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The Voice of the Right of Way Profession

#### SEPTEMBER/OCTOBER 2016

Volume 63 Number 5

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## **Get in the Game**

IRWA ramps up its action plan



#### MARK RIECK, IRWA CHIEF EXECUTIVE OFFICER

I am pleased to report that the IRWA recorded a strong finish to the 2016 fiscal year. As of June 30th we reported a total of 8,911 Regular and Senior Members who took 7,966 IRWA courses, both online and in the classroom. Today, nearly 2,000 members have achieved IRWA's top designation—the SR/WA. And we are just getting started.

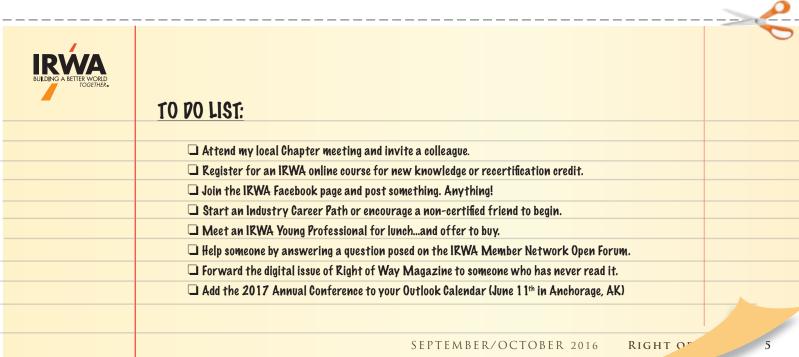
IRWA is stepping up its game to improve people's quality of life through infrastructure development. To facilitate this effort, we are empowering professionals by elevating ethics, promoting lifelong learning and endorsing a standard of excellence on a global scale. We call this our "higher purpose."

As we continue our efforts to bring members more educational opportunities, we are launching the next online course offering—Course 520, Special Topics in Replacement Housing. The first round of pilot classes are being scheduled

for IRWA's new Canadian Oil & Gas Overview, with classroom presentations in Edmonton and Regina. This course was made possible thanks to our generous course underwriters, including Chapter 62 Edmonton, Chapter 79 Regina and the Canadian Right of Way Education Foundation.

To enhance the new Course 100i, Principles of Land Acquisition, which was videotaped in Canada, country-specific video modules are being created on Law in Mexico, South Africa and the United States. The response to this course has been overwhelming. Plus, we are starting out the fiscal year with nearly 150 classroom courses already scheduled. Needless to say, IRWA has come out of the gate this fiscal year flying.

So what is your plan for the fall? I encourage you to get in the game and make a difference this year, in your chapter, your community and the world. Maybe my suggested checklist will spark your creativity! Onward. 3



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DEIDRE ALVES M.ED.

They say that inspiration can strike anywhere. As I recently discovered, "anywhere" can even mean a hospital emergency room!

Now going to a hospital is about the last thing anybody wants to do—especially on a holiday weekend. But that's exactly where I found myself on the 4<sup>th</sup> of July, and where I experienced something unexpected, yet inspiring, that would change my life.

"Right now, you are the most important person in the world to me."

These are the words my doctor said to assure me as I tried to describe my symptoms but feared I might be taking too much of his time. I was keenly aware of other people that needed his help and wanted to be respectful. His kind words immediately stopped my worry, and they caused me to feel valued and cared for. I was reassured that I was worth the time, and together we would get through this.

It got me thinking about how these words could be applied to our daily lives in right of way and infrastructure management. These words—which can be used during face-to-face contact with property owners, interactions with colleagues and even during educational classes and meetings—can change a life. Imagine if we let each property owner know that, right now they are the most important

person in the world to us. How different would the conversation be? How different would they feel, and how much better an outcome could result?

Now think about the impact we can have by giving our colleagues or direct reports that same level of attention. How might this affect the way they see and trust us? And if we were able to open up true and honest communication channels, how might this positively impact their personal life?

What if our instructors applied this in the classroom, letting their students know that they are the most important people in the world to them? How different might the learning experience be? How much better would a student feel about contributing and asking questions, taking risks in an effort to gain a deeper understanding of the subject matter? Just imagine how far reaching the effects could be, especially as it applies to their future professional growth and development.

Now think about how these words might impact our own work. What if we truly listened and were as intensely and urgently plugged in to another human being's needs as my doctor was to me in that emergency room? How greatly would this enhance our leadership skills and our ability to transform lives?

Recently, I put this into action and tried it with a colleague. Initially, I had to actually say the words silently to myself, "right now you are the most important person in the world to me." This really helped me to stay focused. I felt completely in tune with this person and what they were saying. It lasted all of 30 seconds before my mind wandered, and I realized that for this to work, I had to repeat those words over and over again in my mind. This finally did the trick and helped me to refocus. Clearly, it is not easy, but with practice and discipline, I have learned that it is a high impact tool that improves leadership, communication, compassion, understanding and outcome.

I encourage you to give it a try. And be prepared for some amazing results. ❖



Deidre is IRWA's Vice President of Professional Development.





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#### BY EVAN HACKEL

After giving a keynote talk on leadership a few weeks ago, someone in the audience told me something surprising. "All kinds of people work in my company, but I have to admit that I relate best to those who are about my age and have a similar background and experience to mine," he confessed. "That might not be the best thing for a leader to say, but that's how I feel."

While having these same kinds of preferences is not unusual, it's important to recognize that staying within your comfort zone may stifle your company's growth and success. After all, the job of a leader is to engage everyone—not only certain segments. Here are a few ways to expand your team and engage a wider range of talent on staff:

#### **Involve People Who Are Different**

Many executives find comfort in building teams of people who are just like them. While that's a normal tendency, it can create the impression that only certain types of people can contribute and succeed within the organization.

As you build your team, work to include a wider range of players. For example, seek out people who have a higher tolerance for risk than you do, and let them try things that you would find too risky. Include people who have strengths that are different from yours and traits that positively reflect on what your organization does. Regardless of age, background or belief system, each group deserves a representative seat at the table. Strong teams also include stakeholders from each major business sector such as technology, sales, operations and marketing. And finally, avoid the comfort of surrounding yourself with "yes" people. You need people who have the courage to challenge your ideas and introduce alternative points of view.

#### **Value Your Millennials**

Millennials are the future of your organization, so make sure they are an integral part of your team. After all, they are the ones who are proposing technological solutions to business problems that others might not see. And even though their work style may differ from yours, the bottom line is that they have a lot to offer.

I encourage you to welcome their drive to succeed. They don't just want to know whether they can build a future in your company, they want to know exactly how. Early on, it is important explain the behaviors, skills and outlooks that are valued in your company. Ask about their values and invite them to help discover ways to achieve their goals with your organization. Create an environment where they can be heard. Solicit their ideas and consider them. When it's possible, use their ideas, and offer guidance and acknowledgement when you can't. And try to offer them some autonomy. Too many rules can stifle anyone's ambition, but they seem to negatively affect millennials' satisfaction and performance most of all.



Evan is Principal and Founder of Ingage Consulting and serves as CEO of Tortal Training. He specializes in interactive training solutions for companies in all sectors and authored the book, Ingaging Leadership. To learn more, visit Ingage.net.

## Create an Organization Where Many People Belong

This is a tall order but worth striving for. Each organization is home to many different kinds of people—from college interns to those who are returning to the workforce after raising children. How can you motivate each of them to invest their time and energy in working for you?

- Invest in excellent training. It will repay you many times over in improved performance, reduced turnover and a healthier company culture.
- Make communications a top priority.

  Ideas and information need to flow freely throughout the ranks, not only up and down the organizational chart.
- Create forums where all employees can be heard. An effective approach is holding open meetings where everyone has an equal voice and all ideas are captured on whiteboards and discussed.

- Be inclusive. Invite everyone to help define your company's vision and what it stands for. It's not up to the president or CEO to handle this alone. The more you invite everyone into the process, the more invested they become in your company.
- Offer excellent benefits. If you're not providing the best, your employees may begin to look for jobs at other companies that are offering more.
- Value and support your employees' families. That can mean offering flextime, on-site childcare and other extras. In many cases, the long-term benefits of having a stable employee base will outweigh the costs.

#### **Inspire Your Future Leaders**

Considering who will lead your company in the future is a positive move, so think about succession planning. The more you can encourage everyone who works for you to envision a bright future for themselves, the healthier your organization will become. •

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#### Uniting purpose with performance

#### BY BRAD YARBROUGH

Five years ago, the Oklahoma Department of Human Services was in crisis. Its volunteer board was under pressure for its lax oversight of the 7,000-employee agency that provided vital social services. The agency was continually in the news, especially regarding several high-profile child deaths. In fact, it was embroiled in a federal class-action lawsuit alleging abuses in the state's child welfare system. In response, legislators were calling for the agency director's resignation.

When the Governor appointed me as Chairman of its Commission in 2011, I knew that making a leadership change while facilitating a court-approved improvement plan to be implemented by the agency's child welfare division would be a huge undertaking. During that time, I couldn't help but notice the disparity between the agency's slogan and its perceived performance. Incorporated into its logo, the word "excellence" proclaimed a standard by which it was measured.

Nolan Clay, who extensively covered the troubled agency as a reporter for The Daily Oklahoman, recently told me, "Impossible or overstated goals for an organization may seem like a good idea, even justifiable as something to strive for. But when something goes wrong—and it will—the criticism by outsiders and the ridicule by enemies will be even worse.

And during the bad times, the morale in the organization will suffer greatly because the goals weren't realistic."

It's worth noting that the agency has since rebranded itself and replaced its logo. Although it continues to aim for operational excellence, it does not claim to have achieved it with the boldness it once did.

#### **Striving for Excellence**

Traveling this summer on an interstate highway, I was impressed by a slogan that appeared on the back of a TMC truck cab that read, "Destination: Excellence." According to its website, TMC is the largest privately held flatbed carrier in the U.S., and its tagline is proudly displayed on its entire fleet.

But I wanted to see how the company communicated what excellence means to them. Its vision statement reads, "TMC is known for its integrity, innovation, highly-trained drivers, impeccably maintained equipment, superior safety record and unwavering dedication to quality and customer service. The mission of TMC is to be recognized as the standard-bearer of quality performance in flatbed transportation. We will accomplish this by searching out the very best people, training them in the fundamentals of

quality and empowering them to develop innovative techniques focused on customer satisfaction." Then, the narrative continues, "Emphasis will be placed on continuous process improvement in all measurable aspects of our business."

There's an admirable humility in a mission that strives to be excellent and makes continual efforts to improve. Claiming that the company is known for certain virtuous qualities is acceptable when it's accurate. But declaring that you have already achieved excellence is a bit risky and, in many cases, unethical because it is flatly untrue.

There is a direct correlation between *excellence and ethics*. And there is no greater measure of good ethics than integrity. That means being truthful, and uniting our purpose with our performance. As a church minister once told me, "Your walk should match your talk." And when it comes to achieving excellence, it will likely be an ongoing mission we all strive to attain. •



Brad 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.



With any right of way appraisal, independence and accuracy are paramount. Duff & Phelps' right of way appraisals consider the individual rights, facts and circumstances of each property to ensure accurate and defensible appraisal results. Duff & Phelps provides a full array of right of way services for electrical transmission and utilities, oil and gas pipeline, transportation and other public works projects. With over 300 real estate professionals worldwide, Duff & Phelps is uniquely positioned to deliver right of way appraisal and related services for a range of property types. Learn more at www.duffandphelps.com

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## S1Xdeadly blindfolds Overcoming organizational vision loss **BY SHANE CRAGUN**

As you read through this list of companies, see what comes to mind: RadioShack, Blockbuster Video, Bethlehem Steel, Kmart, Blackberry, Atari and Tidal.

Truthfully, some are on their way to the emergency room, others are on life support and an unfortunate few no longer exist. Why? Compelling research suggests that the number one reason organizations fail is due to an inability to adapt to an ever-changing external environment.

#### Outpace the Rate of Change

The likelihood that your organization will survive and produce results is directly tied to your ability to outpace external changes. This requires you to identify important shifts in your business environment and respond proactively.

Individuals and organizations that hope to prosper in the future must learn to pivot quickly, profoundly and effectively. It's no longer enough to change only as a last resort. Leaders must change before they have to and handle these changes with intelligence, agility, strength and command. When they do, leaders and organizations can actually accelerate performance. When they don't, they will no doubt begin down the path of irrelevance that ultimately leads to failure.

