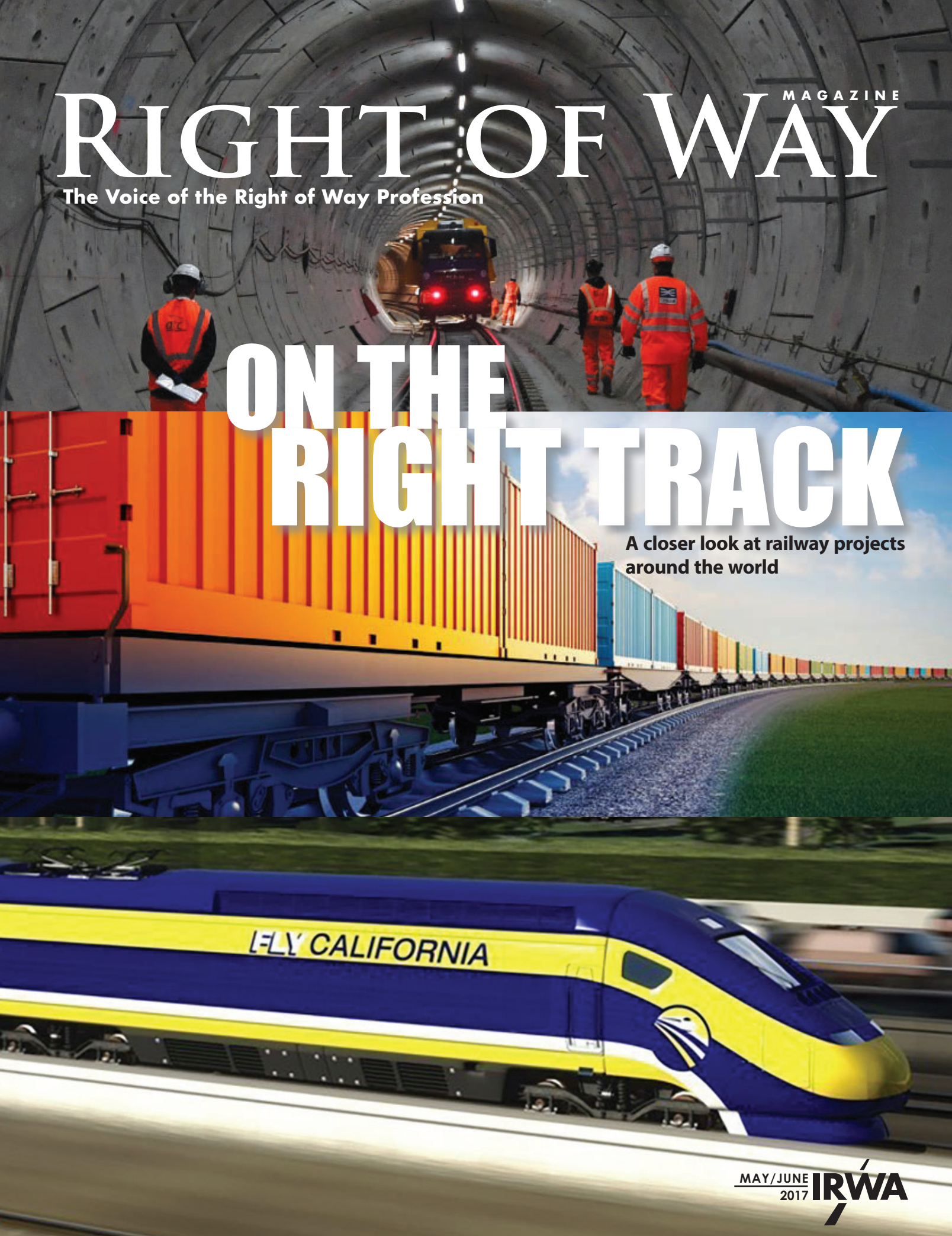


RIGHT OF WAY MAGAZINE

The Voice of the Right of Way Profession

ON THE RIGHT TRACK

A closer look at railway projects around the world



MAY/JUNE
2017

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RIGHT OF WAY

The Voice of the Right of Way Profession

MAY/JUNE 2017
Volume 64 Number 3

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We improve people's quality of life through infrastructure development.

Our Mission

We empower professionals by elevating ethics, learning and a standard of excellence within the global infrastructure real estate community.

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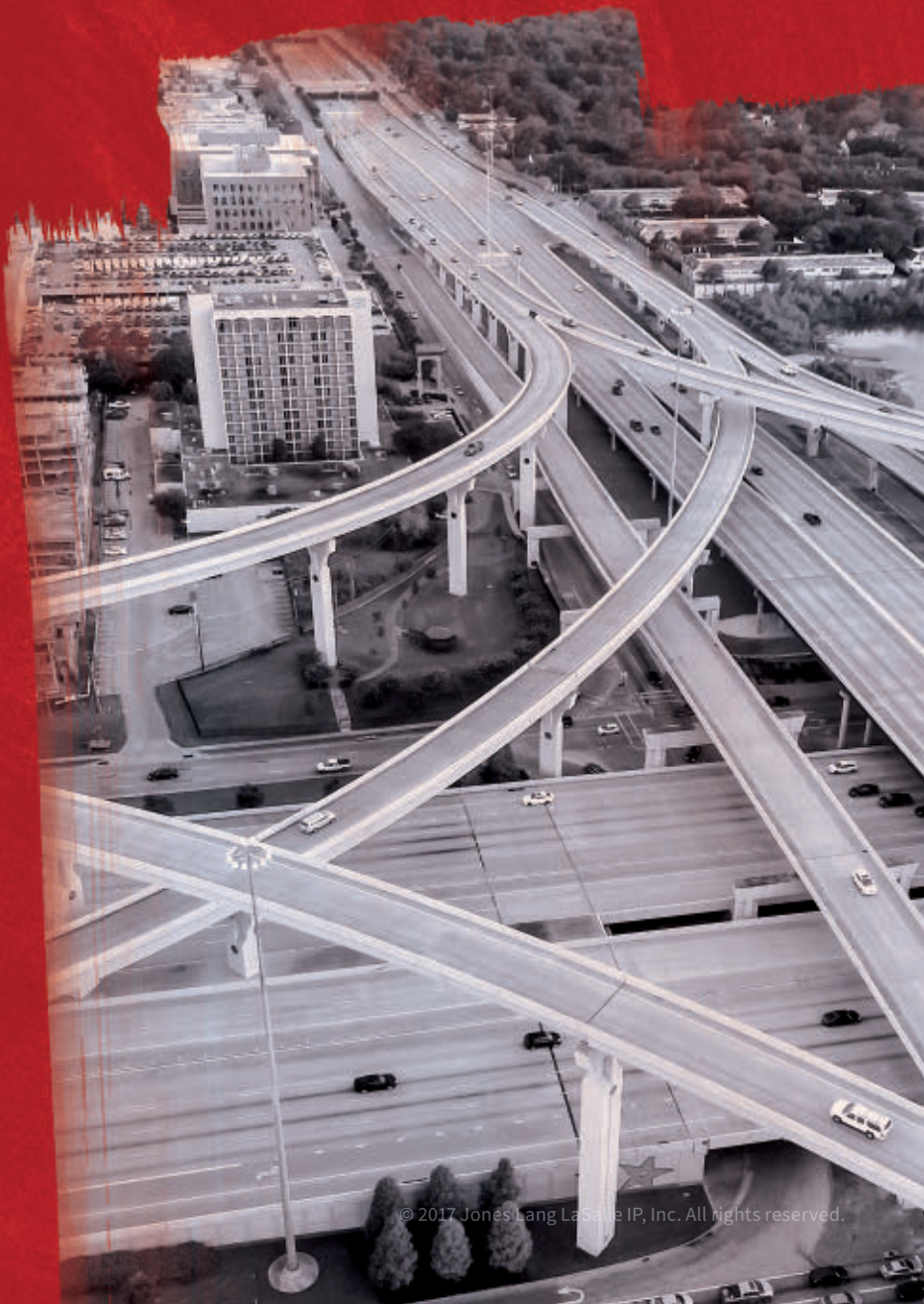
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Empowering All Professionals

Becoming the standard of excellence around the globe

MARY ANNE MARR, SR/WA



As your International President, I am proud to be part of an Association that empowers professionals by elevating ethics, learning and a standard of excellence within the global infrastructure real estate community.

Adopting our new purpose and mission statement—improving people's quality of life through infrastructure development—was one of our most important accomplishments this past year, but that was just the beginning. As professionals, we need to continually remind ourselves of the impact we have on the world and the vital role that each and every one of us play in building a better world. I encourage you to reflect on this and find ways to help embody this message as we all carry it forward to our Chapters, our employers and the public.

An Association Roadmap

As we prepare for our future, determining where we can maximize the impact on people's quality of life is essential. Consider a future where we are regularly sought out by governments, agencies and organizations to offer our expertise, education and experience. The future is closer than you might imagine.

To help us as we shape our future, the International Executive Committee

and Governing Council spent a significant amount of time this year establishing key priorities and initiatives for the Association. These priorities will serve as a roadmap, and although things will surely change, this roadmap will keep us focused on our primary goals.

Through our previous work in reviewing IRWA's International Bylaws, we recognize the need to step back and take a holistic look at our structure and governance. To help guide us through this process, we are pursuing external experts who can help take us to the next level in our Association's governance. Of course, we fully acknowledge the importance of involving and engaging a diverse representation of our membership, and I'm confident that you will be open to new ideas as we envision an exciting new future.



The reality is, our members are now playing lead roles in major infrastructure projects—in the early stages of project planning. More and more, the SR/WA designation is becoming a requirement for anyone working in infrastructure real estate, and the public views us as a trusted partner that will help them navigate complex property issues.

An Underlying Foundation

Education remains the cornerstone of the IRWA, and the continued implementation of our Five Phase Education plan plays a critical role. Just this past year, we completed two additional CLIMB Instructor Development sessions. As an instructor, my participation in CLIMB was an eye-opening learning experience. Bringing all of us together has really strengthened our community of instructors, as it's given us a venue where we can all learn from each other.

I am pleased to report that new course development has really ramped up. We have launched Course 218, Right of Way Acquisition for Electric Transmission Projects, and recently finished the pilot for the new Elevating Ethics course, as well as a pilot for the Canadian Oil and Gas Course. We also filmed country-specific modules for Course 100 and launched two new online Relocation courses through



At the 2016 Annual International Education Conference in Nashville, Tennessee, Mary Anne met with members and industry representatives from around the globe. "I've learned so much from all of you, and the friendships I've developed will last a lifetime," she said.

our partnership with O.R. Colan, LLC/ ORC Training. In conjunction with IKT, Germany's Institute for Underground Infrastructure, we introduced a new six-module panorama on the fundamentals of underground infrastructure. In light of all these accomplishments, I salute the members of our Partnership for Infrastructure Professional Education for their selfless dedication and commitment to bringing all of these projects to fruition.

Looking forward, we are committed to providing support for our young professionals and opening up opportunities for them to participate in leadership meetings, Region Forums and conference planning. We now have more YP's serving in leadership roles than ever before. As a leadership team, we've spent time this year visiting with our Chapter leaders, and through these meetings, we've had even more opportunity to reach out to our volunteer leaders. In response to growing demand, we plan to develop and support an Emerging Leaders Program aimed at our mid-career members aged 36-55.

Through our partnership with the Right of Way International Education Foundation, we recently solidified a new scholarship program that will directly benefit our members and their employers. Details will be announced in June, and I can't wait to see the impact it will have on our scholarship recipients!

Expanding our Reach

On the international front, IRWA continues to attract new members from across the globe. Our Chapters in Australia, Mexico, Saudi Arabia, South Africa and Nigeria are working continuously to engage government and agency leaders in these countries, reinforcing the importance of our mission and forming new alliances.

Recently, IRWA was accepted as an Observer to UPAV, the Union of Pan American Associations of Valuation. We continue to explore new educational offerings in partnership with IKT, and our relationship with members of the Compulsory Purchase Association in London has provided the opportunity to

share our collective relocation expertise and best practices. As we expand our reach and global presence, we will continue to embrace the diversity, talent and opportunities that will be presented.

As our fiscal year wraps up, I can't help but reflect on my own personal journey as an IRWA leader. I've learned so much from all of you, and I am grateful for the time I was able to spend this past year with our members, volunteers and leaders. Throughout my term on the International Executive Committee, I've had the opportunity to work with an extraordinary group of past, present and future leaders. I developed friendships that will last a lifetime, and I know without a doubt that the Association is in good hands. A special thank you to our IRWA staff who work tirelessly day in and day out to consistently achieve excellence.

Although my time as your International President is coming to a close, I am confident that through my voice, I will continue to serve the Association for many years to come. 🌟



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A hand holding a road roller is shown from the top right, rolling a black asphalt road surface onto a white background. The road has a solid yellow center line and dashed white side lines, curving away from the viewer. This visual metaphor represents 'owning the course' or creating a new path.

What's more, IRWA's new Credentialing Concierge will guide you through each step of the process—from a review of the requirement categories, arranged chronologically—to course registration and right of way experience verification. You can even submit your completion

With this new streamlined and automated process, attaining your IRWA credential has never been easier. We have taken out all the guesswork, so now is the ideal time to join the ranks of credentialed members. Check out our new Credentialing Concierge on IRWA's home page. You will be glad you did! Onward. 🌟

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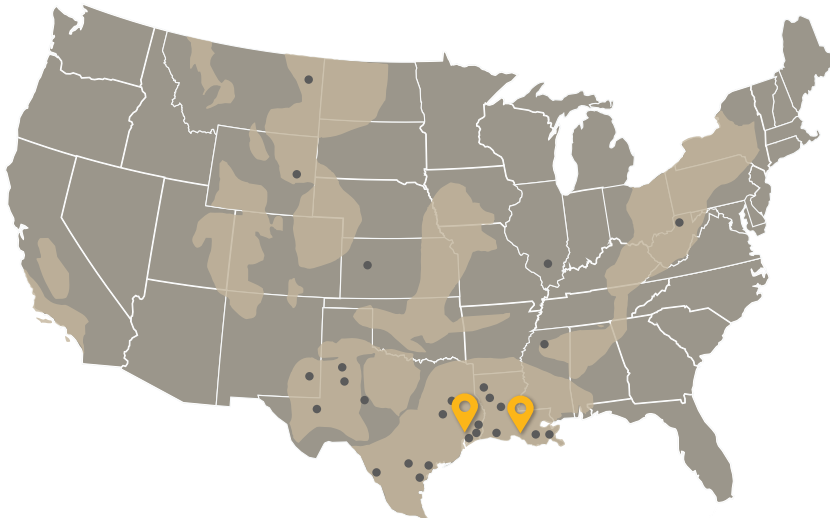
Recommended Coursework	Suggested Exam Topics	
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R/W Experience Indication:	The following must be approved by IRWA: at minimum 4 years of work experience within the last 5-years. Click "Request Review" to upload a copy of resume. Request Review	
1 Required Coursework	Complete all of the following courses: • 315 - Conflict Management Skills • 100 - Principles of Land Acquisition II (all)	Crosslisted/Coveraged
2 Required Coursework	Complete one of the following courses: • 104 - Standards of Practice for the Right of Way Professional I Units • 105 - Ethics and the Right of Way Professional I Unit	Coveraged
3 Required Coursework	Complete one of the following courses: • 201 - Communications in Real Estate Acquisition III units • 205 - Principles of Real Estate Negotiation I Units	Crosslisted
Course Challenge Exam Option	Exam for all beginning (fresh as new) users can be challenged. Complete the Exam Request Form and e-file course(s), submit fee form to Chapter RPO Chair to review and approval. Once "Request Review" is developed/pending the exam requestors Request Review	
Course Exam Challenge Fee	Please pay exam challenge fee. Fee per course plus User credit pricing member-\$100 USD Nonmember-\$150USD Fee Link	

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A True Role Model

The future of IRWA will be in good hands



Every year, IRWA recognizes a young professional who has demonstrated innovative ideas, a commitment to professional development and active participation at the Chapter level.

In 2016, this honor went to Mindy Leadholm, SR/WA, who works as a Property Acquisition Manager for Washington County Public Works Department in Minnesota. Mindy also serves as the Education Chair of Chapter 20, where she strives to provide members with educational opportunities through IRWA courses. As a role model for other young professionals, Mindy was asked to share her experience—about receiving this award and her personal advice for incoming young professionals.

How did it feel to receive the Young Professional of the Year Award?

Unbelievable. I see so many empowered, motivated and dedicated young professionals within our industry and organization. It was very humbling to be chosen.

How did you first get involved?

I joined the Association about nine years ago when I started at my current job. That first year, I went to a few Chapter meetings and took a few courses. The Education Chair at the time asked if I would be willing to serve as a Course Coordinator with the perk of taking the courses at a reduced rate. Since then, I slowly got more involved. I volunteered to work on the redesign of our Chapter's website and helped organize our annual golf fundraiser for

the Education Foundation. I became our Chapter's Education Chair and then went on to serve as Secretary, Treasurer and President Elect. After attending the Region 3 Forums, I got involved in the Young Professional's Group and helping out on Minnesota's bid for the 2019 Annual Conference. I hope to be elected as Chapter President this year.

How would you describe your right of way career?

I love every project that I am a part of. In acquiring right of way, I am able to meet so many new people, discuss planned roadway improvements with property owners and provide a piece of the puzzle that is essential in making the projects happen.



At the 2016 Annual Conference, Mindy accepts the Professional of the Year Award from 2015-2016 International President, Wayne Goss, SR/WA, R/W-NAC.

How has IRWA changed your work world?

IRWA has expanded my work world exponentially—from the education experiences to networking opportunities and everything in between. My experience as a volunteer leader, along with the support and guidance from my Chapter, has provided me with knowledge and skills that are invaluable in various situations that arise with acquisition projects.

What advice would you give to an industry newcomer?

Get involved as much as you can—and participate in IRWA's Young Professionals Group! I know that all IRWA Chapters and Regions welcome dedicated members, fresh ideas and career-driven individuals. Step out of your comfort zone, become involved and help our organization expand and grow for the future.

What's next for you?

With a Bachelor's Degree in Education, I have always had a passion for learning and education. Becoming a CLIMB-Certified instructor is my next goal. Last November, I attended the CLIMB Instructor Training in Dallas, Texas, and I hope to become certified in the near future. It has been an incredible journey working with people throughout the organization, and I hope to continue growing with IRWA in the years to come.

How would you sum up the YP group?

The future of the IRWA. 🌟



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A New Perspective

Reading with purpose

DEIDRE ALVES, M.ED.



Memories are amazing little thoughts that have the power to bring you right back to a moment in time—in an instant—and simply out of the blue. It is an unexpected experience that has such powerful impact. When I remember something, whether good or bad, I immediately transcend the present to visit the past, if only for that moment.

Finger on the Pulse

My priority has always been to keep IRWA on the leading edge of educational practice while creating innovative new programming. So I keep my finger on the pulse of the current research and thinking being done in the executive learning and development space to enhance and underpin our enterprise.

