

# Right-Of-Way Planning Input Is Encouraged

By EARL T. NEWTON, JR.

Right-of-way professionals have a great opportunity to contribute to the planning process. Many of them have existing knowledge and skills that can be used in the process. With a reasonable amount of training (e.g., short courses), this knowledge and these skills can be considerably enhanced to allow even greater contributions. In many State highway and transportation agencies, there are staffing needs that qualified right-of-way professionals can fill. Therefore, what is needed is to match the needs with right-of-way capabilities.

An important concept I wish to emphasize is that there is a role for qualified right-of-way personnel whether right-of-way is acquired or not. For example, if there is a substantial upgrading of a highway within existing right-of-way limits or there is relatively little right-of-way acquired, they can still contribute. Each phase of the planning process, systems planning, location, and design offers opportunities.

In my discussion I will present eight principal concepts or observations. The first one is that in every State highway or transportation agency, right-of-way professionals perform a significant planning role in the location and design phases, although, in most cases, this is limited to three areas. Second, some State agencies use their right-of-way personnel much more extensively. The third concept is that qualified right-of-way personnel have the capability to provide major contributions in the categories of social involvement, economics, land use, public involvement, historic and archeological preservation, noise, and esthetics. The fourth concept is that appropriate training is needed to enhance capabilities. Fifth, we should seek ways to achieve right-of-way contributions to the planning process. Some strategies to accomplish this will be discussed. Sixth, among those who have planning roles, some should participate in research ac-

tivities. Seventh, the assistance of professional societies should be utilized to provide forums for new ideas, provide education, and promote professionalism. Eighth, right-of-way professionals in the Federal Highway Administration should be much more involved in the planning phases.

## The Right-of-Way Role

First, I will discuss the present right-of-way role. In every State agency the right-of-way departments contribute three major studies in the location and design phases: right-of-way cost estimates, relocation studies and, for want of a better term, "other right-of-way related matters."

The right-of-way cost estimate is a major economic study. It includes land, improvements, and severance damages. It is critical to the decision process. Often times the estimated right-of-way costs of some alternatives are so high as to result in the rejection of those alternatives. In some cases, the estimated right-of-way costs of all of the alternatives are so high that the project never "gets off the ground."

The relocation study is both a social and economic study. It covers displacement of families and businesses; availability of replacement housing and business sites; moving costs; replacement housing payments; special problems of the elderly, poor, and minorities; and the impacts of displacement on community facilities and services. Relocation problems are often the principal constraints on many highway alternatives considered. In fact, relocation may be so critical as to cause the rejection of an alternative.

"Other right-of-way related matters" may be in the form of formal studies, or they may be in the form of informal advice given during location and design. They include such items as anticipated problems in acquisition (including condemnation),

high cost properties, problems of severance and severance damages, assuring that property boundaries are taken into account on alignments (e.g., right-of-way boundaries are compatible with property lines), land services facilities (driveways, cattle passes), access, and identifying critical land uses (e.g., cemeteries or parks). These "other right-of-way related matters" fall into social, economic, and land use categories.

These three major studies (cost estimates, relocation studies, and "other right-of-way related matters") are usually provided in response to alternatives selected by others. This matter of responding versus right-of-way initiatives will be discussed below.

The right-of-way staffs in a few States (e.g., California, New Hampshire, New Jersey, North Dakota, and Oregon) do much more than the three typical studies just discussed. They provide major categorical studies in such areas as social, economic and land use considerations. Also, they have important public involvement roles. Moreover, they participate in early area studies and the selection of alternatives for further study, which are significant. I see the right-of-way involvement in these States as truly a part of the interdisciplinary process, which is commendable.

## Capability

There are about 6,500 right-of-way professionals in State highway and transportation agencies or an average of 125 per State. There is a lot of talent in these agencies. This talent is attributable to the diverse educational background and work experience of these professionals. Their formal education includes the following principal disciplines: business administration, law, engineering, sociology, economics, agriculture and forestry. These are very desirable educational backgrounds for contributing to the planning process.

Many of the State appraisers have acquired useful skills in the course of their work. For example, they have experience in preparing area analyses, site analyses, highest and best use studies, and feasibility studies, all of which are very useful skills.

Acquisition agents are particularly strong on communication skills. They are dealing with the public everyday, and they do it very well. Because of their communication skills, they are capable of performing a much larger role in the public involvement activities in their agencies.

Relocation agents have a strong social orientation. They are dealing with the real world and have the capabilities for dealing with social and economic issues.

