Three basic types of environmental documents are required by the National Environmental Policy Act (NEPA). Their preparation is dependent upon the level of environmental impacts of the project under consideration. The most complex and involved projects would typically require the preparation of an Environmental Impact Statement (EIS). The least impactful projects will generally be handled through the preparation of a Categorical Exclusion (CE) document. Those projects where the impacts are not clearly established will generally require the preparation of an Environmental Assessment (EA).

Examples of transportation projects that would generally require the preparation of an EIS would be a highway project of four or more lanes on new location, or new construction or extension of fixed rail transit facilities (23 CFR 771.115). The preparation of an EIS is a complex and time-consuming effort, which has very formal preparation and public involvement requirements. Recent statistics show that a typical EIS will take from 3 to 5 years to develop and process, with complex projects possibly taking
several additional years to complete. The end result of the EIS process is a summary document called a Record of Decision (ROD), which is issued by the lead Federal Agency. FHWA and FTA regulations regarding the preparation of an EIS can be found at 23 CFR 771.123 through 771.130.

For those minimal type projects that an Agency generally funds, there is the ability to establish categories of projects that do not involve significant environmental impacts. In establishing these categories of projects, the Federal Agency goes through a public involvement process and solicits the comments of other Federal Agencies and interest groups. The end result is a list and description of those types of projects that only require minimal additional written evaluation in order to comply with the requirements of NEPA. For FHWA and FTA projects, the list of projects that qualify for Categorical Exclusion (CE) treatment can be found at 23 CFR 771.117. The large majority of projects will qualify for the Categorical Exclusion, which can sometimes be processed in less than a week and will usually take no longer than three months.

For those projects that are not obvious candidates for an EIS, but cannot qualify as a CE, the most appropriate NEPA document will likely be an Environmental Assessment (EA). An EA is a thorough document, but not nearly as complex to prepare as an EIS. The ultimate goal of an EA is to document the project’s impacts, and to demonstrate that the impacts are not so significant as to require the preparation of an EIS. If at any time during the preparation of an EA, it becomes apparent that an EIS would be a more appropriate document, a shift in document preparation should be made. Recent statistics indicate that a typical EA will take between 6 and 24 months to prepare. The end result of the EA process is a summary document called a Finding of No Significant Impact (FONSI), which is issued by the lead Federal Agency. FHWA and FTA regulations regarding the preparation of an EA can be found at 23 CFR 771.119.

New NHI Course for Local Public Agencies: Introduction to Federal-Aid Right-of-Way Requirements for Local Public Agencies

ORC Training is now instructing the new NHI course designed especially for those individuals with local public agencies (LPAs) who are responsible for acquiring right-of-way for federally-funded projects, as well as those who may be responsible for oversight of the LPA. This two-day introductory course provides LPAs with a working knowledge of federal requirements and procedures for acquiring property for federally-assisted transportation projects.

Each State DOT is responsible for oversight of the LPAs, as well as providing training related to the federal requirements and the procedures for acquiring real property for federally-assisted projects. This new NHI Course targeted specifically at local public agencies can:
• Fulfill the State DOT training responsibility

• Provide a forum for the exchange of ideas between the State DOT and the LPAs facilitated by a qualified instructor

• Reduce the likelihood of oversight problems encountered by the State DOT

The course focuses on applying the Uniform Act and other federal laws, and all related federal regulations to specific situations and issues. Designed as a hands-on, highly interactive learning experience, instructors guide participants through a series of right-of-way (ROW) problem solving exercises and large group discussions.

Two sessions of this course are currently scheduled that are accepting public registrations:

• Madison, WI  November 2-3, 2011
• Newark, NJ  November 9-10, 2011

Go to www.nhi.fhwa.dot.gov  In the search box on the left side of the page enter the course number, 141050. This will display the current offerings for this course. When you click on the public seat option for either session, you will have to register as a new user (or enter your user id information if you have previously registered). The cost of the course is $400.

