



AUGUST 2012

President's Message – David Graeler, Esq.

Dear Members:

At the risk of being somewhat off topic, I'd like to take a few minutes to write about the amazing accomplishment by NASA and the Jet Propulsion Laboratory in successfully landing the Curiosity rover on Mars on Sunday, August 5. Being too young to have witnessed the moon landing in 1969, I was able to feel some measure of the amazement shared by people all over the world when they witnessed Neil Armstrong take his first steps on the moon. I was literally glued to NASA TV on Sunday night as the mission commander relayed each step of the incredibly difficult process (dubbed "Seven Minutes of Terror") of landing a one-ton rover on Mars. The cooperation and collaboration required by hundreds, if not thousands, of people to accomplish such an amazing feat carry an important lesson for all of us that we can accomplish bigger and better things together.

... we can accomplish bigger and better things together.

The story above is actually not totally without relation to IRWA Chapter 1. Thanks to Kelly Kitasato of the City of Pasadena, this year's Chapter 1 Board Appreciation Dinner included a tour of the Jet Propulsion Laboratory. It was a truly unique opportunity and a very nice way to thank last year's board of directors for the countless hours they volunteered to make Chapter 1 better for all of us. Please be sure to check out the photographs from the event within this newsletter – including a photo of the

Board standing next to a duplicate model of the Curiosity rover!

On July 24, Chapter 1 hosted its annual Past Presidents Luncheon at Shanghai Red's in Marina Del Rey. As has become custom for this luncheon, many of Chapter 1's past presidents shared stories about their time as active members of our chapter. The conversation at each table was vibrant and the scenery along the harbor could not have been more beautiful. Thank you to all who attended.

As for upcoming courses, Chapter 1 is offering: (1) Course 802 (Legal Aspects of Easements) on August 16 in Downey (contact Natasa Lenic for details at natasa.lenic@yahoo.com); (2) SR/WA Review & Exam on August 27-29 in Downey (again, please contact Natasa for details); and (3) Course 215 (Right of Way Agent's Development Program) on September 10-11 in Downey (contact Konstantin Akhrem for details at konstantin@irwa-chapter1.org). Our next membership luncheon is taking place on Tuesday, September 25, 2012 at Steven's Steakhouse in the City of Commerce. This luncheon will be our annual joint luncheon with the Los Angeles Chapter of the American Society of Appraisers. Please contact luncheon chair Aaron Aftergut at (818) 290-5434 or at aaftergut@irr.com to RSVP. I hope to see you all there.

Sincerely,

David Graeler, Esq.
Chapter 1 President

For your calendar:

- **08/16/12**— Legal Aspects of Easements (Course #802)
- **08/27/12**— SR/WA Review Study Session & Exam
- **09/10/12**— Right Of Way Agent's Development Program (Course #215)
- **09/25/12**— Joint Luncheon with the Los Angeles Chapter ASA
- **09/27/12**— Integrating Appraisal Standards (Course #409)
- **09/28/12**— Reviewing Appraisals in Eminent Domain (Course #410)

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**Tom Hanley, P.E., Para-
gon Partners Ltd.
Education Chair**

Education Report:

Chapter 1 Education Classes

It is no secret that the once lucrative offerings of IRWA Education Courses have fallen on hard times. So far in 2012 we have served a total of 48 students enrolled in six courses. Historically this is a small number but even so we still plan to offer a total of twenty one courses this year. So far in 2012 we have incurred a loss of \$306.50 for the first four courses. Class sizes have ranged from six to fourteen students. Due to better profits in previous years, we at Chapter 1 are in a somewhat unique position to offer our entire course schedule without worry about low attendance or temporary financial hardship. In 2010, 2011, and again in 2012, the Chapter One Board authorized the Education Chair to offer the full complement of courses as scheduled. The Board felt that education is what IRWA is all about and that if we have the ability to continue class offerings without regard for short-term profitability, we should do it. Therefore Chapter 1 offered 26 days of classes in 2011 with 35 days scheduled for 2012 and 23 for 2012. In addition to offering the fully approved schedule, the Board also decided in 2009 to make it possible to get the SR/WA and all certifications within a three-year period without leaving Chapters 1, 27, and 67. Since we also now have a whole new set of educational credentials that went into effect November 1, 2010, the course schedules will need updating as well. But in service to IRWA and Chapter 1 in particular, your Board and Education Chair remain ready to implement new classes and certifications as needs arise.

Particular Courses

If you have a particular class requirement or would like a particular class, please feel free to contact the Education Chair Tom Hanley at 714-809-4949 and request it. We have a fairly full schedule for 2012 and 2013 but can schedule more as needed. What better criteria do we have for scheduling a course other than a member needs it. If one member needs it, many more probably do as well. Remember that we need a minimum 90 days to schedule and market the course being offered.

Course Marketing

Recently there have been many more emails with state of the art graphics promoting Chapter 1's courses and schedule. A big thanks to Konstantin Akhrem and Natasa Lenic who have volunteered their time and efforts toward online presentation and promotion of Chapter 1's course schedule. So if you see an email from IRWA Chapter 1 have a look because it very well could be about a course you are interested in.

Online Courses

Soon Chapter 1 will begin enthusiastically supporting IRWA's online courses. If you can't get away from work or you miss a classroom course you need, check the IRWA website. It is probably there.

So if you see an email from IRWA Chapter 1 have a look because it very well could be about a course you are interested in.

If you can't get away from work or you miss a classroom course you need, check the IRWA website. It is probably there.

Upcoming IRWA Chapter 1 Courses:

Date	No.	Title	Coordinator	Instructor
Aug 16, 2012	# 802	Legal Aspects of Easements	Natasa Lenic 310-720-9517 natasa.lenic@yahoo.com	Joachim (Joe) Pestinger, SR/WA
Aug 27-29, 2012		SR/WA Review Study Session & Exam	Natasa Lenic 310-720-9517 natasa.lenic@yahoo.com	Ralph Brown, SR/WA
Sep 10-11, 2012	# 215	Right Of Way Agent's Development Program	Konstantin Akhrem 310-617-0251 konstantin@irwa-chapter1.org	Fred W. Clark, Sr., SR/WA
Sep 27, 2012	# 409	Integrating Appraisal Standards	William Larsen 818-290-5428 wlarson@irr.com	Jeffrey D. Swango, SRA, SR/WA, RW-AC, RW-NAC
Sep 28, 2012	# 410	Reviewing Appraisals in Eminent Domain	William Larsen 818-290-5428 wlarson@irr.com	Jeffrey D. Swango, SRA, SR/WA, RW-AC, RW-NAC

If you did not find the course you need to meet your professional education goals, we want to hear from you!