Recently, I was reading an article entitled “Your Brain on Learning” in Chief Learning Officer Magazine. It was on the importance of understanding how the brain works in order to successfully design and deliver programming that optimizes the learning experience—to fit how the brain learns best. While reading the article, I was immediately whisked back to an elementary school memory. I remember sitting at a circular table with my teacher as she taught me how to

read. She explained to me why I should not read with my finger underlining each sentence, and how I must be very careful not to do that even though it made reading easier. I remember her being kind but firm and not letting me slip. She insisted on only the best out of me. As I read this article, I remembered thinking how grateful I was to her for teaching me this skill. How reading allows me to understand and navigate the world, while experiencing the thoughts and feelings of others. It provides practical information for living everyday life and enables me to connect with and make sense of the world around me. With eyes to see and a brain to decipher and imagine, it is a source of wonder. I often think had I not been taught this precious skill, what would I do? Who would I be?

A Source of Wonder

I bet you never thought that reading infrastructure standards and documentation like an Environmental Site Assessment or the Uniform Standards of Professional Appraisal Practice could be a source of wonder or amazement.

But I encourage you to revisit your life and work with new eyes. Having the ability to read, and all that enabled that to happen, including the special people

that helped you to learn to read along the way, is nothing short of a miracle. They helped you to be able to read those documents and those people are a part of you as you read them. Their purpose was to improve your quality of life by teaching you how to read so that you in turn could improve the quality of people's lives in the work you do through infrastructure development. It is quite extraordinary when you think of your work and our industry from this unique perspective.

So, the next time you find yourself in the middle of bylaws or property descriptions or another type of infrastructure related document, remember the wonder that might never have existed if not for the patience and heart of a teacher, the courage to receive the gift—and the memory that keeps it alive. ★

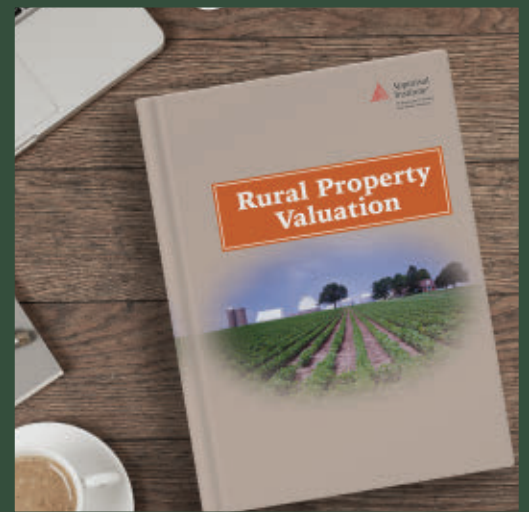


Deidre Alves is IRWA's Vice President of Professional Development.

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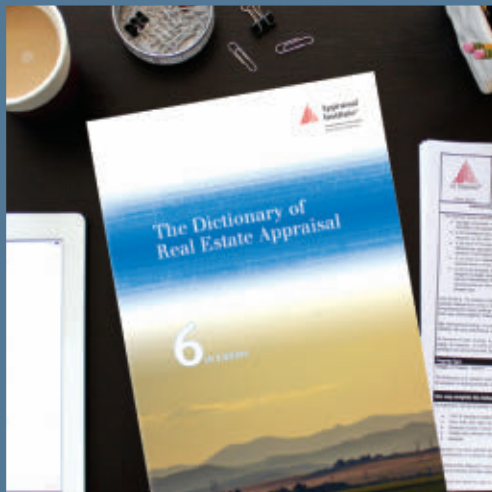
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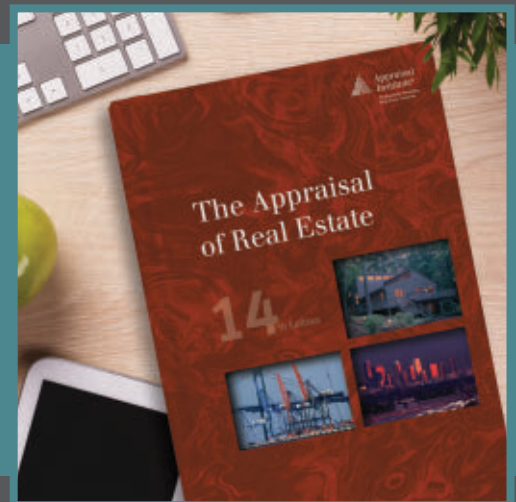
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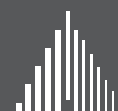
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Are Your Ethics For Sale?

Maintaining a culture of integrity in good times and bad

BY BRAD YARBROUGH

In 1965, a musical group called The Byrds released the hit song, "Turn, Turn, Turn," and its lyrics underscored the reality of a time and season for everything. An oft quoted passage states, "For everything there is a season, a time for every activity under heaven. A time to be born and a time to die. A time to plant and a time to harvest." Today, this idea is applicable even within our own industry.

If news stories are accurate, we are headed into prosperous times. With a marked increase in infrastructure development, this will surely result in financial gains. In agrarian terms, it's harvest time! However, it seems seasons of economic abundance often present moral challenges.

Randy Pennington, an accomplished business consultant, highlighted this in an article titled, "Are Your Ethics for Sale Now That Times Are Good?" In it, he summarizes a published report by The Ethics Resource Center. Pennington

states, "Here's the part that caught my attention. The report suggests that individuals and organizations are more willing to commit ethical indiscretions as they feel more secure and the quest for profits outweighs the desire to do what's right. In essence, the willingness to do stupid, greedy stuff increases with increased profits, and the desire to do what's right increases when the economy makes it more difficult to succeed."

The Quest for Profits

Our industry, like others, is subject to cyclical dynamics. We've struggled through certain seasons and enjoyed others. Sadly, I've witnessed unscrupulous conduct during the good times. One example comes to mind from many years ago. My company was growing and there were ample, diverse right of way projects nationwide. I discovered that on multiple occasions, an associate had billed three clients, each for eight hours on the same workday. Of

course, double or triple billing is unethical and I quickly refunded the excess payments my company had received. The dishonesty of this individual was perplexing. After all, the company revenues were healthy and it was exciting to be blessed with a good harvest of work.

Interestingly, this individual had a favorite saying: "Make hay while the sun shines." It originally alluded to the changing circumstances that farmers face. Today, it means taking advantage of the opportunity to do something while the conditions are favorable. But, it is critically important for companies and individuals to make hay the right way.

Getting It Right

This is precisely why New Mexico State University conducted a training event for its employees last month labeled *Practicing Ethics at the Workplace: Good Times or Bad, We All Need to Practice It!*



Brad Yarbrough is the Owner and CEO of Pilgrim Land Services, a right of way services company in Oklahoma City. With over 35 years experience in oil and gas, he has clients nationwide and an extensive network of landmen and agents.

The emphasis was on the need, especially in changing times, to create and maintain an organizational culture of integrity, cooperation and care of others.

The practice of good ethics can be achieved even while pursuing corporate profitability. Individuals can succeed—even attain more success—while still behaving in the most ethical manner possible. It is critically important that we not put our ethics “up for sale” during times of abundance. In fact, with the prospects of plentiful projects, every member of our association ought to redouble efforts to define and apply the highest ethical standards.

Lawrence Kohlberg, an American psychologist who wrote about the stages of moral development, is renowned for his

contribution to the subject of ethics. He helped prove that there is a valuable and measurable result for establishing codes of ethics. Moreover, he proved that ethics can be taught. Perhaps this is an opportune time for companies across our industry to give priority to the subject of ethics. The benefits of conducting an ethics training event could be enormous.

Kohlberg said, “Professional societies can also play a role in ethics training and discussion.” I know this is true, and I am grateful that the IRWA takes its role seriously...whether times are good or bad. And as the Association unveils its new “Elevating Your Ethical Awareness” course this year, I am proud to belong to an organization that firmly believes that ethics is the anchor of our profession. ★

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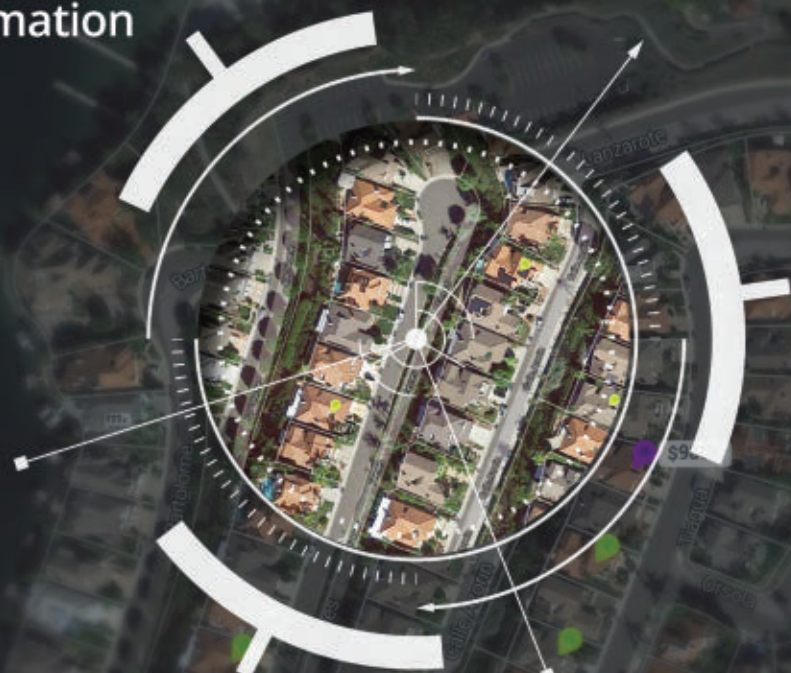
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The Rights Remaining

Considering the value impact of an easement acquisition

BY KENNETH CANTRELL, MAI

I recently appraised several parcels for a major power company that involved rebuilding an older power line through densely developed areas of Atlanta, Georgia. The powerline and its associated easement rights had existed for over 60 years, but the power company needed to acquire additional easement rights in order to reconstruct the line. When easements overlay other easements, it can get extremely complicated.

In evaluating a property, the appraiser must not only consider the property rights being acquired, they must also determine the rights of the property owner after the acquisition. In other words, what is the owner allowed to do within the easement area based on the specific easement rights remaining?

Limitations on Future Uses

Consider, for example, a powerline easement encumbering a strip of land. Under the remainder rights, a property owner cannot build a permanent structure within the encumbered area, however, they can landscape the area and plant a garden. Based on certain restrictions, the owner will need to ensure that the fully mature plants do not exceed the maximum height allowed. Otherwise, as plants grow, they could potentially interfere with the powerlines. Of course, an oak tree may

be more attractive, but a low-growing shrub may be all that the owner can plant because of the easement restrictions. So even if you're not making a major physical change to the property, you may be adding restrictions to it that greatly limits its future use. The appraiser has to take these factors into consideration.

I worked on one acquisition assignment where no land was acquired. Instead, the condemning authority acquired just the access rights along a property's road frontage. In the before situation, the property owner had access rights to the roadway from their property, but the Department of Transportation purchased those rights. Even though there was no taking of property identifiable by metes and bounds, the property owner no longer had the right to access the road from their property. The appraiser must consider the value impact of such an acquisition.

Before and After Uses

In most instances, the highest and best use of a remaining property does not change as a result of the acquisition. For example, a shopping center may have several parking spaces eliminated by an acquisition, but the remaining property can still accommodate a shopping center. In the after condition, it simply becomes a shopping center with fewer parking spaces.

However, this is not always the case. Let's use a gas station/convenience store as an example. It has multiple fuel dispensers, an overhead canopy, a retail facility and two or more driveways. So what if the acquisition impacts some or all of the fuel dispensers and part of the canopy that protects customers during inclement weather? In the after situation, the remaining property can no longer function as a gas station, so its highest and best use changes. Perhaps it becomes a retail store or maybe the site is redeveloped for an entirely different use.

These are just a few of the many factors that must be taken into account during an easement acquisition. As an appraiser, taking the time to fully consider the rights of the property owner in the after condition is an essential part of the process. ✪



Kenneth Cantrell, MAI, is a Senior Managing Director with Valbridge Property Advisors. He has expertise in valuation and eminent domain-related acquisitions, and has qualified as an expert witness in the State of Georgia and in Federal Bankruptcy Court.



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Why Titles Matter

Adopting standardized positions can level the playing field

BY BRENT LEFTWICH



with titles such as Land Acquisition Specialist, Real Property Agent, Right of Way Agent 1 and Right of Way Consultant. While each job description has a different wording, all have overlapping roles and responsibilities. From a client perspective, inconsistent job titles make it impossible to accurately compare one company's proposal to another. The client might think the service company is placing senior personnel on their project, when in reality, the right of way agents are inexperienced and learning on the client's dime. Standard job titles come with assumed standard job skills. Without that clarity, clients are at a disadvantage when qualifying service companies, especially when Requests for Proposals (RFPs) are being reviewed and evaluated.

Finding a Solution

In the right of way industry, all job titles have variants depending on the company culture, its internal structure and salary guidelines and even the whim of the Human Resources manager sourcing the job. It's confusing for both the client as well as the service company.

Recognizing the importance of having uniform and consistent job descriptions for commonplace jobs in our industry, the Right of Way Consultants Council (ROWCC) stepped in to tackle the challenge. The ROWCC is comprised of 43 member service companies representing a wide cross section of industry leaders and premier service providers from small, medium and large service companies. Members meet throughout the year to exchange ideas and information, and to develop and promote higher standards for the industry.

Over the last three years, the ROWCC has worked to create a standardized list of job titles and descriptions that more

Meet Stan. He's a right of way professional with 10 years of experience, a bachelor's degree and has managed several project field offices.

Now let's meet Steve. He's also a right of way professional with two years of experience and a real estate broker's license. On paper, these two employees are quite different, so you wouldn't expect them to hold the same job title. Yet in the right of way industry, Stan

and Steve can, and often do, hold the title of Lead Right of Way Agent.

As the number of service companies multiplied during the shale boom within the right of way private sector, once straightforward job titles and duties morphed into a patchwork of non-standard titles that vary significantly from one company to another. A quick search on the IRWA jobs database brings up open positions

RIGHT OF WAY CONSULTANTS COUNCIL

Standard Position/Classification Descriptions for the Private Sector

▶ RIGHT OF WAY

Project Manager - Responsible for selecting a field office and overseeing all its operations while working under the direction of the client and the supervision of the service company.

Right of Way Supervisor - A seasoned agent working under the direction of the Project Manager who is responsible for supervising the activities of a number of agents.

Lead Right of Way Agent - Responsible for supervising the activities of a more limited number of agents while working under the direction of the Project Manager or Right of Way Supervisor.

Senior Right of Way Agent - Works under the direction of the Lead Agent or Right of Way Supervisor; possesses an excellent working knowledge of all right of way disciplines, including title, permitting, acquisition and documentation.

Right of Way Agent - Works under the direction of a Lead Agent or Right of Way Supervisor and is fairly experienced in the duties of survey permission, acquisition and some title research.

Right of Way Agent Trainee - Works under the direction of either a Lead Right of Way Agent or Supervisor to gain initial experience in the investigation of survey permission, acquisition and title research and has limited knowledge about property valuation, survey drawings and alignment sheets.

▶ DATA

Data/Document Supervisor - Works under the direction of the Project Manager and is responsible for the supervision of the Data/Document Specialist staff and the preparation and maintenance of all forms, documents, tract and project files, database entry, status reports and /or other required reports associated with the administration of contracts for acquisition.

Data/Document Specialist - Responsible for tracking and maintaining all data (electronic and paper) pertaining to right of way acquisition, surface sites and permits related to the project.

Project Clerk - Responsible for various administrative tasks associated with the project office and project team members.

▶ PERMITTING

Permitting Supervisor - A specialized position under the direction of the Project Manager who supervises the activities and work product of other permitting agents.

Senior Permitting Agent - A specialized position under the direction of a Permitting Supervisor who possesses an excellent understanding of local governmental ordinances as they relate to their project type, including which activities require permitting, permitting processes for required local government permits, state highway and county crossing permits, railroad permitting processes and U.S. Army Corps of Engineers permitting requirements.

Permitting Agent - Has a basic understanding of local government ordinances as they relate to pipelines, municipal and county permitting processes, obtaining state and county highway crossing permits, railroad permitting processes and possibly U.S. Army of Engineers permitting requirements.

▶ TITLE

Title Supervisor - Works under the direction of the Project Manager and reviews all title packages that are completed within their area of responsibility.

Senior Title Agent - A specialized position under the direction of a Title Supervisor who has a keen understanding of legal descriptions in the project area and can plot such descriptions.

Title Agent - Is experienced in researching surface land title and has a good understanding of legal descriptions in the project area.

Title Reviewer - Works under the direction of the Title Supervisor and should possess 5 years experience researching surface land title as an abstractor or Title Agent.

For more information and an in-depth copy of the ROWCC Standard Position/Classification Descriptions for the Private Sector list, visit www.rowcouncil.org.

accurately reflect the responsibilities within each position in the industry. The goals were fourfold:

- 1) Create a standardized system that would allow clients to accurately compare rates on RFPs.
- 2) Assist other service companies in determining proper personnel placements when staffing projects.
- 3) Standardize positions between service companies as people move between right of way service providers.
- 4) Provide clarity for both service companies and client companies into what skill level they should be receiving in return for their investment.

Creating a Benchmark

To begin the process, we first examined the universe of job titles across the right of way industry. This was important so that we could create unification in both job descriptions and billing structure. The comprehensive list of job descriptions was gathered from actual member employment offerings, as well as input from members. From that huge list, the group culled it down to the most common job titles. With the more condensed profile in hand, we asked three key questions:

- Where could the job titles be more consistent?
- Were job titles based on the qualifications actually needed for the job?
- Were they classified correctly (exempt/non-exempt)?

Working together as a team, the group used company and industry data to craft uniform job titles, descriptions and levels that were appropriate and scalable across the board. At the end of this process, the group emerged with the “ROWCC Standard Position/

Classification Descriptions for the Private Sector,” consisting of 16 job titles and descriptions, along with billing rates based on qualifications, skills and merit.

Many of these 16 job descriptions conform to a hierarchical pattern (stair-step approach) where more senior positions have more experienced agents with more responsibilities than non-senior positions. This shows how a lesser position gains advancement to a senior/supervisory position by obtaining additional work experience. A brief outline of job descriptions and titles is provided and a complete list will be available online.

Mutually Beneficial Advantages

The benefits to adopting the ROWCC Standard Position/Classification Descriptions for the Private Sector extend to both service companies and client companies. On the service side, adopting an industry accepted title structure means greater role clarity, increased accuracy in benchmarking pay competitiveness, better control of labor costs, and higher morale as employees have a clear career path and know where they stand with the organization.

For client companies, it levels the playing field and makes it easier for procurement to compare RFPs. When everyone conforms to the same language, differences in staffing and billing structure are clearly delineated. Additionally, ROWCC service company members hold themselves to a higher ethical standard, extending credibility to their proposals and a badge of authority to their experience level.

Next Steps

In January, a panel of ROWCC members presented the proposed job descriptions to the IRWA International Oil & Gas Pipeline Committee at their meeting in Napa, California. The panel requested that attendees review the descriptions and provide feedback prior

to the ROWCC meeting in April. All members were encouraged to review the full list of job descriptions on the ROWCC website and provide comments prior to the meeting. After the comments and suggestions are reviewed, a revised list will be published.

Recognizing that re-designating titles within an organization can be a herculean task, we are not expecting every service company to drop their existing title structure and immediately adopt an industry standard model. Instead, we are advocating that there be two sets of titles—internal and external. The internal one will designate what currently exists, while the external titles align with the ROWCC Standard Position/Classification Descriptions for the Private Sector list.

