

**AASHTO RIGHT OF WAY AND UTILITIES SUBCOMMITTEE
OPERATING PROCEDURES**

**ARTICLE I
NAME**

The name of the organization is the American Association of State Highways and Transportation Officials (AASHTO) Highway Subcommittee on Right of Way, Utilities, and Outdoor Advertising Control. This Subcommittee is organized under the authority of the AASHTO Standing Committee on Highways (SCOH), the parent committee.

**ARTICLE II
PURPOSE**

The authority for the AASHTO Highway Subcommittee on Right of Way, Utilities, and Outdoor Advertising Control (Subcommittee) is derived from the parent committee and it shall communicate with and answer to the Standing Committee on Highways on its actions, reports, recommendations and resolutions on matters of interest. The Subcommittee shall review the laws and regulations of the Federal Government, member states and territories pertaining to public acquisition and management of real property for transportation related purposes. The Subcommittee will review issues related to the placement of utilities on highway rights-of-way, and issues of policy and practice for the effective regulatory control of outdoor advertising in accordance with the provisions of the Federal Highway Beautification Act. It shall provide a forum for the exchange of experiences, innovations and best practices; and will recommend such laws, rules, regulations, and procedures so as to improve the quality and efficiency of Right of Way, Utilities, and Outdoor Advertising Control operating practices. The Right of Way process includes Right of Way Scoping/Mapping, Appraisal, Appraisal Review, Consultant Management, Relocation, Acquisition, Property Management, Condemnation Coordination and Management, and Program Management, including Local Public Agency coordination and certification. The Utilities process includes Utility Coordination, Utility Relocation, Utility Accommodation, Subsurface Utility Engineering and Utility Pole Safety.

The Subcommittee may establish liaison relationships with appropriate offices of the Federal Highway Administration and such other entities having a role and responsibility in the area of transportation Rights of Way, Utilities, and Outdoor Advertising Control.

The Subcommittee shall work cooperatively with other AASHTO committees and Subcommittees and shall report to the Standing Committee on Highways on its actions, publications, recommendations, and resolutions promoting the general purpose of the Association. Each Member Department shall be entitled to membership on the Subcommittee, however, in those states where the Right of Way, Utility and Outdoor Advertising Control function report to different

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organizational units, the state shall designate one (1) voting member on the Subcommittee.

ARTICLE III MEMBERSHIP

The membership of the Subcommittee shall be that prescribed by AASHTO and shall be composed only of instrumentalities of government. The membership of this Subcommittee shall be AASHTO member departments which shall be those transportation departments or agencies of the states of the United States, Puerto Rico and the District of Columbia in which the official highway responsibility for that State or Territory is lodged and the Federal Highway Administration Realty and Utility Offices which shall be ex-officio members.

ACTIVE MEMBERS

Members of the Highway Subcommittee on Right of Way, Utilities, and Outdoor Advertising Control shall be the duly constituted highest ranking Right of Way official, Utilities official, and Outdoor Advertising Control, if different, from each state, territory or District of Columbia, unless otherwise assigned by the state. All active members shall have the privilege of taking part in discussions, attending Right of Way Director, Utilities Director, and Outdoor Advertising Control Director meetings, serving on committees and voting on all matters except as otherwise provided herein. An authorized temporary delegate who is employed by the member organization may be appointed by the member to serve and vote in their place at Subcommittee meetings.

EX-OFFICIO MEMBERS

The staff of the Federal Highway Administration realty and utility offices, whether assigned to Washington D.C., state, or regional offices, are ex-officio members of the Subcommittee and may attend the annual meeting of the Subcommittee. The Director of the FHWA Office of Real Estate Services shall hold the position as Secretary of the Subcommittee, serve on the Executive Committee and attend Right of Way Director meetings as a non-voting member. FHWA's Utilities Liaison shall serve as a non-voting member of the Subcommittee's Executive Board and attend the Utilities Director meetings as a non-voting member. FHWA's Outdoor Advertising Control Liaison shall serve as a non-voting member of the Subcommittee's Executive Board and attend the Outdoor Advertising Control Director meetings as a non-voting member.