Please contact Tom at (714) 379-3376, Ext. 284 or thanley@paragon-partners.com

Upcoming IRWA Chapter 57, 67 and 11 Courses:

Date	No.	Title	Coordinator	Instructor
Aug 23-24, 2012	# 800	Principles of Real Estate Law	Mike Flanagan, SR/WA 858-522-6914 mflanagan@sdcca.org	Bruce Beach
Sep 11-12, 2012	# 900	Principles of Real Estate Engineering	Mike Flanagan, SR/WA 858-522-6914 mflanagan@sdcca.org	Ralph Brown, SR/WA
Sep 13, 2012	# 902	Property Descriptions	Mike Flanagan, SR/WA 858-522-6914 mflanagan@sdcca.org	Ralph Brown, SR/WA
Oct 15-16, 2012	# 700	Introduction to Property/Asset Management	Mike Flanagan, SR/WA 858-522-6914 mflanagan@sdcca.org	Georgia S Snodgrass, SR/WA, R/W-NAC, R/W-AMC
Oct 17-18, 2012	# 701	Property/Asset Management: Leasing	Mike Flanagan, SR/WA 858-522-6914 mflanagan@sdcca.org	Georgia S Snodgrass, SR/WA, R/W-NAC, R/W-AMC
Nov 2, 2012		Chapter 57 Education Seminar & Casino	For more information contact Roberto Corrales, Chapter 57 President	

Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



**Jazmine Sunico, Port of Los Angeles
Chapter 1 Young Professional**

Young Professionals Report from Seattle:

I had the opportunity to represent Chapter 1 with Steven Dominguez at the IRWA Young Professionals Conference in Seattle. Chapter 1 was one of the few chapters that sponsored members to attend this conference. There were approximately 40 attendees from various chapters – with some professionals who had traveled as far as Toronto. The intent of this event was to bring together IRWA's young professionals that have a wide range of different experiences. I also had the opportunity to meet with representatives from IRWA Headquarters and understand their individual roles within the IRWA organization.

In my opinion, one of the highlights of the IRWA Young Professionals Conference was a case study on the right of way process for Portland's Cascade Crossing Transmission Project. Chapter 3's IRWA includes members from Portland General Electric and the Bureau of Land Management. They presented us with a proposed project to build a transmission line that would facilitate development of more renewable power projects.

Chapter 3 representatives from Oregon described the numerous challenges in providing additional power and increasing reliability of the electrical grid. Substantial challenges included dealing with tribes in Oregon, protecting endangered species and national forests, coordinating with existing projects, and providing necessary outreach to private landowners. The discussion concluded with how they were able to resolve outstanding issues and negotiate with the stakeholders to come to a mutual understanding.

Another influential session was a presentation on motivation and effective leadership - regardless of age and experience. The discussion highlighted the challenges of leadership and how influence creates the context for a successful career path. I learned about setting and communicating direction, aligning people behind common goals, and the importance of growth potential within an organization. Most influential leaders have to work at meeting these criteria and it is the choices that leaders make in responding to demands that reflect their strengths and abilities.

One key statistic that I did learn is that 40% of IRWA members are eligible for retirement within the next 5-7 years. This is why there has been a concerted effort from all chapters to encourage younger members in this organization to be more active. I strongly believe that I am more involved in Chapter 1 because of the influence of past presidents William Larsen and Konstantin Akhrem, as well as my fellow colleague Kenneth Stanberry.

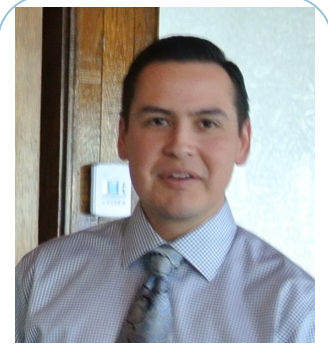
I admire that this organization continues to provide an outlet for younger members to come together and share their experiences. The interactive forum connected me with individuals and networks that I hope to encounter in my professional path. The opportunity to attend this event provided me with valuable knowledge and numerous networking opportunities and I am grateful that I could represent Chapter 1.



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The opportunity to attend this event provided me with valuable knowledge and numerous networking opportunities and I am grateful that I could represent Chapter 1.

I'd like to take this opportunity to thank all Chapter 1 Educational Committee members for selecting me to attend the Annual Education Conference and Young Professionals Seminar in Seattle. This was my first time attending the Annual Conference and first time ever in Seattle. Having been able to attend last year's Young Professionals event in Las Vegas, it was good to see familiar faces as well as networking with other young professionals in other State and National Chapters. The event was well organized and the selection of right-of-way topics varied from last year. The two main right-of-way topics that stood out for me were the presentation by the Bureau of Land Management (BLM) and the controversial topic of "Fracking". Both presentations were very informative and in depth.



**Steven Dominguez, LACMTA
Chapter 1 Young Professional**



As for the "Mega" Conference, I was able to attend the opening ceremonies in the large ballroom at the Westin Hotel which had full attendance. The highlight of the opening ceremony for me was being able to hear IRWA members sing the African National Anthem as they were introduced as the newest International Chapter. Overall, it was a great experience that allowed me to network, learn and develop my skills of right-of-way. I hope to attend the Annual Conference again and continually be a part in supporting Chapter 1's Young Professionals group.



Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



Michael F. Yoshiba, Esq.
Richards Watson & Gershon,
a Professional Corporation

...on this day the Court reviewed the files in the above-styled causes, and now enters the following opinion and orders.

...in relation to a matter currently pending in the United States District Court for the Western District of Louisiana, Lafayette-Opelousas Division, because the subpoenas were not properly served, are overly broad and unduly burdensome, and seek privileged information.

