



**International Right of Way Association
Chapter 1 – Los Angeles County
August 2002 Newsletter**

Upcoming Events

September 24, 2002, SR/WA Special Luncheon and Membership Regular Luncheon
Topic: Salesmanship Principles and Techniques; Calif. State University, Los Angeles

Membership Luncheon

August Dark

President's Message

By: Rudy Romo

As we read the papers, listen to the news headlines, and watch the value of our portfolios tumble, we think, well, so much for planning the future. It's a shame that our very own "Corporate America" is on the hot seat. The best and the brightest from our top business schools have learned how to "Cook the Books" and get caught in their innovative techniques of market diversification.

It started with Enron, Arthur Anderson, Williams, and World Com. And now, there are countless others that are under investigation for hiding and deceiving profit gains and losses from shareholders and investors. Just the other day, I was speaking to a friend about the economy and demise of Corporate America. We remembered when the firm of Arthur Anderson was highly prestigious. Now, you really wonder about the firm.

The underlying foundation of a company is profit. A company is in business to make money. If you can't build or perform a product or service successfully, there is no point in being in business. You must make money to expand your operation, maintain existing products/services (market penetration), develop new markets (market development), develop new products/services (product development), and diversify (diversification).

Our corporate executives (CEO's) have been remiss in running the company accurately. Corporate officers are making public statements that they did not know what was going on. It has to be difficult to make this statement with your shareholders when they hired you to make money for them. Where is the loyalty here?

At first, we thought company fraud was only going to be limited to one or two firms, but now, it has started to snowball. What does that do to investment? Skepticism creates conservatism, and conservatism creates sell off. Result: Market Plunder.



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How does this affect the Right of Way business? A trickle effect occurs. If companies do not have money to reinvest, they must lay off workers. Thus, there is no demand for their product and/or service. Sales Decline. Tax revenues decline and thus, transportation public works projects suffer. The end result is a lack of available funds for improvement projects.

Although many of our company's leaders have been remiss on corporate policy and operations management, let's maintain a level of service with high regard for integrity and ethics. Whether we work for a private firm or a government agency, we must always strive to do our best and maintain quality workmanship with all of our colleagues and clients. If a situation appears questionable, then it probably is. Remember, "If it is to be, it is up to me."

Enjoy your summer and we'll see you at Steven's on September 24th

Case of the Month
ANALYSIS OF GRABER v. CITY OF UPLAND
(2002) DJDAR 6811

By: Jeffrey F. Kagan, DELMETRIOU, DEL GUERCIO, SPRINGER & FRANCIS, LLP

When preparing staff reports, resolutions of necessity, city ordinances and redevelopment plans which are premised on the finding of "blight," strict requirements must be followed to withstand judicial scrutiny. That is, in essence, the import of the recent case of *Graber v. City of Upland* (2002) DJDAR 6811.

In *Graber*, two ordinances were challenged.¹ The first ordinance amended an existing town-center redevelopment plan. The second ordinance approved a new redevelopment plan. Both plans were premised on the elimination of urban blight.

Legal challenges were brought by a private property owner and by the County of San Bernardino. The actions were consolidated. Plaintiffs alleged that the two ordinances were invalid because they failed to comply with the Community Redevelopment Laws (Health & Safety Code sections 33000, et seq.). Specifically, plaintiffs contended that because non-blighted property was included in the project area, the ordinances, and thus the redevelopment plans, were invalid. Further, the plaintiffs contended that the ordinances were invalid on the grounds that the City's findings of blight were not supported by substantial evidence.

¹ Although this case also addresses the issue of improper tax increment financing, that issue will not be discussed herein.



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At trial, the court found that one of the project areas which comprised more than 20 percent of the entire project was not “urbanized,” and therefore, the project must fail. This is due to the statutory requirement that blighted areas to be redeveloped must be 80 percent “predominately urbanized.” Because this portion of the project area was once a rock mine and a dump, the area was not previously developed for urban use. Without 80 percent of a project predominantly urbanized, a project area cannot be deemed “blighted.” (Health & Safety Code § 33320.1.) The trial court also found that there was no physical evidence that various sub-areas were blighted.

