



# IRWA's Week in Washington

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In March, IRWA's leadership met in Washington, DC to conduct a series of strategic planning sessions with federal partners and host the annual Federal Agency Update. IRWA also met with Congressional representatives to illuminate them on the Association's unmatched expertise on issues regarding real estate for public and private infrastructure.

## Federal Agency Update

Each year, IRWA's Federal Agency Update brings together right of way professionals and federal partners for a day of regulatory updates, education and networking. Nearly 100 attendees participated in this year's educational sessions. The venue serves as an important link for federal partners to connect with each other and discuss new initiatives and regulatory interpretation/application within their specific agency. This peer-to-peer exchange has proven invaluable.

The Federal Agency Update included presentations from the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Federal Rail Administration (FRA), Federal Aviation Administration (FAA), Bureau of Land Management (BLM), U.S. Army Corps of Engineers (Corps) and the U.S. Department of Housing and Urban Development (HUD).

From FHWA's Office of Real Estate Services, Mike Jones, SR/WA, John Turpin, SR/WA and Marshall Wainright outlined various research programs in the areas of voluntary acquisition, acquisition and relocation incentive payments, railroad

mitigation strategies, reverse mortgages and business relocation. The relocation retrospective research found that 38% (19 out of 50) of the states have either increased the current federal statutory limit for one or more types of business relocation assistance payments or allowed for some type of business loss payment. States that have recently enacted legislation to increase this payment benefit have established the limit at around \$50,000. Recommendations included raising the cap on reestablishment expenses, potentially with a cost-sharing formula, and providing inflation adjustments, based on the Consumer Price Index, to any statutory limit established in the Uniform Act and the implementing regulations.

The FHWA briefly discussed the Agency's recommendations for proposed changes to the URA within both the House and Senate Draft Transportation bills. These include increasing the URA's statutory limits as follows: reestablishment from \$10,000 to \$25,000; fixed payment in-lieu from \$20,000 to \$40,000; replacement housing payment for homeowner-occupants from \$22,500 to \$31,000 and for tenant occupants from \$5,250 to \$7,200. It would also authorize regulatory adjustments, reduce the owner-occupancy requirement from 180 to 90 days, and require enhanced reporting and Uniform Act services.

Pam Peckham, FTA Realty Specialist, discussed several new initiatives, including the possible addition of several real estate issues to FTA's Triennial Review and State Management Review process. These reviews are oversight tools for examining the performance and adherence to current FTA requirements and policies. The real estate-related activities now considered in

the review include the incidental use of any FTA funded real property, any excess real property and the Excess Real Property Inventory and Utilization Plan, any FTA funded real property that has been disposed of, and the method of disposition, including FTA concurrence. Some areas that could be added include real property acquisition, including valuation, relocation assistance, and real property management.

Also under consideration by the FTA is the adoption of a waiver similar to FHWA's Negative Equity Waiver, a method introduced in 2009 where certain portions of the URA regulations that cover the methodology for calculating replacement housing payments may be waived in cases of negative equity. Pam also touched on the joint development process, which is a form of transit-oriented development that is often project specific and takes place on, above, or adjacent to transit-agency property. Specific criteria can be found in FTA's Joint Development Guidance (72 FR 5788). Some eligible activities under joint development are commercial and residential development, pedestrian and bike access to a public transportation facility, construction, renovation, and improvement of intercity bus and intercity rail stations, and renovation and improvement of historic transportation facilities. Susan Herre from the FRA added to the discussion by touching briefly on the development of rail stations in urban areas.

FAA Airports Acquisition Specialist Rick Etter spoke on recent legislation enacted February 14, 2012, the FAA Modernization and Reform Act of 2012, PL 112-95, which is a four-year authorization providing Airport Improvement Program funding at \$13.4 billion over four years (\$3.35 billion per year). This replaces the 2007 Authorization (Vision 100) and comes after the 22 interim Continuing Resolutions since 2007.

According to Rick, from this amount approximately \$800 million is funded for acquisition and relocation assistance for airport development from 2012 to 2016. He also discussed the National Plan of an Integrated Airport System, which identifies the composition of a national system of airports. He outlined the scope and costs of the airport development tasks that will be needed over the next ten years.

Typical projects under FAA's Airport Land Acquisition/Management program include those to facilitate safety areas, runway protection zones, approaches (easements, local zoning/land use controls), extended or new runways and new airports and noise compatibility/mitigation projects which enable the buy-out of homes within the moderate-to-high airport noise contour. Increased oil and gas development in some areas of the United States has also created an increase in solicitation of airport owners in shale gas plays. Current FAA guidance in this area includes a list of important directives, and national guidance will be issued in the near future.

