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As Lead Agency for the Uniform Relocation Assistance and Real Property Acquisition Policies Act, as amended, (Uniform Act), what challenges do you see ahead for the realty profession?

In 2006, the Federal Highway Administration (FHWA), Office of Real Estate Services, conducted research into the future needs of public sector real estate to enable the FHWA, other Federal agencies performing real estate acquisition and their non-federal partners to make strategic decisions about resources. Our goal is for public sector real estate work to be accomplished as effectively and efficiently as possible. Three consultants, using different approaches, identified trends, the implications of the trends, and gave us a short list of critical policies, procedures, tools, technologies and best practices.

What did the consultants identify as the short list of critical items?

The short list is comprised of 15 critical items:

- 1) Communication and Visualization
- 2) Real Estate Profession
- 3) Partnerships
- 4) Uniform Act Lead Agency
- 5) Uniform Act
- 6) Think Tank
- 7) Technology
- 8) Real Estate Integration
- 9) Training
- 10) National Environmental Policy Act
- 11) 23 Code of Federal Regulations (CFR for Highways)
- 12) 49 Code of Federal Regulations (CFR for Uniform Act)
- 13) Real Estate Delivery Model
- 14) Real Estate Cost Estimating
- 15) Real Estate Research

You will recognize that many, if not all, of these items are familiar. After all, communication is an age old issue. And developing the real estate professional is a major goal for the IRWA. The research shows that these same issues contain the critical elements for prioritizing future actions in order to remain relevant as a profession.

How are your projects prioritized?

For the past several years, we conducted Domestic Scans on key right of way topics. The purpose was to both inform and open channels of communication between State Departments of Transportation (DOTs). Scan participants discussed best practices and lessons learned, while participants viewed an ongoing project first hand. Scan participants discovered shared common traits that contribute to the success of the programs. These include a commitment to creating a supportive institutional environment; a focus on process; investment in technical tools; and a willingness to make use of other incentives and techniques as appropriate.

As scan participants ourselves, we learned the priorities of our state partners. These priorities show up in the future needs study as: technology, research, real estate delivery model, training, real estate integration, partnerships, the Uniform Act itself, 23 CFR and 49 CFR.

What new technologies will make you more efficient in the future?

First, we helped to foster a multi-state sponsored pooled funds research study led by Texas DOT on Electronic Appraisal System. The research team collected appraisal forms from several State DOTs and developed a framework for an electronic appraisal system. The end product is ready to display. It is a tool for appraisers to facilitate the preparation, review and sharing of appraisals.

Second, we participated in a study to develop key elements needed for integrating geo-spatial technologies into the right of way data management process. Results of the first phase of this research will be available soon, and the second phase is being initiated. We are encouraged by the interest shown by several public agencies in using geo-spatial technology for realty related work.

Third, we conducted research that determined a need for software products for calculating relocation benefits, similar to the way Turbo Tax™ helps users complete tax forms. Development of Turbo Relocation is now being considered by AASHTO and interested states to develop software to be shared.



What are the benefits of real estate integration?

The Office of Real Estate Services has promoted early integration of real estate into the project development process for the past eight years. While recognizing progress on project development made by context sensitive design and new project team approaches, integration remains a difficult area. For several years we have participated in workshops at various State DOT's, aimed at modeling integration of several skill sets, including real estate. These workshops evaluate all facets of a highway project to optimize cost-effectiveness, timeliness, and safety, while minimizing adverse impacts.

We will continue to showcase best practices and lessons learned. We will honor those who do exemplary jobs of integrating right of way into the project development process in our Excellence in Right of Way Awards.

What are the Excellence in Right of Way Awards?

We designed this award program to recognize outstanding innovations that enhance the right of way professional's ability to meet the challenges associated with acquiring real property for a federal-aid highway project. It is a biennial award program that provides a way to honor those that excel in streamlining or improving the real property acquisition process while ensuring that the rights of property owners and tenants are protected.

The awards for 2006 included: Excellence in Right of Way Stewardship Award: Minnesota DOT; Excellence in Right of Way Innovation Award: Utah DOT; Excellence in Right of Way Leadership Award: Robert Macpherson (California DOT) and Mickie McJunkin (Georgia DOT); Excellence in Right of Way Streamlining and Integration Award: Florida DOT; Honorable Mention: Arizona DOT; Excellence in Right of Way Technical Specialties Award: Woodrow Wilson Bridge Project; Honorable Mention: South Carolina DOT.

Does the FHWA pursue partnerships?

FHWA actively promotes Public-Private Partnerships (PPP). In the future, we expect some PPP proposals will contain Uniform Act and Title 23 right of way components. Private parties often perceive Uniform Act requirements as onerous. One of the future needs is to develop a satisfactory solution. Partners must establish a process that includes right of way accountability, integrity and transparency, where roles, responsibilities, risks, and rewards are clearly defined and understood.

