

# RIGHT OF WAY<sup>MAGAZINE</sup>

The Voice of the Right of Way Profession

## MAKING A DIFFERENCE

An interview with International President,  
Jerry Colburn, SR/WA

SEPTEMBER/OCTOBER  
2017

IRWA



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# RIGHT OF WAY

The Voice of the Right of Way Profession

SEPTEMBER/OCTOBER 2017

Volume 64 Number 5

## Features

Cover Story

16

### **Making A Difference**

An interview with International President, Jerry Colburn, SR/WA

By Barbara Billitzer

20

### **Blurring the Lines**

Applying the Fifth Amendment's takings clause

By James T. Braselton, Esq.

27

### **Legally Insured**

Arming yourself against disgruntled property owners

By Peter Christensen

30

### **Inter-Generational Decision Making**

Four ways to get amazing results from your team

By Jill Johnson

32

### **IRWA's 63<sup>rd</sup> Annual International Education Conference Highlights**

By Ethel Navales



## Other Highlights

24

### **Blast from the Past**

#### **FHWA- Changes for the Coming Year**

A 1982 article on infrastructure and spending

By Lester P. Lamm

## Departments

- |    |                        |    |                      |
|----|------------------------|----|----------------------|
| 3  | Leadership Directory   | 55 | Industry Buzz        |
| 51 | Inside the Association | 61 | Education Milestones |
| 52 | IRWA Courses           | 62 | In Remembrance       |
| 53 | People on the Move     | 63 | Ad Index             |

## Columns

5

### **STRAIGHT TALK**

Mark Rieck

7

### **BEST IN CLASS**

Deidre Alves, M. Ed.

9

### **ON ETHICS**

Brad Yarbrough

11

### **TEAMBUILDING**

Carol Brooks, SR/WA

13

### **CAREER INSIGHT**

Orell Anderson, MAI

14

### **YOUNG PROFESSIONALS**

Matthew Eckmann, SR/WA,  
R/W-NAC, R/W-AMC

46

### **MEMBER SPEAK**

Jerry L. Higgins, SR/WA

47

### **LEGAL INSIGHT**

Michael Yoshiba, Esq.

49

### **RELOCATION**

Darryl Root, JD, R/W-RAC

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## Our Purpose

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

## Our Mission

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

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# Meet Your Match

IRWA creates a customized connection for any stage of your career

**MARK RIECK, IRWA CHIEF EXECUTIVE OFFICER**



I've known so many people who have benefitted from a great mentor. Most of the time those relationships begin by chance—a boss becomes a mentor, a successful project yields a protégé. And nearly all those relationships originate in a small geographic area.

My first mentor was a favorite uncle, an Exxon executive. I idolized my Uncle James, and he always had time to offer a word of encouragement at family gatherings. Then one day as I was preparing to graduate from college, he suggested we sit on the back deck of his North



Access Mentor Match on the IRWA Member Network from IRWA's homepage.

Carolina home. I was ready to share an adult beverage and watch the ducks land on the water hazard near the 12<sup>th</sup> green at the edge of his property. But then he started asking me about my plans for the future, wanting to know if I was interested in his advice. Boy was I!



Drawing on his Uncle James' experience and guidance, Mark credits his family mentor for influencing his life at every turn.

We spent a couple of hours laying out a life plan, and I spent the next 20 years making it happen, all under his watchful eye. I had the good fortune to have a coach in the family, and I drew on his experience and guidance at every turn. I regularly met with my

mentor up until his death. And even now, his plan stays in my head—every day.

Just imagine if that form of old-fashioned mentoring could be done today, without geographic boundaries or the need for in-person meetings. (Although I must admit, that back deck was pretty nice!)

Enter IRWA's Mentor Match, enabling mentorship within the IRWA and setting the tone for a new generation of educated, informed members.

Whether you want a formal relationship with one or more members or just an easier way to connect one-on-one, Mentor Match creates a custom experience suited for any stage of your career. Become a mentor and share your experience, or find a mentor and grow your career in ways you could never have imagined.

My Uncle James would have loved Mentor Match because no one should have to wait for an annual Thanksgiving meal to check in and see how your career is going. Onward. 🚀





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# The Year of Acceleration

A new initiative designed to strengthen IRWA education

BY DEIDRE ALVES, M.ED.

Creating a dynamic learning experience for class participants continues to be an important priority, and it all relies on IRWA's team of highly skilled instructors. This year, our goal is to accelerate and grow the new instructional skills of our IRWA CLIMB Certified faculty. Officially launching this initiative, we have named the year our CLIMB Acceleration Year of IRWA Instructor Development.

## Connecting and Sharing

We wanted to create an opportunity where our faculty could feel connected, share information, get the latest news, learn new instructional concepts and strengthen CLIMB skills—together on a quarterly basis, live and face-to-face. To meet this challenge, the concept of the "Instructor Small Circle" was born.

Beginning with the first quarter of this fiscal year, instructors will be invited to their very own Small Circle. Our 139-person faculty will be separated into five teams, each with about 28 instructors, and each led by a CLIMB Coach who is a member of The Partnership for Infrastructure Professional Education. The Small Circle will meet via videoconference—a live face-to-face experience—and

**“The better our collective educational experience is, the better equipped our people are to do great work...”**

each Small Circle will cover the same material on the same day to ensure that the entire faculty is synchronized. The beauty of the Small Circle is that no one gets lost in a sea of participants. Rather, the circle brings the team “close-in” and is personalized with more of an opportunity for connection and learning.

## Impacting Industry

Accelerating and strengthening the IRWA CLIMB Certified faculty means a stronger instructor in the

classroom, a more dynamic learning experience for the student, and a Chapter or Region who is making this all possible by scheduling and promoting IRWA classes. The better our collective educational experience is, the better equipped our people are to do great work—build bridges, tunnels, roads, pipelines, and provide electricity and water across the globe. Together, we are all positively impacting our industry and improving the quality of people's lives through infrastructure development... and IRWA Education.

And to think...it all begins with one IRWA class. 🌟



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



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# A Barometer of Our Character

How we act when no one is watching

BY BRAD YARBROUGH

We hear a lot of commentary today about our collapsing culture and the erosion of its foundational, long-held values. If you agree with the observation, you'll also concur that the culprit is the collapse of individual character.

## Success at All Costs

The wide world of sports has a featured role in our society—providing an insightful view of our definition of and regard for rules, values, character and ethics. Breaking the rules often points to a character failure. In some cases, an athlete may not know the rules or inadvertently violates them. Yet, all too often it is simply a willful act of an athlete that knows better.

An online search will yield a long list of cheaters, crooks and criminals that made sports history. Pete Rose, holder of numerous Major League Baseball records, was banned from baseball in 1989 for placing bets on pro baseball outcomes. In more recent years, the world was shocked when stories emerged about world-renowned cyclist Lance Armstrong, who used performance-enhancing drugs to achieve success. This was also the case with numerous baseball pros, including Barry Bonds, Mark McGwire and Sammy Sosa. In 1994, Tonya Harding orchestrated the “knee whack” on skating competitor Nancy Kerrigan.

## True Sportsmanship

Every sport has its illustrations of ethics failures. Fortunately, there are also some bright shining examples of

good character and great ethics. The game of golf is a showcase for good and bad behavior. Perhaps no other sport places such emphasis on etiquette, rule-keeping and sportsmanship. On the course, a player's actions are usually under scrutiny by others. Yet, it can be during one of those “no-one-is-looking” moments that true character is revealed.

Take a look back at one of the greatest golfers in history, Bobby Jones. He was playing in the 1925 U.S. Open when he self-reported an infraction and took the one-stroke penalty. During play, as he addressed the ball lying in the rough, it moved ever so slightly. No referee or official saw it move, so they insisted that he should not take the penalty. But he knew he had inadvertently done it, and he applied the rule. With that added stroke, the game ended in a tie. In the end, he lost a 36-hole playoff. That one stroke cost him the outright victory! Afterward, a sportswriter tried to praise Jones for his integrity. Jones reacted by saying, “You might as well praise me for not robbing banks.”

Albert Einstein once said, “Relativity applies to physics, not ethics.” Though it is tempting to make decisions based on the cost or reward to one's reputation or bank account, such situational ethics should be carefully considered. Bobby Jones, who remained an amateur throughout his career because he feared playing for money might corrupt his love of the game, made another oft quoted statement. He said, “Many shots are spoiled at the last instant by efforts to add a few more yards.” Greed and

ambition will damage your ultimate success. Jones knew this to be true by saying, “When you cheat in golf, the only person you're cheating is yourself.”

## The Power of Good Habits

Success in today's world relies on good character, integrity and ethics. It requires that we learn from past mistakes and know the difference between what's right and wrong. It's not about personal gain. It means staying true to our values in everything we do.

Individuals must make doing the right thing a habit, and through the process of maturity, become an individual of good character—not merely a character that does a lot of good. As Stephen Covey writes in *The 7 Habits of Highly Effective People*, “Our character is a collection of our habits.” Character is everything, and it's especially obvious when no one is watching. ★



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





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# The Upside of Being Unique

Putting the “I” back into teamwork



BY CAROL L. BROOKS, SR/WA

“There’s no ‘I’ in team.” Haven’t we all heard that before?

Most of us have experienced the frustration and resentment when a colleague or manager blatantly begins promoting their own goals over the team’s shared vision and collective success. This “me, myself and I” viewpoint of “individualism” can quickly zap the team’s vitality.

But now think about a meeting you attended where the team’s vision and goals were presented in a collaborative manner. Can you recall that feeling of enthusiasm as your mind sifted through different ideas that could contribute to

those team goals? This is the result of your personal “individuality,” which begins to formulate ideas and solutions stemming from your unique past experiences and values.

## Win-Win vs. Win-Lose

There is a major difference between individualism and individuality. *Individuality* is a good and necessary dimension of all high-performance teams where, if you win, I win. And if you lose, I lose. It embraces the diverse strengths and personality styles for what they bring to the team and its potential to positively impact the end result. In high-performance teams, individuality

is considered a crucial resource of differing perspectives to achieve collective goals. Teams that embrace this philosophy recognize that without it, there can be no dialogue and creativity is stifled.

On the other hand, *individualism* is a win-lose relationship that sacrifices the progress of the team for the benefit of one. In this scenario, diversity only serves to create disharmony and distrust. It is about being separate from—and in a competitive environment—superior to the pack. Individualism often leads to being disconnected and alienating those people who could help the team to thrive and succeed.

## You are Unique

An important aspect of individuality is recognizing the unique value you bring to your team. You might be thinking that what you offer isn’t valuable, maybe because you feel that your ideas aren’t up to par with the great ideas coming from other members. Why do we have these kinds of thoughts? It’s because we often spend precious time and energy comparing ourselves with others.

Comparison is a trap because we always seem to want what we don’t have—and what others do. We mentally create a list of comparisons, focusing on who just got a promotion or who was acknowledged for a recent project success. But using up our energy on comparing ourselves to others only works to distract us from who we are. If we insist on measuring up to others, we’ll never fulfill our true potential.

## Think For Yourself

If you want to succeed and become a valued member of your team, individuality is key. Sadly, too many



“Individuality is a good and necessary dimension of all high-performance teams...”

people hold back from attempting something because of other people's negativity or fear. They may have been told that they can't do something, so now that plays over and over in their mind. But we have the power to think for ourselves. We should be the ones deciding whether to go for something or not. Ignore those who are judgmental and negative, and let them live a life of normality and safety. You know what makes you happy. Take pride in being your own person and learn to go for it! You will enjoy your life more than those who play it safe. And great ideas will flow once you let go and learn to appreciate your own unique skills and ideas.

Yes, there is a very important “I” in team: *individuality*. Steer yourself in that direction and keep a watchful eye so as not to fall into the trappings of individualism. Rely on your strengths and

give voice to your own individuality in a collaborative and supportive style. High performance teams thrive on individuality, but crumble under the weight of individualism. ✦



Carol Brooks, SR/WA, is owner of Cornerstone Management Skills and a well-renown author and lecturer. With 20 years experience in right of way, she is an IRWA CLIMB Certified Instructor and Vice-Chair of the Partnership for Infrastructure Professional Education. © 2017 Carol Brooks. Visit [www.CornerstoneManagementSkills.com](http://www.CornerstoneManagementSkills.com).

# INSPIRING CONFIDENCE IN PROGRESS

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Your dream job is within reach

# Do What You Love

The many joys of a rewarding profession

BY ORELL ANDERSON, MAI

I have yet to be offered a better table at a fancy restaurant because of what I do for a living. Yet, after a quarter century in the business, I can honestly say that I am blessed to be a forensic appraiser.

Real property damage economics may sound like a dull career choice, but in reality, working as an expert witness has some great benefits. Here are just a few:

1. **Enjoyment.** I seriously love appraising. Getting to work with my team and service my clients is what I consider to be fun!
2. **Variety.** No two projects are the same. The variation in property types and detrimental conditions seems endless, and I have not felt stuck in a routine at any point in my career.
3. **Service.** I feel compelled to give back to the community, so I take every opportunity to coach, mentor and teach. Passing it on is a way of life in the appraisal profession.

4. **Scholar-practitioner.** Asking key questions about how changes in real estate and property rights can impact value (or not) has taken me into a world of scholarly research, writing, teaching and lecturing. This profession even led me to pursue post-graduate work. And everything I've learned becomes applicable in the day-to-day problem solving of appraisal work.

5. **Travel.** At any one time, I usually have jobs on both coasts and in between. Still, as much as I like travelling and seeing properties around the country, working with people in my own community always keeps me grounded.

6. **Inverse age discrimination.** The older, greyer and balder I get, the more work I get. People seem to think that the older you are, the more you know. And it just so happens that I keep getting older.

Truthfully, these aren't the reasons why I became an appraiser. That's another

story that involves luck, friendship and fate. But on a daily basis, this is why I keep showing up at my desk enjoying what I do.

As my generation of appraisers begins to retire, I hope a new generation will come to appreciate the many joys and opportunities this profession offers. ★



Orell Anderson, MAI is President of Strategic Property Analytics, Inc. He is Co-chair of the American Bar Association's Litigation Sub-Committee on Expert Witness Programming, and of the ABA's Environmental Committees on Damages and Eminent Domain. He is the past Chair of IRWA's International Valuation Community of Practice and is an IRWA CLIMB certified instructor.



# Seizing New Opportunities

IRWA's Young Professional of the Year



BY MATTHEW ECKMANN, SR/WA, R/W-NAC, R/W-AMC

My right of way career has truly been an adventure. For the first four years, I was working on pipeline and transmission line projects and had the true agent experience. Travelling from project to project was one of the best experiences of my life, and the friends I made during that time are still good friends today. Every day is like a new journey in this profession, and I look forward to what lies ahead.

## Getting An Early Start

Believe it or not, I had my first IRWA experience as a senior in high school. Every year, Chapter 39 in San Antonio gave away a small scholarship to a high school senior who was interested in pursuing a career in right of way. My

mom was a commercial real estate appraiser and happened to be a member and past President of San Antonio Chapter 39. At the time, I had no idea what right of way was, but I filled out the application and tied what I wanted to do back to the right of way profession. To my surprise, they awarded me the scholarship. When I showed up to my first Chapter meeting four years later, I can still recall how surprised members were as they repeated the same message, "I can't believe our scholarship actually worked!"

My career began in 2008, when I joined Contract Land Staff as an acquisition agent for pipeline and transmission line projects. I spent eight years working in

various positions, ultimately working my way up through the organization to a job in the corporate office as a Client Response Team Representative. In 2014, I transitioned into the company's public sector side as a project manager, where I worked with many local and state agencies to acquire right of way for various infrastructure projects.

Joining the IRWA was one of the first things I did after getting hired as an acquisition agent. But travelling made it difficult to attend meetings, and given the uncertainty of where I would be working next, I never volunteered for any positions. When I moved to Austin, Texas in 2014, several of my coworkers were active members of Chapter 74, participating in various



“

**...I would have never applied for this job had it not been for the knowledge and confidence gained from being part of the YP group.** ”

committees and holding officer positions. They encouraged me to get involved, and that's exactly what I did. I was given the opportunity to serve as Education Chair and as the YP Chair for the Chapter. From then on I was hooked. At the end of 2016, I transferred back to the San Antonio Chapter where I was elected Chapter Secretary. I'm really looking forward to serving my Chapter in the coming years.