Next, the trial court found that there was no substantial evidence to support the City’s conclusion regarding physical blight. (Health & Safety Code § 33031(a)(1).) Finally, the court held that there was no substantial evidence to support the City’s conclusion regarding economic blight pursuant to Health & Safety Code section 33031(a)(2). Therefore, the court invalidated the project and the ordinances in support thereof.

On appeal, the court first examined whether the property was “predominantly urbanized” to support a finding of blight. According to Health & Safety Code section 33320.1, a project area is “predominantly urbanized” when “not less than 80 percent of the land in the project area (1) Has been or is developed for urban uses, or (2) Is characterized by [subdivided lots of irregular form and shape which are inadequate in size, for proper usefulness and development].”

In addition to the statutory definition, the court found that project areas generally, and sub-areas contained therein specifically, can be characterized as “predominantly urbanized” when considering the location of the property, and the type of use of the property. In *Graber*, the area that was examined was a rock mine and dump. The court found that because a rock mine and dump are not necessarily found in “predominantly urbanized” settings (e.g., a rock mine can be located in both urban and rural settings) that it cannot be deemed predominantly urban.

The court then examined whether substantial evidence existed in the record to support the findings of blight within the project area. To commence the analysis, the court first turned to the statutory definition of blight as set forth in Health and Safety Code sections 33030 and 33031. Notably, the court examined the statutory requirement that a blighted area must include at least one of the enumerated types of physical blight and at least one of the enumerated types of economic blight, and that the combination of these factors be so prevalent and substantial as to constitute a serious burden on the community which cannot be expected to be reversed without redevelopment.



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The City of Upland conceded that not all sub-areas within its project area contained both physical and economic blight. The City argued that only one element of physical blight or economic blight, but not both, need be present to support a finding that an area is blighted. The court disagreed, and found that this fact conclusively established that the project was invalid.

The court went even further and examined each sub-area of the project. The court found that evidence in support of a finding of blight was not substantial, and that conclusory language regarding blight contained within the project area was insubstantial. In addition, the characterization of property, as reflected by field surveys and exterior structural surveys, did not corroborate the conclusions of blight contained in the ordinances.

As a practical matter, when preparing documents that will be part of the administrative record in connection redevelopment plans, always attempt to be as specific as possible when referring to findings of blight, including both physical and economical blight. Do not simply insert conclusory statutory language into your documents, and expect to pass judicial muster.

Monthly Article
The Historic Roots of the Alameda Corridor Railroad

By: Hayley McKuur, Education Chair

The now completed \$2.4-billion high-speed rail project was a direct result of the vision of entrepreneur Phineas T. Banning (1830 – 1885), known as the “King of Transportation” and “Father of the Los Angeles Harbor.”

In 1868, as state senator, he secured an adequate strip of right-of-way identified as the Dominguez Route, known to us as Alameda Street. He built a 21-mile railway from the harbor to Los Angeles for hauling people and freight, which resulted in the first business boom of the city.

Banning was successful in securing government contracts to build roads as well as moving supplies by wagon to neighboring states. He spent much of his time making transportation between Los Angeles and the harbor faster, convenient and profitable. The efficiency of Banning’s railroad, lured rail giant Southern Pacific Railroad and their presence eventually transformed the area into a sprawling Metropolis.

In 1857, Banning was forced to relocate after a storm tore down his wharf in San Pedro. He bought 640 more acres five miles away and built a new wharf and town, conveniently located five miles closer to Los Angeles. He named it “New San Pedro”, later renaming it “Wilmington”, after the capital of his home state, Delaware.



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On Oct. 26 1869, Los Angeles' first railroad opened, creating a convenient commuter and freight passageway between San Pedro and Los Angeles. Passengers traveled south from the Los Angeles Depot at Commercial and Alameda Streets to the Dominguez Hill Depot and on to the Wilmington Harbor.

Banning's wharf soon became a bustling seaport used by large seagoing steamers, carrying passengers and freight. Eventually the tiny seaport was absorbed by the Port of Los Angeles and his railway became what is known today as the Alameda Corridor.

Thinking About the SR/WA?

By Lourdes Romero, SR/WA

So, have you thought about the "SR/WA"? And have you told yourself, "Sure, that's something I'd like to accomplish...but I just don't have the time". Or maybe you've thought, "I don't qualify, I haven't finished my degree"... "It takes so many courses". Well ask yourself these questions no more.

