

# LOS ANGELES



IRWA  
CHAPTER 1

May  
2004



## Upcoming Events

June 20-24

**IRWA International Education Conference** Wyndham Franklin Plaza Hotel; Philadelphia, Pennsylvania

June 29

**Membership Meeting** 11:45am at Stevens Steak House, 5332 Stevens Place, Commerce Mr. Dan Leavitt, Deputy Director of the California High-Speed Rail Authority will be speaking on about the newest technologies in high-speed rail and how they could impact California!

July 13

**Board of Directors meeting:** 11:30 AM to 1:00 PM Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles

July 27

**Chapter 1 Membership meeting** Shanghai Red's, Marina Del Rey



## President's Message

By: Linda Cunningham Esq.,  
Nossaman, Guthner, Knox, & Elliott,  
LLP

### **May Luncheon**

Be sure to attend the May membership luncheon which will be held at Stevens Steak House on May 25. The featured topic for the luncheon will be a discussion of the recent *Williams v. City of Riverside* decision concerning rights of telecommunications companies to install fiber optic and other facilities in existing rights of way, and how much compensation, if any, should be paid for those installations. Please RSVP to Tracy Washburn at [twashburn@sphvalue.com](mailto:twashburn@sphvalue.com)

### **Annual Education Conference - Philadelphia**

The 50<sup>th</sup> Annual International Education Conference will be held June 21-24 in Philadelphia. The conference promises to be an exciting and worthwhile event with a variety of panel discussions, courses and speakers, including Olympic medal winner Michael Schlappi. Additional information and registration forms are available online at [www.irwaonline.org](http://www.irwaonline.org). We hope to see lots of Chapter 1 members there!!

## Membership Luncheon

Date: May 25, 2004

Time: 11:45am

Speaker: Jim Powers of Nossaman Guthner Knox and Elliott will speak on the Williams v. Riverside decision

Location: Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)

RSVP to Tracy Washburn, at (310) 571-3400 or [twashburn@sphvalue.com](mailto:twashburn@sphvalue.com)

Please note: in order to cover increasing expenses charged by our luncheon venue, the cost for a luncheon will be increased to \$16, effective the May meeting. It is still one of the best values

## **Electronic Newsletter**

Please note that we are now distributing the newsletter electronically and not in hard copy. Members who wish to continue receiving a copy by regular mail should notify our Newsletter Chair, Natalie Michelson ([aunttalice@aol.com](mailto:aunttalice@aol.com)). Also, all members are asked to check the e-mail information on the IRWA website ([www.irwaonline.org](http://www.irwaonline.org)) to make sure it is correct, and follow the instructions provided on the website for updating any incorrect information.

Thank you to all of our Chapter 1 members for your continued support and participation in Chapter 1 luncheons, education courses and seminars. As always, we welcome your comments or suggestions for improving our membership services.

Special recognition to Ken Ta for winning the 2nd Annual Right of Way Competition, Utilities Category sponsored by IRWA International Surveying Committee. Ken is an active member and presently with the City of Los Angeles, Bureau of Engineering, Survey Division. This award is an honor for Chapter 1.

