

RIGHT OF WAY^{MAGAZINE}

The Voice of the Right of Way Profession

MANAGING THE RIGHT OF WAY SUBCONSULTANT

An interview with HDR's Carol Bellinger,
Leigh Enger and Michael Noonan



JULY/AUGUST
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RIGHT OF WAY

The Voice of the Right of Way Profession

JULY/AUGUST 2019

Volume 66 Number 4

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Jeffrey L. Jones, SR/WA, R/W-NAC,
R/W-RAC, R/W-URAC
Hubbell, Roth & Clark, Inc.
Tel: (248) 227-0730
jjones.srwa@gmail.com

INTERNATIONAL PRESIDENT-ELECT

Aimie Mims, SR/WA, R/W-AMC,
R/W-NAC
HDR, Inc.
Tel: (763) 591-5454
aimie.mims@hdrinc.com

INTERNATIONAL VICE PRESIDENT

Sharon Slaenwhite, SR/WA
Prince Edward Island Dept T.I.E.
Tel: (902) 394-3135
snslaenwhite@gov.pe.ca

INTERNATIONAL TREASURER

Jake Farrell, SR/WA
Omaha Public Power District
(402) 636-3649
jfarrell@oppd.com

INTERNATIONAL REGION CHAIRS

REGION 1 – CHAIR

Yoli Matranga, SR/WA
Yoli Matranga Consulting
(916) 622-9382
ymatranga@me.com

REGION 2 – CHAIR

Teri J. Morgan, SR/WA, R/W-RAC,
R/W-NAC
HDR, Inc.
Tel: (512) 431-2742
tmorgan@hdrinc.com

REGION 3 – CHAIR

Penny Rolf, SR/WA
WSB & Associates
(612) 360-1314
proff@wsbeng.com

REGION 4 – CHAIR

Craig J. Curtis, SR/WA
Diversified Property Services, Inc.
Tel: (410) 707-4622
dpsccraig@aol.com

REGION 5 – CHAIR

Beth Smith, SR/WA
Milwaukee Metropolitan
Sewerage District
(608) 220-7770
bsmith@mmsd.com

INTERNATIONAL SECRETARY

James A. Olschewski, SR/WA
Utah Department of Transportation
(801) 965-4821
jolschewski@utah.gov

INTERIM CHIEF EXECUTIVE OFFICER

Daniel Stekol ext. 126
stekol@irwaonline.org

GENERAL COUNSEL

Bradford Kuhn, Esq.
Nossaman LLP
Tel: (949) 833-7800
bkuhn@nossaman.com

REGION 6 – CHAIR

Judy Jones, SR/WA, R/W-AC,
R/W-NAC
Goodwyn, Mills & Cawood, Inc.
Tel: (334) 271-3200
judy.jones@gmcnetwork.com

REGION 7 – CHAIR

Delores J. Oakland, SR/WA
Phillips 66
(406) 531-9216
oaklandrswservices@gmail.com

REGION 8 – CHAIR

Rod Graves, SR/WA
Niagara Region
(980) 980-6000 ext. 3259
rod.graves@niagararegion.ca

REGION 9 – CHAIR

Fred L. Easton, Jr., SR/WA
Farnsworth Group, Inc.
(303) 947-9983
feaston@f-w.com

REGION 10 – CHAIR

Jenna Wood, SR/WA
Evolve Surface Strategies Inc.
(403) 960-6051
jenna.wood@evolveinc.ca

INTERNATIONAL REGION VICE-CHAIRS

REGION 1 – VICE CHAIR

Mike J. Flanagan, SR/WA
Clark Land Resources
(858) 405-6559
mike.flanagan@clarklandresources.com

REGION 2 – VICE CHAIR

Denise Skinner, SR/WA
NuStar Energy LP
(210) 918-2119
denise.skinner@nustarenergy.com

REGION 3 – VICE CHAIR

Dan Leshner, SR/WA
Great River Energy
(763) 445-5975
dleshner@greenergy.com

REGION 4 – VICE CHAIR

Ida Parrett, SR/WA
Delaware Dept. of Transp.
(302) 420-8764
ida.parrett@state.de.us

REGION 5 – VICE CHAIR

Daniel K. Bucan, SR/WA
(412) 952-0800
bucandk@mac.com

REGION 6 – VICE CHAIR

D. Wade Brown, SR/WA
American Acquisition Group, LLC
(813) 287-8191
wade@americanacquisition.com

REGION 7 – VICE CHAIR

Jim Lingeman, SR/WA
Lingeman Valuation &
Consulting/Universal Field Services, Inc.
(360) 909-0855
jim.lingeman@gmail.com
(360) 909-0855

REGION 8 – VICE CHAIR

James Hardy, SR/WA
Government of Nova Scotia
902-424-2363
james.hardy@novascotia.ca