The SR/WA is the only designation reflecting evidence of professional attainment in our industry. In effect, by attaining this designation, you've announced that you've arrived! You've achieved professional status through experience, education, and examination.

Let's talk about how you may be further down the road to qualifying for this important achievement than you think. Are you a member in good standing? Of course you are!

Have you a minimum of five years qualifying experience in right-of-way? If you're not certain, contact me, the Professional Development Chair, for a review of your experience. We'll likely find that you have more qualifying experience than you thought.

Perhaps you're concerned about the education requirements. Did you know that a Bachelor's Degree qualifies you? Even if you've not yet met your educational goals, this requirement can be offset by combinations of work experience, approved coursework, and education. Oh, and something else of which you may not be aware...those five years in right of way? The work experience that you use to offset the education requirements can run concurrently with the five-year work experience requirement. How cool is that?

In our business it is more than likely you've been attending interesting courses for a long time. Many of these courses have been provided by the IRWA and you may have already completed a substantial number of the required core courses.



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But let's get to the subject you are really thinking about. The EXAMINATION!! Did you know that there is more than one way to be examined? You can take a single comprehensive examination OR you need only pass your choice of four of seven discipline exams. If you are intimidated by the examination, you are not alone. But you needn't worry. The IRWA offers an SR/WA Examination Review and can even present it at your work location if there is enough member interest to bring it to your door. After availing themselves of this review, many members say it eliminated their worries and set them up for success!

And finally, there are a few of you whose real thoughts are, "The SR/WA is only a formality, what does it really buy me?" The answer is, "Plenty!"

The SR/WA stands alone for the right of way professional--you! It is the only nationally recognized designation stating that you have attained an unquestioned level of professional status, education, and experience. The SR/WA is widely recognized by current and prospective employers, often yielding financial rewards in the form of promotions, permanent salary adjustments, and/or appointment to positions that would otherwise have not been attainable.

So let's recap:

Achieving the SR/WA has five qualifications that you have already taken steps to meet:

1. Be a member in good standing with the International Right of Way Association.
2. **EXPERIENCE**: Have a minimum of five (5) years of qualifying right of way experience.
3. **EDUCATION**: Bachelor's Degree or equivalency of 30 semester hours or two years work experience or eight (8) days of approved course work in lieu of one year of the four year college degree or submit proof of eight (8) years of qualifying experience. The experience and educational credits can run concurrent with the five (5) years of experience required above.
4. **Core Courses Required**:
 - a. ***Option #1***: Successfully complete the following courses: C-200 (2 days), C-400 (2 days), C-800 (2 days), and C-900 (2 days);

Or,



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Option #2: Successfully complete the following courses: C-100 (4 days) and any two (2) of the following courses: C-200 (2 days), C-400 (2 days), C-800 (2 days) and C-900 (2 days). If a candidate elects this option, they must complete as part of their twelve (12) days of course work in any of the following disciplines: Asset (Property) Management, Environmental, or Relocation Assistance.

- b. Successfully complete C-103 (1 day); **or**, C-104 (1 day)
- c. Successfully complete a total of four (4) days of any 200 level courses (other than C-200).
- d. Total of twelve (12) days of other courses, six (6) days of which must be IRWA courses. Non-IRWA courses (maximum of six (6) days) can be from approved comparable courses.

5. **Examination:**

Option #1: Passage of one (1) comprehensive exam;

or,

Option #2: Passage of four (4) of seven (7) discipline exams. Discipline exams consist of: Appraisal; Asset (Property) Management; Engineering; Environmental; Law; Negotiation/Acquisition; and Relocation Assistance.

***NOTE:** The following courses may be challenged in either program: C-100 (4 days), C-200 (2 days), C-400 (2 days), C-800 (2 days) and C-900 (2 days).

For more information visit the “SR/WA Designation” page on the IRWA website at WWW.IRWAonline.org and/or contact me, Lourdes Romero, Chapter One’s Professional Development Chair, at 310/417-6486 or email me at lxromero@lawa.org.