Case of the Month:

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

FILED
2011 AUG 26 PM 1:58
CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY _____
DEPUTY *ej*

**THERESA MORRIS, WIFE OF BOB
MORRIS,**

Plaintiff,

-vs-

JOHN COKER, ALLIS-CHALMERS CORPORATION AND/OR STRATE DIRECTIONAL DRILLING, INC.,

Defendants.

Case Nos. **A-11-MC-712-SS ✓**
A-11-MC-713-SS
A-11-MC-714-SS
A-11-MC-715-SS

ORDER

BE IT REMEMBERED on this day the Court reviewed the files in the above-styled causes, and now enters the following opinion and orders.

Non-parties Lance Langford, Erik Hoover, and Brigham Oil & Gas, L.P. invite the Court to quash subpoenas issued to them on behalf of Jonathan L. Woods, in relation to a matter currently pending in the United States District Court for the Western District of Louisiana, Lafayette-Opelousas Division, because the subpoenas were not properly served, are overly broad and unduly burdensome, and seek privileged information. In response, the Court issues the following invitation of its own:

Greetings and Salutations!

You are invited to a kindergarten party on **THURSDAY, SEPTEMBER 1, 2011, at 10:00 a.m.** in Courtroom 2 of the United States Courthouse, 200 W. Eighth Street, Austin, Texas.

The party will feature many exciting and informative lessons, including:

- ◇ How to telephone and communicate with a lawyer
- ◇ How to enter into reasonable agreements about deposition dates
- ◇ How to limit depositions to reasonable subject matter
- ◇ Why it is neither cute nor clever to attempt to quash a subpoena for technical failures of service when notice is reasonably given; and
- ◇ An advanced seminar on not wasting the time of a busy federal judge and his staff

because you are unable to practice law at the level of a first year law student.

Invitation to this exclusive event is not RSVP. Please remember to bring a sack lunch! The United States Marshals have beds available if necessary, so you may wish to bring a toothbrush in case the party runs late.

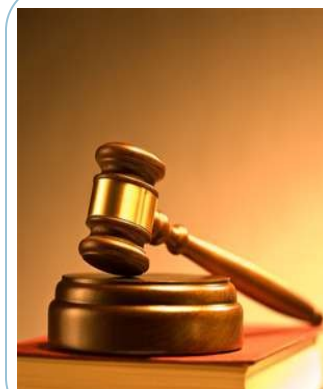
Accordingly,

IT IS ORDERED that defense counsel Jonathan L. Woods, and movants' attorney Travis Barton, shall appear in Courtroom 2 of the United States Courthouse, 200 W. Eighth Street, Austin, Texas, on **THURSDAY, SEPTEMBER 1, 2011, at 10:00 a.m.**, for a memorable and exciting event;

IT IS FINALLY ORDERED that Mr. Barton is responsible for notifying Mr. Woods of this order by providing him with a copy by mail or fax on this date.

SIGNED this the 26th day of August 2011.

Sam Sparks
SAM SPARKS
UNITED STATES DISTRICT JUDGE



The United States Marshals have beds available if necessary, so you may wish to bring a toothbrush in case the party runs late.

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Mary Magiatis, Analyst
Integra Realty Resources -
Los Angeles

Member Spotlight: Mary Magiatis

As a new Analyst with Integra Realty Resources - Los Angeles, I attended my very first IRWA Chapter 1 event in May of this year and was pleased with the warm welcome I received. It was great to see some of my fellow Integra colleagues "in action" at this event, such as Bill, Aaron, and Beth, but it was also great to meet others in the right of way industry. I look forward to networking at future events and utilizing some of the resources that IRWA has to offer.

Although I'm new to the appraisal industry, I have six years of commercial real estate experience managing the day-to-day operations and financial performance of various institutionally owned commercial properties throughout Southern California. My clients and tenants have included pension trust funds, international insurance agencies, federal and state agencies, and financial institutions. My experience includes creating operating budgets, monitoring and controlling operating expenses, tenant reimbursement calculations, prior year CAM recoveries, monthly client reporting, NOI reforecasting, variance analysis, lease language, vendor maintenance, tenant relations, and experience with the LEED rating system. What I enjoyed most about managing over 1 million square feet of office space was that no two days were alike – from operational issues, to keeping the accounting in order, to satisfying the tenants, to coordinating with movie studios to film motion pictures at my properties.

I joined Integra Realty Resources – Los Angeles in May 2012 after earning my Master of Business Administration degree from California State University, Northridge. I knew that I wanted to stay in commercial real estate, but without the demanding 24/7 responsibilities of a property manager. I feel fortunate to have landed with such a respected firm as Integra Realty Resources, with such experienced colleagues. I'm now in the process of earning my state-issued Certified General Real Estate Appraiser license. Although I've only been with Integra for three months, I've already worked on a variety of appraisal assignments. As I gain more experience, I look forward to learning more about the area of eminent domain and right of way acquisition process, and of course attend more IRWA functions.

I earned my Bachelor of Arts degree from UCLA in 2003, and an interesting fact about me is that I am a triplet. When I'm not working, I enjoy spending time with my husband of four years and our silly cat, Figaro. My favorite vacation is relaxing on a Greek island or in my father's remote village three hours from Athens.

What I enjoyed most about managing over 1 million square feet of office space was that no two days were alike – from operational issues, to keeping the accounting in order, to satisfying the tenants, to coordinating with movie studios to film motion pictures at my properties.

As I gain more experience, I look forward to learning more about the area of eminent domain and right of way acquisition process, and of course attend more IRWA functions.

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Photos: Past Presidents' Luncheon – July 24, 2012



Left: Current Chapter 1 President David Graeler, Esq. greeted members and started the program



Right: 1992 President Al Rothman celebrated his 80th birthday the day of the luncheon and we are honored he shared it with all of us



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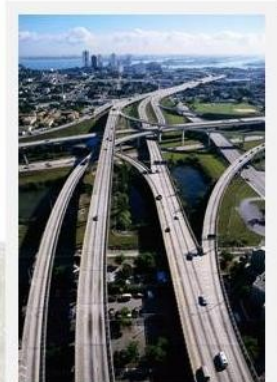
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818.290.5455

William Larsen, SR/WA
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Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!

