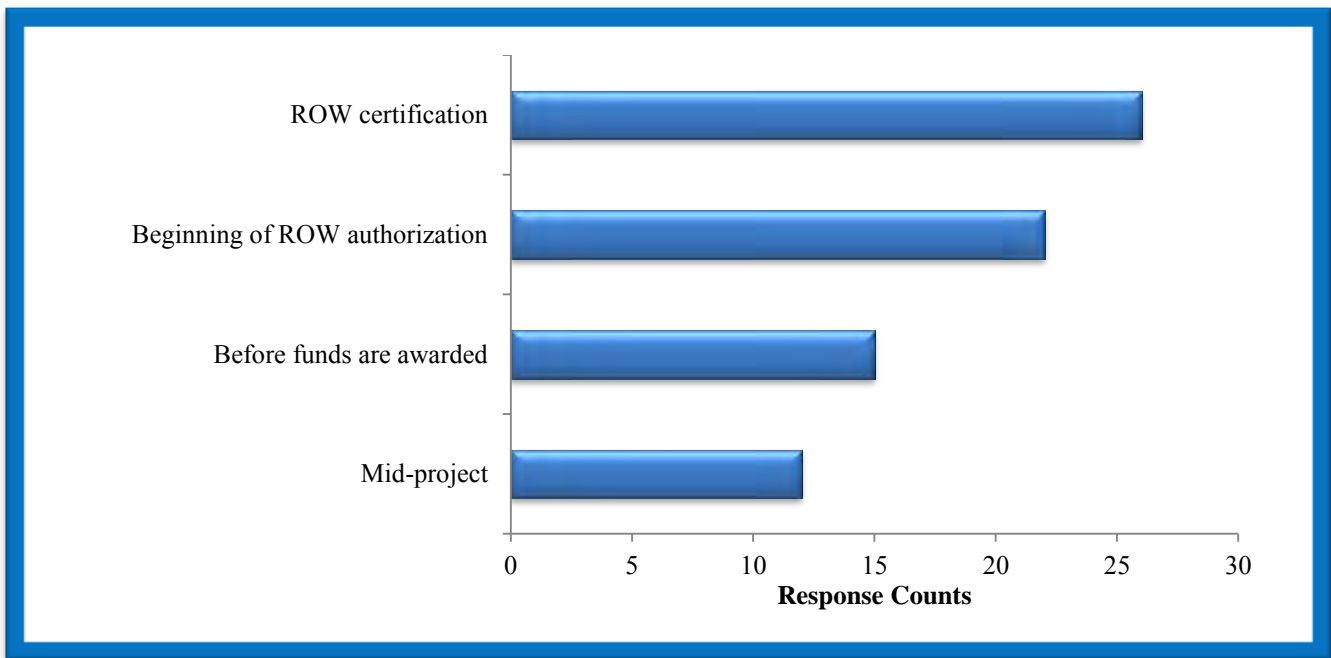
**Photo: Transportation Agent reviewing the plans for a roadway project which has advanced to the construction phase.**



### Q10. At what stages does the FHWA Division Office confer with the State DOT regarding ROW for projects?

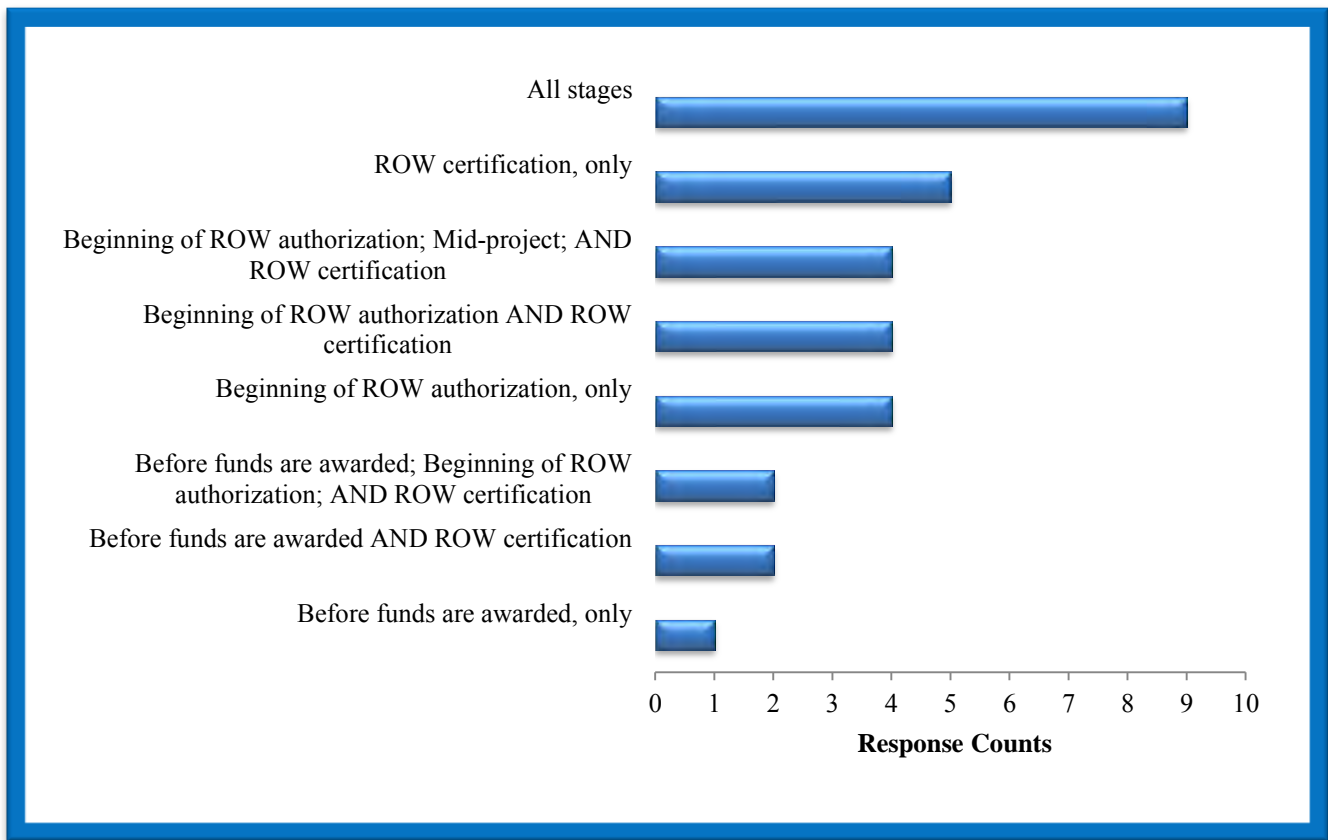
All responses taken together, FHWA Division Offices are most likely to confer with their State DOTs regarding ROW for LPA projects during ROW Certification (Figure 7). Twenty-six respondents noted that they interact with their respective DOTs at that milestone. Slightly fewer respondents (22) mentioned that they confer with the State DOT regarding ROW at the beginning of ROW authorization.

**Figure 7. When FHWA Division Offices confer with State DOTs regarding ROW (all responses combined)**



When considered separately, responses varied as to when individual Division Offices confer with the State DOT regarding ROW ( Figure 8). Twenty-one Division Offices confer with the State DOT in at least two stages, and nine respondents confer with their State DOTs in “all stages” of the process. After that, seven States said that they conferred with their States’ DOTs on ROW issues as needed or when requested.