REGION 9 – VICE CHAIR

Tony Pollack, SR/WA
Percheron
(720) 490-4663
tony.pollack@percheronllc.com

REGION 10 – VICE CHAIR

Koby T. Godwin, SR/WA
Alberta Infrastructure
(780) 422-0197
Koby.Godwin@gov.ab.ca

INTERNATIONAL INDUSTRY COMMITTEE CHAIRS

ELECTRIC & UTILITIES

Janella Cordova
Overland Pacific & Cutter, Inc.
Tel: (562) 304-2017
jcordova@opcservices.com

PUBLIC AGENCIES

Conner McDonald, SR/WA
Bender Rosenthal, Inc.
(916) 978-4900
c.mcdonald@benderrosenthal.com

OIL & GAS PIPELINE

Coleen R. Magness, SR/WA
Flairsoft
(405) 708-1896
coleen.magness@flairdocs.com

TRANSPORTATION

Sheila Mills, SR/WA, R/W-NAC
LOCHNER
Tel: (254) 715-8864
sheila.mills88@yahoo.com

INTERNATIONAL SERVICE COMMITTEE CHAIRS

ETHICS

Matthew Hansen
Miller Nash Graham & Dunn LLP
(206) 777-7502
matthew.hansen@millernash.com

NOMINATIONS & ELECTIONS

Randall Kopfer, SR/WA
Lower Colorado River Authority
Tel: (512) 578-4402
rkopfer@lcra.org

DISCIPLINE COMMUNITIES OF PRACTICE

ASSET MANAGEMENT

Robin A. Upchurch, SR/WA
HDR Engineering, Inc.
(773) 867-7278
robin.upchurch@hdrinc.com

ENVIRONMENT

Dhugal M. Hanton, SR/WA
Vertex Resource Services Inc.
(832) 588-0674
DHanton@vertex.ca

RELOCATION ASSISTANCE

Leslie Beaird, SR/WA, R/W-RAC
Tierra Right of Way
Tel: (360) 870-0190
lbeaird@tierra-row.com

SURVEYING & ENGINEERING

Todd E. Rakstad, SR/WA
Salt River Project
Tel: (360) 870-0190
teraksta@srpnet.com

VALUATION

Gregory Lee
Greg Lee & Associates, LLC
Tel: (704) 957-9575
greghlee@yahoo.com

COUNCIL ON INTERNATIONAL RELATIONS

Mary Anne Marr, SR/WA
Consumers Energy, Co.
Tel: (517) 788-1363
mlandqueen@gmail.com

YOUNG PROFESSIONALS GROUP

Nikkiy R Bestgen
Contract Land Staff, LLC
(619) 244-3615
nikkiy.bestgen@contractlandstaff.com

EDUCATION AND CREDENTIALING

PARTNERSHIP FOR INFRASTRUCTURE PROFESSIONAL EDUCATION

Tamara Benson, SR/WA, R/W-URAC,
R/W-RAC
Universal Field Services, Inc.
Tel: (918) 494-7600
tbenson@ufsrw.com

CREDENTIALING COMMITTEE

Trevor Martens, SR/WA
Evolve Surface Strategies Inc.
Tel: (403) 912-0305
trevor.martens@evolveinc.ca

RIGHT OF WAY INTERNATIONAL EDUCATION FOUNDATION

PRESIDENT

Carol A. Croft, SR/WA
Carol A. Croft & Associates
Tel: (615) 834-2667
cacroft@aol.com

VICE PRESIDENT

Craig R. Poorker, SR/WA, R/W-NAC
Great River Energy
Tel: (763) 445-5980
cpoorker@greenergy.com

TREASURER

Clyde B. Johnson, SR/WA,
R/W-URAC, R/W-RAC
Tel: (678) 350-3675
clydebjohnson@comcast.net

SECRETARY

Leslie Finnigan, SR/WA
Universal Field Services, Inc.
Tel: (503) 399-8002
lfinnigan@ufsrw.com

CANADIAN RIGHT OF WAY EDUCATION FOUNDATION

PRESIDENT

William D. Giese, SR/WA
Synergy Land Services Ltd.
Tel: (403) 283-4400
billgiese@synergyland.ca

VICE PRESIDENT

Shannon Favaro, SR/WA
FortisBC
Tel: (604) 576-7001
shannon.favaro@fortisbc.com

SECRETARY/TREASURER

Nancy Sinclair, SR/WA
Ministry of Transportation
Tel: (613) 545-4739
nancy.sinclair@ontario.ca

APPRAISAL AFFILIATES

TRUSTEE TO THE APPRAISAL FOUNDATION

Phyllis Lilly, SR/WA
Tel: (804) 721-1274
phyllis.lilly1210@gmail.com

MEMBER, THE APPRAISAL FOUNDATION ADVISORY COUNCIL

Phyllis Lilly, SR/WA
Tel: (804) 721-1274
phyllis.lilly1210@gmail.com

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19210 S. Vermont Ave.
Building A, Suite 100
Gardena, CA 90248