### Connecting with Likeminded Professionals

I first heard about the YP group when I was a member of Chapter 8 in Houston. At that time, the YP group was just taking off. I participated in some of the events, but my travel schedule made it difficult to get involved. That all changed in 2012 when I attended IRWA's Annual Conference in Seattle, Washington. I was able to attend the YP Symposium, and meeting with other likeminded professionals was such a great experience that I set my sights on becoming part of the YP Task Force. Since then, I have been able to attend nearly all of the conferences, and last year I was asked to take on the role of Region 2 Representative.

The YP group has made a huge difference in my career by giving me the confidence and the resources to seek out job opportunities. Today, I am the Real Estate Manager for the City of New Braunfels, Texas, and the sole real estate person for the City. I started working here in January 2016, and I can honestly say that I would have never applied for this job had it not been for the knowledge and confidence gained from being part of the YP group.

I am fortunate that my employer is very supportive of my participation. They have funded my conference attendance because they understand the importance of being a part of IRWA and believe my participation has increased my value as an employee. I show my appreciation by always giving 110 percent to my job, while utilizing the knowledge I've learned in the IRWA courses to continually improve how we acquire right of way in our City.

### Advice for Newcomers

My involvement in IRWA has definitely helped me grow professionally. I have the confidence to take on any challenges that come my way. Being a part of the YP group has connected me to so many people within my Chapter, Region and at the international level—people that I otherwise would not have had the opportunity to meet. And working the YP booth at the Annual Conference in Anchorage provided a unique opportunity to speak with other right of way professionals and newcomers to the industry.

The advice that I would give to a young professional or an industry newcomer would be to get involved! Don't wait for the opportunities to find you—seek them out. Approach the officers on your Board of Directors and tell them you want to be involved. The YP group is a dynamic group of representatives from all corners of North America coming together and sharing ideas that will not only advance the goals and mission of the group, but the organization as a whole. If your Chapter has a YP group, this is the ideal time to get involved. And if it doesn't, then start one. In order for this organization to continue to grow, the younger members need to step up. After all, we are the future of the IRWA.

### Endless Opportunities

In June, I was honored to receive the Young Professional of the Year Award during the Annual Conference. It was

such a humbling experience to not only be recognized by my own Chapter and Region as their YP of the year, but to also be nominated at the international level and be up against some of the most accomplished and active young members of our organization.

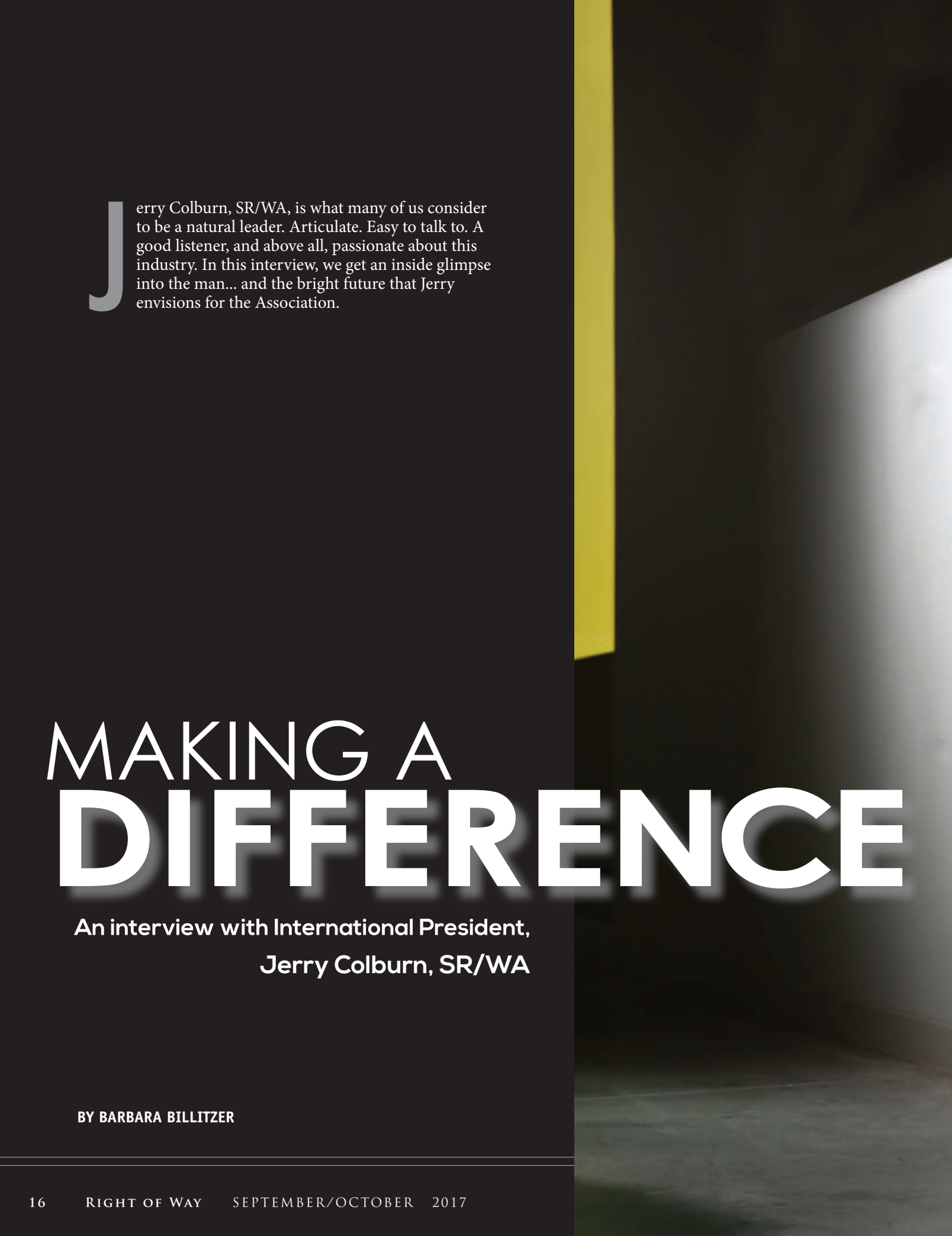
Education is the cornerstone of what we do. In this ever-changing industry, continually educating ourselves and improving our knowledge is essential. I plan to continue growing in my leadership roles, not only in my Chapter, but also as part of the YP International Task Force. I am inspired by the opportunities being awarded to the young professionals in this organization and feel fortunate to be a part of a group that is at the forefront of our profession.

The opportunities are endless, but you have to go after them. ⚡



*Matthew Eckmann, SR/WA, R/W-NAC, R/W-AMC, is the Real Estate Manager for the City of New Braunfels, Texas. He has been an IRWA member since 2008 and is currently serving on the Young Professionals Group Task Force.*





**J**erry Colburn, SR/WA, is what many of us consider to be a natural leader. Articulate. Easy to talk to. A good listener, and above all, passionate about this industry. In this interview, we get an inside glimpse into the man... and the bright future that Jerry envisions for the Association.

# MAKING A DIFFERENCE

An interview with International President,  
Jerry Colburn, SR/WA

BY BARBARA BILLITZER





Beyond his natural leadership qualities, Jerry is also exceedingly modest, underscoring his wife Cynthia's influence and encouragement throughout his life—both personally and professionally. “When I was asked at our IRWA Ethics pilot class to name the most ethical person that has influenced me, Cynthia was my instant choice,” he says. He is demonstrably proud that she served as an IRWA Chapter President (twice), and he credits her for inspiring him to start his first company and for pushing him to pursue his SR/WA designation.

When asked about his greatest accomplishment, Jerry says it was raising two fine young men. Both are successful in their careers, and their wives have both become the daughters he never had. He has been given the gift of five grandkids, all under the age of seven, which he boasts are his pride and joy. And with a love for cooking, a passion for travel and photography and a full-time job, you might be wondering, where does he find all the time?

### How did you get your start?

I first started my career as a surveyor in Austin, Texas before getting involved in mapping for cross-country pipelines. I was working 60 hours a week and kept seeing Right of Way Agents come in around 10:00 am and head out to the field around noon. I thought to myself, I want to be a right of way guy!

So I worked on getting my real estate license, moved to Houston, bought a couple of suits and a briefcase, and started knocking on doors. Bill Ewing of Project Land Staff answered one of them and gave me my first right of way job. At first he didn't want to hire me because I didn't have experience buying right of way. But after returning to his office three times during the same week, I think he finally hired me just to keep me out of his office. This was 1978, and I got to work on a pipeline project in South Texas. The only training I got was really just a mandate. I was handed a pile of files and told to “acquire that right of way.”

### What led you to join IRWA?

In 1985, I became a partner in a right of way company in Austin, Texas. I saw a flyer about this association called IRWA, and I decided to join the Bluebonnet Chapter 74 just after it was formed. I started going to the lunch meetings and liked the fact that I could network with other right of way professionals and get the training that was lacking in my career up to that point.



## How did you become involved in IRWA leadership?

Yogi Berra once said, "When you come to a fork in the road, take it." After being an at-large member of the Transportation Committee for a couple of years, I was asked to be the Vice Chair. That was the IRWA fork in the road that I took, and the one I am still on today. I really have to thank all of the Past Presidents that came before me for the inspiration and encouragement that they gave me along the way.

## You have volunteered much time to IRWA. What has been most rewarding?

Discovering that IRWA is a family. I have built lifelong friendships, met future clients and employees and have had the opportunity to be both mentor and mentee. I continue to build enduring relationships on many levels as I learn even more about our profession and meet the professionals that make up our family.



At the Annual Conference in June, Jerry spoke about the shared role that all infrastructure professionals play, stating, "We are all here to make a difference—in our Association, the industries that we serve and in the lives of the people we touch."

## When you joined the IEC, were there any major surprises or challenges?

My biggest surprise, so far, was four years ago when I attended my first IEC Leadership Forum. That's where I saw Mark Rieck play guitar and sing. Beyond that, no other major surprises. My biggest challenge has been the rapid pace in which we circle the sun. There seems to be so much to do in so little time.

## You have spoken about making a difference. Can you expand on that?

Well, the IRWA has reached an important tipping point, and I am proud to be your President in these exciting times. In the past, I have been a vocal champion of succession planning and all of the moving parts needed to make it a successful program. I will continue to support our young professionals as they move into leadership roles for our Association. We recently embarked on an Emerging Leaders Program, rolled out Mentor Match and continue to find ways to encourage employer support for our young professionals.

Beyond these important ongoing initiatives, I have set out to make a difference in our Association, the industries that we serve and the people's lives that I am a part of. This year, I will be focusing on creating a more "outward facing" organization. In order to attract and engage outsiders, our vision needs to embody a higher purpose that appeals beyond our current members, partners and affiliates. We have to take deliberate actions to get the outside world to work with us.

## What's the best way to engage the outside world?

Currently, we are developing a series of industry leader roundtables where thought leaders from industries, public agencies and the consultant community will come together to discuss trends, topical issues and best practices. The

Right of Way Magazine will be critical in this endeavor. Our plan is to make the magazine a driver of our profession—following these roundtables and providing news, analysis, data and opinion that keeps us relevant. As this idea gathers momentum, the magazine can sponsor events, summits and symposiums.

We also need to tap into other infrastructure authorities to widen our visibility. By reaching out to those outside of our organization, we can expand our external influence, raise awareness and reinforce our industry relevance. Our profession is a melting pot of so many disciplines and industries. Let's invite people from the outside to share in our passion and knowledge. As we partner with engineering firms and industry leaders to share best practices and foster new relationships, I encourage all Chapters, Committees, Communities of Practice and Regions to reach out and engage local public agencies, transportation authorities and other associations.

## As President, what do you want our members to know?

That what they do in their day-to-day work is extremely important on a global level. We can all take immense pride in our role in developing infrastructure projects in the communities that we work in.

I firmly believe in IRWA's purpose statement, "We improve the quality of people's lives through infrastructure development." Our leadership is aligned, and we are ready to activate our purpose. What does that mean? It means that our purpose is at the core of every decision we make. Things like helping a family go from a rental unit to home ownership during the relocation assistance process is a good example. By collecting these kinds of real-life stories, we can demonstrate our commitment to this principle. The positive effect that we have on people and communities is real. That's the power of designing this purpose into the blueprint for our Association.





As an avid photographer with a passion for travel, Jerry showcases some favorites: a highway on the island of Kauai, an iconic church in Santorini, Greece, and the French Laundry Garden in Yountville, California.

### What do you see as the #1 industry challenge?

It's that we have to attract—and retain—the young professionals that are coming into the workforce. That means we must consciously emphasize the positive impact we can have on the lives of others. The incoming workforce is highly motivated, and they're not afraid to work hard. We see the results of our young peoples' drive, commitment and passion every day. These are the people that want to improve the quality of people's lives. By embracing our younger leadership group, we can help cultivate their skills, while ensuring the success of those who will become our future leaders.



Jerry is proud of his wife Cynthia and credits her as his greatest source of influence and encouragement.

### How can we better engage our membership?

We will continue to empower our professionals by elevating ethics, professional development and a standard of excellence within the global infrastructure real estate community. We want the opportunity to impact infrastructure decisions not only in the U.S. and Canada, but around the globe. As we spend more time with Chapter leaders and other members, we hope to uncover new ways to deliver member value to our diverse mix of professionals. It is our unique body of knowledge that makes up this professional domain, and as more of our members recognize this, I believe they will become more fully engaged.

### What impact would you like to see IRWA achieve in ten years?

All of us on the IEC are anxious to see what our "Imagineering Project" identifies as the impact the IRWA will have in the future. We embarked upon this project at the Annual Education Conference in Anchorage and will continue to develop ideas that will lead us into the next decade and beyond. We will be holding strategic thinking sessions across North America to create an envisioned future that is

developed by our members. Literally every member of the Association will have an opportunity for input. This is an exciting time and this process will be transformational for IRWA. As an organization, we need to adapt to change and grow in order to remain relevant.

### What should an industry newcomer know about career opportunities?

The education we deliver enables our members to grow and excel as leaders in their profession. Our network of right of way professionals is second to none. I know several people that lost their job due to the downturn in the economy and had another position within 48 hours—all because of this incredible network we call IRWA.

### What do you see as the greatest benefit of membership?

Now more than ever, as we continue to discover emerging trends and embrace innovative ideas around the world, we have the opportunity to improve the quality of people's lives through the successful delivery of smart and sustainable infrastructure projects. The IRWA is here to cultivate this higher purpose, elevate our profession, provide educational opportunity and build long-lasting relationships. 🌟



# BLURRING THE LINES



**Applying the Fifth Amendment's takings clause  
when a government regulation treats two parcels as one.**

This scenic property along the St. Croix River became the focus of a lawsuit when the government barred the property owner from selling one of their two lots.

**JAMES T. BRASELTON, ESQ.**

As government regulations become increasingly pervasive, private property rights are often threatened. Depending upon the extent of the regulation, property owners may have no alternative but to seek compensation for the resulting damages.

For nearly 100 years, the U.S. Supreme Court has recognized that laws often go too far in regulating the use of private property, thereby violating the Fifth Amendment's takings clause. Since then, the Court has addressed a number of cases that involve what lawyers call "regulatory taking" claims.

## **The Threshold Issue**

On June 23, 2017, the Supreme Court ruled on a case where private property owners were barred from selling their two river front lots separately. The plaintiffs argued that regulations set forth in state and local law, that precluded them from selling or developing one of their two lots separate from the other, constituted a "taking" of the one lot they wished to sell.

In certain situations, a threshold issue in determining whether a regulatory taking has occurred is the delineation



or definition of the “property” allegedly impacted. Sometimes a particular regulation will prohibit development of a portion of a large parcel of land or will preclude a property owner from utilizing certain aspects of the “bundle of rights” that comprise ownership of real property. When that happens, the property owner may allege that the regulation effectuates a “taking” of the impacted portion of their property. The Supreme Court has historically rejected such claims, stating that the U.S. Constitution’s Fifth Amendment protections only adhere to an entire parcel of property, not to each and every possible unit into which it may be subdivided.

