

Acquiring Right of Way Rights-On Time

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LEARNING OBJECTIVES

Develop your schedule early, utilize evaluation points within your 30-60% , tracking through to 90%

How do you properly define RW impacts to correctly scope your project?

Do you have the right experts on board?

Scoping-Just Do It!

Have you scoped potential impacts with an appraiser or right of way professional?

Have you scoped your alternative? What IF there were private property rights needed?

Are you Relocation aware?







Are you measuring the right way?

Engage Experts Early!



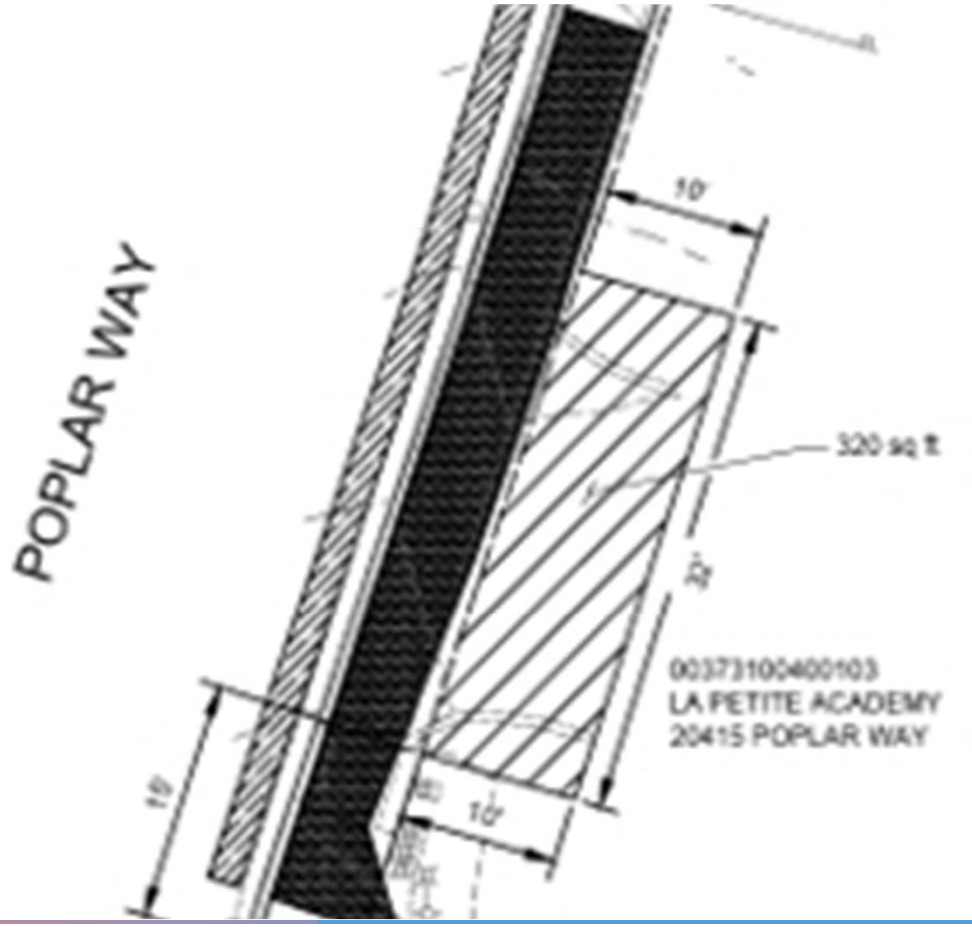




Foundations to success

- **Sept 17, 1908, this high dive was noted to be from the longest wooden draw span bridge in the world at the time.**





A TE is a Right of Way Acquisition

Timeframe + civil right protections
+ cost + process = Same for All

What the appraiser considers…it's complicated….

- **Larger Parcel – is the effected parcel part of a larger ownership?**
- **Highest and Best Use – does the potential acquisition change the development potential or use of the remaining parcel?**
- **Existing easements or encroachments**
- **Impact to improvements – buildings, landscaping, signage, etc.**
- **Damages – a decrease in value to the remaining parcel due the partial taking that can not be cured feasibly**
- **Relocation needs – physical relocation of people and personal property**
- **Current labor and work product costs – Title reports, appraisal, appraisal review, internal labor, etc.**
- **Potential for condemnation costs and contingencies – inflation factors, timeline of project**

…and NOT it's Assessed Value.