Training is needed for these right-of-way professionals to enhance their knowledge and skills and increase their capabilities. They need training in the planning process, as well as in specific categorical areas. Short courses are particularly needed. The kind of people I am thinking about for this training are the bright, eager people in our agencies who have the right attitude. Training will be discussed further below.

The focus should be on the categories that are particularly important and are most appropriate for right-of-way personnel. First, there is the category of social considerations. I see some of our State right-of-way personnel doing all the social studies that are needed in highway agencies. This is a tremendously important area. Social considerations include impacts on community cohesion and community facilities and services. Similarly, some right-of-way professionals can prepare all the economic studies that are needed.

Land use considerations are a logical area for qualified right-of-way personnel. In fact, they could very well be the principal land use experts in a highway agency. They deal with land use matters such as

zoning, building codes, and master plans to some extent in the appraisal process. Public involvement is a subject with great potential. Right-of-way professionals can do all the public involvement work. Noise is another category where some right-of-way personnel can prepare all the studies.

Historical and archeological preservation comes into a different category. There is a requirement for archeological and historical preservation expertise, but I do not see very many right-of-way people that have this expertise. However, there is a tremendous need for coordination, re-searching of information, interviewing, and pulling it all together. The facilitation process is something that right-of-way professionals can do.

Esthetics falls in about the same category. Some of the other categories where right-of-way people can provide useful assistance are ecological impacts, air quality, and water quality. For example, those with forestry backgrounds are particularly suited to dealing with ecological impacts.

What type of individual should do this planning work? The person should have a favorable attitude, be interested in the work, be a good team player, have the skills to contribute, have the knowledge and appreciation of the total program and how his activities contribute to the big picture. He should understand and appreciate the contributions of others. He should recognize that highway decisions are complex and require trade-offs.<sup>1</sup> For example, an alternative that may be good for engineering may not be good in social and economic terms. Often there are trade-offs.

### Training

Training is needed to enhance skills. The American Right of Way Association course on "Environmental Considerations" is the only short course that deals with the environment comprehensively. It is a very useful course and one I recommend. Another outstanding course on "Social and Economic Considerations in Highway Planning and Design," originally sponsored by the National Highway Institute, Federal Highway Administration (FHWA), is now available under contract. The communication courses offered by

the American Right of Way Association are useful also.

The National Highway Institute (NHI) offers a number of courses. Two that will be offered in the next few months are on ecological impacts and noise. They will be offered free to State agencies. All that is needed is to get enough people together to request the NHI to bring a class to your agency. If desired courses are not in the NHI inventory, State highway agencies may seek Federal participation in the cost of other approved training (70 percent Federal funds). I urge State right-of-way directors to get some of this training for their staff.

The Office of Right-of-Way, FHWA, will offer a course on "Right-of-Way Contributions in Early Project Activities" in 1980. It is available to State highway employees (right-of-way, engineers, and others). I urge maximum attendance by State personnel.

There is also a critical need for a land use course. I recommend that the FHWA take the initiative to develop a course in this critical area. In my view, land use is not only important to right-of-way professionals, but also to all the other disciplines that are involved in the planning process. All would benefit from such a course.

### Strategies

There are a number of reasons why right-of-way professionals are not involved more than they are. The more important reasons are:

- There are those who lack interest in the planning process. They just don't care.
- A common problem is that many right-of-way personnel do not understand the planning process well enough to know what they can contribute.
- Some are timid or just do not want to stick their neck out.
- There is a lack of training in subjects related to the planning process.
- Management is not aware of the potential of right-of-way professionals.
- Other disciplines are not aware of the capabilities of right-of-way people.

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<sup>1</sup>See article by John J. Conrado, "The Right-of-Way Agent as a Professional," *Right of Way*, January, 1979, pages 19-20.

- State organizational arrangements and planning procedures are fairly well established. In effect, they have limited right-of-way involvement. Once an operation is established, it is fairly difficult to bring about change.
- There is a common perception that right-of-way expertise is limited to functions directly related to the acquisition of right-of-way.
- If the right-of-way staff has a full right-of-way workload, there is a natural reluctance to take on additional work for which personnel are not readily available.
- There is the perceived threat of right-of-way personnel taking over someone else's job. Right-of-way people should not pose a threat to the engineers and those in other disciplines who have assignments in planning positions.

Let us consider some strategies to achieve right-of-way contributions to the planning process. First, we should develop a positive ("can do") attitude among our right-of-way leadership and staff members. Second, the right-of-way leadership in each State should be committed to the concept of the involvement of qualified right-of-way professionals in the planning process. Third, they must take the initiative.