Adopting standardized job titles will result in a unified culture across the industry anchored around transparency. Additionally, it can provide internal equity and external parity in terms of staffing practices. In short, industry standard job titles raise the professionalism of the right of way industry as a whole. ⚙



Brent Leftwich is the President & CEO of Contract Land Staff, LLC, one of the nation's leading right of way companies. He has over 35 years of experience in the oil and gas, real estate, pipeline, utility, transportation and telecommunication industries. Brent is also an IRWA certified instructor.

PERMIT LITE

A minimalist approach works
to maximize efficiency



BY TONY POLLACK, SR/WA, PLS

A federal lands official once told me, “Thank you for your permit. I’ve got 280 projects in the queue. It’s nothing personal but it will take a couple years before I can get to it.”

This kind of response is not unusual. Agency permitting staffs are routinely overwhelmed, especially at the federal level. The ability to move forward with your high priority project can frequently depend on whether you’re able to get through to the one person tasked with the permitting process. And when an agency staffer leaves, it may take up to take eight months to fill

the position because of budget freezes or lengthy political processes.

It doesn’t help overall efficiency when consultants submit a foot-high stack of documents with the permit proposal. Does the agency really need a 60-page environmental assessment about foxes, squirrels and owls? And what about a 10-page development plan? When you add that to dozens of maps, construction drawings, lengthy reports describing current easements and exhaustive property legal descriptions, the paperwork seems endless. It’s no wonder that construction famously

lags the rest of the economy in terms of productivity. The current permitting process is not something one would call efficient.

A Better Way

Recently, a client began asking us to submit smaller permit packages. "I'm just trying to save you time," he said. "After all, you have 30 projects to do for us."

We thought about that. The reality is, engineers tend to give way more information than might be necessary. Our tendency is to think, "Well it couldn't hurt to give them that too." But do agency officials need any more information than a map and a brief description of the development plan? After all, more information, such as the environmental impact report, will be presented later in the process. So we decided to try it.

Doubling Productivity

Our projects for the U.S. Forest Service are a good example. We've done 15 permit applications during the past five years. With the latest batch, we went permit lite. In other words, we got rid of all the unnecessary fluff. Of course, we made sure to research the regulations to see what the permit required and checked all the boxes that we thought we needed to cover. As a result, we were able to reduce our initial submittal from 40 pages down to five pages. We typically delivered hard copies because the packages were so big. Now we can email them.

Since the project description is really the heart of the permit request, using permit lite has streamlined the entire process, while dramatically improving our workflow. We're finding that what used to take us 40 hours to compile might now take only 20.

“We’re finding that what used to take us 40 hours to compile might now take only 20.”

We've been able to use permit lite with several clients, and to date, we haven't received any negative feedback from agencies. We are happy to report that work is progressing.

Taking Some Precautions

If you are going to try the minimalist approach, there are a few precautions to take. First, make sure you have a list of all the information the agency requires. Research the regulations for exact requirements. Prepare a brief narrative, project description and map, but don't overkill on information that isn't important.

It's also essential to know your agency and your client's history with that agency. We have a client that builds multiple projects on U.S. Forest Service land, for example, and the agency trusts that our client will restore and care for the land. That translates into needing less information in the permit application.

After the submittal, expect a negotiation process. Although we always walk the official through the physical property to show what our plans are, the agency still might ask for more information. Sometimes, our client will think the request is overreaching or too costly to fulfill. If you agree, don't be afraid to push back

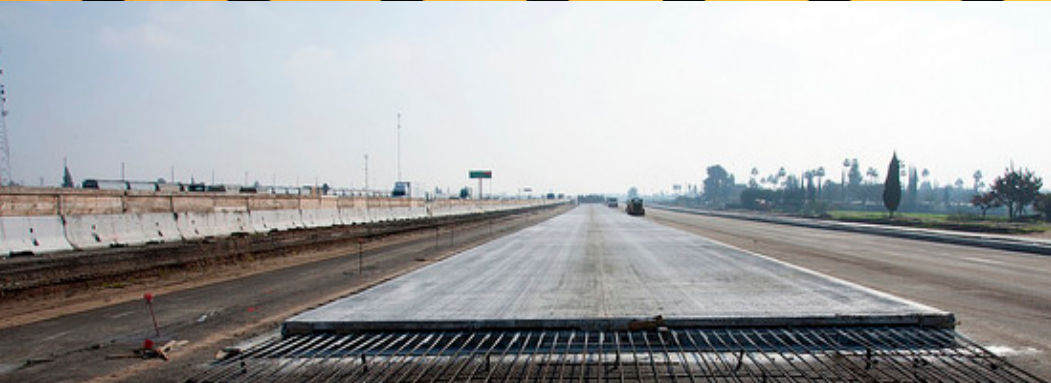
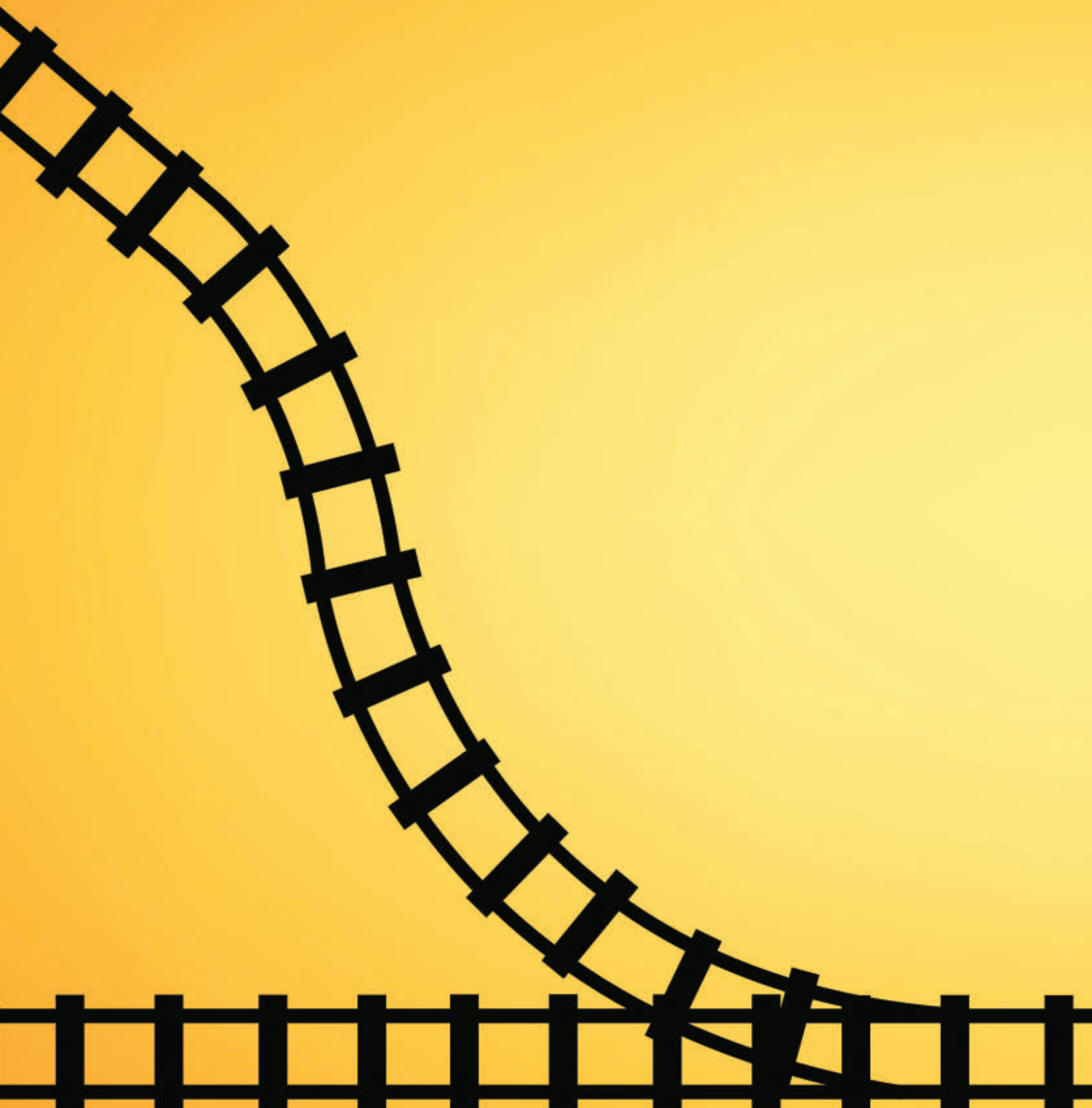
a little. The process may require some give and take, and getting to an agreement may take two or three review rounds.

There is the potential for permit lite to backfire, especially if an official feels blindsided by key information missing. The permitting process is open and transparent, so you don't want to leave out crucial information if you have it.

The bottom line is, permit lite can achieve the same goals with less time and money spent by all parties. And when we can eliminate inefficiencies in the system, everyone benefits. ☺



Tony Pollack, SR/WA, PLS is Land Acquisition/Permitting Group Manager with Stanley Consultants in Denver, Colorado. With 20 years of experience in right of way acquisition and land surveying, he is a member of IRWA's International Finance Committee and a past Chapter President.



On the RIGHT TRACK

A closer look at railway projects around the world

BY ETHEL NAVALES

Over 200 years ago, the world was introduced to rail through the steam engine, and suddenly the method of transporting passengers and goods changed forever. Today, rail continues to be a major form of passenger and freight transport, carrying over 40 percent of worldwide goods. Rail options include everything from city trams, electric subways, freight trains and even high-speed bullet trains. And despite its 200-year history, the industry continually strives to take innovation to a new level.

Today, unprecedented railway projects can be found all over the world, promising to leverage the latest technology. We had the opportunity to speak with representatives from three different rail projects—in three different countries. In the United States, the **California High-Speed Rail Program**, the **Elizabeth line** in London, England and the **Inland Rail** in Australia. We've found that although there are differences between them in terms of location, challenges and progress, they all have one goal in mind: to improve the quality of people's lives through infrastructure development.

*For the extended interviews covering funding and government support, please visit our **Magazine Archives** located under Publications on irwaonline.org.*



Ethel Navales is the Associate Editor of Right of Way Magazine.



CALIFORNIA

High-Speed Rail

To meet California's transportation needs in the 21st Century, the California High-Speed Rail Authority is working with partner agencies, corridor cities and stakeholders on the nation's first high-speed rail project. Once completed, it will improve the region's mobility and enhance the safety and efficiency of complimenting rail services. Don Grebe is the Deputy Directory of Real Property for the California High-Speed Rail Authority. In this role, he helps oversee all aspects of property acquisition and right of way, as well as relocating businesses and residences impacted by the rail project. He handles this monumental task with a staff of experienced right of way agents, real property reviewers, contract managers and over 200 project consultants working in the field.



Can you describe the rail project?

Don: In 2008, Californians approved a high-speed rail project that has become one of the largest infrastructure projects in the nation. Not only will it contribute to economic development and a cleaner environment, it will also create jobs and preserve agricultural and protected lands.

By connecting the mega-regions of the state, we're making it possible to take a train from Southern California to San Francisco in under three hours. The segment connecting the

Silicon Valley to the Central Valley will be the first operational segment, with service expected to begin in 2025. By 2029, Phase 1 of the system will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of over 200 miles per hour. The system will eventually extend to Sacramento and San Diego (Phase 2), totaling 800 miles with up to 24 stations.

What are the major benefits of this rail project?

Don: There are many important benefits. First is the increased mobility it offers by connecting the major

population centers of the state. Since California is home to some of the country's worst traffic congestion, rail offers a much-needed alternative to driving or flying. Of course, job growth is another major benefit. Already, the Central Valley region has seen an uptick in their economy since the project has started right of way and construction activities. And better air quality will follow as we reduce carbon emissions and provide clean, sustainable, electric energy using the latest technologies.

What are some of the challenges you have faced?

Don: The hybrid nature of the California High-Speed Rail Program's organizational structure has been one of them. With a small percentage of state staff, the vast majority comes from private sector consultants who work on all the project delivery activities. This combination, along with a steep learning curve and a very aggressive schedule, proved to be a challenge. We've addressed this by developing and establishing policies, which have helped to reduce the learning curve. We have also established regular status meetings to ensure communication is occurring regularly, reducing bottlenecks and developing strategies to mitigate schedule impacts when they occur.



Young Professionals of Sacramento showing support for the California High-Speed Rail.



By 2029, Phase 1 of the system will run from San Francisco to the Los Angeles basin in under three hours at speeds capable of over 200 miles per hour.

With many right of way consulting firms working on the project, there were various approaches to First Written Offers (FWOs). Some were not well received by property owners and generated complaints. In response, we developed an orientation session with a list of do's and don'ts to be implemented by all right of way firms across the board. What we learned was that, in order to reduce negative exposure, this kind of an orientation should have occurred prior to any of the offers being made.

How has the public reacted and what kind of community outreach is being done?

Don: Similar to many other major infrastructure programs in California and the U.S., the high-speed rail program has also been seen as somewhat controversial among certain political or special interest groups. Several lawsuits in recent years delayed the Authority's ability to begin acquiring property in the Central Valley. The courts ultimately ruled in our favor, and now communities that were once hesitant about high-speed rail are embracing it as the project creates jobs and opportunities for them.

We regularly host Community Open House meetings, working group meetings and other stakeholder engagement events to engage the public and help them better understand the project and its many benefits. Most of the meetings have "information stations" staffed by project delivery personnel, displays

with the alignment alternatives and stations where a property owner can input their address and see its proximity to the proposed alignment alternatives. Additionally, community organizations are offered the opportunity to request representatives from the Authority to speak at their events.

Can you describe your right of way process?

Don: High-speed rail follows essentially the same right of way processes as other public works projects: appraisal, acquisition and relocation. We manage excess properties as necessary with a view toward selling off the remainders. Our goal is to negotiate and settle amicably. Eminent domain is used only when necessary.

How has technology impacted your project?

Don: Our right of way database and document storage systems keep the

need for paper files to a minimum and add quick response times to user inquiries. We've also been able to utilize various digital renderings in demonstrating how the project will look in relation to remaining and/or adjacent properties.

How do you see this project shaping future rail projects?

Don: This is the largest public works project and the first truly high-speed rail project in the United States. We're blazing uncharted territory organizationally with a hybrid of public and private sector staff. And we're pushing the envelope in what our partner agencies have been used to doing. I believe that their involvement in this project will help the federal government one day establish a national high-speed rail network that it will oversee in coordination with other states to improve connectivity across the nation, following the example set by the California High-Speed Rail Program.



Realignment project in Fresno, California to make way for the high-speed rail line.

LONDON

The Elizabeth Line

London is on the brink of groundbreaking change with the completion of the Elizabeth line (formerly known as Crossrail), which is expected to carry more than half a million passengers every day. The £14.8 billion Crossrail program is currently Europe's biggest infrastructure project and is set to be fully operational in just a few years. Colin Smith, the Senior Director Head of Compulsory Purchase and Compensation for CBRE London, has dealt with many significant compensation claims since he began working on the project in 2009. In this interview, he teams up with Transport for London and the Crossrail Press Office to give us an in-depth look into this innovative railway project.



Can you describe the rail project?

Colin: Delivered by Crossrail Limited, the Elizabeth line is a new railway for London and the South East. It runs from Reading and Heathrow in the west, through 26 miles of new tunnels under central London to Shenfield and Abbey Wood in the east. Construction began in 2009 at Canary Wharf with tunneling finishing in 2015. The project is now 80 percent complete—and it is on time and on budget.

The service will be run by Transport for London (TfL) through central London from December 2018, when the new railway will be fully integrated with TfL's existing transport

network. There will be 40 Elizabeth line stations including 10 new stations at Paddington, Bond Street, Tottenham Court Road, Farringdon, Liverpool Street, Whitechapel, Canary Wharf, Custom House, Woolwich and Abbey Wood.

What are the major benefits of this rail project?

Colin: New state-of-the-art trains will carry an estimated 200 million passengers a year. The new service will reduce journey times, increase the capital's rail capacity by 10 percent and reduce crowding on the existing transport network. The railway will also help to drive regeneration across London and the South East, connecting

London's main commercial and financial districts and helping to support the delivery of an estimated 58,000 new homes across the route and three million square feet of office, retail and residential space above the new stations in central London. During the construction phase, the project is helping to create jobs and business opportunities across the UK. An estimated 55,000 jobs are being supported by the project.

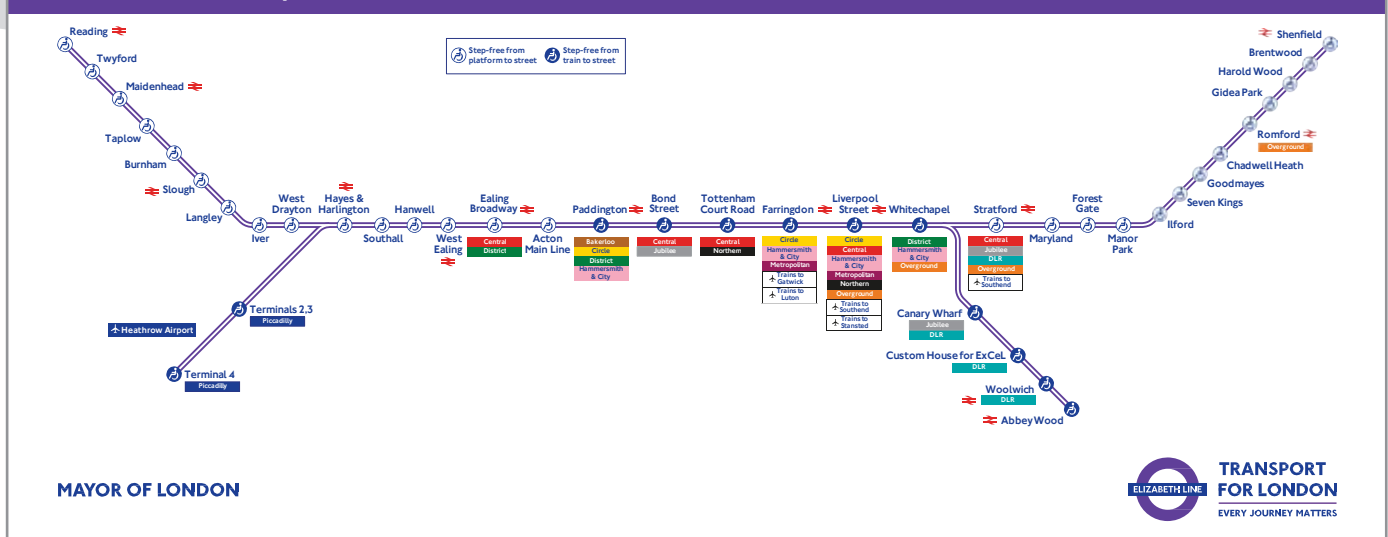
What are some of the challenges you have faced?

Colin: Building a new railway through one of the world's biggest cities is a significant engineering and logistical challenge. Excavating 26 miles of new tunnels required the use of 150-meter long custom-built tunnel boring machines weighing 1,000 tonnes. These machines had to construct the tunnels with utmost precision as they navigated their way beneath the streets of London, avoiding existing infrastructure below ground including sewers, the existing Underground train network and utilities. A huge amount of work was done before the tunneling began to make sure that we knew the location of everything that was already below the surface and the exact geology through which we would be tunneling.



Workers in the Western tunnels of the Elizabeth line.

