

TABLE 10

RIGHT-OF-WAY POSITIONED DIFFERENTLY IN PLANNING OR OPERATION OF PROJECT (SURVEY QUESTION V)

State	Strategy	Characteristics and Special Features
AZ	Project coordinators	Project coordinators monitor and orchestrate all activities. Project acceleration techniques include early ROW involvement.
FL	Team approach	A team approach is used in some districts but no organizational repositioning.
ID	Study report	Changes are proposed but have not been initiated on a project to date.
IL	Acceleration of ROW work	Dept. has recently begun an accelerated project that has a very high profile. Appraisal data including sales were contracted to provide the basis for appraisals when final authorization was granted. This advanced research reduced actual appraisal time.
KY	ROW work subcontracted under design	ROW functions including appraisals, appraisal reviews, negotiations, relocation and closings are part of design projects on 3 rural "fast track" projects. Each involved the design engineering firm to subcontract right of way to a firm having ROW resources. Personnel and fees were approved by DOT. Projects appear to be proceeding successfully.
MI	Acceleration of ROW work	An expedited schedule for an interchange used concept of buying total takes within a 1 mile range N or S of the interchange and 1/2 mile E or W. When plans were complete we acquired the partial takes.
MS	Acceleration of ROW work	Ft. McCain interchange, 16 parcel fast-track project. Received good field surveys and abstracts; timely and accurate. Enabled technical to produce project in couple of weeks rather than usual 3--4 months. ROW agents appraised and acquired expeditiously, because instruments were initially correct. Project completed in fraction of time normally required.
NV	Improved project coordination	Widening project--mixed com/ind area in Sparks benefited from following: 1. ROW agent participated in design meetings; 2. Legal div. prepared several preapproved inserts to standard agreement; 3. Heavy penalties for late appraisal delivery; 4. Design team and ROW did joint walk through of project; 5. Design rep. attended major owner/tenant meetings to respond early to concerns.
OH	Acceleration of ROW work	Attempted to advance ROW acquisition to stage II plan development. Sometimes this has caused problems. Does not give negotiator all information needed to advise owners how their property will be affected. Has benefited ROW delivery on small rural bridge jobs and minor acquisition projects. Experience has shown that need to wait for final (Phase III) plans before acquiring on more complex projects.

TABLE 10 (Continued)

State	Strategy	Characteristics and Special Features
OK	Multiproject ROW contract	Billion dollar program totally privatized. ROW is administered by consultant firm; functions as chief of ROW, business office, etc. Contract project managers hire fee service providers to perform ROW functions and submit through prime ROW consultant.
RI	ROW work subcontracted under design	I-95 ramps: ROW attended weekly meetings with design consultant and others as project progressed from preliminary design. ROW was enabled to appraise "definite" parcels and proceeded to negotiate and relocate affected parties. Having a seat at the table kept us informed as to project schedule, and kept project management informed as to time required to complete process.
RI	ROW work subcontracted under design	Relocated I-95: ROW is meeting bi-weekly as project progresses. Design firm has hired a subcontractor to manage all ROW on corridor. DOT staff is appraising municipal parcels, noncomplex residential and fee is appraising some early acquisitions. ROW consultant is hiring fee appraisers, title examiners, negotiators, and relocation agents to clear project.
SC	ROW work subcontracted under design	Route 170 widening, Beaufort Co.: Design-build contract that includes ROW---appraisal, appraisal review, acquisition, relocation, expert testimony, and legal service. All payment amounts subject to SCDOT approval. Contractor to submit procedures for SCDOT approval. Contract provides penalty for cost of right of way exceeding estimate (75% of increased amount). There is a 75% bonus for cost below estimate.
TN	Team approach	Project team concept being utilized under Business Process Reengineering. It has opened lines of communication between divisions. ROW will have input with other divisions early in the project development process. Currently in proof-of-concept stage with measurable results expected in Fall.
UT	ROW work subcontracted under design	I-15 design-build contract. Long document available.

TABLE 11

CONDITIONS BEYOND MANAGEMENT CONTROL AFFECTING RIGHT-OF-WAY DELIVERY (SURVEY QUESTION VI)

State	Practice
AL	None
AZ	1. Funding advancements
	2. Inability to pass a before and after bill in legislature
	3. Inability to attract and retain best staff due to pay
AK	1. Obtaining mortgagee releases
	2. Federal regulations and timetables
	3. State laws concerning collection and payment of real estate taxes
CA	State contract process could be reviewed to allow for a higher ceiling before the bidding process is required.
CO	Last minute design changes can hold up the ROW process or set us back on acquiring certain parcels. A project time line where no changes were made would help our process.
CT	1. Availability of funds
	2. Delivery and quality of property map
	3. Statutory review process
	4. Changing priorities
	5. Quality of design plans
DE	None
FL	Florida's approach to payment of attorney fees and court costs generally increases costs and makes project delivery more difficult. However, these issues have been thoroughly debated by the state legislature as a matter of public policy and remain a part of Florida law to protect private property owner rights.
	The FHWA requirement that nonconforming signs must be acquired rather than simply moved back off the ROW to a nonconforming position equivalent to their previous position results in significantly higher costs for these signs, extensive litigation costs for FDOT, and no transportation benefit for the state.
GA	Late development of construction plans, traffic operations impact at the end of the ROW process causes rework and additional acquisition activities. Plans and plan changes will always be a problem.
	Employee starting salaries are not competitive at this time. This causes delays in hiring and loss of top candidates. This is an overall problem with state government, because funding is controlled by legislature.
ID	None
IL	State law requires 60-day notice before a complaint for condemnation is filed.
IA	None
KS	Communications, resources, willingness to change are important factors.