**Figure 8. When individual FHWA Division Offices confer with State DOTs regarding ROW**

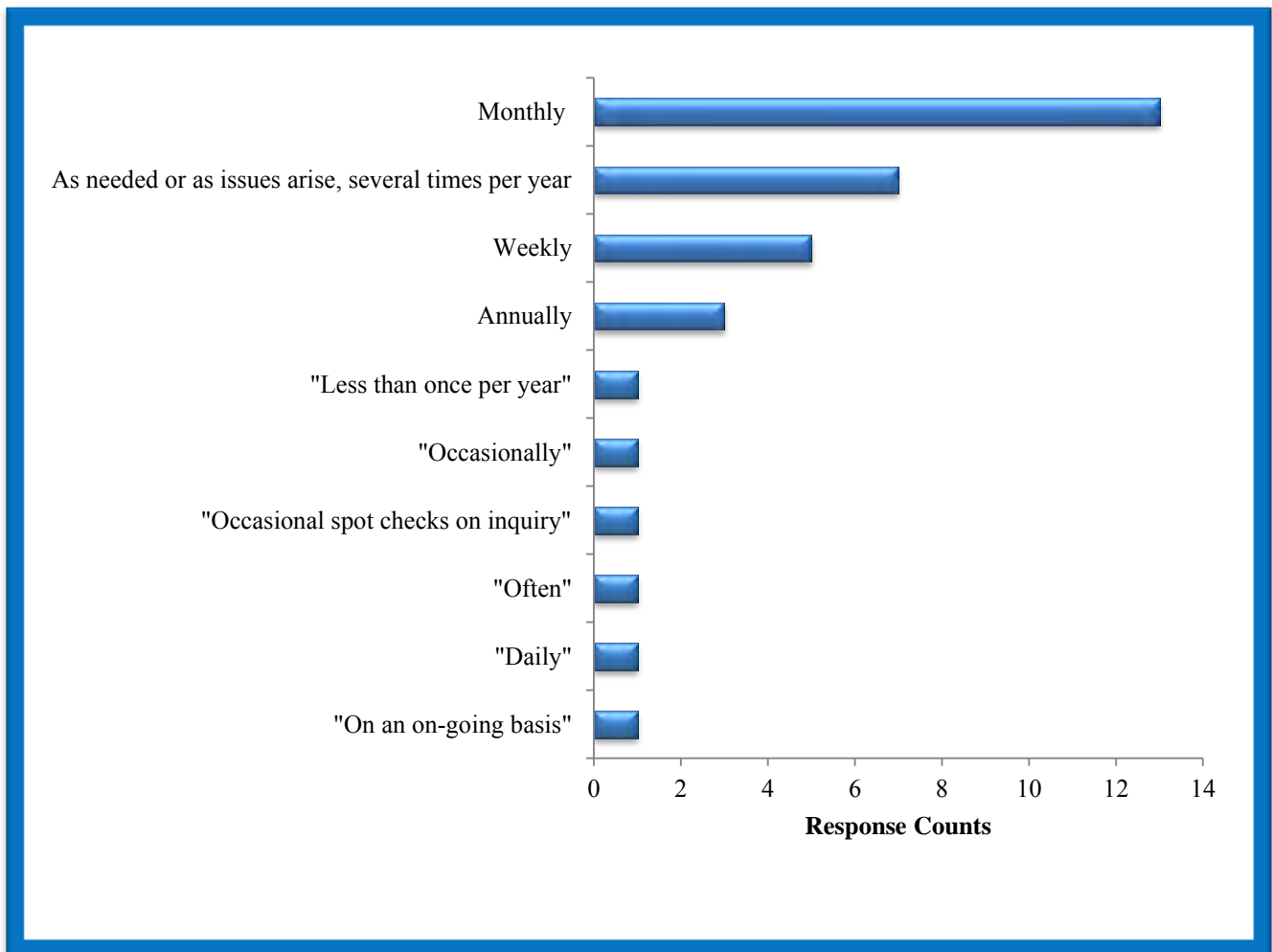


Additionally, the Colorado Division Office confers with Colorado DOT on ROW issues at the time of reimbursement. The Idaho Division office noted that there currently is no project-level FHWA review or oversight on ROW issues in Idaho.

### Q11. How frequently does the FHWA Division Office confer with the State DOT regarding LPA ROW projects?

Most FHWA Division Offices confer with State DOTs regarding LPA ROW projects on a monthly basis (Figure 9). Others indicated that they coordinate with their State counterparts as needed or as issues arise. Some respondents noted that this could result in communicating with the State DOT as frequently as several times per week or as infrequently as quarterly. Only one respondent mentioned that the FHWA Division Office confers with the State DOT regarding LPA ROW projects less than once per year.

**Figure 9. How often FHWA Division Offices confer with State DOTs regarding LPA ROW projects**

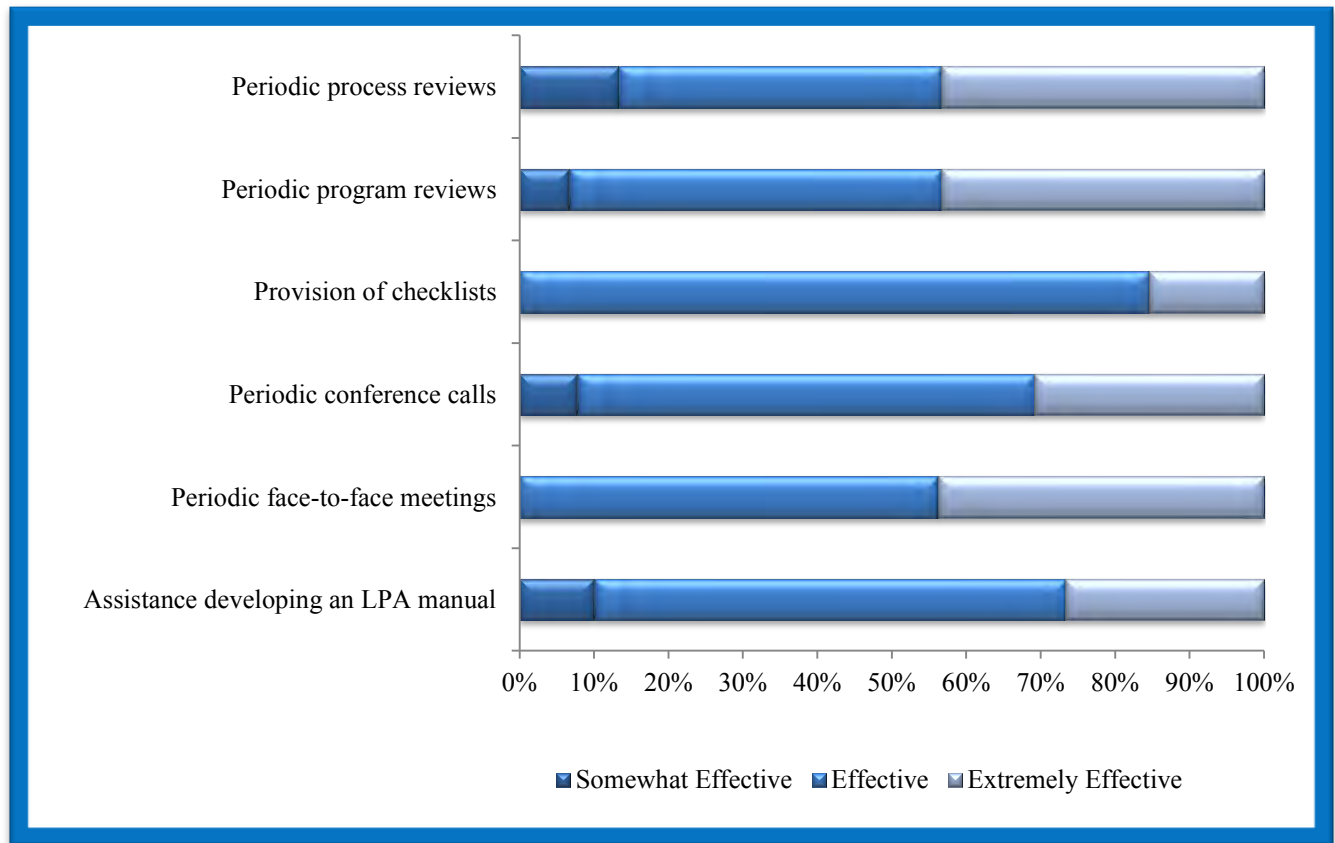


## Q12. How helpful are various FHWA Division Office practices in ensuring State DOTs comply with realty standards, policies, and procedures?

Generally, respondents consider all of the practices that were choices in the survey to be effective in ensuring State DOTs comply with realty standards, policies, and procedures. Periodic face-to-face meeting was identified as the most effective approach, having received the largest number of “extremely effective” rankings and no “somewhat effective” rankings.

Periodic process reviews received the most “somewhat effective” rankings, followed by assistance developing an LPA manual. However, in both cases, respondents believing these practices were at least “effective” represented the large majority ( Figure 10).

**Figure 10. Effectiveness of FHWA Division Office practices**



**Q13. When did your FHWA Division Office last conduct a process review, program review, or Inspection-in-Depth review of the realty phase of LPA-administered projects?**

More than half of the 31 respondents to this question are currently conducting a review of the realty phase of LPA-administered projects or have done so within the last 18 months. Nearly 80 percent of the respondents have conducted a review within the past 5 years (2009—2014).

Twenty-eight of the respondents (60 percent) indicated having made significant findings during these reviews that then led to corrective actions. For example, one Division Office found the State DOT was inappropriately using the appraisal waiver provision and was compelled to revoke the DOT's ability to use the provision on Federal-aid projects until it complied with federal regulations. In another case, the Washington State Division Office conducted an LPA ROW program review in 2011 and found that while Washington State DOT (WSDOT) provided excellent technical assistance to its LPAs, the DOT needed to improve its oversight activities. Based on recommendations in the Division Office's report, WSDOT developed two new chapters for the WSDOT ROW Manual: one on LPA program oversight and one on ROW certificates. WSDOT also developed standardized forms that outline LPA review requirements, and regional staff began conducting spot check reviews and ROW Certification reviews. WSDOT headquarters personnel now track the results of these reviews to identify trends.