New Members

- | | |
|--|---------------------------------|
| 1. Mr. Warren LaRiviere, Paragon Partners Ltd. | Recommended By: Rudy Romo |
| 2. Mr. Uriel Jimenez, Los Angeles World Airports | Recommended By: Lourdes Romero |
| 3. Mrs. Theresa A. Wesson, | Recommended By: Michael Popwell |
| 4. Mrs. Michele Cortes | |



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**Board Meeting
July Board Meeting Report
Holly Overcamp**

The following items were among those discussed at the Board's meeting on July 9, 2002.

- Two *Resolutions* were proposed at the *International Seminar* in Mobile, Alabama. As per instruction from the Chapter 1 Board, Rudy Romo, Chapter President, expressed his concerns about the resolution to eliminate Chapter approval from the Membership Application process. The motion was tabled. The resolution to revise the structure of the International Executive Committee to 4 office positions and 2 "at large" positions was passed.
- Michael Murray chairs the *Nominations Committee*, and is seeking nominations for next year's Board, particularly the Treasurer position.
- It was noted that the Chapter may require a *projector for education purposes*. The possibilities will be researched and reported at the next Board meeting.
- IRWA's *Leadership Council* will hold its next meeting in October in San Diego. The Board discussed potentially sponsoring one or more persons to attend the meeting. More information about the meeting will be obtained and it will continue to be discussed at the next Board meeting.

The following motions were passed:

- Motion to contribute \$250 to the International Education Foundation and \$500 to the Region for an event supporting Jim Finnegan in his nomination and election to IRWA's International Executive Committee.
- Motion to adopt the Advertising Policy, as amended.
- Motion to accept the following new members into the Chapter:
Warren La Riviere
Theresa Wesson
Uriel Jimenez



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Michele Cortes

- Motion to approve expenditure for DRE and OREA certifications for the Fall Seminar, and to monitor the number of persons applying for DRE credit to determine if it justifies the cost.

Please feel free to contact any of the Board members with your comments, questions or concerns. Also, Board meetings are held at 12:00 on the second Tuesday of each month at the LA County Public Works Department in Alhambra. Chapter Members are encouraged to attend and participate.

Special Events

Congratulations to Noa Singler of Singler Valuations who recently had a baby boy: Evan Arthur Hazarabedian (he has his dad's (A.J. Hazarabedian) last name Born on June 6, 2002 (actual due date), 9 lbs, 6 oz. Being that Mom is a goodwill appraiser and Dad is an eminent domain attorney, there seems to be a high probability that he's going to be a future member of the IRWA. We wish to congratulate Noa and her family to their newest addition.

Monthly Drawing

This month's membership drawing is \$70.00. Let's hope that the next drawing will produce a winner.



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Class Schedule

2002 Scheduled Courses for Chapter 1

Dates	Class Code	Title	Instructor	Location	Coordinator	Phone No.	Email
August 14 & 15	701	Property Management: Leasing	Aisha Currie	LA County MTA, Union Station Conf. Rm, 3 rd Floor, Los Angeles, 90012	Diane Dominguez	213-922-5253	Dominguezd@mta.net
Sept 9	403	Easement Valuation	Joyce L. Diaz	Contra Costa County Public Works Building, Martinez, CA	Carla Peccianti	(925) 313-2222	cpeccian@pw.co.contra-costa.ca.us
Oct 7	603	Understanding Environmental Contamination in Real Estate	Michael Heineke	Los Angeles County Public Works, 900 S Fremont Ave, Alhambra, CA 91803	Lorna Foster	213-897-3635	Lorna_Foster@dot.ca.gov
Oct 9 & 10	602	Project Development & Environment Process	Michael Heineke	Los Angeles County Public Works, 900 S Fremont Ave, Alhambra, CA 91803	Lorna Foster	213-897-3635	Lorna_Foster@dot.ca.gov
Oct 29-30	800	Principles of Real Estate Law	Daniel W. Beardsley, SR/WA	Las Vegas, NV	Thomas A. Drescher II	(702) 862-3445	Tadreb@aol.com
Oct 31	900	Principles of Real Estate Engineering	Daniel W. Beardsley, Beardsley, SR/WA	Las Vegas, NV	James E. Dufault	(702) 365-2097	James.dufault@swgas.com