Photos from Past Presidents' Luncheon – July 24, 2012 (continued)



Left: Immediate Past President Konstantin Akhrem shared his experience with members



Right: 2009 President and current Region 1 Chair Vivian Howell, SR/WA, RW-RAC, RW-NAC

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Michael F. Yoshiba
attorney at law

richards | watson | gershon
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myoshiba@rwglaw.com

Photos from Past Presidents' Luncheon – July 24, 2012 (continued)



Left: 2010-11 President William Larsen, SR/WA encouraged members to get involved with the Board



Right: 2006 President Tom Hanley, P.E., had good memories to share about his presidency



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- Bilingual Agents

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(619) 822-2763

9600 SW Oak Street
Suite 570
Portland, OR 97223
(503) 213-3977

Photos from Past Presidents' Luncheon – July 24, 2012 (continued)



Top: Aaron Aftergut having fun with the raffle and Marilyn Stuart, SR/WA, RW-NAC, the winner of a fine bottle of wine
Bottom: Dom Delucchi and Charles Thomas, SR/WA both with their raffle winnings



Photos from Past Presidents' Luncheon – July 24, 2012 (continued)



Top: Smiling Diane Dominguez, LACMTA and Kelly Kitasato, RW-AMC, City of Pasadena as they enjoyed some catching up time
Bottom: Aaron Aftergut presented a raffle win to Ken Stanberry, SR/WA and David Graeler in a serious conversation with Ed Lear



Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!

Photos from Past Presidents' Luncheon – July 24, 2012 (continued)



*Top: Members enjoying the wonderful Shanghai Red's buffet lunch and conversation with their table mates
Bottom: Members networking after the lunch and program*



Photos from Past Presidents' Luncheon – July 24, 2012 (continued)



Top: LACMTA's Jim Blackman, Michael Daniels and Frances Impert, SR/WA, and Rudy Romo, current Chapter 67 President pause their conversation for this group photo during the networking at Shanghai Red's
Bottom: Luncheon Chair Aaron Aftergut presented the Free Lunch Certificate to Steven Dominguez, LACMTA, one of the two Young Professionals who attended the Seattle conference in June after winning the competition for Chapter 1 sponsorship—check out their impressions on pages 4 and 5



Contact us today to share your expertise, announcements and experiences. Members would like to hear from you!



Konstantin Akhrem, Relocation Assistance Specialist, Relocation Co-Chair

On July 6, 2012, a new law became effective which brings about some changes to the Uniform Act.

Also, perhaps the most important change is that MAP 21 provides that FHWA can make periodic adjustments to these payments based on cost of living, inflation and other factors.

Relocation Report:

Update 1. New Legislation from Capitol Hill. Changes to the Uniform Act.

After decades of no changes in the Uniform Act, there are important news from the Capitol Hill, impacting Relocation Assistance programs. The Uniform Act (PL 91-646, Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970), is a federal law that provides important protections and assistance for people affected by Federally funded projects. It establishes minimum standards for federally funded programs and projects that require the acquisition of real property (real estate) or displace persons from their homes, businesses, or farms. The Uniform Act's protections and assistance apply to all programs or projects with Federal financial assistance that cause displacement of any person.

On July 6, 2012, a new law became effective which brings about some changes to the Uniform Act. The new law, PL112-141, more popularly known as MAP-21 ("Moving Ahead for Progress in the 21st Century Act") amends the Uniform Act. The amendments provide increases in payments made by a displacing agency for: (1) relocation expenses for displaced farms, nonprofit organizations, or small businesses; and (2) replacement housing for displaced homeowners and certain other tenants. Also, it requires each federal agency responsible for funding or carrying out relocation and acquisition activities to have adequately trained personnel and other resources necessary to manage and oversee the agency's relocation and acquisition program. The provisions of MAP-21 become effective on October 1, 2012.

Non-residential Relocation:

- Increases Reestablishment expenses from \$10,000 to \$25,000
- Increases Fixed Payment In-lieu to from \$20,000 to \$40,000

Residential Relocation:

- 180-day ownership requirement reduced to 90 days.
- Limit of Replacement Housing Payment Owner-occupants increased from \$22,500 to \$31,000
- Limit of Replacement Housing Payment for tenants increased to from \$5,250 to \$7,200

These are very long-awaited changes which will definitely be very helpful in delivering relocation assistance to displaced persons. Also, perhaps the most important change is that MAP 21 provides that FHWA can make periodic adjustments to these payments based on cost of living, inflation and other factors.

MAP-21 also contains provisions for Accelerated Project Delivery, one of which allows a combination of acquisition/relocation payments. The language excerpt is as follows:

The Secretary shall ensure that the provisions of this subtitle designed to accelerate project delivery are fully implemented, including— ...establishing a demonstration program to streamline the relocation process by permitting a lump-sum payment for acquisition and relocation if elected by the displaced occupant.
[Sec 1301(b)(4)(C)]

MAP 21 is a complex and comprehensive legislation that impacts a multitude of transportation and infrastructure projects and programs. Please stay tuned for further information and details.

Update 2. Fixed Residential Moving Cost Schedule 2012.

A displaced person may use a commercial mover to move their personal property or may elect to move the personal property himself. Residential displaces who elect to move the property themselves, can be reimbursed for the actual costs incurred based on receipted bills (limitations apply) or be paid a *fixed* moving payment on the basis of a move cost schedule. As set forth in 49 CFR 24.302, “Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses...”



Rooms	Amount
1	\$685
2	\$880
3	\$1,100
4	\$1,295
5	\$1,570
6	\$1,815
7	\$2,090
8	\$2,365

The fixed moving payment is based on the number of rooms containing furniture and other personal property to be moved and is determined according to the payment schedule approved by the Federal Highway Administration and published in the Federal Register on a periodic basis.

On June 22, 2012, an updated *Fixed Residential Moving Cost Schedule* went into effect. The new schedule payment amounts for California are listed in the table to the left.

Use of the schedule saves administrative costs for the agency and is advantageous to the owner of the personal property.

As with almost anything in Relocation, there are numerous technical nuances in implementation of the Uniform Act and relocation assistance. Please check with your Relocation Specialist for guidance.

*\$250 for each additional room

(source: <http://www.fhwa.dot.gov/realestate/fixsch96.htm>)

Use of the schedule saves administrative costs for the agency and is advantageous to the owner of the personal property.