Telephone: (310) 538-0233
Fax: (310) 538-1471
Office Hours: Monday through Friday
6 a.m. to 4 p.m. PST

ACCOUNTING

Interim Chief Financial Officer
Rakhsan Mazarei ext. 131
rmazarei@irwaonline.org

Assistant to the CFO
Emory Peters ext. 137
peters@irwaonline.org

Assistant Controller, Accounts Receivable
Cokie Ganacias ext. 125
ganacias@irwaonline.org

Assistant Controller, Accounts Payable
Courtney Piscitelli ext. 144
piscitelli@irwaonline.org

CREDENTIALING

Credentialing Manager
Francis Vicente ext. 123
vicente@irwaonline.org

EDUCATION

Course Program Coordinator
Nathan Cruzado ext. 124
cruzado@irwaonline.org

Administrative Support
Linna Sok, ext. 147
sok@irwaonline.org

EXECUTIVE STAFF

Interim Chief Executive Officer
Daniel Stekol ext. 126
stekol@irwaonline.org

FIELD OPERATIONS

Director of Field Operations
Tim Drennan (310) 433-9672
drennan@irwaonline.org

Manager Field Operations
Jaime Rose Mathews (613) 809-4070
mathews@irwaonline.org

MEETINGS & EVENTS

Director of Events
Jade Meador ext. 146
meador@irwaonline.org

MEMBER SERVICES

Accreditation Program Coordinator
DeOnna Koonce ext. 138
koonce@irwaonline.org

Membership Coordinator
Mariah Carrillo ext. 134
carrillo@irwaonline.org

Assistant to the Controller, Member Services
Sylvia Smith ext. 120
smith@irwaonline.org

PROFESSIONAL DEVELOPMENT

Chief Learning Officer
Deidre Alves ext. 143
alves@irwaonline.org

Education and Instructional Development Manager
Amir Vafamanesh, ext. 142
vafamanesh@irwaonline.org

WEBSITE & TECHNOLOGY

Computer Services Senior Manager
Sergey Yushkevich ext. 127
yushkevich@irwaonline.org

Web and Database Manager
Carlos Gonzalez ext. 136
gonzalez@irwaonline.org

Membership:
Mariah Carrillo ext. 134
carrillo@irwaonline.org

Education:
Nathan Cruzado ext. 124
cruzado@irwaonline.org

**Advertising/ Subscription/
Publishing/Editorial:**
Ethel Navales, ext. 128
navales@irwaonline.org

RIGHT OF WAY MAGAZINE

EDITORIAL STAFF

Editor
Ethel Navales, ext. 128
navales@irwaonline.org

Creative Manager
Joseph Roman, ext. 145
jroman@irwaonline.org

EDITORIAL ADVISORY BOARD

Timothy J. Holzhauer, SR/WA, MAI, MRICS, JD
Cushman Wakefield

Darryl Root, R/W-RAC, JD
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Salt River Project

GENERAL INFORMATION:

info@irwaonline.org
U.S. 310-538-0233
Canada 888-340-4792

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ON COMMON GROUND



BY AIMIE MIMS, SR/WA

Our Association provides a place for us to come together to acknowledge and appreciate the important work we do as right of way professionals. Throughout the year, we gather at educational courses, Chapter meetings, Region forums and our Annual International Education Conference to share with one another the obstacles we've worked to overcome, lessons learned and stories of hard-earned success. We can often closely relate to each other on what our daily work lives entail—more so than many of the people closest to us. This is the common ground that unites us.

Recently, that common ground was tested as our Association faced our share of challenges and change. We grappled with determining our path forward, especially when it came to the matter of who will lead us and how. Bonds were put through the paces, difficult questions were asked and we were pushed to hold each other accountable. In response, our Association leaders rallied together and put in an incredible amount of hard work in order to thoroughly understand, thoughtfully address and prioritize the issues at hand.

Our Unified Vision

The International Governing Council (IGC)—comprised of our 10 Region Chairs and six International Executive Committee (IEC) members—will refocus its efforts around the fundamentals of our Association, including education,

instructor development, curriculum development and governance. We are working to ensure the appropriate policies and procedures are in place around each. Additionally, the IEC is developing a strategy for recruiting a new Chief Executive Officer (CEO) and is working with senior management at headquarters to provide on-going support to our staff.

Our International Committee Chairs and Communities of Practice (CoPs) Leaders have been tasked with creating strategic plans outlining their fiscal year goals, as well as strategies and resources required to implement these plans. The intention is to set up our Committees and CoPs for success by providing them with the autonomy to determine the course for the year, while establishing a communication and accountability framework. Our Committees and CoPs are powerful avenues in which to connect right of way professionals in meaningful ways and we look forward to seeing what creative and thoughtful approaches these teams take on.

For several years, our young professionals were operating as an informal (albeit formidable) group. This past November, the IGC unanimously passed the motion to formally establish the Young Professionals Service Committee. Elevating the young professionals to a service committee provides the opportunity to further advance efforts to promote and encourage

IRWA membership, education and leadership amongst the next generation of right of way professionals.