**Photo: Typical urban transportation project improvement of an urban two lane roadway with sidewalks and bike path.**

## Section 4: LPA Oversight Practices at State DOTs

Q14 , Q15, and Q16. Who at the State DOT is responsible for oversight of LPAs' ROW activities?

Three survey questions dealt with who is responsible for oversight of LPAs' ROW activities. The first concerned what discipline or office at the State DOT conducts oversight (Q14); the second asked whether such functions were carried out centrally or in the DOT districts (Q15); and the last requested respondents to estimate the amount of time that LPA Realty Coordinators' time is allocated to ROW projects.

Twelve respondents indicated that the DOTs in their States have LPA realty coordinator positions in their Headquarters offices only—a position that they noted was typically found in the State DOT's ROW Office. Fourteen respondents indicated that the DOTs in their States have decentralized LPA realty coordinator positions in their district or regional offices; half of this latter group also has LPA realty coordinators in their Headquarters offices.

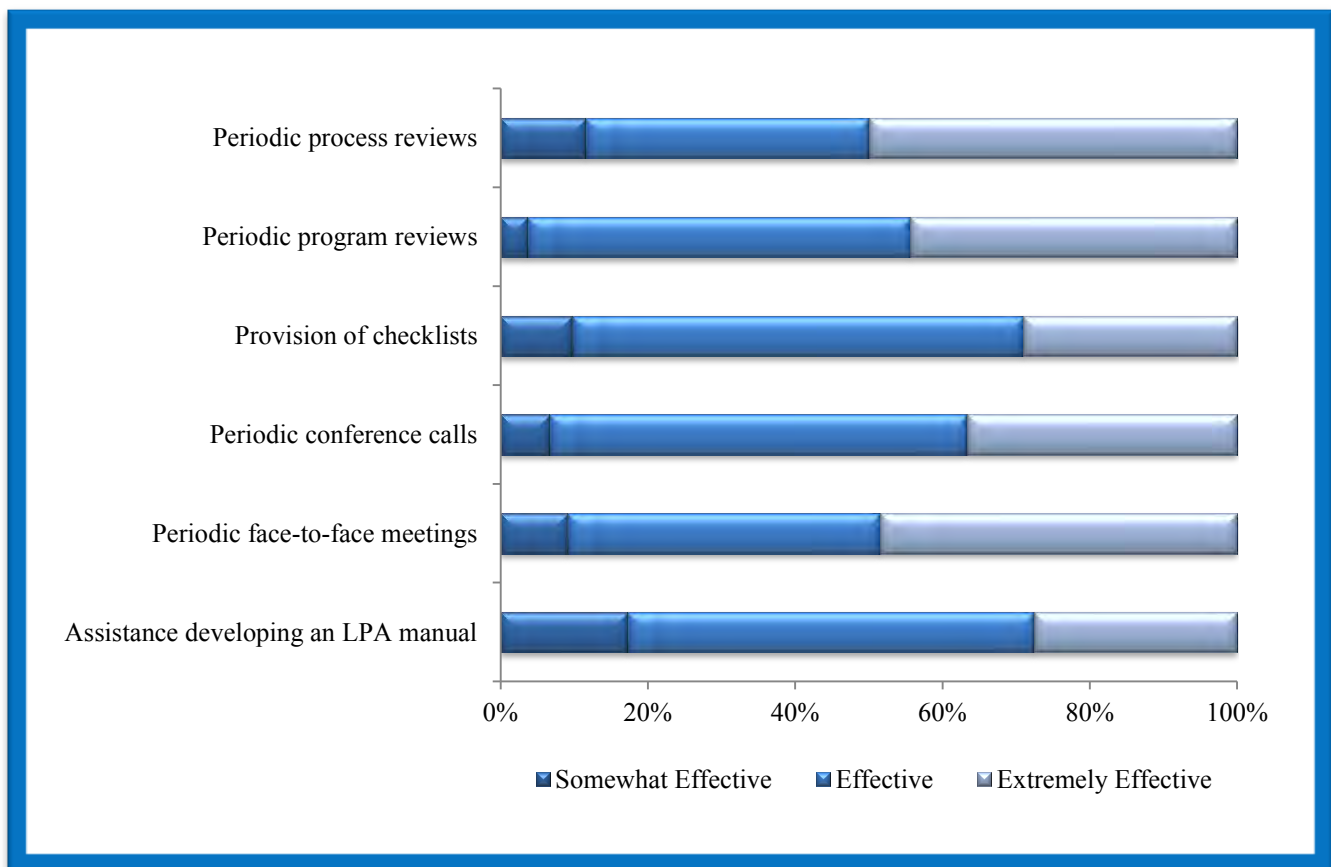
On average, respondents have approximately 3 LPA realty coordinators each, but only 7 of 18 States indicated having LPA realty coordinators whose full job responsibilities were related to ROW projects. Most LPA coordinators spend less than 50 percent of their time on ROW projects, according to respondents, with the exact percentage being dictated by factors such as the region in which the project is occurring, the staff available, and the size of the LPA program. Texas reported the most LPA coordinators (16). TxDOT's decentralized ROW agents and attorneys serve as LPA coordinators for project specific needs, while its Headquarters office leads policy guideline efforts. Eight States reported having no LPA realty coordinators at all.

### Q17. How effective are various State DOT practices in ensuring that LPAs comply with realty standards, policies, and procedures?

Generally, most respondents consider all of the practices that were choices in the survey to be at least effective if not extremely effective in ensuring LPAs comply with realty standards, policies, and procedures. Periodic program reviews was identified as the most effective approach, having the largest number of combined “effective” and “extremely effective” rankings and fewest “somewhat effective” rankings (Figure 11).

Periodic conference calls and face-to-face meetings also ranked high among a majority of respondents. Some respondents commented that continuous interaction between State DOTs and LPAs was a key to ensuring LPA compliance. However, WSDOT also noted that the effectiveness of certain practices may be dependent on the LPA or particular project in question. For example, WSDOT has been encouraging better coordination between Local Agency ROW Coordinators and engineering staff, but there are still situations in which coordination does not occur.

**Figure 11. Effectiveness of State DOT Practices**

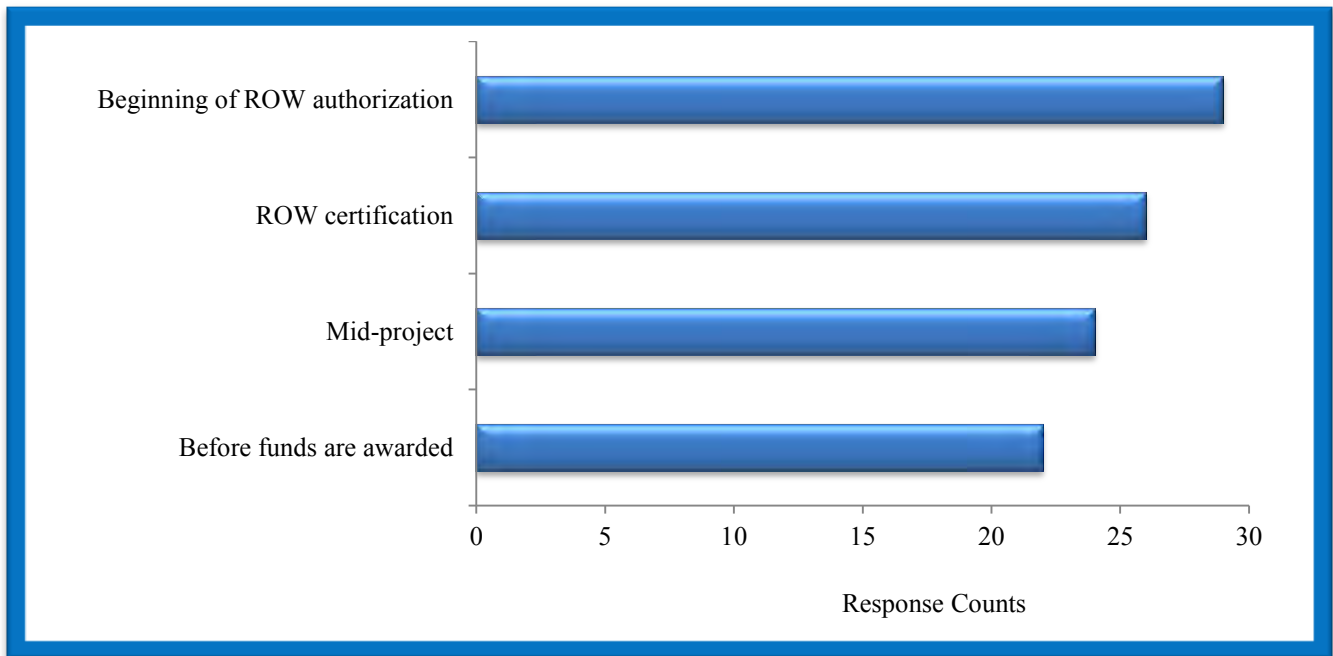


### Q18. At what stages does the State DOT confer with the LPAs regarding ROW for projects?

All responses taken together, the beginning of ROW authorization is the stage where the State DOT is most likely to confer with LPAs regarding ROW for projects (

Figure 12). Twenty-nine respondents noted that their respective State DOTs interact with LPAs at that milestone. Slightly fewer respondents (26) mentioned that the DOTs in their States confer with LPAs regarding ROW at the ROW certification stage. A majority of respondents also indicated that State DOTs confer with LPAs before funds are awarded, as well as mid-project.