#### **Self-Imposed Blindness**

The root cause behind business failure is what we call organizational vision loss or blindness. Organizations and the executives that lead them seemingly become blind over time to the powerful external realities that shape their world.

We've identified six metaphorical and self-imposed blindfolds that can lead to failure. As a leader, how are you doing in ensuring these blindfolds are removed when recognized or avoided in the first place?

- **Ignoring negative feedback:** The inability to hear anything negative about a project, the company or yourself.
- Dismissing a competitor's successes: Refusing to accept a competitor's success as valid, and downplaying a competitor's strategy and product innovations.
- Staying out of touch: A lack of empathy for your customers' needs and unwillingness to act in their best interests.
- Believing problems don't exist: Ignoring organizational and individual problems, and dismissing them to protect oneself and the company.
- Avoiding the unavoidable: Seeing the writing on the wall, but assuming it will go away miraculously.
- **Displaying arrogance:** An attitude of superiority, self-importance and false pride.

#### **Quickly Adapt or Perish**

Companies who consistently generate remarkable results and create sustainable competitive advantages will be those that succeed in the 21st century. However, savvy leaders will need to align themselves to two powerful principles constantly in play:

To win today, individuals and organizations must be able to change faster and more dynamically than the speed and magnitude of external change.

To win tomorrow, individuals and organizations must create the capacity for internal change faster than the rate of external change projected.

It's vital for leaders to understand that success requires significant shifts in worldviews, approaches, skills and behaviors. The Six Deadly Blindfolds provide a useful framework that savvy executives tap into as they try to help their teams and organizations stay ahead of change and win in today's ultra competitive environment.



Shane is a founding partner of Sweetman Cragun, a global management firm, and co-author of Reinvention. He has worked as an internal change agent and a global external management consultant.

# An Interview with IRWA International President

## Mary Anne Marr, SR/WA



hen you spend some time with Mary Anne, you begin to notice a common theme. Being "part of something bigger" is what originally attracted her to a career in infrastructure real estate. It is also what she believes is the greatest benefit of being an IRWA member. More recently, Mary Anne has become focused on IRWA's higher purpose, which is bringing quality of life to communities everywhere through infrastructure development.

Crediting her employer's support for her personal and professional growth, Mary Anne imagines a day when more employers will urge their staff to pursue leadership roles in the Association. It's just common sense. After all, when employees receive the tools, training and support they need to develop as leaders, doesn't this benefit the employer as well?

BY BARBARA BILLITZER

## How did you first get started in right of way?

It was actually an IRWA class that led me down this pathway. It was over 20 years ago, and I still remember that experience. At the time, I was working as a commercial real estate appraiser and didn't know much about IRWA. I needed to get up to speed on appraising partial interests, so I signed up for The Appraisal of Partial Acquisitions in Ann Arbor, Michigan. It was instructed by David Burgoyne, SR/WA and he really brought the subject matter to life. I was so excited about what I had learned that when the class was finished. I knew without a doubt that this was what I wanted to do. Shortly after, I joined IRWA and then within a year, I began working at Consumers Energy. That one class changed the entire course of my career!

## You have volunteered much of your time to IRWA. What do you find most rewarding?

There have been so many wonderful experiences. One of my favorites is the SR/WA Recognition Breakfast that's held at the conference every year. As I watch a host of new SR/WA's walking the stage to receive their certificates, I take great pride in their academic achievement. It shows that they are each dedicated to learning and committed to ongoing professional development. And this strengthens our collective voice.

## What led you to become involved in IRWA leadership?

Like most, I first got involved at the Chapter level. Seeing all the amazing opportunities to make a difference, I knew that this was something I wanted to be a part of. Along the way, I found myself working with some remarkable people, and I always felt like I belonged. Joining the International Electric Utilities Committee was one of the best decisions I made, as it showed me the kind of impact our work has on the industry. After serving in various

Chapter roles, I became Chair of Region 5 and began attending the International Governing Council meetings. That's when I got a real sense of the commitment and dedication that our volunteer leaders have. I really never imagined myself serving as IRWA's President. It's something that just happened.

## How would you describe the benefits of giving back to one's profession?

Okay, so this may sound like a cliché, but giving back makes me feel complete. Throughout my career, there are so many people who helped me by sharing information and giving advice and encouragement. They left lasting impressions, and I believe their support has helped me to become a better person and a more effective leader. If I am able to help even just one member to learn and grow, then this impact will carry forward with them.

## As part of the IEC, what has been your biggest challenge to date?

Collectively, we have so much we want to accomplish. But with such a relatively short time to serve, accepting the reality that we can't do everything all at once is difficult. And because the IRWA is a dynamic organization and our industry is continually changing, it's been challenging to prioritize. But focusing our time and energy where we see the biggest impact is critical to our success. So even though it can be a difficult balance, with the support of the International Governing Council and IRWA staff, we are able to set the stage for our future and adjust as needed.

## As President, what are some of your most immediate priorities?

Education has always been a top priority, and I'm pleased to say that we now have a clear path forward with our industryspecific credentialing pathways. And the response has been overwhelmingly positive. The CLIMB Instructor Development program—first launched in January—got such a favorable response that we have now scheduled another one in November so that we can meet the demand. I plan to support more of these efforts over the coming year, especially as we begin promoting our new education products to key industries.

Reinforcing and growing our partnership with IRWA's Young Professionals group is another priority. That means we need to develop programs and create opportunities that are relevant to them. I've learned that they not only have a great deal of energy and enthusiasm, they also bring fresh thinking to the table. They're not shy about suggesting new ways of looking at what we do. It's critical that we fully engage, support and plan for our next generation of leaders.

Taking a strategic look at how the Association is structured is another important initiative. After many discussions with members, we concluded that before embarking on any major bylaw changes, an in-depth analysis of how we are structured is needed. This will require us to look to the future, consider a global environment and remain



In 2015, Consumers Energy was awarded Employer of the Year. Brad Krabel, SR/WA, and Mary Anne accepted the award from then-President Lee Hamre, SR/WA.

# Think about it. We improve the quality of life with every project we deliver.



Mary Anne and Ron have been inseparable since they first met on an infrastructure real estate project back in 2000.



At IRWA's Congress for Global Infrastructure Real Estate, Mary Anne with Mexico Chapter 85's Jesus Rodriquez Davalos, INDAABIN's Soraya Pérez Munguía and Carlos Alberto De La Fuente Herrera, and then-International Vice President, Jerry Colburn, SR/WA.

open to new ideas. Coming up with a comprehensive plan that fully addresses the Association's internal structure will be a multi-year effort, so the sooner we start, the sooner we can envision the possibilities of what we can become.

## What kind of industry challenges do you foresee over the coming years?

One of the biggest challenges I see is that we are an aging profession. Like myself, many of us have honed our skills through years of experience. I don't think we have the luxury of waiting 20 years for the next generation of professionals to gain their experience, so we need to identify new ways to help them accelerate their learning. We are stepping up to that challenge!

Our new industry-centric career path assures consistent learning in core right of way fundamentals, and combined with new course and instructor development models, provides us with the flexibility and agility needed to meet the continually changing needs of our profession.

## Have you experienced a meaningful mentor relationship?

While I've never had a "formal" mentor, I have always been surrounded by people I could learn from. These interactions and relationships have influenced my way of thinking, so I guess you could consider them informal mentors.

In 2000, I had the privilege of working with an attorney at Consumers Energy by the name of Dave Barth. We first worked together on a large complex project, and since that time, he has guided me through many other transactions. When it came to writing agreements, I would literally spend hours in his office, and we would obsess over every word. For some, this might sound like torture, but for me it was pure joy! Looking back, I remember how proud I felt when Dave would respond to my inquiries saying, "That's a very good question." As he would think out loud in search of the right answer, I couldn't help but learn from him.

Dave would always remind me to never assume what the other party was thinking, and to never negotiate against yourself. Those are key lessons that I apply every single day. When he retired last year, it was probably one of the saddest times for me. But everything he taught me is now mine to share.

## What led your employer to sponsor the new Course 218: Acquisition for Electric Transmission Projects?

As an employer, Consumers Energy has always invested in their employees and recognized the need for lifelong learning opportunities. Their decision to sponsor Course 218 actually stemmed from the success we experienced sponsoring a pilot for Course 225, Social Ecology the previous year.

We recognized the importance of supporting a new electric transmission course and the direct benefit to our employees. We invited industry peers from all across the country to participate. By having a classroom full of people working in the electric industry, we had the opportunity to go through the pilot experience together and offer our collective feedback. We learned so much from each other, and everyone contributed to improving the course content. Course modifications now include electric construction content, and we're confident our next pilot will be even better. After the upcoming pilot in Montana, we will have an update on the rollout.

#### IRWA just held its first Congress for Global Infrastructure Real Estate. Will its success open new doors for global expansion?

Absolutely! Our Global Congress demonstrated the unparalleled value that IRWA brings to our members and partners. Even though we may live in different countries and speak different languages, our infrastructure issues are so similar. We have so much in common. Currently, we are seeing an enormous demand for right of way education in Latin America. In fact, our Chapter in Mexico has invited us to host the next Global Congress in their country. This will help us reach a wider audience and lead to greater opportunities to impact the lives of people everywhere as we share infrastructure best practices. Through our collective experience, best practices and expansive member network, IRWA has carved out a unique role as the only organization that can facilitate these educational opportunities.

## How would you describe IRWA's higher purpose?

Our higher purpose is improving peoples' quality of life through infrastructure development. This is a concept that applies on a local, national and global basis. Think about it. We improve the quality of life with every project we

deliver. In emerging countries, we do this by bringing people the basic essentials like water, electricity, roads and bridges. In more developed countries, we meet our higher purpose by creating and rebuilding infrastructure networks that reduce costs for consumers, bring new supplies to market or simply improve the reliability of current services.

As an Association, the IRWA supports this higher purpose by elevating ethics, learning and a standard of excellence within the global infrastructure real estate community. We are a diverse community representing many industries and disciplines. It is through IRWA's commitment to educational programs, the sharing of expertise and adhering to the highest ethical standards that our members will always be relied on to ensure the success of any infrastructure project.

## What impact would you like to see IRWA achieve in the next five years?

Five years sounds like an eternity, but it will be here before we know it. It is my hope that the Association's perceived value will be so strong that our employers, agencies and stakeholders are fully engaged and willing to actively support IRWA initiatives. To achieve this will require us to continually revisit our value proposition. We have the ability to provide our members with increased access to information, helping to build their skills and providing their employers with tangible value. While we continually improve our products, we must also elevate our discussions beyond infrastructure real estate issues and demonstrate that we can address larger industry issues and support positive changes.

## What would you say to an industry newcomer about career opportunities?

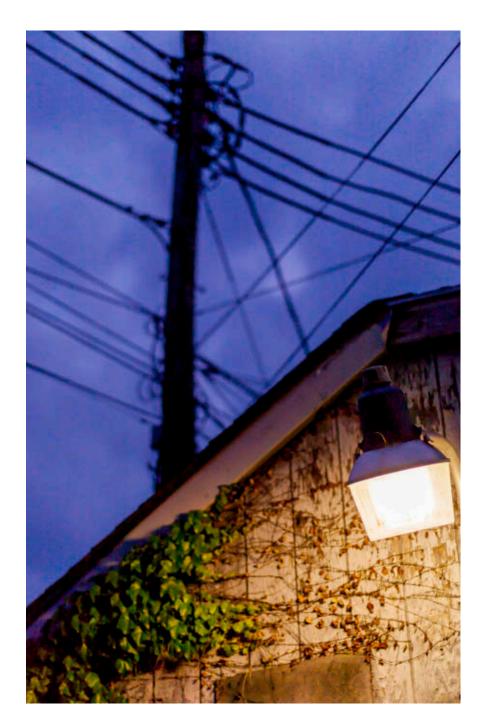
Everyday is an opportunity to learn and grow. And opportunities will come from people, projects and places you never anticipated. Whether at work or through IRWA, I encourage you to raise your

hand and volunteer. From experience, I can assure you that your fellow members want you to succeed. So regardless of what you know or what experiences you bring to the table, you need not let the fear of failure hold you back. Whatever doubts or questions you have, there's always another member close by who has your back.

## What would you say is the greatest benefit of membership?

For me, it's about being part of something bigger. When you think about the combined strength of our knowledge, industry experience and specialized expertise, we represent a powerful voice. And because we are involved in infrastructure projects worldwide, that voice is being heard across the globe. It is especially gratifying to be a part of an organization that has the ability to influence and shape policies, promote high ethical standards and support educational programming. As IRWA members, we are part of a group of professionals who truly do help build a better world...together. ❖





## TRANSMISSION LINES and PROXIMITY IMPACT

Improved residential property study reveals marginal effect on value

BY MARIAN J. BARNES, SR/WA, MAI

High voltage transmission lines (HVTLs) continue to be planned, funded and constructed to improve the power grid across America. As these lines become more omnipresent, appraisers are continually challenged to measure their impact on real estate value.