There are a number of alternatives to achieving right-of-way contributions that we should consider. This can be done as a full-time activity or as a part-time activity for some right-of-way personnel. There need not be a commitment of a large number of people. Rather, it should be a relatively small group. One alternative is to detail personnel to the location, project development, and systems planning units for a period of time. Another way is to transfer them. They would then have a totally new career. A third way is for right-of-

way units to assume full responsibility for categorical areas such as social and economic considerations and land use. This is the case in New Hampshire and North Dakota.

All of these alternatives are viable. What I suggest is that one should look at his/her own agency and situation, seek the achievable, and build upon it. The incremental approach is probably the best in most situations; provide some assistance initially and then build upon it. It is critical that assistance be provided within right-of-way capabilities. If a commitment is made to do something beyond a capability, it will backfire. Therefore, do not overcommit right-of-way personnel resources.

Let's look at two problems from the perspective of the right-of-way manager. Suppose he has a heavy right-of-way workload and wants to offer some assistance by trying to take on some of the planning work, also. It is important when he commits himself to render assistance in the planning effort that he honor the commitment. He should give planning some priority. If he doesn't, the planning units will obtain needed personnel from other sources. Then the door will be closed on the right-of-way manager later.

An example of another problem is that he may lose a good appraiser to the project development team, whether it is on detail or transfer. However, he should look at the big picture. Does the highway organization benefit? Besides, if everyone knows that the appraiser was provided by the right-of-way unit, particularly if the appraiser works out well, credit will go to the right-of-way manager and his staff.

Here are some suggestions for our State right-of-way leadership. Prepare yourself and your subordinates, your better people, for planning work. Identify those with a special interest and aptitude. Identify the needs in the agency. Are there needs in sociology; in land use; in public involvement? If there are, then seek some way to help. Take the initiative and offer your services, but do not threaten anybody's job. Use the incremental approach. Another thing, take the initiative to participate early. For example, in the location phase, get in there early with your

personnel and make the area analyses and help identify alternatives. Don't let somebody else do this and then react to it. Get in there at the very beginning.

## Research

The research activities being done today have a lot to do with what we do tomorrow. There is a need for some of our right-of-way people to be involved in research. There are some Transportation Research Board<sup>2</sup> Committees that should have a few planning and research right-of-way people on them. Appropriate committees are: Transportation and Land Development; Social, Economic and Environmental Factors in Transportation; Citizen Participation; Joint Development; Transportation Environmental Review Process; and Transportation Related Noise.

We should encourage our professional societies to provide the forums for these new ideas we are discussing, provide courses and seminars, and promote professional advancement. The American Right of Way Association and the American Association of State Highway and Transportation Officials are appropriate organizations to promote right-of-way contributions to the planning process.

## FHWA Right-of-Way Role

The Federal Highway Administration's right-of-way professionals should be contributing to the planning process also. Some are, but more should be. Because of limited personnel in some field offices, there are some real time and manpower constraints. In spite of this, there are some important things that they should do. First, they should actively support State right-of-way involvement. Moreover, they should be the champions of the concept of right-of-way contributions. This is an area where the Office of Right-of-Way can provide active leadership. The division right-of-way staff members should concentrate on the categories in which they have the capability (e.g., sociology, economics, land use). They need to be in on problems early. It is not good enough just to review and comment on an environmental impact statement.

The regional office right-of-way staff members can do a great deal. Their con-

<sup>2</sup>Transportation Research Board is a component of the National Academy of Sciences.

tributions should parallel that of the division staffs. They should focus on the categories in which they have capabilities. One of our outstanding regional right-of-way personnel handles all the social and economic matters in his region. This is an example for the others.

In the Washington office, most responsibilities in the planning process are divided among the Offices of Highway Planning, Engineering, and Environmental Policy. The Office of Right-of-Way, at best, performs a supportive role. There is much more that can be done. I recommend the following: Provide a greater commitment of staff resources, taking a more active role; promote right-of-way contributions to the planning process; provide a point of contact for field right-of-way staffs; and promote training of State and FHWA right-of-way personnel.

### Conclusions

In this article, I have tried to convey my views on what and how things should be. We have the opportunity to expand the concepts and methodologies for right-of-way professionals in the planning process. Our right-of-way professionals are an underused resource. They have the capability of doing much more. Social and economic considerations, land use, public involvement, noise, historic and archeological preservation, and esthetics are the major areas available for our involvement.

## Association Calendar

Region 5 Forum  
March 26-27  
Indianapolis, IN

Region 9 Forum  
April 3  
Cheyenne, WY

Region 8 Forum  
April 12  
Toronto, Ont.



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