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Photos: JPL Board Appreciation Dinner – July 20, 2012



Photos from JPL Dinner – July 20, 2012 (continued)



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Photos from JPL Dinner – July 20, 2012 (continued)



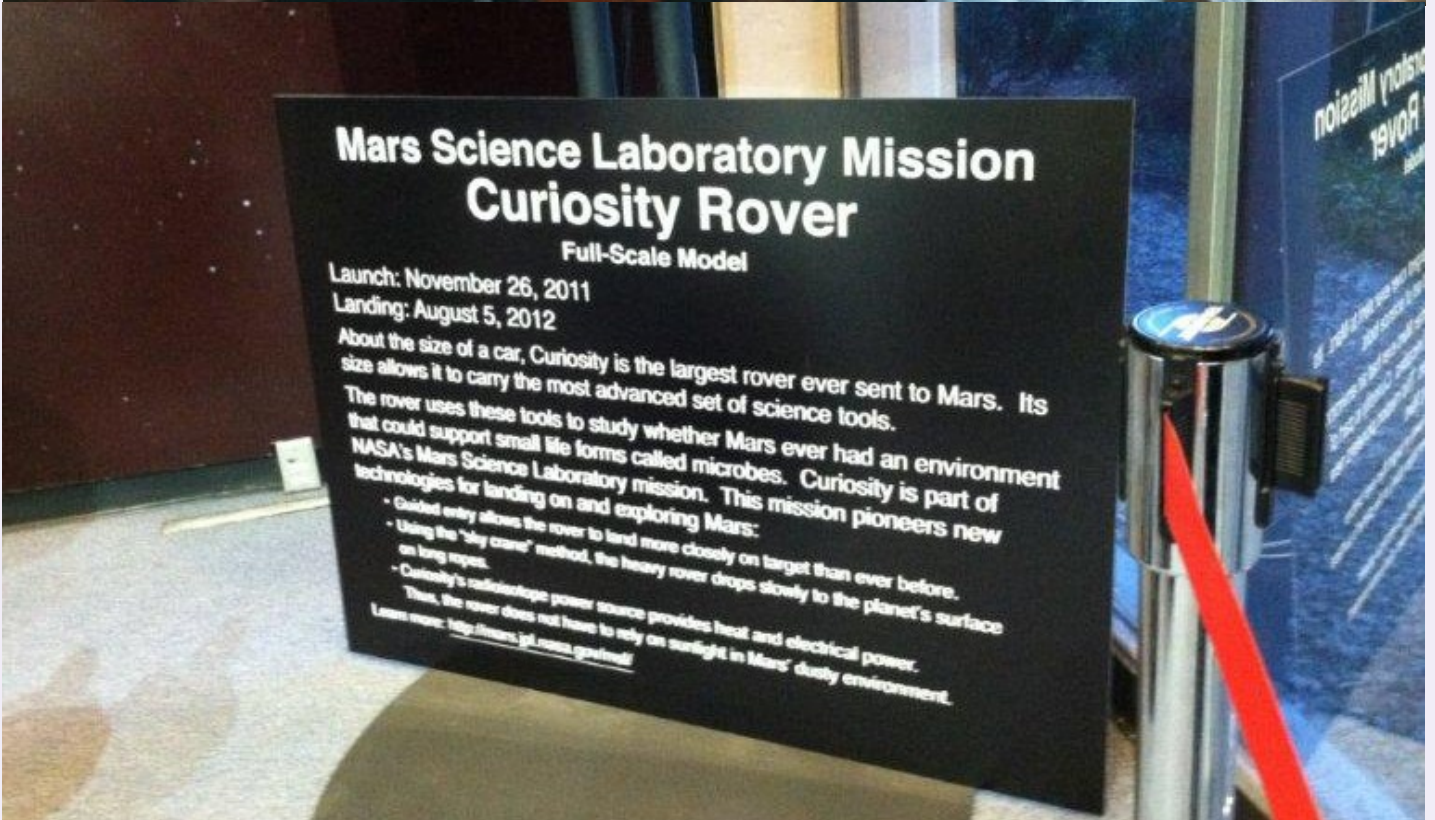
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Photos from JPL Dinner – July 20, 2012 (continued)



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Photos from JPL Dinner – July 20, 2012 (continued)



Environmental Report:

Discontinuation of the Registered Environmental Assessor Program

As of July 1, 2012, the State of California has discontinued the Registered Environmental Assessor (REA) program, which was initiated in 1987 to provide experienced and educated professionals to help businesses comply with environmental standards. According to the State Department of Toxic Substances Control, the agency in charge of administering the program, the discontinuation is the result of changes in federal environmental legislation and is meant to “avoid confusion and ensure consistency” with more stringent federal standards.

In November 2006, the Small Business Liability Relief and Brownfields Revitalization Act amended the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) to provide property owners and purchasers liability protection and effected the All Appropriate Inquiry (AAI) final rule. In order to comply with the statute, property owners and purchasers must see that AAI be conducted by an Environmental Professional as defined by Federal Regulation Section 312.10.

The California Performance Review cites additional reasons for the discontinuation of the REA program, namely that it was subject to lax requirements and insufficient enforcement. Unlike other disciplines involved in supervising hazardous waste cleanups, neither the REA-I nor REA-II certification program involved testing, continued education credits, or licensing. In addition, although State law provided for audits of assessors’ work, without proper staff resources, none of the complaints filed against REAs were ever investigated by the Department.

What does this mean for environmental professionals?

REAs will now be defined according to the federal definition of “Environmental Professional” and will be responsible for meeting and following the federal requirements. There is no application process, initial or annual fees.

What does this mean for property owners?

Property owners will be responsible for following the AAI rule, which includes hiring a qualified Environmental Professional. They may get the liability protections provided under the Small Business Liability Relief and Brownfields Revitalization Act (“Brownfields Amendments”) if they demonstrate compliance with the statute’s criteria and did not cause or contribute to property contamination.