**IRWA Chapter 1, Los Angeles**  
2004 Board Officers and Committee Chairs

|  |   |   |
|--|---|---|
| <b>President &amp; International Director:</b><br><b>Linda Cunningham Esq.</b><br>Nossaman, Guthner, Knox, & Elliott, LLP<br>445 S. Figueroa St.<br>Los Angeles, CA 90071<br>Phone (213) 612-7800<br>E-mail <a href="mailto:lcunningham@nossaman.com">lcunningham@nossaman.com</a> | <b>President Elect &amp; International Director:</b><br><b>Holly Rockwell</b><br>Epic Land Solutions, Inc.<br>24050 Madison St., Suite 205<br>Torrance, CA 90505<br>Phone (310) 378-0771<br>E-mail <a href="mailto:hollyrockwell@epicland.com">hollyrockwell@epicland.com</a>   | <b>Vice President:</b><br><b>Tom Hanley</b><br>Southern Calif. Regional Rail Authority (Metrolink)<br>700 S. Flower St. Suite 2600<br>Los Angeles, CA 90017<br>Phone (213) 452-0256<br>E-mail <a href="mailto:hanleyt@scrta.net">hanleyt@scrta.net</a>                                    |
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| <b>Fall Seminar Chair</b><br><b>Michael Fischer</b><br>Community Development Commission of the County of Los Angeles<br>2 Coral Circle<br>Los Angeles, CA 91755<br>Phone (323) 890-7250<br>E-mail <a href="mailto:Michael.fischer@lacd.org">Michael.fischer@lacd.org</a>           | <b>Past President; Nominations and Awards Chair; Region Spring Forum Chair:</b><br><b>Michael Popwell, SR/WA</b><br>Community Development Commission of the County of Los Angeles<br>2 Coral Circle<br>Monterey Park, CA 91755<br>Phone (323) 890-7195<br>E-mail <a href="mailto:michael.popwell@lacd.org">michael.popwell@lacd.org</a> | <b>Region Spring Forum Co-Chair &amp; Membership Co-Chair</b><br><b>Henry Nunez</b><br>Henry Nunez Coordinated Land Services<br>11 E. Huntington Drive<br>Arcadia, CA 91006<br>Phone (626) 254-0524<br>E-mail <a href="mailto:henry@hnrealstate.com">henry@hnrealstate.com</a>            |

May Luncheon

Ever since the Telecommunications Act was passed, there has been ongoing controversy over what rights it gave telecommunication companies. In our industry, the questions revolve around what rights telecom companies have to install fiber optic and other facilities in existing rights of way, and how much compensation, if any, should be paid for those installations. A recent court decision has endeavored to address some of those questions. Jim Powers of Nossaman, Guthner, Knox, Elliott, LLP will present the latest outcome of Williams vs. City of Riverside case at our May luncheon. If you work for any agency or company that acquires, values, or manages rights of way, come Tuesday May 25<sup>th</sup> to listen to this presentation on the recent decision related to the California Telecommunications Industry.

Date: May 25, 2004  
 Time: 11:45 am  
 Location: Steven's Steakhouse,  
 5332 Steven's Place, Commerce, CA 90040  
 Luncheon choice: New York Steak or Chicken Oscar  
 Cost: \$16

To reserve your space and make your luncheon selection, please contact our Luncheon Chair, Tracy Washburn at [twashburn@sphvalue.com](mailto:twashburn@sphvalue.com) or 310-571-3400. Please note: in order to cover increasing expenses charged by our luncheon venue, the cost for a luncheon will be increased to \$16, effective the May meeting. It is still one of the best values around!

