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of Transportation

**Federal Highway
Administration**

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Washington
Division

Washington State
Department of
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Program Review



Washington State
DOT



FHWA
Washington Division

Evaluation of WSDOT's Oversight of the Local Public Agency ROW Program

August 2011

FINAL REPORT

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Executive Summary

There are many areas where WSDOT is providing superb support to LPAs and helping them through the acquisition process. However, there are some specific areas of oversight practices that have led to projects being certified were not in full compliance with *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended*. This report's recommendations were designed to improve WSDOT's oversight of the LPA ROW Program and to prevent future regulatory compliance issues.

The main purpose of this review was to determine if WSDOT's oversight of the Local Public Agency (LPA) Right of Way (ROW) Program is ensuring LPA compliance with Federal laws and regulations. Another objective of the review was to determine if there is sufficient training available to LPAs and WSDOT staff. We used two methods of data collection, reviewing WSDOT close-out letters and interviewing WSDOT staff, to make our determinations about the sufficiency of WSDOT's oversight and training programs.

WSDOT's basic model of having an LAC in each Region with an HQ Program Manager to ensure compliance with federal laws, regulations, and policies is exemplary. The organization chart is well organized to be able to provide oversight and guidance to LPAs. In addition, the retired HQ LPA ROW Manager has provided excellent assistance and support to the LACs.

When LACs or the Relocation Reviewer are able to be proactive, there have been several occasions where this has led to averting problems resulting in maintaining project Federal Aid eligibility. Having said this, WSDOT does need to make some process improvements to their oversight of the LPA ROW Program to ensure that the LACs are able to proactive so project ROW can be certified and projects can proceed to construction using federal funds.

Due to ROW certification issues over the course of the last calendar year, this review was selected. For example, FHWA and WSDOT decided that two projects could not use federal funds and a third project's eligibility is questionable. We also found that there has been a misunderstanding between FHWA and WSDOT regarding WSDOT's authority to waive federal regulatory requirements on projects. This review identified some specific oversight practices that have led to projects being certified by WSDOT when there were not in full compliance.

In a five year timeframe between 2005 and 2010, we found that there were 16 out of 174 projects where the Region Local Agency Coordinator reported compliance issues, yet the projects were certified by WSDOT without informing FHWA of these issues as WSDOT's LACs believed the concerns had been sufficiently corrected and that the

property owners and/or relocatees were properly compensated. As a result of this finding, FHWA has determined WSDOT is not always ensuring compliance with federal laws and regulations. To address this oversight issue, FHWA recommends that FHWA and WSDOT co-author a Roles and Responsibilities guidance document, which should lead to common expectations for all WSDOT staff involved in LPA projects with ROW acquisitions.

Over the past calendar year, it is evident that use of WSDOT's LAC model is generally working. Projects were identified with regulatory violations that could not be sufficiently corrected by the LPA and that WSDOT felt could jeopardize federal funding. WSDOT worked with FHWA to determine what the options were for these projects. For two of the projects, the decision that they could not be certified and were ineligible for federal funds have been finalized, and the eligibility decision on a third project is pending. As FHWA and WSDOT worked together on the three projects, it became clear that we had a misunderstanding of each other's expectations on what was required to certify a project.

We also found that while training was offered to LPAs and LACs, training budgets have been reduced and LACs are not able to attend training as often as they once were. In addition, there is no set core training curriculum for LPAs and WSDOT staff to help them gain the necessary expertise to function in their position. Without sufficient training, LPAs and WSDOT staff may not realize when they should bring in more support or if they need to do something differently to stay in compliance with federal laws and regulations, and approved policies. A core training program needs to be developed, and training opportunities need to be readily available to improve the ROW program delivery and WSDOT oversight responsibilities.

Our last major finding from the review was that some of the WSDOT staff overseeing the LPA ROW Program have other duties on WSDOT projects, so there are often competing priorities between the LPA project oversight and delivery of ROW for WSDOT projects. FHWA believes a two-prong approach should be used to address this priority issue. First, by creating a Roles and Responsibilities document, WSDOT staff and management should be more aware of WSDOT's oversight responsibilities. Secondly, FHWA recommends budgeting dedicated funding for the region coordinator position to ensure that they have sufficient time to perform oversight activities, so the coordinators can regularly be proactive rather than reactive.

FHWA believes that that if WSDOT agrees to make the above changes to the program, we will greatly reduce the number of issues that could preclude ROW certification. In addition, we will have processes set in place on how to address any issues that are not caught early, thereby maintaining projects' federal eligibility to a greater extent.

Background

FHWA identified WSDOT's Oversight of the LPA Right-of-Way (ROW) Program as an area of risk through the Washington Division's 2010 Risk Assessment. This topic was identified for the following three reasons:

- Two projects were not certified and a third one is questionable in the last calendar year,
- A misunderstanding between FHWA and WSDOT arose regarding WSDOT's authority to waive federal regulatory requirements as implemented through their oversight activities,
- This topic has not been reviewed in the last five years.

While FHWA has ultimate responsibility for assuring compliance with federal laws and regulations, day-to-day oversight of the Local Public Agency (LPA) Right of Way (ROW) program has been delegated to the Washington State Department of Transportation (WSDOT) through the Stewardship Agreement between FHWA and WSDOT. WSDOT's oversight of the ROW program includes responsibility for ensuring that acquisitions, relocations, and disposals are done in compliance with the Federal laws, regulations, and approved policies including *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA)*, 49 CFR Part 24, 23 CFR Part 635.309, and 23 CFR Part 710.

Starting in 2003, the state gas tax was increased through the Nickel funding, and in 2005, taxes were again increased under the Transportation Partnership Account funding which resulted in WSDOT's largest program ever. The increase in size of the program made it harder for WSDOT Real Estate Services Regional and Headquarters Offices to devote as much time to oversight of the LPA program. The size of WSDOT's program is now on a downward trend, but resources available to oversee the program are still tight because of upcoming retirements and the pending reduction in force.

Under current staffing levels, WSDOT uses the model of having a Local Agency Coordinator (LAC) in each Region with an HQ Program Manager to ensure compliance with the federal laws, regulations referenced above, along with approved policies in the Local Agency Guidelines Manual and the WSDOT ROW Manual. This LAC model has been used for many years, and WSDOT received the FHWA Excellence in Right of Way Local Public Agency Award on May 10, 2004 for how WSDOT ran the ROW program and the assistance they provided to LPAs. FHWA believes this model gives WSDOT the ability to successfully oversee the LPA ROW Program, as long as both FHWA and WSDOT share common expectations on how to deal with compliance with laws, regulations, and approved policies.

WSDOT's use of their LAC model is working. Projects were identified with compliance gaps that could not be sufficiently corrected by the LPA and that WSDOT felt could jeopardize federal funding. WSDOT worked with FHWA to determine what the options were for these projects. For two of the projects, the decision that they could not be certified and were ineligible for federal funds have been finalized, and the eligibility decision on a third project is pending. As FHWA and WSDOT worked together on the three projects, it became clear that we had a misunderstanding of each other's expectations on what was required to certify a project. The data collection from this process reviews showed that the LACs identified regulatory compliance issues in 16 out of 174 certified projects in a five year timeframe between 2005 and 2010. With this information, FHWA and WSDOT have started conversations about changing some of WSDOT's oversight practices.

Purpose and Objective

The purpose of the review was to determine if WSDOT's oversight of the LPA Right of Way Program is ensuring LPA compliance with 49 CFR Part 24 and the URA. The Division Office originally also identified the following additional objectives for the review:

- Identify trends or concerns to develop a targeted training program,
- Look at Succession Planning and how upcoming retirements may affect WSDOT's oversight responsibilities,
- Highlight consistency of process and recurring themes,
- Make suggestions on any opportunities for further process improvements, and
- Highlight best practices.