While that rule may be applicable to most circumstances, there are situations where the parcel or the unit of property allegedly damaged is the subject of disagreement. Such a disagreement formed the issue presented to the Court this year in *Murr v. Wisconsin*.

The issue stems from the fact that in the 1970s, after the parents of the plaintiffs in Murr had purchased the subject property, the State of Wisconsin adopted a new law that restricted development on properties located along the St. Croix River and Lake St. Croix. The new law was designed to guarantee the protection of the wild, scenic and recreational qualities of the river for present and future generations.

## Historical Background

In the 1960s, the Murr family purchased two adjacent lots—about a year apart. They built a cabin on one property (Lot F) and held the other property (Lot E) for investment purposes. For about 30 years, the Murrs held title to Lot F in the name of a family-owned business. However, they kept the title to Lot E in their own name. Each lot was deeded and taxed separately.

In 1994, the family business conveyed title to Lot F to the parents’ adult children. A year later, the parents conveyed title to Lot E to the same children. Thus, by the mid-1990s, record title to both lots was in the names of the children. About 10 years after acquiring

ownership, the children decided to make improvements to Lot F. To finance those improvements, they sought to sell Lot E. However, they quickly learned that because the 1976 law had imposed new restrictions on the lots, Lot E was unmarketable as a standalone parcel because it was no longer developable.

## The Regulations

Speaking generally, the regulations precluded new development on any parcel of property that did not have at least one acre of buildable land within its boundaries. Due its topography, Lot E, although encompassing 1.25 acres in land area, did not contain one acre of buildable area.

However, while under separate ownership, Lot E had the benefit of a “grandfather clause” that was included in the 1976 regulations. The grandfather clause meant that, despite the fact that Lot E did not include one acre of buildable land, as long as it remained in separate ownership, it could be developed regardless of the general prohibition. But if title to Lot E merged with title to an adjacent lot, Lot E would lose its grandfathered status. That merger unfortunately happened in the 1990s when title to the two lots was conveyed to the Murr children.

## State Court Lawsuit

In 2004, when the Murr family sought to sell the investment lot, the law prohibited them from doing so unless they sold the other lot and cabin with it. So they filed a lawsuit in Wisconsin state court alleging that the 1976 law effected a regulatory taking of Lot E because it deprived them of “all, or practically all, of the use of Lot E because it could not be sold or developed as a separate lot.” They sued under the Fifth Amendment’s Takings Clause, which prohibits the government from taking private property for public use without just compensation. In effect, the 1976 law had taken their right to sell one of their two lots, a basic right of property ownership.

In examining the plaintiffs’ claim, the Wisconsin trial court first determined that Lots E and F should be considered as a single property because they were adjacent parcels that were held in common ownership and available for the same or similar uses. Under that assumption, there was no taking because—when treated as a whole—the property could and was being used for recreational housing purposes. The Wisconsin Court of Appeals affirmed for similar reasons. But in 2015, the U.S. Supreme Court granted certiorari, an order by which the higher court reviews a decision of a lower court.

## Supreme Court Precedent

To decide the Murrs case, the Court first looked at its precedents. In particular, the Court turned to a 1978 decision, *Penn Central v. New York*, which introduced a three-part balancing test to determine whether a regulatory taking has occurred. Under it, a court must weigh a



1976 changes in state law barred the property owners from selling Lot E and Lot F separately.



regulation's economic impact on the property, its interference with investment-backed expectations of the owners and the character of the government action. And the crucial point is that those factors must be applied to "the parcel as a whole."

Another case the Court applied was a 1992 decision, *Lucas v. South Carolina Coastal Council*, where the Court held that an ordinance prohibiting the plaintiff from virtually all rightful uses of his property constituted a taking because it wiped out all of the property's value.

In the Murrs' case, if the lots are treated separately, as the separate deeds and property taxes have long implied, then all value in the investment lot has been wiped out by the 1976 law and, under *Lucas*, the Murrs are entitled to compensation for the taking. But with the two lots combined as one, value remains in "the parcel as a whole," under *Penn Central*. So under the *Penn Central* analysis, the state could escape paying the Murrs any compensation.

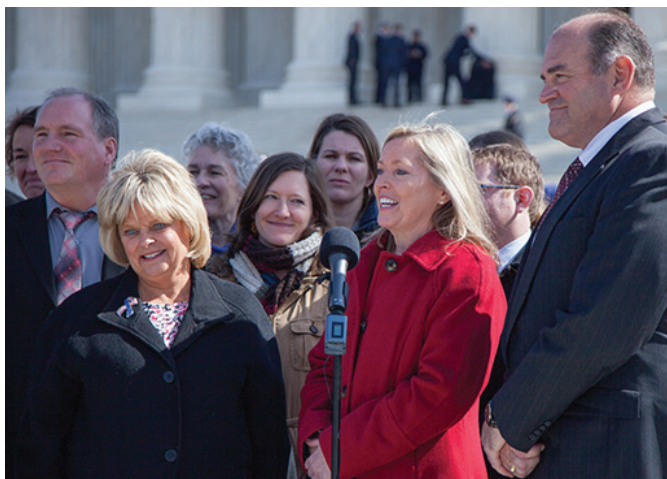
### An Unexpected Affirmation

In a 5-3 decision, U.S. Supreme Court Justice Kennedy delivered the majority opinion affirming the judgment of the Wisconsin Court of Appeals. In his words, the threshold issue in the case was this: "What is the proper unit of property against which to assess the effect of the challenged governmental action?" If the unit of property is deemed to be the combined Lots E and F, the impact of the subject regulation would likely be much less severe than if the unit of property is Lot E alone.

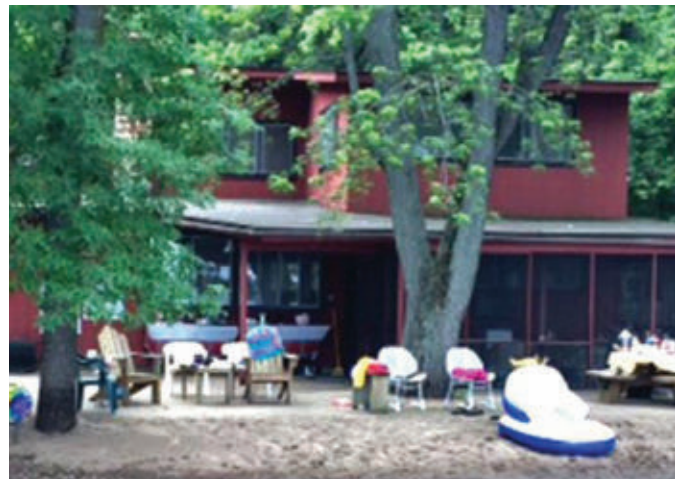
Justice Kennedy identified a number of factors that courts must consider in order to determine what constitutes the "property" for purposes of a Fifth Amendment regulatory taking claim. Those include: 1) Treatment of the land, in particular how it is bounded or divided, under state and local law; 2) Physical characteristics like topography, surrounding development and environmental attributes; and 3) Value of the property under the challenged regulation, with special attention to the effect of the burdened land on the value of other holdings.

Applying those factors, the majority concluded that, "for purposes of determining whether a regulatory taking has occurred here, petitioners' property should be evaluated as a single parcel consisting of Lots E and F together." As its basis, the Court cited the voluntary conduct of the petitioners and their parents in transferring title to both parcels to the children after enactment of the regulation at issue, thereby effectuating what the Court called a "merger of the lots under state law." Next, the Court opined that the physical characteristics of Lots E and F, including their shape, topography and location along the river, should have indicated to the petitioners that, "public regulation might affect their enjoyment of their property..."

Finally, relying on appraisal evidence in the record, the Court explained that the value of the combined lots at \$698,300 greatly exceeded the value of Lot F alone, which was \$373,000, including the cabin. Therefore, Lot E added considerable value to Lot F, and the regulation that mandated the merger did not result in an uncompensated taking of petitioners' property interests.



Addressing the media in March 2017 was Donna Murr (center) and Pacific Legal Foundation's General Counsel John Groen (right).



The property owner simply wanted to sell their vacant lot to upgrade the 1960s cabin on the adjacent property.



# “...the ordinance had taken their right to sell one of their two lots, a basic right of property ownership.”

## The Facts v. Majority's Conclusion

In this case, Wisconsin law defined Lots E and F as two separate parcels for all purposes except for the 1970's regulations. Therefore, it seems unjust to use the regulations in dispute as the basis for concluding that there had been a merger of the two lots. Lots E and F have two distinct legal descriptions—they are depicted as two parcels on an approved plat and are separately assessed for property tax purposes. In essence, state and local law confirms that they were two separate parcels of property when the County sought to impose its development restriction regulations.

## Dissent Respects State Property Law

Chief Justice Roberts, joined by Justices Thomas and Alito, dissented. The Chief Justice's principal objection was succinctly summarized in the opening section of his dissent: "I would stick with our traditional approach: State law defines the boundaries of distinct parcels of land, and those boundaries should determine the 'private property' at issue in regulatory takings cases."

In addition, Chief Justice Roberts noted that the majority's approach gives the government an unfair advantage in the overall regulatory takings analysis. Under the test set forth in Justice Kennedy's opinion, the government is permitted to apply the regulation to the threshold determination as to the proper unit of property. Then, after the unit of property is determined, the government may apply the regulation again to the process whereby a court makes the determination of whether the regulation effectuates a taking. "The result," according to the Chief Justice, "is that the government's goals shape the playing field before the contest over whether the challenged regulation goes 'too far' even gets underway."

## The Preferable Approach

For a number of reasons, I believe that the dissent's approach is preferable. First, property rights should not be lost merely because an intra-family transfer resulted in a unification of title with regard to two subdivided lots. When the lots were originally acquired in the 1960s, they were distinct, independently developable and marketable parcels of property. The fact that the parents decided to convey the titles to their children should not deprive them of pursuing the individual development potential of either one unless the family is compensated for the deprivation.

Second, if preserving the wild and scenic qualities of such areas is of significant societal importance, the public should compensate the owners of the impacted properties. After all, that area was already subdivided, improved with roadway access and developed with housing before the regulations were enacted. Under circumstances in place when the owners had purchased the land—before the imposed development restrictions—the rights of those prior owners should be protected.

Third, property law is historically the responsibility of state and local jurisdictions. If the Supreme Court deems it appropriate to become involved in matters involving application of state regulatory law to state property law, the Court should apply the state laws without consideration of the allegedly offensive regulation. The regulation

itself should not dictate the unit of property involved in the regulatory taking analysis. Rather, it should only become significant after the unit of property has been determined.

And finally, as one of our Founding Fathers, Alexander Hamilton, observed: "the security of property is one of the great objects of government." That object can only be fulfilled if the law protects investment-backed expectations with regard to private property. By using the regulation as a consideration in its determination of the subject unit of property, the majority opinion in this case fails to achieve that fundamental objective. ☺

## References

Murr v. Wisconsin. June 23, 2017  
 Pennsylvania Coal v. Mahon, 260 U.S. 393 (1922).  
 Penn Central Transp. Co. v. New York City, 438 U.S. 104 (1978).  
 Wis. Stat. § 30.27(1)(1973).



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# FHWA – Changes for the Coming Year

## A 1982 perspective on infrastructure and funding

As published in the October 1982 issue of Right of Way Magazine



BY LESTER P. LAMM



*Lester P. Lamm was appointed Executive Director of the Federal Highway Administration in June 1973 by President Nixon. This is the top-ranking career post in the FHWA. Over an 8 ½ year time period, Lamm worked for five Secretaries of Transportation and five Federal Highway Administrators. During that time, FHWA supervised more than \$50 billion in Federal assistance for highway and bridge improvements.*

*The following article was first given as an address at the Reno 1982 Annual Seminar Monday general session, held June 21, 1982 at the MGM Grand Hotel in Las Vegas, Nevada.*

I have to admire any group which comes to Nevada in 1982 to discuss its future. Speaking specifically of the Highway Program area, we are about as uncertain of our future today as at any point within the past quarter century. And yet, there are very hopeful signs in the air, signs which a betting person would back to the hilt.

Let me amplify—any public works program can be no more successful than its funding allows. At the Federal level, highway funds are all paid by highway users through a trust fund mechanism. That is, every time you buy gas, revenues are set aside for us to use. I won't embarrass anybody by asking for a show of hands here, but nationally only 6% of the people know that the Federal gas tax is 4 cents per gallon, and it's been 4 cents since 1959. And, even though the highway trust fund is a very efficient financing mechanism, it has not been able to keep up with inflation, the development of more fuel-efficient vehicles and the growing deterioration of the system.

As a result, we look ahead to the rest of the 1980's knowing that a revitalized

national economy can only be built on a strong transportation system. To provide the type of highway systems we need, we should invest \$4 billion/year for 10 years to close the final gaps in the interstate system, \$3 billion per year to upgrade and restore older interstate routes, \$2 billion for bridges, and \$2 to \$3 billion for other major roads. Even this rate leaves ¾ of the road and street system with no Federal dollars.

That's a needed investment of more than \$13 billion per year. The highway trust fund now raises \$7.5 billion annually and if you think this is an academic issue for engineers, about 10% of the Federal dollar goes for Right of Way. I'm talking about your future as well.

I mentioned, though, that there were encouraging signs. FHWA's Ray Barnhart and transportation secretary Drew Lewis also recognize the funding gap, and the secretary has developed a proposal that would raise \$5 to \$6 billion per year. He wants to be the first Secretary of Transportation ever to increase Highway Trust Fund revenues. Can we do it? Yes. When? Good question.

Let me put aside the issue of funding for a moment, and turn to a few other significant items. The most important



## A BLAST FROM THE PAST

to me is the one I term our good name. It truly pains me to see headlines all over the country about bid rigging by highway contractors.

Thus far, around 300 companies and individuals have been convicted of antitrust offenses, primarily through Department of Justice probes. Of these, about two-thirds involve Federal-aid contracts, and we therefore have been declaring them unacceptable for Federal-aid highway work. The unacceptability period may range from 6 months to 3 years.

The administrator, Ray Barnhart, has left little doubt where FHWA stands on the basic bid-rigging policy. He and I are disturbed that the reputation of the Federal-aid Highway Program, and that of the highway construction industry in general, is being tarnished through these conspiracies. Bid-rigging will not be tolerated by this administration. However, that's the construction area—what about the \$700 million annual Right of Way program, where temptations for collusion and fraud have been tradition in areas such as property management.

In the last 1950's and early 1960's, we saw one state where all the individuals doing business with the state paid a fee of 5% to 10% to a state official. In another state, alleged payments to property owners were retained by local officials. Hearings by the Congress identified Right of Way irregularities and grossly inflated appraisals in three other states.

In the early days of the program this rash of irregularities was probably due to the thinking of some officials and appraisers that no one would be reviewing their work independently. Also, it's clear to me that the Right of Way profession at that time had not reached today's sophisticated level. But even today, inflated appraisals are still being made and Right of Way

irregularities are still being called to our attention. It is just good business practice that appraisers follow the dictates of their own profession and that state highway agencies keep their systems of checks and balances. You are professionals, and I look to you to assure that these two Right of Way strengths are retained.

During the past several years, you have asked for less regulation from the Federal level. The Federal highway Administration has been working toward this goal of a lesser Federal role, and increased authority and responsibility at the state and local level. Since 1981, our efforts have been aided greatly by commitments and support from the President and his entire administration.

Some time ago, we organized a task force to review all of our existing regulations in order to reduce requirements and regulations. In the Right of Way area, major reductions are very close to completion. For example, in the acquisition and appraisal area, the number of regulations will be cut in half—from 20 to around 10. These regulation changes were discussed at the recent joint FHWA-AASHTO Right of Way conference in Oklahoma, which was attended by several of you at this seminar.

I recommend that the association carefully study these proposed regulations when they are published in the FEDERAL REGISTER, and give us your views. I can assure you that they will be carefully considered. What you say does have an effect, it is your opportunity to get in on the ground floor, and influence the regulations with which you in the highway agencies will be working.