OTHER PARTICIPATION

Representatives of other than member departments including state and local government agencies and their officials as well as private individuals and firms concerned with transportation and transportation issues, particularly those relating to right-of-way, utilities, and outdoor advertising control, shall be

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encouraged to attend annual meetings of the Subcommittee but shall have no official standing and no right to vote or hold office.

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ARTICLE IV OFFICERS

The officers of the Subcommittee shall be a Chairperson (Chair) and three Vice Chairs. The Chair is appointed by the AASHTO President. The Vice Chairs are appointed by and serve at the pleasure of the Chair. All positions may hold office for a period of two years which can be extended for subsequent two year terms by the Chair. . . Recommendations for individuals to serve in the Vice Chairs positions will be made by the Subcommittee's Executive Committee during the January meeting, unless a vacancy mandates another time, and submitted to SCOH. There shall also be a Secretary who shall be the Director of FHWA Real Estate Services. The duties of treasurer will be the responsibility of the Chair who will present an annual accounting to the Executive Committee during the annual business and planning meeting.

CHAIRPERSON

The Chairperson shall be responsible for coordinating the on-going business of the Subcommittee and acting as liaison between the Subcommittee and FHWA, AASHTO, other subcommittees of AASHTO, SCOH, and other national transportation right of way and utility organizations. The Chair is responsible for convening meetings of the Subcommittee's Executive Committee and serving as chair of the national meeting. The Chair will form technical councils, task forces, work groups, and committees and assign members as necessary to carry out the business of the Subcommittee. He or she will maintain a separate bank account in the name of the Subcommittee and make payments and advance funds for Subcommittee business as appropriate and concurred in by the Executive Committee or the members of the Subcommittee. An audit will be performed at least once every four years upon Subcommittee accounts and also upon the transition from one Chair to another. Audit findings will be provided to members during the annual meeting following the audit. The Chair will appoint regional representatives to serve on the Executive Committee, ensuring that all AASHTO regions are represented. Once each year the Chair will report to SCOH on the composition and members of the Executive Committee. In addition, the Chair will insure that the proceedings of the annual Subcommittee meeting are published and distributed to members in a suitable format once each year.

When it is necessary between meetings to decide matters of policy on behalf of the Subcommittee and the Chair determines that it is not feasible because of time constraints to submit matters to the members of the Subcommittee utilizing the most efficient communication capabilities available, the Chair may decide such matters and is responsible for expeditiously informing the Executive Committee and the members of the Subcommittee of action taken. In such instances the Chair may utilize input from the Executive Committee to the extent

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possible and will ensure that such decisions are consistent with Subcommittee and AASHTO bylaws, principals, and intent.

VICE-CHAIR POSITON

Selected from among regional representatives will be three Vice-Chairs, one who will represent Right of Way, one who will represent Utilities, and one who will represent Outdoor Advertising Control. A major duty of the Vice-Chair for Right of Way in the state where they are employed will include responsibility and oversight for right- of-way functions. A major duty of the Vice-Chair for Utilities in the state where they are employed will include responsibility and oversight for Utilities functions. The Vice-Chair for Right of Way will serve in the absence of the Chair at all meetings and at other times the Chair is not available. Should the Chair fail to or not be able to complete a term of office the Vice-Chair for Right of Way will assume the duties for the duration of the term. The Vice-Chair for Right of Way will serve as the organizer and moderator for the meeting of Directors of Right of Way held in conjunction with the annual Subcommittee meeting. The Vice-Chair for Utilities will serve as the organizer and moderator for the meeting of Directors of Utilities held in conjunction with the annual Subcommittee meeting. The Vice-Chairs will serve as the chief assistants on the Executive Committee to the Chair providing support as needed and requested. The Vice-Chair for Outdoor Advertising will serve as the organizer and moderator for the meeting of Directors of Outdoor Advertising Control held in conjunction with the annual Subcommittee meeting. The Vice-Chairs will serve as the chief assistants on the Executive Committee to the Chair providing support as needed and requested.