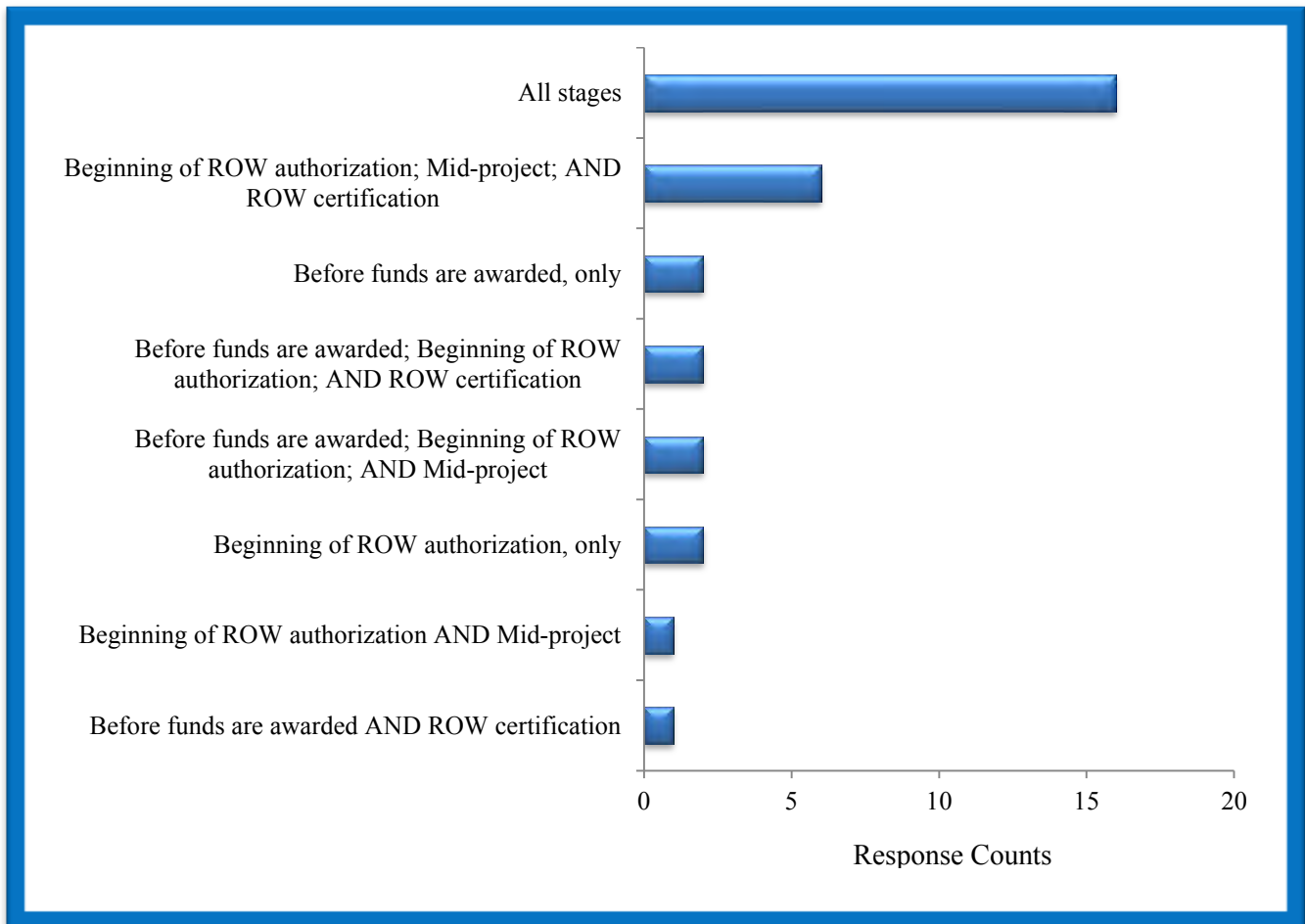
**Figure 12. When State DOTs confer with LPAs regarding ROW (all responses combined)**





When considered individually, most State DOTs generally confer with LPAs regarding ROW for projects at all stages of the process. One respondent added that the DOT coordinates with LPAs at all stages of the process and “in between all those stages.” Few respondents indicated that the State DOT only interacts with LPAs at one or two milestones in the ROW process ( Figure 13).

**Figure 13. When individual State DOTs confer with LPAs regarding ROW**



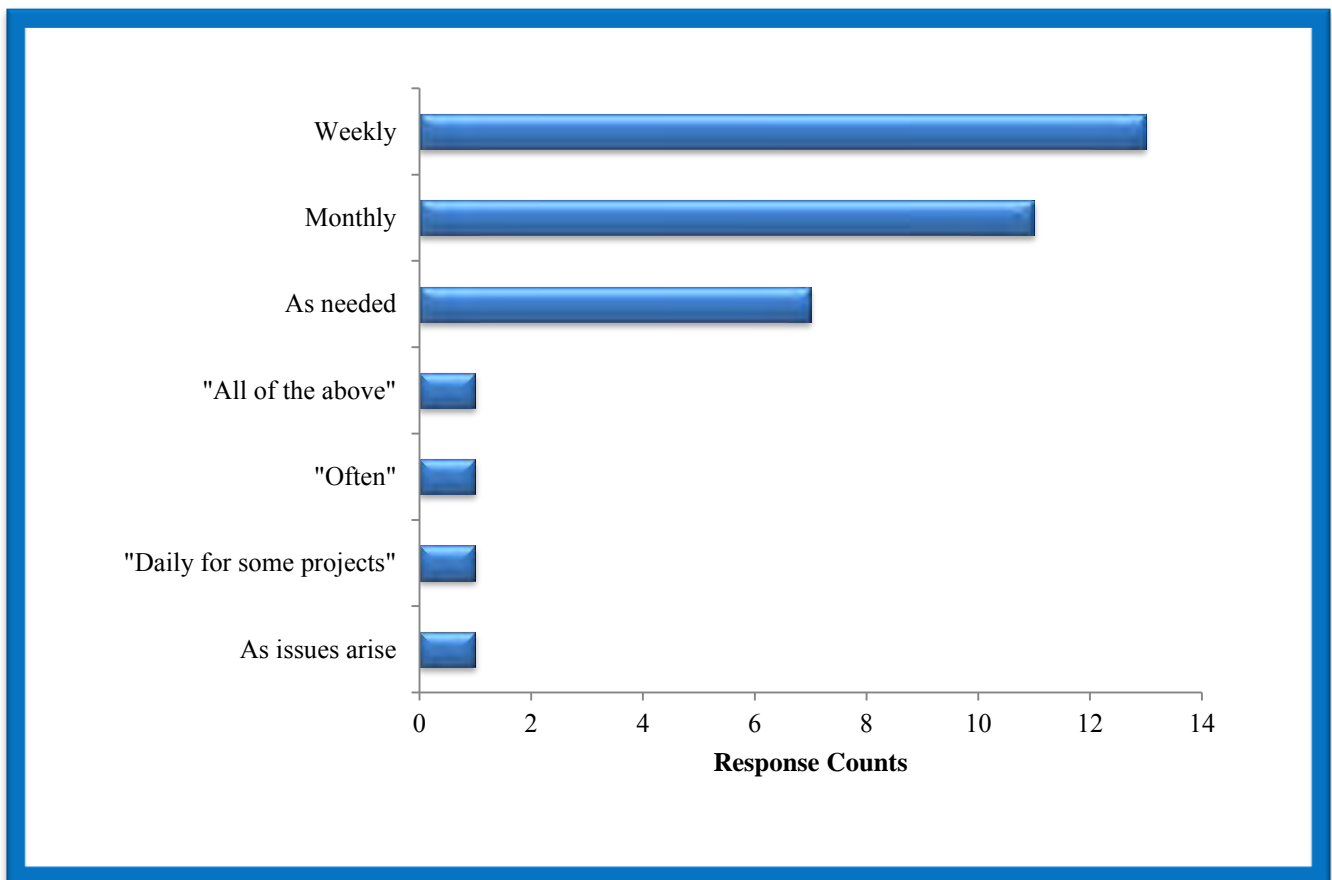
Other write-in responses received include:

- As needed: 2 responses
- At reimbursement: 1 response
- ROW plans approval: 1 response
- Multiple times during acquisition submittals: 1 response
- Prior to PS&E and authorization for bid: 1 response
- Planning and design stages: 1 response

## Q19. How frequently does the State DOT confer with LPAs regarding ROW projects?

Most State DOTs confer with LPAs regarding ROW projects on either a weekly or monthly basis. Twenty percent of State DOTs coordinate with their LPAs as needed or requested. Generally, respondents indicated that State DOTs confer with LPAs regarding ROW projects more frequently than do FHWA Division Offices with State DOTs on the same topic (Figure 14). Washington added that the regularity of State DOT and LPA interaction regarding ROW projects depended on the LPA in question and degree of familiarity the WSDOT Local Agency Coordinator (LAC) has with the LPA's project(s). WSDOT has been working to improve its internal communication and coordination processes to ensure that the LACs are notified of projects early in project delivery rather than finding out about projects when LPAs submit a request for a ROW Certification review.

**Figure 14. How often State DOTs confer with LPAs regarding ROW projects**

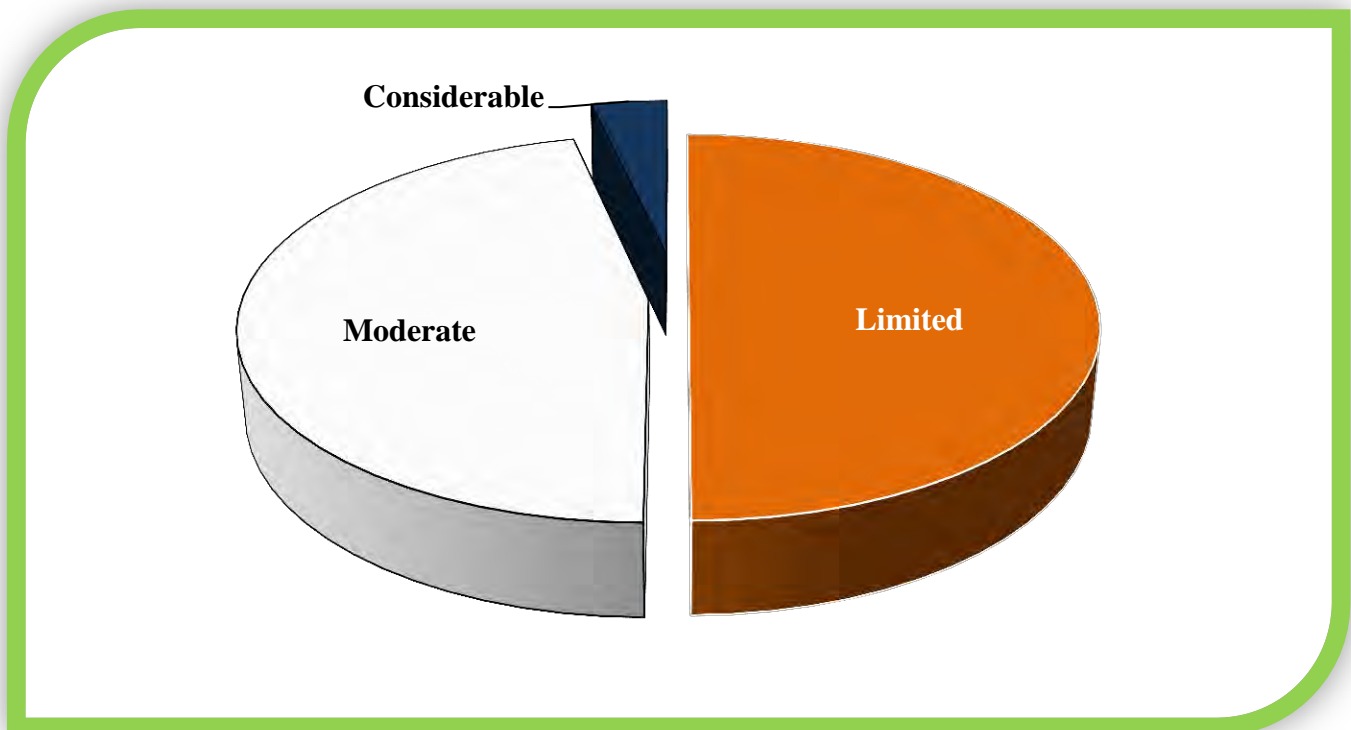


## Section 5: LPA and Consultant Experience and Training Needs

Q20. In general, what level of experience do the LPAs in your State have regarding the Uniform Act and its requirements?

Half of the respondents indicated that LPAs in their States had “limited” experience regarding the Uniform Act and its requirements. Forty-six percent of respondents indicated that their LPAs have “moderate” experience with the Uniform Act and its requirements. Only one State believed its LPAs had “considerable” experience on the topic (Figure 15).

**Figure 15. LPA experience with the Uniform Act and its requirements**

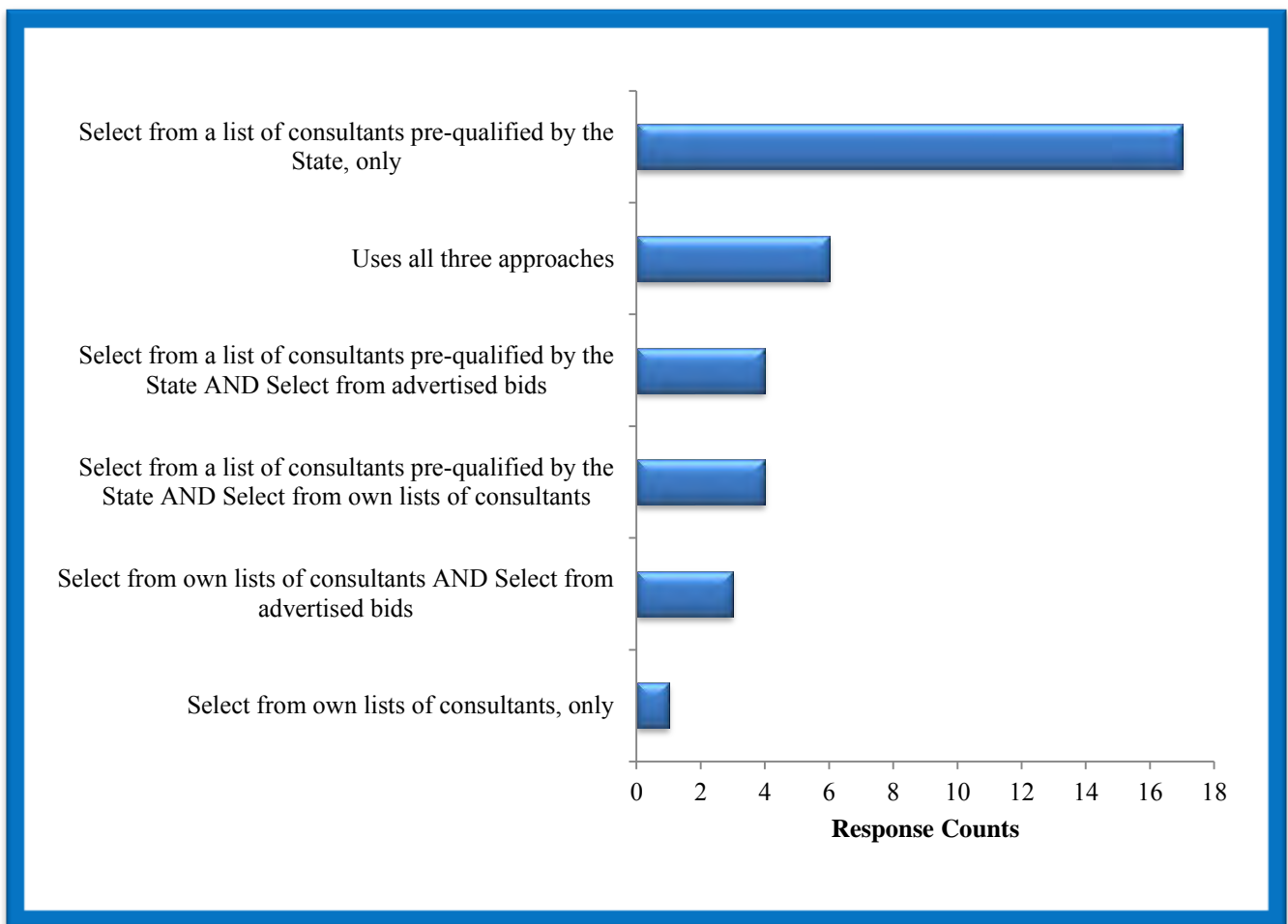


Some respondents provided more detailed written comments. According to one respondent, 50 percent of LPAs have no experience at all; 40 percent have limited experience; 5 percent have moderate experience; and the remaining 5 percent have considerable experience. Another said that only 10 percent of its State’s LPAs have the ability to conduct ROW activities. Conversely, one State noted that LPAs must have an acceptable level of experience to conduct a ROW project; otherwise the LPA is required to hire consultants or other agencies that are sufficiently experienced.

