

FOCUS

LINKING THE RIGHT OF WAY AND ENVIRONMENTAL PROCESS

by Erik Ingebreton

The following is a personal viewpoint. It is not necessarily that of my superiors within my department, nor is it comprehensive of right-of-way or environmental functions.

In our state, the Liaison Agent serves as right-of-way's contribution to the planning team that works on transportation and other public projects. Nine years ago our liaison program was responsible for providing the assessment for social, economic, land use, and environmental project impacts for all properties affected by a project. Our agents were not always specially trained for this job, but we tried to use common sense to do the little that was required in this area.

At that time, the planning effort that right-of-way agents contributed was different from what it is today. Lines were drawn and designs were completed on a drawing board far away from the project location, then the project was built. Public notices, design hearings, and other parts of current projects are recent innovations. This "imperial" planning system was fast, efficient, and relatively cheap, but no matter how much some people miss it, this way of doing things became unacceptable. We started to change our way of doing things, but not fast enough to avoid public displeasure.

In 1972 we held a public hearing for I-505, an urban freeway in Northwest Portland. We had already acquired a number of properties as hardship requests and we expected to build the freeway despite a little neighborhood opposition. The hearing was held in a local school auditorium, packed with angry and upset people who claimed the impacts of the planned freeway had not been adequately answered. One of the main critics was a neighborhood leader who brought down the house by pointing out how the imperial attitude of public officials was evident, even in their seating at the hearing. The many highway officials sat at a long gold-brocade draped table on the auditorium stage, while the

speakers from the public stood nervously below, looking up at the dazzling sight on stage. The perceptive leader (soon afterwards elected to the state legislature) pointed out that it was quite intimidating to stand below and address criticism at a scene resembling the Last Supper.

Public displeasure and court injunctions killed two urban freeways in Portland and delayed another by several years. We did change, but our efforts were often painful and did not come naturally. I overheard one of our first project coordinators say to a local businessman, "You have to tell me what you think about this project because citizen participation is now a legal requirement."

We have continued to learn from our mistakes and have changed our procedures to match the times and the many new and newly interpreted legal requirements in planning. Since 1974 we have operated under an "Action Plan for Transportation", which is frequently updated. I am sure that all states have a similar document. Our Action Plan must comply with the numerous requirements of federal and state legislation. Major requirements include:

- 1) Title 23—USC Sec. 109h (Environmental analysis)
- 2) Title 23—USC Sec. 128 (Public Hearings)
- 3) Title 42—USC Sec. 4321 (National Environmental Politics Act of 1969)
- 4) The Oregon Land Conservation and Development Commission's (LCDC) Goals and Guidelines. In Oregon, all development is subject to comprehensive plans which must be adopted by each city and county and approved, or acknowledged, by the LCDC. All transportation projects must meet the requirements of the Goals and Guidelines, which mandate energy conservation, diversity of



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transportation modes, protection of productive farm land and discouragement of urban sprawl, among many others.

Three concepts underlie the Action Plan. These are 1) Public participation, 2) Consideration of alternatives, and 3) Identification of impacts. As the plan itself states:

"Closely related to the consideration of alternatives is the policy that the Department identify the social, economic, and environmental impacts of its proposed actions. In all phases of Department activity, interdisciplinary teams evaluate the effects of Department proposals. Because Oregon DOT has a variety of responsibilities, its staff represents many disciplines and is capable of analyzing various effects of proposals (engineering, social, economic, and environmental aspects)."

In coordination with the Environmental staff, the Right-of-Way section provides the information at both the program development and project development stages. For the former, this would include a preliminary assessment of Right-of-Way costs and impacts for project categorization. When alternative corridors are considered during the project development stage, the Right-of-Way

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section provides general reconnaissance information regarding property values, relocation costs and participates on citizens' and technical advisory committees. When only one corridor is under construction, the Right-of-Way section begins its contribution during the location phase by preparing a comprehensive liaison report and a preliminary relocation report.

We have come a long way in the last nine years. Today we have environmental staffs, public information representatives, project coordinators and others contributing to a comprehensive, costly, and time-consuming review process. All are working in what used to be our "imperial" right-of-way domain.