Over the years, a number of studies have been conducted on the impact of HVTLs on residential property value. A recent project necessitated more specific data on improved residential properties encumbered with a 138 kV transmission line. I was able to locate a subdivision with sufficient sales to conduct a statistical analysis. While it is located in Wisconsin, the data appears to be representative—both geographically and economically—of a mid-section of the United States.

#### A Wisconsin Case Study

In the Meadowlands Village subdivision in Fond du Lac, Wisconsin, there were 71 improved properties that sold between 2012 and 2016. The homes ranged in size from 1,218 to 2,115 square feet, with an average lot size of 11,118 square feet and an average price of \$180,641, close to the U.S. median home value of \$175,700.

The subdivision was platted in 1995, with an existing 138 kV transmission line located on the south and west sides. On the south side, the HVTL poles are located on the lots, with the entire easement spanning 50 feet. This includes 40 feet on the north side of the structures toward the homes and 10 feet on the south side of the structures extending into Rienzi Road right of way. The easement encumbers at least 33 percent of each lot, and is located anywhere from 17 to 35 feet from the edge of the homes.

The easement on the west side is 15-feet wide. The easement here is narrower and encumbers a smaller percentage of each lot. The centerline and poles are located on the lots in Meadowlands Village. The easement is 20 to 35 feet from the edge of the homes.

#### A Question of Utility or Proximity

A residential property encumbered with an easement may suffer a diminution in value from a number of factors. These can be categorized as either a loss of utility of the land, or the proximity to the structures and conductors. Utility represents restrictions on the use of the land that are identified in the easement document. The encumbered land typically cannot be used for residential structures, sheds, swimming pools or landscape vegetation.

Proximity includes visual impact of the lines and poles, noise from the lines and stigma. Proximity is quantified by the distance of the house to the edge of the easement area, and the number of poles located on the property.

After observing wooded landscaping, gardens, clotheslines, and playground structures in the encumbered areas, I found the loss in utility to be minimal. The land encumbered with the easement in Meadowlands Village was primarily used as yard space. Therefore, nearly all of the potential impact to value can be attributed to proximity.

Of the 71 sales of improved properties, eight of the sold properties were encumbered with a transmission line easement. Three of the sales were located on the west side of the subdivision with a 15-foot wide easement, and five were located

on the south side with a 40-foot wide easement. To determine if an adjustment for the time of sale was needed, sales prices over the four-year period were considered, including three properties that had sold twice during that time. Since the data indicated a less than one percent increase in price over four years, an adjustment was not warranted.

#### **Testing the Methodologies**

I conducted both a regression analysis and a simple statistical analysis to determine the potential impact of the transmission line on the value of the improved properties.

#### Multiple Regression Analysis

Multiple regression analysis recognizes that the sales price can be influenced by a number of factors such as property size, gross living area and date of sale. The presence of an HVTL easement can also impact price. The benefit of using a multiple regression analysis model is that it provides an indication of the extent to which a single factor influences the overall value. The analysis is based on utilizing known information to predict a result in similar situations.

To determine if this particular easement had an impact on value, I conducted a regression analysis for the 71 property sales using standard features that can impact residential property value. These include the number of bedrooms and bathrooms, age, lot size, garage spaces, and the presence of the easement. Gross living area was not used in this case because some of the multi-level homes had additional living area below grade that is not counted.



In the Meadowlands Village subdivision, the easement encumbers roughly 33 percent of the impacted lots.

The P-value and t-stat results are one measure of validity of the regression analysis. The P-value measures the randomness of the results. A P-value greater than 0.05 indicates that there is a 95 percent chance that the observed results could happen randomly. The t-stat is a measure of the significance of a feature to the total value or price. If there is substantial variation in the data, a t-stat less than 2 indicates that the variable is not a reliable indicator of value.

The P-value and t-stat revealed that age and number of bathrooms were the only features that could be reliably predicted by the model. The HVTL easement, when compared to price, could not be reliably predicted by the regression analysis model.

#### Statistical Analysis

Emotions play a large factor in home buying. The price someone pays for a house may be reflective of those feelings and not neessarily linked to a specific feature, such as a transmission line easement. This variation can make results from a regression analysis not significant when there may be a quantifiable difference. To overcome this possibility, a simplified statistical approach was used.

	Average Sale Price No adjustments	Average Sale Price Adjusted for age/bathrooms
Homes with no easement	\$180,641	\$170,779
Homes with HVTL easement	\$173,213	\$166,933
<b>Price Difference</b>	- <b>4.22</b> %	<b>- 2.25</b> %

Making no adjustments to the sales data, the average selling price of properties with the easement was 4.22 percent lower than those without the easement. When the sale prices were adjusted for age and number of bathrooms, the properties with the easement were 2.25 percent lower. This diminution in value is consistent with other studies where the impact ranges from zero to 20 percent, and usually within the three to six percent range.

One of the encumbered sales had a pole on the lot. I considered potential diminution in value from its direct view. The attached garage was located in front of the pole, possibly constructed to block the view. This property also had an outdoor living room with walls that limited the view of the pole. When compared to other properties with the easement, this property sold for a higher than average sales price. This sale cannot be used to test the theory that a direct view of a pole will have a larger impact on value because the direct view had been minimized by structural improvements.

Another sale involved a house that was 17 feet from the edge of the easement. This home sold for the highest price of any of the encumbered properties. It also happened to be one of the larger homes on one of the larger lots. As a result, this sale does not support the theory that close proximity to an easement has a larger impact on value.

Average Lot Size		
_	Square feet	
With no easement	10,841	
With an easement	13,298	
Difference in lot size	23%	

The average lot size of properties with the easement was 23 percent larger than the size of properties without an easement. This average is skewed by one corner lot with the easement that is larger than any of the 71 properties that sold. The properties along Rienzi Road are deeper lots. The deeper lots may accommodate the easement area, as well as provide a distance from the house to Rienzi Road. The regression analysis did not indicate that lot size influenced price.

#### In Conclusion

Sufficient sales data from a residential subdivision were available to study the potential impact of an HVTL on improved property values. A regression analysis revealed that there is no statistically significant relationship between price and easement encumbrance. A simple statistical analysis revealed that residential properties burdened with an easement sold for up to 4.22 percent less than similar properties without the easement. The encumbered land appears to be fully utilized by the owners as vard space. The diminution in value can be attributed almost entirely to the proximity of the HVTL to the houses.

The results of this study are consistent with other published work in that the impact of an HVTL on value is small and is not always what the general public expects. One of the characteristics of real estate is that each parcel is unique. This

study is based on one set of properties in one subdivision. The right of way professional is encouraged to collect and study data in their project area to estimate the impact of an HVTL on value. •

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A special thanks to Ted Tatos, Principal in iQuantix LLC and Director with Empirical Analytics, for his review and analysis.



## **Geographic Democracy**

A widespread power shift changing project outcomes

BY JAMES KENT AND KEVIN PREISTER

People today, whether part of a community or an organization, expect to be involved in decisions that affect them. This is especially true when infrastructure projects are involved. For projects to succeed these days, citizens within an impacted community must become engaged in the process from the early stages of planning through its implementation.

#### Creating a Firestorm

Opposition groups can form rapidly and become widespread when project proponents don't take the time to introduce and discuss the project with the people affected. A good example is the Atlantic Coast Pipeline Project. It was originally called the Southeast Reliability Project, an organic name that reflected the region it would serve, while addressing the local concern about the reliability of their gas supply.

Changing the name to the Atlantic Coast Pipeline must have seemed harmless enough to the corporate decision makers. However, at the community level, a firestorm erupted that fed the suspicion that the gas was actually destined for the Atlantic Coast and would be shipped to international markets. To make matters worse, an announcement was made that this pipeline would not necessarily lower natural gas prices for consumers. This further reinforced the perception that indeed, the gas was not for the local community. In less than 90 days, there was widespread and hostile citizen reaction to this project.

#### The Power Shift

The industry has historically relied on three factors for project implementation: favorable regulation from state public utility commissions, landowner cooperation and the use of eminent domain. For too long, the industry strategy has been based on pushing back on project opposition under the "last person standing" rule, which simply means surviving your opposition through a lengthy and daunting approval process.

Over the last few years, however, a global trend has emerged. It is called "geographic democracy," and it defines how people are taking over

what happens in their physical and social space. A widespread power shift is occurring in which citizens are becoming more aware of how a project impacts their immediate surroundings, and they want more control over those potential impacts, with or without government or corporate allies. Given an opportunity, people are willing to absorb change—but they do not want to be surprised and they want to see how the project benefits their quality of life.

Communities have forced a fundamental long-term change, both nationally and internationally, while the industry has been relatively unchanging in its development and approval strategies. The industry response has been to treat this shift to geographic democracy as episodic (it will go away) rather than systemic (the change is permanent). This does not serve the industry well.

This shift was evident in the Keystone XL project and led to its demise. In retrospect, the developer may have underestimated the power shift taking place at the community level and its importance to the project's success. The years of disruption caused by the approval process was used by well-organized ideological groups to train "pipeline warriors" to carry out the fight against the Keystone XL pipeline, and then ultimately against any pipeline project nationally. While this activity was taking place, TransCanada continued to fight the battle for approval using the "last person standing" rule—and lost.

#### **Abandoning the Old**

Despite increasingly effective citizen resistance to right of way and infrastructure projects in general, industry has done little to address this power shift. Instead of partnering and collaborating with

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By integrating a collaborative community-based approach, the U.S. Forest Service was able to cut the 15-year project approval process by more than 80 percent.

the various impacted communities, the industry often moves in the wrong direction, doubling down to go higher up the ranks to accomplish a project. As citizen opposition has risen in recent years, so has the corporate reliance on legal and regulatory options.

A recent example involves the Department of Energy (DOE). In March 2016, the DOE approved a 700-mile \$2 billion project crossing several states with federal authority to override the state Public Utility Commissions. Decisions about energy projects have resided with the state Public Utility Commissions for generations. The backlash that this decision has created will continue to grow and impact future projects in the same manner as the Keystone XL battle unless a social risk intervention is undertaken.

In an attempt to appease the local communities and state authorities after the decision was made, the DOE listed several Public Protections. The first one stated: "The federal government will only exercise eminent domain as a last resort." This statement, more than any other, was a flash point for an adversarial reaction from the landowners in the 700-mile corridor. Because the DOE listed eminent domain first, some citizens misinterpreted the announcement, believing that eminent domain would be the main approach used to acquire the land. Of course, this only created a negative perception among landowners and worked to taint most, if not all, of the negotiations.

#### A Change Veteran

Over the last 30 years, the U.S. Forest Service has undergone a paradigm shift in how it works with its local communities. In the late 1970s, citizen



## ...people are willing to absorb change—but they do not want to be surprised and they want to see how the project benefits their quality of life."

issues surfaced over the Forest Service's herbicide spraying, as well as its inventory of roadless areas. By 1989, as the issues gained national attention, the agency was in gridlock, unable to implement projects even though it had the legal authority to do so. If projects were implemented at all, they routinely took 15 years or more as national groups scrutinized its every move.

The Forest Service was forced to restructure its approach to projects and develop policies favoring community-based collaboration. It also began experimenting with different approaches to communicate with local citizens in an effort to resolve project issues. It rewarded employees who excelled in this area and even rated them on collaboration skills in their performance reviews. Over time, the projects began to get backing from local communities, which served to buffer the projects from formal opposition groups. As a result, the project development timelines were typically reduced from 15 years to an average of two to three years. Today at the Forest Service, the process is routinely used to conduct citizen engagement, and it is funded as part of the formal project management

#### **Creating the Right Structure**

The infrastructure industry is facing a serious need for fundamental changes in how it does business. By integrating some of the following approaches, leaders can

take a more proactive role in addressing the structural change needed.

- Move citizen engagement upfront in the design process and give it equal footing with engineering feasibility.
- Add knowledgeable right of way professionals to the design team early in the process so they can provide critical insight on the local communitites before any final decisions are made.
- Integrate social ecology concepts into the project plan. Working through informal networks, company personnel can address potential issues created by this power shift. To facilitate this on an industry-wide level, the IRWA has addressed this power shift by creating Course 225, Social Ecology: Listening to Community for its members.
- Ensure trained representatives are on the ground. The company responsible for the project needs its own trained representatives to serve as the face of the company, responsible for direct citizen contact and coordinating issue responses. Their involvement will help eliminate communication gaps while identifying and resolving citizen issues. To be effective, they will require realtime access to corporate decision makers.