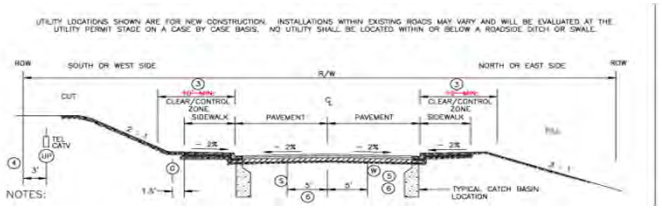
Funding Estimate LPA-005b

The Right of Way (ROW) Funding Estimate spreadsheet was created to simplify the budgeting process by creating uniformity and cost effectiveness. Although it may be completed by an engineer or acquisition agent, there are things a qualified appraiser will consider that others may miss!

RIGHT OF WAY FUNDING ESTIMATE		Agency: County Public Works Project Title: Favorite Rd Intersection Improvements (Roundabout) Date of Estimate Quarter One 2026 Estimate Completed By: Name: Human Person/Appraiser Title: Qualified LAC Concurrence: Name: Your LAC Title: Communicate with LACs EARLY!																		Estimated Total: $422,617 Year Estimate Completed: 2026 Year Acquisition to be Completed: 2029 Inflation Factor (Calculated): 1.06 Total Right of Way Costs: $447,974
													Select Valuation Process							
Assessor's Tax Parcel Number	Fee TE or PE	Owner Name	Area (Sq Ft)	Assessed Value-Sq Ft (reduce for easements)	TE Total (from other sheet)	Improvement Value	Damages	Relocation	Acquisition Subtotal	Confidence Level (1 - 10)	Confidence Factor (Calculated)	Factored Subtotal	Title & Escrow Costs	Appraisal/ Appraisal Review Cost	AOS (under $25,000) Cost	Labor	Misc. Fees (including PM)	Statutory Evaluation Allowance (SEA-$750)	Subtotal All	Condemnation Enter Percentage	Total
310629-56412	Fee	Super Excited Owner	32176	$0.45	$0	$0	$0	$0	$14,479	8	0.41	$20,416	$6,000	$7,000		$12,000	$1,000	$750	$47,166	20%	$56,448.81
310629-78215	TE	Not a Fan	850	$0.25	$1,000	$0	$0	$0	$1,213	3	1.19	$2,655	$6,000	$0		$12,000	$2,000	$750	$23,405	20%	$27,936.45
300632-65314	Fee	On the fence	2464	$1.64	$0	$0	$0	$0	$4,041	5	0.88	$7,597	$6,000	$7,000		$12,000	$2,000	$750	$35,347	20%	$42,266.41
300629-42536	Fee	Absent Owner	10384	$0.22	$0	$0	$0	$0	$2,284	6	0.72	$3,929	$10,000	$7,000		$12,000	$1,000	$750	$34,679	20%	$41,465.17
300629-42536	TE	Absent Owner	39634	$0.00	$0	$0	$0	$0	$0	6	0.72	$0				$60,000	$3,500	$0	$63,500	0%	$63,500.00
300629-42536	Relo	3 tenants						$125,000	$125,000	9	0.26	$125,000				$60,000	$6,000	$0	$191,000	0%	$191,000.00
									$0		Error	$0							$0		$0.00

FE Tells the Best Tale….

DO YOU HAVE A TYPICAL SECTION?
IT'S NOT TOO SOON.



WHEN TO REVIEW AND RECALCULATE



ARE YOU PREPARED WITH PROPER STAFF? CAN YOU MANAGE YOUR CONSULTANT?



HOW WE STRUCTURE TEAMS IN



RW Senior Agent
RW Junior Agent
Support Team

Relocation Agent

Appraisal

Review Appraiser

THE RIGHT OF WAY PHASE FOR OUR IMPORTANT PROJECT





HOW THE RIGHT OF WAY PHASE WORKS



Title

Survey, Geo & Resources Teams

Project Manager



Administrative

Construction -Let's walk & Talk!

Program Administrator

RW Team

I'm writing the EJ!