TABLE 11 (Continued)

KY	None
LA	None
MI	None
MN	Statutory changes needed to reduce unnecessary paperwork in fee appraiser contracts and work orders in order to expedite hiring needed consultants is the future.
MS	Inaccurate survey data have resulted in time delays in acquiring property. ROW agents are forced to secure correct data after contacting property owners.
MO	None
NC	None
ND	1. Wetland mitigation requirements. State should not have to mitigate wetlands located within existing ROW. 2. Acquisition from Indian allotment requirements
NE	None
NV	1. Public meetings and new accounts of same---damage control 2. Meeting with individuals most affected by the project (stakeholders) 3. Coordinating with LPAs on parking and landscaping issues. Reaching early agreement on acquisition issues that local governments have authority through variance process
NJ	Concept of "bona fides" negotiations has resulted in reluctance to exercise condemnation.
NY	Title certification---use of consultants has not been successful for us
OH	Legislative relief from stringent environmental regulations that strangle project development
OK	Appropriations, relocation assistance by service providers, acquisition of tribal lands reduce time allowed for ROW delivery. Respondent pointed out ambiguity in survey question.
PA	None
RI	1. Changes in local officials with election cycles 2. Regulatory zoning and environmental issues
SC	None
SD	None
TN	None
UT	1. Preapproval of consultants to allow hire on a day notice rather than go through procurement process 2. Use of flexible negotiation techniques such as binding appraisal contracts, mediation, arbitration.
VA	None
WA	None

TABLE 12

CONDITIONS OUTSIDE MANAGEMENT CONTROL—POLICY, REGULATION, OR LAW INFLUENCING RIGHT-OF-WAY DELIVERY (SURVEY QUESTION VI)

State	(P)olicy, (R)egulation, or (L)aw	Comment	Recommendation
AL	None		
AZ	(P) Obtaining prompt court dates for possession hearings	Problem in meeting schedules	None proposed
	(L) Advance funding for total takes within corridor	Allowed accelerated acquisition	Innovative practice
AK	(P) Obtaining mortgagee releases	Operational impediment	Release waivers would be useful
	(P) Single agent appraise/acq. <\$2,500	One of most effective practices	
	(L) State laws concerning collect./payment of taxes	Not further explained	
CA	(R) One call agent process approval requested to appraise, acquire, issue check <\$10,000	Depts. Finance, & Bd of Control. Raised incrementally from \$500. Piloted in 2 locations/6 months	Amend Rule 678
CO	(L) Authority to acquire for transportation purposes rather than highway purposes		Recommended as change in law
CT	(L) Legislative act requires preservation of one specific highway corridor	Corridor not identified	
DE	None		
FL	(L) "Maps of Reservation" ruled unconstitutional	Prevented from doing corridor reserv.	
	(L) Law requires DOT to pay attorney fees & court costs	Increases cost of ROW	Settled law---no change
	(R) FHWA requires nonconforming signs on ROW be purchased rather than relocated off ROW	Increases costs and causes litigation with no transportation benefit	
GA	(L) Employee starting salaries not competitive	Causes hiring delays and loss of top candidates	
ID	None		
IL	(L) Requires 60-day notice before a complaint for condemnation is filed	Necessarily increases delivery time, but no indication of change	No indication of change
IA	None		
KS	(P) Increase admin. settlement authority to agents to \$5,000; waive some meeting releases	Process simplification practices	

TABLE 12 (Continued)

State	(P)olicy, (R)egulation, or (L)aw	Comment	Recommendation
KY	(R?) Complex process for contracting services		No indication of change
LA	None		
MI	(P) Acquired total takes before plans complete	One project---interchange	
MN	(L) Need to reduce paper in appraiser contracts and work orders for hiring consultants		Expressed need. No indication of change
MS	None		
MO	None		
NC	(L) Corridor Map Protection law	3-year period to acquire before permit to develop is issued	
ND	(L) Wetland mitigation on pre-owned ROW (L) Acq. from Indian Allotment and requirements	Feels too restrictive	
NE	None		
NV	(P) Secured approval to acquire mobile home park well before final design	Would be total take under any alternate	
	(P) Coordinating with LPAs concerning parking, landscaping; also, issues that LPA can resolve through variance process	Formerly may have been restricted by policy	
NJ	(L) Concept of "bone fide" negotiator as legal constraint. Caused conservative legal oversight	Cases held in negot. much longer to satisfy ambiguous requirement	
	(R) Appraisal waiver limit to \$10K	Appr. waivers and admin. settlements have helped program	
	(R) Need to streamline relocation process		
NY	(R,P) Difficult to obtain meeting releases	State policy is conservative	
OH	(L) Like legis. relief from stringent environ. regs.	Strangle project development	
	(P) Benefited from appraisal waiver, admin. review by field staff, early acquisition of TT	Policy changes benefited delivery	