ARTICLE V EXECUTIVE COMMITTEE

The Executive Committee shall consist of the Chair, a Vice Chair for Right of Way, a Vice Chair for Utilities, a Vice Chair for Outdoor Advertising Control, the Secretary, the FHWA Utilities liaison, no more than 16 regional representatives (no more than four from each AASHTO Region), an AASHTO liaison, and the Past Chairperson while they retain the positions they held with the member states during their term of office. The regional representatives from each region shall be comprised of one utilities representative, two right of way representatives, and one outdoor advertising control representative. Each member shall have one vote except the Past Chair, , the Secretary, the FHWA Utilities liaison and the AASHTO liaison who are ex-officio, non-voting members. In the event of any tie vote the Chair will cast the deciding vote. The Executive Committee shall serve as the advisory body of the Subcommittee when the Chair determines it is not feasible or timely to organize a meeting or coordinate a vote of the members of the Subcommittee. In those situations, it shall assist the

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Chair in providing information and advice on Right of Way, Utility, and Outdoor Advertising Control issues and assist him or her in formulating and representing the Subcommittee's position on such matters to AASHTO. The Executive Committee will also participate in routine planning and conducting the business activities of the Subcommittee. The Executive Committee will meet at least twice each year, preferably once in the month of January at a location determined by the Chair for the purpose of conducting business, planning, and setting the agenda for the annual full Subcommittee meeting, and once at the annual Subcommittee meeting.

**ARTICLE VI
REGIONAL REPRESENTATIVES**

There shall be at least four regional representatives on the Executive Committee from each of the four AASHTO regions. Each regional representative shall be the highest ranking Right of Way, Utility, or Outdoor Advertising Control staff member from a member state, territory or district and shall be appointed by the Chair. In making such appointments, the Chair shall consider, but shall not be limited to, such factors as length of service and experience as state Right of Way Director, state Utility Engineer, or Outdoor Advertising Control, past service to the Subcommittee, willingness to serve, state management support and gender and racial diversity. Regional members shall serve two year terms for so long as they fulfill their duties and retain the position described above. The regions from which regional representatives are to be selected are the following:

Region Number One—Comprised of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, District of Columbia, and Puerto Rico.

Region Number Two—Comprised of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia.

Region Number Three—Comprised of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

Region Number Four—Comprised of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

Regional representatives will serve during the annual Subcommittee meeting as moderators and planners of panels as assigned by the Chair during the business and planning meeting.

**ARTICLE VII
TECHNICAL COUNCILS**

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The Chair, with the concurrence of the Executive Committee, may appoint various right-of-way, utility, and outdoor advertising control related Technical Councils whose purpose shall be to gather information and provide guidance to the members of the Subcommittee about various technical aspects of the Right of Way and Utility process. The Technical Councils will report through their appointed chair to either the Right of Way or Utilities Technical Council Coordinators based on corresponding subject matter as to progress and accomplishments in writing prior to the national meeting as well as summarizing orally during the national meeting on progress they have made and recommendations they wish to make. Two Technical Council Coordinators shall be appointed by the Chair from among the regional representatives, one dedicated to Right of Way and one dedicated to Utilities. The councils may be formed on any topic related to Right of Way and Utilities. These may include: Right of Way Appraisal and Appraisal Review; Relocation; Acquisition; Property Management; Right of Way/Eminent Domain Coordination Management; Right of Way Program and Consultant Management; Outdoor Advertising; Utility Coordination/Relocation/Subsurface Engineering; Utility Accommodation; and Utility Safety. Each council will act through their own chair who will be appointed by the Chair of the Subcommittee. Only those individuals eligible for general or active membership as provided in Article III of these Operating Procedures shall be eligible to become chair of a technical council. Representatives of local government agencies and members of the private sector concerned with transportation and transportation issues, particularly those relating to right of way and utilities, are encouraged to become involved with and participate in technical councils. These individuals may participate in the council as affiliate members but may not vote on matters taken under consideration by the council.

ARTICLE VIII ANNUAL MEETING

An annual meeting of all Subcommittee members will be held once each year with host duties rotated among volunteers from the member states affording, to the extent possible, geographic diversity among venues. The annual meeting, as scheduling and facilities permit, should be held in either April or May. The host state is responsible, in coordination with the Executive Committee, for arranging for a facility to hold the meeting and house those attending, establishing a program, extending invitations, conducting registration and providing staff to facilitate the program.