Please contact Norman Eke, Converse Consultants, at (626) 930-1260 or neke@converseconsultants.com

For additional information:

<http://www.dtsc.ca.gov/rea/>
http://cpr.ca.gov/cpr_report/Issues_and_Recommendations/Chapter_5_Resource_Conservation_and_Protection/RES24.html



**Norman Eke, Converse Consultants, Inc.
Environmental Chair**

REAs will now be defined according to the federal definition of “Environmental Professional” and will be responsible for meeting and following the federal requirements.

Unlike other disciplines involved in supervising hazardous waste cleanups, neither the REA-I nor REA-II certification program involved testing, continued education credits, or licensing.



Darryl Root, JD, MBA, RW-RAC, Paragon Partners Ltd. Transportation Chair

MAP-21 focuses on national transportation goals, through performance-based planning and programming.

MAP-21 authorizes \$82 billion in Federal funding for FYs 2013 and 2014 for road, bridge, bicycling, and walking improvements.

Transportation Report:

Highlights of the Moving Ahead for Progress in the 21st Century Act (MAP-21) In Relation to the Federal Highway Administration

Overview

On July 6, 2012, President Obama signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21). MAP-21 is the first long-term transportation authorization signed since 2005. The act provides over \$105 billion for fiscal years (FY) 2013 and 2014. MAP-21 extends current law (SAFETEA-LU) for the remainder of FY 2012, with new provisions for FY 2013 and beyond taking effect on October 1, 2012.

Effects on the Federal Highway Administration (FHWA)

The primary goals of the legislation in relation to the Federal Highway Administration (FHWA) are to:

Establish a performance-based program

MAP-21 focuses on national transportation goals, through performance-based planning and programming. These national transportation goals include:

- Safety
- Infrastructure condition — (To maintain the highway infrastructure in a state of good repair.)
- Congestion reduction
- System reliability — (To improve the efficiency of the surface transportation system.)
- Freight movement and economic vitality — (To improve the national freight network and support regional economic development.)
- Environmental sustainability — (To enhance the performance of the transportation system while protecting and enhancing the natural environment.)
- Reduced project delivery delays

Preserve highways

More than half of highway funding will go to a new program (National Highway Performance Program) devoted to preserving and improving the most important highways.

Create jobs and support economic growth

MAP-21 authorizes \$82 billion in Federal funding for FYs 2013 and 2014 for road, bridge, bicycling, and walking improvements. In addition, MAP-21 enhances innovative financing and encourages private sector investment through a substantial increase in funding for The Transportation Infrastructure Financing and Innovation Act (TIFIA) program. It also includes a number of provisions designed to improve freight movement in support of the national goals listed above.

Support highway safety

MAP-21 doubles funding for infrastructure safety and focuses on reducing highway fatalities.



Streamline Federal highway transportation programs

MAP-21 consolidates and simplifies diverse highway programs into a smaller number of broader core programs.

Accelerate project delivery

MAP-21 enacts changes to improve efficiency in the development of projects, through the planning and environmental review process, to project delivery. Building on FHWA’s “Every Day Counts” initiative, MAP-21 changes will help accelerate the project delivery process in an attempt to save time and money.

Some MAP-21 provisions are designed to improve efficiency in project delivery improving the ability for States to acquire or preserve right-of-way for a transportation facility prior to completion of the review process required under the National Environmental Policy Act of 1969 (NEPA). FHWA will also conduct a demonstration program to streamline the relocation process by permitting a lump sum payment for the acquisition and relocation if elected by the displaced person. MAP-21 also creates a framework for setting deadlines for decision making in the environmental review process, with a process for issue resolution and referral, and penalties for agencies that fail to make a decision.

Changes to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

Section 1521 of MAP-21 contains the following significant changes, among others:

- Increases the maximum reestablishment expense payment from \$10,000 - \$25,000
- Increases the maximum amount of the fixed payment for nonresidential moves from \$20,000 to \$40,000
- Increases the maximum purchase price differential for homeowners from \$22,500 to \$31,000
- Increases the maximum rental supplement for 90-Day Tenants \$5,250 to \$7,200
- Changes the occupancy requirement for owner-occupants to 90 days instead of 180 days

MAP-21 indicates that the Uniform Act related changes take effect 2 years after the date of enactment of the Act. This is to allow the regulations to be updated to implement these statutory changes.

It is important to note that currently it is not clear exactly when these changes to the URA will be implemented by the Federal Highway Administration (FHWA). FHWA will have to go through a rule making process similar to that which resulted in the new regulations in 2005. As always, it is very important to discuss any changes in the governing laws and regulations with your sponsoring agency before implementing any changes to procedures.



Source:
www.fhwa.dot.gov

MAP-21 indicates that the Uniform Act related changes take effect 2 years after the date of enactment of the Act.



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Meet The New Members:

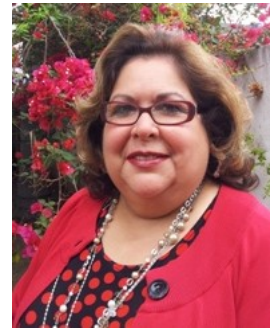
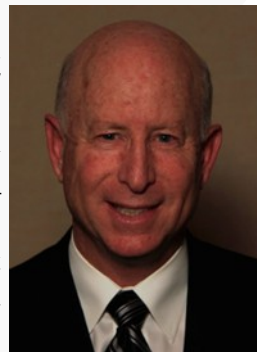


Jennifer Meeker, Esq.

Litigation Associate – Nossaman LLP. I recently joined Nossaman LLP and am a member of the firm’s Eminent Domain & Valuation practice group. I am excited to be part of a team that successfully represents public agencies and other acquiring entities in the acquisition of right of way and other property for many of the most important public works projects in the state, including major road, rail, flood control, utility, and school projects. We also represent landowners and business owners facing both full and partial takings in a wide variety of contexts. IRWA membership will enable me to enhance my professional goals and allow me to network with other right-of-way professionals.

Russel Babbitz, MAI, RM

I started my career appraising single family homes and moved on to land, subdivisions and many types of commercial/industrial properties. My most interesting assignments have often involved right of way valuation. Working with Ray Wilson, MAI, and more recently Integra Realty Resources – Metro LA, my expertise has been increasingly applied to eminent domain projects. I have appreciated working in the vast Southern California region, with its variety of complex and challenging appraisal projects.