Some objectives were met more than others.

Scope and Methodology

This review had two methods of data collection. The first method was a literature review of WSDOT's close-out letters used in the certification process. The second data collection method was interviewing the WSDOT staff involved in the LPA ROW Certification process.

The literature review was comprised of assessing the close-out letters for a five year period from January 2005 through September 2010. All 174 letters were reviewed to understand what issues were noted by the Region LAC. The issues were analyzed to determine if there were any compliance problems. Appendix A provides a summary of the issues found through the review of the letters. No additional data analysis was done by FHWA beyond looking at the certification letters.

Interviews were conducted with all WSDOT staff involved in the LPA ROW Certification process, as listed below. The intent of these interviews was to gain an understanding of what each interviewee believed their oversight responsibilities to be, and the oversight actions they took to ensure property was acquired and persons were relocated in compliance with the Federal laws, regulations, and approved policies. Several questionnaires (LAC, Real Estate Services Manager, Relocation Reviewer, and LPA ROW Program Manager) were developed and provided to the interviewee prior to the interviews.

Interviewee	Title	Region
Tom Boyd	LAC	Northwest
John Jensen	Region Real Estate Services Manager (RESM)	Northwest
Paul Lovgren	LAC	Olympic
Mark Ellis and Hal Brown	RESM and Assistant RESM	Olympic
Mike Stricker	LAC	Southwest
David Harjo	RESM	Southwest
Farzan Faivar	LAC	North Central
Ted Hill	Real Estate Services Assistant Manager, Eastern Washington Division	North Central
Al Rouse, Bill Hicks and Brian White	LAC; Acting RES Assistant Manager, Eastern Washington Division; and Assistant Regional Administrator for Project Development	South Central
Roxanne Grimm	LAC	Eastern
Tim Golden	RES Manager, Eastern Washington Division	Eastern
Leslie Beaird	LPA Relocation Reviewer	Headquarters
Galen Wright	LPA ROW Program Manager (retired)	Headquarters

Team Members

Team Leaders
<u>James Kyte</u> -FHWA, WA DIV Realty/Environmental Specialist, Professional Developmental Participant
Team Members
<u>Aaron Butters</u> -WSDOT, Highways and Local Programs Engineer <u>Dave Leighow</u> -FHWA, HQ Realty Specialist <u>Elizabeth Healy</u> -FHWA, WA DIV ROW Program Manager <u>Dianna Nausley</u> -WSDOT, HQ Relocation Assistance and Program Support Program Manager <u>Mike Palazzo</u> -WSDOT, Real Estate Services Program Administrator <u>Galen Wright</u> -WSDOT, LPA ROW Program Manager (retired)
Team Sponsors
<u>Pasco Bakotich</u> -WSDOT, State Design Engineer <u>Kathleen Davis</u> -WSDOT, Director, Highways and Local Programs <u>Mike Canavan</u> -FHWA, WA DIV Assistant Division Administrator

Observations and Recommendations

Observation #1: Projects were not in Full Compliance as identified by LACs during certification reviews, yet projects were still certified by WSDOT.

During data analysis, FHWA discovered that the LACs identified compliance issues and reported the issues in the close-out letters for projects, yet those same projects were later certified by WSDOT without any discussion between FHWA and WSDOT. Some specific violations cited by the LACs include:

- There were six projects where the LPA used the Appraisal Waiver (Also known as an Administrative Offer Summary) without informing the property owner of his or her right to an appraisal. (49 CFR 24.102(c)(2)(ii)(B); 49 CFR Part 24.102 (c) (2); and 49 CFR Part 24 Appendix A, Section 102(c)(2))
- There were seven projects where the LPA did not establish just compensation prior to making their formal offer to the property owner to acquire ROW. (49 CFR, Part 24.102 (d))
- Some projects did not have sufficient supporting documentation for their administrative settlements. (49 CFR Part 24.102(i) and 49 CFR Part 24 Appendix A section 102(i))
- At least one project showed that the LPA did not have clear title to the land. They may not have acquired adequate property rights. (23 CFR Part 1.23)

As a result of multiple discussions between FHWA and WSDOT, it became clear that we did not have a common understanding of each other's expectations on what was required to certify a project. FHWA also learned that WSDOT's practice for LPA project certification was if they felt that they had enough information to determine that property owners received just compensation and were not mistreated, then the project could be certified. This practice led to multiple LPA projects being certified that had regulatory or policy violations, and FHWA was not informed of these issues.

There are several reasons that explain why FHWA and WSDOT did not have the same expectations on certification requirements.

- The WSDOT ROW Manual is written for WSDOT processes, whereas the LAG Manual Chapter 25 is written for the LPA. Neither document is written for the LAC.
- WSDOT does not have any written guidance for LACs describing exact job duties.
- The LAC position does not have established job skills and knowledge standards. In addition, the HQ LPA ROW Program Manager does not have any input on selecting candidates to fill the LAC positions in the Regions.

- The Right of Way section in the Stewardship Agreement between FHWA and WSDOT does not provide enough detail to define specific expectations. Since the program was well established, the current FHWA ROW Program Manager did not ask specific questions on the certification process practices when she took over the program.

FHWA believes that when regulatory issues or violations are encountered, WSDOT needs to engage FHWA to decide how to address or resolve the issues because WSDOT does not have the jurisdictional authority to waive regulatory requirements. If non-compliance is discovered, there may be opportunities to look for programmatic solutions that FHWA has approved through a formal agreement, allowing WSDOT to take remedial actions without further FHWA involvement.

Recommendation #1: Create a guidance document that defines roles and responsibilities, which should lead to common expectations for all WSDOT staff involved in LPA projects with ROW acquisitions.

This document will include a section that establishes expectations and defines issues and the level at which decisions about regulatory and policy violations will be made. In addition to this section, this document will include the checklist that WSDOT is currently developing that is intended to certify the process meets federal requirements. The checklist will list federal regulations and state laws, policies, and procedures that will be signed off by the acquiring agency and become part of the file to ensure regulatory compliance.

The document's expectations section and the new checklist will not change the expectation that one of the LAC's main roles is to find and correct issues **during** the acquisition process.

The primary user and audience of this document would be the LAC, but it will address expectations for other regional and HQ positions as well. For instance, for the LAC, this document should provide specifics on job knowledge requirements, typical job duties, decision making authority levels (i.e. when should they bring in the LPA ROW Program Manager and/or FHWA), and appropriate job classification level (i.e. PAS level). It is intended that this document will be provided to LPAs and others as necessary so they will also gain a better understanding of the expected roles and responsibilities.

WSDOT has committed to providing the following oversight activities that will be captured in the new Roles and Responsibilities document:

- The Local Agency Program Manager (LAPM) will develop a program to implement progress reviews (spot checks) on a sample number of LPA projects that have federal funding.

- LAPM will develop program to implement periodic QA Team reviews performed by subject matter experts to provide feedback to the LAC and the LPA – random selection of 1 to 2 projects a year. A charter will be developed to identify components of the program.
- Standardize project reviews (who, what, how documentation is retained and for how long) – Certification form will be revised to include an indication of which files were reviewed.
- Develop certification package to include:
 - Checklist
 - Validate regulatory compliance (documentation attached to certification)
 - Signed certification
 - Signatures to include RESM and LAC
- Develop a communication plan between the LAC and Local Programs to ensure the LAC has up to date project information. This could include maintaining a standardized list of on-going local projects with federal funding.
- LAC will manage a status report of all progress reviews and certification reviews.
- Prioritize by LAC looking for opportunities to attend project tour w/local on all projects with federal funding when/if available.
- Standardize process - correction letters to local agencies.
- LAPM to track certifications to identify # of projects certified, any hot issues, etc.
- LAPM to track local agency project reviews performed by LACs.