#### **Changing the Odds**

An article titled "Minimizing Non-Technical Risks" was published in the July/August 2016 issue of Right of Way Magazine. The author, Shaun Tweed stated, "As many as 70 percent of major capital projects are being delayed by months—if not years—as a result of non-technical risk factors."

This statistic will become greatly improved when the industry's attention is focused on the structural shift to geographic democracy that has taken place in our society. •



Jim is President of the JKA Group and a featured columnist for Right of Way Magazine. He is co-developer of IRWA Course 225, Social Ecology: Listening to Community. Visit www. jkagroup.com, or email jkent@ jkagroup.com



Kevin directs the Center for Social Ecology and Public Policy. He is codeveloper of IRWA Course 225, Social Ecology: Listening to Community. Visit www.csepp.org or email kpreister@jkagroup.com.

# What Lurks Below

Canada's mapping standard for underground utilities

BY MARK BRAITER

ll throughout North America, there are literally thousands of miles of underground pipes and cables whose locations have never been accurately mapped or recorded. And much of our infrastructure was constructed over 100 years ago, when as-built drawings, if they even existed, referenced surface features that have long since disappeared. The consequences of inaccurate information about buried utilities can be dire, as an underground mishap can cause significant damage, interruption of service, serious injury to workers and the public, and even a hazardous impact on the environment.

Historically, identifying and recording the accurate positional location of utility infrastructure was neither formally required nor carried out in a consistent manner. As a result, many of the mapping records that do exist are inaccurate or obsolete, as they have not been updated to capture key properties of newly constructed underground utilities. In many cases, the mapping formats are incompatible between utilities, making the sharing of data or locating the position of one company's pipes or cables relative to another's extremely difficult.

#### **Addressing the Inadequacies**

The utility industry has long recognized the risk posed by poor utility records. Tragic pipeline accidents in the United States and Canada have resulted in lives lost, evacuations, lawsuits and costly settlements. In 2003, an Ontario contractor working on a roadway for the City of Toronto pulled an undersidewalk gas line from a commercial plaza, resulting in a fatal explosion.



To address the inadequacies of utility infrastructure mapping in Canada, regional public works engineers enlisted the Canadian Standards Association (CSA) to develop a common national standard. Recognizing two important factors was fundamental to developing this standard. First, that it is a privilege, not a right, to bury anything underground in the public right of way. Second, it is in consideration of that privilege that the owners of the buried infrastructure are obliged to provide an accurate and retrievable as-built location of this infrastructure.

#### **Adhering to Policies and Procedures**

To develop industrywide standards, a committee of involved stakeholders was assembled with subject matter representatives from utility, surveying and construction companies, as well as from various municipal, provincial and federal government agencies. Following a four-year period development process, CSA S250 – *Mapping of Underground Utility Infrastructure* was published in 2011. The standards can be applied to existing infrastructure or future use situations to

ensure that accurate information about underground utilities is captured and available. CSA S250 establishes accuracy levels that set tolerances for the spatial accuracy of as-builts. It also specifies the utility use specific naming conventions, colors and symbols when describing and depicting underground utilities. The goal is to encourage consistency when data is shared and reviewed.





CSA's S250 standard has helped utility and road owners get a better handle on managing the underground space.

While the main benefits are improved location and mapping accuracy, another advantage is in the area of safety. The standards provide crucial guidelines for record keeping that will help companies, their contractors and employees to reduce the potential for utility hits or strikes. After all, the ability to quickly locate and accurately identify underground infrastructure is critical for preventing an excavation mishap.

CSA S250 also establishes procedures for creating a management system approach to mapping and record keeping for utility owners, locators, excavators and surveyors. Utility owners are expected to document their mapping programs, compliance auditing, disaster recovery improvements and training plans. The standards suggest using geographic information systems and computer-aided design for utility managements so that files are continually updated, making it easier to report location discrepancies to utility owners.

Utilizing these standards does not necessarily mean that utilities need to dispose of their current mapping policies and practices. However, adopting CSA S250 facilitates the process of establishing accuracy and quality levels that are consistent across jurisdictions. This eliminates the need for familiarity with multiple standards, making it easier for end users to respond to calls for proposals, while simplifying the practice of comparing competitive bids.

#### **Protecting the Underground**

Since the launch of CSA S250, there have been additional efforts to minimize incidents relative to underground utilities, such as damage due to ground disturbance activities. This includes digging, excavation, trenching, ditching, tunneling, drilling, grading, plowing, tree planting, blasting, quarrying and the driving of fence posts, bars, rods, pins, anchors or pilings. Damage to these buried facilities can result in major repair costs, service disruptions, environmental contamination, serious injury and even death. These unnecessary damages are generally preventable and can be avoided by utilizing proactive damage prevention processes.

In 2015, CSA published CSA Z247 Damage prevention for the protection of underground infrastructure. This new standard specifies preventative requirements for oil and gas pipelines, electrical and telecommunication cables, and water and sewer lines. Although this was not the first step in the evolutionary progression of ground disturbance, it is a positive step toward the overall prevention of damage to buried infrastructure.

#### **Planning for the Future**

The location of existing utilities will always play a key role in the planning, design and construction of infrastructure projects. To minimize unnecessary cost overages and schedule delays, obtaining accurate data up front is critical. However, equally as important is the continued generation of accurate, reliable maps and drawings of all new utility infrastructure placed in the ground.

Adhering to industry-approved standards will help us to maximize the underground space while minimizing our potential risks. And producing accurate underground data in accordance with these standards will not only help us to maintain the integrity of our infrastructure, it will benefit all stakeholders for years to come. •



Mark is Senior Project Manager at CSA Group and has over 20 years of experience. He led the development of groundbreaking standards for mapping underground utilities used by municipalities and utility providers. Email mark. braiter@csagroup.org.

## The Global Catalyst

IRWA Hosts Inaugural Congress for Global Infrastructure Real Estate

#### BY BARBARA BILLITZER



With members now spanning 15 countries, our international members have much in common as they share similar challenges in planning and executing infrastructure projects.

To facilitate a deeper sharing of best practices across borders, IRWA hosted the Inaugural Congress for Global Infrastructure Real Estate in June. Held the day prior to the Annual Conference in Nashville, Tennessee, the educational event featured consecutive sessions presented by IRWA's global partners.

The event was kicked off by IRWA International Relations Group Chair, Lee Hamre, SR/WA, R/W-URAC, R/W-RAC. After a brief welcome by U.S. Congresswoman from Tennessee, Marsha Blackburn, the sessions began. The topics focused on emerging opportunities, as well as some of the most pressing challenges facing infrastructure planning and development. Some of the topics included Acquiring Land Rights in the United Kingdom, South Africa's Strategic Project Planning Process, an update on IRWA's involvement in the International Ethics Coalition and the International Instructors Program.

#### **Sharing Common Challenges**

From Germany's IKT Institute for Underground Infrastructure, Sissis Kamarianakis, Ph.D. spoke about the country's crowded underground space and innovative practices being tested in conjunction with the utilities and water municipalities. Because the underground right of way is shared, the biggest challenge is determining who will be responsible for maintaining it. Electrical cables are now using sewer space, and thereby subject to environmental conditions that must be monitored.

Jesús Rodriguez Dávalos, whose firm Rodriguez Dávalos Abogados sponsored the luncheon program, addressed Energy Reform in Mexico and changes in laws that have opened up investment opportunities for private investors. Financial infusions have worked to support technology for shale, as well as for storage and transportation of oil. In 2014, more than 25 laws were enacted, one of which makes conducting social impact assessments a requirement before a project can begin.

Soraya Pérez Munguía, President of the Administration and Appraisal of National Real Estate Institute of Mexico, spoke about federal infrastructure projects from an economist point of view. It's estimated that 70 percent of all



project costs are associated with right of way acquisition. For major projects like Mexico's international airport, the need for land is significant. To ensure landowners receive current market value, land value tables are used to set equitable parameters.

From the U.S. Trade & Development Agency, Keith Eischeid, Manager for Latin America and the Caribbean, spoke about the agency's support for international infrastructure project planning. Working exclusively in emerging markets, its top projects are in the areas of transportation, energy and telecommunications. The agency obtains grants for feasibility studies in countries with the greatest needs, ranging from electricity projects to building airports. He stressed how funding for these international projects benefits the hosting companies in North America as well.

In wrapping up, Lee commended the attendees for their active participation. "By encouraging these relationships, we will not only improve infrastructure practices around the globe, but also strengthen the right of way profession and IRWA's reputation as a top-tier provider of credentialing and education in the industry," said Lee. 3



U.S. Congresswoman Marsha Blackburn and Lee Hamre, SR/WA



INDAABIN President Soraya Pérez Munguía



IKT's Sissis Kamarianakis, Ph.D. (left) with attendees





Colin Smith



USTDA's Keith Eischeid









Faith Roland, SR/WA and IKT's Roland Waniek

# IRWA'S 62<sup>nd</sup> Annual International Education Conference

BY ETHEL NAVALES

ashville, Tennessee is widely known for hosting the most talented artists in country music, but on June 2016, Nashville found itself hosting an entirely different sort of group. Just as devoted to their craft, right of way professionals from all around the globe arrived in the famed Gaylord Opryland Hotel for IRWA's 2016 Annual International Education Conference in Nashville.

On behalf of Region 6 and Tennessee Chapter 32, Conference Co-Chairs Jenni Kriner, SR/WA and Dan Gill, SR/WA welcomed over 1,300 conference attendees and thanked the many individuals who worked together to organize this year's successful event. They encouraged the conference attendees to take advantage of the conference app, the educational sessions and the many networking opportunities.

After calling the Annual Meeting of the Members to order, International President Wayne Goss, SR/WA, R/W-NAC took the stage to announce the Association's success in retaining existing members and increasing total membership. Additionally, Wayne acknowledged the Association's numerous accomplishments, such as a net income rise that exceeded expectations and the evolvement of symposiums by the industry committees.

"For members who are unable to attend the Annual Conference, these symposiums offer a unique opportunity to meet with industry experts, while sharing best practices and networking with those who share common challenges," Wayne commented. "I applaud these efforts, as they are exactly what help solidify our reputation as the central authority for global infrastructure real estate."

The symposiums are just one of many efforts that IRWA has put forth to bridge the gap between regional forums and the Annual Conference—and the efforts don't stop there. This year, the Association has taken a number of steps to support emerging international membership both during and outside of the Conference.

"With an eye toward sharing our expertise worldwide, our International Relations Committee has helped us increase IRWA's global presence. In fact, this led to the idea of expanding our former International Luncheon into this year's Congress for Global Infrastructure Real Estate," Wayne said. "We anticipate growing this event into a truly global occurrence, with it becoming a standalone annual symposium that will be hosted in locations all around the world."

Wayne also welcomed IRWA's newest Chapter— Queensland Chapter 86 in Australia. Chapter Officer Murray Sharpe, SR/WA and the International Relations Committee liaison Glenn Winfree, SR/WA were presented with the new Chapter's charter. This accomplishment demonstrates the Association's continuous success in global expansion.









Photography by Peter Stamenov and Carl Krockenberger











#### A Year Spent Moving Forward

IRWA's Chief Executive Officer Mark Rieck reported that the Association has increased membership income to \$1.617 million, with 9,708 members. Additionally, the education income has held steady at \$1.687 million and the number of IRWA classroom and online participants totaled 4,422 and 2,591 respectively. There are now 3,126 certified and designated members, with 32 percent of total membership holding a credential.

Best of all, membership growth is just the tip of the iceberg. As the world continues to evolve technologically, IRWA remains successful by advancing alongside these developments. As Mark noted in his speech, this year proved especially successful in leveraging technology to maximize member value.

For instance, this year brought the launch of the new IRWA Member Network, which encourages member-to-member communication through discussion threads, allowing members to share information across industries and without boundaries. IRWA also introduced a new credentialing module that greatly aids members in determining how they can best achieve their certification and designation goals. Most recently, IRWA's new Course 100 International utilizes video format, allowing any country to customize modules according to local law and regulations. Mark also acknowledged Right of Way Magazine's new translated versions (in Spanish, French and German) and IRWA's new instructor development program, the CLIMB.