Your agency can also host a session of this course. Click on the link shown above and then click on Host a Course on the Home Page for more information.

Other NHI Real Estate course offerings currently scheduled that are accepting public registrations are:

• Basic Relocation under the Uniform Act  Macon, GA  August 23-25, 2011
• Business Relocation under the Uniform Act  Houston, TX  August 29-31, 2011

Please contact Lisa Barnes at lbarnes@orcolan.com or 850-907-0400 if you have questions about NHI courses, registration, or if you would like to host a course.
New York MTA Second Avenue Subway and East Side Access Projects

by Delores J. Singletary, R/W-RAC, ORC Project Manager

One long warning siren, then two sirens indicates a blast is imminent, then (KABOOM), windows rattle, dogs bark, car horns go off and you know underground blasting is taking place near the O. R. Colan Associates’ relocation office on the Upper East Side of Manhattan.

ORC was hired by the New York Metropolitan Transit Authority (MTA) to provide relocation assistance for approximately (20) businesses establishments in the Long Island City area, and approximately (60) residential and (23) commercial business tenants for construction of the Second Avenue Subway and East Side Access Projects in Manhattan.
Most agencies in the Big Apple traditionally utilized their own in-house personnel to perform relocation services, and past projects rarely required adherence to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42U.S.C. 4601 et.seq) ("Uniform Act"). The relocation scope of the MTA projects far exceeded the "normal" everyday relocation of residential tenants. New York City is considered by some as a "different universe" because three residential rent categories exist: 1) Market Rent; 2) Rent Controlled; and 3) Rent Stabilized.

"Rent Control" limits the amount a landlord can rent or increase a tenant’s current rent. It applies to a successive family of renters continuously living in an apartment starting, in New York, anytime before July 1st, 1971. Successive family members must be a spouse, child or adult lifetime partner and their immediate successive lineage. It does not apply to nieces, nephews, cousins or any other extended members sometimes even excluding step family. Rent Control applies only to a primary residence."1

"Rent Stabilization" is a minimal percentage increase on the yearly rent of a tenant as well as the right for them to renew their lease. A landlord cannot increase the rent outside of percentages which are set by the City Rent Guidelines Board. Between February 1st 1947 and January 1st, 1974 any apartment buildings of six or more units built during this time became eligible for rent stabilization. In New York rent increase percentages have been amended to apply only to those individuals whose rent is under $2,000 per month or whose total family income does not exceed $175,000 a year for two consecutive years. If a renter’s rent or income does not comply with one of these amendments then their minimal percentage rent increase is null and void and can be adjusted at the discretion of the landlord."2

Due to the passage of the new rent law on June 24, 2011 occupied apartments may be de-regulated with legal rents of $2,500 or more per month and which are occupied by households with incomes in excess of $200,000 in each of the two preceding calendar years.3

The New York State Rent Stabilization Laws in theory create “Life Estate” interest in apartments, which could guarantee continued occupancy and regulate rent escalations. Addressing the challenges of what could be termed “life estates” for tenants residing in these units, the MTA and ORC pursued lengthy evaluations of many “replacement housing” alternatives. The resulting “Housing of Last Resort (HLR) Program” encompassed additional relocation benefits to tenants that far exceed “Uniform Act” statutory limitations. An analysis of the potential displacee residential tenant site survey information indicated a significant number of tenants resided in NY City rental apartments classified as either Rent Controlled or Rent Stabilized.

Our relocation team used an MTA designed computer software program to calculate replacement housing benefits. This software allows input of specific tenant variables, which are processed to calculate a replacement housing differential determination. This differential calculation is specific to each individual tenant renting under either rent control or rent stabilization.
Even though replacement housing payments may have exceeded the Uniform Act statutory limits, the tenants were obligated under the “spend-to-get” provision of the Uniform Act requiring them to spend up to the maximum selected comparable rent in order to qualify for the maximum calculated differential determination. Approximately 10 percent of the residential tenants became homeowners by applying the Rental Assistance Payment towards the purchase of their replacement dwelling.