An initial draft of this document is attached in Appendix C. The ROW Manual will need to be updated to reflect any new practices or changes resulting from this Roles and Responsibilities Document.

Compliance Issue (if any):

WSDOT certified 16 out of 174 projects where the LACs reported that the project was not in full compliance.

Resolution (if any):

FHWA has not reviewed the specific project files to verify we agree with the LAC conclusions, therefore we have not found any projects to be ineligible for federal funds. However, since the LACs found regulatory issues on projects where the ROW was certified, FHWA has determined that clear guidance needs to be provided regarding roles and authority levels. Through the Roles and Responsibilities Document, FHWA and WSDOT need to establish a procedure that outlines how to handle identified regulatory and policy certification issues in the future. Specific criteria need to be

established that define when we will discuss waiving regulatory violations and when we should consider not certifying the project.

Observation #2: While WSDOT has provided many training courses (see Appendix B) to LPAs over the past five years, WSDOT does not have a regularly scheduled, coordinated training program for LPAs and LACs.

LPAs

During data gathering and analysis, the team discovered that while WSDOT offers training to LPAs and consultants as requested through LTAP, there is a lack of a coordinated training program with a core curriculum to prepare LPAs for acquisition activities. Training opportunities are not offered equally between regions. For instance, one LAC makes an effort to hold annual training sessions for LPAs where there are multiple sessions at multiple locations in an effort to minimize travel for LPAs and to keep class sizes reasonable. Other LACs do not provide annual training, but will offer one-on-one training when requested.

While there is no “right” way to provide training, multiple tools and methods need to be used to provide a coordinated training program that will raise awareness of issues, result in more questions being raised before inappropriate decisions are made, and reduce problems discovered late in the process. One idea that has been discussed is having a “qualified” or “certified” list of people that can perform acquisition and relocation functions. This could be considered for consultants and for individual LPA staff. This could entail taking a core curriculum of classes. Another way to get on the “certified” list could be successfully passing the “certification” test. Under this certification program, a LPA staff or consultants would need to be certified to be allowed to perform specific activities such as acquisition, appraisal waivers, relocation, and property management.

Limited budgets, both at WSDOT and LPAs have limited the number of classes that they are able to attend. In addition, WSDOT HQ Real Estate Services has not provided the training support that once existed.

Lack of training at the LPA contributed to the three projects being made ineligible for federal participation is due to acquisition or relocation mistakes. Two other issues contributing to the ineligibility determinations were LPA turnover, and bad advice given to the LPA.

LACs

The team also found that additional attention needs to be directed to training for the LAC position so they are able to provide adequate oversight of the right-of-way program.

In addition to training that is specific to LAC duties, the LAC position needs to have a defined minimum level of expertise that candidates need to meet to be selected for the position. Training provided to LACs should not be a substitute for expertise in appraisal, acquisition, relocation, etc.

The LACs will benefit from attending or providing LPA training in right-of-way disciplines. In addition, targeted training just for LACs should be provided, early on in their tenure, and when changes are made to the LAG or the program in general, so they understand how the LAC position is different from other WSDOT Real Estate Services positions and the expectation of LAC job performance.

Lack of training can impact the LACs ability to provide adequate oversight of the program. For instance, if they do not understand their role and expectations, there may be issues that they overlook, they may not realize they need to elevate an issue, or they may make decisions they do not have the authority to make.

Recommendation #2: Improve training opportunities for LPAs and LACs by setting a core curriculum and providing regular training opportunities on a variety of topics.

Improving training opportunities for LACs, and LPAs and consultants will help ensure ROW is purchased in compliance with Federal laws, regulations, and approved policies.

A variety of training tools and methods need to be made available to LPAs. In order to deal with limited travel budgets within WSDOT and LPAs, a variety of training options such as those listed below should be provided:

- In-person instructor-led training (such as NHI or IRWA courses).
- Annual LAC-led training sessions for LPAs.
- Recorded training sessions.
- Interactive web-based training sessions (i.e. via Go-To Meetings), including those developed by NHI and FHWA.
- LACs should provide customized training to LPAs early in the LPA's acquisition process to identify high risk activities and to ensure issues do not become problems.
- A couple of specific courses that should be added to the core curriculum are: one that focuses on federal requirements/processes needs to be provided regularly,

and one that describes early acquisition requirements. This course could be offered and taught by WSDOT/FHWA annually, statewide. The content should deal with roles/responsibility/expectations/top 10 issues that jeopardize federal funding, etc.

- Annual assessment of training needs for Local Agencies based on emerging trends that were identified through the tracking methods mentioned as part of recommendation #1 to provide on time or on demand training.
- Discuss results of compliance reviews with the LPA and consultant and offer “on demand” and other training sessions looking for trends and training opportunities.
- Develop a web site to share results, best practices, lessons learned, etc., that can be accessed by local agencies.
- Provide LAPM lead regularly scheduled LAC training.
- Use GoTo Meetings and Webinars to disseminate information on new, emerging priority issues.
- Develop statewide LAC blog.
- Use of Turbo Relocation as a resource for local agencies.
- Provide articles for the quarterly LTAP newsletter.
- Take advantage of opportunities to make presentations at local agency design conferences – coordinate with Local Programs.
- Implement system to track training provided to local agencies by LAC or HQ.
- Encourage and support LACs in networking opportunities such as IRWA.
-

Regular meetings for LACs should be provided by the HQ LPA ROW Manager on a defined schedule, such as quarterly or semi-annually. LACs should also provide training to LPAs as a way to improve their skills.

Observation #3: Oversight of the LPA ROW Program is not always given the same priority as the WSDOT ROW Program

The LAC position is essentially full time in two regions, so competing priorities are not an issue. However, in the remaining four regions, the LAC has other duties on WSDOT projects, and there are often competing priorities between the LPA project oversight and delivery of ROW for WSDOT projects.

Under Recommendation #1, FHWA has suggested creating a Roles and Responsibilities document to clarify expectations between FHWA and WSDOT on what activities are necessary for sufficient oversight of the program. This document will supplement the Stewardship Agreement to better define oversight expectations.

With the state Nickel and TPA funding, WSDOT has had their largest program ever. With these two funding programs, the Washington State Legislature specific project budgets and ad dates. WSDOT was pressured to deliver projects in sometimes unreasonable time frames set in state law, and this environment has made it difficult for WSDOT to give the LPA program equal priority.

FHWA believes that if the LAC position has a dedicated amount of time set aside for LPA projects, the overall program oversight will improve. One way to reduce Region projects prioritizing over LPA projects is to have the LAC report to HQ rather than the Regions. Another way to get to allow the LAC to have sufficient time for LPA oversight would be to provide overhead funding to the LACs so they know they will spend a specific amount of their time on the LPA program. This would need to be customized to each Region considering each Region's LPA program size. FHWA is open to WSDOT providing a different solution to ensure the LPA program has sufficient oversight.

Another stewardship problem that has arisen from a lack of time dedicated to the LPA program is that many of the LACs are reactive, rather than proactive. One problem with being reactive is that they are only involved in project oversight when the LPA submits their request for a certification review. Getting involved at the end of the process makes it substantially more challenging to prevent issues from becoming problems.

If the LPA projects do not get sufficient priority, then it possible that the late identification of problems could make it hard or impossible to fix the problems to allow for ROW certification.