The annual meeting may be held jointly with FHWA, and if so, will be called the Joint AASHTO Right of Way and Utilities Subcommittee/FHWA Conference. The duration of the meeting shall be not less than two or more than four days in length excluding registration and auxiliary meetings, unless otherwise directed by SCOH. The subject matter of the annual meeting will focus on those items included in Article II, Purpose section of these operating procedures.

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Accommodations for separate business sessions for Right of Way directors, Utility directors, and FHWA staff will be provided, if requested.

The host state shall collect a registration fee to cover the cost of any included meeting rooms, meals, local transportation, activities, printing and incidental expenses incurred in conjunction with the meeting so there is no cost to the host state or to AASHTO. The Subcommittee may advance funds, if available, to the host state to cover initial costs and reimburse for any expenses not covered by registration fees. In accordance with AASHTO policy, reasonable donations may be accepted and fees may be charged to consultant vendors wishing to establish displays or have their name associated with sponsoring an event during the annual meeting. All cash donations and fees will be applied to offset the cost of hosting the annual conference. Within three months of the conclusion of the national meeting the host state will provide to the Executive Committee through the Chair an accounting of monies taken in and expended. Any funds not expended will be forwarded to the Chair in the name of the Subcommittee and placed in the Subcommittee Treasury. Such funds will be used for future Subcommittee meetings and such other business expenses as allowed by AASHTO. The host state will provide to all individuals who attend the meeting the names and addresses of those in attendance. The moderators of each of the sessions conducted at the annual meeting are responsible for collecting from each participant a written summary of the session and forwarding it to the Chair or a representative appointed by the Chair who will compile, publish and disseminate to each member a copy of the annual proceedings in a suitable format.

ARTICLE IX DUTIES OF MEMBERS

The members of the Subcommittee agree to maintain an active interest in Subcommittee affairs, to attend all meetings whenever possible, to make available both themselves and individuals they supervise to serve on committees of the Subcommittee as budget and time constraints allow, to vote on matters submitted to them, to complete surveys sent to them relating to Subcommittee activities in a timely and complete manner and to carry out professional activities required for the betterment of the Subcommittee. To the extent feasible and possible to ensure timely action and response, the Chair will submit issues to the members of the Subcommittee for their consideration and approval. A vote of two-thirds of the members is required to adopt any official Subcommittee position on issues purporting to represent the views of AASHTO or the Subcommittee. All such issues must be submitted by resolution to SCOH and the AASHTO Board of Directors for approval.

ARTICLE X AMENDMENTS

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The operating procedures may be amended by two-thirds vote of all members of the Subcommittee by mail, e-mail or by ballot at any duly called meeting provided at least two-thirds of the members are present and the proposed amendment has been in the hands of the members for at least 30 days prior to the meeting.

ARTICLE XI REPORTS OF COMMITTEES, COUNCILS AND TASK FORCES

All activities of the Officers, Executive Committee, Technical Councils, special committees and other bodies acting under the authority of the Subcommittee will be reported to the members during the annual meeting. Copies of all reports will be provided to the Chair who will retain them on file and post them on the AASHTO web site, if appropriate. When a task force completes its assignment it will be discontinued. To avoid duplication, the Chair will coordinate the formation of all bodies accomplishing work on behalf of the Subcommittee.

ARTICLE XII GOVERNING RULES

Roberts' Rules of Order Revised shall govern parliamentary questions.

ARTICLE XIII OPERATING YEAR

The operating year for the Subcommittee shall be the same as for AASHTO which is the fiscal year and shall commence on July 1 and end on June 30 each year.

ARTICLE XIV SCOPE OF SUBCOMMITTEE OPERATING PROCEDURES

The Subcommittee Operating Procedures stated herein are subject to and subordinate to all AASHTO Policies, Procedures, Operating Documents and By-Laws and any action by the Standing Committee on Highways, AASHTO President and Executive Committee or Board of Directors relative to the Subcommittee's operations or activities.