Elizabeth line map



With 40 Elizabeth line stations, the new state-of-the-art trains will carry an estimated 200 million passengers a year, increasing the capital's rail capacity by 10 percent.

How has the public reacted and what kind of community outreach is being done?

Colin: There is large public support for the project in London as the new railway will deliver numerous transport benefits. A significant amount of work has been undertaken to make sure that local communities along the route are kept up to date about the work and how it will affect them. This includes notification letters, community drop-ins, liaison events and newsletters to communicate how work is progressing and how residents and businesses will benefit once the new railway is up and running. Beyond that, the more informal face-to-face contact is a vital part of the job.

Can you describe your right of way process?

Colin: The statutory powers to acquire land and rights are set out in the Crossrail Act of 2008, which applies the English compulsory purchase code—the collection of compensation legislation that had its roots in the original railway building boom in the 1840s.

The process involves notices being served on affected landowners and occupiers to undertake what we call compulsory purchase. Compensation is then

negotiated and if an agreement is not reached by the sixth anniversary, the statute of limitations requires referral to The Lands Tribunal for determination. Such referral can take place at any stage during the six-year period.

The vast majority of compensation claims are settled by negotiation. The Crossrail project passes through some of London's most valuable real estate including Mayfair in the West End. As a result, several compensation claims involving offices and retail property required payments in excess of \$50 million.

A notable difference with rail projects elsewhere in the world is that the UK is entirely reliant on compulsory purchase from the outset, there being no acquisition or commitment/agreement in advance of the statutory powers to acquire land and rights being obtained.

How has technology impacted your project?

Colin: Building Information Modelling (BIM) is the process of generating, building and managing data by using model-based technologies linked to a database of project information. BIM incorporates data—physical, environmental and commercial—on every element designed for Crossrail.

A BIM environment has never before been created on this scale for a European transportation infrastructure project. Crossrail is focusing its efforts in maximizing the opportunities BIM can bring not only in delivery of the railway, but also in driving forward design innovation within the construction industry. The key benefits include reduction of risks, improved safety, reduced errors from using a trusted “single source of truth” approach, improved collaboration through linked data sets and integrated 3D models, reduced information loss and improved project delivery.

How do you see this project shaping future rail projects?

Colin: Crossrail's Learning Legacy initiative was launched to share insight from the project with the wider UK infrastructure industry. Passing on the lessons and best practices that we have learned at Crossrail is an absolutely essential part of raising the bar in the delivery of major infrastructure projects. With an unprecedented number of infrastructure schemes around the corner, this will enable the UK to build on its reputation for delivering safely, on time and on budget.

AUSTRALIA

Inland Rail

Australia's freight task is set to experience significant growth over the next several decades. The current national infrastructure network cannot support this projected growth, with increasing pressure on already congested roads. Inland Rail will provide a high performance and direct interstate freight rail corridor between two of Australia's largest cities—Melbourne and Brisbane. By also connecting southeast Queensland more directly with Adelaide and Perth, Inland Rail will deliver immediate interoperability with the high performance east-west trans-continental line. Speaking on behalf of the project is Peter Dorrough, who was appointed Manager Property Services in 2014 and leads all property related activities associated with the Melbourne to Brisbane Inland Rail program.



Can you describe the rail project?

Peter: The Inland Rail, a 1,700 km (1,056 miles) rail line between Melbourne and Brisbane, will address the growing freight task by helping to move freight transport off the congested road network. It also aims to stimulate growth for interstate and regional/bulk rail freight, lower freight transport costs, improve road safety by easing congestion, free up train path capacity for other services and act as an enabler for regional economic development along the Inland Rail corridor.

Inland Rail is a priority infrastructure project for the Australian Government. With a projected budget of \$10 billion, the government is reaching out to the private sector to identify possible options and opportunities to fund the project. The Australian Rail Track Corporation (ARTC) has been tasked with preparing a 10-year delivery strategy for Inland Rail, of which it is three years into.

What are the major benefits of this rail project?

Peter: The Inland Rail is expected to increase Australia's GDP by \$16 billion and create up to 16,000 new jobs at the

peak of construction. It will not only improve connections within the national freight network, it will also provide better access to and from our regional markets by making it easier for freight to move from farms, mines and ports to national and overseas markets. We project a reduction in freight travel costs, along with better transit time, improved reliability and increased road safety. The project will improve sustainability and amenity for the community by reducing carbon emissions and road congestion, while increasing the capacity for passenger services. Inland Rail will also serve as a catalyst for complementary private sector investments, such as fleet upgrades, new metropolitan and regional terminals and integrated freight precincts.

What are some of the challenges you have faced?

Peter: Inland Rail will pass through three eastern Australian states: Victoria, New South Wales and Queensland. Each state jurisdiction has different planning, development and environmental legislation requirements that require approval and consent. As such, each state will require inter-governmental agreements to build and operate Inland Rail.



ARTC employees inspecting the Inland Rail.



At 1,700 km in length, the Inland Rail connects two of Australia's largest cities, Melbourne and Brisbane.

Additionally, the route faced some dynamic terrain challenges for the engineers. Some innovative solutions were needed to ensure safety. The study corridor needed to be refined from many thousands of possible options before the most appropriate "fit for purpose" route was identified.

How has the public reacted and what kind of community outreach is being done?

Peter: Our community engagement work is ongoing and critical to the success of the Inland Rail program. In order to actively engage with community members along the study areas, we are working with local Councils and state governments. Recently, ARTC opened an information center in Toowoomba, Southern Queensland. This serves as a central hub for people in the community to get information and give face-to-face feedback about Australia's largest infrastructure project. Positive and active community feedback has provided ARTC with the opportunity to explore other route options.

Can you describe your right of way process?

Peter: In Australia, acquiring a rail corridor is closely linked to its ultimate land tenure. The Inland Rail route

passes through the Australian states of Victoria, New South Wales and Queensland. The ARTC holds tenure over its existing rail network in several ways, including freehold ownership and leasehold. The model of land tenure proposed for Inland Rail is consistent with the arrangement that is a state owned/ARTC leased back tenure model.

In accordance with our constitution, consent of the relevant state government is required to construct and extend a railway. Our Constitution also requires that any land be acquired under "just terms," bringing into play the legal issue of fairness. In most instances, private land is acquired through direct negotiation with the landowner, with compensation assessed and negotiated by qualified appraisers. If there are substantial disagreements in the quantum of compensation, then this is resolved via a number of methods including negotiation, mediation or arbitration with court action as an ultimate result. Although ARTC is fully owned by the government, it does not hold power to compulsorily acquire land. If negotiations fail, ARTC can request the various state governments to commence the compulsory process.

Once acquired, the land becomes part of the leaseback arrangement. The states acquire title to the rail corridor, and ARTC obtains long-term tenure and control to develop, construct, operate and maintain the rail asset. With most projects, ARTC acquires whole properties, ultimately distributing the land as rail corridor, road reserves and surplus land.

How has technology impacted your project?

Peter: ARTC proposed to implement its own Advanced Train Management System for Inland Rail, which will provide significantly upgraded capabilities to the rail industry of Australia. The system will provide new digital network control centers, each capable of controlling all traffic on the ARTC national network. This replaces trackside signaling with in-locomotive displays of authorities to drivers. The system will show the precise location of trains both front and rear, provide a backup capability in the event of failure at one control center, and will enforce authorities on each locomotive if a train is at risk of exceeding its authority. It offers switch settings and automatic route clearances, as well information via voice and data to all locomotives via the Telstra 3G National Network. Overall, the system will dramatically improve rail network capacity, operational flexibility, train service availability, transit times, rail safety and system reliability.

How do you see this project shaping future rail projects?

Peter: Inland Rail is an investment in strategic infrastructure for the future, providing capacity to serve the east coast freight market for the next century. Inland Rail will be an important contributor to national productivity by reducing train operating costs and improving service standards. This vital piece of infrastructure will enable us to complete the National Freight Network, and for Australia, this represents a significant modal shift for freight—from road to rail. 🌟



THE FUTURE OF LAND REGISTRY

New blockchain technology offers a safe and secure solution to a global issue

BY GLENN WINFREE, SR/WA

In most developed countries, having access to a proper land registry system is an assumed fact of life. However, this is not the case for an estimated 80 percent of the world's population. This lack of a trusted and secure land registry impacts businesses, governments and the lives of billions of individuals—arguably contributing to a substandard quality of life. The most severely impacted are, in essence, deprived of even the most basic opportunities due to their

inability to prove property ownership, transfer title and secure loans as capital for business or investment needs.

What if a transparent, trusted and secure land registry were available to the majority of the world's population? Could something as seemingly mundane as having access to a proper land registry have a real and meaningful impact on people's quality of life everywhere?

There is a complex and multi-faceted solution that is both developing and evolving at the same time—one that offers the potential for significant change in all areas involving infrastructure land rights.

Absent or Lacking in Many Places

An example where there is a lack of a proper land registry is Honduras. Its land registry system has been described as a dusty, damp room in a basement that stores hardcopy ownership records without so much as a closeable door. Essentially, anyone could—and reportedly has—walked in and completely removed records or replaced existing ownership documents with new documents showing themselves as the “legal” owner of valuable beachfront property of their choosing. However, resolution of this current state of affairs is now underway using some of the world’s newest available technology.

Another example is Indonesia, where a pipeline project owner reported that they had paid multiple owners for the same right of way as a result of the lack of any system for land registry or written ownership records. Faced with the impossible task of validating property ownership, the project owner decided that, rather than delay the acquisition process, it was more efficient to simply acquire the same land rights from multiple people.

As problematic as these situations are for the companies involved, the lack of a proper registry is even more troublesome for people who live within those constraints.

According to research conducted by Hernando de Soto, a Peruvian economist and founder of one of the world’s leading think tanks, “Institute for Liberty and Democracy,” weak property rights are a fundamental underlying cause of third-world poverty. Essentially, people in these circumstances cannot develop land, borrow capital needed for life improving efforts, settle land disputes, or even use their property to assist in their own survival in extreme cases.

Fortunately, a promising solution to this current state of affairs is now underway using some of the world’s newest technology.

Opportunity on the Horizon

From a most unexpected source comes a tool for paradigm change. The global Bitcoin phenomenon that is currently underway involves a new type of money—one that is digital in nature and not tied to nor issued by any government. Its connection to the land registry arena is found in its technological registry known as “blockchain.”

In the most basic terms, blockchain is a database that can be accessed worldwide. One of the many aspects that make it unique is that, unlike current digital storage arrangements, all Bitcoin financial transactions reside simultaneously on many thousands of computer servers around the world. This technology behind Bitcoin is what offers such promising opportunities for current and future land registries worldwide. It involves an open ledger setup with options for side chain constructs, public access, private access and discretionary transparency. Every transaction

contains unique data, and upon execution, it forms its own immutable block of information with all of the transaction specifics included. These blocks of information form a chronologically sequential chain that cannot be altered by anyone after they are formed. This process results in a permanent, unalterable record that is transparent to all stakeholders, including the general public, if applicable.

Blockchain records for properties can not only capture valuation data and ownership changes, but easement and right of way records, title concerns and resolutions, permitting, remodeling records, fire or hurricane events, surveys and whatever else owners deem pertinent to include. And while this will become available to both developed and undeveloped countries, the relative benefits will be significantly greater for those in undeveloped areas. Once a country has trusted parcel ownership and boundary records, it can develop a tax revenue system that can be used to finance and build critical infrastructure that’s essential to improving the overall health and economic well-being of its citizens.

Over time, government agencies that manage existing land registries will also benefit from a reduction in registry related expenses. Beyond the efficiencies gained, the technology also offers improved data security and records that are indisputable, thereby minimizing the potential for fraud and property disputes.

Future Applications

There is an extensive range and scope of uses that are likely to become blockchain-based in the foreseeable future, and many industries are already moving in that direction. Here is a sampling:

BLOCKCHAIN TECHNOLOGY USES IN DEVELOPMENT

- **Financial:** 7 major European banks are launching a blockchain-based platform in 2017 for international trade deals.
- **Land registry:** Dubai plans to have a 100% blockchain-based document system by 2020.
- **Voting:** England is investigating the use of a blockchain-based voting system.
- **Business records:** Isle of Man is developing a blockchain records system for businesses.
- **Investment:** Nasdaq stock exchange is developing a blockchain-based system for processing their credit swap transactions (roughly \$12 trillion annually).
- **Oil industry:** Global Blockchain Business Council is working to bring the world's oil trade business onto a blockchain-based platform.
- **Land registry:** Sweden is conducting preliminary trials to eliminate centralized databases and move records to blockchain technology.
- **Music industry:** Models are being tested to collect royalties via blockchain technology.
- **Currency:** In addition to the established Bitcoin currency, central banks in the United States, China, England, Singapore, South Africa and others are investigating ways to issue their own versions of cyber-currencies based on blockchain technology.
- Other uses are also being developed by the **insurance industry, the global supply chain industry, major companies of the accounting profession, MasterCard, Google, Deutsche Bank, Charitable Foundations and identity theft prevention** companies.

Beyond the Technology

Like other paradigm changers, blockchain technology has much to offer, and as such, will likely be the subject of overreaching promises and hype in the years to come. And unfortunately, there are critical factors that this new technology will not be able to change, such as the political challenges and corruption in some countries around the world.

Developing the new system will also require that an originating chain of ownership and parcel information be established. In those areas that lack a pre-existing land registry, the most obvious challenge is establishing historical records of ownership and boundary data. While the information needed will vary according to locale, the first challenge will be to capture whatever parcel information is available. In areas with an existing land registry system, one challenging obstacle will be determining how to blend and transition to a new system while retaining the use and access to existing archives.

The Road Ahead


One of the most promising aspects of the technology is the impact it can have on people by unlocking their access to capital and wealth that is currently tied up in unregistered land and completely inaccessible. Those are the very circumstances that put people at risk from corrupt politicians and governments, something that could be reduced and eventually eliminated as citizens become empowered by the

opportunities offered by a proper land registry.

The road ahead for this new paradigm changer will no doubt be long and filled with both challenges and opportunities. And while resistance to change is certain to be one of many obstacles, the possibilities for land registry opportunities hold promise, not only from a process standpoint but also from the perspective of the billions of people who will benefit from a proper system of trusted and secure ownership records. So despite the challenges ahead, the potential offered by this invaluable opportunity will contribute greatly to improving the lives of many. ✪



Glenn Winfree, SR/WA is a Land Agent with Duke Energy with over 30 years of real estate experience. He is currently Vice Chair of IRWA's International Relations Group, actively involved in forming new Chapters outside North America. He is also the former Chair of the International Electric & Utilities Committee and an active member of the Carolinas Chapter 31.



WORKING AGAINST THE ODDS

When a business proprietor sabotages the relocation process

BY ANDREW WINKELMANN

My company, DFW Advisors, Ltd., was granted a contract for right of way acquisition services from the Texas Department of Transportation (TxDOT). Through the contract, we had the responsibility of handling the acquisition and relocation of multiple parcels of land for TxDOT projects in the Arlington, Texas area, home of Jerry Jones' Dallas Cowboys, the Texas Rangers and Six Flags over Texas amusement park.

One of TxDOT's large priority projects was the construction of a flyover interchange at IH 30 and S.H. 360 near Six Flags. The original interchange layout is a large loop-around design that was built to accommodate toll booths and a previous turnpike office on the infield of the loop. TxDOT already

owned much of the land needed for a new interchange configuration, but as is usually the case, some additional land was necessary to facilitate the highway additions. Relocations would be inevitable.

Impact on Businesses

The construction schematics hit typical businesses like McDonald's, as well as two gas stations. It also took some frontage and parking from an auto repair shop and a used car dealership. To avoid a small cemetery located off the current service road, TxDOT design engineers strategically designed around it. Unfortunately, a local motel would become one of the most drastically affected businesses.

The new flyover would impact America's Best Inn, a 104-unit exterior corridor motel, as well as the southernmost building of the complex that contained 32 units. This was a key parcel for the project.

During our initial walk through with the appraiser, neither the landowner nor proprietor was present. However, their representative accompanied us and informed us that the motel had few, if any, residents that would be classified as long-term or permanent in the eyes of the Uniform Relocation Act (URA) or TxDOT's Relocation Manual. Being somewhat optimistic and trusting, we took the representative's word on that statement. After all, this was a *motel*, not an apartment complex.

The initial offer letter went out, along with our relocation package that included a 90-Day letter and TxDOT Relocation Handbook. I contacted the proprietor and discussed the relocation and benefits she could be eligible to receive. I inquired into possible permanent residents and was again assured that there were no people staying at the motel that met those residential standards. I then requested a copy of her rent roll or list of occupied rooms and was told that this was not an apartment complex, so they didn't keep such records. At this point, we probably should have been a bit more skeptical, but we were also deep into the acquisition phase and worried that if we pushed too hard, it might upset our landowner and make acquiring the property more difficult.

Regardless of our efforts, the landowner/proprietor turned out to be totally uncooperative at every turn. Not only that, she openly worked against us every step of the way. We were several months into the relocation process and still unable to get a list of occupants from the proprietor. The only logical step was to visually survey the complex to see if there were any outward signs of long-term occupancy. On our initial site visit, the representative only showed us the front of the motel, so we decided to venture toward the back. We were

surprised to find hibachi and barbeque grills, extensive potted plants outside some entry doors, children's toys and a bike chained to the outer railing. Since this was the area that the proposed right of way would bisect, this was not what we had anticipated.

Digging Further

Over the course of the next two months, I visited the site at varying times and began knocking on doors, much like a salesman. Of course, I received the same kind of warm welcome that other solicitors get. I would see a hand pull back the curtain so the resident could quickly glance outside. As one might expect, the door rarely opened.

During the course of these site visits, we were asked to leave several times by the proprietor who claimed we were harassing her guests and trespassing. When we weren't there, she was busy spreading rumors and lies about the nature of our visits. In some versions, she said we were con men trying to steal all of the residents' possessions. In others, we were working for a competing local motel attempting to steal away guests. As our adventures on this parcel continued, the owner spun even more fantastical tales.

Over time and through perseverance, we finally won over two or three residents who then began countering the proprietor's rhetoric. One was particularly excited to move out of the motel and worked diligently with us. Once they had the financial supplement in hand, they moved out quite expeditiously. Their testimonial about our true intentions, the ease of the move and the amount of financial assistance spread like wildfire. Doors began flying open upon hearing our knock. Soon I began receiving calls from people I had never met or seen on the property saying they were residents. We suddenly found ourselves sifting through a few dozen applicants to determine their eligibility as a permanent resident on the property.

Working with TxDOT, we set a hard date of occupancy of one day prior to TxDOT taking possession of the property. To formalize this, we made a deposit with the court, which is what grants the condemnor the right of possession of the parcel in Texas. With this date set and the promise of compensation, we held exceedingly amiable introductions and conversations, as we sought out any and all remaining displacees. At the end of our months long quest, we submitted packages on 24 residential displacees.



Despite the proprietor's insistence that there were no long-term residents at the motel, the toys, bikes, grills and other possessions indicated otherwise.

“

...she said we were con men trying to steal all of the residents' possessions.”

Overcoming the Obstacles

This project proved to be a challenging multi-tenant relocation under the URA. It covered a range of occupants, some who had lived in the motel since the 1990s, and others who had moved in just before the cutoff date to be considered permanent residents and eligible for financial assistance under the URA. Several of the displaced residents had disabilities that needed to be taken into account when finding a suitable replacement dwelling. One of the residents only spoke Khmer, which is the national language of Cambodia. We were fortunate to find someone on site that could translate for us.