## Q21. How do LPAs choose consultants for their Federally-assisted projects?

LPAs most commonly use a State list of pre-qualified consultants to select consultants to work on Federally-assisted projects (Figure 16). However, 17 States use more than one method to select consultants. Selecting from advertised bids, from their own lists of consultants, and from advertised bids appear to be equally common methods of selecting consultants—although overall less common selecting from a pre-qualified list.

**Figure 16. How individual States' LPAs choose consultants for Federally-assisted projects**



Several respondents noted that the method used to choose a consultant for a Federally-assisted project depended on the amount of funding involved and the ROW services required. Missouri DOT (MoDOT) requires the selection of engineering consultants through a solicitation of qualifications for consultant contracts over \$100,000. For contracts under \$100,000, LPAs are able

to select from a list of prequalified consultants that MoDOT manages. In South Carolina, LPAs follow their own procurement procedures for issuing Requests for Proposal (RFPs) and Requests for Qualifications (RFQs), but the consultant that a given LPA selects must be on a SCDOT preapproved list for acquisition, appraisal, and appraisal review. Similarly, in Kentucky, LPAs are required to submit an RFQ to procure consultants or otherwise use Kentucky's statewide LPA contract or the Finance Cabinet's master agreement list.



**Photo: Aerial view of a transportation project.**

**Q22 and Q23. How does your State DOT ensure that LPAs and their consultants are qualified to conduct the realty phase on Federally-assisted projects?**

Two questions dealt with the methods State DOTs use to ensure that LPAs (Q22) and their consultants (Q23) are qualified to conducted the realty phase on Federally-assisted projects. Review of past performance was the most cited approach used to determine qualifications of both groups (Table 2), followed by staff credentials for LPAs and certification/pre-qualification for consultants. One respondent noted that LPA capabilities are also assessed during the application for certification to administer a Federally-funded project. In South Carolina, each LPA to be certified must submit a qualification package to SCDOT that outlines their experience and past performance. Similarly, Washington is in the process of developing requirements for LPA and consultant staff to show that they are qualified to perform realty activities. None of the requirements other than the review of an LPA statement explaining its qualifications have been implemented to date. Florida’s LPAs are responsible for the selection of their consultants based on DOT criteria.

**Table 2. Number of responses regarding how State DOTs ensure LPAs and LPA consultants are qualified**

	LPAs	LPAs’ consultants
<b>Review of past performance managing the realty phase of Federally-funded projects</b>	22	18
<b>Staff credentials</b>	15	11
<b>Completion of required realty training</b>	11	7
<b>Completion of voluntary training</b>	7	4
<b>Certification</b>	1	12
<b>Selected from a pre-qualified consultant pool</b>	1	12

A moderate number of respondents indicated that LPAs and their consultants both are required to take training courses. Several States provided additional details on the curricula offered (required and not required):

- **Georgia.** Georgia DOT requires a standalone realty course called “ROW for Local Governments.”
- **Indiana.** In order to receive funds, LPAs in Indiana must delegate a responsible person in charge of the project to attend a standalone realty training course designed for LPAs.

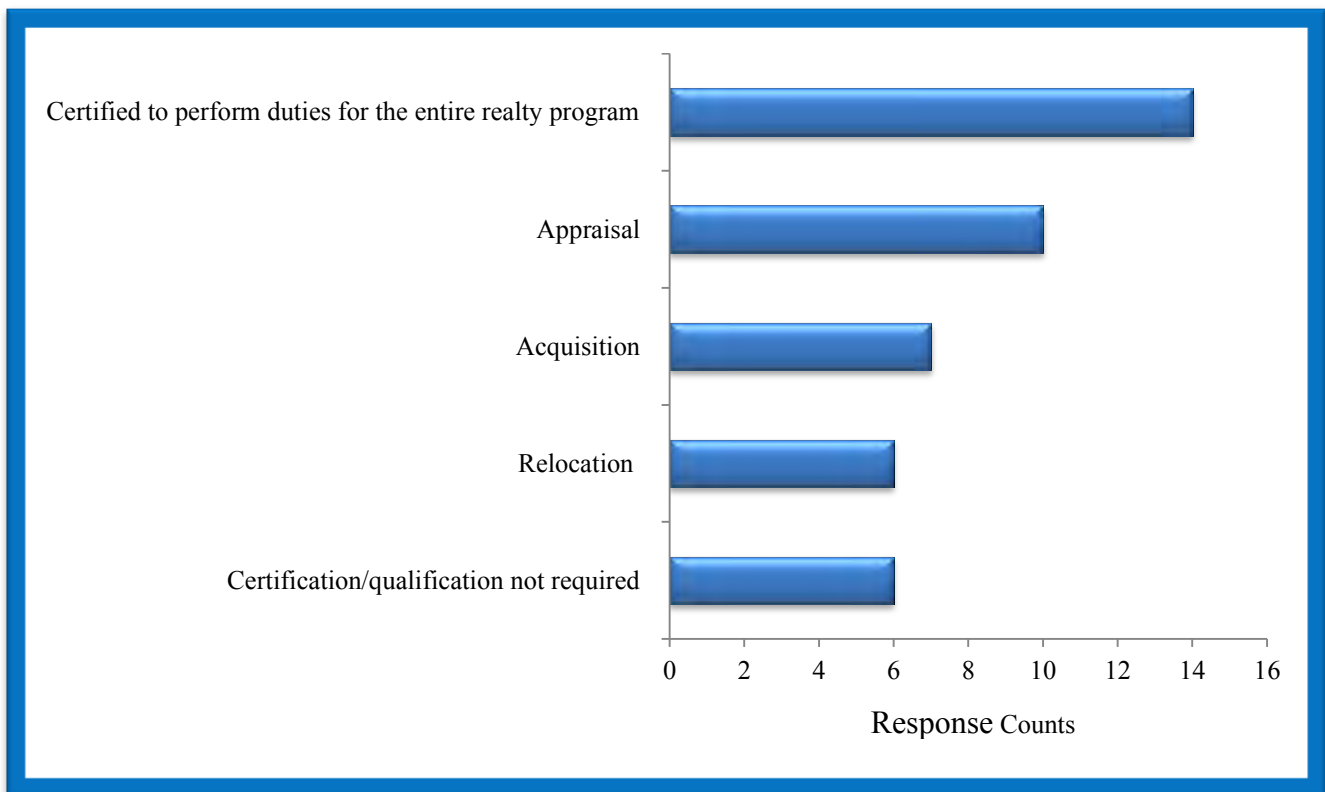
- **Maryland.** Maryland offers three standalone realty courses, which are not required. One focuses on Appraisal/Appraisal Review and is three days long. The others, which are both two days long, are in regards to Federal-aid land acquisition and contracting for ROW services, respectively.
- **Massachusetts.** MassDOT requires that LPAs take three courses: (1) How to help your Municipality move your Federal Aid project forward; (2) Complete Streets & Title VI training; and (3) 50 Ways to Lose Your Funding. The latter course is a standalone realty training course.
- **Mississippi.** Mississippi requires that LPAs and their consultants take FHWA's LPA training. There also is a biannual LPA workshop, which incorporates a realty element (approximately 10 percent of the workshop). The workshop provides LPAs and their consultants an opportunity to learn about the ROW phase, although it is not required.
- **Missouri.** MoDOT and FHWA offer a number of training opportunities for LPAs and their consultants. The full list is available at [www.modot.org/business/lpa/cert\\_train.htm](http://www.modot.org/business/lpa/cert_train.htm). FHWA's "ROW 101" course is required. The course is intended to help ensure that LPAs understand how to fully comply with Federal requirements and that they are able to retain all eligible Federal funding in their projects' ROW activities.
- **Nebraska.** NDOR uses the National Highway Institute's (NHI) Real Estate Acquisition under the Uniform Act Overview course (FHWA-NHI-141045), as well as the web-based "LPA Real Estate Acquisition" course. Both are standalone realty courses. It also offers a 64-hour, State-specific LPA training that dedicates 6 hours to realty topics.
- **Ohio.** Ohio DOT offers 32 real estate training courses annually, all of which are standalone realty courses.
- **Texas.** Texas offers a 12-hour "Local Government Project Procedures Qualification for TxDOT" course. Approximately 20 percent of the course is realty focused.
- **Wisconsin.** Wisconsin DOT has used NHI's Acquisition under the Uniform Act Overview course.
- **Wyoming.** Fifteen percent of Wyoming DOT's LPA certification is realty focused.