We also value our organizational partnerships already in play. For example, for several years FHWA and IRWA have partnered to improve training opportunities. We are currently partnering to

develop a new right of way profession certification framework. And you will see the results of improved partnering among the Federal agencies, leading to the first ever Public Sector Real Estate Education Symposium (PRES) in Dallas, TX on February 13-15, 2007. The FHWA is proud to co-sponsor this symposium!

What are some of your recent accomplishments?

The Uniform Act revised regulation, 49 CFR Part 24, was published on January 4, 2005 and became effective February 3, 2005. The regulation was finalized with the involvement of other Federal agencies after an extensive outreach effort that included them, our State partners, IRWA and other stakeholders as well. A self-paced tutorial based on the regulation is available on our website. A self-paced real estate acquisition tutorial CD, for use by local public agencies for acquisitions under the Uniform Act, is available. We are preparing this tutorial in web-based format.

In 2006, we issued policy and guidance for voluntary acquisition and/or relocation incentive programs, available under 23 CFR, Highway Program Regulations. The initiative to pilot such incentive programs and to develop this incentive programs guidance was a direct result of the 2000 European Right of Way and Utilities Best Practices Scan.

The FHWA initiated an Outdoor Advertising Control (OAC) Stakeholders Assessment. The goal of the assessment is to reach out, through a neutral party, to all OAC stakeholders to identify issues in controversy, the affected interests, and appropriate ways of handling conflict. We executed an interagency agreement with the U.S. Institute for Environmental Conflict Resolution to conduct this effort. The Assessment began in August 2006. A summary of findings and specific recommendations on appropriate ways of handling conflict will be developed. This could lead to the initiation of collaborative processes for improving the regulatory environment and working toward resolving conflict.

What programs are you currently focused on?

Congestion Reduction and Cost Estimating are our current priorities:

Congestion Reduction:

In 2006 the Secretary of Transportation announced a department-wide initiative to reduce congestion. The Office of Real Estate Services has three activities underway that contribute to this initiative.

- 1) **Right of way incentive payments (voluntary) for acquisitions and relocations:** Office of Real Estate Services is working with FHWA Division offices to help State DOT's implement our guidance that provides flexibility for saving time on acquisitions and relocations for congestion-reducing projects. This is the program I mentioned previously.



- 2) **Right of way advance acquisition:** The Office of Real Estate Services is developing guidance to help State DOT's carry out advance acquisition of right of way that will assist in delivering congestion-reducing projects.
- 3) **Right of way support for access management:** The Office of Real Estate Services assists in providing techniques for congestion relief by decreasing conflict points and increasing the ease of through traffic. The Office of Real Estate Services provides marketing for the 2006 FHWA access management (AM) primer and video that explains access management to business owners to win their support for AM congestion reduction projects.

Cost Estimating:

We partnered with the National Cooperative Highway Research Program (NCHRP) to co-sponsor a study called Right of Way Methods and Tools to Control Project Cost Escalation. This is a first phase study to review current State DOT best practices specifically focusing on the right of way aspects of cost estimating. A larger NCHRP research project (8-49) is producing a guidebook on highway cost estimation management and project cost estimation procedures that aim for consistency and accuracy between long-range transportation planning priority programming, and preconstruction cost estimates. This guidebook will provide strategies, methods, and tools to develop, track, and document realistic cost estimates.

What are some of your immediate goals?

The FHWA completed several activities to determine the need for and the feasibility of updating the Uniform Act. Activities included nationwide listening sessions involving our state partners and others on needed changes and our national business relocation study. We convened a Federal interagency working group to review, analyze and consolidate requested changes, and develop a suggested Uniform Act statutory update. We are preparing a legislative proposal of suggested updates to send to the Office of the Secretary of Transportation and to the Office of Management and Budget.

Where is the greatest demand for training?

We conducted a Right of Way Education Barriers study, which identified and evaluated barriers to the effective use of existing right of way training courses by Federal and State right of way personnel. The analysis is based on the results of contacts with State right of way managers, FHWA Division Realty Officers, and selected training providers, such as the National Highway Institute (NHI), the IRWA, and the Appraisal Institute. The final report recommended:

- 1) The IRWA and the NHI should be encouraged to develop more short courses, hot-topic workshops, and to explore course delivery by alternative methods.

- 2) Training providers should ascertain needs and better market available training opportunities. They should provide potential users with information regarding methods by which NHI and IRWA courses can be specifically requested and/or sponsored.
- 3) State DOT's should develop and promote in-house training, which was found to be highly effective. The Federal Highway Administration should promote this and assist by encouraging the exchange of in-house course material with other State DOT's.

Can you provide an update on current training programs available?