There were also hardships to be considered. Five of the units were occupied by tenants who did not have the economic means to pay for a Decent Sanitary and Safe replacement dwelling without immediate payment of their supplement. To deal with this particular hurdle, we worked closely with the TxDOT Fort Worth District Office and the State of Texas Comptroller in Austin to accurately document and confirm that the property was indeed vacated prior to handing over the supplement checks.

We approached this quandary in a unique way by using a Direct Payment to Vendor made out to the replacement dwelling's landlord for one week's rent, as well as the remainder of the resident's supplement check. Both of these checks would arrive at our office

simultaneously, and a relocation agent would take the residents to their new hotel and check them in. Thankfully, we were able to find a nearby hotel that was willing to take a third party check. During the next week, a relocation agent would inspect the property and verify that the tenant had indeed vacated, at which point the remaining check was delivered. Once we had this procedure in place, we quickly vacated the remaining hardship tenants.

Valuable Lessons Learned

The most difficult relocation on the property was an elderly tenant who moved into a retirement home that we had thoroughly vetted. He was excited about the new place, as compared to the older hotel room that he had occupied for a decade. The tenant gave me a rent receipt that was exceedingly lower than the rest of the tenants. It was later explained to me that this was due to a 10-year anniversary discount of staying at the hotel!

About two weeks after the tenant had vacated, I received a call from one of his friends who was clearly distressed. Something had come up in the tenant's background check that had slipped through the cracks prior to his moving. Now, the retirement home was evicting him, and he had nowhere to go. Our relocation agents feverishly searched for a replacement dwelling in Arlington that would accept certain blemishes on one's record. As luck (or fate) would have it, we were able to find a place the following day. The

tenant was appreciative but was also quite embarrassed over the event. After that, we learned that a difficult question should be asked in the interview process as to whether the displaced person has any record that might keep them from otherwise qualifying to move into a replacement dwelling.

In the end, we succeeded in relocating all affected parties. This was only possible because of the trust we built with the displaced residents. Through ongoing interaction and complete transparency throughout the entire process, we were able to gain their confidence.

Relocation can be a complex and intimidating process for many displacees. In some cases, it can seem too good to be true, while it may feel scary or distressing to others. Agents have to convince total strangers to move from their homes with the promise of assistance once they have done so. This can be a tall order, and as we experienced on this project, outside forces can break the trust we work so hard to build. As relocation agents, by maintaining our professionalism in the face of such obstacles, we can become a beacon of hope in an otherwise difficult experience. 📍



Andrew Winkelmann is the Vice President and Relocation Manager for DFW Advisors, Ltd., a real estate brokerage firm in Dallas, Texas. He is a member of the Texas Bar and previously practiced law with Koons Real Estate Law. He is also a member of IRWA North Texas Chapter 36.



FLOODPLAINS:

Considerations for Real Estate Appraisal

BY JAMES COYLE, P.E.

Appraisal assignments involve analyzing a variety of physical conditions, as well as environmental constraints such as topography, wetlands and floodplains. Given the various regulatory implications, understanding the physical limits of a particular constraint is essential. This article is intended as an overview of how floodplains are defined and regulated and offers some guidance when they are encountered in appraisal assignments.

Properties within floodplain boundaries are generally quite restricted with regard to land use and allowable development projects. Filling, grading and building construction are regulated by local, state and federal agencies, and the associated permitting process can be complex and costly. Floodplain considerations related to appraisals may include analysis of useable development site area, zoning restrictions affecting highest and best use determination, and costs associated with floodplain regulation compliance.

National Flood Insurance Program

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a federal program within the Federal Emergency Management Agency (FEMA), itself an agency within the Department of Homeland Security. It enables property owners in participating communities to purchase insurance as protection against flood losses in exchange for state and community floodplain management regulations that aim to reduce future flood damages. Participation in the NFIP is based on an agreement between the community and the federal government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the federal government will make flood insurance available to residents. This provides an insurance alternative to disaster assistance and reduces the escalating costs of repairing damage to buildings and their contents.

From a federal standpoint, the “floodplain” is the land area covered by the floodwaters of the base flood, and is the Special Flood Hazard Area (SFHA) on NFIP maps—often referred to as Federal Insurance Rate Maps or FIRMs. The SFHA is the area where the NFIP’s floodplain management regulations must be enforced and where the mandatory purchase of flood insurance applies. Federal law mandates that federally regulated, supervised, or insured financial institutions and federal agency lenders require flood insurance for buildings located in a participating NFIP community and in an SFHA. Effectively, all properties within an SFHA must have flood insurance as a condition of mortgage approval. In addition, some financial institutions may require flood insurance for properties outside the SFHA as part of their own risk management process.

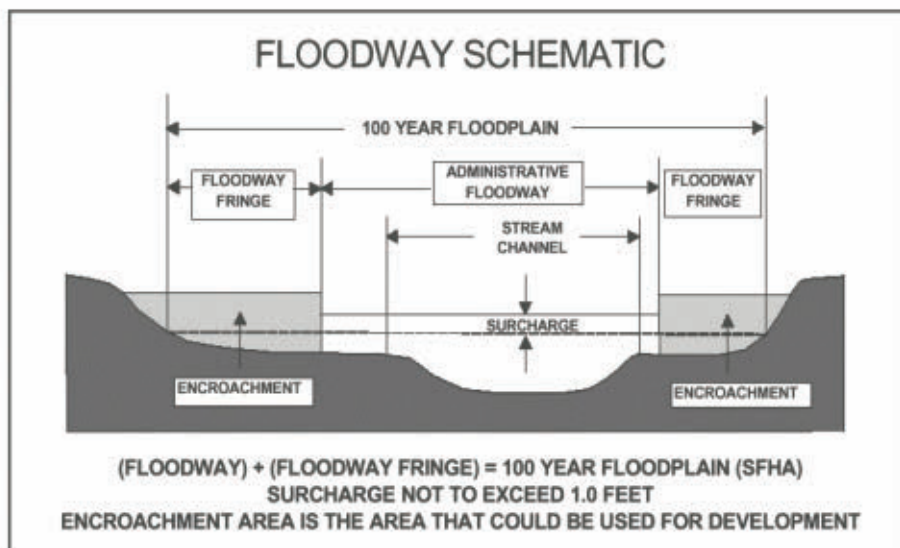
Flood insurance through the NFIP program is sold by nearly 100 private sector agencies and is underwritten by the federal government with premiums set nationally based on

standardized underwriting practices. Properties outside the SFHA are also eligible to purchase the same policies, assuming the subject community is part of the NFIP and has adopted the federal floodplain management development, building and enforcement regulations. Property owners outside the mapped high-risk flood areas file more than 20 percent of all NFIP flood insurance claims and receive roughly one-third of federal disaster assistance related to flooding.

Floodplain and Floodway Overview

FEMA contracts with private-sector civil engineering firms to study watershed hydrology (stream flows based on rainfall and land use) and hydraulic characteristics (channel width, shape, depth, surface cover) in order to develop computer models that illustrate the peak flood elevation in a stream for a given storm (most commonly the 100-year or 1% chance) through a study corridor. These engineering studies result in publically available FIRM maps as well as computer models and data reports that can be refined and edited as conditions change or more information is obtained for the study corridor.

The base flood as adopted by the NFIP is that which has a 1% probability of occurring in any given calendar year, and the associated elevation of the water surface is known as the base flood elevation (BFE). Since this kind of flood has a probability of occurring once every 100 years, it is often referred to as a 100-year flood. However, this reference often leads to an incorrect belief that a flood of this magnitude is very rare and repeat events are not likely within a few years. Yet, over the life of a typical 30-year mortgage,



there is a 26% chance of a flood event equal to or greater than the 100-year flood occurring.

The detail on any given map is driven by the extensiveness of the study associated with its development. Many low-density rural areas with little change in watershed characteristics might have old maps that were developed with less sophisticated techniques. Conversely, highly developed areas may warrant more frequent and refined analyses, and those maps will show more details such as flood elevations and additional zoning information. Shading may be used to indicate any number of scenarios such as future conditions 1% annual flood or minimal 100-year flood depth or a small drainage area. The Zone X areas are considered low to moderate risk areas. They are not considered SFHA area and therefore not subject to mandatory NFIP guidelines.

SFHA zones without elevations like Zone A were determined by approximate methods. Detailed engineering analysis would be needed when dealing with regulations that require a base-flood elevation (BFE) determination. In some mapped corridors the elevation of the water surface has been determined. For example, the “E” in Zone AE refers to a SFHA zone that includes water surface elevations. Although these may not be shown on maps, they would be included in the accompanying engineering study. Some maps show elevation contours of the water surface as wavy lines perpendicular to the flow direction. Another feature shown on FIRM maps is the regulatory floodway, or simply the floodway. Not all rivers and streams have this feature mapped, but they are typically included in developed areas. The floodway can be thought of as the channel within the 100-year floodplain that can convey the 100-year flood with a water surface rise of 1-foot. A simplified

way to think of this is as the channel that would be defined if vertical walls were constructed at the edges of the 100-year floodplain and then pushed together to cause a rise in the BFE. The channel width and shape that results in a 1-foot rise is, by definition, the floodway. It should be noted that this definition is the minimum federal definition, and states and local communities may adopt a more strict definition for regulatory purposes. A lower water rise would result in a wider channel, thus covering more area to be regulated with stricter development standards. The area of the floodplain outside the floodway is called the floodway fringe.

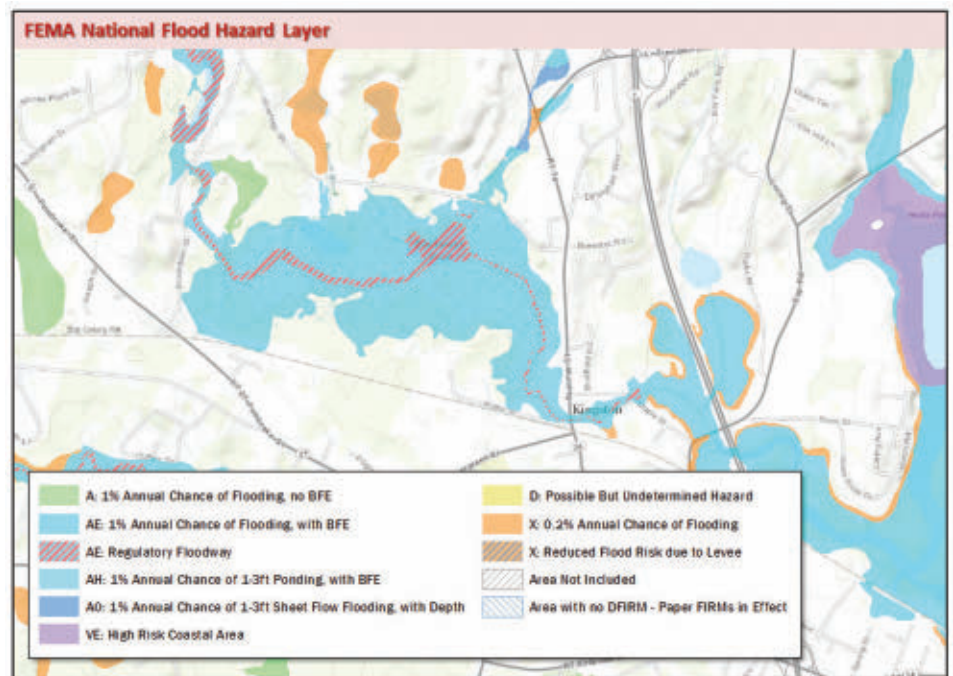
Flood Maps

There are multiple sources for flood maps or FIRMs. A good place to start is the FEMA Flood Map Service Center, where maps can be searched by location. Information provided includes the map panel number, effective date and letters

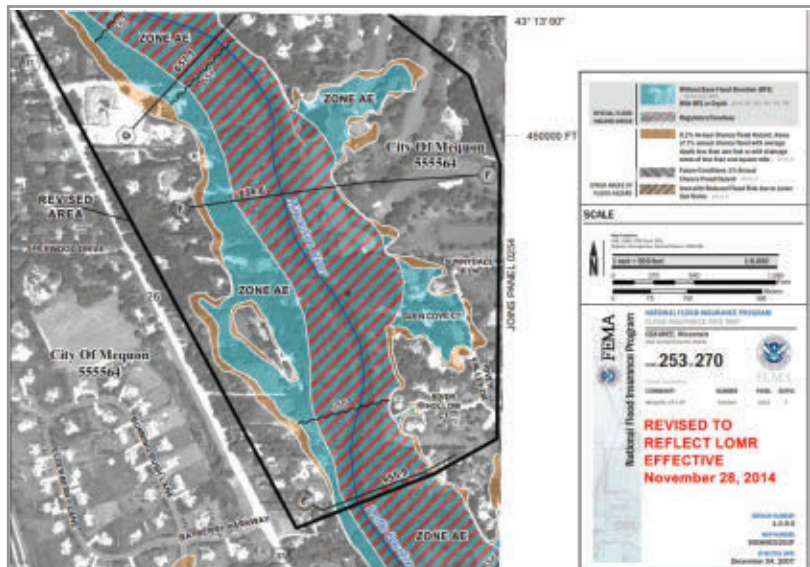
of map changes, if any. Maps can be viewed and downloaded as an image file, and a FIRMette can be created. The interactive map feature enables panning and zooming of the floodplain/floodway. The Letters of Map Change are also identified at the subject location, making it easy to select and view the associated data.

Letters of Map Change

Published FIRM maps are the starting point when evaluating the floodplain impact on a property. However, there are a few ways in which the property may be removed from the SFHA. In other words, the published map may show the property partially or fully shaded, but an official FEMA determination has been issued that effectively removes all or part of the property from the SFHA. There are generally three types of map changes that are implemented via a FEMA letter of determination, and these are known as Letters of Map Change (LOMC).



FEMA maps indicate flood hazard areas and federal law mandates flood insurance for buildings located in certain flood hazard zones.



The Letters of Map Change Revision (LOMR) can reflect changes to the floodplains, BFEs or regulatory floodways depicted on the FIRM.

Letter of Map Amendment (LOMA):

This type of removal determination generally occurs when a property has natural high ground and the lot and/or structure is at a higher elevation than what is shown on the flood map. This is generally the result of remote mapping and modeling techniques at a scale that fails to accurately pick up localized elevations. The process involves a licensed professional engineer, architect or surveyor submitting an elevation certificate to FEMA showing that, in the case of a structure, the grade adjacent to the lowest floor (including basement) is above the BFE, or in the case of a lot, that the lowest lot grade is above the BFE. As noted, these letters can be found and reviewed through the FEMA map portal or interactive map feature.

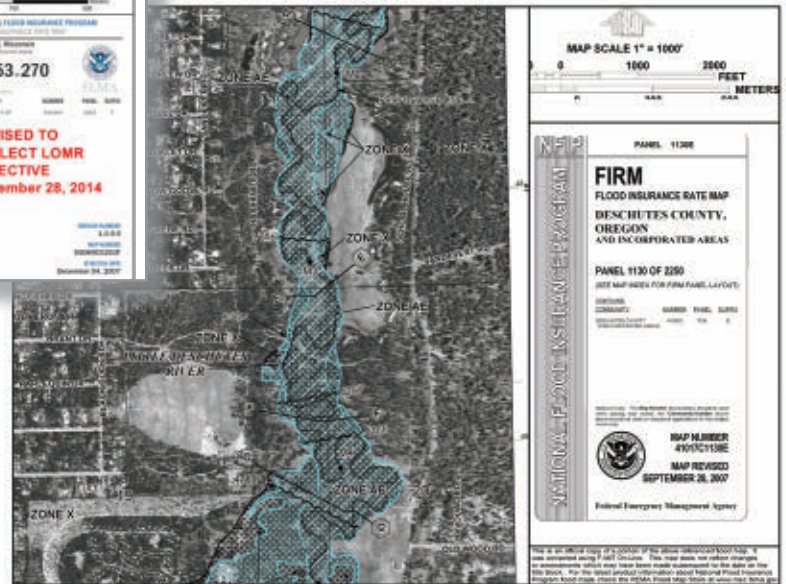
Letter of Map Revision Based on Fill (LOMR-F):

This type of removal determination generally happens when a property has been raised with artificial fill after the publication effective date of the relevant FIRM map. The process is similar to a LOMA, but an authorized community official must also sign off on the application to FEMA acknowledging that the fill activity was properly permitted at the community level in accordance with its floodplain management guidelines. This category of map change has an applicable example for those of us performing appraisal analysis. In this case, a vacant site located within the SFHA was developed in 2015 for potential

big box retail. A LOMR-F was granted in 2013 effectively removing large portions of the site from the floodplain. Without identification, review and understanding of this LOMR-F, analysis within an appraisal assignment of this site as a subject or a land sale comp would likely be flawed, as the site would have been noted as being highly impacted by floodplain and therefore restricted in its development potential.

Letter of Map Revision (LOMR):

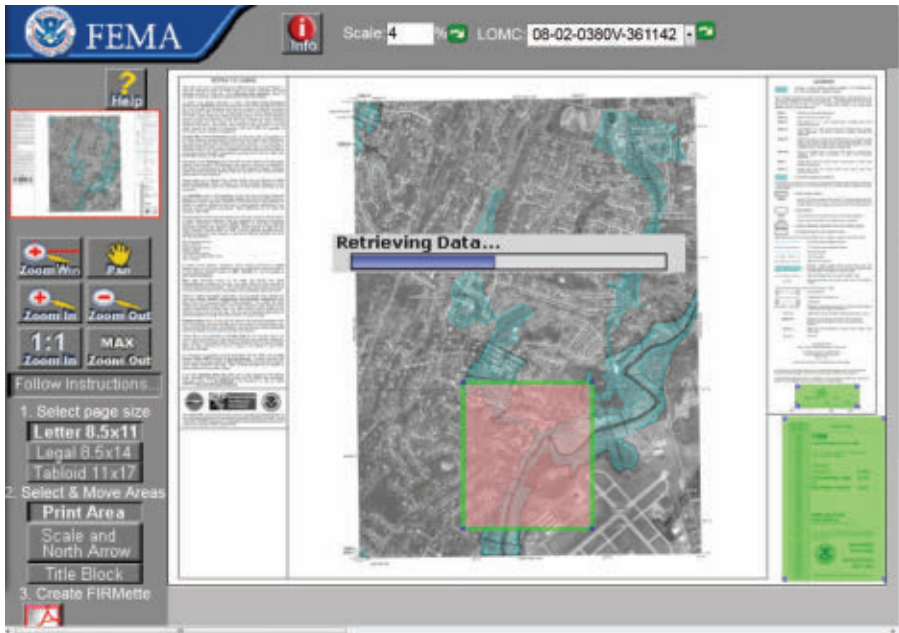
This is the most involved type of removal determination, requiring analysis and model submittal by a registered professional engineer. It is generally used as an official revision to a FIRM that can reflect changes to the floodplains, BFEs or regulatory floodways depicted on a community's FIRM. LOMRs most frequently reflect topographic changes and/or construction projects. An authorized community official is the applicant because of the greater



Flood insurance rate maps (FIRM) are the starting point when evaluating the floodplain impact on a property.

community-wide impact associated with these types of map changes. Base flood elevations may go up or down depending on the nature of the project. LOMRs are a bit more complicated than the preceding two removal processes because a portion of the map is actually being redrawn to reflect the changes submitted with the application. The FIRM is not fully updated and reissued, but rather the details of the changed area are published in the LOMR document, and the underlying engineering study is updated.