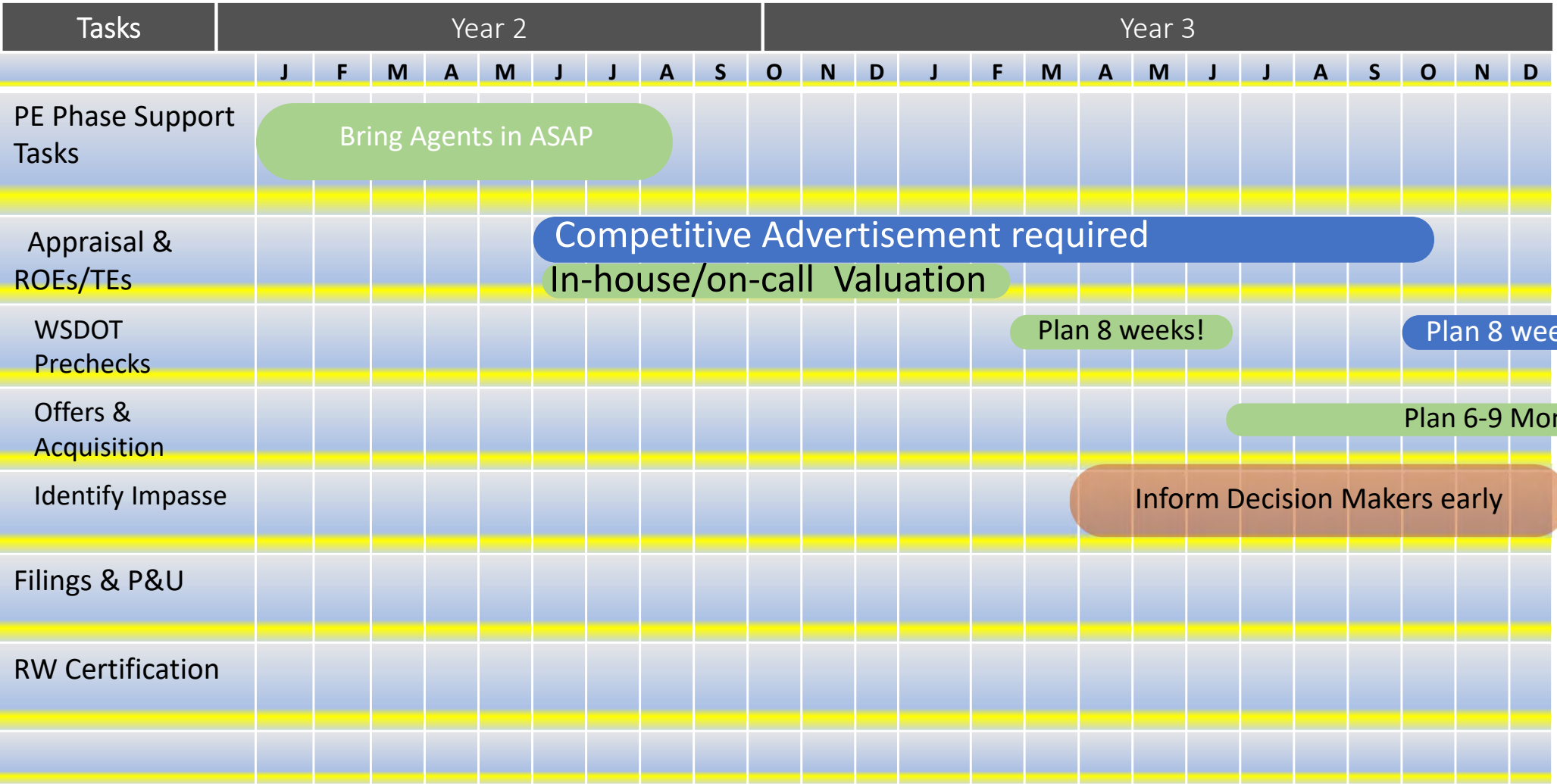
Contracting, Payments, Document

Custom Fencing

I LOVE Trees!

AGENTS ARE CONNECTORS

Schedules, schedules, schedules…Recalculating!



Schedules, schedules, AND…Construction!



	Year 3											
	J	F	M	A	M	J	J	A	S	O	N	D
PE Phase Support Tasks												
Appraisal & ROEs/TEs												
WSDOT Prechecks												
Offers & Acquisition	Plan 6-9 Months											
	Plan 6-9 Months											
Identify Impasse						Inform Decision Makers early						
Filings & P&U	Plan 2-3 Months								Plan 2-3 Months			
RW Certification				Plan 6-8 weeks								Plan 6-8 weeks

What governs the RW acquisition process?