The phrase “do more with less” has taken on a special significance in the past few years in Federal and state

government. Increased costs, general economic conditions, and the public's view of the role of government have all taken their toll, and FHWA and the state highway agencies have all been affected. By the end of September, FHWA will be at our lowest staffing levels since the early 1950's. Many highway departments also have found themselves in the same circumstances.

This has forced us to take a hard look at the way we do business. In order to accommodate personnel reductions, there have been a number of reorganizations in our Washington office and in the field. In this process, we have taken into account the need to provide manpower resources in those areas that are most important to the FHWA mission.

Our Right of Way headquarters office was recently reorganized. The primary functions were left intact. The Highway Beautification program was transferred to the acquisition unit. Many people were released due to this restructuring. These personnel reductions have forced us to look at our priorities, and our role. We simply do not have the resources to devote time to anything but priority concerns where there is a clear Federal interest.

This means all of us have to use our resources more efficiently. It means we must have true competition in all our contracting activities—Right of Way as well as construction. It means actively looking for ways to reduce nonessential expenditures. It means making hard decisions on priorities. Fundamentally it means the willingness to make some changes. And I can assure you it is no easy task.

Even though we all have fewer people than in the past, and our dollar buys less, FHWA figures show the



“

## ...we should invest \$4 billion/year for 10 years to close the final gaps in the interstate system...”

national Right of Way workload has held constant for several years, with a slight upward trend. About 24,000 parcels of property have been acquired with Federal-aid each year since the early 1970's. It's most interesting to note that the interstate system share of that total fell from over 40% in 1972 to about 20% in 1978. So in spite of the fact that the interstate system is approaching completion, the workload holds constant. Obviously, a greater effort is being put into the other Federal-aid systems, offsetting the interstate decrease. I see no reason for that basic trend to change. Even with an increasing emphasis on rehabilitation of existing highway facilities, quite frequently additional Right of Way must be acquired. However, I believe you can anticipate a greater number of smaller projects, and this has its own workload and manpower management implications.

Our Right of Way costs continue to increase. The 24,000 Federal-aid parcels acquired in 1977 cost \$342 million. The 1981 cost for about the same number of parcels was \$538 million. Similarly, relocation assistance claims are down in numbers, but up in dollars, while requests for last resort housing are growing rapidly.

You may wonder about my use of the phrase “Federal-aid parcels.” In addition to property acquired with Federal-aid, state and local highway agencies buy over 16,000 parcels

each year with their own funds for Federal-aid construction projects. These acquisitions are also subject to the uniform act requirements, and have to be considered in workload management planning. All in all, there has been and will be a lot of work to do.

Your seminar program indicates that you will be discussing proposed uniform Department of Transportation appraisal and acquisition regulations. This is another long overdue accomplishment which will reduce regulatory requirements, increase uniformity within the department, and provide maximum flexibility. A major benefit is that state and local transportation agencies will no longer have to keep current on the regulation differences that exist between the various DOT administrations. A similar effort is underway for the Federal government as a whole under the auspices of the Office of Management and Budget.

Finally, most of you are aware of the congressional effort to amend the uniform relocation assistance act. The proposed amendments are intended to overcome the shortcomings of the original law, and update it to deal with present day concerns.

In addition to a number of technical changes, two significant issues are addressed. First, it would give state and local agencies more discretion in implementation. Second, it calls for establishment of a lead Federal

agency. The lead agency would have authority to issue instructions to all Federal agencies, and between a Federal agency and a state agency.

You have probably noted that all of the previously mentioned efforts (DOT uniform regulations, OMB “umbrella” regulations, and the legislative amendments) generally promote a common theme, even though they are proceeding independently. We do not see significant conflicts between the two sets of regulations—the proposed DOT appraisal regulation is consistent with the proposed OMB regulation. Further, if the amendments to the uniform act become law, it is entirely possible that the proposed DOT and OMB regulations in the appraisal/acquisition area would not have to be revised because they are all based on the concept of flexibility and delegation of responsibility.

So what does all this mean for your own trends and forecasts for the future? I see:

- State and local agencies getting a reduction in Federal regulatory mandates.
- More discretion afforded in the acquisition and relocation process.
- More consistency among the various Federal agencies in program administration.
- Finally, I see an eventual increase in funding and workload for the entire highway community.

Many of us have been asking for these changes for several years. It's important that we all be ready for them. I'm happy to see that this 28<sup>th</sup> educational seminar is preparing your membership to take advantage of what I see as a better highway future. ☼





# Legally Insured

Arming yourself against disgruntled property owners

BY PETER CHRISTENSEN

Several years ago, I fielded a call from a real estate appraiser reporting a potential claim. She told me that she had recently inspected a vacant residential property and was being threatened with a lawsuit by the owner. When I asked for details, she explained that after arriving at the property, the owner had greeted her and let her inside. The owner then left her alone to complete the inspection, instructing her to lock the front door behind her after finishing.

A week later, she got an angry call from the owner. He accused her of leaving water running in a bathroom sink, claiming that the sink had overflowed for a long period of time, causing extensive water damage. He

threatened to sue her unless she paid for the repairs. At the end of the day, the appraiser stood her ground. She had not turned on the sink. She explained to me that if she needed to use a restroom, she would not have used the decrepit facilities in the vacant home, and she had photos showing their sorry state. The owner eventually backed down and did not sue.

While this is not necessarily a big or a typical claim against an appraiser or other right of way professional, there is a teaching point to it. It is to illustrate why right of way professionals may want to carry insurance that will protect them against legal claims relating to their services.





## Two Primary Types

There are two primary insurance policies maintained by right of way professionals. One is general liability (GL) and the other is professional liability, often referred to as errors and omissions insurance (E&O). Both forms of coverage are commonly required in government contracts for right of way work but are often times misunderstood.

The GL policy is designed for two purposes: 1) claims involving bodily injury and 2) property damage arising from services/operations. If a property owner sues the appraiser for water damage, a GL policy would pay for the appraiser's legal defense and/or the damages because the claim is property related. If the story had involved someone slipping in the overflowing water, the defense of that claim would also be under a GL policy because of the bodily injury. The reality is that property damages and bodily injury claims are rarely filed against appraisers and right of way agents. However, they are a bit more common against relocation agents.

The key limitation of a standard GL policy is that it does not cover claims for economic harm to a third party arising from your services. For example, consider a common professional negligence claim: an appraiser makes a negligent overvaluation mistake causing the client to significantly overpay for a property, and the client sues the appraiser for its financial loss. Because this scenario does not involve bodily injury or property damage, a GL policy would not provide coverage. This is where E&O comes in.

E&O covers claims for economic losses due to errors and omissions in your professional services.

In practice, E&O claims are more common than GL claims among professionals that provide right of way services, and this is why E&O generally costs more than GL for such professionals.

## Avoiding Common Claims

To reduce the risk and insure yourself properly, it's best to focus on the most common claims and think about how they can be avoided. Based on our experience and research, here are the most common legal claims seen in practice for right of way agents, appraisers and relocation agents stemming from services offered:

### Right of Way Agents

In a case filed earlier this year, a large right of way services firm was sued by 20 plaintiff property owners who all resided in the same county. The case relates to a pipeline, and the right of way agents allegedly negotiated with the property owners on behalf of the pipeline company to acquire easements for its construction and permanent placement. The owners had accepted offers of compensation, signed easement agreements and received payment in full. But now they were suing the right of way services firm contending that they had been misled into accepting compensation that was too low.

This is a difficult claim to sustain legally because easement agreements typically contain contractual clauses under which the owners represent that any agreements or promises relevant to their acceptance of the compensation are contained within the easement agreement itself. In other words, the owners contractually state that everything they've been promised is contained in the agreement and that the agreement is final as to what they are entitled to. So to get around that legal challenge, the plaintiffs in the case are doing what others commonly try—alleging

that they were fraudulently induced by false statements to enter into the agreements. They claim: "The right of way agent told me that the amount offered was the best anyone in my county would ever get," or "I was told that if I didn't sign the agreement, I'd be sued in a condemnation lawsuit and end up with less."

This lawsuit is typical of professional liability claims against right of way agents because the plaintiffs are aggrieved property owners who are unhappy with the result after the fact. In practice, right of way agents are less commonly sued by their own clients. We have also observed from actual claims that right of way agents working on public acquisition projects for governmental entities are far less likely to be sued by anyone in connection with their work than those performing similar services for the private sector, such as for pipeline projects or for the acquisition of rights in connection with oil, gas or mineral extraction. We believe that a major reason for the difference in liability risk may be linked to greater oversight of the overall process by governmental entities and stricter legal concern for the protection of property owners' interests.

### Real Property Appraisers

Appraisers performing valuation services for right of way purposes also face claims from disappointed property owners. The property owner will allege, again in hindsight, that they accepted unreasonably low compensation because the appraisal they were provided negligently valued the taken property. In other claims, even property owners who turned down an offer based on an allegedly low appraisal and recovered more in the condemnation action have sued appraisers—their claim being that if the appraisal had been higher, the property owner would not have incurred the time and expense of litigation.






While E&O claims from third parties (i.e., non-clients) are most common, appraisers performing right of way work do get legal claims from their own clients if it's believed that the valuation was negligently performed. Fortunately, it is rare that a governmental entity will actually decide to sue an appraiser engaged on its behalf.

There is, however, a common series of events that emerges in situations where the government has actually made a claim against an appraiser. The claims are usually brought when: a) a court hearing a condemnation action has pointed to outright errors or omissions in the appraisal work (not merely differences of opinion) as the basis for an unfavorable decision, b) the government entity client has decided to withhold the appraiser's final payment because of deficient work, and c) the appraiser has provoked the government entity by suing the government to collect the unpaid fee.

The predictable result is that the government files a counterclaim for professional negligence against the appraiser. The lesson from this is that if your client has been hit with a very bad outcome in which the court pointed to your appraisal as being negligently performed, think hard before suing your client to collect on that particular work.

### Relocation Agents

Relocation agents are in a tough spot when it comes to claims. Much of their job often involves day-to-day contact with property owners being displaced by a project. Whether they are working with an owner on a move or arranging for temporary accommodations, relocations can put both residential and commercial property owners/occupants under stress and in financial hardship. Their close involvement with displaced



“**Their close involvement with individual displaces and the wide variety of services they perform pose liability risks from many angles.**”

individuals and the wide variety of services they perform pose liability risks from many angles.

For example, will the moving company they referred break an urn containing the ashes of the property owner's mother, and the relocation agent gets blamed for negligently recommending them? Believe it or not, this is an actual claim that happened. Or will the agent be accused of promising relocation benefits that never materialize? Although it's difficult to pinpoint what the subject will be, as with right of way agents and appraisers, most claims against relocation agents come from the property owner or occupant, not their clients.

### Being Adequately Prepared

While it's difficult to address every situation that a right of way professional may face, we can offer some suggested basic practices that will help prevent claims from happening, or at least make them easier to defend.

**Keep contact logs.** We suggest keeping detailed, contemporaneous logs of each contact with property owners/occupants. These parties are the most common sources of claims. Good contact logs can help prevent claims assuring that communications are accurate,

timely and consistent. They can also work to defend potential claims by providing credible evidence to back up your actions.

**Beware of difficult parties.** When you run into a difficult property owner/occupant, tread carefully. In our experience, these acerbic individuals are the ones most likely to drag you into court.

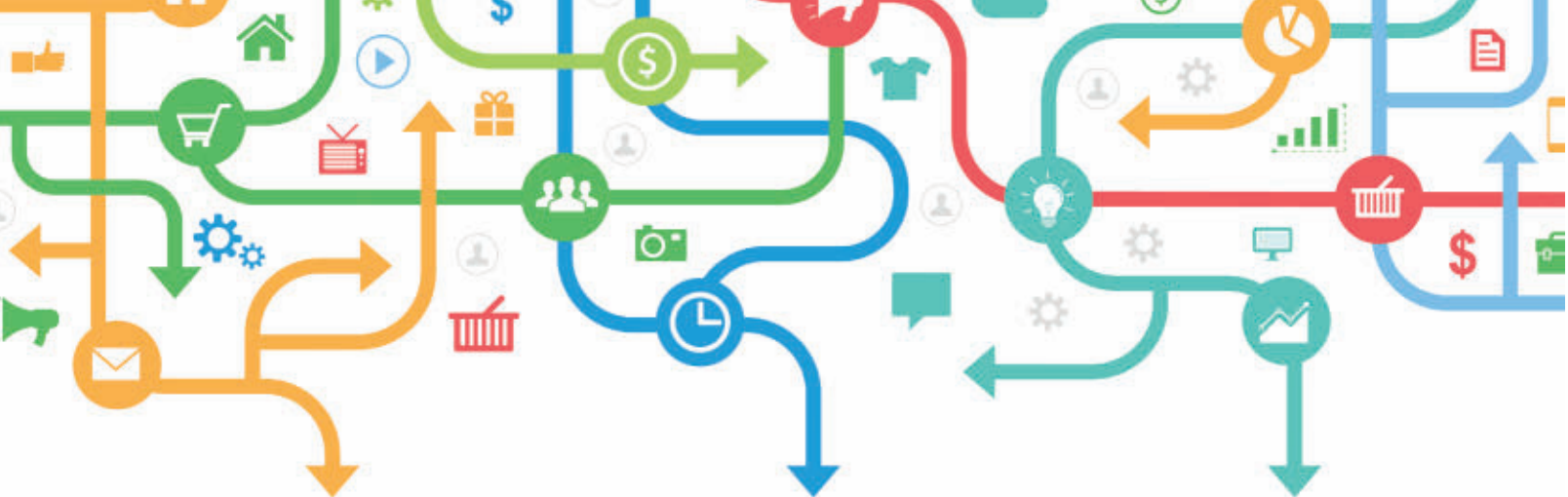
**Oversee your accounts receivable.** You want to get paid, of course. Aside from that, keeping control of accounts receivable reduces liability claims because suing to collect from a client for unpaid fees creates the risk of the client countering with a professional liability claim.

By being fully aware of the most common risks—and following some basic best practices—right of way professionals can protect themselves from potential legal claims. ✪



*Peter Christensen is General Counsel for LIA Administrators & Insurance Services and has been an attorney since 1993. LIA has been offering errors and omission insurance to the appraisal profession since 1977.*





# Inter-Generational Decision Making

Four ways to get amazing results from your team

BY JILL JOHNSON

Making decisions can be difficult enough when you're working with a group of likeminded peers. But when multiple generations are involved, the process can become even more challenging.

The good news is that inter-generational groups can elevate your team's effectiveness with innovative ideas that often extend far beyond the obvious options and solutions initially considered. They will not only bond more effectively and can learn from each other, they will typically find unexpected approaches that link possibilities in powerful ways, creating amazing results.

So how can you strengthen your inter-generational teams to get better results? Bringing out their best requires some new strategies. Here are four effective approaches to ensure your

decision-making involvement stays on track and is focused on moving toward an outcome that matters.

## 1. Don't Make Assumptions

Frequently, the assumption is made that everyone at the table has enough insight and information to participate effectively in the process. All too often, they don't.

To get the most from your team, provide them with an outline that summarizes the critical elements of the issue and why a decision needs to be made. Make sure everyone has enough information so they can be more mindful in evaluating the options. Explain how the decision relates to your organizational business strategies and why this is an area of concern. Don't assume they understand



this. Consider this an educational opportunity.

Make it a point to prepare everyone for active participation. Could your team benefit from some advance reading material, such as an article about the critical issue you are going to address? To make sure everyone is on the same page, it's crucial to set the stage at the first decision-making meeting.

## ► 2. Clarify the Parameters

Keeping an inter-generation group focused is key, so it's important to establish a framework of what must be considered and the boundaries for how far they can go with the decision options. Set limits. If there are budget or staffing limitations, say so. Be sure to clarify the boundaries of the group's role in the decision-making process too. Is the team functioning as the decision maker or serving in an advisory function to others who will decide? Put this in writing so everyone is working within the same parameters.

Often times, established professionals have a black or white point of view that makes them hold fast to historical assessments of potential options. And it's natural for younger participants to have a limited viewpoint about possible options and consequences simply because they lack experience to engage in a more nuanced deliberation. If you have some eager young professionals on your team, the last thing you want to do is dampen their enthusiasm.