In one example, a property owner had a rear portion of his property in the mapped floodway and wanted to build an improvement. An engineering study was performed and a new floodway boundary was approved in the subject area. This resulted in a portion of two FIRM panels being changed via the LOMR, but again, the published FIRM maps would not show the update. The LOMR



FEMA maps can be viewed by location, and interactive options show areas where Letters of Map Changes have been filed, making data easy to retrieve.

documentation is only available in the FEMA Map Portal.

Floodplain Regulations

Communities that participate in the NFIP and are eligible for the federally-underwritten insurance must, as a condition of eligibility, adopt floodplain management ordinances and associated development guidelines that meet the minimum FEMA standard. These ordinances typically involve special floodplain zoning or overlay districts that limit the permitted uses to those minimally impacted by flooding, such as agricultural, recreational and parking lots. When structures are allowed, building standards within floodplain districts generally require lowest floor elevations and the adjacent grade at or above the BFE (known as freeboard), and may further require

anchoring and flood water openings to relieve hydrostatic pressure on walls. Non-residential structures can be flood-proofed below the BFE, but a certificate prepared by a registered engineer is required. Depending on the proposed project, detailed engineering analyses may be required to demonstrate regulatory compliance and to show extent of flood elevation change in the greater community.

Unlike the floodplain fringe, which can be developed in conformance with community and FEMA guidelines, the floodway can effectively be thought of as a no-build area. Any proposed development would have to meet a no-rise in flood elevations threshold as demonstrated by a detailed engineering analysis and the project would have to undergo an alternatives analysis demonstrating absolute need to development in the floodway.

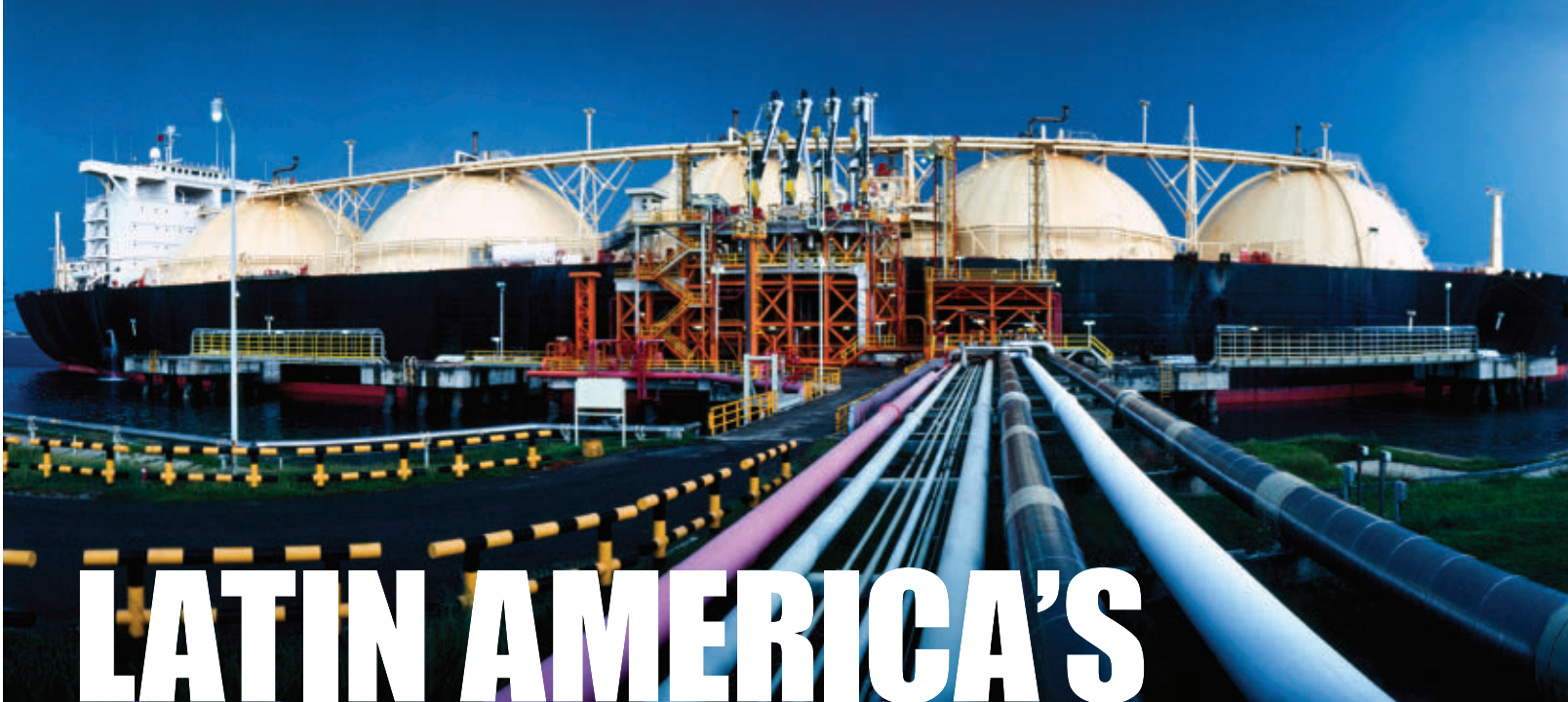
In Summary

Appraisal assignment work scopes should include a thorough search and understanding of floodplain impacts on a subject or a comparable sale property. Top-level sources of FIRMs do not show all official rulings associated with properties covered by the map. Property owners and community officials submit request-of-change documents that are official changes to the published FIRM maps. Fortunately, these Letters of Map Change are available online from the federal government, often accompanied by a fair amount of detailed data so that one can confidently interpret the implications of the map change.

Upon identifying the appropriate level of floodplain impact, one should thoroughly review and understand the zoning, development and construction standards that the community has adopted in its floodplain management ordinance so that appropriate implications can be incorporated into the appraisal assignment. ★



James Coyle, P.E. is an Analyst for Duff & Phelps, Real Estate Advisory Group. He is a registered professional engineer in Wisconsin and has expertise in civil engineering with an emphasis on land development projects.



LATIN AMERICA'S GROWING ENERGY DEMAND

Delegates from 15 countries engage in policy and strategies for the future

BY JESÚS RODRÍGUEZ DÁVALOS

For Latin America, hastening the pace of power development and anticipating the trends for the region's energy future are top priorities. In March, more than 200 industry stakeholders from 15 countries gathered in Washington DC to address trends and opportunities for power development in national and regional markets.

The "Growing Economies: Latin America Energy Forum," focused on policy and strategy to engage investors, regional energy providers, renewable and gas-to-power development, distributed generation, new energy technologies and financing solutions. Launched with the official support of three Latin America Energy Ministries—Peru, Mexico and Guatemala—the Forum was attended by delegates representing the Americas, Europe and Asia and included a diverse range of energy representatives, regulators, utility providers, developers, technology companies, financiers and other industry stakeholders.

Opportunities in Natural Gas

I was part of a panel session that addressed the vast natural gas production in the United States and the different opportunities this brings to Latin American countries, many of which are focusing on gas imports to generate power. The creation of new plants—along with the conversion of existing ones to enable them to use natural gas as fuel—open a new market opportunity for countries where it has not been utilized, as well as countries looking to capitalize on the market using gas imports from the U.S.

A Panel of Experts

Representing the Energy Information Administration, Kathy Dyl addressed the way in which gas abundant countries are looking to capitalize on the gas-for-power opportunity in regional markets. Focusing on the oil and gas ratio, she explained that while the liquified natural gas (LNG) price was historically indexed to oil, this has

changed in recent years as gas prices become more relevant. Therefore, the projection of LNG exports could double due to the high oil prices. The balance between the countries that are able to sell and those which need to retreat from regional trade is highly variable, and prices play a major role. One example was when prices were low in Asia, gas ended up in South America. The U.S. has turned to short-term markets and short-term contracts, domestic production and pipelines for natural gas are in a growth stage.

Paul Roberti, Executive Director of Advisory Services at EY Mexico, emphasized the importance Mexico's relationship with the U.S., highlighting the business opportunity for U.S. shale gas to supply the demand in Central and South America. The Mexican government is focused on increasing electricity production from natural gas to ensure the national power supply. Mexico's Ministry of Energy outlined projects underway, stating that the LNG market could be substantially



Representatives from 15 countries came together to address policy and strategy, with many participating on panels like this one on natural gas opportunities.

larger by 2024. By 2019, ten projects currently under construction will be mostly completed, doubling the transport capacity and allowing gas from the U.S. to play a dominant role in the short and midterm. New elements introduced in the legal framework through the recent Energy Reform—such as open nominations, capacity release or open access, transparency and electronic bulletins—are working to encourage investments.

Demand for New Infrastructure

Jorge Rivas, Senior Underwriter of Multilateral Investment Guarantee Agency and a member of the World Bank Group, discussed how middle-income countries with larger economies and more adequate infrastructure may find natural gas to be a good fit. This may not be applicable for smaller economies, mainly because gas projections can vary tremendously, and this may pose a risk that a small economy may be unable to absorb.



Because of geographical benefits, Latin America is ideal for exports from the U.S. However, there are many challenges to address, some of which include the need to develop infrastructure like regasification terminals and pipeline networks. Smaller economies present further challenges because they lack, in addition to the infrastructure, the domestic consumption or demand of LNG. Legal framework, political stability, a substantial amount of infrastructure investment and a relative predictable market are critical in LNG projects. Sometimes renewables may be the answer when countries lack the infrastructure needed to accept LNG.

The Peruvian Minister of Energy, Gonzalo Francisco Alberto Tamayo Flores, gave a detailed account of the Camisea Gas pipeline in Peru and the technological advances that had transformed the country's natural gas industry. The landscape has changed from a scenario of uncertainty to one of success, all within ten years. However, the supply is currently unable to meet demand, in large part due to lack adequate transportation infrastructure.

Luis Reyes from CN Energía in El Salvador outlined the country's decision to diversify its energy mix and sources. Since power generation is naturally subject to price hikes because of its dependence on fuel oil and diesel, the country recognized that having natural gas would foster new industries. To diversify the energy matrix, it opened bids where fuel oil and diesel were not previously considered. Now they are working to use natural gas in other industries apart from the power generation. A floating storage

with a regasification offshore facility that connects a pipeline to a power generation plant was one example of the many options they have sought.

Many Central American countries are in a regional electric market that facilitates the exchange of power. They are aiming to integrate regionally with Mexico. Guatemala is already linked to a lesser extent with a bilateral connection to Mexico but there is the project to integrate regionally. To date, none of the Central American countries use natural gas as a fuel source. However, there are many opportunities that go beyond power generation and offer strong potential for growth.

The Long-Term Picture

With an increased interest in gas assets, we have an important diversification opportunity for expanding Latin America's energy mix. The International Energy Agency estimates that natural gas fired generation in Central and South America will increase by an average of 2.2 percent annually. It is expected that natural gas will become a larger percentage of total electricity generation, rising to 29 percent in 2035.

As we see a revolution in Latin America's energy industry, there will an increasing need to adapt our infrastructure to accommodate the growth in this sector. Rapid progress in renewables will require new systems integration, and the region is prepared for the upcoming challenge. ✪



Jesús Rodríguez Dávalos is the Founding Partner of the legal consulting firm, Rodríguez Dávalos Abogados, and specializes in Mexico's energy sector. He is Chairman of the Mexican Rights of Way Association, a Board Member and Secretary to the Mexican Natural Gas Association, legal advisor to the World Energy Council, Chapter Mexico, and founding member of the Mexican Energy Law Academy.

BASIC RIGHT OF WAY DISCIPLINES

100, 100C	Principles of Land Acquisition	4 days
100i*	Principles of Land Acquisition-International	online
103*	Ethics and the Right of Way Profession	1 day
104*	Standards of Practice for the Right of Way Professional	1 day
105*	The Uniform Act Executive Summary	1 day

COMMUNICATION/NEGOTIATIONS

200*	Principles of Real Estate Negotiation	2 days
201	Communication in Real Estate Acquisition	3 days
203*	Alternative Dispute Resolution	2 days
205*	Bargaining Negotiations	2 days
207	Practical Negotiations for U.S. Federal & Federally Assisted Projects	2 days
209	Negotiating Effectively with a Diverse Clientele	2 days
213*	Conflict Management	1 day
215	ROW Acquisition for Pipeline Projects	2 days
218	ROW Acquisition for Electrical Transmission Projects	2 days
219	Introduction to Presentation, Instruction and Facilitation	2 days
225	Social Ecology: Listening to Community	1 day

MANAGEMENT

303*	Managing the Consultant Process	2 days
304*	When Public Agencies Collide	1 day

APPRAISAL

400*, 400C	Principles of Real Estate Appraisal	2 days
402*	Introduction to the Income Capitalization Approach	1 day
403*	Easement Valuation	1 day
406A	15-Hour National USPAP Course Uniform Standards of Professional Appraisal Practice	2 days
406B	7-Hour National USPAP Course Uniform Standards of Professional Appraisal Practice	1 day
409	Integrating Appraisal Standards	1 day
410	Reviewing Appraisals in Eminent Domain	1 day
411*	Appraisal Concepts for the Negotiator	online
417	The Valuation of Environmentally Contaminated Real Estate	2 days
421, 421C	The Valuation of Partial Acquisitions	4 days
431	Problems in the Valuation of Partial Acquisitions	1 day

RELOCATION ASSISTANCE

501	Residential Relocation Assistance	2 days
502	Non-Residential Relocation Assistance	2 days
503*	Mobile Home Relocation	1 day
504	Computing Replacement Housing Payments	2 days
505	Advanced Residential Relocation Assistance	1 day
506	Advanced Business Relocation Assistance	2 days
507*	Specialized Nonresidential Payments	online
520*	Special Topics in Replacement Housing	online
521*	Nonresidential Fixed Payments	online

ENVIRONMENT

600*, 600C	Environmental Awareness	1 day
603, 603C	Understanding Environmental Contamination in Real Estate	1 day
604	Environmental Due Diligence and Liability	1 day
606*, 606C*	Project Development and the Environmental Process	1 day

PROPERTY/ASSET MANAGEMENT

700*	Introduction to Property Management	2 days
701	Property/Asset Management: Leasing	2 days
703	Real Property/Asset Management	1 day

REAL ESTATE LAW

800*, 800C	Principles of Real Estate Law	2 days
801*	United States Land Titles	2 days
801C	Canadian Land Titles	2 days
802*, 802C	Legal Aspects of Easements	1 day
803	Eminent Domain Law Basics for Right of Way Professionals	2 days
803C	Expropriation Law Basics for Right of Way Professionals	2 days
804	Skills of Expert Testimony	1 day

ENGINEERING

900*, 900C	Principles of Real Estate Engineering	2 days
901	Engineering Plan Development and Application	1 day
902	Property Descriptions	1 day
903*	IKT/IRWA Underground Infrastructure Panorama	online

SR/WA REVIEW STUDY SESSION

SR/WA	SR/WA Review Study Session	3 days
SR/WAC	SR/WA Review Study Session (Canadian)	3 days

* Asterisked courses are available online.

APPRAISED RIGHT AND RIGHT AWAY

- APPRAISALS
- MARKET STUDIES
- LITIGATION SUPPORT
- IMPACT STUDIES
- APPRAISAL REVIEW
- APPRAISAL MANAGEMENT

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IRWA'S 63RD ANNUAL INTERNATIONAL EDUCATION CONFERENCE

June 11-14, 2017

Anchorage, Alaska

Become a force for change in your organization by bringing back specialized knowledge that you can't get anywhere else. Professionals who attend IRWA's Annual International Education Conference gain invaluable insight into the latest industry trends, giving them the edge they need over their competition.

IRWA's conference participants make up a unique body of knowledge. With over 1,000 experienced right of way professionals gathering in one place and sharing industry practices, you and your organization can't afford to miss this event.

Take some time pre or post conference to enjoy all that Alaska has to offer! Tour options are listed on IRWA's conference website and can be booked directly with the tour provider.

Get Connected. Stay Connected.



Sunday, JUNE 11

- International Committee & CoP Meetings
- Exhibit Hall Open
- Opening Ceremony and Keynote Speaker
- Region Caucuses
- Networking Welcome Reception

Monday, JUNE 12

- Morning Plenary Speaker
- Full Day of Educational Sessions
- Exhibit Hall Open
- Awards Luncheon

Tuesday, JUNE 13

- SR/WA Recognition Breakfast and Speaker
- Full Day of Educational Sessions
- Foundations Golf Tournament
- Sponsored Receptions

Wednesday, JUNE 14

- Half-Day of Educational Sessions
- Board of Directors Meeting
- Installation Banquet Reception
- Installation Banquet and Dance

For a full schedule of events and listing of sessions, visit: www.irwaanchorage2017.org

Breakout Sessions



Monday, June 12

Farm Relocations - FAQs	10:00 am - 11:30 am
The Trans Alaska Pipeline System: Then and Now	10:00 am - 11:30 am
From Legislation to Litigation: Michigan's Thumb Loop Transmission Line	10:00 am - 11:30 am
Interim Use -- Legal and Appraisal Perspectives	10:00 am - 11:30 am
Leadership Styles: Engaging Your Future	10:00 am - 11:30 am
The Spirit of Eminent Domain: America's Historical Journey	1:30 pm - 3:00 pm
Utilities Roundtable Panel Discussion	1:30 pm - 3:30 pm
Understanding Legal Descriptions and Boundary Law Principles	1:30 pm - 3:30 pm
CLIMB Muscle Builder: Strengthening Your Instructor Skills	1:30 pm - 5:30 pm
Building a Successful Career: Key Ingredients Make the Difference	3:30 pm - 5:00 pm
Managing Linear Projects: Project Management Institute Guidelines	4:00 pm - 5:00 pm
Managing Consultant Contracts - Best Practices for Public Agencies	4:00 pm - 5:00 pm

Tuesday, June 13

Presenting Your Case and Defending Your Experts in Eminent Domain at Trial	9:30 am - 10:30 am
Corridor Phase I - Time and Cost Saving Approach to Due Diligence	9:30 am - 10:30 am
Effective Encroachment Evaluation: A Case Study	9:30 am - 10:30 am
Land Value Following a Major Tsunami	9:30 am - 10:30 am
The Art of Easements: Crafting One that is "Just Right"	9:30 am - 10:30 am
Uniform Appraisal Standards for Federal Land Acquisition - Yellow Book Updates	11:00 am - 12:00 pm
Natural Gas Storage: From Rocks to Right of Way	11:00 am - 12:00 pm
An HTVL Impact Study: Injurious Affection on Agricultural/Rural Properties	11:00 am - 12:00 pm
Complex Residential and Non-Residential Relocations	11:00 am - 12:30 pm
You've Got This! Tips to Create Successful Outcomes	11:00 am - 12:30 pm
FERC 1000 - Strategies for Project Development Proposals and Milestones	1:30 pm - 3:00 pm
Mobile GIS Implementation to Protect Company Lands Within Saudi Aramco	1:30 pm - 3:00 pm
Managing The Airspace, Maximizing Easement Opportunities As Drones Proliferate	2:00 pm - 3:00 pm
Effective Acquisition Management: Don't Let Issues Grow Stale	2:00 pm - 3:00 pm
Appraisal Issues in Design-Build, Relocation Interface, Processes & Integration	2:00 pm - 3:00 pm
Drones: Their Impact and Usability in Right of Way	3:30 pm - 4:30 pm
Open Up Our Relocation Tool Box	3:30 pm - 5:00 pm
Gold Coast Light Rail, Queensland, Australia	3:30 pm - 5:00 pm
Inquisitive Communities: What Landowners Want to Know	3:30 pm - 5:00 pm
Public Consultation and the Alberta Energy Regulator	3:30 pm - 5:00 pm

Wednesday, June 14

Right of Way Challenges with Design-Build & Project Delivery in Public Projects	8:00 am - 9:00 am
Navigating Real Property Realities of Right of Way Encroachments	8:00 am - 9:00 am
The Lens of Leadership: The Power of Seeing People's Potential	8:00 am - 9:00 am
Access After "Dakota Access"	8:00 am - 9:00 am
Potential Impacts from Temporary Construction Easement Acquisitions	8:00 am - 9:00 am
Public-Private Partnership: Innovative Collaboration and Funding Options	9:30 am - 10:30 am
Reducing Risk in a Highly Litigious World	9:30 am - 10:30 am
Tips and Trips - My Climb from YP to Advisory Council	9:30 am - 11:00 am
Federal Agency Update: Budgets, Plans, Programs and the Trump Administration	9:30 am - 11:00 am
Environmental Opposition to U.S. Infrastructure Projects	11:00 am - 12:00 pm
How to Breeze Right Through the Appraisal Review Process	11:00 am - 12:00 pm

Note: Sessions are subject to change. For updated information, visit www.irwaanchorage2017.org.