Several years ago we successfully collaborated with IRWA to produce IRWA Course 303: Managing the Consultant Process, in response to a need expressed by our customers. This course received excellent reviews, and I highly recommend it. In addition, most of the FHWA realty courses available though NHI have been updated:

- The NHI advanced relocation course is available and posted on the NHI website.
- The NHI business relocation course update is available and posted on the NHI website.
- Appraisal under the Uniform Act is a two-day NHI course that is available and posted on the NHI site. Course material is available on a CD.
- An NHI appraisal review course is available. Course material is available on a CD.
- An online outdoor advertising control course is under development.
- The updated and improved web-based Uniform Act training course titled Real Estate Acquisition under the Uniform Act: an Overview, NHI #141045C, is available and there is no charge. This course helps participants recognize what they need to know when acquiring real estate for a federally funded project. The audience is Federal, State, and local government employees, as well as consultants who acquire real estate. It is free to everyone and course registration instructions can be found at <http://www.fhwa.dot.gov/realestate/distlearn.htm>
- The Local Public Agency (LPA) real estate acquisition workshop materials are available for State DOT's to present to their LPA partners. The workshop provides a basic understanding of Federal-aid real estate acquisition regulations and statutes. The layout of the workshop follows the Real Estate Acquisition Guide for Local Public Agencies. We are currently converting this course to a web-based format.



Looking forward, will other professional development programs be needed?

Beyond the formal courses available through NHI and IRWA, there is a need for continued development of an undergraduate real estate curriculum. As a model, real estate acquisition courses for public projects were developed by the Community College of Baltimore County (CCBC). These classroom courses are 15 hours each and are certified for appraisal continuing education credit. For CCBC information contact Lynette Higgins at 410-780-6716.

How can IRWA and right of way professionals help you achieve your goals?

We recently completed research that assessed and verified stakeholders' needs and interest in a right of way professional certification program that recognizes the specialized capabilities required to implement the Uniform Act. A right of way professional certification has the potential for a positive impact upon the FHWA and other government agencies that provide services under the Uniform Act and the regulation, 49 CFR Part 24. IRWA is partnering with FHWA to develop a right of way professional certification framework and a capstone examination library for a certification process with major stakeholder involvement.

The IRWA is a volunteer organization made up of the best right of way (real estate) professionals in America. Your ability to organize large events and educational forums, such as PRES and the Uniform Act Symposiums, are second to none. We will continue to partner as we strive to provide the highest quality realty training opportunities.

What is the FHWA doing to recruit and train right of way professionals?

The FHWA Professional Development Program (PDP) provides training and developmental programs for new hires. The PDP participants complete a two-year training program, rotating through Headquarters, State, and FHWA Division Offices to acquire needed skills. Recruitment is open periodically for applicants. For information contact Serena Matthews at 202-366-1201.

We are anticipating several vacancy announcements in the near future. Please visit the USAJobs website <http://www.usajobs.opm.gov/> and search for realty specialists. The FHWA anticipates vacancies at the Headquarters and Division Office levels. We will continue to share these notices with IRWA to place them on the IRWA website. ●

For more information on FHWA's efforts and reports, please visit <http://www.fhwa.dot.gov/realestate>.

IRWA: Responding To Our Partners' Needs

The accompanying Agency Speak interview with Susan B. Lauffer, Federal Highway Administration (FHWA), highlights IRWA's ongoing effort to partner with Federal agencies on behalf of the right of way profession. The ongoing success of our formal partnerships with agencies, such as the FHWA, Federal Transit Administration, Federal Aviation Administration, U.S. Army Corps of Engineers and Bureau of Land Management, allows these agencies and the Association to more effectively leverage our resources by reducing overlap and duplication of effort.

Indicative of this cooperation, two of our Federal partners participated in the Education Summit and provided valuable strategic insight into future education needs for the right of way profession. The need for hot-topic workshops, exploration of alternate delivery methods, and better market research, as noted by Susan in her article, are mirrored in the 12 strategies which emerged from the Education Summit and reported in previous Right of Way magazine issues.

As a direct result of our ongoing dialog with the FHWA, IRWA launched a promotional campaign outlining IRWA's Contract Course Presentation program to Department of Transportation (DOT) education directors. This effort proved valuable, as IRWA courses are now used as a resource for in-house training among several state DOT's.

A dramatic tangible example of this cooperation among IRWA and our Federal agency partners is the Public Real Estate Education Symposium (PRES). In discussions with our federal partners and IRWA leaders, PRES emerged as the solution to an ongoing challenge – how to most effectively offer a venue for the exchange of information and training with the U.S. right of way community involved with the federal government. Co-sponsored by the FHWA and IRWA, PRES brings together federal agencies, state and local public agencies and the private sector for three full days of intense workshops that leverage time, finances and resources for all involved.

IRWA has also been asked by our federal partners to help create and implement a Uniform Act Certification. This certification will be the new standard for a higher level of expertise in the world of federally-funded projects.