U.S. Constitution – 5th Amendment

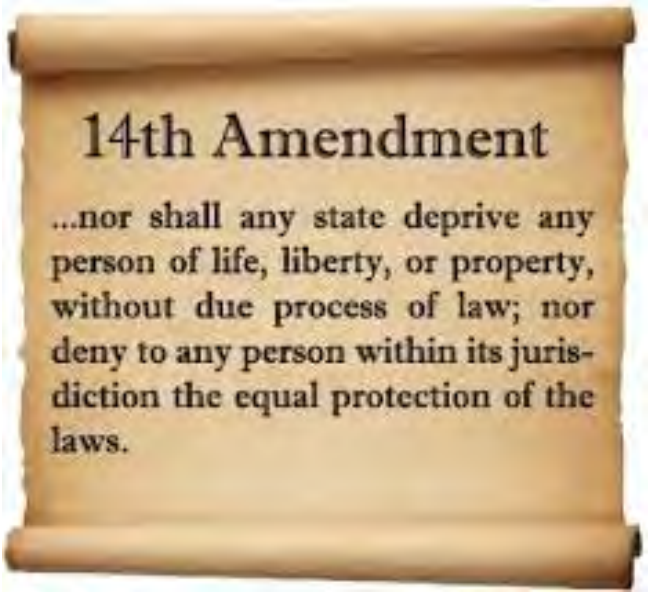
The government must provide just compensation if it takes private property for public use.



What governs the RW acquisition process?

U.S. Constitution – 14th Amendment

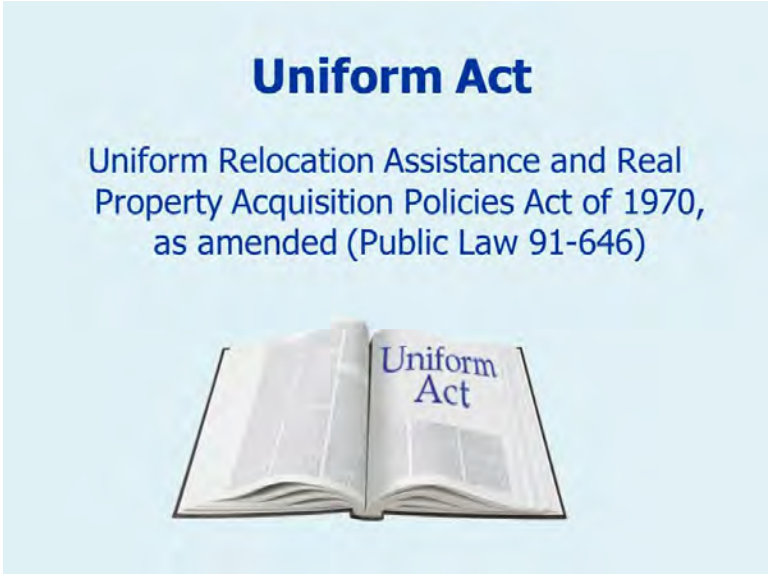
...nor shall any State deprive any person of life, liberty, or property, without the due process of law...



What governs the RW acquisition process?

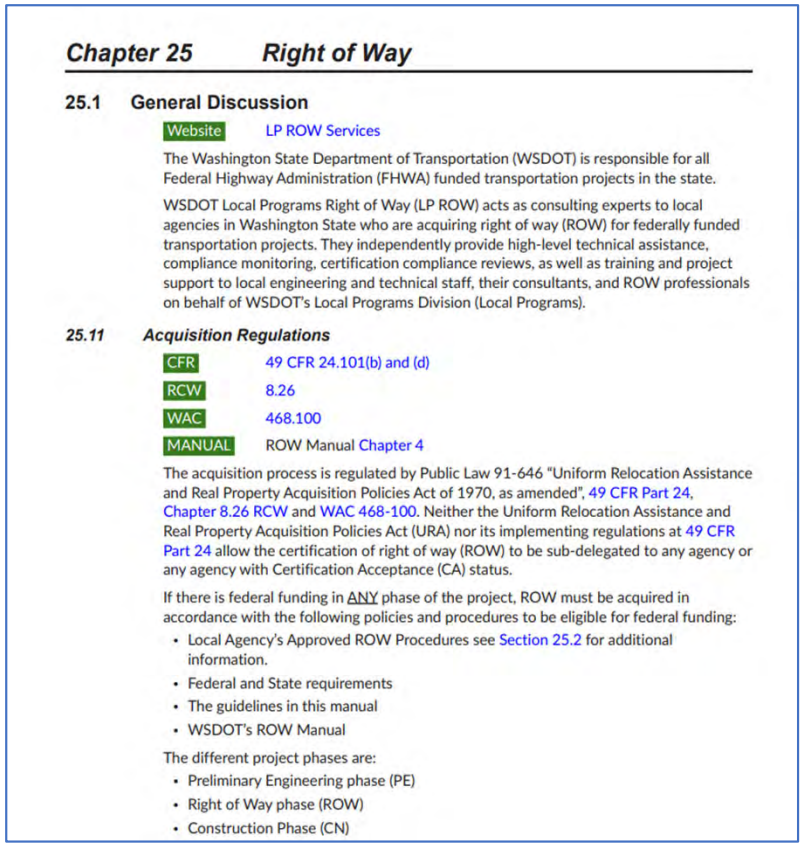
- **What is the Uniform Relocation Act ?**