YOUNG PROFESSIONALS MESSAGE ALERT

Please join us for the YP Meet and Greet Social

Who: Everyone is invited!

When: Saturday, June 10th at 5:00pm-10:00pm (Alaska Time Zone)

Where: 49th State Brewery 717 West 3rd Ave Anchorage, Alaska 99501

If you would like to sponsor this event or any YP events, please contact Carmelita Delgado (Carmelita.Delgado@ecisl.com) or Kasy Chambers (kasy.chambers@airliquide.com).

Unable to attend the Annual Conference?

Please join us for the YP Live Streaming Education Session!

Instructor: Carol Brooks

Theme: #YOUVEGOTTHIS

When: Tuesday, June 13th at 11:00am-12:30pm (Alaska Time Zone)

Streaming: Via Blue Jeans & Twitter

More Details to Be Announced!

Delivered

Please Come Visit us at the Young Professional's Booth in Anchorage in the Exhibitor Hall!

DENALI *Classic* GOLF TOURNAMENT

In conjunction with IRWA's 63rd Annual International Education Conference in Anchorage, Alaska, the Right of Way International Education Foundation (RWIEF) and the Canadian Right of Way Education Foundation (CRWEF) are hosting their 21st Annual Golf Tournament. **The Denali Classic will be held at Anchorage Golf Course on June 13, 2017.**

The tournament is limited to 144 participants, and all proceeds are donated to the Education Foundations. Prizes will be given for closest to the pin on the par 3's, long drive for both men and women, as well as the top 3 places. A large raffle will follow the event.

○ SPONSORSHIP

Sponsorships range from the Platinum level at \$2500, to sponsoring individual holes for \$300. All activities related to the tournament will be handled by the RWIEF.

○ REGISTRATION

Go to www.rwief.org to register online and pay by check or credit card. The fee to enter is \$125 and includes green fees, golf cart, lunch, range balls, and transportation to and from the conference host hotel.

Contact Mike Pattison for additional information at mike@pattisonappraisals.com

Tackling a MOBILE HOME RELOCATION

A strategic look at minimizing the adverse impacts of displacement



BY LISA BARNES, SR/WA, R/W-RAC

The relocation of mobile homes is much like assembling a puzzle. Each piece represents an issue that the acquiring agency must resolve. Once each issue is considered, then all the pieces must fit into the overall picture to achieve a successful relocation.

Whether your agency is displacing a few mobile homes or an entire mobile home park, early planning in the project development process is essential. The agency must conduct early studies and field reviews to determine the scope of the relocation impacts, and continue to update the plan throughout the project. This planning can save your agency time and money in project delivery.

An agency must be prepared to address several challenges in mobile home relocation that are not seen with conventional dwellings. You should ask,

“What problems will the displacement of the mobile homes cause, and what strategies can you identify to minimize the adverse impacts of displacement?”

Real Property vs. Personal Property

The classification of mobile homes as real or personal property can vary from state to state, or even from parcel to parcel, depending on the circumstances. Some states do not address the issue of whether a mobile home is realty or personalty, while others allow them to be treated either way. In some states, mobile homes are considered real estate if the wheels have been removed and the mobile home is attached to the site in some permanent manner. In other states, mobile homes are always considered personalty, regardless of how they are attached to the land.

The classification of the mobile home determines whether the agency will acquire the mobile home as real property or reimburse the actual, reasonable costs of moving it as personal property. It is important for the appraiser to consider any state laws concerning the status of mobile homes.

Eligibility for Moving to a Replacement Site

Normally, if the mobile home is considered personal property, the owner-occupant is not eligible for a replacement housing payment. However, there may be situations where mobile homes that have been classified as personal property cannot be moved, and the owner-occupant would be eligible for a replacement housing payment under the provisions of 49 CFR 24.502.

Mobile Home Relocation

Click each button below to learn about the different types of mobile homes.

- Trailer
- Mobile Home
- Manufactured Home
- Modular Home



Manufactured Home

Means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Typically built after June 15, 1976.

Previous

Next

Mobile Home Relocation

Repairs and DSS Modifications

An owner-occupied mobile home may need repairs or modifications to make it decent, safe and sanitary, since the displaced person must occupy a replacement dwelling that meets DS&S standards to be eligible for a replacement housing payment.



A leaking roof may need to be repaired or a broken window replaced.

Previous

Next

Classifying the move, determining moving expenses and computing replacement housing payments is addressed in IRWA's online Course 503 - Mobile Home Relocation.

An agency may find that such a mobile home cannot be moved for the following reasons:

Cannot be economically made decent, safe and sanitary. An owner-occupied mobile home classified as personal property may need repairs or modifications to make it decent, safe and sanitary (DSS), since the displaced person must occupy a replacement dwelling that meets DSS standards to be eligible for a replacement housing payment. When looking at the cost of repairs or modifications, it is important to consider what is reasonable. These costs, plus the costs to relocate and reestablish the mobile home at a new site, should not exceed the value of the mobile home itself. Otherwise, it would not be considered economically feasible to make the repairs or modifications.

Cannot be relocated without substantial damage. Another reason the agency may decide not to move a mobile home is that it cannot be moved without substantial damage or unreasonable cost. Some mobile homes may be old and in disrepair, and will not survive the move. In other instances, it may cost more to move it than what it is worth.

No available comparable replacement site. There may be times when no comparable replacement sites can be located for the mobile home. In some areas, it is becoming difficult to find

property that is zoned for mobile home use. Local ordinances restrict the size of the property so less property is available for mobile homes. As a result, fewer mobile home parks can be found.

Does not meet replacement mobile home park entrance requirements. Mobile home parks will often require that the mobile homes meet certain size and/or age requirements. If the subject mobile home cannot meet these standards, the agency will determine that it cannot be moved.

Ownership and Occupancy Status

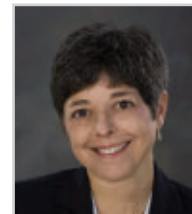
Another difference with mobile homes is the various ownership scenarios you can encounter. There are four possible scenarios for displaced persons:

- 1) Owns mobile home/owns site
- 2) Tenant in mobile home/tenant on site
- 3) Owns mobile home/tenant on site
- 4) Tenant in mobile home/owns site

In these situations, the classification of the mobile home as realty or personalty will impact the computation of the replacement housing payment for the mobile home owner-occupant. Keep in mind that the non-occupant owners may also be eligible for certain relocation payments. Some examples include the landlord who rents out the mobile home, the mobile home park

owner who is a business displacee and possibly other businesses on site.

Given the complexity of this topic, this article is intended as an overview of some of the more challenging issues that arise with mobile home relocations. The subject is explored in depth in IRWA's online Course 503 - Mobile Home Relocation, developed by O.R. Colan Associates, LLC/ ORC Training through its licensing agreement with IRWA. By taking this course, participants will learn more about planning the move, classifying eligibility, determining moving expenses and computing replacement housing payments. And the online format keeps learners engaged with interactive exercises, videos and case studies. Visit the IRWA Online University at www.irwauniversity.org to register! ☘



Lisa Barnes is Vice President of Training for O. R. Colan Associates, LLC, where she develops internal and external training for the company. She has over 25 years experience in work under the Uniform Act and is the co-developer of numerous National Highway Institute courses.



Beyond the Call of Duty

The overlooked, but extraordinary efforts of a relocation agent

BY MICHAEL F. YOSHIBA, ESQ.

Lawyers in public agency legal departments get involved with right of way matters only when disputes arise that can't be amicably resolved through good faith negotiations. Attorneys are called upon late in the acquisition process to either quickly create common ground or proceed to litigate through the court system. The majority of the successful right of way transactions, however, never receive any notoriety. Highlighted here is a story of one such unheralded effort by a right of way agent going above and beyond the call of duty to assist a property owner in navigating through the right of way relocation assistance program process.

Working With a Contentious Property Owner

Several years ago, the California Department of Transportation was acquiring right of way for construction of the I-210 freeway extension through the cities of Claremont and La Verne. One of the properties being sought was a full-take acquisition of a single-family residential property from an elderly gentleman, who

we'll call "Mr. Doolee." The acquisition agent negotiated an agreeable purchase price and the matter was turned over to the relocation agent, who we'll call "Woody." Mr. Doolee was an eligible owner-occupant and was presented with a relocation assistance benefits package that included eligibility for claims such as purchase price differential, various moving costs and interest rate differential. Through the relocation claims process, Mr. Doolee submitted claims for two items that were determined, for various reasons, to be ineligible for a reimbursement payment under relocation regulations. Woody explained to Mr. Doolee that while his claims were denied, he also had the right to appeal that determination of ineligibility.

Relocation Appeal

One of the atypical responsibilities that relocation agents have is the duty to assist and advise the displacees in preparing their relocation appeal,

including assistance with all of the requisite documentation. Woody worked closely with Mr. Doolee to complete the appeal forms, crafting the categorical bases for the appeal and coordinating the scheduling of the appeal hearing. The primary issue was centered on some alleged inaccurate statements that were made by the acquisition agent to Mr. Doolee, who in reliance upon those inaccurate statements incurred expenses that were later found ineligible. The appeal hearing was before the State Relocation Appeals Board and the venue for this hearing was scheduled for Sacramento, California—about 600 miles from the Southern California project because all of the Board members were based in Sacramento.

Woody coordinated the schedules of the displacee and the Board. Additionally, Woody assembled all of the documentation for the displacee and met with Mr. Doolee to prepare for the hearing, explaining the appeal process and practicing the presentation.

Travails in Travels

Invariably, the often extraordinary efforts of relocation agents in assisting displacees get overlooked and lost. In this case, Woody picked up Mr. Doolee at his home, personally drove him to the airport for the flight to Sacramento, took him to lunch and then to the hearing and back. Woody later explained that Mr. Doolee was not the most pleasant or enjoyable travelling companion. He was unnecessarily loud, complained about the flight and service, didn't like the food at lunch and was unable or unwilling to remain focused on the key points to his

appeal presentation. "It was the longest eight hour day that I've ever had," Woody explained. "And the trip was only five hours long."

Notwithstanding the long day, Woody successfully met his right of way agent responsibilities that allowed Mr. Doolee the opportunity to present his appeal to the State Relocation Appeals Board.

The success of his appeal was based upon confirmation that he relied on inaccurate information from the acquisition agent, which resulted in Mr. Doolee incurring ineligible expenses. Ultimately, his claim was decided by a few specific and pointed questions:

Panel: "Mr. Doolee, would you have done anything different if the acquisition agent didn't say those items were eligible for reimbursement?"

Mr. Doolee: "No."

Panel: "Mr. Doolee, let me ask you this question again so that we're clear. Would you have done anything different if the acquisition agent didn't say those items were eligible for reimbursement?"

Mr. Doolee: "No."

Panel: "Mr. Doolee, did you rely upon the [acquisition agent]'s statements when you decided to incur those [ineligible] expenses?"

Mr. Doolee: "No, I read the Relocation Assistance Program brochure that Woody gave me and based on that, I should get reimbursed for those items."

Panel: "Okay, so you didn't rely upon the [acquisition agent]'s

statements in incurring those expenses that you here are seeking reimbursement for?"

Mr. Doolee: "No."

Panel: "Ok, I think you've answered all of our questions."

The Board panel members found Mr. Doolee to be a credible witness. And you can probably guess the result of the appeal hearing. Despite the outcome, there is no doubt that Woody competently and ably assisted Mr. Doolee in preparing and presenting his relocation appeal. Relocation agents have the legal ethical responsibility to follow the rules of the public agency and also to assist the displacees. Attorneys working for public agencies in eminent domain matters have a similar duty to zealously advocate for their public agency client, but also to be fair and ethical to the property owners involved. In this matter, the best attorney involvement was "no involvement." 🌟



Michael Yoshida is a shareholder in the Eminent Domain and Litigation Departments of the Los Angeles law firm, Richards, Watson & Gershon.

Own the UGLY

In a world of demographic changes,
are you keeping up?

BY KARIN HURT AND DAVID DYE

The marketplace for infrastructure is changing. Stability used to be enough, but now the top U.S. cities demand infrastructure that is alive—smart, wired and walkable.

In part, this shift is driven by the business needs of communities. Municipal budgets are strained and cities need innovative infrastructure to monitor utilities, regulate energy usage and leverage transportation patterns for economic growth.

But businesses, too, are demanding smart infrastructure. Millennials now make up the majority of the U.S. workforce and comprise 30-40 percent of the population in several top U.S. markets. Tech-savvy and social, these 83 million urban workers want wired, walkable communities in which they can live, work and play. In order to recruit and retain millennial talent, businesses are demanding from their civic leaders investment in infrastructure that is “livable” or they will relocate to cities that already are.

In fact, as reported in PwC’s latest Emerging Trends in Real Estate – Infrastructure, when asked which infrastructure criteria influenced corporate relocations the most, 96 percent cited technological readiness, which they defined as smart power grids and smart mobility.

The question is, are you prepared to capitalize on the growing demand for smart, sustainable infrastructure?

Embracing Industry Shifts

Technology is progressing faster than at any other point in human history. It’s impossible to be ahead of the curve every time, but it’s important to be aware of when you’re lagging behind so that you can take steps to redirect and get on course.

In our work, we commonly encourage leaders and teams to “own the ugly” around their readiness to leverage industry shifts. To launch and guide those candid, yet difficult conversations about your team’s readiness to embrace change, try our road-tested script using a simple acronym for UGLY:

U: WHAT ARE WE UNDERESTIMATING?

You may understand the shifts occurring in your field, but are you underestimating their impact?

The truth is, even if you feel insulated from what’s occurring in the industry, eventually, some aspect of this trend will affect you. Tech-readiness is a mindset and worldview that sustainable, inclusive communities will become the desired norm.

Where can this trend impact your team and organization? Where do you need to pay closer attention? You may be discounting the trend toward smart infrastructure because it’s expensive, but public/private partnerships are increasingly bridging that gap. Consider this: Are your competitors ahead of you in establishing such partnerships?

You can’t afford to underestimate real threats to your market position—especially when they’re threats that you can take steps to mitigate.

G: WHAT’S GOTTA GO?

To make room for innovation, you have to get rid of the policies, practices and procedures that hold it back.

What are you doing now that doesn’t make sense anymore in the face of rapid demographic change in America’s top markets? What processes are more habit than value? What meetings are wasting your time?

What has simply gotta go for you to have the time, energy and resources to focus on what matters most to stay competitive in the era of smart infrastructure? The time to ask these questions around tech-readiness is now—not just in your industry, but in every industry.

L: WHERE ARE WE LOSING?

Mapping out a change strategy and following through on those plans can be a monumental effort. But what happens when you do everything “right” and still fail to move the needle on innovation in your team? Well, then it’s time for the gloves to come off—all the way off.

Ask yourself the hard questions. Where are you still under-performing despite your best efforts and why? Who is doing it better and how? Most importantly, what systems and partnerships must evolve to support your change effort?

Adapting and learning to thrive within a monumental industry shift isn’t easy. But to quote one our mentors, if it was easy, any idiot could do it. Set yourself apart from the people in your industry who are waiting for change to happen to them, instead of because of them.

Y: WHERE ARE WE MISSING THE YES?

What research, projects and partnership must you say “yes” to in 2017? What new opportunities are ripe for your attention? Where must you invest before your competitors outmaneuver you?

You know you can’t afford to stand still and wait for the light bulb to go off when it comes to developing your approach to leveraging the smart infrastructure trend. You’ve got to go

after what it is you most want and need. Say “yes” to sticking your neck out there a little. Affirm your commitment to pushing your industry forward and you’ll be rewarded. Not just with favorable public relations, but with the knowledge that you’re making a real difference for this country’s communities and for the global environment at large.

The Payoff

Always remember why you got into this industry. Of all the alternatives available to you, you chose to build and connect people and resources to one another. You know that contributing to smart infrastructure is a powerful way to take those connections to the next level.

Own the ugly that’s holding you and your team back from embracing your industry’s trend toward tech-readiness. Any step you take in this direction will deepen the human connections that are the lifeblood of our economy and national spirit. ✪



Karin Hurt and David Dye are seasoned management experts and co-authors of the award-winning book, “Winning Well: A Manager’s Guide to Getting Results Without Losing Your Soul.” For a free Winning Well Toolkit, visit www.winningwellbook.com.

H.C. Peck Promotes Magaly Fernandez, R/W-RAC



H.C. Peck & Associates is pleased to announce the promotion of **Magaly Fernandez, R/W-RAC**, to Vice President Relocation Services. Magaly joined the company 10 years ago as a translator/interpreter before serving as the Relocation Manager since 2015. In her new role, she will oversee relocation services operations, relocation staff management and quality assurance. She will also assist in client development, general operations and company strategy.

Jason Wedel Joins WSB & Associates, Inc.

WSB welcomes industry leader **Jason Wedel** to the firm's Municipal Group. Jason brings expertise in many facets of municipal and land development project facilitation, as well as experience in major utility improvement projects. Jay Kennedy, Vice President and Municipal Group Manager, considers Jason a tremendous asset saying, "Jason's vast experience as a City Engineer and unique land development/economic development perspective are welcomed additions to our team and will provide excellent value to our clients."



Cardno Promotes Douglas Stoker, PE



Professional infrastructure and environmental services firm **Cardno** promoted **Doug Stoker, PE**, to the

role of Infrastructure Southeast Business Unit Leader for the company's Americas Region. Doug has over 20 years of experience in bridge and structures design, as well as in managing conventional and design/build projects. In this role, he will manage the infrastructure team's Southeast business unit, and he will lead the business development efforts with a focus on client relationship management.