We are continuing to see new and creative programming initiatives led by Chapters and supported by field operations, including “paperless” meetings to reduce costs; sponsorship packages that help secure annual funding; a streamlined approach to achieving the Right of Way Agent (RWA) designation; young professionals’ events, scholarships and funding opportunities; and an emerging member campaign opportunity anticipated to be rolled out this fall. It has often been said that Chapters are the lifeblood of our Association, and that cannot be overstated. Our Chapters are the primary way in which new members are brought into the Association and they create a space for existing members to connect with one another.

Moving Forward

Our leadership and senior staff are well positioned to address additional challenges we may face and going forward, we are aligned on how best to support the important work you do as right of way professionals. It has not been easy, but it has been worth it. We have emerged on the other side a stronger, more aligned community of professionals who have a clearer, unified vision of our future. We are once again on common ground. ★



BODY LANGUAGE

What are your gestures communicating to the team?

BY CAROL BROOKS, SR/WA

You may find it interesting to discover that it's far more than just the words we speak that shape our minds. Our body language actually plays a significant role in the capacity of cooperation, collaboration and contribution to our team—as long as that is what we're feeding into our mind. Experts say what we feed into our minds will eventually be displayed in our actions. It's the “garbage in, garbage out” philosophy of programming and reaction. So, here's the question that warrants deep examination: what message is your body language sending to your mind that might affect your individual commitment and performance to a group effort?

Most people listen only to what the other person is saying. And that's important. But the most effective way to *listen* to the other person is by *seeing* their body language. What are their gestures communicating? Body language expresses a person's truest feelings. You've probably heard the saying, “I can't hear you. Your actions are speaking too loud.” That's the significance of non-verbal communication. Although we tend to give our brains all the credit for directing our thoughts, studies suggest we use our bodies to think too. Even trivial movements influence how we behave. Reaching upward has been shown to make it easier for a person to recall happy memories. Conversely, reaching downward draws negative memories to mind. It's important to see and be alert to what your body language is saying to your mind. In

distress, and these same signals are transmitted to your subconscious mind. It records the message and says, "I have to do what I'm told." If your body language signals, "I'm a loser. I never get anything right," then guess what? Your mind will make sure you are a loser; you never get anything right.

Don't Be Deceived

You may be thinking that you can just out-talk your body language and make your mind believe otherwise. Not a chance! Experts say body language is 80 percent communication and it expresses its truest feelings. Body language never lies. We can choose what we present with our verbal, but we can't get away with being dishonest in body language. Therefore, there's no fooling your subconscious mind. And there's no fooling members on your team either. If you try to out-talk how you really feel, your team will notice the incongruence between your verbal and non-verbal communication. Then they'll question your honesty.

Modified Body Language

Even on a bed head day, there is a way you can communicate a powerful message with body language. You can change your gestures. Instead of walking around with hunched shoulders, stand tall and square your shoulders. Instead of lips pinned together, try smiling. Then notice how this affects your mood. It changes because you have changed your body language in a more positive way and those positive messages are then recorded in your subconscious mind. That's powerful!

Tip from the Experts

Powerful people sit sideways on chairs, drape their arms over the back, or use two chairs by placing

an arm across the back of an adjacent chair. They put their feet on the desk. They sit on the desk. They turn the chair around backward and straddle it. These relaxed postures all involve claiming space as expressed through body language. Recent research suggests that a powerful posture—from the tilt of your head to the turn of your toes—sparks a biochemical reaction in the body that actually makes you more powerful. By changing how you use your body, you can change your psychology and ultimately, the circumstances in your life.

Simple poses can flip an internal switch, making the world seem better, brighter and easier. Remember, your subconscious mind recognizes that talk is cheap, but body language is more authentic and therefore, your mind takes it as an order to perform.

What is your body language telling your mind? What is it telling your team? You can change the message with a more confident illustration of your body language. Before you attend an important client meeting or strategic staff meeting, take a moment to stand in front of a mirror and see yourself as others see you. ★



Carol Brooks, SR/WA, is owner of Cornerstone Management Skills and a well-known author and lecturer. With 20 years experience in right of way, she is an IRWA CLIMB Certified Lead Instructor and the recipient of the prestigious Lum Award by the R/W International Education Foundation. ©2019 Carol Brooks. Visit www.CornerstoneManagementSkills.com

the end, your body language shapes who you are and what you bring to your team. Here are a few tips to heighten your own sense of individuality and awareness to the power of body language.

The Power of Your Subconscious Mind

When you're having a bed head day, check your posture in the mirror. Are you hunched over? Brow furrowed? Lips pinned together? These are all signs of



THE BUSINESS ETHICS FIELD GUIDE

Challenge 4: Conflict of Interest

BY BRAD YARBROUGH

This series features 13 articles from Brad Agle, Aaron Miller and Bill O'Rourke, co-authors of The Business Ethics Field Guide. Each article focuses on a common work dilemma, while providing real life examples and insightful solutions. For more information, please refer to the cover story in the November/December 2018 issue.