"Seventy IRWA instructors gathered in Manhattan Beach, California for a two day instructor development program that provided training and best practices, and created a community of CLIMB certified instructors who are not only armed with new adult learning techniques, but are authorized to submit new exercises and other current material to any course they teach," Mark explained.

After an undeniably successful year, Mark turned to the future and said, "As we look ahead to the next fiscal year, our mantra remains the same—simplify, innovate and automate our Association's programs, products and services, empowering members and making it easier for them to stay current and advance in their careers."



#### **AWARDS CEREMONY**

The Annual Awards Ceremony was kicked off by Chair of the International Nominations and Elections Committee Arlene MacKenzie, SR/WA, R/W-EC. "There are so many volunteers operating on behalf of IRWA—ensuring newsletters are produced, websites are created and maintained, committees staffed and our collective interests looked after. It is truly awe-inspiring. Being nominated and named a finalist is a great honor, and the victories are well earned," said Arlene.



Winner of Website of the Year went to Illinois Chapter 12. Kristopher Koehler and Cassy Beary accepted the award.



Newsletter of the Year was awarded to Chapter 50 for "The Grapevine." Accepting the award was Cathy Springford.



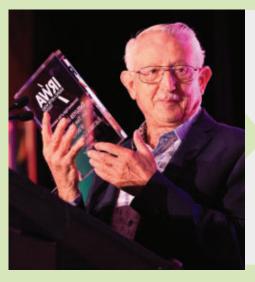
For the Employer of the Year with more than 20 employees, the award went to Volkert, Inc., Chapter 3.



Chapter of the Year was awarded to Minnesota Chapter 20, with Michelle MacMillan, ARWP accepting.



Chapter 8, Houston Texas won the Gene L. Land Award for highest numerical gain in membership. Ken Vacek accepted.



For the Employer of the Year with less than 20 employees, Electrical Consultants, Inc. was the winner. Tom Harvey, PLS accepted.



Accepting on behalf of Chapter 27 was Jamie Formico, SR/WA, R/W-RAC, R/W-NAC.



The Gene L. Land Award for highest percentage gain was a tie between Sacramento Chapter 27, and Pittsburgh Chapter 55. Accepting on behalf of Chapter 55 was Karen Coon, SR/WA.



IRWA's most esteemed honor, the Frank C. Balfour Professional of the Year was awarded to Wayne Larsen, SR/WA, R/W-RAC, R/W-URAC, R/W-NAC. This award honors exemplary support and commitment to the Association. Upon receiving the award, Wayne gave credit to his mentor, past International President Dan Beardsley, SR/WA. "Receiving the Balfour Professional of the Year Award has been a humbling and exciting experience for me," said Wayne. "I am honored today knowing that, as one recipient, this represents thousands of other right of way professionals who are all focused on a single mission. This is what makes IRWA such an awesome organization."







Finalists included (from left), Brad Krabel, SR/WA, R/W-NAC, Mike Murray, SR/WA, R/W-NAC and Charles Stearman, SR/WA.



Past International President Faith Roland, SR/WA was awarded the Louise L. & Y.T. Lum Award. Selected by the Right of Way International Education Foundation Trustees, this award acknowledges significant contributions to right of way education.



Chapter 20's Mindy Leadholm, SR/WA was named Young Professional of the Year.



Gordon MacNair, SR/WA, AACI was named the W. Howard Armstrong Instructor of the Year.



The City of Ottawa was named Government Employer of the Year.



Lisa Hiddleson, SR/WA R/W-NAC and Laura Bonga (not shown) received student scholarship awards to help them further their right of way education.



Project of the Year was awarded to the Calistoga Setback Levee project, a joint effort between the City of Orting and Parametrix. Accepting were Joachim Pestinger, SR/WA, Ken Wolfe, and J.C. Hungerford.

#### **Installation Banquet**

The conference came to a close with the Annual Installation Banquet on Wednesday, June 15<sup>th</sup>. During the event, attendees witnessed a new slate of officers sworn in and the official presidential hand-off. In his farewell speech, Wayne Goss spoke of his appreciation for those who helped push the Association through another successful year and those who helped shape his own experience as President.

"Five years ago in Atlanta, I expressed a desire and hope that I could offer myself and the abilities I might have to an organization that has provided so much to me," Wayne reflected. "As I stand before you this evening, I think some minor repayment may have been achieved, but even more, I feel like my involvement at the executive level has provided me with tools to move forward to whatever lies ahead."

Mary Anne Marr then stepped into the Association's highest elected position and looked toward the future by saying, "In 30 years, I'd like to be standing here before all of you and know that we've repaired or replaced our failing infrastructure, and have had the opportunity to impact the development and quality of life throughout the world. I'd like to be able to tell you that we are regularly sought out by governments, agencies and organizations to offer our expertise, education and experience. It's a pretty lofty vision," Mary Anne observed. "But it's *our* vision."











#### **In Appreciation**

We are pleased to give special recognition and thanks to the sponsors of IRWA's 62<sup>nd</sup> Annual Education Conference. Please join us as we extend our sincere appreciation for their gracious and generous contributions.

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Other sponsors include Croft & Associates, Clark Land Resources, CTS Resources, EnSite USA, Inc., Pilgrim Land Services and the IRWA 2022 Conference Bidder – Denver, Colorado.

#### **BOARD OF DIRECTORS**

The Annual Board of Directors meeting took place on the final day of conference. International President Wayne Goss, SR/WA welcomed the Directors and reminded them that all financial statements were distributed in advance and available on IRWA's website. Wayne thanked the Right of Way International Education Foundation (RWIEF) and the Canadian Right of Way Education Foundation (CRWEF) for their support and partnership with the Association. Wayne expressed his gratitude for their vision and unyielding commitment to IRWA's mission.

RWIEF President Carol Croft, SR/WA took the stage and voiced what an honor it is to serve as Foundation President before acknowledging and thanking the Foundation trustees. Carol announced that Angel Banks, SR/WA, Leslie Finnigan, SR/WA, Craig Poorker, SR/WA and Kevin Winner SR/WA have all agreed to serve an additional term as trustees and will be joined by young professional, Brett Farner, SR/WA. Carol then provided an overview of the Foundation's fundraising efforts, including the Monday Night Event, which was planned and executed entirely by the Foundation. Carol thanked the Conference Co-Hosts Jennie Kriner, SR/WA and Dan Gill, SR/WA for their support and was pleased to announce that it far exceeded expectations, generating more than \$100,000 in net proceeds. She acknowledged that member contributions helped launch a \$500 award to each Region Professional of the Year. Finally, Carol shared the that the next fiscal year is RWIEF's 40th

Anniversary. At the conclusion of her remarks, RWIEF trustees Ron Barker, SR/WA and Clyde Johnson, SR/WA accepted financial donations from Chapters and individuals.

CRWEF President Dawn MacDougall, SR/WA introduced Foundation Vice President Bill Giese, SR/WA and Secretary Treasurer Shannon Favaro, SR/WA before thanking RWIEF for their partnership and support. She acknowledged Foundation programs and events such as its scholarship program, the new Canadian Oil & Gas Course and a well-received seminar this fiscal year. She was joined by Bill Giese to accept financial donations from Chapter members.

After Wayne reconvened the meeting, he called on International Treasurer Jeff Jones, SR/WA to present the 2016-2017 Budget Proposal. As the finance committee met four times during the fiscal year, Jeff was confident that that proposed budget aligned with IRWA's goals to increase visibility, to develop new education programming and to support the governance of the Association. The 2016-2017 Budget Proposal was approved as presented.

Wayne then called on General Counsel Eric Finn, Esq. to introduce two bylaw resolutions, which require a two-thirds majority to pass. The first resolution, Classes of Membership, was passed as presented. Eric then presented the second resolution on Affiliates, which also passed. Finally, Eric shared a board motion to change the title of the Executive Vice















President to Chief Executive Officer. The motion carried.

Next on the agenda was the International Executive Committee elections. Wayne called on Chair of the international Nominations and Elections Committee Arlene MacKenzie, SR/WA to provide a committee report. All current IEC members up for reelection were confirmed, running unopposed. Under the committee's recommendation, Sharon Slauenwhite, SR/WA joined the IEC as IRWA's International Secretary. After congratulating the 2016-2017 officers of the IEC, Wayne announced that Eric Finn will be retiring from his position as IRWA General Counsel and Bradford Kuhn, Esq. will replace him. Eric was presented with a commemorative plaque in recognition of his service. He thanked the Association for supporting him throughout his career and announced that he will continue as the IRWA representative to the International Ethics Coalition.

Aimie Mims, SR/WA took the stage to present the slate of Region officers while President-Elect Mary Anne Marr, SR/WA announced the appointments of the 2016-2017 International Service and Industry Committee Chairs and Vice Chairs and Community of Practice Leaders.

Wayne invited Mary Anne back on stage to share her thoughts on becoming President of the Association. She commented that she felt fortunate to serve at a time when the future of the Association looks so bright. She pointed out that the Association needs to focus its energy and efforts toward the Regions and Chapters, empowering committees and communities of practice to collaborate and support enhanced programming. She noted that IRWA's new International Course 100 offers video module capabilities and is just one of many steps toward increased access to education. Mary Anne encouraged members to engage and involve both the young professionals and our global partners, as it will certainly be an investment toward our future.

"As your incoming President, my commitment to you is that we continue to have discussions and explore how we are structured, how we continually improve our programming and how we find new ways of bringing value to our employers and all of those we serve," Mary Anne said. "Along with the other members of your Executive Committee, your Governing Council and IRWA staff, we are committed to serving you by continuing the discussion and knowing that this next year is just a small part of something much bigger—our future."

## **SR/WA Breakfast**

The SR/WA Recognition breakfast remains a beloved conference tradition. Over the past 12 months, over 140 members achieved IRWA's highest professional designation, the SR/WA. Participants gathered to recognize and celebrate the honorees in attendance who received their certificate from International President Wayne Goss, SR/WA.

Following the breakfast, featured speaker Rocky Bleier shared his inspiring story of beating the odds after an injury in the Vietnam War. Despite being told by doctors that he may never walk again, Bleier worked tirelessly to recover and become a Super Bowl champion.











## MONDAY NIGHT FOUNDATIONS EVENT

Each year, the Education Foundations host a fundraiser to generate funding for right of way education initiatives. This year's event, a Night in Downtown Nashville, was held at the Wildhorse Saloon, where more than 1,130 conference goers shared local cuisine, while participating in line dancing and a live auction. More than \$100,000 in net proceeds will benefit the Right of Way International Education Foundation and the Canadian Right of Way Education Foundation.

















## Special Thanks

These education fundraising events would not be possible without the generous contributions and support from our sponsors. We would like to thank each and every sponsor for helping to further education for right of way professionals throughout the world!















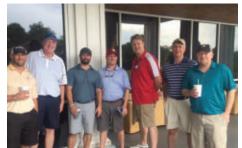




### **Golf Tournament**

Conference participants convened at the Gaylord Springs Golf Links for the IRWA's  $20^{\text{th}}$  Annual Golf Tournament. As golf enthusiasts enjoyed lunch, drinks, networking and a day outdoors, the tournament witnessed its very first hole-inone by Eli Lyons of GeoAmps. Hosted by the Right of Way International Education Foundation and the Canadian Right of Way Education Foundation, the event successfully raised nearly \$30,000 in donations.

The Foundations would like to thank everyone who participated, including the major sponsors and the many hole sponsors. Special thanks to **Platinum Sponsors**: Allen, Williford & Seale, Inc., Contract Land Staff, Croft and Associates, Duff & Phelps, IRWA's International Oil & Gas Pipeline Committee, Paragon Partners Ltd., IRWA Region 3 and Region 5; **Diamond Sponsors**: Altus Group, Coates Field Service, Inc. and Roland Resources, Inc.; **Gold Sponsor**: Twin Peaks Field Services; and **Silver Sponsors**: Percheron, Pattison Associates, Inc., and the RWIEF Trustees; **Bronze Sponsors**: Liberty Consultants, TRC and Metro Consulting Associates.











## **Young Professionals**



The IRWA Young Professionals Group supports newcomers to the profession who are interested in getting more actively involved while exploring professional development and networking opportunities.

Held each year in conjunction with the Annual Conference, the Young Professionals Symposium included a full day of educational sessions designed to inspire and challenge the attendees to enhance their skills and build their knowledge base. Presenters addressed a range of industry topics, including telecom acquisition, pipeline safety, condemnation and relocation practices. IRWA's credentialing pathways were also explored, as well as the role of the Education Foundations in funding the Association's educational initiatives. Participants also attended the Congress for Global Infrastructure Real Estate luncheon event, where they were able to gain valuable insight into international best practices.