Have interim checkpoints and redirect the discussion as needed. Be aware that at times, younger team members may defer to older professionals out of respect for their experience. The downside is that seasoned professionals often fall into the trap of only considering historical options that limit consideration of new approaches to solving problems. You need the insight of all generations at

## ► 3. Guide the Discussion

the table. But it has to be effectively channeled.

While you don't want to oversee every workgroup conversation, you still want to manage the overall discussion. Encourage candid dialog. Clarify the stakes for everyone involved, the resources of information you need and begin discussing the decision parameters. Have them walk through the potential outcomes of the options under consideration and address the pros and cons of each one. Encourage them to ask each other questions and challenge them to try combining elements of one option with another to come up with the strongest one possible.

Depending on the dynamics of your team, you may need to carefully manage how the group communicates so those with strong voices do not drown out innovative ideas from more introverted participants who may lack confidence to speak up in a group. If you get each of your participants deeply involved in the discussion, they will develop mutual respect and learn from each other. This enhances inter-generational communication and encourages a more collaborative decision dialog.

## ► 4. Manage Expectations

With inter-generational teams, managing expectations is a must. Let them know how much influence they will ultimately have on the decision-making process. Will they get a vote in the decision? Or will they be influencing how you decide? Carefully managing their expectations at the front-end will help manage angst at

# “ Explain how the decision relates to your organizational business strategies... ”

the back end if you are the final decider and go a different way than they recommend.

Be sure to develop feedback loops and mechanisms for follow-up. You may lose the enthusiasm of some of your younger team members if they don't get periodic follow-up on the decision outcome. If possible, continue to involve the decision team in reviewing the progress of the decision implementation. That way, they can help you adjust and adapt your decision strategy based on the evolving outcomes.

### Final Thoughts

If you can effectively manage your inter-generational decision-making efforts, you will create a team dynamic that is powerfully focused on resolving issues. At the same time, they will be building critical thinking skills and learning how to work together for future decision-making. 🌟



*Jill Johnson is the President and Founder of Johnson Consulting Services, where she helps clients develop market-based strategic plans for turnarounds and growth. She is an accomplished speaker, author and management consultant with a track record for getting results. Visit [www.jcs-usa.com](http://www.jcs-usa.com).*



# IRWA'S 63<sup>RD</sup> ANNUAL INTERNATIONAL EDUCATION CONFERENCE

BY ETHEL NAVALES



**T**he snow-capped mountains of Anchorage, Alaska set a picturesque stage for IRWA's 63<sup>rd</sup> Annual International Education Conference. Hundreds of professionals from all around the world embraced the chilly weather for a week of networking, informative sessions, important Association business and unforgettable memories.

"Congratulations," said Conference Chair Pat Thayer, SR/WA, as she kicked off the Opening Ceremony. "Now all of us have checked off one item from our bucket list—travel to Alaska." Pat was joined by Conference Vice Chair Kathryn Schreckenghost, and on behalf of Sourdough Chapter 49 and Artic Trails Chapter 71, they welcomed over 900 conference attendees. After thanking the many dedicated volunteers and sponsors who made this conference possible, they encouraged attendees to take full advantage of the various events to come.

## Honoring our Members

International President Mary Anne Marr, SR/WA, took the stage to call the Annual Meeting of the Members to order. Beginning the conference on a high note, Mary Anne presented IRWA's Frank C. Balfour Professional of the Year Award to a truly deserving individual. Mike Murray, SR/WA, has been involved with the IRWA at the Chapter, Regional and International level. His employees have praised his work ethic, his attitude and his natural ability to be a leader and role model. "For me," Mary Anne added, "One of the highest indicators of a true leader and professional is how you are viewed by those who work for you."







Mary Anne moved on to present IRWA's Lifetime Achievement Award, a special recognition reserved for individuals who have made extraordinary contributions to the right of way profession and the Association during their lifetime. After Mary Anne recited the recipient's many accomplishments, she remarked, "I said earlier that you would wonder how one person could do so much. The answer to this is simple. One person can't. But two people who are so committed to the IRWA, two people who are best friends and two people who also happened to find love through the IRWA can." Together, Ron Barker, SR/WA, and Cynde Barker, SR/WA, accepted the prestigious award.

Finally, Mary Anne welcomed the newest IRWA Chapter—the Arabian Gulf Chapter 87. International Relations Group Chair Lee Hamre, SR/WA, presented Chapter Vice President Salim Al-Alyani, RWP, with the Chapter banner and founders plaque.

### A Remarkable Year

"This has been a year of investment for the IRWA," Mary Anne reflected. "We've invested in our education programming, our instructors, our young professionals, our leaders, our committees and communities of practice, and most importantly you." Mary Anne went on to recognize the new CLIMB certified instructor program, which has prepared 139 instructors to bring a brand new learning experience to the IRWA, as well as a new scholarship program funded by the Right of Way International Education Foundation.

"As we move forward, our road to excellence will be under construction," Mary Anne said. "I ask that you keep an open mind. Remember that we are much more than individuals, more than Chapters or Regions.

We are a global organization that empowers our members to impact people's quality of life."

IRWA's Chief Executive Officer Mark Rieck agreed that this was a year of investment. He reported that the membership income stands at \$1.56 million with 9,404 members. The number of IRWA classroom and online participants totaled 6,478. There are now 3,176 certified and designated members, with 34 percent of our membership holding a credential. And as Mark puts it, we are just getting started.

Mark highlighted the suite of new programs, products and services that members can expect in the upcoming fiscal year. This includes a new website that holds a stronger search engine, translates information and is functional on any device. IRWA is also presenting a new Code of Conduct and Standards course that is the first to be designed to CLIMB standards. IRWA will continue to develop the credentialing module that takes the guesswork out of gaining a certification, and in an effort to encourage mentorship within the Association, IRWA presents Mentor Match. Mark emphasized that Right of Way Magazine will continue to innovate, while expanding its coverage to report on the most relevant and challenging issues facing our industry. Finally, Mark highlighted our recent partnership with LIA Administrators & Insurance Services.

"The world of right of way is changing every day and IRWA is on the leading edge of professional development," Mark proclaimed. "Speaking for the International Governing Council, our Region leaders and incredible staff, we are proud to serve you and bring this new suite of services to our membership."



# AWARDS CEREMONY



International Nominations and Elections Committee Chair Arlene MacKenzie, SR/ WA, welcomed guests, nominees and award winners to the Annual IRWA Awards Ceremony. “Today, we recognize those who have gone above and beyond for our Association,” said Arlene. Conference Vice Chair Kathryn Schreckenghost kicked off the luncheon by announcing that all Region Professionals of the Year would receive \$500 from the Right of Way International Education Foundation (RWIEF) to be used in furthering their IRWA Education.



Chapter of the Year was awarded to Los Angeles Chapter 1, with Darryl Root, R/W-RAC, accepting the award.



Hector Casillas, SR/WA, and Rita Callaway (not shown) received student scholarship awards to help them further their right of way education.



For the Employer of the Year with less than 20 employees, the award went to Stanley Consultants. Tony Pollack, SR/WA, accepted the award.



The W. Howard Armstrong Instructor of the Year was awarded to Chapter 17's Richard Dickson, SR/WA. Accepting the award on his behalf was Barb Taves, SR/WA.





The Gene L. Land Award for Highest Numerical Gain went to Ohio Chapter 13, with Richard Nichols accepting.



Sacramento Municipal Utility District was awarded the Government Employer of the year. Blandon Granger, SR/WA, accepted the award.



The Gene L. Land Award for Highest Percentage Gain went to Spokane, Washington Chapter 19. Nancy Carroll, SR/WA, accepted the award.



For the Employer of the Year with more than 20 employees, the award went to Bender Rosenthal, Inc. Pictured with Mary Anne is Yoli Matranga, SR/WA, Cydney Bender and Conner McDonald.



On behalf of Ohio Chapter 13, Richard Nichols accepted the Website of the Year Award.



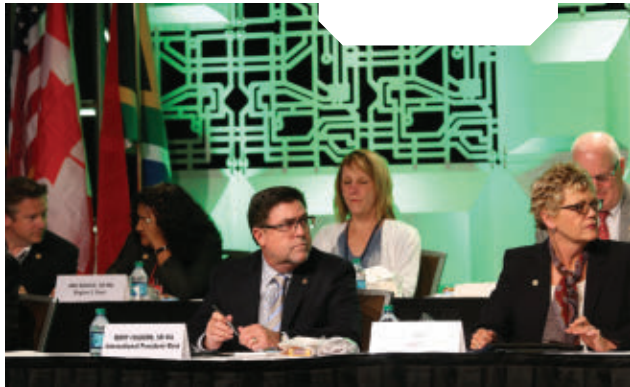
The Newsletter of the Year Award went to Chapter 12 for "The Compass." Bill McIntyre, SR/WA, accepted the award.



Chapter 39's Matthew Eckmann, SR/WA, was named Young Professional of the Year.



# BOARD OF DIRECTORS



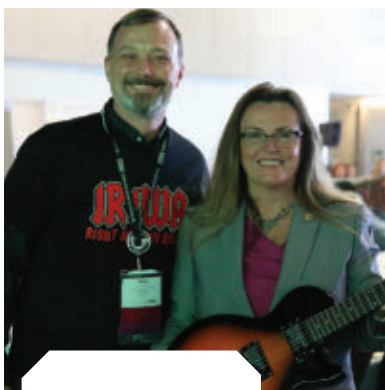
During the Annual Board of Directors meeting on June 14<sup>th</sup>, International President Mary Anne Marr, SR/WA, called the meeting to order before welcoming members in attendance and reiterating the role we all play in accomplishing IRWA's Purpose. She informed voting directors that IRWA's financial statements and leadership reports have been posted on IRWA's website throughout the year for review.

Mary Anne introduced Treasurer Aimie Mims, SR/WA, who presented the proposed 2017-2018 fiscal year budget. Aimie reported that the Finance Committee met four times during the last 12 months and was confident that the budget aligned with the Association's goal to increase the visibility of the IRWA and its members, provide for the continued development of new education programming and support the governance of our Association. The 2017-2018 budget proposal was approved as presented.

The next order of business was the International Executive Committee elections. Mary Anne called on Arlene MacKenzie, SR/WA, Chair of the International Nominations and Elections Committee, to provide a report of the committee. All current IEC members up for reelection were confirmed, running unopposed. Under the committee's recommendation, and following a vote among all directors, Ana Rausch, SR/WA, joined the IEC as IRWA's incoming International Secretary. Mary Anne announced that Brad Kuhn, Esq. will continue to serve as International General Counsel for 2017-2018.

International Secretary Sharon Slauenwhite, SR/WA, presented the International Region Officers, while President-Elect Jerry Colburn, SR/WA, announced the appointments of the 2017-2018 International Service and Industry Committee Chairs, Vice Chairs and Community of Practice Leaders.

Mary Anne invited incoming International President Jerry Colburn, SR/WA, to share his remarks on becoming the International President for the Association. He proclaimed that he was truly honored to be IRWA's next President, stating his focus has been—and always will be—to make a difference in our Association, the industries we serve and the quality of people's lives. He went on to share the priorities and initiatives of IRWA's leadership, such as plans for Industry Leader Roundtables, Field Staff's role in addressing Chapter needs, a new scholarship program funded by the Right of Way International Education Foundation and preparation for the 2017 Global Congress in Mexico.





On the international front, Jerry announced that Mary Anne will lead the International Relations Group next year, selecting representatives from our Chapters in Australia, Mexico, Saudi Arabia, South Africa and Nigeria to serve as direct participants on the working group.



He invited John Campbell, SR/WA, to the stage and revealed that they have been working on a memorandum of understanding with the American Society of Civil Engineers' Utility Engineering & Surveying Institute to promote professional collaboration and to assure the safe operation and management of utility infrastructure and assets on public project right of way.

RWIEF provided an overview of the Foundation's fundraising efforts, noting that they received approximately \$85,000 in donations from the Board of Directors meeting, the golf tournament and the exhibit hall raffle. CRWEF reported a successful Annual General Meeting, where they discussed the opportunities of their sponsorship program. They received \$6,575 in donations at the Board of Directors Meeting, and the Foundation looks forward to reporting on the amount of proceeds raised at the Canadian Hospitality Suite Event. Both Foundations passed along a sincere thank you to everyone who donated, as it directly aids in their ability to fund right of way education initiatives.



## SR/WA BREAKFAST



During the SR/WA Recognition Breakfast, conference participants gathered to celebrate and support the 81 members who achieved IRWA's highest professional designation, the SR/WA, over the previous 12 months. The honorees in attendance were invited to the stage to accept their certificate before taking a photo with International President Mary Anne Marr, SR/WA, Chair of the Credentialing Committee John Alexander, SR/WA, and Chair of the Partnership for Infrastructure Professional Education Tami Benson, SR/WA. Following the recognition segment, event speaker Charlie Adams shared the inspiring story of the 1980 Winter Olympics where the United States Olympic Hockey team achieved a surprising victory over the defending gold medalists, the Soviet Union team, in an event now known as the "Miracle on Ice."





# INSTALLATION BANQUET



The conference concluded on Wednesday night with the Annual Installation Banquet. This culminating event includes the swearing in of the new slate of officers, as well as the official presidential hand-off. In her farewell remarks, Mary Anne reflected on her 20-year journey with the IRWA, noting that every step of the journey has been marked by outstanding educational content and the inspiring people she met along the way. After thanking everyone who supported her and helped shape her experience as President, she showed her appreciation for our members by saying, “Without all of you out there every single day working on projects and

working to support our purpose of improving people’s quality of life through infrastructure development, the IRWA would not have a reason to exist.”

Stepping into the Association’s highest elected position, Jerry Colburn, SR/WA, spoke of becoming an outward facing organization, saying, “We have to tap into other infrastructure authorities to widen our visibility. We need to widen our external influence and raise awareness to establish our industry relevance. We deserve that.”

Jerry concluded his remarks saying, “I challenge you to make a difference this year in your Chapter. Focus on developing learning opportunities, discussing emerging trends and promoting best practices. Some of you have heard me say that you are in this business for either three days or thirty years—there really is no in between. We are in this for the long haul and we all have a real passion for what we do. Together, we’re building a common vision to create our future.”





## In Appreciation

IRWA is pleased to give special recognition to our sponsors for their generosity in making this year's conference a success.

### Exclusive Host Site Sponsor



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# GOLF TOURNAMENT



In conjunction with the 63<sup>rd</sup> Annual International Education Conference, the Right of Way International Education Foundation (RWIEF) and the Canadian Right of Way Education Foundation (CRWEF) hosted their 21<sup>st</sup> Annual Golf Tournament. The Denali Classic was held on June 13<sup>th</sup> at the Anchorage Golf Course, giving conference attendees and golf enthusiasts a day outdoors for networking and an opportunity to raise funds for a worthy cause. The event successfully raised approximately \$25,000 in donations.

The Foundations would like to thank the participants as well as the generous sponsors. Special thanks to **Platinum Sponsors:** Allen, Williford & Seale, Inc. IRWA's International Pipeline Committee, Duff & Phelps, Croft & Associates, Contract Land Staff, IRWA Region 3 and Region 5; **Diamond Sponsors:** Paragon Partners, Ltd. and Coates Field Service, Inc.; **Gold Sponsor:** Twin Peaks Field Services; **Silver Sponsors:** Percheron, LLC, Pattison Associates, Inc., Region 9 and the RWIEF Trustees.

# YOUNG PROFESSIONALS



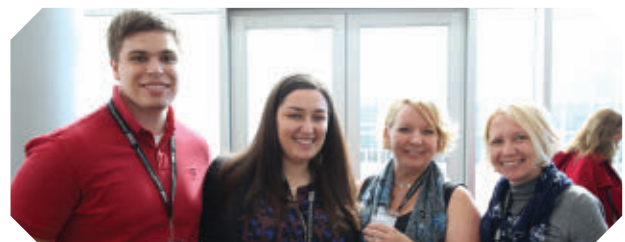
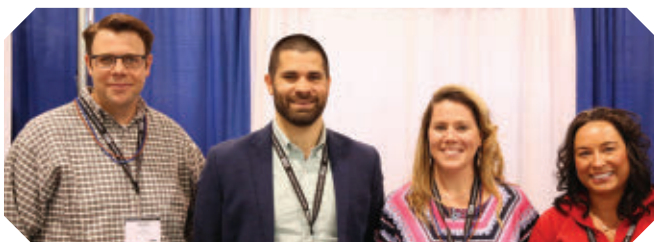
The Annual Education Conference always provides valuable opportunities for the Young Professionals Group (YPG), especially in the areas of networking and exposure. The YPG held a successful meet and greet event with over 150 attendees. Special thanks to the event sponsors: Liberty Core, Volkert, Percheron, LLC and Georgia Snodgrass.