Tracking and coordinating each real estate phase for relocation of tenants was accomplished electronically in addition to the maintenance of approximately one-thousand hard-copy files of title certifications, appraisals, fee, easement and fixture acquisitions, residential and commercial relocations.

While ORC works with residents and businesses that must be relocated above ground, excavation below this congested area is taking place at a depth of 80-100 feet. This new subway, called the “T” line, is scheduled to begin revenue operations by the year 2017.

1 Ohmyapt.apartmentsratings.com
2 Ohmyapt.apartmentsratings.com
3 housingnyc.com
What is a lobster roll sandwich? Well it all depends on who makes it. Who has the best lobster roll sandwich? Again, delight is in the taste buds of the person enjoying the sandwich. One thing is for sure: a lobster roll is a great way to enjoy that cold water crustacean and the sandwich is the source of lots of discussion in Boston as to who serves the best roll. While on an assignment for the National Park Service in Boston, Massachusetts, we set out to discover who truly had the best lobster roll sandwich.

Before I get too deep into the discussion of lobster, let’s discuss a fascinating project. The National Park Service (NPS) agreed to participate with the City of Boston in a renovation project of portions of Faneuil Hall. The oldest part of Faneuil Hall was built in 1742 and it has been expanded and modernized over the ensuing 250 years. It was used as a marketplace and meeting hall. As a meeting hall, it was the site of various revolutionary war speeches, and just up the street (say two blocks) is the site of the Boston Massacre, a significant event in the history of this country.

The hall has continued to play an important role in history and, in more recent history, was the backdrop of Ted Kennedy’s entry into the presidential campaign, as well as the site of the concession speech of John Kerry in 2004. It is part of the busy Quincy Market area, and a stop along the famous Freedom Trail. Like most buildings, it needs fresh paint and repairs along the way.

The NPS felt that the existing business tenants located in the building would need to vacate given the extensive renovation work planned. O. R. Colan Associates was selected by the NPS to provide relocation services and make payments to the displaced businesses.

Now back to those sandwiches. Just behind Faneuil Hall is the Quincy Market which has numerous vendors, many of them selling food. At least two of the vendors have lobster roll sandwiches. One had large chunks of lobster along with celery and mayonnaise. The other had a finer chopped lobster with lots of finely chopped onions and celery. Both of these were excellent, but it began our discussion of who has the best in Boston. This became a subject of discussion with the displaced businesses located in Faneuil Hall.

Everyone who has performed relocation work knows it is important to establish a rapport with the displaced persons you are working with. Since the subject of the lobster roll stimulates conversation, and everyone has a favorite, we discussed it with the business owners as a way to build a relationship with them; and learn...
about other people’s favorites. And, the best part, everyone was eager to share their opinion of the best lobster roll.

The most unusual one we sampled was at a very small restaurant named Neptune’s. It is located in the Old North End, just across the new greenway (former surface site of the old I-93), and around the corner from Paul Revere’s House, and near (another favorite spot) the 24-hour Italian bakery.

The lobster roll at Neptune’s was all lobster, dipped in drawn butter, and placed on the roll. It is simple and delicious. It won our vote as the best.