The YP Group would like to thank the following sponsors for their generous support.























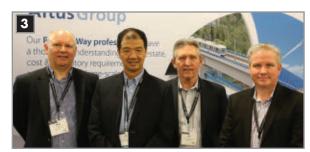


## **Exhibit Hall**

With over 1,300 registered attendees, the Exhibit Hall served as an ideal venue for exhibitors to showcase their products and services to the dedicated right of way professionals in attendance. For a chance to win an iPad or iPad mini, each conference attendee received an Exhibit Hall Passport which encouraged participants to visit each booth to obtain a signature. This created a highly interactive environment among the participants and was a great success in generating traffic.







































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## **Exhibit Hall**









































## **Exhibit Hall**































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7) IRWA 2017 Conference Host—Anchorage, AK 8) Contract Land Staff 9) Mercer Technical Services 10) IRWA 2021 Conference Bidder—San Antonio, TX 11) NewForce Group, LLC
12) Land Technology Solutions 13) O.R. Colan Associates, LLC 14) Overland, Pacific & Cutler, Inc. 15) IRWA Young Professionals Group 16) Metro Consulting Associates
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28) Texas File 29) Wood Group Mustang 30) Synergy Land Services, LTD 31) Western Land Services 32) TRC Solutions 33) Whitestar Corporation 34) Universal Field Services, Inc.
35) Valbridge Property Advisors, Inc.

# **Committees**and Communities

IRWA's strength is derived from the dedicated right of way professionals who serve on International Committees, Councils and Communities of Practice. The Association credits their participation, leadership and collaboration in advancing important industry initiatives.

#### **INTERNATIONAL COMMITTEES**



**ELECTRIC & UTILITIES** 



**TRANSPORTATION** 





CREDENTIALING



OIL & GAS PIPELINE



**PUBLIC AGENCIES** 



NOMINATIONS AND ELECTIONS

#### **DISCIPLINE COMMUNITIES OF PRACTICE**



**RELOCATION ASSISTANCE** 



**ASSET MANAGEMENT** 



SURVEYING & ENGINEERING



VALUATION

#### **COUNCILS AND FOUNDATIONS**



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INTERNATIONAL RELATIONS GROUP



CONSULTANTS COUNCIL



CANADIAN RIGHT OF WAY EDUCATION FOUNDATION



RIGHT OF WAY INTERNATIONAL EDUCATION FOUNDATION



INTERNATIONAL GOVERNING COUNCIL

## **REGIONS**



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Arkansas, Louisiana, Oklahoma, Texas





Connecticut, Delaware, Maine, Maryland, Massachusettes, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia









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#### IRWA COURSES

For descriptions and to find a class, visit www.irwaonline.org.

#### **BASIC RIGHT OF WAY DISCIPLINES**

100i* Principles of Land Acquisition-International 2 da 103* Ethics and the Right of Way Profession 1 da 104* Standards of Practice for the Right of Way Professional 1 da	<ul> <li>Principles of Land Acquisition-International</li> <li>Ethics and the Right of Way Profession</li> <li>Standards of Practice for the Right of Way Professional</li> <li>1 day</li> </ul>
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#### 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	Right of Way Acquisition for Pipeline Projects	2 days
219	Introduction to Presentation, Instruction and Facilitation	2 days

#### MANAGEMENT

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

#### APPRAISAL

400*, 400C 402*	Principles of Real Estate Appraisal Introduction to the Income Capitalization Approach	2 days 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 Negotiatior (online only)	1 day
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 only)	1 day
520	Special Topics in Replacement Housing	1 day

#### **ENVIRONMENT**

600*	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	2 days
	Right of Way Professionals	
803C	Expropriation Law Basics for Right of Way	2 days
	Professionals	
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

#### SR/WA REVIEW STUDY SESSION

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

<sup>\*</sup> Asterisked courses are available online.





Obtaining accurate information is crucial in relocation

BY DARRYL ROOT, JD, R/W-RAC

because in this jurisdiction, occupancy ordinances called for an upgrade to two bedrooms for four occupants.

When I asked the head of household to arrange an appointment with the twin, she immediately gave me a date and time to meet. I found it odd that she didn't consult her sister before making an appointment but brushed it off. When I arrived for the appointment, the "twin" could not produce any documents with her name on it nor other evidence of occupancy. I found this strange but asked her to keep looking. (I did notice, however, that the sister looked amazingly similar to the head of household, even for a twin.)

I called back later and spoke to the husband. When I inquired about the twin sister, he laughed and told me his wife was really an only child! He had wanted to tell me the truth but was waiting until his wife was not around. He explained that his wife had her heart set on a two bedroom unit.

As a young relocation agent, I was asked to relocate what the agency said was a family of three from a one bedroom rental unit. However, the female head of the household told me that there were actually four persons living there. She stated that she and her husband shared the bedroom with their infant daughter while the fourth person, her "identical twin sister," slept on the couch in the living room.

As the relocation progressed, I met the couple and their daughter but could never seem to catch up with the twin sister. Verifying the twin's occupancy was important

#### **Let's Verify That**

As this story emphasizes, a relocation agent has an ethical duty to verify information provided for the calculation of benefits, especially when dealing with displacees who understandably feel angry, anxious and vulnerable. Often times, tight construction schedules can tempt the agent to "just take their word for it" and quickly begin calculating benefits based on conflicting or incomplete information. Since tenant relocation benefits can be quite sizable depending on the number of occupants per rental unit, displacees may attempt to rush the agent into accepting sketchy information to secure greater benefits.

To counteract this, the agent should explain the importance of accurate information and request adequate documentation. Each alleged occupant should produce identification and be able to show actual occupancy of the unit, such as having clothing and other personal effects in the unit. Additionally, mail addressed to the occupants and government-issued identification cards should reflect the address of the unit. Actually interviewing each adult occupant can also help to substantiate occupancy. No matter what, the agent should take the time necessary to verify occupancy of all household members alleged to reside in the dwelling. After all, it is the relocation agent who will be held accountable by state and federal auditors long after a displacee is relocated.

#### **Working With Commercial Displacees**

The problem of obtaining accurate information for benefit calculations is not limited to residential displacees. Commercial displacees have businesses to run and may have little time to devote to the relocation process. But getting accurate information is critical when bids are obtained, especially because these can amount to millions of dollars for complex business relocations. The



Darryl is Program Manager for Overland, Pacific and Cutler, Inc. and has been in the right of way industry for 25 years.

agent may feel pressure from the business owner and his experts to accept bids and other information that is not well documented. Therefore, it is up to the agent to be present during the bidding and inventory processes and to ask any necessary questions in order to understand the bid. If the relocation agent cannot understand how the bid was arrived at, neither will an auditor.

Some displacees provide estimates with generic scopes of work unrelated to the specific business being relocated. Even worse, the bid may include items that are already paid for in the real estate appraisal. These types of inaccurate bids can make it easier for a displacee to profit from relocation benefits instead of only receiving payment for eligible "actual, reasonable and necessary" expenses as intended by the URA. A list of line items without a detailed accounting of where the numbers came from is not a proper bid. Every item being claimed for non-

residential relocation benefits should be independently justified and reviewed.

#### **An Ethical Responsibility**

The relocation agent is a guardian of public funding and is ethically responsible to ensure compliance with applicable rules. Inaccurate benefit analysis can result in an inadvertent and impermissible gift of public funds. And as the national economic climate changes and sometimes worsens, displacees may be tempted to try to profit from the relocation process.

Relocation professionals have an ethical duty to make sure displacees understand that relocation benefits are only for "actual, reasonable and necessary" eligible expenses, while helping them maximize their benefits under the rules. Bowing to schedule pressures or the emotions and profit motives of displacees is not an acceptable substitute for carrying out the relocation agent's ethical duties.  $\bullet$ 







## **Acquisition Challenges in Design-Build Projects**

Minimizing private injury in involuntary property takings

BY MICHAEL F. YOSHIBA, ESQ.

An increasingly popular public project management trend is using Public-Private Partnerships, otherwise known as P3. This method was developed to close the gap between agency bureaucracies and the cost-efficient design and building of public projects. As such, many public agencies have already successfully implemented P3 concepts into their public projects. With this method, contractors are tasked with the project design and construction, while the public agencies typically handle the right of way acquisitions.

There are several types of P3 arrangements that vary depending on the extent of private sector involvement. One such arrangement is design-build, which is a project delivery method that combines two, usually separate services into a single contract. With design-build, the design builder assumes responsibility for the majority of the design work and all construction activities, while owners retain responsibility for financing, operations and maintenance.

#### **A Problem Arises**

Recently, a California local public agency decided to build a freeway improvement project with a P3 contractor. The contractor was given the basic conceptual design features for the project and was assigned the responsibility of preparing the final design details for project construction. There was a relatively tight window for completion of the project, so the acquisition process was started before the project construction designs were finalized. As a result, the agency used a more expansive project footprint and acquired more property than they would ultimately need for construction. This would provide more design flexibility to accommodate unanticipated future design changes stemming from field conditions and public comments emerging during the environmental review process.

Based on the contractor's expansive project design footprint and the "not yet final" project design, the agency

began negotiations for voluntary sales agreements with private property owners. Most property owners accepted the offers to purchase. Faced with a few owners who would not voluntarily sell their property, the agency proceeded to obtain a resolution of necessity supporting the involuntary taking of the property. Of course, this created a number of problems.

#### **Resolution Requirements**

In California, property acquired by a public agency through a resolution of necessity "shall only be used for the public use stated in the resolution." Public agencies that fail to stay within the public use verbiage stated in the resolution run the risk of having to restart the legal process. Furthermore, an involuntary property taking through the use of the power of eminent domain requires that the proposed project be "planned or located in the manner that will be most compatible with the greatest public good and the least private injury."

Because the proposed property take areas in the resolution were based on the more expansive project footprint, the aforementioned "least private injury" requirement appears to be questionable. The agency could have difficulty proving that the property areas being condemned are the "least private injury" if it cannot demonstrate why those private property areas being taken are specifically needed for the project. In their resolution of necessity, the agency stated, "The public use for the fee and temporary construction easement interests in the property to be acquired is for [the freeway project]." This statement contains no specific mention of "why" the properties being taken were required. The project description in the agency's resolution of necessity is arguably impermissible at law because of its vagueness and failure to specify the reasons behind acquiring the property.

#### Taking Beyond the Scope

In this project, one property owner had sufficient grounds to challenge the agency's condemnation case and resolution of necessity. After obtaining the resolution against the property owner, the agency did use the parttake areas to construct the freeway project. However, the agency and P3 contractor initiated a late project design change that created an excess property area, which was previously designated as "required" for the freeway project. The agency (or a permittee) proceeded to construct a large, two-sided commercial advertising billboard within the newly created excess land that had been permanently taken from the property owner.

There appears to be little or no correlation between the public use as defined in the resolution of necessity and the newly installed commercial billboard. More importantly, there was no mention that the property was being taken to construct a billboard. Adding further insult to injury, this billboard was

placed in the same area that the property owner had previously sought local entity approval for placing a similar billboard. And the agency further erred by failing to identify this property as "excess" to their project needs in the resolution of necessity, as required by statute. The property owner has viable arguments for challenging it.

#### The Moral of the Story

These unique issues are the product of P3 projects that utilize the design-build process. Previously, public agencies designed and approved the public project and only then sought bids for a construction contract to build after the project design was finalized. The public agency only acquired those specifically identified property rights that were found necessary for construction. How and whether a court will ultimately decide these issues in the property owner's matter is uncertain, but great care must always be exercised when acquiring properties using eminent domain powers. •



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



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#### **Energy Access Solutions Welcomes Courtney Hart**



Energy Access Solutions is pleased to announce that Courtney Hart (Otto) has joined the company as Manager of Business Operations. Courtney joins the firm with seven years of industry experience. She is a member of Chapter 8 and served on the IRWA International Communications and Marketing Committee from 2012 to 2013. She has

been involved in the Young Professionals Committee since 2010 and currently serves as the Education Chair.

#### **Edward Fishman Joins Nossaman LLP** as a Partner

Edward Fishman has joined the Nossaman **LLP** Washington, D.C. office as a Partner. Ed has significant experience working on infrastructure projects, namely in the transportation and logistics sector. He provides project structuring, risk management and regulatory advice in connection with rail, highway and related intermodal projects and has worked on several innovative public-private partnerships. Additionally, he has experience representing multinational clients in connection with the Foreign Corrupt Practices Act and other laws that apply to business activities outside the U.S.