Is everybody happy with the current state of affairs? If we are to be honest, the answer is no. Many of us grumble about the time and money that are consumed by the planning and environmental processes. But, what is the track record of the new system? For us, it WORKS. It is very seldom now that we hear an angry word at a project hearing. The public has been involved in planning the project from the outset, environmental issues have been addressed, and right-of-way questions and relocation concerns answered.

We still have our problems. Too few people now attend hearings, money is tight, etc. But, I think it is safe to say that

we have regained the public's confidence in planning public improvements. The success of the Action Plan raises other issues for us to address.

First, what do we see as the purpose of our profession? Are our liaison, environmental, and citizens' participation and relocation programs just ways to "grease the skids" in order to get projects built more quickly? Or what extent do we see these activities as ways to improve and refine projects so that we end up with the best planned and implemented project possible? Our attitude and assumptions make a difference in how we do our work.

Second, is that we work on a team that includes people other than right-of-way agents. Our engineering and planning people, and those from local governing agencies with whom we work, are the target of good natured ribbing. At times, we lose our sense of humor and forget we are all on the same team.

Our attitude towards the environmental staff is often less cordial. For a state that prides itself on its environmental concern, many of our right-of-way people seem to bear hostility towards those who work for our agency as environmentalists. Much of the bad feelings come from a lack of understanding the nature of the environmentalist's work, plus an unwarranted professional rivalry. Right-of-way agents worked hard to become established in a field long-dominated by en-

gineers. Now we compete with another group which wants similar recognition.

An environmentalist who works in our building shared with me some of the frustration in dealing with right-of-way personnel who seem scornful of his work and resentful of the perceived power his section wields. He points out that he works as a gatherer and reporter of information. Environmentalists are not employed to obstruct progress nor to make decisions regarding public policy. He said his job is frustrating because he gathers data and writes about project impacts, but never has the opportunity to alleviate problems. He sees the right-of-way agent in the real world, dealing with people, yet sees his reports as merely categories and numbers.

His request of right-of-way agents, as I understand it, is three-fold. One, that we tolerate, understand, and try to cooperate with all members of the team that work to bring us transportation and other public projects. Second, as right-of-way agents we should appreciate that we have the opportunity to deal with real live people. Finally, that we remember to continually act with professional responsibility and human concern to alleviate the problems of people who are displaced or affected in other ways by our projects. I think these are the challenges and joys of right-of-way work.

The One-Call System

The American Public Works Association announced the availability of the 1982 One Call Systems International Directory. The directory is provided to prevent damage to underground utility facilities.

The One-Call System is a communication system established by two or more utilities, governmental agencies or other operators of underground facilities to provide one telephone number for excavating contractors and the general public to call for notification of their intent to use equipment for excavating, tunneling, demolition, or any other similar work. This one-call system provides the participating members an opportunity to identify and locate their underground facilities.

To order your directory, remit \$1.00 to the American Public Works Association, Utility Location and Coordination Council, 1313 East 60th Street, Chicago, IL, 60637.

Solving the Environmental Predicament

A new publication called *Ecological Land Survey (ELS) Guidelines for Environmental Impact Analysis* is a timely aid for those caught in the predicament caused by Man's ability to modify the environment and his relative inability to foresee environmental consequences. Prepared by the Environmental Conservation Service Task Force and sponsored by the Federal Environmental Assessment Review Office, the guidelines are designed to be used in the planning of major projects such as hydro dam and reservoir developments, pipelines, highways and airports.

The publication discusses ecological land survey for environmental assessments, planning and conducting an ecological land survey, and how to use an ecological land survey data base. The manual is liberally illustrated and in-

cludes a list of references and information sources.

The ELS guidelines will help make inroads into the problems of organized baseline information-gathering and the understanding of the physical and biological processes needed in planning and commissioning major projects.

The guidelines are part of the Ecological Land Classification Series, Number 13, Lands Directorate, and are available free of charge from:

*CCELC Secretariat
Lands Directorate
Environment Canada
Ottawa, Ontario K1A 0E7*

or from:
*Federal Environmental Assessment
Review Office
Environment Canada
Ottawa, Ontario, K1A 0H3*