And more good news, the relocation portion of the project is complete, and the renovation of Faneuil Hall is underway.
In the Works – Contracts Awarded April 1, 2011 to June 30, 2011
by Steve Toth, Chief Operating Officer

Appraisal Services
- ODOT NE Region – On Call Appraisal/Review services
- ODOT SE Region – On Call Appraisal/Review services
- ODOT NW Region – On Call Appraisal/Review services
- Duck Creek Local Flood Protection Project
- ODOT ALL 117/309 Project
- Lorain County - LOR 301-21.50
- Clark County – Fairfield Pike Bridge #1021
- City of Cleveland - East 78th Street Osage to Marble
- Stark County Engineer – Cleveland Avenue/Mount Pleasant Street
- City of Hudson – Hines Hill Road Grade Separation
- Arkansas
- City of Conway – Prince Street Project

Federal/Training
- FTA PMOC – MTA Purple Line – Program Management Oversight
- Volpe Center – Alternative Uses of RW
- NHI – IDIQ for Web Based Training
- EPA – 3 Day Course for Permanent Relocation, 4 hour on line course, 90 minute webinar, conference session and EPA situation workshop
- FHWA DTFH61-10-R-00028 Transportation Environment and Realty ID/IQ Award– Real Property Acquisition under the URA and Outdoor Advertising Control Support
- NHI Task Order for Appraisal, Appraisal Review, Basic Relocation, Advanced Relocation, Business Relocation and Local Public Agency Courses

Florida
- Solid Waste Authority of Palm Beach County
- FDOT – On Call RW Services for District 6
- Martin County – On-Call RW Services Agreement
- City of Port St. Lucie – Crosstown Parkway
- Zephyrhills Municipal Airport

Illinois
- Conoco Phillips –ROW Support Services for Clearing & Permitting
- City of Rockford – West State Street
- WRB Refinery, LLC [Conoco Phillips] –ROW Acquisition Services for 138kV Electrical Upgrade Project
- City of Rockford – Harrison Avenue

Indiana
- INDOT – On call agreement for relocation services
- City of Portland – Lafayette Street
- City of Kokomo S. Washington Street
- INDOT - US 31 Hamilton County
- Shelbyville OCRA Project
- City of Richmond – Salisbury Road Project
- New Castle-Henry County Airport
- Hoosier Heartland Corridor (SR 25)

Maine
- Maine DOT – Caribou Connector project
- Massachusetts
- Mass Highway Statewide ROW Acquisition contract

Michigan
- City of Hillsdale – Hillsdale Municipal Airport

Missouri
- City of Bridgeton – Locke Road
- City of Ballwin – Kehrs Mill Road
- Lee’s Summit Airport
- Enoch’s Knob Road Bridge Replacement
- St. Louis - Veterans Administration VA Hospital Expansion
- St Louis Metropolitan Sewer District – Real Property Acquisition Consultant Services
- St Louis Lambert Airport
- Lebanon, MO – Floyd Jones Airport

North Carolina
- US 158 – NCTA DB Project
- City of Charlotte – University City Boulevard Sidewalk Project
- NCDOT – Charlotte I – 485 Project

New York
- Dansville Airport
- Massena Airport

Ohio
- ODOT Statewide On Call Turnkey RW services contract
- ODOT - HAM 75 – 12.60 project in Cincinnati
- City of Crestline - CRA Patterson Street Bridge
- Wood County – Dunbridge Road
- Northeast Ohio Regional Sewer District - On Call RW Services
- ODOT - HAM 75-7.72
- City of Galion - CRA 61-1.29
- Cuyahoga County Engineer – Barrett Road (CR 178)
- City of Cleveland – SR 87 [Woodland Avenue] Rehabilitation
- City of Cleveland – Waterloo Road
- City of Strongsville – SR 42 [Pearl Road] Phase II
- City of Mason – WAR – Mason Montgomery Road/Bethany Road Roundabout

Pennsylvania
- Erie Airport – Zone III

Texas
- Haltom City – Denton Highway Realignment
- ONCOR – Project Management Services for Transmission Line project
- Fort Worth Aviation Department – Provide On Call Land Acquisition Services to 3 City owned aviation facilities
- San Antonio, TX - Renaissance Village Apartments

Virginia
- VDOT – Roanoke – Jamison Avenue to North Orange Avenue
- Mountain Empire Airport

Wisconsin
- Wisconsin DOT Statewide On Call Relocation services