Conflicts of interest are the most frequently encountered dilemma in the business world. The response often stated is, "That's just how business is done." While that might be true, it doesn't make it right. Only people with no interests are exempt from conflicts of interest, so it's important to realize that conflicts are inevitable. Additionally, it's also important to recognize when you have a conflict, then deal with it properly and swiftly.

What Qualifies as a Conflict of Interest?

Sometimes, even intelligent people don't recognize a conflict. For example, the Corporate Medical Director named Dan, an MD, reported to me. He returned from his honeymoon and told me about two physicians that came to his wedding and each physician brought him a gift of \$2,000. These doctors were friends of Dan, but they were also contracted medical consultants to our company, receiving approximately \$85,000 each per year.

I suggested to Dan that he had invited two suppliers to his wedding who each gave him a kickback. Dan insisted that the gifts were out of the goodness of their hearts. It took an hour of discussion for Dan to recognize the conflict and agree to return the money. A note on the wedding invitation would have avoided the problem: "Given our business relationship, gifts would be inappropriate. Hope to see you at the wedding."

A competing interest involving a personal benefit can be most tempting. A position of influence often comes with opportunities for inappropriate gain, but abusing power for your own benefit is the quickest way to ruin your reputation. For example, The Board of Directors of Enron suspended its conflict of interest rules to allow their CFO, Andrew Fastow, to establish and operate off-balance-sheet entities at a handsome profit. What were they thinking? Even though the Board and the company auditors said it was okay, we recognize that it was absolutely not okay. As a result, Mr. Fastow went to jail. From this example, we are reminded that Board directors cannot be rubber stamps for management. They must exercise independent judgment.

Questions to Consider When a Conflict is Recognized

Upon realizing that there is a conflict of interest at hand, what are the next steps? Try to focus on the following questions:

- **Are there clear rules?**

As an example, some organizations have clear rules that spouses cannot work in the same department. When that situation arises, transfers are made to meet the mutual needs of the organization and the employee. Another tricky area is dealing with friendships, which are usually good in business. Friendships build rapport, trust and loyalty. However, close relationships also increase the risk of favoritism, back-scratching and exclusion of others.

These potential dangers must be faced with openness, honesty and transparency. Gifting is another issue of noteworthy concern because it raises ethical issues. Most governments have a particularly clear rule about giving

13 ETHICAL DILEMMAS

Upcoming articles in this series will take a closer look at each dilemma.

1 STANDING UP TO POWER

Someone in power is asking you to do something unethical.

2 MADE A PROMISE

Conflicting commitments force you to choose.

3 INTERVENTION

You see something wrong. How do you proceed?

4 CONFLICTS OF INTEREST

Multiple roles put you at cross purposes.

5 SUSPICIONS WITHOUT ENOUGH EVIDENCE

You believe something is going on, but you're not sure.

6 PLAYING DIRTY

Achieving justice but by doing something unethical.

7 SKIRTING THE RULES

Bending a rule for a better outcome.

8 DISSEMBLANCE

Misrepresenting the truth for better outcome.

9 LOYALTY

Giving up ethical stance to protect valued relationship.

10 SACRIFICING PERSONAL VALUES

Living ethically might put burden on others.

11 UNFAIR ADVANTAGE

When opportunity exists to wield an unfair upper hand.

12 REPAIR

When you are responsible for a mistake.

13 SHOWING MERCY

You could grant forgiveness, but you don't know if you should.



and receiving gifts: it's not allowed at all. Other companies have a less clear rule: employees cannot give or receive a gift exceeding nominal value. But then it becomes a matter of deciding what is nominal. This requires an open discussion among supervisors, employees, peers and perhaps suppliers or customers. In cases such as this, it's important to clarify the rules in the discussion. Usually, extravagant gifts are easily recognized and shouldn't be given or received.

A good rule with regard to any gift is that if it feels wrong or looks wrong, avoid it. Discussing conflict situations in advance can help to avoid them, especially in cultures where exchanging gifts is the norm. Doing so can prevent embarrassment and may actually be appreciated.

• **Would your actions cause others to question your motives?**

I observed the soon-to-retire President of a business move his corporate headquarters from the Northeast to Charlotte, NC. He explained that Charlotte had a globally connected airport and good weather for its employees. Coincidentally, he and his wife grew up in Charlotte, owned retirement property and had extended family in that area.

His true motives were indeed questioned. Prior to the decision, the President could have used relocation experts to conduct an objective analysis of the likely impact of the move to avoid the appearance of a subjective, selfish decision. You must prevent even the appearance of evil. This can be done through openness,

honesty, transparency and by using your moral imagination, which is the ability to think outside the box and envision ways to be ethical and successful.