**Diane Dominguez; LACMTA
Membership Co-Chair**

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Meet The New Members:



J. Jamie Fisher, Esq.

Founding partner at Fisher & Talwar, Professional Law Corporation – 801 S. Grand Ave., 11th Fl., Los Angeles, CA 90017 / (213) 891-0777 / www.fishertalwar.com My practice focuses on representing property and business owners who are affected by eminent domain or inverse condemnation throughout California. Although I have been fortunate over the past decade to get to know many of the professionals who make up the local eminent domain community, I look forward to meeting new colleagues through my membership with the IRWA.



Charles Thomas, SR/WA;
Southern California Edison
Membership Co-Chair

Harleen Kaur, Esq.

Harleen Kaur is an attorney in Nossaman LLP's Los Angeles office focusing on financial services and bankruptcy matters. Ms. Kaur's experience also encompasses eminent domain and complex commercial litigation. Prior to joining Nossaman, Ms. Kaur practiced litigation at an international law firm. She has also served as a law clerk to the Honorable Ferdinand F. Fernandez of the United States Court of Appeals for the Ninth Circuit and as a judicial extern to the Honorable Kim M. Wardlaw of the same court. Ms. Kaur also served as a judicial extern to the Honorable Andria Richey of the Los Angeles Superior Court. She is fluent in Punjabi and Hindi.



"Don't wait until everything is just right. It will never be perfect. There will always be challenges, obstacles and less than perfect conditions. So what. Get started now. With each step you take, you will grow stronger and stronger, more and more skilled, more and more self-confident and more and more successful."
Mark Victor Hansen

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Required Skills: Epic is looking for a candidate who possesses the following skills and qualifications: 5 years experience in real estate or another relevant field; Excellent written and verbal communication skills; Analytical skills; Supervisory skills; Capability of working independently with minimal supervision; Knowledge of state and federal guidelines for government real estate acquisitions, particularly Caltrans guidelines; Sales or broker license in the State of California; SR/WA designation or IRWA specialty certification; Fluent in another language.

Contact: Celia Estrada, humanresources@epicland.com

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Course 802: Legal Aspects of Easements

Course 802: Legal Aspects of Easements

Course Description:

This one-day course presents an overview of the theory and rationale of easements as well as solutions on how to avoid future problems regarding easements. In this course, terminology and concepts are brought to life with examples and exercises. By gaining a thorough understanding of all relevant legal considerations, right of way professionals become better equipped to avoid future problems in the appraisal, acquisition and management of easements.

Prerequisites:

— A minimum of one (1) year of professional right of way experience

Topics:

- Types of easements
- Rules of construction for easements construed against grantor, specific terms in grant
- Creation of easements; express grants; express reservations by reference; implied grant by necessity, by condemnation, by prescription
- Termination of easements, abandonment, expiration/purpose ceases, release, merger estoppel, eminent domain, vacation
- Scope of use, exclusive vs. non-exclusive, division of dominant estate
- Maintenance and repair, obstructions
- Location and width, blanket easements by necessity, relocation

State Continuing Education Credits:

— Approved for 8 hours CE credits by the Office of Real Estate Appraisers (OREA).

Credentialing:

- **Generalist:** An **advanced** course that can be applied towards the RWP or SR/WA program.
- **Specialist:** Required course for the R/W-NAC program.

Course Tuition Includes:

— Participant Manual

Who Should Take This Course:

— This course is designed for experienced right of way practitioners who are in need of information on the theory and rationale of easements as to avoid future problems in the appraisal, acquisition and management of easements.



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Course 215: Right of Way Agent's Development Program

Course 215: Right of Way Agent's Development Program

Course Description:

This award-winning, two-day course is designed specifically for right of way professionals working in the pipeline industry but useful for any linear right of way acquisition program, including electric transmission lines. This comprehensive course emphasizes areas of pipeline right of way acquisitions and sets the stage for the entire project planning and feasibility studies that benefit both executive and entry level professionals. In addition to the topic chapters listed below, participants will receive sample checklists, charts, forms, reference lists, facts sheets, glossary of pipeline related words, and sample correspondence letters all designed to help the pipeline professional.

Credentialing:

- **Generalist:** An **intermediate** course that can be applied towards the ARWP, RWP or SR/WA program.
- **Specialist:** An elective for the R/W-AMC, R/W-EC, and R/W-NAC programs.

Topics:

- Project planning
- Records development and management
- Title and curative matters
- Survey
- Permits
- Negotiations and strategy
- Public relations
- Construction
- Damage settlement
- Related field activities

Course Tuition Includes:

- Participant Manual
- Engineering Tools (engineering scale, protractor and straight edge)

Recommended Materials:

- Financial Calculator

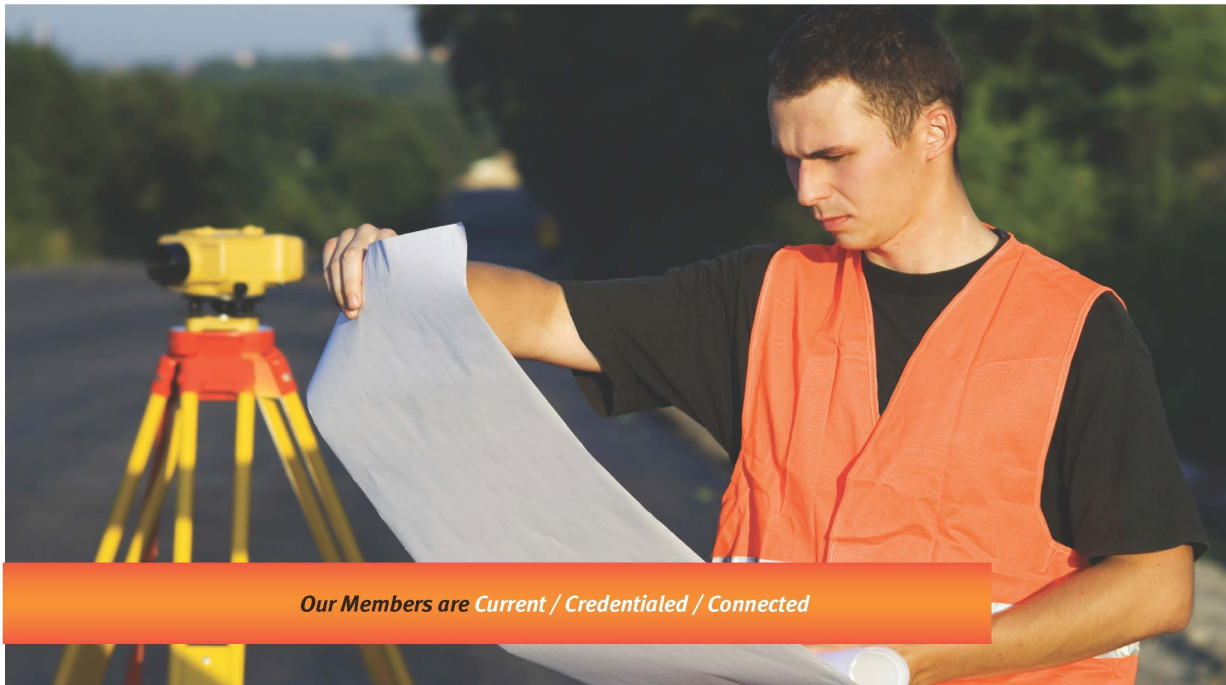
Who Should Take This Course:

— This course is designed for right of way practitioners, new and experienced, involved in the acquisition of property, especially those working in the pipeline industry.

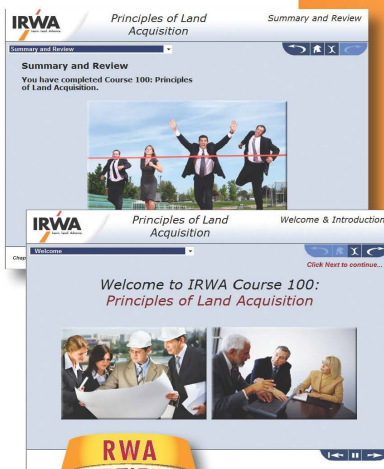


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For the non-certified member, this is the first step in obtaining the Right of Way Agent (RWA) certification and ultimately leads to the Senior Right of Way Professional Designation!

Topics:

- Real property law concepts
- Acquisition/negotiations
- Property descriptions
- Relocation due to acquisition of real property interest
- Environmental concerns
- Appraisal of real property
- Asset (property) management

Visit www.irwaonline.org for complete Online Education details.

For questions, please contact education@irwaonline.org or (310) 538-0233, ext 138, or Canadian Toll-Free (888) 340-IRWA (4792).



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Environmental	Norman S. Eke Converse Consultants	(626) 930-1260	neke@converseconsultants.com
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Local Public Agency	Kelly Kitasato, R/W-AMC City of Pasadena	(626) 744-7356	kkitasato@cityofpasadena.net
Luncheon	Aaron Aftergut Integra Realty Resources—Los Angeles	(818) 290-5434	aaftergut@irr.com
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	Diane Dominguez, Co-Chair LACMTA	(213) 922-5253	dominguezd@metro.net
	Charles Thomas, SR/WA, Co-Chair Southern California Edison	(626) 302-4186	charles.thomas@sce.com
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Pipeline	Gary Valentine, MAI, SR/WA * Valentine Appraisal & Associates	(661) 288-0198	gsv@valentineappraisal.com
Relocation	Dionisio (Dio) Marquez, Co-Chair Del Richardson & Associates	(310) 645-3729 ext. 226	dionisio.marquez@drainc.com
	Konstantin Akhrem *, Co-Chair Relocation Assistance Specialist	(310) 617-0251	konstantin@irwa-chapter1.org
Transportation	Darryl Root, JB, MBA, R/W-RAC Paragon Partners Ltd	(714) 379-3376 ext. 213	droot@paragon-partners.com
Utilities	Mangione Mitchell Southern California Gas Company	(213) 503-1791	mmitchell@semprautilities.com
Valuation	William Larsen, SR/WA *, Co-Chair Integra Realty Resources—Los Angeles	(818) 290-5428	wlarsen@irr.com
	Brad Thompson, MAI, SR/WA, Co-Chair Mason & Mason	(818) 957-1881	bthompson@mason2.com
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Members' NEWS Welcome. Chapter 1 members are welcome to submit articles of interest for publication in the Chapter's Newsletter. Technical articles may be subject to evaluation and/or revision by the appropriate industry committee.

Local Public Agencies are welcome to submit news releases, RFP/RFQ, and announcements relevant to the sphere of public real estate and right-of-way practices. Your news will be published on the chapter's web site and/or this Newsletter.

Members can easily update their contact information simply by sending it to **Natasa Lenic**, Communication Chair:

nLenic@irwa-chapter1.org

Tel (310) 720-9517

Natasa will update the chapter's distribution list and submit your new contact information to the IRWA Headquarters.

Our website has been enhanced for better navigation as well as timely and relevant content. We are updating it with News and Announcements regularly. Please visit the website to see the **always current** Calendar, Course Schedule, Announcements, and other **timely and relevant information**.

Members' contributions to the website and newsletter are welcome as are suggestions for improvements, photographs to be shared with other members and any other ideas we could all benefit from.

Editor's Corner:

Labor Day falls on the first Monday of September. For 2012, it is September 3rd. As Labor Day 2012 approaches, it is important to remember what this holiday signifies and why we celebrate it.

The Labor Day was first celebrated in the 1880s as a result of the parade for more rest after overwork. Later it became a federal holiday and new meanings are attached to it. Nowadays it is often regarded as a day to honor working solidarity. Since Labor Day is celebrated by most Americans as the symbolic end of the summer traditionally and the very next day is time for students to go back to school, so the Labor Day weekend is also the last weekend for rest, travel and parties. (source: Moyea PowerPoint E-Learning Center)

Wishing you all a happy and safe Labor Day!



I believe in the dignity of labor, whether with head or hand; that the world owes no man a living but that it owes every man an opportunity to make a living.

— by John D. Rockefeller

If all the cars in the United States were placed end to end, it would probably be Labor Day Weekend.

— by Doug Larson

My grandfather once told me that there were two kinds of people: those who do the work and those who take the credit. He told me to try to be in the first group; there was much less competition.

— by Indira Gandhi

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