- Establishes minimum standards for acquisition & displacement of people, businesses and farms
- Triggered by one single federal dollar
- Fair & equitable treatment
- Relocation Advisory Services



Scoping, Scheduling, and staying on track!

What governs the RW acquisition process?



Chapter 25 Right of Way

25.1 General Discussion

Website LP ROW Services

The Washington State Department of Transportation (WSDOT) is responsible for all Federal Highway Administration (FHWA) funded transportation projects in the state.

WSDOT Local Programs Right of Way (LP ROW) acts as consulting experts to local agencies in Washington State who are acquiring right of way (ROW) for federally funded transportation projects. They independently provide high-level technical assistance, compliance monitoring, certification compliance reviews, as well as training and project support to local engineering and technical staff, their consultants, and ROW professionals on behalf of WSDOT's Local Programs Division (Local Programs).

25.11 *Acquisition Regulations*

CFR 49 CFR 24.101(b) and (d)

RCW 8.26

WAC 468.100

MANUAL ROW Manual Chapter 4

The acquisition process is regulated by Public Law 91-646 "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended", 49 CFR Part 24, Chapter 8.26 RCW and WAC 468-100. Neither the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) nor its implementing regulations at 49 CFR Part 24 allow the certification of right of way (ROW) to be sub-delegated to any agency or any agency with Certification Acceptance (CA) status.

If there is federal funding in ANY phase of the project, ROW must be acquired in accordance with the following policies and procedures to be eligible for federal funding:

- Local Agency's Approved ROW Procedures see Section 25.2 for additional information.
- Federal and State requirements
- The guidelines in this manual
- WSDOT's ROW Manual

The different project phases are:

- Preliminary Engineering phase (PE)
- Right of Way phase (ROW)
- Construction Phase (CN)

Washington Administrative Code

- ✓ WAC 468-100
- ✓ WAC 365-212 – Mobile homes

Revised Code of Washington

- ✓ RCW 8.26
- ✓ RCW 59.21 - Mobile homes

Scoping, Scheduling, and staying on track!

Acquisition - Involuntary



Scoping, Scheduling, and staying on track!

Relocation Assistance Nuggets

- Relocation assistance applies to **ALL** federally funded projects
- And...all local agencies **must provide** relocation assistance for projects initiated on or after December 31, 2017 *(RCW 8.26.010)*
- Business reestablishment increased reimbursement up to **$204,000** through July 31st with 2% annual increase *(RCW 8.26.035)*

Scoping, Scheduling, and staying on track!

Relocation Assistance Nuggets

- Appraisal Inspection – take your Relocation Agent
- Personalty vs. Realty
- Build a strong Relocation Team of subject matter experts
- Work with your Local Agency Coordinator early & frequently
- Engage community early
- FAQs are helpful

Scoping, Scheduling, and staying on track!

Relocation Assistance Tips & Tricks

- Familiarize yourself with The Uniform Act
- Update your local agency Right of Way Procedures & Relocation Appeal Process
- Develop a Relocation Assistance Plan
- **Early** coordination in your schedule

Scoping, Scheduling, and staying on track!