• **Who has the right to know the details and will disclosure cure the conflict?**

When a conflict arises, transparency is usually appropriate. But who needs to know? The buyer of rubber commodities came to my office when I ran the Procurement Department. He said, "I have a conflict and you need to know about it." He told me his son landed a job with a supplier to our company. Furthermore, the son would be calling on him for business. He wanted me to be aware of the conflict and assured me that I could trust him to handle business with his son above board and objectively.

Was this disclosure good? Yes! Did it resolve the conflict? No! Our company was large enough that I could give this buyer a different responsibility and assign another procurement employee to purchase rubber. Disclosure is always good, but it doesn't always cure the conflict.

• **Can you remove yourself from the conflict?**

It might be prudent for you to recuse yourself from a business transaction when you learn a relative or friend might be involved on the other side. Let others handle the dealings to escape a real conflict or even the optics of a potential conflict.

• **Can you be freed from your obligation?**

In many cases, a party might be willing – or even grateful – to free you from your obligation if you explain why it puts you in an ethically difficult situation.

• **Is there a way to uphold both of your obligations?**

By exercising moral imagination, it may be possible to resolve conflicts of interest and satisfy your obligations to both parties. Often, time is the issue and if a conflicted party can grant you more time to perform, both obligations can be met and sometimes with better outcomes.

Common Conflict of Interest Pitfalls

First, people often don't notice a conflict of interest. To avoid this pitfall, it's important to develop an ethics consciousness and become familiar with the ethics guidelines that govern your work behavior.

Second, it may be tempting to run or hide from a recognized conflict. However, it's important to realize that eventually these situations will become apparent to others and it's best to face them early rather than allow things to worsen.

Third, there's a tendency to believe that we can be objective even when our self-interest is in play. No matter how pure your intent, you can't outsmart the bias created by your own perceptions. Even if you could rise above the influences of a conflict, others would not believe you have done so.

Finally, though better to avoid them altogether, train yourself to recognize conflicts of interest and work through each openly, honestly and transparently. It will enhance your reputation for integrity as well as that of your organization. ★



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.



Member Spotlight is a wonderful place to introduce yourself or to celebrate a fellow member's contributions to our purpose of improving the quality of life through infrastructure development. For more information or to submit a member for consideration, please contact Ethel Navales at navales@irwaonline.org.

This month, we spotlight Leslie Finnigan, SR/WA

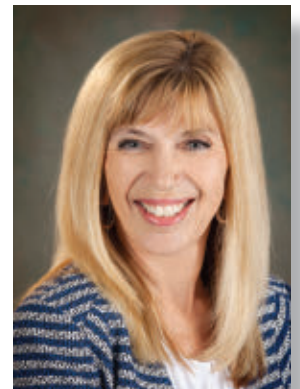
My involvement in the IRWA began shortly after starting in the right of way business. I was hired by the Oregon Department of Transportation (ODOT) as a trainee in the Right of Way Department 33 years ago. The Department encouraged participation in the IRWA through courses and involvement in the local Chapter, so that made it easy to jump into volunteering.

For the next 12 years, I advanced from the trainee position at ODOT into a variety of roles, including right of way agent, senior agent and project manager. One of the positions I held at ODOT was a Condemnation Liaison, which was an exciting learning experience that allowed me to travel all over the state. I left ODOT after 10 years and went to work in the right of way department for a local public agency.

During those first 12 years at ODOT and Washington County, I really started getting active in the IRWA. Like many of you, I was asked to do one thing and that continued to evolve into various positions. Before you know it, you're serving as Chapter President. It was during this same time that I became active at

the Region level as well. I didn't want to end my involvement when I was no longer a Chapter officer, so I started volunteering for different roles within the Region.

The more I got involved, the more I wanted to be part of the Association. I had developed friends throughout our Region and had met many others at the conferences I was able to attend. The contacts I made were not only helping me in my job, but also in my career. Gary Farr—Vice President of Universal Field Service, Inc. in the Seattle area at the time and a member of Chapter 4—introduced me to Tom Benson, one of the owners of Universal. In 1998, Universal hired me as the Region Manager for Oregon and SW Washington. I asked Tom if Universal would support my involvement in the IRWA—I didn't know what a silly question that was! My position with Universal has continued to grow. I am currently the Vice President for the





Western Region. I love my job and my employer! Universal continues to support me in my career and in my professional development.

This development is primarily through the education and volunteer positions I have had with the IRWA. It started out small as a Committee Chair in a local Chapter, then continued with involvement at the Region level, then a professional designation, then a position on an International Committee. Four years ago, I became a trustee on the Right of Way International Education Foundation. I am so very fortunate to be involved with this group of dedicated professionals who work very hard to manage the resources so that new courses can be developed, old courses revamped/updated and training opportunities made available through scholarship programs. More recently, being involved in getting the 2019 Conference to Portland was exciting and a little scary. I was also thrilled for everyone to experience Portland and see this beautiful part of the country. All of this IRWA development has been cumulative. You don't stop and look back on your journey until someone asks you to write about it.