Recommendation #3a: Evaluate having the LACs report to the HQ LPA ROW Program Manager and evaluate bucket/overhead funding of the LAC position instead of charging to projects.

If the LAC reported to HQ, then the LAC might be less worried about not meeting performance expectations from the RESM on state projects.

If overhead funding for the LAC position was provided, the LACs should have a dedicated amount of time for LPA ROW Program oversight. In addition, another benefit of providing overhead funding could be that the LPAs are more willing to contact the LAC for advice because they are not worrying about how much of the project funds will need to be diverted to the ROW phase.

If WSDOT develops a different solution other than providing dedicated overhead funding to ensure oversight and sufficient coordination with the LPA, FHWA will support WSDOT's alternative solution.

Recommendation #3b: Use the proposed Roles and Responsibilities document to define prioritization expectations.

This document will set oversight expectations for WSDOT on LPA projects as discussed in Recommendation 1. In addition, it could also include the items listed below to define expectations that would help keep LPA projects at the same priority as WSDOT projects:

- Track past federal aid projects and future projections for local agencies.
- More involvement of HQ LAP Program Manager with Local Programs.
- Utilize ShareDot as a reporting tool so Local Programs and FHWA would have access to reports – monthly, quarterly, etc.
- Implement a required kick-off meeting (could be conversation, in person or over the phone, a go to meeting, project tour, etc.) for projects with federal funding. It would involve:
 - The LAC;
 - Either LPA staff or consultant depending on approved procedures;
 - Discussion of roles/responsibilities/expectations prior to start of project;
 - Provide list of top 10 issues that can jeopardize federal funding; and
 - Discussion of oversight responsibilities of consultants by local agency.
- Create an approved list of consultants/LPA staff to provide ROW work on federally funded projects – based on experience, skills and knowledge of federal regulations.
- Track/document local agency variance from approved procedures.
- Track oversight issues, best practices and share experiences statewide during regularly scheduled LAC meetings.

Successful Practices

WSDOT's basic model of having an LAC in each Region with an HQ Program Manager to ensure compliance with federal laws, regulations, and policies is exemplary. The organization chart is well organized to be able to provide oversight and guidance to LPAs.

The current HQ LPA ROW Program Manager has provided excellent assistance and support to the LACs, and all future Program Managers should strive to provide sufficient assistance to the LACs.

When the LACs or the Relocation Reviewer are able to be proactive, there have been several occasions where this has led to averting problems resulting in maintaining project Federal Aid eligibility. Some of the methods used by the LACs and the Relocation Reviewer are: spot checks, phone calls, emails, and face-to-face meetings to resolve issues that arise. The LACs also utilize WSDOT RES HQ guidance to assist locals in making good sound decisions.

Established relationships based on trust between the LAC and LPAs are vital in ensuring projects are in compliance with the URA. This relationship forms the basis for proactive interaction during project development that allows for issues to be solved rather than becoming problems.

Succession Planning done by RES HQ is instrumental in making sure the LPA program is well-managed into the future. A new HQ LPA ROW Program Manager has taken over for the former Program Manager upon his pending retirement in June, 2011. The replacement worked actively with the former manager during a transition period by meeting weekly with the former Program Manager. This transition helped the new Program Manager to understand her new role and gain an understanding of what her daily activities would be.

Conclusion

There are many areas where WSDOT is providing superb support to LPAs and helping them through the acquisition process. However, there are some specific areas of oversight practices noted above that have led to projects being certified that were not in full compliance with regulations . This report's recommendations were designed to improve WSDOT's oversight of the LPA ROW Program and to prevent future regulatory violations.

Action Plan

Complete the Roles and Responsibilities Document from Recommendation 1 by September 30, 2011

Complete the Training Program Curriculum from Recommendation 2 by January 31, 2012

Evaluate the LACs reporting to HQ and/or providing bucket funding for the positions from Recommendation 3a by November 30, 2011.

Set priority guidelines for state versus local work from Recommendation 3b by November 30, 2011.

Appendix A: Regulatory Issue Summary

Regulatory Issue	Number of projects with regulatory issue ¹
The owner not informed of right to an appraisal when an AOS was used to establish the property value.	6
The Agency's appraiser did not make a good faith effort to contact property owners to invite them to accompany the appraiser during the site visit.	1
The Agency did not set Just Compensation prior to sending offer letters to property owners	7
Administrative settlement documentation was not sufficient or not provided	3
Appraisal review issue	1
Uneconomic remnant issue	1

¹ There may be more than one issue per project.

APPENDIX B: Training Courses Offered from January 1, 2005 to September 30, 2010

Course Provided	Date	Location	Instructor(s)
LPA Orientation Residential Relocation	2/28/2005	King County	Leslie Beard
LPA Orientation Residential Relocation	2/2005	Yakima County	Leslie Beard
Residential Procedures with Yakima County	3/10/05	Yakima County offices	Leslie Beard
LPA Seminar	4/20/05	Mount Vernon	Region Galen Wright Dave Leighow
IRWA Meeting – FWHA Regulation Changes	4/11/05	Bellevue	Leslie Beard Dianna Ayers
Uniform Relocation Federal Regulation Changes	6/14,15/2005	Kent	Dianna Ayers, Leslie Beard, Galen Wright
Olympic Region Workshop	6/14/05	Olympia	Shelly Carver
LPA Seminar	6/15/2005	Kent	Region Galen Wright Dave Leighow
URA Update Class	8/3/05	Kent	Leslie Beard Dianna Ayers & Galen Wright
Uniform Relocation Federal Regulation Changes	9/14/ 2005	Kelso	Dianna Ayers, Leslie Beard, & Galen Wright
URA Update Class	10/12/05	Kelso	Leslie Beard, Dianna Ayers & Galen Wright
NW Region LPA Title Issues	11/30/05	Seattle	Tom Boyd, Mona Cox, Terry Meara
RES Procedures Course	2/27-3/2/2006	Olympia	WSDOT staff
WSDOT Relocation Workshop	5/15-17/2006	Vancouver	various
NW Regional Right of Way Conference	9/10-13/06	Vancouver	Various
Residential Relocation w/Clark County	11/14/2006	Vancouver	Leslie Beard
WSDOT Procedures w/ Certified Land Services (consultant)	4/ 5/2007	Bellevue	Leslie Beard
WSDOT Procedures w/Pharos Inc. (consultant)	4/17/2007	Edmonds	Leslie Beard
WSDOT Procedures w/Universal Field Services (consultant)	4/18/2007	Edmonds	Leslie Beard
NW Regional Right of Way Conference	9/23-26/07	Seaside, OR	Various
LPA Training Session Port Townsend	4/15/08	Jefferson County Agencies	Paul Lovgren Local Programs

