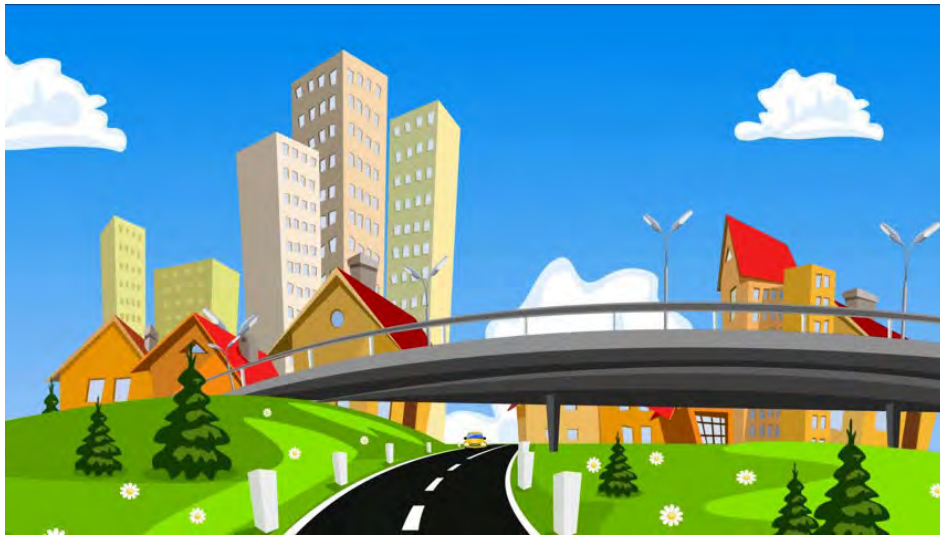


Local Programs Right of Way 2025 Annual Right of Way Meeting



We provide oversight to local agencies acquiring right of way on federally funded transportation projects. We also offer technical support, training, and compliance reviews to ensure that acquiring, managing, and disposing of real estate is consistent with state/federal regulations and the Uniform Relocation Act.

Local Programs ROW Team

Michelle Newlean, Local Programs ROW Manager

michelle.newlean@wsdot.wa.gov

360-705-7329

David Narvaez, Local Agency Coordinator-Northwest Region

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206-440-4205

Eva Betts, Local Agency Coordinator-Olympic & Southwest Regions

eva.betts@wsdot.wa.gov

360-705-7325

Terri Brown, Local Agency Coordinator-North Central, South Central, & Eastern Regions