**Q24. If your State requires LPA certification or qualification, are LPAs certified for the entire realty program or by the specific components of the program?**

In States where LPA certification or qualification is required, respondents indicated that LPAs are usually certified to perform duties for the entire realty program. When LPAs are certified by the specific components of the program, they are most commonly certified to perform appraisals, followed by acquisitions. LPA certification to perform relocation activities is not as customary among respondent States (Figure 17).

Several States noted that their LPAs hire consultants from States' rosters of pre-approved consultants instead of being certified themselves. Florida pointed out that while there is the possibility of an LPA in Florida obtaining certification in appraisal, acquisition, or Relocation, the reality of such an occurrence is "infinitesimal."

**Figure 17. How LPAs are certified**





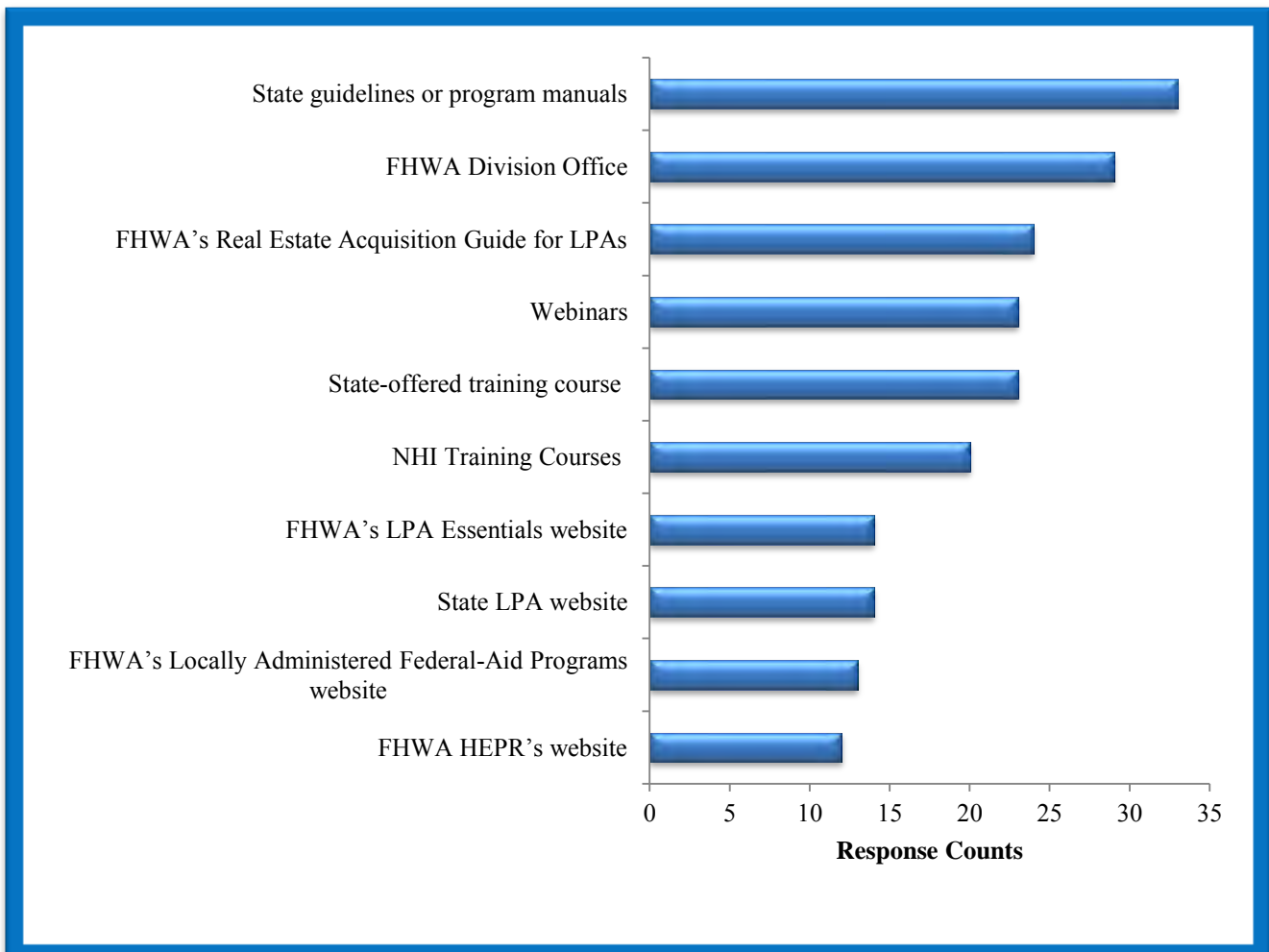
## Section 6: LPA Toolkit Recommendations

Q25. Where do State DOT personnel access information concerning the LPA realty program area?

The two most commonly cited sources of information on the LPA realty program area for State DOT personnel are (1) State guidelines or program manuals and (2) the FHWA Division Office. Nearly all responding States indicated that these sources of information were important for State DOT personnel. Other key resources in ranked order include FHWA’s Real Estate Acquisition Guide for LPAs; State-offered training courses; and webinars. The least commonly cited information sources for State DOT personnel are FHWA’s “Locally-Administered Federal-aid Programs” website and FHWA HEPR’s website (.

Figure 18).

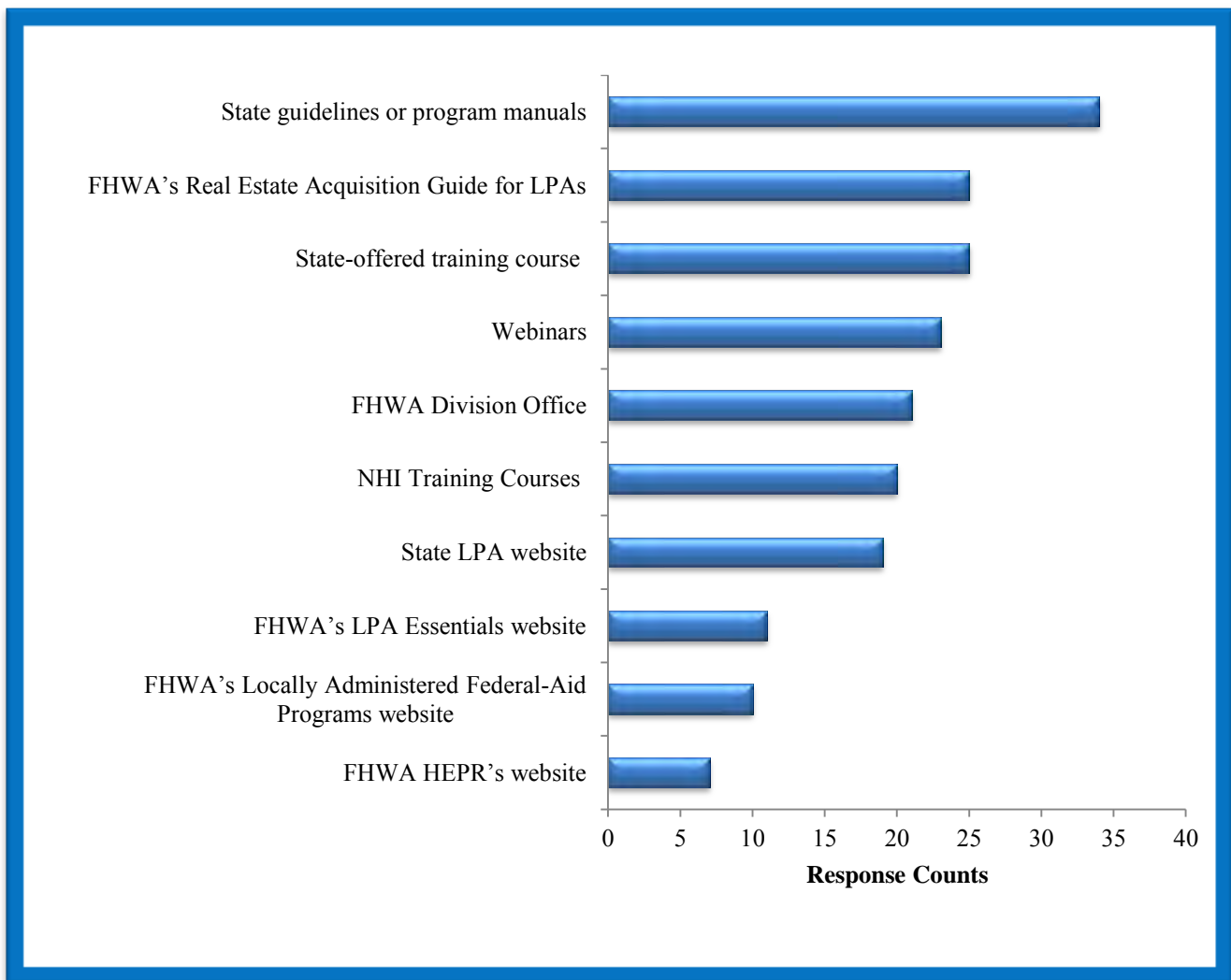
**Figure 18. Where State DOT personnel go for LPA realty program information**