#### TRC Welcomes Jeffrey Schwartz as **Land Director**

Jeff Schwartz has joined TRC Companies, Inc. as Land Director. With a 26-year career, Jeff's experience spans from oil and gas exploration to pipeline construction, and includes



telecommunications network development. Jeff is experienced in all facets of right of way acquisition and has been engaged in such strategic tasks as survey coordination, field acquisition and inspections, weld mapping and terminal/station operations.

#### Christine A. Roy Joins IRWA's International **Ethics Committee**

Rutter & Roy LLP is pleased to announce that Christine A. Roy has been appointed to IRWA's International Ethics Committee, the team responsible for promoting and enforcing the highest ethical and professional standards of the IRWA. Christine was a past President of the New Jersey Chapter 15 and has been actively involved in the IRWA since 2003. Her expertise includes environmental law, eminent domain, land use law, railroad law, transportation law, pipeline law and appellate practice.



#### SURVEYING AND ENGINEERING

#### **Annual Mapping Winners Announced**



Each year, the International Surveying & Engineering Community

of Practice sponsors an Annual Right of Way Mapping Competition. The winners of the 14th Annual Competition were announced at IRWA's Annual International Education Conference in June. Bruce Schanz of Consumers Energy won for both the pipeline and utilities category. Winner in the transportation/highway category was Walter Sass of Weisser Engineering & Surveying. Telecommunications winner was Daffney Ferrington, Justin Parenteau, Jose Narrjo and Will Merritt, all from R-Squared Global, LLC. Jason Plummer of Rowe Professional Services Company won for best in show.













#### LandWorks Introduces Innovative Software Upgrades

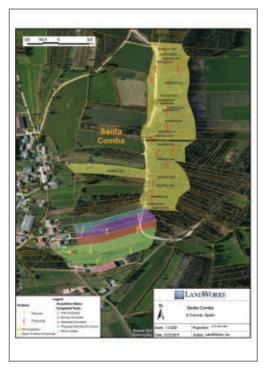
In July, LandWorks Inc. introduced Release 5.50, an upgrade to their GIS products and software suites—LandWorks Property Management, LandWorks GIS, and WebMaps Enterprise GIS. This software rewrite allows for full-integration with Esri's ArcGIS platform, which will mean greater functionality.

This integration will allow users to update live maps with new information and have access to immediate results. For instance, if a client enters a right of way agreement, they have instant access to a live GIS map with the associated land rights polygon. Furthermore, users can download LPM records and work offline, allowing for a new level of convenience and usability for field agents.

In addition to upgrades, a number of new tools come with Release 5.50. The new 3D Depth viewer allows for those in the oil and gas and mining industries to get a better idea of what's below the earth's surface. LandWorks has also added the new spatial alignment tool, which realigns existing polygons to new land or parcel grid versions.

"What once required months to complete now takes hours, resulting in more accurate land agreement polygon boundaries without the high cost of manually snapping them to the updated grid or parcel data," said LandWorks President Jerry Bramwell.

For more details on Release 5.50, visit http://www.landworks.com/products/.





#### **Presidential Puppet Generates Funds for Education**



Each year at the Annual Conference, a live auction is held to help generate funds for the Education Foundations. In addition to bidding on art, jewelry and vacation packages, attendees have the opportunity to bid on an unusual item—a puppet of the outgoing President.

The auctioning of the puppet has become a much-anticipated event, bringing smiles to conference attendees for over a decade. Typically, the Chapters within the President's home region pitch in and the winning bid often exceeds \$5,000. At this year's conference, the puppet of outgoing President Wayne Goss, SR/WA was nearing its end when past President Lisa Harrison, SR/WA challenged everyone to aim higher. In the end, Region 2 bid \$5,000, and on behalf of Pinnacle Consulting Management Group, Lisa pledged an additional \$1,000. As a result, \$6,000 was pledged to the Right of Way International Education Foundation.

According to past International President Randy Williams, SR/WA, there is an unusual story behind these caricatures. "When Chapter 74 in Austin, Texas was campaigning to host the Annual Conference, we were looking for a way to capture attention and help us get more votes. At a local arts festival, I came across a booth of puppet artists and discovered that with good photographs and a physical description, they can replicate anyone. The first one we made was of Gordon McNair, SR/WA in 2003, and it got such a great response that Chapter 74 decided to donate a puppet every year," said Randy.

While Randy had enjoyed his longstanding relationship with puppet artist Marnie Winn, he knew that with her ongoing battle with cancer, the tradition might come to a premature end. So rather than continue ordering just one Presidential puppet each year, Chapter 74 voted to order the entire International Executive Committee at one time. In 2015, all five puppets were delivered to IRWA Headquarters, where four now remain on display.

Sadly, Marnie lost her battle with cancer and passed away on August 3, 2016. The Association was fortunate to have enjoyed her creations for over 12 years. Today, we know that the funds they generated on behalf of education will live on for years to come.

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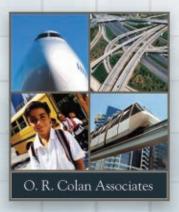
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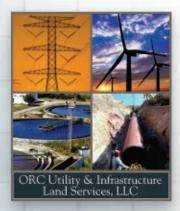
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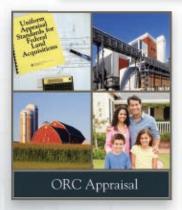
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## German Conference Recognizes UAS Global Impact



Held every year in Germany, INTERGEO is an annual conference and trade fair for geodesy, geoinformation and land management.

This year, INTERGEO will be held in October in Hamburg. With the growing popularity of Unmanned Aircraft Systems (UAS), the conference will include interaerial SOLUTIONS—an exhibition, forum and flight zone that will serve as a showcase for manufacturers, UAS users and operators. To date, 90 companies have registered to showcase their products and over 40 speakers are registered for the forum. Discussion topics include Germany's legal framework of commercial UAS use, growing safety concepts, new areas of application, and the benefits of UAS for surveying, planning and monitoring. The event hopes to recognize the many ways the UAS industry can directly benefit the right of way industry.

For more information, visit www.interaerial-solutions.com and http://www.intergeo-tv.com/

OIL & GAS

#### Atlantic Sunrise Project Expands Pennsylvania Pipeline

To operate, maintain and expand on the Transco Pipeline, a 42-inch natural gas-pipeline that runs across 1,320 feet of Pennsylvania land, the Williams Company agreed to add roughly 117 acres to State Game Lands 168 in Eldred Township, Monroe County and 120 acres to State Game Lands 300 in Jefferson Township, Lackawanna County. In exchange, Williams will receive a license for the 50-foot wide right of way, occupying 1.52 acres of State Game Lands 211.

This expansion, called the Atlantic Sunrise project, will allow natural gas to be transported and distributed throughout Pennsylvania and beyond. The expanded pipeline hopes to supply enough natural gas to meet the daily needs of over seven million homes by connecting regions in Pennsylvania which produce natural gas to markets in the Mid-Atlantic and Southeastern states. Additionally, construction is expected to create job opportunities and increase economic activity by \$1.6 billion in project regions.

To learn more, please visit http://atlanticsunriseexpansion.com/

#### **NEW COURSE!**

#### Sewers and Pipelines: Construction, Operation and Maintenance

IRWA and Germany's Institute for Underground Infrastructure (IKT) are proud

to announce a new IKT International

Masterclass on asset management and smart community infrastructure. Sewers and Pipelines: Construction, Operation and Maintenance will be available on site at IKT and online via web conference. Some key subjects of this course includes the construction, installation, operation, maintenance and rehabilitation of sewers and pipelines.

For more information and to register, visit http://www.ikt-online.org/wp-content/uploads/2016/07/ikt-international-masterclass-programme.pdf

## A Full Service Consulting Firm ASSOCIATED RIGHT OF WAY SERVICES, INC. Program Planning Appraisal Project Management Acquisition URA Compliance Relocation Corporate Office 2300 Contra Costa Blvd., Suite 525 Pleasant Hill, CA 94523 tel 925.691.8500 toll-free 1-800-558-5151 arws.com

#### **CLIMB Save the Date!**

ASSOCIATION NEWS



For 80 years, IRWA has been at the forefront of right of way education and continues to develop new strategies for optimal results. This past January, nearly 75 instructors

gathered in Manhattan Beach, California for IRWA's inaugural CLIMB Instructor Development Program, which allowed instructors to learn about teaching methods designed to enhance the student learning experience.

"By developing clear, evidence-based standards of instructional competency, we have created a new foundation for classroom instruction," explained IRWA's Vice President of Professional Development Deidre Alves, M.Ed. "By integrating cutting edge educational tools, our students will be assured of long-term retention."

The second CLIMB Instructor Development Program will take place this fall on November 4<sup>th</sup> and 5<sup>th</sup> in Dallas, Texas. The program is available for new instructor candidates only. For more information please email education@irwaonline.org



## National Campaign Urges Infrastructure Reform



In an effort to restructure and simplify America's modern government, a national bipartisan campaign called "Who's in Charge Around Here?" was launched in August. It takes a closer look at the changes that need to happen in healthcare, education and infrastructure. Not only does the campaign acknowledge the severity of America's crumbling infrastructure, it highlights the various benefits of addressing this problem, such as the creation of millions of jobs.

Currently, the project permitting and review processes are delayed by years. The campaign argues that this is because government agencies needlessly debate over details, ultimately doubling the project cost. Additionally, lengthy permitting and reviewing will mean an even more decrepit infrastructure to work with. For instance, an environmental review can take so long that it ends up actually hurting the environment by prolonging pollution and traffic congestion. The campaign suggests:

"Cut red tape—give designated officials the authority to make decisions and enforce deadlines. Give an environmental official the job of deciding when there's been enough environmental review. Give the White House the authority to resolve issues among bickering agencies. Refocus lawsuits on material concerns, not nitpicking. A new law doing all this can be less than three pages. Put humans in charge, and America can start moving again."

For more information, visit http://take-charge.org/infrastructureandenvironment

#### **New Tool Determines Best Material for Water Pipelines**

Researchers at the University of Michigan have created a lifecycle cost analysis tool, which can aid professionals in comparing and choosing alternative materials for water pipelines. The model analyzes a number of factors that can affect the pipes, such as costs associated with environmental impacts, to determine the most cost-effective pipeline material beyond initial expense.

Data for this model was obtained from participating U.S. utilities, literature reviews and a research paper titled, "A Framework to Evaluate Life Cycle Costs and Environmental Impacts of Water Pipelines." The paper, which was published by the American Society of Civil Engineers, compared two pipeline materials. Research concluded that while polyvinyl chloride pipes have initial cost benefits, ductile iron pipes have a service life that doubles the former. With this in mind, the model tests various scenarios to determine the right pipeline material for site-specific conditions and community values.

To obtain the report, visit ascelibrary.org





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#### The Certificate Program is developed for:

- Those desiring to pursue a career in Right of Way(ROW)
- · Professionals seeking to enhance and expand their skills in the ROW Industry

For more information go to uhd.edu/row www.contractlandstaff.com.