LPA Training Session, Port Angeles	4/16/08	Clallam County Agencies	Paul Lovgren Local Programs
LPA Training Session Montesano	4/17/08	Grays Harbor Agencies	Paul Lovgren Local Programs
LPA Training Session Tumwater	4/18/08	Mason/Thurston County Agencies	Paul Lovgren Local Programs
LPA Training Session Port Orchard	4/29/08	Kitsap County Agencies	Paul Lovgren Local Programs
LPA Training Session University Place	4/30/08	Pierce County Agencies	Paul Lovgren Local Programs
R/W Acquisition Basics	12/2/08	Tumwater	Paul Lovgren Local Programs
NHI Appraisal Review	5/6/08	Tumwater	Thomas Anderson
Coordinator's Meeting	6/3/08	Olympia	Various
FHWA Acquisition Process	8/26/08	Kent	Tom Boyd Galen Wright Leslie Beaird
NW Regional	9/8,9,10/08	Coeur d' Alene	Various
R/W Process Review	10/6/08	Mt. Vernon	Tom Boyd Galen Wright Leslie Beaird
NW Region Relocation Staff	12/9/08	Seattle	Leslie Beaird
Single Agency Training	2/2/09	Snohomish Co.	Tom Boyd
Relocation Assistance	3/2/09	Everett	Dave Leighow
Single Agency Training	2/11/09	Langley	Tom Boyd
Single Agency Training	2/9/10	Burlington	Tom Boyd
Coordinator's Meeting	3/3/10	Olympia	Various
WSAC FHWA R/W Procedures	6/17/10	Great Wolfe Lodge	Galen Wright
Basic Relocation Overview	6/30/10	Olympic Region	Leslie Beaird
Basic Relocation Overview	8/17/10	Shoreline	Leslie Beaird
Single Agency Training	8/24/10	Snoqualmie	Tom Boyd
50 Ways to Lose Your Funding	9/9/10	Olympia	Dave Leighow
Basic Relocation Overview	9/14/10	Spokane	Leslie Beaird
Single Agency Training	9/30/10	Bellevue	Tom Boyd

Appendix C: Roles and Responsibilities Document

OVERSIGHT OF THE LPA RIGHT OF WAY PROGRAM

Overview

Through the Stewardship Agreement between WSDOT and FHWA, WSDOT is responsible for ensuring that all aspects of Local Agency projects are done in compliance with federal statutes, regulations, and policies. WSDOT's HLP's office is the lead office for ensuring this compliance. The H&LP office funds (partially) the HQ RES LPA ROW Manager position to take the lead in ensuring LPAs are acquiring right-of-way (R/W) in accordance with the Uniform Relocation and Real Property Policies Act of 1970, as amended (URA) and 49 CFR Part 24.

Region RES LAC

Role

This position is the main/lead contact for ROW acquisition between the LPA and WSDOT. The LAC is expected to find and correct issues during the acquisition process, and to contact RES HQ as needed. They will provide specific training as they determine necessary. It is expected that this person will have expertise in a minimum of two areas.

Responsibilities

Provide project-specific training to LPA

Answer LPA questions

Perform interim spot checks to ensure there are no surprises at certification

Perform certification reviews

Prepare close-out letters and send to HQ

Signs the ROW Certification

Spot check reviews during the appraisal stage of more complex LPA projects would help to avert future issues from occurring. This is a proactive measure that provides time to make any necessary corrections to regulatory infractions that will be more difficult to cure if noticed at the time of certification just before lettings.

Can request a change to procedures if the LAC feels the LPA is not performing. Is proactive, and checks in on projects at multiple times during the acquisition process to insure any issues can be addressed before they become problems or regulatory violations.

Regional RES Manager

Role

This position will sign the certification that the LPA acquired property following statutes, regulations, and policies.

Responsibilities

Certify project
Support LAC as circumstances warrant

Regional Local Programs Engineer/Assistant Engineer

Role

Responsibilities

Notify LAC of projects as soon as possible
Improved project notification and relationships between Local Programs and RES is really important for the LACs to be able to judge when they need to be proactive.
Support LAC as circumstances warrant

HQ LPA Relocation Reviewer

Role

This position will provide technical guidance and assistance to LACs, LPAs and consultants as requested relating to relocation assistance activities. In addition assistance will be provided to review relocation files during the project certification review.

Responsibilities

Review and approve Relocation Plan
Support LAC/LPA/Consultant as circumstances warrant
Participate in regular reviews

HQ RES LPA ROW Manager

Role

This position is the manager of the LPA ROW program, and has ultimate responsibility for ensuring that ROW acquisition for LPA projects is done in compliance with federal laws and regulations. The manager is expected to provide support and training to the LACs, to assist in providing training to LPAs and Consultants

Responsibilities

Track program trends
Support LACs as necessary, answering questions and clarifying policy issues
Involve FHWA as necessary regarding regulatory violations
Develop/update policies as warranted in response to regulatory changes or new FHWA policy.

Assist in providing training to LPAs and Consultants
Develop training for LACs
Provide training to LACs
Facilitate regular meetings with LACs to discuss current issues
Perform regular reviews

FHWA ROW Program Manager

Role

Responsibilities

Clarify policy issues
Provide guidance and feedback on regulatory violations brought to your attention by WSDOT
Track program trends
Perform regular reviews
Assist in providing training to WSDOT staff, LPAs, and Consultants

Appendix D, Interview Summaries

Local Agency ROW Coordinator Interview Questions

1. How do you think the overall Local Public Agency (LPA) Right of Way (ROW) program is working for you?
Overall, the Local Agency Coordinators (LACs) felt the LPA ROW program works satisfactorily. Many of the LACs stated they have a routine that provides necessary oversight of the LPA projects. Each regional LAC expressed that there are issues within each region that could be addressed. Some of these issues were: more money, more training, and more time to assist the locals.
 - a. What can Real Estate Services (RES) HQ do to assist you in the regions?
A suggestion was made to provide more guidance to new LACs and that funding for the LAC position should not be project-based. It was suggested throughout all the interviews that there is a need for a charge code specific to their LPA duties when the LAC is providing support to LPAs, but projects have not yet been established. Another suggestion was to create an LAC desk manual.
 - b. How much support do you receive from the Special Acquisitions Program Manager?
The LACs said that they receive great assistance and help from Galen Wright and Leslie Beard. They would like to Galen's position be more proactive in providing workshops and training for LACs (i.e. via a teleconference or a Go-To meeting).
2. Describe your experience as an LPA ROW Coordinator.
Experience levels vary from region to region. Experience ranged from 1.5 years to about 18. Many of the LACs have additional duties because of budgetary constraints. All expressed they have a great relationship with the majority of agencies in their regions. They also said that there are the rogue agencies that will go and do their own things, but the LAC still has to maintain a working relationship with these agencies.
3. Do you see a need for more ROW training for LPAs?
Some of the LACs have training twice a year in their regions. Many LACs provide LPA-specific training. LACs said that there is always a need for more training. They said that even the most experienced LPAs could use a refresher course before acquiring

property for federal aid projects. The LACs suggested that the LPAs prefer instructor-led training over webinars or video conferences, and this training is always needed. Some thought the LPA Project Managers see ROW as an obstacle to the ad date.

4. Do you see a need for more ROW training for Local Agency Coordinators?
Many suggested that there isn't any LAC-specific training available. They all suggested the need for an annual LAC conference or summit. Some of the LACs said that there should be a LAC 101 training for new LACs.

A few of the LACs will be retiring soon, and the current LACs see the need for shadowing or job overlap so that any new LACs is ready to assume all job duties when the current LAC retires.

- a. Is WSDOT providing enough ROW training?
The consensus is that WSDOT is not providing enough training. Each LAC expressed how beneficial the past LAC workshops have been. These LAC workshops facilitate the sharing of stories and foster learning through discussions about what is going well in the regions. They think the workshops add value, but they do not see it as training.
- b. How much training do you receive each year?
Some of the LACs have more training opportunities than others. Some are able to attend conferences and annual training, while others have budgetary constraints that prevent attending training. All LACs expressed a need for training, but most regions can't afford to send staff. Some took appraisal training to maintain certifications, and others took relocation training.
- c. Are there specific areas that you would like to see additional ROW training?
Training for LPA executive management on the acquisition process; LAC 101, RELO 101, ACQ 101, File Management 101, 50 Ways to Lose Your Money, Diaries, Early Acquisition, "cradle to grave process training". Another area of concern is donations.