My life away from work and the IRWA is busy as well. My husband and I live in Salem and spend a lot of time with our kids and grandchildren. We have seven grandchildren now, ranging from six to 16 and they are involved in so many things.

They are all smart, beautiful and interesting individuals. I try hard to make as many games and events as possible and we like to take them to the beach and the mountains every summer. We also have two golden retrievers. I am a volunteer in the Golden Bond Rescue program in Oregon and do home inspections to make sure that these wonderful dogs go to good homes once they have been rescued and brought into Golden Bond.

The IRWA is a big part of my life—and not just professionally. What started out as training for me has developed into much more by becoming involved. I have life-long friends, contacts in the industry that I work in and a sense of accomplishment for the positions I've held. I hope that my experiences will encourage others to be involved as well and inspire them to take advantage of every opportunity the IRWA has to offer. ☆



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IRWA Governance Task Force Update

Mandate:

By a motion on September 15, 2018, the IRWA's International Governing Council (IGC) voted unanimously to pause the Association's Governance Project and postpone the Board of Directors vote in Portland 2019 in order to create a Governance Task Force (GTF) to review the process. The IGC directed that the Task Force would include 10 Region Representatives, the IEC as ex-officio members and a Staff Liaison. Each Region was responsible for identifying who would serve as their representatives.

Who:

- Region 1 Representative:** *Ray Mehler*, Region 1 Secretary
- Region 2 Representative:** *Kim Hiebert*, President & International Director Chapter 36
- Region 3 Representative:** *Carroll McCracken*, Region 3 Secretary
- Region 4 Representative:** *Ross Greene*, President Chapter 52
- Region 5 Representative:** *Pat Petitto*, Past International President & Advisory Council Member
- Region 6 Representative:** *Matt Harris*, Region 6 Secretary
- Region 7 Representative:** *David Whitlock*, Chapter 45, PDC Chair
- Region 8 Representative:** *James Hardy*, Region 8 Vice Chair
- Region 9 Representative:** *Lee Hamre*, Past International President & Advisory Council Member
- Region 10 Representative:** *Jenna Wood*, Region 8 Chair

International Executive Committee:

- Jeff Jones*, International President
- Aimie Mims*, International President Elect
- Sharon Slauenwhite*, International Vice President & IEC Liaison/Chair
- Jake Farrell*, International Treasurer
- James Olschewski*, International Secretary
- Brad Kuhn*, International General Counsel
- Daniel Stekol*, Interim CEO

Progress:

To provide the GTF members with a foundation of background information, copies of all Governance Project reports created during the course of the project were uploaded to a public community page on the IRWA Member Network to serve as discussion and reference documents during the GTF meetings. The GTF library is regularly updated with agenda and minutes of the GTF meetings and is accessible to all members.

The GTF has met nine times since inception and has completed a chronological review of the Governance Project. The Region Representatives have each been tasked with providing their Regions with regular updates after each meeting, which are then shared with their respective Chapters. Additionally, at each GTF meeting, Region Representatives have been responsible for providing the GTF with any feedback from their Regions and Chapters. Spring 2019 Forums were also an opportunity for Region Representatives to share information on the GTF and survey members for their perspectives and opinions on Association governance and strategies for the future.

Over the course of the next few months, the GTF will be compiling its report for presentation to the IGC in September 2019. It is anticipated this report will include an analysis of the Governance Project process, as well as recommendations on a path forward, if the IGC should request it. Interested members are encouraged to review the GTF library on the Member Network.

For further details, please visit <http://bit.ly/GovernanceTaskForce>

THE PROJECT FEAR MENU

How fear can paralyze or motivate you



BY LESLEY T. CUSICK

Fear is defined as an unpleasant emotion caused by the belief that someone or something is dangerous, likely to cause pain, or a threat. Often found at the top of the list of common fears are the sounds of swarming bees, public speaking and the even more basic fear of failure. After all, there is so much to lose, isn't there?

The more we think about our fears, the more anxious we can become; it can be paralyzing. But on the other hand, fear can also be motivating. So how can we use that inevitable fear for positivity? Motivation is called for to face the fears that affect our projects and how we interact with the communities impacted by those projects.

A Slice of Panic

Try to imagine fear as a dinner menu. The fear menu has numerous appetizers and entrees, but no desserts. Fear appetizers are when we see others who took a risk and got burned or outright failed. Because of this, we decide *never* to let that happen to us; we disengage and retreat to our comfortable corners. We also fail to grow (other than to grow more fearful). Fear entrées are the full-plate emotions of failing, such as panic, anxiety, shame, dismay and apprehension. Finally, the side dishes are the things that affect us going forward, including unease, trepidation, timidity, doubt and dread.

We lose confidence. We don't trust others. We don't trust ourselves. The effects of that experience may go well beyond our work life. How we manage that fear menu determines if our projects will be positively or negatively affected.

