

# ON THE ROAD TO CAPITOL HILL



## Solidifying relationships in Washington, DC

BY WAYNE GOSS, SR/WA, R/W-NAC

In March, IRWA leadership traveled to Washington, DC to further solidify the Association's relationships with a number of Federal agencies. With an aggressive schedule of meetings planned, the first stop was a Hill Briefing with Congressional staff followed by the 2014 Federal Agency Update.

### Congressional Briefing

On March 25<sup>th</sup>, a report on "Successful Delivery of Infrastructure Projects in Today's Economy," was presented on the Hill, with congressional staff in attendance. After outlining IRWA's overall mission—to advance IRWA's efforts and attain support from government officials on the Hill—International President-Elect Lee Hamre,

SR/WA, R/W-URAC, R/W-RAC, addressed the complex processes and unique challenges facing today's right of way professionals. Next, International Public Agency Committee Chair Leslie Finnigan, SR/WA, segued to a discussion about a bridge crossing the Willamette River, which is part of Oregon's new Portland-Milwaukie Light Rail Project. By outlining specific project delivery issues, the attending staff got a first-hand accounting of the complexities associated with getting projects funded and built. In response, Representative Rodney Davis from the 13<sup>th</sup> Congressional District of Illinois, expressed his support. He emphasized the need for increased funding and reinforced how these crucial projects are the key to job growth.

### Federal Agency Update

IRWA hosted the 2014 Federal Agency Update, an annual event designed to encourage a peer-to-peer exchange among various federal agencies and right of way professionals. Co-sponsored by the Federal Highway Administration (FHWA), the forum featured 11 speakers who presented the latest regulatory updates.

The event kicked off on March 26<sup>th</sup> with the introduction of Virgil Pridemore, the newly appointed Director of the FHWA Office of Real Estate Services (ORES). Arnold Feldman, a member of the ORES Project Development Team, spoke on the Uniform Act revisions process and reporting





In response to IRWA's presentation, U.S. Representative Rodney Davis (R-Iowa), reinforced the need for increased infrastructure funding. Watch his response at [www.youtube.com/user/irwaonline2010](http://www.youtube.com/user/irwaonline2010).

requirements, and outlined the Notice of Proposed Rulemaking, which proposes updates on advanced acquisition, real property interests, property management and right of way certification.

ORES Realty Officer Bruce Bradley, SR/WA, provided a look at proposed revisions to the Advanced Acquisition provisions of MAP-21, outlining a study on use of state-funded early acquisitions that may

be eligible for federal reimbursement. The report is scheduled for publication in July 2014. Bruce announced a September 2015 completion date for ORES's ongoing study of electronic versus paper record-keeping systems from a cost and protection perspective.

Chief Appraiser at ORES, John Turpin, SR/WA, outlined the new MAP-21 Memorandum of Understanding between agencies impacted by the Uniform Act. He announced that the National Highway institution Course, Successful Acquisition Under the Uniform Act, was piloted in December, and a course on eminent domain for appraisers and attorneys is scheduled to follow. As with other National Highway

Institute courses, they should qualify for continuing education credits for licensed appraisers.

FHWA Realty Specialist Mary Jane Daluge, SR/WA, outlined the Accelerated Project Delivery initiative that involves relocation streamlining to allow for lump-sum payments of eligible acquisition and relocation payments. Three states are participating in a pilot program, and a report will be available in 2015. Mary Jane also explained the temporary waiver methodology for calculating replacement housing payments when negative equity is involved and gave an update on AASHTO's right of way relocation software, a trial program with three DOTs participating,



Meeting with Congressional staff were, from left, International Secretary Jerry Colburn, SR/WA, R/W-RAC, International Treasurer Mary Ann Marr, SR/WA, International Vice President Wayne Goss, SR/WA, R/W-NAC, International President-Elect Lee Hamre, SR/WA, R/W-URAC, R/W-RAC (seated), International Public Agency Committee Chair Leslie Finnigan, SR/WA and IRWA Executive Vice President Mark Rieck.

During a Hill Briefing on March 25<sup>th</sup>, International President-Elect Lee Hamre, SR/WA, R/W-URAC, R/W-RAC presented a report on “Successful Delivery of Infrastructure Projects in Today’s Economy.”



designed to automate the calculation of relocation assistance benefits under the Uniform Act.

Lisa Barnes, SR/WA, R/W-RAC, Vice President at ORC Training, informed attendees about research on technical expertise and how reverse mortgages should be addressed to ensure fair and equitable treatment. Research should be completed and incorporated into an upcoming Notice of Proposed Rulemaking.

Charles O’Neill, ORES Program Implementation Team Leader, spoke on training opportunities. He explained the recent Supreme Court decision that overturned the “Rails-to-Trails” program by ruling that unused railroad beds should revert to underlying property owners, and outlined Stewardship and Oversight Strategies Program for Local Public Agencies.

John Ross, Director of the Office of Valuation Services of the Department of the Interior, addressed appraisal services for agencies including the National Park Service, Bureau of Land Management, Fish & Wildlife Service, Bureau of Reclamation and the Bureau of Indian Affairs. He explained an ongoing \$1.9 billion land buy-back program for Tribal Nations, comprised of over 94,000 tracts in 150 reservations/tribal areas in twenty

states. Approximately 245,000 individuals are involved, holding around 3 million interests in tracts totaling over 10 million acres. With surface, subsurface and combined estates, the project is estimated to take ten years.

Rick Etter, National Resource Expert – Real Property with the Federal Aviation Administration (FAA) discussed the FAA Airports Program. He reported that there are currently 5,171 public use airports, 3,355 of which are eligible for federal funding, sharing \$42.5 billion allocated based on the airport and types of project. He briefed the group on changes to requirements on Noise Land Disposal, Airport Improvement Program Guidance and all MAP-21-updates to the FAA Advisory Circulars on Land Acquisition and Relocation Assistance for AIP-assisted projects, Airport Land Use Compatibility and Oil & Gas Development on Federally Obligated Airports, all due out in 2014.

Lucas Lucero, PMP, Senior Advisor for the Bureau of Land Management, provided an informative update on establishing energy corridors across the more than 240 million surface acres and over 700 million subsurface acres managed by the Agency. Section 368 of Energy Policy Act of 2005 directs designation of corridors in 11 western states. To date, 119 corridors

encompassing over 5,000 miles have been designated. A Request for Information was announced in March with a 60-day comment period for possible revision of these designated corridor areas. Christopher Van Wyk, Director of the Federal Transportation Administration’s (FTA) Office of Human and Natural Environment, spoke about Categorical Exclusions relative to FTA projects. In short, these are actions that that have been determined to not have significant effect on the environment. They are excluded from Environmental Assessment or Environmental Impact Statement review but they are NOT an exemption from National Environmental Policy Act processes.

### **“Members Only” Webinars**

The Federal Agency Update was highly successful, and the topics presented have since led to webinars hosted by IRWA. As an exclusive members-only benefit, the first webinar was held in May with Lucas Lucero speaking on the Bureau of Land Management’s Energy Corridors. In the near future, IRWA members will be invited to other webinars on the most updated federal guidance. ☺

*To access the presentations from the event, visit [www.irwaonline.org](http://www.irwaonline.org) and click on the Federal Agency Update icon on the home page.*