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Duff & Phelps Promotes Kyle Driscoll



Kyle Driscoll of **Duff & Phelps** has been promoted to Managing Director in the firm's Valuation Advisory Services. With

experience in the valuation of general purpose and user-based specialized real estate, Kyle has appraised property in several U.S. states. He has also performed advisory services including market and impact studies, as well as pretrial and litigation support for large-scale right of way projects. In this new role, he will handle a wide range of engagements with a primary focus on appraisal and related advisory services in the company's Milwaukee, Wisconsin office.

Woolpert Honors Dr. Qassim Abdullah

During the annual Imaging and Geospatial Information Society conference in Baltimore, Maryland, the American Society of Photogrammetry and Remote Sensing (ASPRS) honored **Dr. Qassim Abdullah**. He was elected as an ASPRS Fellow for his service in advancing the science and use of the mapping sciences. He was also named the recipient of the 2017 Outstanding Service Award. Dr. Qassim Abdullah currently serves as the Senior Geospatial Scientist and Associate for **Woolpert**, a national architecture, engineering and geospatial firm.



Westwood Professional Services, Inc. Welcomes Mike Hart, PLS



Mike Hart, PLS, CFedS, joins **Westwood Professional Services, Inc.** as Corridor Survey Manager. Mike has over 35 years of surveying and mapping experience. He is a professional licensed surveyor in 10 states and a certified federal surveyor (CFedS). He currently serves on the CFedS Advisory Panel and is a member of the National Society of Professional Surveyors. He will be based in the firm's Phoenix office where he will support project and business development for the power delivery and oil and gas markets.



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ELECTRIC UTILITIES

The Decline of Coal

Across the United States, nearly 40 coal-fired power plants will close within the next four years. Despite efforts, most electric utilities simply do not see coal as an economically viable investment. Instead, they are turning to renewable sources like wind and solar power, as well as natural gas—a cost-effective alternative that creates only half as much carbon dioxide pollution as coal. This is especially important given the long-held belief that the federal government will eventually tax or regulate carbon dioxide pollution.

American Electric Power, an Ohio-based utility that provides power to five million people, plans to invest nearly \$1 billion over the next three years in new wind and solar generation. “We have been relying on what makes sense for a different kind of electrical system in the future,” said the company’s Vice President, John McManus. “This is our long-term view—unless the entire issue of climate change goes away. And we don’t expect that to happen.”

LAND ACQUISITION

How Trump’s Wall Overlooks Eminent Domain

In February, an article in *The Wall Street Journal* pointed out that President Trump’s promise to build a wall along the Mexican border fails to take eminent domain into account. After all, the U.S. would need to own the entire 1,954 miles of land to build the wall, and as the article highlights, acquiring real property from non-federal owners is a costly, time-consuming process.

In 2006, for instance, Congress passed the Secure Fence Act, which authorized the construction of a fence along 700 miles of the Mexican border. However, they did not take into account the local ranchers whose cattle graze on the southern side. Of course, these property owners would go on to fight the land seizures in federal court.

Critics are suggesting that rather than a physical wall, efforts would be better placed on an electronic method of increased border security—one which would instead focus on electronic surveillance equipment or an expanded E-Verify system.



BRIDGES

Acrow Bridge Creates Contract with Peruvian Government



Acrow Bridge strengthened its position as a leading supplier of modular steel bridges to Latin America

through a recent contract with Provias Nacional, the government agency in Peru overseeing the development of national roads and bridges. The contract calls for the supply of 101 modular steel bridges, adding on to the hundreds of Acrow bridges already in Peru. Having designed and engineered one of the most recognized bridges in Latin America—the Río Bío Bío Bridge in Concepción, Chile—it comes as no surprise that Acrow beat out countless competitors from Europe and China.

“Prefabricated modular steel bridging is an ideal solution for large-scale transportation infrastructure development projects, whether the projects are located in dense urban cities or in isolated rural regions,” said Bill Killeen, President and CEO of Acrow.



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TRANSPORTATION

\$2 Million in Transportation Grants for Vermont Communities



In March, it was confirmed that Vermont communities would receive \$2.2 million in federal funds for municipal grant projects as part of the Transportation Alternatives Program. The program focuses on transportation alternatives projects, such as on- and off-road pedestrian and bicycle facilities, infrastructure projects for improving non-driver access, community improvement activities, environmental mitigation and safe routes to school projects.

“Investments in infrastructure enhance commerce, facilitate tourism and travel, and foster small business growth—all of which support our efforts to grow Vermont’s economy,” said Governor Phil Scott. “While we are committed to making traditional transportation infrastructure investments, this grant program is important to help fund smaller projects that can have a big impact on local communities and support transportation alternatives like walking and biking.”

According to Transportation Secretary Joe Flynn, these efforts are a prime example of inter-agency collaboration that encourages communities to plan and grow in a way that integrates transportation with the decision making process of economic development.

The Transportation Alternatives Program committee includes representatives from the Agency of Transportation, the Agency of Natural Resources, the Agency of Commerce and Community Development—including tourism and historic preservation, the Vermont League of Cities and Towns, the Vermont Association of Planning and Development Agencies and members of the Vermont House and Senate.



“I give my full attention to each detail on every project to ensure deadlines are always met.”

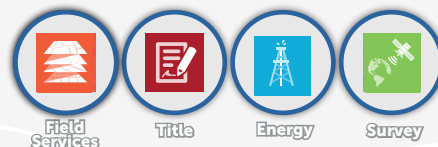
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Percheron supports Ana B. Rausch, SR/WA, in her candidacy for IRWA International Secretary

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INFRASTRUCTURE

U.S. Infrastructure Report Card Rates D+



Every four years, the American Society of Civil Engineers' (ASCE) Report Card for America's Infrastructure depicts the condition and performance of American infrastructure. The report assigns letter grades based on the physical condition and needed investments for improvement.

U.S. infrastructure received an overall grade of D+ in the 2017 report card from ASCE, largely unchanged since the previous report in 2013. The findings suggest that only incremental progress has been made in revitalizing the nation's infrastructure over the past four years. The D rating is considered "poor" and "at risk," just one step above failing and unfit for purpose.

The report, released in March, comes at a time when President Trump has promised to make the issue a chief priority for his administration. He has called on Congress to move a \$1 trillion public-private infrastructure package after a proposal comes together later this year.

"Our infrastructure bill is overdue and our inaction is costing American's \$3,400 per year in lost disposal income," said Greg DiLoreto, Chair of the ASCE Committee on America's Infrastructure.

Although Trump has promised \$1 trillion in infrastructure investment over 10 years, the ASCE estimates that \$4.59 trillion is needed by 2025 to bring infrastructure into a state of good repair. If current spending levels continue, the country will fall short of that figure by \$2 trillion.

The report card graded the country on 16 different categories. The U.S. received its highest marks for rail, earning a B, and its lowest rating for transit, earning a D-. Aviation, dams,

drinking water and roads all received D grades. Bridges, ports and solid waste got a C+.

"While our nation's infrastructure problems are significant, they are solvable," said ASCE President Norma Jean Mattei. "We need our elected leaders—those who pledged to rebuild our infrastructure while on the campaign trail—to follow through on those promises with investment and innovative solutions that will ensure our infrastructure is built for the future."



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Robert L. Art, SR/WA	1982-1983	Lisa R. Harrison, SR/WA	2013-2014
W.A. Thomasson, SR/WA	1983-1984	Lee S. Hamre, SR/WA	2014-2015
Richard D. Ricketts, SR/WA	1984-1985	Wayne L. Goss, SR/WA	2015-2016
* John E. Day, SR/WA	1985-1985		
Carroll W. Keck, SR/WA	1985-1986		
Donald H. Ellis, SR/WA	1986-1987		

* Deceased

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Acknowledging Excellence

The IRWA members listed below earned a certification or designation in the past two months. We applaud them for their commitment to professional growth in the right of way field.

GENERALIST CERTIFICATION/DESIGNATION

Allison D. Anderson, RWA
Chapter 74 Austin, TX

Amy Belonte, RWA
Paragon Partners Ltd.
Chapter 1 Huntington Beach, CA

China Bills, RWA
Tesoro Companies, Inc.
Chapter 38 Salt Lake City, UT

Carolyn M. Bledsoe, RWA
Bender Rosenthal
Chapter 27 Sacramento, CA

Jeremy A. Catron, RWA
Tesoro Logistics
Chapter 38 Vernal, UT

Shinon Y. Clark, RWA
City of Suffolk
Chapter 52 Suffolk, VA

Linda L. Clark, RWP
Clark Land Resources, Inc.
Chapter 11 Vista, CA

Jocelyn Culton, SR/WA
The City of Calgary
Chapter 48 Calgary, AB

Paul M. DeHart, RWA
Ameren Services
Chapter 12 Saint Louis, MO

James Delong, RWA
Lake County BOCC
Chapter 26 Tavares, FL

Gregory J. Demme, RWP
Enbridge
Chapter 72 Minot, ND

Joan Dias, SR/WA
VA Dept of Transportation
Chapter 52 Fairfax, VA

Matthew R. Dowell, SR/WA
CenterPoint Energy
Chapter 8 Houston, TX

Kathryn Foster, RWA
Ministry of Transportation
Chapter 63 Kingston, ON

James E. Franciscus, SR/WA
Sunoco Logistics
Chapter 9 Sinking Spring, PA

Scott Hatten, SR/WA
Prince William County, VA
Government
Chapter 52 Prince William, VA

Amanda L. Hill, RWA
Johnson, Mirmiran & Thompson
Chapter 52 Richmond, VA

Rita Hiller, RWA
Clark Land Resources, Inc.
Chapter 11 Vista, CA

Becky M. Insogna, SR/WA
City of Charlotte
Chapter 31 Charlotte, NC

Curtis M. Jackson, RWA
City of Carlsbad
Chapter 11 San Diego, CA

Tracie L. Jenkins, RWA
Tesoro Logistics
Chapter 38 San Antonio, TX

Nichole Jensen, RWA
Tesoro Logistics
Chapter 9 Rock Springs, WY

Amy Leigh Johnson, RWA
Percheron, LLC
Chapter 9 Katy, TX

Warren LaRiviere, SR/WA
Keystone Acquisition Services,
Corp.
Chapter 9 Pittsburgh, PA

Martha R. Long, SR/WA
Chapter 5 Overland Park, KS

Duran A. Lucas, SR/WA
Tesoro Companies, Inc.
Chapter 38 Salt Lake City, UT

Alison MacAlpine, SR/WA
The Regional Municipality
of York
Chapter 29 Newmarket, ON

Alan Markovic, RWA
City of White Rock
Chapter 54 White Rock, BC

Carrol D. McCracken, SR/WA
JCG Land Services, Inc.
Chapter 41 Nevada, IA

Brandi McMillan, RWA
Davenport Consulting, PLLC
Chapter 38 Sandy, UT

Jeremy S. Miller, SR/WA
California Property Specialists, Inc.
Chapter 1 Foothill Ranch, CA

Cody Neuendorf, RWP
Homer Electric Association, Inc.
Chapter 49 Homer, AK

Brandon Patrick Owen, SR/WA
Alabama Power Company
Chapter 24 Birmingham, AL

C. Perry Peeples, RWP
Collier County Real Property
Management
Chapter 82 Naples, FL

Jean Rella, SR/WA
Virginia Department of
Transportation
Chapter 52 Suffolk, VA

Sandra Robinson, RWA
The Corporation of the County
of Simcoe
Chapter 29 Midhurst, ON

Bettie J. Shelby, RWA
State of Alaska, DOT & PF
Chapter 49 Anchorage, AK

James C. Simmonds, RWA
Metro Wastewater
Reclamation District
Chapter 6 Denver, CO

William Frank Smith, SR/WA
Smith Land Services & Virginia
Smith Abstract, Inc.
Chapter 43 Baton Rouge, LA

JC Starkenberg, RWA
Atmos Energy Corporation
Chapter 36 Dallas, TX

Mary Frances Torres, SR/WA
City of Long Beach
Chapter 1 Long Beach, CA

Jill M. Unterberger, RWP
Enbridge Energy
Chapter 20 Superior, WI

Chelsie Vyles, RWA
Electrical Consultants, Inc.
Chapter 38 Woods Cross, UT

Drew A. Webster, RWA
Salem Land Services, Inc.
Chapter 7 Schaumburg, IL

Dianne D. Williams, SR/WA
City of Suffolk, DPW
Chapter 52 Suffolk, VA

Courtney J. Willis, RWA
NISource, Columbia Gas of
Ohio, Inc.
Chapter 13 Columbus, OH

Derrick Young, SR/WA
Lochner
Chapter 25 Lexington, KY

IRWA offers two career paths for right of way professionals: a generalist path and a specialist path.

Generalist Certification/Designation

RWA	Right of Way Agent Certification
ARWP	Associate Right of Way Professional Certification *
RWP	Right of Way Professional Certification
SR/WA	Senior Right of Way Professional Designation

Specialty Certifications

R/W-AC	Appraisal Certified
R/W-AMC	Asset/Property Management Certified
R/W-EC	Environmental Certified *
R/W-NAC	Negotiation and Acquisition Certified
R/W-RAC	Relocation Assistance Certified
R/W-URAC	Uniform Act Certified

SPECIALTY CERTIFICATION

Jeffrey J. Aldal, R/W-NAC
Chapter 27 Sacramento, CA

Robyn Keating, R/W-NAC
Chapter 36 Bedford, TX

Terry E. Barnett, R/W-NAC
Chapter 33 Oklahoma City, OK

Flavia Krieg, R/W-AC
Chapter 57 Temecula, CA

Marcus F. Boyd, R/W-NAC
Chapter 36 Bedford, TX

Dionisio Marquez, R/W-RAC
Chapter 1 Inglewood, CA

Dana W. Burwell, R/W-AC1
Chapter 2 Healdsburg, CA

Vince O'Dwyer, R/W-AC2
Chapter 54 New Westminster, BC

Ryan Crisp, R/W-AC
Chapter 52 Richmond, VA

Ashlee Simmons, R/W-NAC
Chapter 33 Oklahoma City, OK

Sonja Davis, R/W-RAC
Chapter 4 Kirkland, WA

Daniel R. West, R/W-NAC
Chapter 33 Oklahoma City, OK

Charles D. Jackson, R/W-RAC
Chapter 74 Austin, TX

*Retired as of September 1, 2014. Members who have earned this certification can retain it as long as they recertify every five years. Those who submitted a candidacy application prior to 9/1 are still eligible for this certification.

Note: Beginning with this issue, the Education Milestones will only include NEW certified individuals.

IRWA Member Farewell



ROBERT J. FARLEY

On April 7, 2017, Robert “Bob” Farley passed away at the age of 66. Born in Hazleton, Pennsylvania, he was the son of the late John J. and Ruth Steckroth Farley. He worked for PPL Electric Utilities Corporation in Allentown, Pennsylvania as the Manager of Real Estate Services, retiring after 30 years of service. He was a devoted member of IRWA, where he served as a past president of Chapter 9 in Philadelphia. He was also a member of the Myrtle Beach Chapter of the Penn State Alumni Association, a member of Masonic Lodge 43 of Lancaster and a member of St. Peter’s Evangelical Lutheran Church.

He is survived by his loving wife of 33 years, Elaine; his children, Kristin and husband Daniel Marshall of Lancaster, Ryan Farley and fiancée Briana Cook of Lancaster, and Brynn Farley of Lititz; his granddaughter Camryn Marshall; and his sister, Linda Sims of Hazleton.

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UPCOMING IRWA EVENTS

www.irwaonline.org

2017 Conference Anchorage, Alaska	June 11 – June 14
2018 Conference Edmonton, Alberta	June 24 – June 27
2019 Conference Portland, Oregon	June 9 – June 12

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JLL Valuation & Advisory Services, LLC www.jll.com	4	Wood Group Mustang www.mustangeng.com	2

What Members are Saying

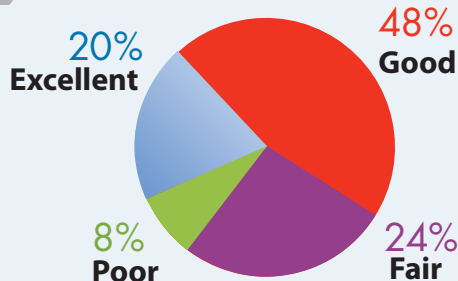
In March, IRWA conducted an online poll to see how well the Association is doing in responsiveness to member needs and identifying which benefits provide the greatest value. Here are some highlights.

Q: What do you gain from belonging to IRWA?

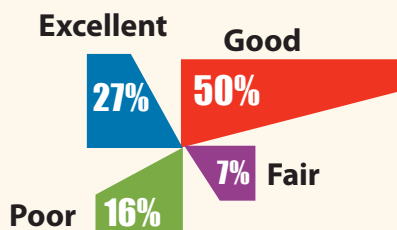
- 1 Professional development
- 2 Feel connected to industry
- 3 Keep up with news/events
- 4 See what colleagues are doing
- 5 Competitive advantages

Q: How is IRWA doing in these areas:

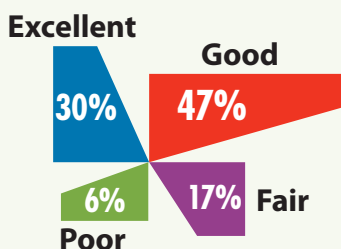
Responding to member needs



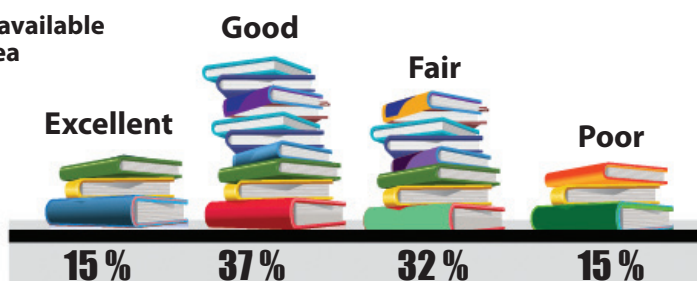
Responding to member inquiries



Chapter Meetings and Events



Courses available in my area



STAFF ANNOUNCEMENTS AT HEADQUARTERS

IRWA welcomed three new employees to Headquarters Staff in April and says farewell to some valuable longstanding employees.



Courtney Piscitelli joined IRWA as Assistant Controller – Accounts Payable. She brings over 10 years of accounting experience within the small business, non-profit and public education systems. In this role, she will handle payments of invoices, expense reimbursements and other accounting functions. She replaces Fernando Rojo who retired in April.



Astrid Anaya joined IRWA as the new Assistant Controller – Member Services, where she will handle member inquiries, plaques/pins orders and updates to chapter officers on the website. She has over seven years of experience in member services, with a background in banking and credit unions. She replaces Bonnie Gray, who is retiring at the end of May.



DeOnna Koonce began her career with IRWA as the Accreditation Program Coordinator. She brings five years of experience in accounting and customer service.

In this role, she will handle course registrations and work on the Chapter's behalf to obtain state and agency continuing education credit for real estate agents and appraisers. She replaces Nikki Dieball who relocated to Texas in April.

As of May 31st, **Bonnie Gray** is retiring after 27 years with IRWA. She began her career with the Association as the receptionist in 1989. Since then, Bonnie has become a beloved figure among staff and the many IRWA members that she has assisted over the years as part of Member Services. "This has been such an amazing experience," Bonnie says of her time at IRWA. "I'm really going to miss the members and staff, who I've come to know so well. But the Association is in good hands with my replacement, Astrid, and I know she'll be a wonderful fit."



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