TABLE 12 (Continued)

State	(P)olicy, (R)egulation, or (L)aw	Comment	Recommendation
OK	All ODOT processes being studied, analyzed, reengineered. Now do advance & early acq.		
PA	(P,R) Appraisal waiver increased to \$10K		
	(L) Correct pres. rendered useless between federal and state laws		
	(L) Must have ROD before ROW acq.	(May be interpretation issue)	
RI	(P) Delays in obtain meeting release, making payments	Often takes 4--8 weeks	
	(L) State law---tax withheld for out-of-state owners	Delays in processing payment	
	(L) Large contracts require bid by div. administration	Rather do solicitation by RIDOT from short list	
SC	None		
SD	(P) Negotiator empowered to make adjust of \$1K or 15% of appraised value to maximum of \$5K		
TN	(R,P) Raising appraisal waiver to 5K	Effect in reduction of delay time	
UT	(R) Preapprove contract personnel; not having to go through procurement; flexible negotiation techniques		Recommendations
VA	None		
WA	(P) Making total takes out of uneconomic remnant parcel or heavily damaged remainders	Cut down court arguments on just compensation	
	(P) Appraisal waivers up to \$10K on uncomplicated parcels	Affects about 50% of parcels	
WI	(L) Gov. approves all contracts over \$3K; now using under diff. chapter of law that generates list of quality consultants for specific service. Districts will not have to bid every contract and will be better able to assess workloads of consultants		

TABLE 13  
OTHER INNOVATIVE PRACTICES (SURVEY QUESTION VII)

State	Practice
CA	Implementing TQM has had the greatest impact on improving the processes relating to acquisition of ROW. The appraise/acquire single agent process, "one call" agent, and interdisciplinary multi-skilled team are the result of right-of-way's commitment to TQM
CO	Lots of overtime at last minute due to time constraints
KS	Corridor management as part of agency, not just ROW. Modified design procedures to aid in solving ROW design problem
MS	Use of state plane coordinates in surveying and establishment of GLO corners across the state will result in more accurate plats and deeds. This will greatly increase productivity of ROW agents, because they won't have to deal with bad deeds, acreage, and property line locations when acquiring ROW
ND	1. Partial mortgage releases secured on minor fee takings. We do not get partial releases on liens and judgments
	2. ND was first state to pilot and secure approval for negotiations by mail
	3. Only secure title insurance if value of ROW parcel is over \$2,500
	4. Requires FHWA authority to use single agent appraisal to negotiate where fence relocation costs exceed \$5,000 (state appraisal waiver amount) or state uses updated fencing schedule
OH	Recent process improvement review conducted on ROW clearance process. Many suggestions for improving ROW delivery time
OK	Now acquire rather than relocate signs, expediting ROW clearance by demolition
RI	Use mail offers on noncomplex projects (strip takes, easements). Phone contacts and appointment follow-ups in 2--3 weeks
SD	Empowerment of negotiators to make adjustments to settle of \$1,000 or 15%, which ever is higher, to a maximum of \$5,000
TN	Currently in the assessment phase of a change team to improve the ROW process under Business Process Reengineering. Under consideration: 1. move from low bid to RFP process for contracting ROW services (relocation, titles, acquisition, appraisals); 2. streamlining appraisal guidelines; 3. streamlining check processing documentation; 4. more objective evaluation of appraisers; 5. early acquisition of critical property, including state and federal ownership and environmentally sensitive sites. Concepts not implemented at this time, but moving toward implementation stage



TABLE 13 (Continued)

State	Practice
UT	1. Employee "buy off" on schedule, goals, and time requirements
	2. Work load flexibility---adjust to increases with additional contractual help
	3. Project management team approach
WI	1. Governor approves all consultant contracts over \$3,000. Now operating under different chapter, which generates statewide list of qualified consultants for a specific service. Districts will not have to bid every contract under this new process and will be able to better assess workloads of consultants
	2. URAR appraisal format for total residential takings
	3. Simple format appraisals for noncomplex takings
	4. Appraisal waiver for nominal value takings (<\$5,000)
	5. Blitz procedure for simple nominal projects. Includes negotiations with all owners at same time and place; preceded by group presentation describing how value was established
	6. Offers by mail when appropriate