Relocation Plan

- Audit Approach
- Living document
- Identify all people or things that will need to move from right of way
- Advisory services, notices, appeals process

Relocation Plan

Residential



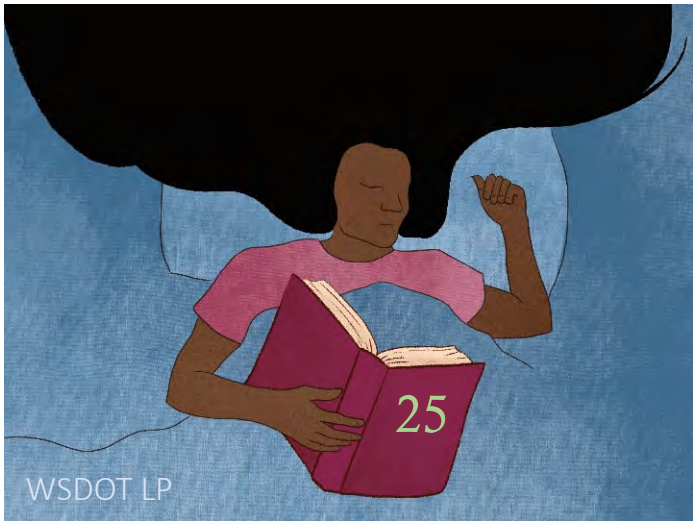
Non-Residential



Relocation Plan

- Personal Property Only
- Temporary Relocations – less than a year
  - Out of pocket expenses to move & increase in monthly rent & utility costs
  - Date & duration of temporary relocation
  - Address of available and suitable dwelling

WSDOT LP Reminder…..



Read the LAG, Read the Federal Code. Reference the ROW Manual. Know minimums and meet early about your project.

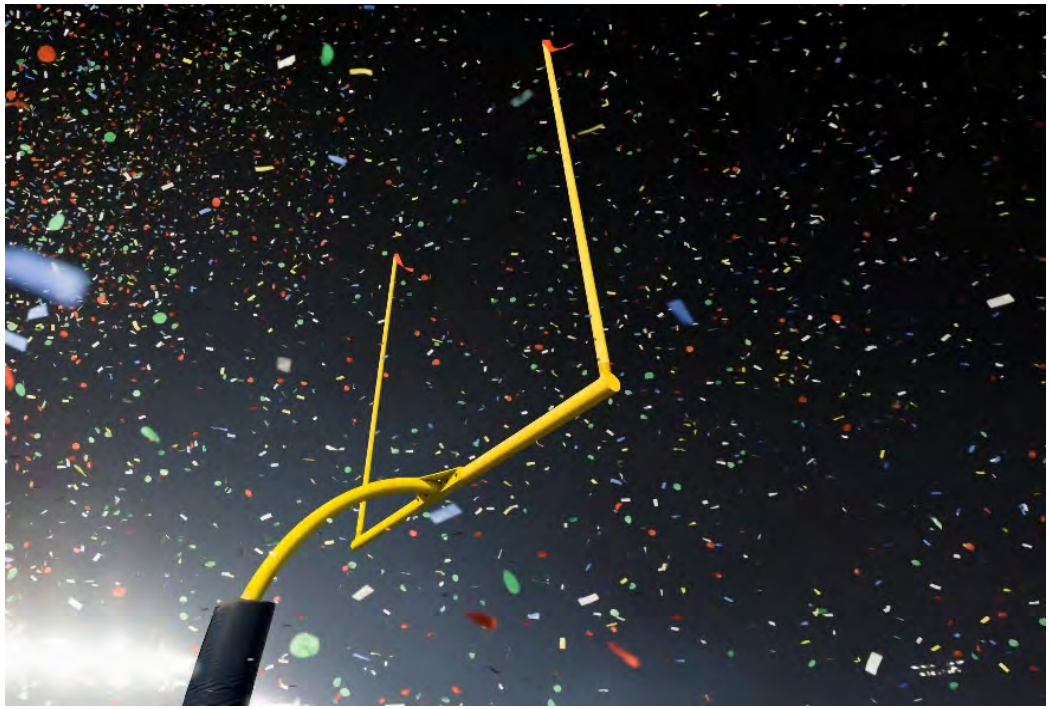
Prepare for 6-8 week in review to obligate phases-communicate and be ready to respond for edits/corrections/clarifications.

Use the checklists, understand your LACs expectations/preferences. Communicate responsibly-be accountable for your project!

Scoping, Scheduling, and staying on track!

THANK YOU

Who has the first question?



Scoping, Scheduling, and staying on track!