5. Do you have any suggestions on how to make the LPA ROW Certification process work better for you?
Early involvement in the process is the key. Many see a need for more involvement and communication by the Local Programs Engineers and the LAC. Some expressed that the only way they find out about projects is when the LPA submits a request for a file review. All the coordinators said that forming trust and a relationship with the LPAs is critical.
6. How often do you do spot reviews of projects prior to certification?
This varied from region to region. All expressed a need for early involvement and coordination with the local agencies. Most suggested they only look at files early if problems arise. There were a few who look at files during the acquisition phase of a federal aid project. Some suggested that they may incorporate early involvement into their routine going forward.
- a. What are some reoccurring issues that are arising in your certifications?
Diaries, offer letters, consultant dependent agencies, title clearance, ROW plans in a form so that legal descriptions can be followed, some LPAs are having issues with offers and when an issues arises, they make new offers instead of taking an administrative settlement.
7. What other duties do you perform other than Local Public Agencies ROW Coordinator?
Most of the LACs perform other duties. Many of the LACs are managers of other regional ROW disciplines. Some have multiple disciplines, depending on the size of regional ROW staff. This is a concern for some, because there sometimes isn't enough time to devote to the locals.
8. How early are you involved in a Local Public Agencies ROW projects in your region?
As early as possible. Some wait for the ROW plans and Project Funding Estimate to come in. Usually the involvement is when LACs are asked to review draft ROW plans. Not all the agencies send ROW plans to the LAC for review. Sometimes LACs don't know about projects until they receive a request to review files. Some regions are involved before the funding is received. They coordinate during the planning stage. Interaction between H&LP, LACs, and LPAs vary from region to region. Even if there is no federal funding involved, the LACs agreed that they would like to know if there is ROW acquisition on any local project and if consultants are involved. It also depends on the willingness of the agency to have the LAC involved.

9. When do you coordinate with the Local Public Agency staff and management to resolve right of way issues or other issues that occur early in the ROW phase or any phase?
It depends on when the issue is brought to the LAC. All LACs work with their management and the staffs of the LPAs to resolve issues as they arise.

- a. Are you proactive in LPA ROW projects to help avert issues that streamline the ROW process?
Some LACs are proactive and try to gain an understanding of the LPA's projects and anticipate issues that could arise. Some get involved early when they know about the issues.

10. What is the general response to the guidance that you provide to the Local Public Agencies in your region?
All responses were, "it depends on the LPA." Some had seen it as a function of LPA management approach. Some try to do the minimum required and others comply. The agencies who cooperate outnumber the agencies who don't.

11. How experienced are the Local Public Agencies ROW staffs in your region?

- Larger agencies have more experienced ROW staff;
- Smaller agencies or those who don't acquire often for federal aid projects need more assistance and are more likely to choose (or be required by their procedures) to use consultants.

12. What are some good trends that you are seeing within your region?

- Good communications and contact with the locals;
- LPAs seeing the need to use qualified consultants;
- Early coordination-right of way training in Moses Lake (which wasn't open to consultants).

13. Do you see any innovative ideas being presented to you in the region?

- Website blog developed by Tom Boyd providing email notifications;
- Trying to reduce timeframes (i.e. getting temporary construction easements with corporate boards, get a right of entry while waiting for final approval);
- Create a qualified consultants list for the regions to provide guidance to the locals

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- Provide incentive payments-1 month free rent if a tenant moves out in 30 days (Note: if WSDOT is going to consider having an incentive program using FHWA funds, FHWA will need to pre-approve this);
- Develop a training survey for the locals to determine training needs;
- Increase resource sharing among regions or HQ staff;
- Provide a full-time person to provide training as an ongoing position. This is needed because of LPA turnover;
- Prepare a status report for active projects.

14. What are some challenges that you are facing in your region?

- Not enough time or resources to focus on LPA projects. The position should be elevated to a selective certification (higher than a PAS 5);
- Lack of support from management;
- Lack of communication between local programs & RES;
- Funding for some LPA projects, and funding for training; interpretation of LAG manual chapter 25.

a. Are these being addressed?

Some regions are utilizing resource sharing.

15. What resources do you use most often to resolve ROW issues (i.e. ROW manuals, WSDOT staff)?

- LAG Manual;
- ROW Manual;
- Law and regulation references (CFR, RCW, WAC);
- Regional ROW specific disciplines (Relocation, Appraisal, PM, Acquisition and Title);
- Galen Wright - especially for unique and specific LPA questions.
- Leslie Beaird is contacted for relocations.
- File review checklist from the LAG Manual.

16. What can be done to assist with the oversight of Local Public Agencies?

- Set up an account to work on projects when federal aid hasn't been established;
- An LAC desk manual (LAG chapter 25 does explain some responsibilities);
- The file review checklist (acquisition and relocation) could be a part of the desk manual;
- Preparation of a status report of active projects.
- Make the LAG Manual Chapter 25 more user-friendly. Some suggestions could include,

- Have a more extensive paragraph numbering system similar to the ROW Manual,
- Include better explanation as to when it is appropriate for an action or activity to happen, not just how it is suppose to happen, and
- Provide more links to the CFRs, RCWs, WACs and ROW Manual in the on-line version.

17. What support do you receive from Region management in regard to Local Public Agency's oversight?

The regions that felt the most supported were the regions where the coordinator was a full-time LAC (all LACs performed other tasks). Levels of support varied from region to region. The majority felt that they received full support from region management. Others felt supported but because of so many extra duties they felt they needed a little more support; also, there were others who felt they received no support.

18. Describe your ROW Quality Assurance process for LPA projects.

One needs to know the level of monitoring required for the LPA. This is accomplished by prior experience with the LPA and also needs to take into account the conditions for approval of the LPA's approved right of way procedures.

19. Is ROW Quality Assurance (monitoring) done while a project is on-going?

Yes, depending upon the need to monitor the LPA as determined by the LAC or the Local Programs Engineer.

a. What is the monitoring process?

Some coordinators review files during the ROW acquisition phase. Some LPAs will need very close scrutiny and direction from the beginning through all of the steps to certification. Monitoring can include personal visits to the LPAs, phone calls, or emails as needed or required. More experienced LPAs who have experienced real estate staff and a good history of compliance only need an occasional phone call prior to receipt of the LPA's request for certification.

20. What is your quality control process for ROW certification?

Prior to certification, a Parcel Review Worksheet is completed for every acquisition file. Relocation files are reviewed by the WSDOT Headquarters Relocation Assistance Office. A parcel review comment spreadsheet is compiled with comments numbered and indication made as to those issues that need to be corrected/addressed prior to certification, or about which the LPA is cautioned. A copy of this is provided to the LPA who is asked to provide information about how

each outstanding issue was corrected or addressed. Some region coordinators review all project files (no matter how many parcels are on a project). Other would take a random sample of the larger projects and review all files ranging from 10 to 20 percent of the files. It depended on the coordinator's method of sampling selection.

21. How do you ensure that all LPA projects are in compliance with the Uniform Act?

- Early coordination between the LAC and LPA,
- File review,
- Coaching during the process; and
- On-going communication with the local agency.

22. Is downsizing and/or turnover a problem at any of the LAPs?

Yes, most small agencies do not have the staff to support a ROW program. At some LPAs, more experienced staff are being replaced with people with little or no ROW experience. This is problematic because training is always needed.

- a. If this is a problem how is your office addressing it?
No one had any suggestions.