**Welcome New Members of Chapter 1,**  
**IRWA**

**Isaac G. Diaz**, Acquisition/Relocation Specialist, Paragon Partners

**Daryle D. Bailey**, VP, Paragon Partners,

**Kathleen Comunetti**

**Cathleen S. McNeil**, Resource Coordinator, LAUSD

**Artin N. Shaverdian**, eminent domain attorney, Oliver, Vose, Sandifer, Murphy, and Lee

**IRWA Chapter 1  
2004 Calendar of Events**

- May 11 **Board of Directors meeting:** 11:30 AM to 1:00 PM  
Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles
- May 25 **Chapter 1 Membership Meeting**  
Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
- June 5 & 6 **Education Course 900** (Principles of Real Estate Engineering) (SR/WA)  
Contact Deborah Martinez, Education Co-Chair, at (714) 379-3376; [dmartinez@paragon-partners.com](mailto:dmartinez@paragon-partners.com)
- June 8 **Board of Directors meeting:** 11:30 AM to 1:00 PM  
Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles
- June 20-24 **IRWA International Education Conference**  
Wyndham Franklin Plaza Hotel; Philadelphia, Pennsylvania
- June 29 **Membership Meeting**  
Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
- July 13 **Board of Directors meeting:** 11:30 AM to 1:00 PM  
Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles
- July 27 **Chapter 1 Membership meeting**  
Shanghai Red's, Marina Del Rey
- August **Chapter 1 dark**, No Membership Meeting
- September 14 **Board of Directors meeting:** 11:30 AM to 1:00 PM  
Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles
- September 16 & 17 **Education Course 800** (Principles of Real Estate Law) (SR/WA)  
Contact Deborah Martinez, Education Co-Chair, at (714) 379-3376; [dmartinez@paragon-partners.com](mailto:dmartinez@paragon-partners.com)
- September 28 **Chapter 1 Membership Meeting** (and SR/WA Free Lunch with RSVP)  
Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
- October 12 **Board of Directors meeting:** 11:30 AM to 1:00 PM  
Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles
- October 14 & 15 **Education Course 200** (Principles of Real Estate Negotiations) (SR/WA)  
Contact Deborah Martinez, Education Co-Chair, at (714) 379-3376; [dmartinez@paragon-partners.com](mailto:dmartinez@paragon-partners.com)
- October 26 **Fall Seminar** (and Membership Meeting)  
Quiet Cannon, 901 N. Via San Clemente, Montebello (636-A/7)  
Contact Michael Fischer, Fall Seminar Chair, at (323) 890-7250.
- November 9 **Board of Directors meeting:** 11:30 AM to 1:00 PM  
Nossaman offices: 445 S. Figueroa St, 31<sup>st</sup> Floor, Los Angeles
- November 23 **Chapter 1 Membership Meeting** (and Past Presidents Free Luncheon)  
Stevens Steak House, 5332 Stevens Place, Commerce (675-G/3)
- December **Tri-Chapter Installation Banquet**  
Chapter 57, Riverside, is Host

**APRIL 15, 2004 FHWA MEETING IN SAN FRANCISCO REGARDING CHANGES TO THE UNIFORM RELOCATION AND REAL PROPERTIES ACQUISITION POLICIES ACT (UNIFORM ACT)**

By: William Von Klug, SR/WA, R/W-RAC  
Relocation Seminar Chair

Federal Highway Administration (FHWA) and H. C. Peck, a Right of Way consulting firm, facilitated the meeting. FHWA is the lead agency for the promulgation of acquisition/relocation regulations. The purpose of this meeting was different from earlier meetings this year and not related to the Notice of Proposed Rule Making (NPRM) published by FHWA on December 17, 2003. The NPRM proposed changes to existing acquisition/relocation regulations. FHWA originally projected May 2004 as a publication date for the new regulations, but in April projected January 2005 as a publication date.

The meeting on April 15 was one of five listening sessions FHWA and H. C. Peck facilitated throughout the US to listen to the public in order to determine if there was a need to amend the Uniform Act. Changing regulations is easier to accomplish than changing a law. However, there can be no regulatory change to specific topics that are statutory, such as dollar limitations of explicit relocation payments. FHWA created the listening sessions to determine if changing the acquisition/relocation regulations was sufficient to meet the needs of the public or if it was also necessary to amend the Uniform Act.

Attendees at the meeting represented Federal Funding Agencies (Department of Housing and Urban Development, Federal Highway Administration and the Department of Interior), California Department of Transportation, County Agencies (Los Angeles County Community Development Commission and County of Sacramento), Bay Area Rapid Transit District and several private consultants that work for various government agencies.

The first thing discussed was the purpose of the meeting. The facilitators wanted it clear that the purpose of this meeting was twofold; discuss the possible need for changes to the Uniform Act and, if appropriate, suggestions for change. The facilitators emphasized that the purpose of the meeting was unrelated to recent proposed changes to applicable acquisition/relocation regulations.

The audience unanimously believed that the Uniform Act needed revision. During the discussions about changes both audience and facilitators discussed the process of amending a law with refreshing candor. One of the suggestions made was that people FHWA meeting who want to amend the law should be careful about what they ask for; if there are major proposed amendments to a law the amendment process takes longer and lobbyists for special interests will attach additional amendments to the law.