IRWA leadership invited all of the YPG in attendance to join in the Tuesday night Leadership Reception, where they were able

to meet the Association's incoming and outgoing leaders and share mutual insight.

The YPG provided five topical education sessions this year and offered a live streaming session via Blue Jeans/Twitter. Nearly 40 members logged into this new unique experience. The YPG received positive feedback from participants and plan to offer more live streaming sessions at future IRWA events. Additionally, the YPG booth in the exhibit hall was a success with over 200 people stopping by to view "The Future of IRWA" video and sign up for the new Mentor/Mentee program.

"The YPs are eager to learn and progress in their careers," said YPG Chair, Carmelita Delgado, RWA. "I am extremely proud of all the hard work, efforts and time that they invest into the organization and their determination to make a difference!"





# EXHIBIT HALL

With over 900 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.



- 1) Ally Land 2) Advanced Aerial Services, LLC 3) Appraisal Institute 4) Associated Right of Way Services, Inc. 5) Allen, Williford & Seale, Inc. 6) IRWA 2022 Conference Bidder-Charlotte, NC 7) BEM Systems 8) IRWA 2022 Conference Bidder-Cleveland, OH 9) Contract Land Staff 10) Coates Field Service, Inc. 11) CoreLogic 12) IRWA 2022 Conference Bidder-Denver, CO 13) Canadian Right of Way Education Foundation 14) Doyle Land Services, Inc. 15) Duff & Phelps, LLC



# EXHIBIT HALL



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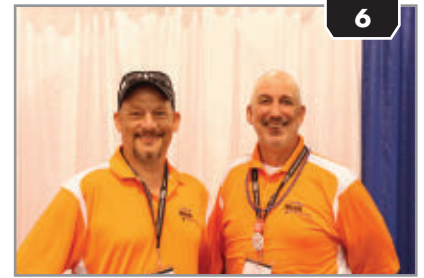
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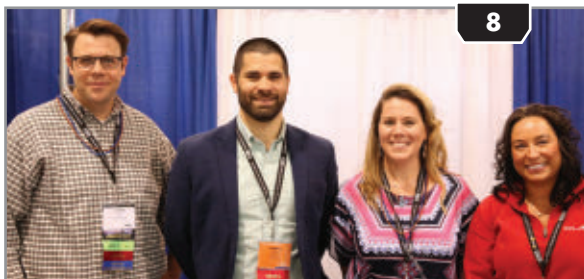
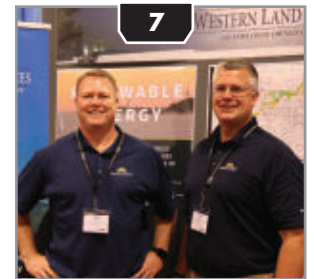
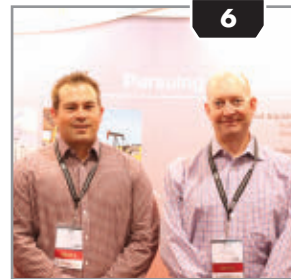
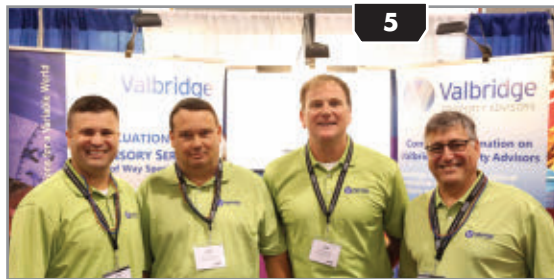
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1) Electrical Consultants, Inc. 2) Right of Way International Education Foundation 3) Emerald Energy & Exploration 4) First American 5) Flairdocs 6) International Electric & Utilities Committee 7) HDR, Inc. 8) International Transportation Committee 9) IRWA Communities of Practice 10) JLL Valuation and Advisory Services, LLC 11) Landworks, Inc. 12) Maser Consulting 13) Overland, Pacific & Cutler, Inc. 14) Paragon Partners Ltd. 15) ROWE Professional Services Company





1) IRWA 2018 Conference Bidder-Edmonton, AB, CN 2) TRC Solutions 3) Universal Field Services, Inc. 4) Sea Con LLC 5) Valbridge Property Advisors, Inc. 6) Synergy Land Services Ltd. 7) Western Land Services, Inc. 8) IRWA Young Professionals 9) Zausmer, August & Caldwell, P.C. 10) WhiteStar 11) geoAmps 12) Percheron, LLC



# COMMITTEES, COMMUNITIES, COUNCILS AND REGIONS

Encompassing All Aspects of the Profession

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.

The Annual Conference provides a unique opportunity for members to discuss topics, relevant industry changes, trends and upcoming educational initiatives. The Industry Committees focus on issues impacting the core segments associated with the right of way profession. They include Electric & Utilities, Public Agencies, Oil & Gas Pipelines and Transportation. IRWA's Communities of Practice (CoPs) focus on issues related to our major industry disciplines, including Asset Management, Environment, Relocation Assistance, Surveying & Engineering and Valuation.

IRWA is also guided and supported by the leadership of its various councils. The International Governing Council represents each of the 10 Regions working in conjunction with the International Executive Committee and Headquarters staff. The Advisory Council is comprised of Past International Presidents, and the International Relations Group focuses on building our international presence. The Right of Way Consultants Council represents the industry's service companies who work to develop standardized practices. And supporting the Association's educational initiatives are the Right of Way International Education Foundation and the Canadian Right of Way Education Foundation.











## Benefits That Keep on Giving

### Reminiscing after 50 years of membership

BY JERRY L. HIGGINS, SR/WA (RETIRED)

In 2015, I was recognized as a 50-year member of IRWA Carolinas Chapter 31. Reflecting back, I've noticed a few things have changed. When I joined the Association in 1965, there were no female members (Carolinas Chapter 31 did have a women's auxiliary), and there were just a few minority members. Relocation assistance was not even a component of the profession. But change was on the way. Through shared interests and a desire for growth, the American Right of Way Association became the International Right of Way Association. There was no looking back.

When I graduated from college in 1965, I was hired as a Right of Way Agent by the North Carolina State Highway Commission (now the Department of Transportation). My initial training was tagging along with a seasoned agent for about six weeks. There was no formal training program for right of way agents with the agency, so the late Hilton Eades decided to start one. Hilton advised me to join the Association because it would benefit

my career. So I joined, and he was quite correct. I soon earned my SR/WA designation, and in 1974, I was named Chapter 31's Right of Way Professional of the Year.

In those early years, right of way was a small part of the budget for most public works projects. Project managers considered right of way acquisition a necessary nuisance in order to get to the glory work of building the interstate highway or constructing towering transmission lines. However, as time passed, landowners became more aware of the value of their property rights and more sophisticated in dealing with the acquiring authority. As land acquisition became more expensive, it not only became a larger part of the project budget, it also became much more difficult. If right of way could not be acquired in a timely fashion, projects could be delayed. The challenges increased if condemnation became necessary. Acquisition agents soon became much more integral to a project's success.

When I retired in 2001, I decided to retain my membership status, and I've kept informed via Right of Way Magazine. All those years as a member really did help me. The major benefits are obvious, like being an SR/WA and having access to continuing education. But there are also the more subtle experiences of social networking and having a forum to discuss right of way issues of mutual interest with other members.

I came out of retirement a few years ago to do a small project near Chapel Hill, North Carolina. The pipeline utility informed my friend Monty, who owns a right of way consulting company, that they needed an agent who had to be an IRWA member and available promptly. When he couldn't find an agent who was readily available and a member, Monty called me and I took the job. There were no condemnations. Monty was happy. Christmas was good that year. And applying my years of experience was pretty gratifying.

Fortunately, some things have not changed. Today, acquisition agents are still likely to be the first person a property owner meets, and they need to put their best foot forward. Most landowners have a skeptical frame of mind about any property acquisition, however, this can be placated if a professional agent is involved. Obviously professionalism is the key. How do you get professional right of way land agents? IRWA! Need I say more? 🌟



*Jerry Higgins has been an IRWA since 1965. He started his career with the North Carolina Department of Transportation, and retired in 2001 following 30 years with Carolina Power & Light Company. He is a longstanding member of Carolinas Chapter 31.*





# A Creative Mediation

Dealing with environmental contamination and limited time and funds

**BY MICHAEL F. YOSHIBA, ESQ.**

On March 5, 2000, a Southwest Airlines flight approached California's Burbank Airport from Las Vegas for a routine landing. As the Boeing 737 airplane landed, it was going much too fast for the runway conditions. It hurtled through the blast shields at the end of the runway, crashed through an airport fence, skidded onto Hollywood Way and stopped only a few feet from an adjacent gas station and a retail building. Fortunately, the crash resulted in only a few minor injuries and caused very little property damage.

In direct response to this incident, the Airport Authority decided to reexamine the airport's runway safety zone—the cleared buffer area that reduces the risk of errant aircraft collisions in emergency situations. At the time, the runway safety zone at this location extended only a few feet beyond the end of the runway. An expansion was deemed to be critical.

## Acquiring the Property

The Airport Authority decided to expand the runway safety zone by acquiring and removing the nearby gas station and adjacent retail building. Anticipating a difficult acquisition, the Airport Authority reviewed

the potential soil and groundwater contamination issues posed by the gas station. This business had an older system of underground storage tanks, which had not been formally inspected for several years. In anticipation of potential cleanup costs, the Airport Authority allocated additional funds in the project budget. However, they were pleasantly surprised to learn that the underground gasoline storage tanks and the soil beneath the property were relatively free of contamination and required only a minimal amount of soil remediation. A settlement agreement was quickly reached with the gas station owner-operator and the business successfully relocated to a nearby corner property.

What turned out to be a more complex acquisition was the adjacent retail building that was leased to three tenants: a restaurant, a rental car agency and a dry cleaner. The Airport Authority performed a due diligence inspection of the property for environmental conditions and discovered that there were no contamination issues within the restaurant or rental car unit portions of the property. Both business quickly reached a negotiated settlement and



“...BECAUSE THIS WAS A PUBLIC SAFETY PROJECT, THEY WANTED TO IMMEDIATELY CLEAR THE PROPERTY AND COULDN'T WAIT TEN YEARS.”

successfully relocated. But the dry cleaner was another story.

Having been in this location for over 10 years, the dry cleaner retained legal counsel to assist them with settlement negotiations. In this case, an inspection of the property for environmental conditions revealed a major problem. The dry cleaner business used the liquid chemical perchlorethylene (commonly called “Perc”) onsite to clean the garments. Perc is a recognized pollutant that is highly regulated in both its use and disposal. An inspection of the dry cleaner unit identified several Perc spills on the concrete floors near the dry cleaning production machines. There were also chemical spills in and around the dirt found outside and below the metal barrels where the business stored used Perc while awaiting removal.

#### Who's Responsible?

Before the Airport Authority could take ownership of the property, the contamination had to be remediated. Environmental laws dictate that property owners and business operators are jointly liable for cleanup of unacceptable levels of soil contamination. Soil vapor testing under and near the dry cleaner's unit revealed significant Perc contamination, and the Airport Authority's environmental report concluded that it was a direct result of the dry cleaning business. After obtaining the remediation cost estimate and establishing the approved cleanup procedures, the cleanup project was estimated to take up to ten years.

The property owner believed that the dry cleaner tenant should pay for all the costs. The dry cleaner tenant argued that the property owner collected rent for decades and therefore, they had a financial stake in the property conditions and should contribute to the remediation costs. The Airport Authority had neither liability for the cleanup nor any obligation to pay for remediation of contamination, but because this was a public safety project, they wanted to immediately clear the

property and couldn't wait ten years. When the parties reached a stalemate, they opted to voluntarily participate in mediation.

#### Reaching an Agreement

After some tense back and forth negotiations, the parties reached a very creative 4-part solution. First, it was agreed that all settlement monies due to the dry cleaner business would be used to pay for the remediation. If the remediation costs were less than the original estimates, then any remaining funds would be returned to the dry cleaner business owner.

Second, a fixed amount from the property owners' settlement funds would be held in escrow to pay for remediation costs that exceeded the amount of the dry cleaner business funds. Third, the dry cleaner would pay for a “cost cap insurance” policy. This is an unusual insurance policy that guarantees project costs will continue to be funded even for unexpected expenses (up to an additional \$2 million. Fourth, the parties opened an escrow to facilitate payments to the remediation contractors, issue progress reports to the parties and complete the transfer of the property upon completion and approval of the remediation work.

In the end, the parties agreed that pending the completion of the 12 year remediation project, property could be immediately cleared by the Airport Authority for public safety. ✪



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



# Before, During and After the Move

A relocation checklist can minimize potential issues



BY DARRYL ROOT, R/W-RAC

Although the relocation professional's first priority is to successfully relocate any displacees, the tasks that occur before, during and after the property is vacant are also very important. Proper coordination between the relocation agent and the property management agent is crucial. And a relocation checklist can help ensure nothing falls through the cracks.

## Before Vacating the Property

Proper communication with the displacee is vitally important. They should be told verbally and in writing what is expected at move out. Many agencies have a checklist of what should be done prior to vacating that can be given to displacees to assist them. This checklist will include everything from making sure all utilities have been turned off to scheduling the pickup of large items and unwanted furniture.

If the displacee elects to use a professional mover, the relocation agent should coordinate with both parties so that there is no mistake in what is being moved and what remains. If the displacee elects to move himself, there must be a pre-approved Self Move Agreement in place prior to the move. Many agencies have adopted a "broom

clean" standard for structures. In other words, while displacees are not required to professionally clean the premises prior to vacating, the area must be free of trash and other debris. The land surrounding the structures should also be free of trash and possible safety issues, such as sheds, crumbling walkways and other tripping hazards. The property manager and relocation agent should work together early on to prepare a comprehensive property management plan to address these concerns.

## During the Move

For liability purposes, the relocation agent should personally monitor the move, especially when it comes to what items can be moved and what should remain. Many times, displacees will agree during the negotiation process to sell certain furniture, fixtures and equipment in order to increase their compensation. Unless those items are salvaged back from the agency, they should remain at the property.

If there is both a landlord and tenant on the property, there should be a clear, written delineation of what

personal property is owned by each. If not, it is likely that whatever is not removed on move out day will be attributed to the other. The relocation agent can become caught in a "blame game" of who is responsible for moving personal property. The relocation agent should document the progress of the move by taking pictures as proof of what was taken and what was left behind.

The displacee should be reminded of the broom clean standard that was discussed earlier in negotiations. In some states, when a displacee leaves items behind that were included in their move cost entitlement, the cost for the agency to have those items removed may be deducted from the moving entitlement. Besides placing trash into the street, some displacees have resorted to parking unwanted vehicles in the street in hopes the City will tow them off. In most states, vehicles cannot be properly removed from a parcel unless there is evidence of title. It is the responsibility of the displacee to dispose of the vehicle at the junkyard or transport it to the replacement site. If the displacee elects to leave certain items behind that the agency agrees to accept with possession of the parcel, they must note the items and sign a Certificate of Abandonment. This will eliminate any potential for ownership issues after the agency disposes of the items.





*Darryl Root is a Program Manager and Central California Regional Lead for Overland, Pacific and Cutler, Inc. and has been in the right of way industry for 25 years.*

Similarly, the displacee should not leave the property in an unsafe condition. For example, some may try to strip copper wiring and other structural items from the premises that are legally part of the real estate and belong to the agency. Their removal will render the structure unsafe, creating a potentially dangerous situation for squatters who often try to occupy vacant buildings. In addition, demolition contractors base their bids on the value of items that are left at the subject property. When these items are wrongfully removed, this increases the cost of demolition.