RESM Interview Summary

1. Describe your experience as a Region Real Estate Services Manager.
The LCA is responsible for keeping the RESM apprised of what is happening with LPA projects. One of the RESMs also deals with the local if the LPA project is impacting a WSDOT state route.
2. How do you think the overall LPA ROW program is working for you?
Some regions are doing better than others. Some regions thought the program was great, and others thought the program was adequate.
3. Do you see a need for more ROW training?
There is always an opportunity for more training. There is not a good tool to understand the training needs of LPAs. It would be beneficial to develop a training tool like WSDOT's matrix to determine the training deficiencies. WSDOT training needs help the LPAs understand FHWA's expectations. WSDOT can benefit a great deal from review/audit findings. All the managers thought there was a need for internal and external training.
 - a. Is WSDOT providing enough ROW training?
Not sure if WSDOT could provide funding to attend more IRWA courses. RESMs see a need for more instructor-led courses. The LPAs prefer formal classroom training, but there are often scheduling conflicts.
 - b. How much training do you receive each year?
This varied from region to region. There was a consensus that there's not enough, but budget constraints influence attendance.
 - c. Are there specific areas that you would like to see additional ROW training?
 - ROW certification training (i.e. training on federal processes);
 - Diary training;
 - How to put an acquisition package together;
 - A cradle-to-grave training (project inception to RW certification) on the RW acquisition process.
 - Case- study based training courses, including one with the cradle-to-grave theme.
 -
4. Do you have any suggestions on how to make the LPA ROW Certification process work better for you?
 - Face-to-face training of the executive management of the LPAs is critical.

- Fund the LAC position from a LAC bucket account rather than charging to individual projects. Since the LAC charges to the project, the LA's may be hesitant to call.
- The LAC can't effectively train the locals if there are no charge codes established.
- RESMs would like to see a training that would review the process from start to finish. Coordinators and LPAs would benefit from knowing the process.
- Some feel the LPAs over-rely on the LACs to make the projects work.
- LACs need to be more proactive because much of the duties performed are reactionary.
- Some are worried that a WSDOT decision to not certify a project may be overturned by FHWA. Improved communications between FHWA, WSDOT HQ, and RESMs could prevent this worry.

5. How often do you do spot reviews of projects prior to certification?

None of the RESMs do spot reviews. Most RESMs said that spot reviews are not done by the LAC either. The LAC file review occurs for project certification. The interaction between the LPA and the LAC this depends on the LACs past experience with the LPA, so the need for spot reviews varies. There are a couple of regions that do spot reviews, and a few said they may incorporate it into their QA procedures.

6. How early are you involved in Local Public Agencies ROW projects in your region?

The LACs like to be involved as early as possible. Some of the region's initial involvement is when he or she is asked to review the ROW plans. The RESMs usually do not get involved prior to certification unless there is a problem. This is a varying response because the communication between RES and Development Services within each region is different. Some Regions have better communication between the two offices than others.

7. When do you coordinate with the Local Public Agency staff and management to resolve early right of way issues, or other issues?

The LAC contacts the LPA staff as soon as issues are known. The RESMs participate upon request. The RESMs suggested that spot checks would be nice. Having more project knowledge such as ad dates would be helpful. RESMs have found that LPA's knowledge of relocation requirements could be improved to prevent potential certification issues.

a. Are you proactive early in LPA ROW projects to help avert issues that streamline the ROW process?

The RESMs are not very proactive. Their only involvement is when the LAC needs their assistance due to project issues. The Local Programs offices do not always

notify the LAC of upcoming projects, so there are fewer opportunities to be proactive by calling and offering help and guidance.

8. What is the general response to the guidance that you provide to the Local Public Agencies in your region?

This varies. Some of the LPAs in the regions are very receptive and others are not. Some are very resistant to change. The feeling is that there is a need for FHWA to back decisions of not certifying projects because it will help the LPAs understand the importance of accepting guidance.

9. How experienced are the Local Public Agencies ROW staffs in your region?

This depends on the agency. Smaller agencies tend to be more inexperienced and larger ones tend to be good at it. This is not always the case, but it's the way it normally occurs. Smaller agencies are more inclined to hire consultants.

- a. How experienced is your LPA ROW Coordinator?

This varies across the state. One of the issues raised is the replacements of the LACs who will retire between now and the next five years.

10. What are some good trends that you are seeing within your region?

LPAs recognize the need to use qualified consultants.

There is heightened awareness at the LPAs because of a few projects where they were determined to be ineligible for federal funds due to ROW issues.

WSDOT Executives are starting to understand the importance of the LAC position, due to the ineligible findings.

11. Do you see any innovative ideas being presented to you in the region?

Mason County utilized an incentive payment program that was very successful.

12. What are some challenges that you are facing in your region, particularly dealing with LPA Project Certification?

- Funding - for projects and for training.
- The need for people to not lose sight of the ultimate goal which is to build highways.
- Don't make ROW so inflexible that we can't get to the objective as long property owners are treated fairly, received just compensation, and were informed of their rights.
- If there is a problem project in some of the regions, it would be hard to support an investigation due to workload.
- Some of the region management do not fully understand the LAC role and how involved the LAC is with the LPAs. There needs to be emphasis on the importance of the position.

a. Are these being addressed?
Nothing can be done about the funding challenges.

13. How can RES HQ assist you in the regions?
The process in place is good. Galen Wright provides great service to the regions.

14. What resources do you use most often to resolve ROW issues (i.e. ROW manuals, WSDOT staff)?
People are the most important resource. Other resources used by the RESMs include: the WSDOT ROW manual; regulations and laws (CFR, RCW, WAC), and the LAG Manual Chapter 25.

WSDOT LPA PROGRAM MANAGER QUESTIONNAIRE

- 1) What do you consider your oversight duties to be?
He insures LPA's remain eligible to receive FED funds through monitoring and training LPA staff. Ensures LAC's are aware of their weaknesses and they take actions to compensate. He thinks one of the most important components of his job is to be available to answer questions as they came up and to be a resource to the LACs during a review. He believes WSDOT needs to be proactive to be able to catch issues before they become problems. He has to trust that the LACs are doing their job appropriately, that they are doing the certification reviews, since he does not have any say in who is appointed to the LAC position.

- 2) What areas are working well? (Such as specific review processes, support activities, or other actions)
When coordinators understand their duties and form good relationships with their agencies and with region local programs. Being open about what is going on between LAC, HQ LPA manager, and FHWA

- a) Are there areas that you think can be improved?
HQ LPA ROW Program Manager needs to work very closely with the LACs

Proactive "cold" visits should be done regularly

Training for LPAs and LACs needs to be offered more often

Regular meetings between LACs, HQ LPA manager, FHWA

- i) If yes, how would you improve them?
Seeing a funding source to allow coordinators time to train and visit.
Need to figure out ways for LACs to visit LPAs early in the process, even if a review is not being done

Earlier notification of an LPA projects with ROW – either by Local Programs or by the LPA

Dollars to allow LAC to train

Monthly phone calls with LACs

b) Are there specific areas that you would like to see additional ROW training provided?

Early acquisition.

Well rounded training from HQ staff

Session for upper management

Training strategies should include the following:

- One – on – One basis when starting a project
- case study based training is usually more successful
- would like to see Program managers providing training regularly

3) Can you describe how you assist LPAs and the Local Agency Coordinators?

Being available for questions

4) What are some reoccurring issues that arise during your oversight activities?

Early acquisitions

Inadequate diaries

Right to accompany appraiser

Proper agency approval of first offer

Lack of LPA oversight of their consultants

5) What are some good trends that you are seeing?

LPAs are more willing to ask questions since Bothell and Spokane Co.

LACs have a better understanding of how important their job is and the importance of record keeping.

6) Do you have any innovative ideas that could improve the delivery of right of way activities?

Need database to track issues (certs or close-out letters)

Approved consultant list – possibly requiring them to take specific training or pass a test to be put on the approved list.

Document variance from approval procedures - and track these variances in the tracking system noted above.