## **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**

#### Kari Anvick RWP

Epic Land Solutions, Inc. Chapter 57 Riverside, CA

#### Curtis Bibolet, RWP

Epic Land Solutions, Inc. Chapter 57 Riverside, CA

#### Edward O. Brisendine, RWA

Helix Water District Chapter 11 San Diego, CA

#### Darby Broyles, SR/WA

Puget Sound Energy, Inc. Chapter 4 Bellevue, WA

#### Ryan Cavers, RWA

Altalink I P Chapter 48 Calgary, AB

#### Cindy R. Davis, RWP

Lake County Public Works Chapter 26 Tavares, FL

#### Cathy Deets, SR/WA

Alberta Infrastructure Chapter 62 Edmonton, AB

#### Nataliya Dimitrova, RWA

County of Santa Barbara Chapter 47 Santa Barbara, CA

#### Colin DuBois, SR/WA

Universal Field Services, Inc. Chapter 33 Tulsa, OK

#### Rachel Dzuck, RWA

Enbridge Energy Chapter 20 Duluth, MN

#### Richard S. Hibbets, RWA

**Gwinnett County** Chapter 22 Lawrenceville, GA

#### Jeff Hurd, RWP

Enbridge Pipeline, Inc. Chapter 48 Edmonton, AB

#### Ramabule Abram Kgatle, RWA

Sasol Minina Chapter 83 Trichardt, South Africa

#### Brenda J. King, SR/WA

Ameren Chapter 37 St. Louis, MO

#### Steven R. King, SR/WA

Percheron Field Services, LLC Chapter 14 Moon Township, PA

#### Lucinda Largent, RWA

HDR Inc Chapter 12 Springfield, IL

#### Lebogang Charles Madigage, RWA

Chapter 83 Trichardt, South Africa

#### Marei Cyprian Mashabela, RWA

Chapter 83 Trichardt, South Africa

#### Tyler McNulty, RWP

Basin Electric Power Cooperative Chapter 72 Bismarck, ND

#### Dillon R. Ohrt, SR/WA

Suncor Energy (USA) Pipeline Co. Chapter 6 Cheyenne, WY

#### David Brent Pitts, ARWP

Appraisal Source, Inc. Chapter 36 Fort Worth, TX

#### David Schlief, SR/WA

Arizona Public Service Company Chapter 28 Phoenix, AZ

#### Johannes Hendrik Schoeman, RWA

Sasol Mining Chapter 83 Trichardt, South Africa

#### Erin Smith, RWP

Diversified Property Services, Inc. Chapter 14 Timonium, MD

#### Tanner Taylor, RWA

HDR. Inc. Chapter 74 Austin, TX

#### Sherry Thomas, RWA

Tesoro Companies Inc. Chapter 39 San Antonio, TX

#### Matthew Holotik Trice, RWA

Doyle Land Services, Inc. Chapter 74 New Orleans, LA

#### Curtis Wallgren, RWA

Enbridge Energy Chapter 20 Superior, WI

#### Karen L. Washington, RWA

Spotsylvania County Chapter 52 Spotsylvania, VA

#### Dawna Woytowich, RWA

Parkland County Chapter 62 Parkland County, AB

#### Chadwick Wyler, RWP

Associated Right of Way Services Chapter 2 Pleasant Hill, CA

#### **GENERALIST RE-CERTIFICATION**

#### Kenneth Anderssohn, SR/WA Chapter 11 San Diego, CA

Erline E. Applegate, SR/WA Chapter 2 San Ramon, CA

#### Ron Beaudry, SR/WA

Chapter 51 Cabot, AR

#### Randy Buksa, SR/WA

Chapter 62 Barrhead, AB

#### Jeff J. Callicott, SR/WA

Chapter 24 Birmingham, AL

#### Steven G. Chapman, SR/WA

Chapter 41 Ames, IA

#### Sherita M. Crittle, SR/WA Chapter 8 Houston, TX

Tim Davis, SR/WA

#### Chapter 7 Onsted, MI

#### David R. Duncan, SR/WA Chapter 85 Bristol, VA

Ronna M. Earls, SR/WA Chapter 40 Little Rock, AR

#### Joseph M. Earls, SR/WA

Chapter 40 Little Rock, AR

#### George Greenhough, SR/WA

Chapter 62 Spruce Grove, AB

#### Kathleen Hider, SR/WA

Chapter 11 San Diego, CA

#### Roger Q. Johnson, Jr., SR/WA

Chapter 74 Gonzales, TX

#### Ava M. Jourdain, SR/WA

Chapter 2 Pleasant Hill, CA

#### Carmen Llerena, SR/WA

Chapter 36 Oklahoma City, OK

#### Robert A. McGinley, SR/WA

Chapter 4 Port Orchard, WA

#### Larry Mogck, SR/WA

Chapter 62 Acheson, AB

#### Jeffrey D. Nakken, SR/WA

Chapter 3 Hillsboro, OR

#### Michael A. Oakes, SR/WA

Chapter 7 Jackson, MI

#### Delores J. Oakland, SR/WA

Chapter 45 Billings, MT

#### Jack E. Petersen, SR/WA

Chapter 12 Elain, IL

#### Kimberly Reed, SR/WA Chapter 50 Fresno, CA

Laura Sheline, SR/WA Chapter 46 Reno, NV

James H. Snider, SR/WA Chapter 24 Guntersville, AL

#### Brian Taylor, SR/WA

Chapter 6 Green River, WY

#### Jimmy L. Thomas, SR/WA

Chapter 36 Fort Worth, TX

#### Lori-Ann Thomsen, SR/WA Chapter 29 Brampton, ON

#### Bob Thorpe, SR/WA

Chapter 1 Torrance, CA

#### Michael Todd, SR/WA

Chapter 6 Houston, TX

#### Maria I. Valenzuela, SR/WA Chapter 1 Pomona, CA

Theo Van Evelingen, SR/WA

#### Chapter 48 Calgary, AB

Steven H. Voss, SR/WA Chapter 8 Houston, TX

#### Jason A. Ward, SR/WA

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#### Ron Wicks, SR/WA

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#### Teresa Wilder, SR/WA

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#### Susan Wilkerson, SR/WA

Chapter 74 Gonzales, TX

#### Matthew C. Williams, SR/WA

Chapter 38 Oklahoma City, OK

#### Daniel P. Willoughby, SR/WA Chapter 40 Jackson, MS

Michael D. Wilson, SR/WA

#### Chapter 28 Phoenix, AZ

#### Jay Wong, SR/WA Chapter 29 Toronto, ON

#### Sandra Young, SR/WA Chapter 39 Seguin, TX

Gerald Zadko, SR/WA Chapter 62 Edmonton, AB

#### Patricia Zendejas-Feist, SR/WA

Chapter 45 Great Falls, MT



#### 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

Senior Right of Way Professional Designation SR/WA

#### **SPECIALTY CERTIFICATION**

Jennifer Berry, R/W-NAC Chapter 5 Kansas City, MO

Kimberly Bibolet, R/W-NAC Chapter 57 Riverside, CA

Gregory B. Cook, R/W-AC Chapter 36 Fort Worth, TX

Aaron B. Donat, R/W-NAC Chapter 38 Salt Lake City, UT

Chris Fails, R/W-EC Chapter 39 Sugar Land, TX

William R. Gold II, R/W-AMC Chapter 74 Austin, TX

Lisa A. Robinson, R/W-URAC Chapter 74 Austin, TX

Keith Shintani, R/W-AC Chapter 2 Pleasant Hill, CA

Robert W. Snider, R/W-AC Chapter 36 Fort Worth, TX

Michael W. Stricker, R/W-RAC Chapter 3 Vancouver, WA

Sunny Tong, R/W-AC Chapter 2 Redwood City, CA

Stephanie Tsai, R/W-NAC Chapter 57 Riverside, CA

#### **SPECIALTY RE-CERTIFICATION**

Leslie Beaird, R/W-RAC Chapter 4 Shoreline, WA

David Blakeney, R/W-NAC Chapter 51 Little Rock, AR

Robin A. Brandeburg, R/W-RAC Chapter 52 Virginia Beach, VA

Teresa Buchanan, R/W-NAC Chapter 8 Houston, TX

Cheryl Chauvin-Fryscok, R/W-NAC Chapter 29 Chatham, ON

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James H. Snider, R/W-AC Chapter 24 Guntersville, Al.

\*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.



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* Richard Taylor	1957-1958
* Sam Houston	1958-1959
* Fred A. Crane	1959-1960
* Dan W. Rosencrans	1960-1961
* Roger M. Lovell	1961-1962
* Roy A. Strobeck	1962-1963
* Dan H. Williamson	1963-1964
* Philip L. Rezos, SR/WA	1964-1965
* Adelbert W. Lee, SR/WA	1965-1966
* Victor H. Eichhorn, SR/WA	1966-1967
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* George R. Watson	1969-1970
* Karl E. Baetzner, SR/WA	1970-1971
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* Rexford M. Shaffer, Jr., SR/WA	1972-1973
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* William P. Snyder, SR/WA	1974-1975
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* Deceased

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## IRWA Member Farewell

#### Jerry Dean Swan, SR/WA



Surrounded by his loving family, Jerry passed away after a short illness on March 23, 2016. He was 66 years old.

Born in Portland, Oregon, Jerry created a happy life with his wife April in Laurelhurst. For 29 years before his retirement in 2013, Jerry was a

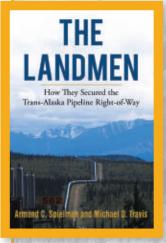
proud and valued employee of the Oregon Department of Transportation. He was a devoted member of IRWA's Oklahoma Chapter 3 for over 40 years. Before his passing, Jerry worked to develop an IRWA class focused on the finer points of the Roberts Rules of Order. He attributed his joining the IRWA to his father-in-law, Bob Gormsen, who cornered Jerry just as he was being hired at ODOT and advised him he needed to join the Association. Bob supported his IRWA career from then on.

Jerry was a well-loved, devoted and loyal member of Mosaic Church in Portland where he served as an usher and on multiple committees for many years. He was also an active member of the Fellowship Group.

He was known for his keen intellect, sense of humor and deep interest in history, especially military history. "Those are the only books he read," said his good friend and fellow IRWA member, Jim Lingeman, SR/WA. "When he had his kidney transplant (finally-after years of waiting), I asked April what books I should get him. She said he only read military history books and that he had probably read everything on the subject."

In addition to his beloved wife April, Jerry leaves siblings Lois (David) Gangwer of Nampa, Idaho; Sylvia (Ronald) Hagen of Livermore, California; and Gene Swan of Eugene, Oregon; as well as many nieces and nephews. He was predeceased by his parents and his elder brother, Ronald Swan (Margaret).

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## **IRWA Member Farewell**

#### **Alan Dean Wurtz**



Surrounded by family, Alan passed away on July 19, 2016 at the MD Anderson Cancer Center in Houston, Texas. He was 69 years old.

Alan was born in a log cabin to Wesley William Wurtz and Ruth Merriman Wurtz on January 14, 1947 in Mound City, KS. He was a Kansas boy who loved to fish, hunt and get into mischief while working on his family

farm. He was regularly tormented by his older brothers, Richard and Donny. After graduating from high school, he completed his Bachelors and Master's degree at Pittsburgh State University. Later he attained his Juris Doctorate at the University of Tulsa College of Law in Oklahoma.

He married Marcia E. Wurtz and had three daughters, Jennifer, Cassandra and Allison. He was a devoted father. He taught his daughters girls don't cry, life's not fair, inside my house it is a benevolent dictatorship, and no matter what the hardship, this too shall pass.

Alan originally began his career as a junior high teacher and coach. After six years as a teacher, he started Wurtz Brothers Abstract and Real Estate Company with his brother Richard. Life events called for a change and through the recommendation of a friend, he entered the right of way business with Coates Field Service as an agent. He continued his work as a manager with Williams Natural Gas and Williams Energy Services before joining Enterprise Products as Director, Land in 2003. Alan joined Percheron Acquisitions, LLC in 2009 and became President in 2011. With nearly 40 years of right of way experience, he played an instrumental role in expanding the company into new geographic markets.

He had a passion for the right of way profession and joined the IRWA early in his new career. He became actively involved in the organization beginning at the Chapter level. After many years of service, he joined the International Executive Committee, serving as IRWA International President from 2001-2002. He also served as a member of the International Oil & Gas Pipeline Committee for more than 35 years.

For many years, IRWA's annual conferences served as family vacation destinations. And because Alan was an avid history buff, he often added side visits to historical sites and museums, much to the chagrin of his daughters. Not surprisingly, his passion for the right of way profession was passed on to the families of his three daughters. A member of each family has been or is currently active in right of way.

Alan married Gail Foster on June 2, 2007. Together, they enjoyed traveling, concerts, movies, and spending time with family and friends.

Alan was a rare kind of man, a true leader and gentleman. He was a giant in the industry and will be greatly missed. His legacy will be his faith, his family, and his service to others and the profession he loved.

Alan is survived by his wife Gail Wurtz, three daughters, Jennifer (Bart) Workman, Cassandra (Josh) Gaddis and Allison (Brent Bisgard) Wurtz, one grandson, Nicolaus Workman, and six

granddaughters, Nicole Workman, Taylor Gaddis, Morgan Gaddis, Gabrielle Gaddis, Madison Gaddis and McCartney Bisgard.







## **UPCOMING IRWA EVENTS**

www.irwaonline.org

**2017 Conference** June 11 – June 14

Anchorage, Alaska

**2018 Conference** June 24 – June 27

Edmonton, Alberta

**2019 Conference** June 9 – June 12

Portland, Oregon



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## **IRWA's Affiliate Partners**

We take our tagline—*Building a Better World. Together.*—seriously. IRWA is proud to partner with so many North American and International agencies and organizations in pursuit of strengthening infrastructure for all citizens of the world. These relationships provide our Association with an opportunity to exchange best practices, share industry research and collaborate on mutually-beneficial educational programs.

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