### After the Move

The relocation agent should not accept possession or keys prior to documenting that the parcel is in acceptable condition. Otherwise, they risk taking on potential liability for

unsafe conditions on the property. Likewise, if the agency has approved a funding advance to assist a displacee using a self-move to vacate, the remaining balance should not be given to the displacee until the property is confirmed to be in good condition. In the unlikely event that displacees vacate prior to close of escrow, they should be advised that the responsibility for security and risk of loss rests with them until escrow closes. When the keys are accepted, they should be turned over to the property manager as soon as possible so that the property can be secured.

Successful relocation of the displacee involves a number of tasks that should be coordinated between the relocation agent and the property manager. This requires a collaborative working relationship, as well as a comprehensive relocation checklist. A smooth hand off of the property is possible when both sides work together. ✪



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# Headquarters Staff Updates

After a rewarding year of serving the Association and its members, IRWA Headquarters is proud to announce the following changes in staff responsibilities.

## Daniel Stekol

Daniel has assumed a new position as Senior Vice President - International Relations. In this new role, he will focus on developing the current and future structure of International Chapters, as well as conduct outreach with high-level stakeholders who oversee global infrastructure real estate projects in their countries. He will continue oversight of the Annual International Education Conference, as well as international meetings and the Annual Global Congress, the first being held this November in Mexico City.



## Tim Drennan

Tim has been promoted to Director of Field Operations. In this role, Tim will oversee all operations taking place in the field at both Region and Chapter levels in North America. He will also provide direction and training to IRWA leaders, with a focus on growing membership and increasing member value throughout the Association.



## Ethel Navales

Ethel has been promoted to Editor of Right of Way Magazine. In this role, she will take on greater responsibilities in producing the bimonthly publication, working with right of way subject matter experts on editorial content and serving as the liaison to the magazine's advertisers. Through the highly-anticipated industry roundtables planned for the upcoming year, Ethel will be working to leverage Right of Way Magazine as a key driver in creating a more outward-facing Association.



## Amir Vafamanesh

Amir has been promoted to Education and Instructional Development Manager. In this role, he will oversee the formatting, updating and design of all of IRWA's classroom-based course content and supplementary learning material. He will also serve as staff liaison to the Partnership for Infrastructure for Professional Education, leading operations for IRWA education and instructional development events, and communicating IRWA educational products and membership services to the organization's network.





# APPRAISED RIGHT AND RIGHT AWAY

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## BASIC RIGHT OF WAY DISCIPLINES

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

## COMMUNICATION/NEGOTIATIONS

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

## MANAGEMENT

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

## APPRAISAL

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

## RELOCATION ASSISTANCE

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

## ENVIRONMENT

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

## PROPERTY/ASSET MANAGEMENT

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

## REAL ESTATE LAW

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

## ENGINEERING

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

## SR/WA REVIEW STUDY SESSION

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

\* Asterisked courses are available online.



### Lochner Appoints Jeanne Cormier as New CEO

Transportation engineering firm, **Lochner**, announced that **Jeanne Cormier** has been appointed to be the firm's next Chief Executive Officer (CEO). Since May 2016, Jeanne served as the firm's Chief Operations Officer. She joined the firm's Connecticut construction engineering and inspection practice nearly 30 years ago, where she progressed to leading Lochner's total practice in Connecticut. She also served as the firm's Director of Strategic Growth from 2013 to 2016, and since 2014, as a member of Lochner's Board of Directors.



### Corey Biddle Joins Cardno

**Cardno, Inc.**, is pleased to announce that **Corey Biddle** has joined the firm as a Project Manager in the company's Portland, Oregon office. In this role, he will focus on bringing subsurface utility engineering and utility engineering services to clients across the Pacific Northwest. Corey has more than 20 years of experience managing projects in the public and private sectors, including overseeing permitting processes for various commercial and industrial projects.



### JLL Appoints Lana Lenovitz as Senior VP

**JLL** has named **Lana Lenovitz** as Senior Vice President for the company's Valuation & Advisory Services platform. In this newly created role, Lana will provide appraisal and consulting services for commercial lending, litigation and tax appeals purposes. Her background includes the valuation of real estate for multiple applications, including market value appraisals, portfolio valuations, investment advisory services, business valuations, partial interest valuations and market rent studies.



### O'Brien Realty Advisors Welcomes Brad Berry, MAI



**O'Brien Realty Advisors**, a full service real estate consulting and appraisal firm based in Fort Worth, Texas, is pleased to announce the addition of **Brad C. Berry, MAI**, as a Director of the firm. He has performed appraisals on a wide range of commercial/industrial properties, including residences, office, medical, commercial and industrial buildings, retail shopping centers, hotels and vacant land and subdivisions. Brad has worked on eminent domain assignments of all types of properties. He is a member of IRWA Chapter 36 and a designated member of the Appraisal Institute.



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### Mott MacDonald Welcomes Grant Holland



**Grant Holland** has joined the Advisory Practice of **Mott MacDonald** as a Vice President based in the company's office in Austin, Texas. Grant brings more than 32 years

of experience in project management and business development, and will help reinforce Mott MacDonald's strength in public-private partnerships. He has worked on design-build projects in the transportation, parking, water/wastewater, transit and building sectors, and he oversaw development of the list of 558 bridges while serving as Project Director for the Pennsylvania Department of Transportation Rapid Bridge Replacement Program.

### Crystal West Joins Carndo as Hydro Specialist

**Crystal West** joins **Cardno, Inc.** as a Hydro Relicensing Specialist in the company's Sacramento, California office. Crystal brings over 12 years of experience in specialized environmental and archaeological work. She has expertise in cultural and environmental resources and has managed multiple hydroelectric projects, including several for environmental compliance for Federal Energy Regulatory Commission licenses. In this role, she will focus on supporting clients' hydroelectric licensing and power and water development projects in California.



### MCA Appoints Daniel Bucan as Regional Manager

**Metro Consulting Associates, LLC (MCA)**, a full-service consulting firm, announced the addition of **Daniel K. Bucan** as Regional Manager to lead its expansion into the



Northeast region. Based in Pittsburgh, Pennsylvania, Dan will lead MCA's growth initiatives in the region and will act as a liaison to clients, mentor and train staff, and develop new business opportunities. Dan's expertise includes project management, budgets, site selection, property management, eminent domain and subcontractor oversight on energy and litigation support.

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Chief Operating Officer

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## MEMBER NEWS

## Billy Medley, SR/WA, Retires from Comptroller's Office

Following 30 years with the Comptroller's Office for Tennessee, Billy Medley, SR/WA, has decided to hang up his spurs, effective October 26, 2017. With a passion for music, hunting, camping and fishing, he recently purchased a small fishing lodge east of Nashville that will open in Spring 2018.

Billy has been an IRWA member for 25 years, serving in every leadership role for Tennessee Chapter 32, including Chapter President, Professional Development Chair, Education Chair and Newsletter Editor. As a fierce advocate for continuing education, he often generated record-breaking attendance for chapter-sponsored courses. In recognition, he was awarded the Chapter Professional of the Year and received the Chapter

Lifetime Achievement Award. He has been a member of IRWA's International Electric & Utilities Committee and Transportation Committee, and served as President of the Tennessee Appraiser Coalition and as Education Liaison for the Tennessee Department of Transportation.

When Billy steps down from the role of Appraisal Supervisor for the Comptroller of the Treasury, Office of State Assessed Properties, he plans to continue to work with the Chapter and the Tennessee Appraiser Coalition for the next few years. At some point, he plans to pursue a consulting job with agencies in Tennessee to keep busy while not pursuing his 45-year passion for fishing.



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## Unlocking Canada's Future Growth Through Infrastructure



According to a report published by the International Monetary Fund in July, the Canadian government has recently made infrastructure spending a cornerstone of its growth strategy. As various studies have shown, if done right, investing in

infrastructure brings both short-term and long-term payoffs. The federal government plans to double public investment to Can\$187 billion over the next decade.

As part of its infrastructure investment plan, the federal government recently created a new Canada Infrastructure Bank that will become operational by late 2017. It will focus on large, complex and revenue-generating projects, which are in the public interest but would not otherwise be feasible because the risks are too large and the financial returns too small to attract private investors. The Canada Infrastructure Bank will work closely with provincial and local governments, as well as private

sector investment partners to transform the way infrastructure is planned, funded and delivered in Canada. The infrastructure bank is authorized to invest Can\$35 billion.

By attracting private capital, demand for budget resources would be lowered, reducing public borrowing or freeing up taxpayer money for other high priority projects. The Canada Infrastructure Bank differs from the Public-Private Partnerships model, in which the government retains ownership of the asset and funds the project from the budget.

Public acceptance of the Canada Infrastructure Bank's basic strategy is a precondition to its success. The government and the Canada Infrastructure Bank needs to enhance public understanding of the benefits of involving private investors by pointing out that they bring their technical competence, discipline and creativity to help reduce risk and lower the overall project cost. Publication of the selection criteria for projects and investors—and competitive selection of investors—will give the public confidence that their interest is being served at the least cost.

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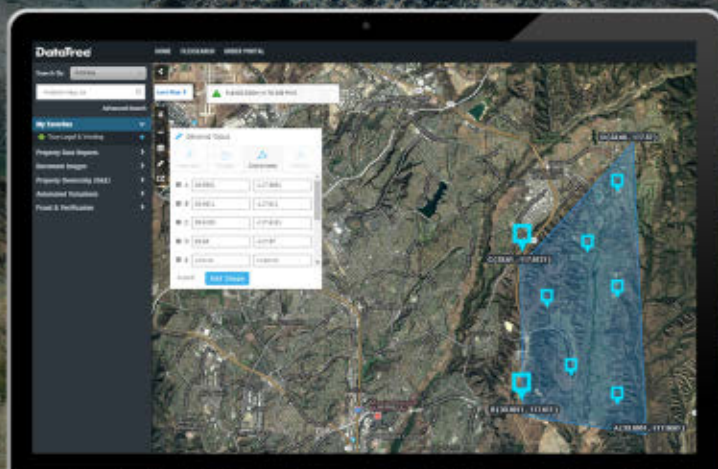
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## COMPULSORY PURCHASE

## IRWA Represented at Compulsory Purchase Association's Annual Conference In London



In June, past International President Gordon E. MacNair, SR/WA, represented IRWA at the Compulsory Purchase Association's (CPA) annual conference in London, United Kingdom. A longstanding affiliate of IRWA, CPA is a

non-profit member organization that advocates for best practices in delivering land for infrastructure, housing and regeneration.

With the provision of infrastructure and housing at the top of the UK Government's agenda, demand for the services of compulsory purchase (condemnation/expropriation) and compensation practitioners continues to increase. The presentations and discussions focused on various infrastructure projects such as HS2, Crossrail 2 and Heathrow Terminal 5. There was also an update on the accelerating pace of CPA reform. With 300 delegates in attendance, Gordon presented an overview about various infrastructure projects in Canada's capital city, Ottawa.

## SURVEYING &amp; ENGINEERING

## IRWA's Annual Mapping Winners Announced

Each year, IRWA's International Surveying & Engineering Community of Practice sponsors an Annual Right of Way Mapping Competition. At the 2017 Annual Conference in Alaska, the winners of the 15<sup>th</sup> Annual Competition were announced as follows:



- Bruce Schanz of Consumers Energy won for the electric and utility category and was the best of show winner.
- Walter Sass of Weisser Engineering & Surveying won for the industry general category, as well as the transportation category.
- Jason Plummer of ROWE Professional Services Company won for the oil and gas category.



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## Energy Investments in Mexico Showing Promise



As noted in a recent Forbes article, it has been a few years of soul-searching for Tim Duncan, the CEO of Talos Energy. The Houston-based oil company has long specialized in the shallow waters of the

Gulf of Mexico off Louisiana and Texas. Yet the oil bust that began in 2014 has made the region deeply unpopular. Facing dwindling prospects for big new finds offshore, Talos decided to pursue opportunities in Mexico.

In 2015, Talos hooked up with U.K.-listed Premier Oil and Sierra Oil & Gas to bid for one of the first prospects offered up by Mexico under the historic oil sector reforms spearheaded by President Enrique Peña Nieto. The grand hope was that the prolific oil trends in U.S. waters extended south of the border.

Earlier this year the partners spudded the Zama-1 well, the first in 80 years not drilled by state monopoly Pemex. Sure enough, they found as much as two billion barrels of oil trapped in a

layer of porous Miocene-era sandstone hundreds of feet thick. Zama has turned out to be “multiples of what we thought,” says Duncan, similar in size and quality to fields that were discovered in the U.S. gulf back in the late 1970s and early ‘80s. Sitting under just 550 feet of water, Zama will be relatively cheap to develop and highly profitable even at \$45 oil. An oil consultant says Zama is one of the 20 biggest new fields discovered in the past two decades.

Duncan won’t speculate on eventual production volumes, but fields of this size commonly produce in excess of 100,000 barrels per day. After the consortium recoups development costs, Mexico will receive royalties and taxes totaling about 80 percent of all oil and gas produced—to be worth more than \$1 billion a year. Premier Oil says they expect commercial production from Zama in about five years.

However, drilling in Mexico is not necessarily a sure thing, and before Zama can be produced they will need to build a lot more infrastructure like subsea pipelines and a production platform. Pulling it all together will take several years. But the Zama discovery shows that for bold explorers, there remains vast oil supplies yet to be discovered. According to Duncan, “It’s proof that ideas that come with geopolitical risk sometimes work out.”



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- Professionals seeking to enhance and expand their skills in the ROW Industry

For more information go to [uhd.edu/row](http://uhd.edu/row) or [www.contractlandstaff.com](http://www.contractlandstaff.com).





## EDUCATION

## Chapter 1 Seminar Offers Continuing Education Credits



Members are invited to attend the 2017 Fall Seminar organized by Chapter 1 Los Angeles. This will be a full day of Education & Networking for Acquisition Practitioners. The organizers are expecting attendance to reach up to 100 participants or more. This seminar will

take place on November 2nd in Quiet Cannon Country Club in Montebello, California. It will focus on addressing special challenges and improving the right of way delivery process. Pending approvals, the seminar will be credentialed for continuing education by IRWA, CBREA and MCLE. Register by October 10th for early registration discounts. For more information, visit the IRWA Chapter 1 official website and click on Events (<http://irwa1.org/events/>).

## WATER INFRASTRUCTURE

## U.S. Water Utilities to Invest \$8.3 billion in Infrastructure by 2027

Municipal water infrastructure in the United States is aging and in need of significant modernization. Many water utilities have little data on their distribution network operations and still rely on manual meter reading for billing. A new industry survey shows that this has begun to change as utilities are increasingly deploying smart water infrastructure with sensors and two-way communications. According to a new study published in July by Northeast Group, LLC, the nation's water utilities are projected to invest \$8.3 billion in smart infrastructure over the next ten years.

"Our survey results show that water infrastructure in the U.S. is modernizing, but utilities still have not taken full advantage of the technology they have available to them to improve operations and maximize efficiency," said Ben Gardner, President of Northeast Group. "Smart metering and other sensors with two-way communications can help a sector in great need of modernization. These investments will grow, especially as cities look to integrate water infrastructure with broader smart city initiatives."

After conducting a survey of 340 water utilities across all 50 states in the U.S., Northwest Group revealed that more than 80 percent of respondents were either already investing or looking to invest in smart water infrastructure to improve their operations. Survey results showed that the leading drivers of this investment were operational efficiency, general modernization of infrastructure and the reduction of non-revenue water. Barriers included logistical challenges, wariness over new technology and financing. Currently, there are a number of leading smart water

infrastructure vendors active in the U.S. market and several others are expanding in the rapidly developing market for water software and analytics.

For more information about the U.S. Smart Water Infrastructure: Market Forecast (2017-2027), visit [www.northeast-group.com](http://www.northeast-group.com).