terri.brown@wsdot.wa.gov

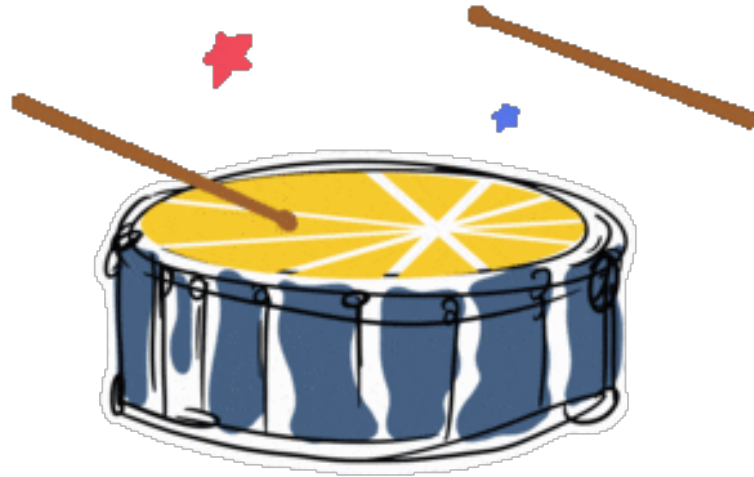
509-577-1656

Julie Brown, Local Agency Coordinator-Statewide

julie.n.brown@wsdot.wa.gov

360-705-7335

Guest Attendee



Dianna McKeon

Federal Highway Administration

ROW Program Manager for the Washington Division

Local Programs Right of Way Update



Projects Certified in 2024

Total Number of Certifications: 68

Certificate #1 45

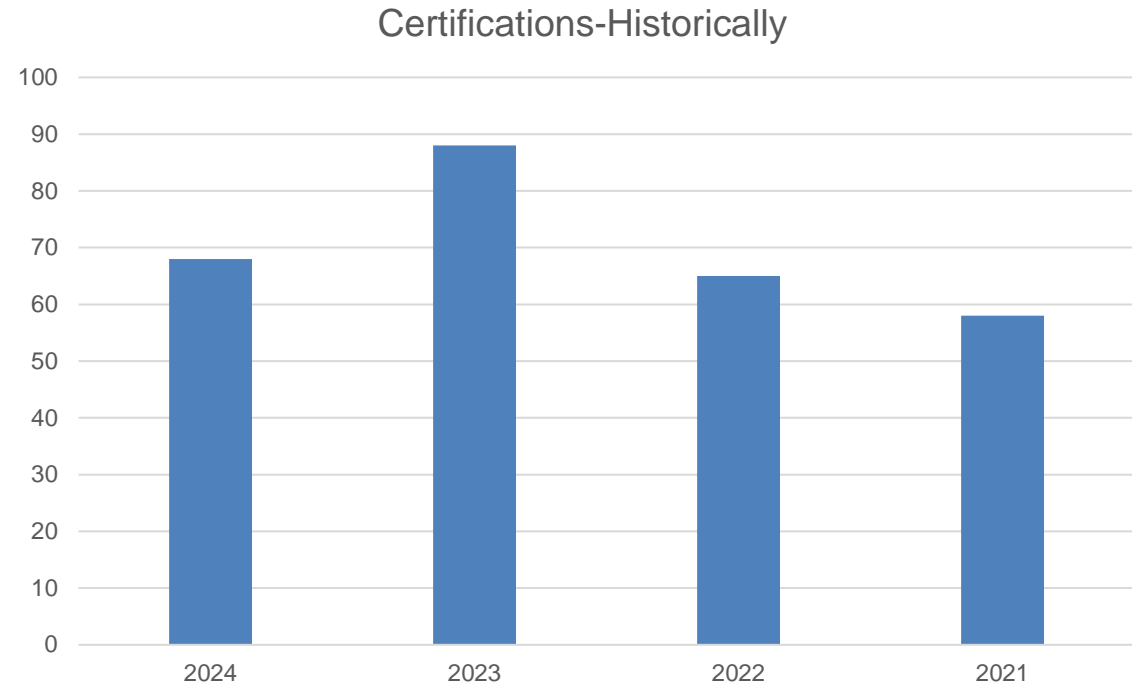
Certificate #2 1

Certificate #3 9

Time-Based 9

Excepted Parcel 0

Re-Certificates 13



Oversight Reports Issued in 2024

Number of Reports Issued: 18 26%

Historically

2023: 15 17%

2022: 9 14%

2021: 9 16%



Oversight Reports

Common non-compliance issues

#1 Adequate documentation in the parcel files submitted for review

- Missing or unsigned forms
- Conflicting information
- Incomplete Diary

#2 Administrative Settlements

- Not justified
- Lacking documentation

#3 ROW Procedures not followed

- ROW work completed by someone not listed within procedures
- Program Administrator didn't provide approvals

ROW Procedures

Number of Procedures updated in 2024: 43



Do you have an upcoming Federal Funded Project?

- Please review your procedures and update them if they aren't current.
- It is up to the agency to provide their consultants with copies of their Approved ROW Procedures.
- Please contact your Local Agency Coordinator if you aren't sure about the status of your procedures.

Remember: You can use form LPA-001b to make minor staff changes. However, this form shouldn't be used on expired ROW Procedures (3 years old).

FHWA ANNUAL REPORT

October 1, 2023 to September 30, 2024

Fiscal Year 2024

- Total LPAs Reporting 131
- Parcels Acquired 606
- Condemned Parcels 6
- Admin Settlements 112
- Acquisition \$ \$17,557,704
- Displacements 5
- Relocation \$ \$107,744
- Relocation Appeals 0

Fiscal Year 2023

- Total LPAs Reporting 125
- Parcels Acquired 473
- Condemned Parcels 6
- Admin Settlements 136
- Acquisition \$ \$12,671.535
- Displacements 10
- Relocation \$ \$543,121
- Relocation Appeals 0

Policy Changes

Encroachment Guidance

- February 2024 Clarification on the handling of encroachment and how clearing them relates to the project certification.

Temporary Easement-Valuations

- November 2024 Memo from FHWA outlining the proper way to value TEs to maintain federal funding eligibility.
- Training held in January 2025 to discuss the memo and Q&A from training are available on the LP ROW Training website.

Administrative Settlements

- December 2024 All Administrative Settlements must be submitted to LAC for approval before the agency's approving signature but after a thorough review by the agency.

REMINDER: All projects must be submitted for a Spot Check Review before offers are made (policy change from 2023).

