



SHARING BEST PRACTICES

The Utah Department of Transportation hosts Chinese affiliates

BY JAMES A. OLSCHESKI, SR/WA



engineer for the department, he could easily translate some of the more complex terms and use his expertise to help explain the processes we use in design and right of way acquisition.

On-Site Visits

The delegation had specifically requested a visit to UDOT construction sites where we had acquired the property. After donning safety vests and hard hats, it was on to the bus for the site visits. As we toured each site, we indicated which locations previously had commercial and residential structures, but had since been acquired and then demolished for the new projects. We were also able to show where current cut slopes were literally up against homes, demonstrating how close construction sites can be in relationship to property rights.

The delegates asked many questions during the ride from one construction site to the next. What did land cost? What were the damages? How did the appraiser calculate the partial acquisition? Did the value really seem fair? Did the appraiser calculate the relocation benefits? Who moved the owners? What about tenants? It quickly became obvious that while we both use similar methods to acquire property, the cost of land is significantly higher in China due to their population.

Comparing Our Similarities

The delegates requested an opportunity to meet with UDOT appraisers, so we arranged to bring in two of our valuation specialists for an extended question and answer session. They had many questions about our processes, and they asked for input on some specific project issues that they were facing. The UDOT appraisers were able to answer many of their questions, however with some of the complex issues, the infamous response of “it depends” was used. As is often the case, some issues still require a unique approach and no one solution fits all.

In November, IRWA representatives played host to a delegation of appraisers from the People’s Republic of China. The primary purpose of their trip was to gain a better understanding of how eminent domain is used in the United States.

Following a brief stop at IRWA Headquarters in California, the group assembled at the Utah Department of Transportation (UDOT) in Salt Lake City for an up-close view of how projects are planned and implemented. The delegation was most interested in learning how UDOT uses eminent domain to acquire property needed for construction projects and how that property is valued.

Given our slight language barrier, UDOT Traffic and Safety Engineer Eric Cheng, PE, graciously provided translating services that helped facilitate the dialogue. Eric was born in Taiwan before moving to Utah and speaks Mandarin Chinese fluently. As an



For three days, IRWA representatives from Chapter 38 Salt Lake City and UDOT hosted a delegation of Chinese affiliates.



During the second day in Salt Lake City, the delegates took part in an active discussion moderated by James A. Olchewski, SR/WA, and Eric Cheng, PE.



The delegates were driven directly onto construction sites to see the effects of UDOT's acquisition.

During our discussions, we were able to establish many similarities in property ownership. For example, in our country, the U.S. Constitution guarantees property rights, and those are upheld by state and local statutes. In China, the government grants property rights, but in many cases, the property can only be held privately for 70 years, at which point the government can renegotiate the terms.

In the U.S., appraisals must follow the Uniform Standards of Professional Appraisal Practice (USPAP), and state and local entities are required to comply with these standards. In China, we learned that they use similar regulatory appraisal standards, however the appraisers are highly scrutinized. If they believe that an appraisal or appraiser has been improperly influenced, they take immediate action. In some cases, this has led to jail time.

Examining Our Differences

Our discussions uncovered a major difference in the process used to acquire property in our respective countries. In Utah, we must first validate the need and necessity of a particular roadway project and complete all the approval processes and environmental clearances before we can begin the acquisition phase. In China, the government will typically decide when they need or want a certain property. They acquire the property first, and then determine how they may want to use or develop it afterward.

Another difference is the use of eminent domain. In Utah, eminent domain is used as a last resort when the owner and the condemning agency cannot reach an agreement. In China, eminent domain can be used as needed. The delegates were surprised by the constraints that

UDOT faces in their acquisition programs, but also impressed by the way in which property owners are treated, especially when they are deemed to be displacees.

Value of Building Relationships

For additional perspective, the delegates also met with UDOT's Executive Director Carlos Braceros, and Deputy Director Shane Marshall, who gave an overview of the UDOT organization and its structure. Carlos shared his views on the importance of building relationships with those impacted by the agency's projects. He believes that UDOT's project successes can be directly attributed to the trust it has built up over the years. This starts with a right of way team that is focused on treating each of the affected owners in an honest and fair manner.

Both groups were greatly impressed with the information that was shared and the similarities among our agencies, the appraisal profession and the benefits that the IRWA provides when bringing vastly different cultures together. Their hope is for a second round of visits in the future. 🌐



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