What’s New at FHWA?
Big Shoes to Fill

By Frits Ahlefeldt
What’s Up at FHWA?

New Director in D.C.

- In August of 2021, Nicholas (Nic) Thornton became the Director of the Office of Real Estate Services in FHWA’s D.C. Headquarters
- Nic’s experience includes
  - Office of Chief Counsel
  - Special Assistant to FHWA’s Deputy Administrators
  - Team Lead for the Real Estate Office
  - Now...Director
What’s Up at FHWA?

Status of Update to Regulations 49 CFR Part 24

- June 2012 – MAP-21 legislation passed
- October 2014 – Relocation changes took effect
- December 2019 – Notice of Proposed Rule Making Issued
- March 17, 2020 - comments period ended
- Still waiting...........FHWA will issue “Final Rule”
  - Changes based on comments
  - Provide implementation info
  - Manual revisions will be needed
What’s Up at FHWA?

Sunset of Temporary Waiver for Negative Equity (NEW)

- Expired June 30, 2021
- Go forward plan...........
  - Projects have NEPA decision issued before expiration – continue to use NEW
  - Projects do not have NEPA prior to expiration – may request a waiver from FHWA
  - Future need for NEW will be on a case-by-case basis
What’s Up at FHWA?

New Fixed Residential Moving Cost Schedule

• Effective August 26, 2021
• WA rates.........
  – $800 1st room
  – $300 each additional room
  – $400 for furnished room w/$100 additional room

• Published in Federal Register can be found:
  2021 Fixed Residential Moving Cost Schedule - Relocation - Uniform Act - Real Estate - FHWA (dot.gov)
What’s Up at FHWA?

Alternative Uses of the Highway Right of Way Guidance... March 19, 2021

• Non-Transportation use
• Guidance covers 3 areas:
  – Alternative uses of Federal-aid highway ROW
  – Exceptions to the Fair Market Value (FMV) requirement
  – Alternative uses of Park and Ride lots constructed or acquired with Fed-aid highway funds

23 CFR 1.23 and 23 CFR Part 710
What’s Up at FHWA?

Alternative Uses of the Highway Right of Way Guidance….continued

• Compliance
  – Ensure the safety of the traveling public, the users of facility in the ROW, and structural and operational integrity of the highway facility
  – In public interest and will not impair the highway or interfere with free and safe flow of traffic

• Acceptable alternative uses
  – Shelters or other facilities that provide services for people experiencing homelessness

23 CFR 1.23(c) and 23 CFR Part 710
What’s Up at FHWA?

Additional information can be found at: INFORMATION: Alternative Uses of the Highway Right-of-Way Guidance - Corridor Management - Right-of-Way - Real Estate - FHWA (dot.gov)

Alternative Uses of the Highway Right of Way Guidance....continued

- Exception to FMV requirement
  - Must be a social, environmental, or economic purpose
  - Requires an FHWA approval action
- Park and Ride Lots
  - Cannot conflict or adversely impact transportation functions at the site
  - Adequate measures in place to protect continued operation, maintenance, and safety of facility
- All alternative uses subject to NEPA - 23 CFR 710.403(d)
What’s Up at FHWA?

Alternative Uses of the Highway Right of Way Guidance...April 27, 2021

- Consistent utilization of the ROW for.....
  - renewable energy generation
  - electrical transmission and distribution projects
  - broadband projects
  - vegetation management
  - inductive charging in travel lanes
  - alternative fueling facilities,
  - other appropriate uses

23 CFR Part 645 and 23 CFR Part 710
What’s Up at FHWA?

Additional information can be found:

Alternative Uses of the Highway Right of Way Guidance...Continued

• Alternative uses, if in compliance with regulations.....
  – Installation of solar panels
  – Electric vehicle charging stations
  – Broadband deployment
  – Other CEC uses

• FMV Exceptions
  – Environmental benefits

• Vegetation Management
What’s Up at FHWA?

General Items

• Executive Order 13985 “Advancing Racial Equity and Support for Underserved Communities Through the Federal Government”
• Bipartisan Infrastructure Law (BIL)
  – Bipartisan Infrastructure Law - FHWA | Federal Highway Administration (dot.gov)
• Electric Vehicle Charging
  – FAQs – Alternative Uses of Highway Right of Way
• Federal Land Transfer Toolkit
Last, but not least........

LPA Toolkit available at:  
www.fhwa.dot.gov/real_estate/local_public_agencies/

Training resources available at:  
www.fhwa.dot.gov/real_estate/training/

More goodies at:  
www.fhwa.dot.gov/real_estate/