Policy Changes

Submittal of Files-Spot Check and Certification Review

- December 2024 Must submit files through a file share application (no longer allowing email)
- The files must be set up in a logical format (not one large PDF)
 - **Main Project File**
 - ROW Plan
 - ROWFE (if applicable)
 - Relocation Plan (if applicable)
 - **Individual Acquisition/Relocation Files (do not combine)**
 - ROW Plan w/ acquisition clearly marked
 - Title/Encumbrance
 - Valuation
 - Offer/Notices
 - Documents (Recorded)
 - Payment Information
 - Correspondence/Miscellaneous
 - Diary
 - Correction/Missing Information

Process Improvements-Completed

- Updates to Chapter 25 of the LAG published (December 2024)
- Updated Certification Templates
- Project Introduction Letter (LPA-320) NEW
- Possession & Use Agreement (LPA-317)
- Various Template Changes-Administrative Offer Summary to Waiver Valuation
- Various Template & Brochure Changes-Final Rule



Process Improvements-Upcoming

- Another round of updates to Chapter 25 of the LAG
 - **Bonus: A new look!**

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. LP ROW independently provides 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 → [49CFR24.101\(b\) & \(d\)](#)

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: Please see Section 25.2 of this Chapter for additional information.
- → Federal & State requirements

Process Improvements-Upcoming



- Continuing template and brochure updates
- Local Agency Certification-Compliance and Levels of Involvement- UPDATE
- eLearning on Certification
- Establishing guidance for junkyard control along city streets that are also a state highway.

Uniform Act Final Rule (June 3, 2024)

FHWA recently released side-by-side comparisons of the 2005 and 2024 URA

– https://www.fhwa.dot.gov/real_estate/legislation_regulations/

Most impactful changes

Relocation

- Rental Supplement - \$9,570 (previously \$7,200)
- Purchase Price Differential - \$41,200 (previously \$31,000)
- Fixed Payment for Business - \$53,200 (previously \$40,000)
- Reestablishment - \$33,200 federal limit. WA Limit of \$50,000 is still in effect
- Site Searching-\$5,000 (previously \$2,500)
- NEW-Moving expense entitlement to reimburse residential tenants only. This new entitlement reimburses actual costs for rental replacement dwelling application expenses and credit report fees up to \$1,000.

Uniform Act Final Rule (June 3, 2024)

Most impactful changes

Manner of Notices

All required notices

- Personally served or sent by certified or registered first-class mail with a return receipt
 - USPS or companies that provide the same function as certified mail with return receipt
- Prior written authorization from the Local Agency's Program Administrator must be in the file if required notices will NOT be delivered in person, along with justification of why the notices are not being provided in person. (example: out-of-state property owner).
 - This option should only be utilized in extraordinary circumstances.
- Proof of delivery and signed receipt **MUST** be included in the applicable acquisition/relocation file.

Required Notices:

- Offer Letter-Acquisition
- Final Action Notice-Acquisition
- General Notice-Relocation
- Notice of Eligibility or Non-Eligibility-Relocation
- 90-Day Assurance-Relocation
- Notice of Intent to Acquire-Relocation

Note: In-person delivery is not a new requirement.

The requirement was placed on hold per COVID-19 restrictions, but that hold is no longer in place.

Uniform Act Final Rule (June 3, 2024)

Most impactful changes

Waiver Valuation Limits Increase

	Uncomplicated	Estimated Value	Requires Offer of Appraisal	FHWA Pre-Approval Required
Tier 1	X	\$0 - \$15,000		
Tier 2	X	\$15,001 - \$35,000	X	
Tier 3	X	\$35,001 - \$50,000	X	X
from 24.102(c)(2)(ii)				

Before June 3, 2024, Tier 1 was limited to \$10,000, Tier 2 was between \$10,001 & \$25,000. Tier 3 was not previously available and is not being offered in Washington State.

ROW Procedures:

Exhibit B has been updated to reflect the higher limits. Until their ROW procedures are updated, local agencies must have an email on file to utilize the higher limits.

Legislative Update

SHB 1733

If passed as currently written, the Business Reestablishment limit for local agencies will be increased to \$200,000 (the current limit is \$50,000) starting August 1, 2025.

HB 1081

If passed as currently written, local agencies will be required to offer property owners the opportunity to have their property appraised by an appraiser of their choice (at the agency's expense).

WSDOT Approved Consultant List

The WSDOT Approved Consultant List is going away!

LP ROW only required the use of this list for Appraisal and Appraisal Review.

LP ROW will be working to update Chapter 25 of the LAG with new guidance and eligibility requirements for completing the work within the various disciplines.



Any Questions?



Next Up:
Local Agency Coordinators' Presentation