## Q26. Where do LPA personnel access information concerning the realty program area?

The most commonly cited sources of information on the LPA realty program area for LPA personnel are (1) State guidelines or program manuals; (2) State-offered training courses; and (3) FHWA’s Real Estate Acquisition Guide for LPAs. According to respondents, LPAs also rely on webinars and, to a lesser degree, the FHWA Division Office (Figure 19). As with State DOT personnel, the least commonly cited information sources for LPA personnel are FHWA’s “Locally-Administered Federal-aid Programs” website and FHWA HEPR’s website.

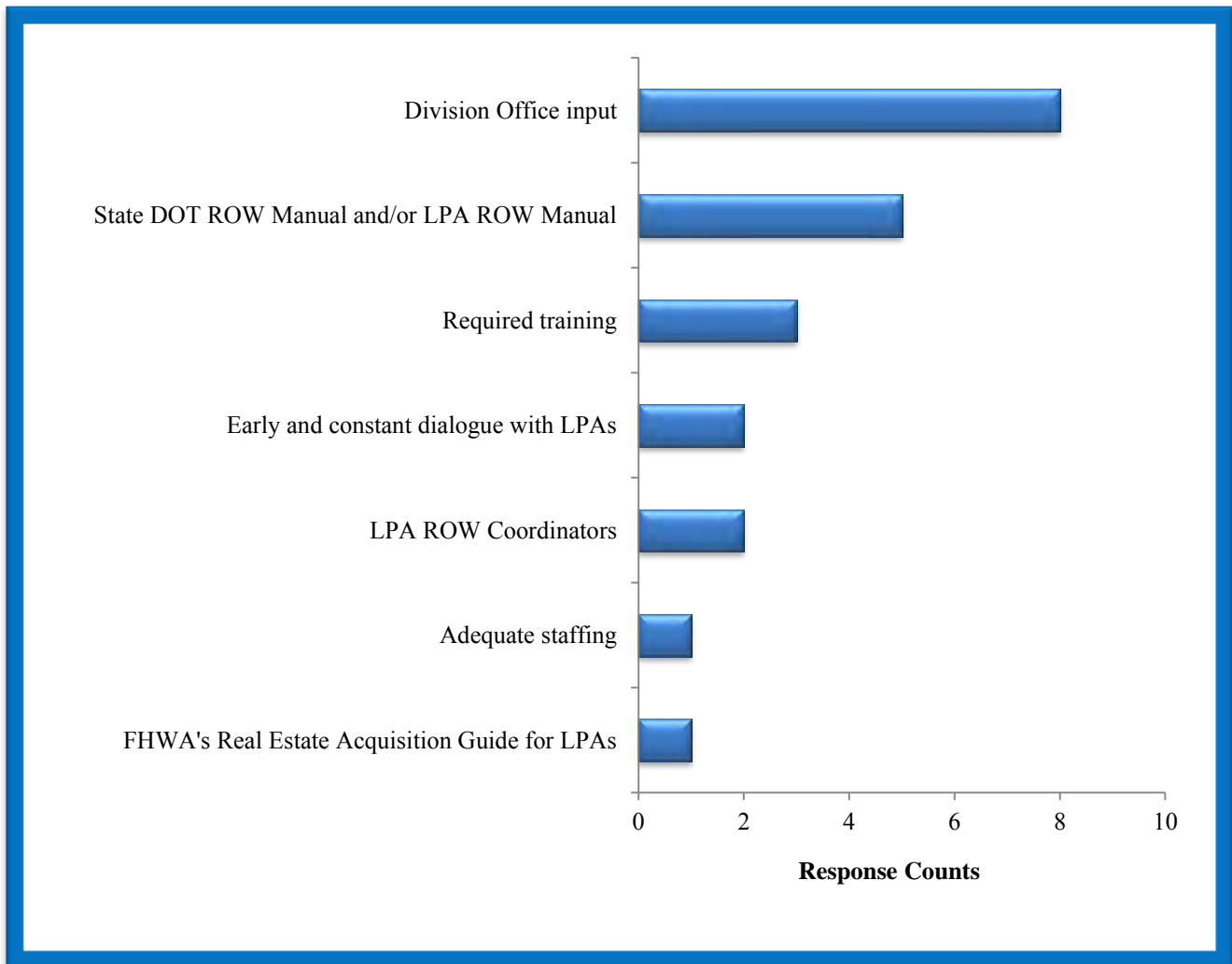
**Figure 19. Response counts on where LPA staffs go for LPA realty program information**



**Q27. In your view, what is the best resource related to LPA realty oversight that is available to transportation agencies?**

Over half of the respondents believed that either the FHWA Division Office or the State DOT's ROW Manual/Handbook was the best resource related to LPA realty oversight available to State transportation agencies. Other respondents indicated that required training courses (e.g., Louisiana's Comprehensive LPA Training Program, which has a ROW component), LPA ROW coordinators, early and constant dialogue with LPAs throughout the process, and FHWA's Real Estate Acquisition Guide for LPAs were the best resources available.

**Figure 20: Response Counts on the Best Information Sources Available**



## Q28. What resources are needed to improve the quality of oversight of LPAs' realty activities in your State?

A majority of respondents indicated that they need additional staffing and training in order to improve the quality of LPAs' realty activity oversight.

**Staffing**—Regarding staffing, several States said that having a full-time LPA program manager or coordinator position would go the farthest toward enhancing LPA oversight. One person commented that constant interaction with LPAs to ensure that they are aware of the resources available to them is a key to successful oversight.

One State suggested that there may currently be a disconnect between the expectations of LPAs and State DOTs regarding oversight. LPAs may believe that their State DOT is supposed to have a “hands-on” role during Federal-aid projects, with the LPA having “on-call” access to the DOT. State DOT personnel, however, especially those in States without dedicated LPA staff, can be forced to allocate time across various priorities. This can create a tension when a given LPA project is not viewed as one of the most urgent activities underway.

Additionally, this respondent noted that the challenge can be compounded by the fact that the LPA oversight function in his/her State is often captured in an entry level position, which can mean that less experienced, lower paid employees take on the requisite duties. During the winter months, this employee may have an unbalanced amount of his/her time reallocated to work in other disciplines, such as Operations for snow removal functions—resulting in the LPA oversight tasks to slip for weeks or months. As such, the LPA oversight role becomes transitory in nature, and individuals that had the role often leave or take an upwardly mobile position in the agency. In order to improve the quality of LPA oversight, this respondent believed a successful approach might be to “skill-up” the position with commensurate compensation, which would likely lead to a less transitional workforce and a better overall outcome.

**Training**—In terms of training, respondents believed that there is a need for more, recurring training on the oversight process, as well as on the Federal ROW requirements. One State said additional State-specific training opportunities on acquisition, relocation, and appropriate documentation would be helpful, while another State suggested that a training course that States could deliver themselves “out of the box” would be best. Another State indicated that basic “How-

To” trainings, such as how to conduct a meeting, how to use proper meeting and communication skills, how to embody FHWA and State DOT values, would also improve the quality of LPA oversight.

Early outreach to LPAs on the purposes of oversight may also be helpful. According to one respondent: “To this day, leadership in both the DOT and LPA pose questions such as ‘why do we have to pay property owners,’ ‘why "does the process take so long,’ or ‘why can't we just cut them a check and be done?’” In these cases, continued communication and dialogue with all parties through training may effect positive change and results.

Other requested resources include:

- Additional funding
- A State LPA ROW Manual
- Training requirements for consultants
- Information on qualifications-based programs for consultants from other States
- A tracking system for projects with Federal participation
- Clarification of oversight goals to other State disciplines (e.g., engineering, legal, operations)
- Better coordination effort from existing LPA ROW Coordinators
- Printed copies of FHWA's Real Estate Acquisition Guide for LPAs