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* Richard Taylor	1957-1958	George D. Wilkerson, SR/WA	1988-1989
* Sam Houston	1958-1959	* Keith L. Densley, SR/WA	1989-1990
* Fred A. Crane	1959-1960	Gene A. Land, SR/WA	1990-1991
* Dan W. Rosencrans	1960-1961	Robert H. Tarvin, SR/WA	1991-1992
* Roger M. Lovell	1961-1962	* Donald A. Henley, SR/WA	1992-1993
* Roy A. Strobeck	1962-1963	* John W. Benson, SR/WA	1993-1994
* Dan H. Williamson	1963-1964	Donna B. Crosby, SR/WA	1994-1995
* Philip L. Rezos, SR/WA	1964-1965	Larry E. Griffin, SR/WA	1995-1996
* Adelbert W. Lee, SR/WA	1965-1966	Susan M. Serdahl, SR/WA	1996-1997
* Victor H. Eichhorn, SR/WA	1966-1967	* Woodrow Pemberton, Jr., SR/WA	1997-1998
* William F. Howard, SR/WA	1967-1968	Stephanie Rankin, SR/WA	1998-1999
* Garth J. Linkey, SR/WA	1968-1969	Dwight G. Pattison, SR/WA	1999-2000
* George R. Watson	1969-1970	* Wayne F. Kennedy, SR/WA	2000-2001
* Karl E. Baetzner, SR/WA	1970-1971	* Alan D. Wurtz, SR/WA	2001-2002
* Gene L. Land, SR/WA	1971-1972	Albert H. Allen, SR/WA	2002-2003
* Rexford M. Shaffer, Jr., SR/WA	1972-1973	Donald S. Marx, SR/WA	2003-2004
* David E. PUNCHES, SR/WA	1973-1974	Gordon E. MacNair, SR/WA	2004-2005
* William P. Snyder, SR/WA	1974-1975	Daniel W. Beardsley, SR/WA	2005-2006
Richard L. Riemer, SR/WA	1975-1976	James H. Finnegan, SR/WA	2006-2007
William L. Reid, SR/WA	1976-1977	Jim L. Struble, SR/WA	2007-2008
Robert K. McCue, SR/WA	1977-1978	Faith A. Roland, SR/WA	2008-2009
* Wade S. Manning, SR/WA	1978-1979	Sandy A. Grigg, SR/WA	2009-2010
R. Tom Benson, SR/WA	1979-1980	Kenneth L. Davis, SR/WA	2010-2011
George E. Midgett, SR/WA	1980-1981	Randy A. Williams, SR/WA	2011-2012
* F. Larry Stover, SR/WA	1981-1982	Patricia A. Petitto, SR/WA	2012-2013
Robert L. Art, SR/WA	1982-1983	Lisa R. Harrison, SR/WA	2013-2014
W.A. Thomasson, SR/WA	1983-1984	Lee S. Hamre, SR/WA	2014-2015
Richard D. Ricketts, SR/WA	1984-1985	Wayne L. Goss, SR/WA	2015-2016
* John E. Day, SR/WA	1985-1985	Mary Anne Marr, SR/WA	2016-2017
Carroll W. Keck, SR/WA	1985-1986		
Donald H. Ellis, SR/WA	1986-1987		

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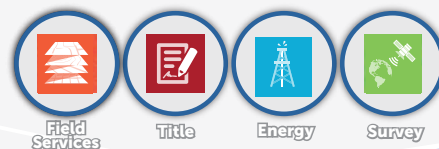
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# Acknowledging Excellence

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

## GENERALIST CERTIFICATION/DESIGNATION

**Jeffrey Aldal, SR/WA**  
Bender Rosenthal, Inc.  
Chapter 27 Sacramento, CA

**Deborah Andrews, SR/WA**  
The Regional Municipality of Peel  
Chapter 29 Brampton, ON

**Heather R. Bagley, RWP**  
Stateside Right of Way Services, LLC  
Chapter 36 Mansfield, TX

**Katrina Bauman, RWA**  
Snohomish County Public Works  
Chapter 4 Everett, WA

**Daniel Boggs, SR/WA**  
Virginia DOT  
Chapter 52 Richmond, VA

**Robert J. Bourgeois, SR/WA**  
Consumers Energy  
Chapter 7 Royal Oak, MI

**Nathan Briggs, SR/WA**  
Ameren Illinois  
Chapter 12 Quincy, IL

**Michael S. Bristor, SR/WA**  
Consumers Energy  
Chapter 7 Jackson, MI

**Janet Champagne, RWA**  
Manitoba Hydro  
Chapter NM Winnipeg, MB

**Susan M. Cope, RWP**  
Clark Land Resources, Inc.  
Chapter 11 Vista, CA

**Michael J. Cummings, SR/WA**  
Contract Land Staff  
Chapter 17 Waukesha, WI

**Jared Shaun Daku, SR/WA**  
Sun Valley Land Ltd.  
Chapter 79 Estevan, SK

**Lore DeAstra, SR/WA**  
Continental Appraisal  
Chapter 52 Richmond, VA

**Angelica DelliCarpini, RWP**  
Fairfax County Government Center  
Chapter 52 Fairfax, VA

**Robin Denman, SR/WA**  
O.R. Colan & Associates, LLC  
Chapter 26 Austin, TX

**Anita L. Entinger, RWA**  
HDR Engineering, Inc.  
Chapter 17 Chicago, IL

**Jeffrey Fasoyiro, SR/WA**  
Union Gas Limited  
Chapter 29 Chatham, ON

**Denise Gibbons, SR/WA**  
Tri-State Generation & Transmission Association, Inc.  
Chapter 6 Denver, CO

**Rita J. Henze, SR/WA**  
Meshek & Associates, PLC  
Chapter 33 Tulsa, OK

**Greg Hill, RWA**  
Clark Land Resources  
Chapter 11 Vista, CA

**Charles Daniel Jackson, SR/WA**  
Contract Land Staff  
Chapter 74 Austin, TX

**Curtis Jackson, RWP**  
City of Carlsbad  
Chapter 11 Carlsbad, CA

**Curtis Kendall, RWP**  
Sonoma County Agricultural Preservation & Open Space District  
Chapter at-large Santa Rosa, CA

**Trisha M. Morrison, SR/WA**  
New Hampshire DOT  
Chapter 16 Concord, NH

**Craig Mustard, SR/WA**  
The Regional Municipality of Niagara  
Chapter 29 Thorold, ON

**Tyra Patterson, RWA**  
Pierce County  
Chapter 4 Tacoma, WA

**Michelle Patton, SR/WA**  
Dean Chapman & Associates, Inc.  
Chapter 50 Oakdale, CA

**Tonya Peters, SR/WA**  
WE Energies  
Chapter 17 West Allis, WI

**David Rogers, SR/WA**  
Hampton, Lenzini & Renwick, Inc.  
Chapter 12 Elgin, IL

**Matthew Schoetz, RWA**  
Universal Field Services  
Chapter at large Tulsa, OK

**Shellie Sepulveda, RWA**  
Salt Lake City Corporation  
Chapter 38 Salt Lake City, UT

**Stephanie Sullivan, RWA**  
Pinal County Public Works  
Chapter 28 Florence, AZ

**J. Sunshine Vanover, SR/WA**  
O.R. Colan & Associates, LLC  
Chapter 74 Austin, TX

**LuAnn L. Weingart, RWA**  
Avista Corporation  
Chapter 19 Spokane, WA

**Margaret Patrice Williams, SR/WA**  
Commander Navy Region Southeast  
Chapter 26 Jacksonville, FL

**Teresa Yamzon, SR/WA**  
Bender Rosenthal, Inc.  
Chapter 27 Sacramento, CA

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RWP	Right of Way Professional Certification
SR/WA	Senior Right of Way Professional Designation

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

### SPECIALTY CERTIFICATION

**James R Archibald, R/W-NAC**  
Chapter 12 Naperville, IL

**William S. Beaton, R/W-AC**  
Chapter 29 Sudbury, ON

**Tara Brown, R/W-NAC**  
Chapter 12 Naperville, IL

**Bradley J. Faيمان, R/W-NAC**  
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**Kaitlin Krebs, R/W-RAC**  
Chapter 74 Austin, TX

**Ryan Lewis, R/W-NAC**  
Chapter 36 Bedford, TX

**Shannon Perkins, R/W-NAC**  
Chapter 36 Fort Worth, TX

**Joshua Tracy, R/W-NAC**  
Chapter 52 Chesapeake, VA

**Note:** Education milestones include only newly certified individuals.

\*Retired as of September 1, 2014. Members who have earned this certification can retain it as long as they recertify every five years.



## IRWA Member Farewell

### LYNETTE DEE OVERCAMP, SR/WA



Lynette Dee Overcamp, SR/WA, co-founder of Epic Land Solutions Inc., headquartered in Los Angeles, died July 5, 2017, at age 67, following the rapid advancement of pulmonary fibrosis. Her family was at her side.

Born in Lakewood, Colorado, to James and DeLois Howard, Lynette graduated from Lakewood High School in 1967. She received a bachelor of science degree in business administration, with emphasis in accounting, from the University of California, Dominguez Hills in 1995. Early in her 47-year marriage to James L. Overcamp, Jr., SR/WA, the entrepreneurial couple opened a right of way business in Colorado. They later moved to Los Angeles, where Lynette held leadership roles in various businesses. The family launched Epic in 2000, a vibrant business that provides right of way and real property services throughout the West Coast. Lynette's all-inclusive right of way career spanned more than 25 years. She led projects for municipal, county and state clients, school districts, redevelopment agencies, public utilities and engineering firms.

Lynette was an IRWA member for nearly 20 years, belonging to Chapters 1, 11 and 57. During that time, she served on numerous committees and spoke in several seminars and at events. She earned her SR/WA designation in 2007. Both professionally and in her personal life, Lynette had a strong sense of community. Throughout her life, she volunteered for a range of causes, including supporting health-related initiatives and voter accessibility.

She is survived by her husband, James Overcamp Jr., SR/WA of Palos Verdes Estates, Calif., daughter Holly Rockwell, SR/WA of Manhattan Beach, Calif., son Casey Overcamp, SR/WA of Sherwood, Ore., six grandchildren, and a sister, DeLynda Gray of Abilene, Texas.

### DWIGHT DAVIS



With his family by his side, Dwight Davis passed away peacefully on June 17, 2017 at the age of 79.

Dwight was born on August 3, 1937 in Pontiac, Michigan to Hubert Vincent Davis and Theodosia Thurston Shaler. He earned a business degree at the University of Michigan, was the Glee Club President and was one of the eight founding members of the Friars. His love for basketball continued throughout his life, which he enjoyed playing into his 60s. He also enjoyed participating in theater productions and church road shows. He was an active member in the Mormon church.

Through his 53-year marriage to Marjorie Dearwyn Sundwall, five children were born: Heather Anne, Denning Shaler, Elizabeth Lindsay, Janet Elaine and Vincent West. They have 22 grandchildren and six great-grandchildren to date.

Dwight was a certified General Real Estate Appraiser, a designated member of the Appraisal Institute and a long-time member of IRWA Chapter 28. Dwight's career included stints in commercial banking and real estate lending from the late 1960s through early 1980s. His attention turned to appraising on a full-time basis in the 80s. He founded Davis Valuation Group in 1995, which is continued today by his two sons and son-in-law.



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# RIGHT OF WAY MAGAZINE

Send submissions and inquiries to Ethel at [navales@irwaonline.org](mailto:navales@irwaonline.org)

## UPCOMING IRWA EVENTS

[www.irwaonline.org](http://www.irwaonline.org)

**2018 Conference**  
Edmonton, Alberta

June 24 – June 27

**2019 Conference**  
Portland, Oregon

June 9 – June 12

**2020 Conference**  
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Allen, Williford & Seale <a href="http://www.appraiser.com">www.appraiser.com</a>	52	O.R. Colan Associates, LLC <a href="http://www.orcolan.com">www.orcolan.com</a>	12
Associated Right of Way Services, Inc. <a href="http://www.arws.com">www.arws.com</a>	57	Overland, Pacific & Cutler, Inc. <a href="http://www.opcservices.com">www.opcservices.com</a>	8
Atwell, LLC <a href="http://www.atwell-group.com">www.atwell-group.com</a>	59	Paragon Partners Ltd. <a href="http://www.paragon-partners.com">www.paragon-partners.com</a>	59
Coates Field Service, Inc. <a href="http://www.coatesfieldservice.com">www.coatesfieldservice.com</a>	55	Percheron, LLC <a href="http://www.percheronllc.com">www.percheronllc.com</a>	60
Commercial Appraisal Associates <a href="http://www.caavaluation.com">www.caavaluation.com</a>	63	Rodriguez Dávalos Abogados <a href="http://www.rdabogados.com.mx">www.rdabogados.com.mx</a>	50
Contract Land Staff <a href="http://www.contractlandstaff.com">www.contractlandstaff.com</a>	58, C3	Salem Professional Services Group, Inc. <a href="http://www.salemland.com">www.salemland.com</a>	53
Doyle Land Services, Inc. <a href="http://www.doyleland.com">www.doyleland.com</a>	54	Steigerwaldt Land Services, Inc. <a href="http://www.steigerwaldt.com">www.steigerwaldt.com</a>	57
Duff & Phelps <a href="http://www.duffandphelps.com">www.duffandphelps.com</a>	2	Suncoast Land Services, Inc. <a href="http://www.suncoastland.com">www.suncoastland.com</a>	C4
First American Data Tree <a href="http://www.datatree.com">www.datatree.com</a>	56	Universal Field Services, Inc. <a href="http://www.ufsrfw.com">www.ufsrfw.com</a>	C2
JLL Valuation & Advisory Services, LLC <a href="http://www.jll.com">www.jll.com</a>	10	Wood Group Mustang <a href="http://www.mustangeng.com">www.mustangeng.com</a>	4
LIA Administrators & Insurance Services <a href="http://www.lliability.com">www.lliability.com</a>	6		





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## **IRWA Launches New Scholarship Program Funded by RWIEF**

The Right of Way International Education Foundation (RWIEF) was established in 1978 to help fund right of way education initiatives. The Foundation focuses on generating financial contributions and determining how to best allocate those funds on behalf of the right of way profession. To celebrate RWIEF's 40<sup>th</sup> anniversary, IRWA recently unveiled the "Forty for Forty Scholarship Program," which will award 40 tuition scholarships to eligible applicants.

This scholarship program is targeted to young or new professionals in the infrastructure real estate industry seeking to advance their careers through credentialing. The Foundation will fund the scholarship program for three years and provide up to \$185,000.

To qualify, applicants must have been a member in good standing for one year and committed to achieving either the RWA or RWP credential. Funding may only

be used towards the course registration fees for eligible courses. Applicants are required to submit a one-page essay outlining how the scholarship will enable them to contribute to IRWA's Purpose & Mission.

To apply, visit [www.irwaonline.org](http://www.irwaonline.org) and click on "Forty for Forty Scholarship Program" under the Education tab. Applications must be submitted by September 30, 2017. Grantees will be notified by December 1, 2017 and the award will begin on January 1, 2018.





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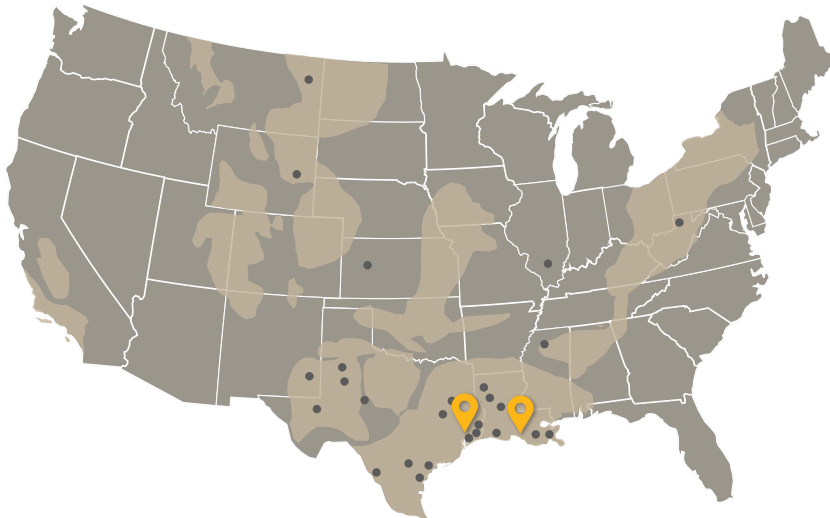
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