Ray Brady, Energy Team Leader for the BLM spoke about the agency's path for developing renewable energy and transmission on public lands to support a clean energy future. The Energy Policy Act established a goal for the approval of 10,000 megawatts of non-hydro renewable energy projects on the public lands by 2015. Current total approved capacity of wind, solar and geothermal is roughly 6,700 MWs of capacity. Over 4,500 MWs of this total approved capacity (almost 70%) is from approved solar projects on the public lands. The President's New Energy for America initiative set a national goal of 10% of our nation's electricity from renewable energy by 2012 and 25% by 2025. Ray revealed that the BLM is well on its way to meeting that goal. The BLM has improved their collaboration efforts with the U.S. National Park Service and the U.S. Fish and Wildlife Services to improve their screening processes to better address potential resource conflicts early in the process. It has also identified connected action projects where it can support development on private lands and facilitate the development of additional renewable energy capacity.

Topics covered by Scott L. Whiteford, the Director of Real Estate for the U.S. Army Corps of Engineers included overseas contingency operations, base realignment and closure, land acquisition for Fort Polk, LA and contingency response in the Birds Point-New Madrid Floodway. Scott discussed ways in which Corps personnel has been experimenting with higher levels of technology in their field operations. New capabilities, including the use of smart phones, are now allowing the Corps to revolutionize its methods, as rights-of-entry, real property inventories, inspections, reports and tract ownership data can all be handled with a single tool.

Real Estate Specialists Janice Olu and Bryan O'Neill from the HUD's Office of Community Planning and Development gave an overview of HUD statutory relocation requirements under the three main programs: the Uniform Act, Section 104(d)



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## IRWA Meets U.S. Secretary of the Interior Ken Salazar

While meeting with agency staff, U.S. Secretary of the Interior Ken Salazar unexpectedly emerged and ushered the group into his office. After showcasing some items of historical significance, he took a moment to discuss the noteworthy progress his office has been making in the area of renewable energy on public lands. From left, IRWA's Business Development Officer Daniel Stekol, IRWA International Treasurer Lee Hamre, SR/WA, R/W-URAC, R/W-RAC, U.S. Secretary of the Interior Ken Salazar, IRWA International Vice President Lisa Harrison, SR/WA, R/W-URAC, R/W-RAC, R/W-NAC and IRWA International Secretary Wayne Goss, SR/WA, R/W-NAC.



and Section 18, which is applicable to some public housing demolition and disposition projects. They also reported that the recent changes to HUD's Acquisition/Relocation Handbook 1378 issued September 1, 2011 include a complete revision of Chapter 7 regarding 104(d) relocation requirements, additional guidance and new exhibits, appendices and resources. Other HUD initiatives include the development of FAQs for the relocation of HUD Housing Choice Voucher (Section 8) holders under the URA, and the translation of HUD relocation claim forms into eight languages.

### Congressional Meetings

Throughout the week, meetings were also held with staff from the Senate Environment and Public Works Committee and the House Transportation and Infrastructure Committee. IRWA's main objective was to position the Association as a valuable resource for all issues concerning real estate and infrastructure.

IRWA's International President Randy Williams, SR/WA, MAI, FRICS, President-Elect Patricia Petitto, SR/WA, R/W-RAC and Executive Vice President Mark Rieck met with Senate Environment and Public Works Minority staffer Alex Renjel to offer IRWA as a resource while legislation is drafted and considered. The group discussed access to the Association's diverse base of members and its collaborative relationships

with federal agencies. A meeting was also held with Andrew Dorhmann, a staff member for the Senate Environment and Public Works Committee Majority, where IRWA provided an overview of our expansive industry knowledge, non-partisan perspectives, and direct access to right of way expertise on time-sensitive issues concerning real estate and infrastructure.

A meeting was held with House Transportation and Infrastructure Committee minority staffer Jim Kolb. Both parties within the Committee are reviewing the Senate Surface Transportation Bill, as well as considering their own bill, HR 7, before its introduction on the House floor. Discussion focused on the complex process facing legislators and committee staffers, which impact the language stated in the infrastructure bill. While many of these staffers have a single area of expertise, they lack a clear understanding of the effect or consequence that their language has on other parts of the bill. IRWA leadership offered to serve as a resource for connecting these steps properly and efficiently.

IRWA also met with Committee Chair Congressman John Mica's transportation staffer, Brian Waldrip, who serves as a direct link between committee staff members and the Congressman. IRWA offered to function as a resource while a bill is being crafted and encouraged proactive dialogue to prevent potential issues from surfacing.