7) What are some challenges that you are facing in position as LPA Program Manager?

Funding for training

LACs having time for training

LACs can be pulled off LPA project if region project comes up

FHWA availability to provide enough advice and participate in training.

a) Are these being addressed?

Need core funding for LACs

8) What steps do you take to ensure that all LPA projects are in compliance with the Uniform Act?

Rely on LACs to train and review agency projects, and to ask questions

Reviews LAC close out letters and contacts FHWA if there are any issues to discuss

LAC uses ROW plan – no PSE for review of ROW files

9) Is downsizing and/or turnover at LPAs and WSDOT a problem for you now or anticipated in the future?

Downsize/Turnover has always been an issue for Locals especially smaller ones because they don't do fed aid projects very often. Now it is an issue for WSDOT as well.

a) If this is a problem how is your office addressing it?

The best they can – he expects that the future will require sharing of staff between regions.

They are flow charting processes.

WSDOT LPA RELOCATION REVIEWER QUESTIONNAIRE

1. Describe your experience as a Relocation Reviewer working with LPAs on federal aid projects.
Rewarding and frustrating. Frustrating because I feel like I don't have enough time to get out and train everyone and we haven't had a budget for training (Local Programs has recently started paying for my time to do this). Rewarding because I enjoy teaching the locals and their consultants and building that rapport and relationship with them. I feel that most of the locals honestly want to do it correctly and if they are provided the appropriate amount of involvement by WSDOT they could.
2. Do you see a need for more ROW and relocation training for LPAs?
Yes, always. Training in Relocation and RW is ongoing and required if you want to keep up. Rules and procedures change and because locals aren't consistently performing acquisition and relocation they are always in need of refresher courses.
 - a. If yes, what specific areas would be useful for training of the LPAs
I think that when a local agency has right of way work they need to go through at a minimum a refresher course on the process. If anything it will help them with oversight of the consultant they hire. I also feel the consultant they hire need a refresher if they haven't been performing relocations of the nature of their project or on federally funded projects. The bonus working with the locals and their consultants is I know who does well and who doesn't do well on the projects with federal funds because I get the opportunity to work with them all. So I have a good idea of each of their capabilities.
 - b. Is WSDOT providing enough ROW training to LPAs?
As far as relocation goes, not at this time, but we are working on it. I think the process could be improved, especially if I had more time to work on it. As far as other RW training from what I know I don't think there is enough training statewide.
 - c. Do you feel you receive enough training?
No, I don't feel I receive enough training either. I'd like to be able to take IRWA classes all over the place so that I can see how other agencies and states are handling relocation issues. We learn something new almost every day, relocation is an ever changing process with many different interpretations and listening to how other states are handling it is always beneficial as a reviewer. It's amazing how differently the states all interpret the "uniform" regulations.
 - d. Are there specific areas that you would like to see additional ROW training?
All.

3. Can you describe how you assist LPAs and the Local Agency Coordinators?
I provide review and approval on LPA relocation plans; review and concurrence on claims submitted from LPAs and consultants on LPA projects and recommend payment amounts. I advise, instruct and provide guidance to LPAs on technical, legal and/or procedural matters relating to relocation assistance and I monitor local agencies to ensure compliance with applicable federal and state laws and regulations. I provide assistance to LACs reviewing files on projects for certifications.
I probably spend 75% of my time (some day's more, some day's less) either on the phone with local agencies providing guidance to either them or their hired consultants. If I'm not assisting over the telephone I'm in the field doing on the job training based on a task assignment with them or providing training courses to them. I attend pre-relocation meetings as requested. Once I know there is a project with relocation, I typically hear from them periodically for guidance. Occasionally random reviews are triggered mid-project if there has been a lot of guidance provided by me. A lot of the locals and consultants will ask me to look over calculations, letters, etc. before they are comfortable with approving it or recommending it.
4. What are some reoccurring issues that arise during your reviews of relocations files?
- o The need for refresher "WSDOT process" courses for locals and consultants working on projects with federal funds
 - o Attorney interpretation of the regulations
 - o Hiring of consultants that aren't necessarily qualified to do the work, but think that they are
 - o What is truly "voluntary" and what isn't – this has been an issue for a while
5. Do you perform any duties other than LPA Relocation Reviewer?
Yes, I perform relocation reviews on state projects with consultants, as well as WSDOT region staff, training to locals, consultants and state employees, one on one mentoring with employees in regions, assignment of complex relocations (currently assigned eight business relocations (3 independently 5 in a mentoring capacity) and the task of guidance on MOHAI, as well as other misc. items as required by my supervisor.
6. What is the general response to the guidance that you provide to the Local Public Agencies?
Positive. My last class in Shoreline had over 60 attendees and I had people that could not attend and wanted to know when we'd be putting it on again in that area.
7. How experienced are the Local Public Agencies ROW staffs that you assist in the review of their relocation files?
Skills vary depending on how often they perform relocation and acquisition with federal funding. Some are very experienced and can perform their own relocation; some cannot and are required to hire experienced consultants or other agencies to do the

work for them. Their “procedures” dictate their abilities to perform right of way work. Galen and the Local Agency Coordinator make this determination and if they have staff that wants to perform relocation I make the determination of whether or not they can based on their work history and education. Some are limited by type of relocations; some are required to hire help or to work with WSDOT throughout the process until we are comfortable with their abilities.

8. What are some good trends that you are seeing?

That I’m able to get out and provide some training to large groups and also on task to specific agencies for one on one “on the job” training or group training and mentoring.

9. Do you have any innovative ideas that could improve the delivery of relocation activities?

- An approved list of consultants based on training, experience and knowledge of the federal regulations. At this time I cannot direct agencies to specific consultants because we don’t have an approved list, so I can only provide them with a list of whom we’ve used or who I know of. It’s difficult because I want to have the ability to let them know who is good and who can complete the type of relocations they have on their project.
- Have a pre-ROW acquisition/relocation meeting to discuss issues early so they don’t become problems.

10. What are some challenges that you are facing in position as LPA Relocation Reviewer?

Not having enough time to meet everyone’s training and guidance needs. GoTo Meetings (or web-based training) need to be utilized more, especially if they are instructor-led courses with interactive opportunities. Using the FHWA Realty website can be challenging because it is difficult to navigate and the search function is not very effective.

a. Are these being addressed?

We are in an era of do more with less.

11. What resources do you use most often to resolve ROW issues (i.e. ROW manuals, WSDOT staff)?

Federal regulations, WAC, RW Manual, other relocation staff, RES Program Managers, LAC’s, FHWA staff, consultants, etc. I utilize all my resources. The LTAP center really helps with organizing training sessions.

12. What steps do you take to ensure that all LPA projects are in compliance with the Uniform Act?

Training with emphasis on oversight, agency responsibility, and the importance of hiring qualified staff. Review of files and or calculations, letters, etc., approved relocation plans, communication with the LPA Coordinator, local agency and their consultant.

13. Is downsizing and/or turnover at LPAs and WSDOT a problem for you now or anticipated in the future?

Downsizing at WSDOT is a problem and an anticipated bigger problem for appropriate training and oversight. I haven't seen much turnover at the local level, mostly only with the consultants.

a. If this is a problem how is your office addressing it? By providing as much training, oversight and guidance as we have time and funding to do.

14. Any additional thoughts?

- Getting the LPAs to be proactive can be challenging. They may not even realize that are not doing things correctly.
- Interim reviews are beneficial, but they are not done all the time. The trigger for an interim review is the amount of questions I receive from the LPA or their consultant. These interim reviews are very important because they often catch issues while they can still be fixed. The interim review on Auburn's project saved the project.
- Training courses needs to be open to the relocation consultants!



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