The first specific issue discussed was the "Reestablishment Payment". My recollection was the audience unanimously believed the statutory limit of \$10,000 for this payment should be increased. There was no agreement about how high to increase the limit. It seemed that the majority of people favored an increase of the payment to \$50,000 with increases permitted annually indexed to a cost of living schedule. Some people favored removing the requirement that limits eligibility for the payment to farms, non-profit organizations and small businesses. The expressed concern was limiting the payment to small businesses.

There was discussion about changing the dollar maximum limit for the payment in lieu of moving expenses for a business. Currently, this payment cannot exceed \$20,000. The consensus of opinion was that the limit should be increased. There was no agreement on a new limit. There was concord that any statutory dollar limit should be indexed to a cost of living schedule.

There was discussion about changing the dollar limit of replacement housing payments. Some expressed an opinion that statutory limits be eliminated; since the provisions of Last Resort Housing effectively permit unlimited expenditures to insure people are relocated to comparable housing. Several people commented that exceeding the dollar limits of the replacement housing payments is the key reason for Last Resort Housing Payments and since requirements for Last Resort Housing are more flexible, there should be dollar limitations to replacement housing payments. However, most people believed that the limits should be statutorily increased. There seemed to be no consensus of opinion on the topic of replacement housing payments.

There was additional discussion on the 180-day occupancy requirement for eligibility for a replacement housing payment for owner occupants and the 90-day occupancy requirement for eligibility for a replacement housing payment for other residential occupants. The consensus of opinion was the occupancy requirements served a good purpose and should not be changed.

There was discussion that relocation advisory assistance requirements needed to be clarified in the law. Many in the audience commented that local agencies are failing in their responsibility to provide advisory assistance. Two representatives from Federal Funding agencies echoed the observation. There were suggestions that the Uniform Act be amended to punish local agencies that fail to provide adequate advisory assistance.

The Federal officials in attendance expressed displeasure about the growing practice of "global settlements". A global settlement is a negotiated agreement between a displaced person and a government agency that satisfies all financial responsibilities for acquisition and relocation entitlements. Global settlements are specifically contrary to the intent of the Uniform Act. Relocation benefits are

supposed to be compensation for costs actually incurred. There were suggestions that amendments to the Uniform Act clearly state that global settlements are not permitted. Global settlements are common in CA.

There was discussion about the requirements to report acquisition/relocation activities to the Federal-funding agency and/or to the lead agency. This did not seem to be a major concern of any of the attendees.

There was discussion about provisions in Title III of the Uniform Act. Title III refers to the acquisition section of the Uniform Act. The major concern expressed was that the proposed changes to the acquisition/relocation regulations replaced “fair market value” with “market value” while the Uniform Act requires that property be valued at “fair market value”.

I left the meeting with the following observations:

1. Though there was agreement that the Uniform Act has worked well since 1970 and continues to work well, dollar limitations of relocation payments need to be increased.
2. There should not be major changes to the Uniform Act.
3. Increases to dollar limitations need to be pegged to some type of price index.
4. The failure to offer advisory assistance is a concern of federal funding agencies and will be an issue in federal audits.
5. Agencies that have used Global settlements in federally funded projects should expect audit exceptions.
6. The majority of people in attendance were experienced relocation specialists. The other listening sessions may yield significantly different comments.

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**Courses scheduled for 2004**

| <b>Dates</b> | <b>Class code</b> | <b>Class Title</b>                             | <b>Instructor</b> | <b>Location</b> | <b>Coordinator</b> | <b>Phone</b>   | <b>Email</b>   |
|--------------|-------------------|--|-------------------|-----------------|--------------------|----------------|--|
| June 5 & 6   | 900               | Principles of Real Estate Engineering (SR/WA)  | Ralph Brown       | Torrance        | Deborah Martinez   | (714) 379-3376 | <a href="mailto:dmartinez@paragon-partners.com">dmartinez@paragon-partners.com</a> |
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