Traditional Fears

Fear of change/fear of the unknown:

Several years ago, a client was introduced to a way of doing a review in a legal and proven-to-be-successful way, but that method had never been done by the client's organization. Their fear antennae sprang into action and the client faced fear of criticism, fear of failure and fear of being able to defend the change to others—both internally to the organization and to the public. What was the result of persisting and implementing the change? Success! What was the remedy? Continuous, systematic and consistent encouragement with many levels of personnel. The outcome accrued numerous benefits such as project cost and time savings, relationship-building with parties presumed to have been foes, greater defensibility, as well as new-found confidence in the individuals who participated and persisted. If they hadn't stepped out of their comfort zone, they never would have experienced the success or gained the confidence they ultimately did. It's important to note that the fear of change when under schedule pressure is an important consideration. While people can see the value in the new approach,

they don't want it to be *their* project that brings about the change. However, putting off the change can put off the success, cost savings and reputation-building.

Fear of failure:

This fear can be paralyzing to the point where we don't start things that we're afraid can't reach the outcome we need. We don't want the embarrassment or the career consequences. We certainly don't want to do it alone and be isolated in our shortcomings. One method to handle being afraid of failure is to *realistically* define and then manage your expectations. Build your project from the bottom up. Define interim milestones that are manageable and identify the tasks that you understand, as well as the tasks where you will need help. Don't be ashamed to ask for help and don't wait too late to say something. Additionally, it is important to recognize the difference between fear of failure and fear of the unknown. If we haven't done something before, there is an aspect of the unknown to be overcome. An excellent approach to managing that fear is through a mentor-protégé relationship. IRWA has hundreds of professionals to reach out to and dozens of courses where you can learn, ask questions in a fear-free environment and build professional relationships for the future. That is a definite win-win!

Fear of trying something new, having it be successful and then being blamed for not trying the new thing sooner:

This is a non-traditional fear, but it is definitely one that we may experience, especially if we are innovators. This fear encompasses several others – trying something new, being criticized and failing. The difference is that this one has a positive result and creates opportunities for you. After all, you or your team took the risk, created the innovation, solved the interim challenges, made it work and saw it through. Now you're in the position of having first-hand knowledge of the lessons learned and can teach them to others. This is one fear that you need to turn around. Instead of a fear, embrace the situation as an opportunity to make a difference.

Fears Associated with Communication

Fear of engaging with the public:

There aren't news stories about all the public meetings that are positive and productive. Instead, we see images of angry confrontations, accusations and protests. Have you ever wondered how many of those unpleasant encounters are taking place because

the public hasn't been involved until *after* decisions have been made? The public needs to be involved in projects when there is opportunity for them to have meaningful participation, and this needs to happen when they can still contribute to changes in routes, permits and siting *before* decisions are made. Who better to engage the public than the project professionals most familiar with it? If you are not comfortable about handling that engagement yourself, then hire a professional to assist you. Don't misunderstand – you are not handing off your responsibility. Instead, you are bringing in a partner to *help* you.

Fear of losing control:

Project management may be afraid of stepping into a community engagement effort due to the fear of being pulled in and not being able to get out, as well as losing control of cost and schedule. It can be seen as a no-win scenario. As professionals, *we know* there are positive examples of engagement and we also know that successes rarely make the news. A way to work through the fear of losing control is by building a team of people you can trust. Make sure these are individuals you can communicate with (listen to) and from whom you can take constructive criticism and not feel threatened. A communications professional should be on your team to help you. People who work well with the public have different skillsets. They will be able to help you in two major ways: by listening to your wants and needs, as well as listening to the community. What is the key word in both? Listening.

Fear of public criticism:

There is clearly vulnerability when we put ourselves in front of people, especially when the projects we are supporting are controversial, unpopular and/or misunderstood. A remedy for dealing with criticism is to work with friends or colleagues with whom you can test your messaging. They can observe your reactions to help you learn to maintain your composure when challenged. There is susceptibility in

this exercise, but better to take criticism from this group and prepare than to have a public meltdown. We shouldn't take the criticism personally, nor can we objectify our critics. There is a level of steeling that we need to do for ourselves, especially when dealing with controversial projects where there is media attention. We need to recognize the anger that we may observe among the public is most often driven by *their* fear. Consider the high probability that only limited or no community engagement may have occurred. How would you react if you found out at the last minute about something that was going to affect you? Putting the shoe on the other foot is good practice for life.

Fear of not having all of the answers:

This one looms large and may be the most significant fear of all. As analysts and planners, we're always supposed to have looked at all of the alternatives to an action and to have all of the answers. That works with science and engineering, but it doesn't work with people. For instance, if we fill a wetland, we will cause adverse effects to flora, fauna, groundwater recharge, flood storage capacity, etc. If there are steep slopes, there will be cutting and filling to create a suitable grade and discourage runoff. But if we ask someone *why* they are opposed to or concerned about a project, we can't know the answer or presume to know the answer. We need to ask them to tell us and listen to their point of view. Only then can we begin to evaluate changes or alternatives.

Fear of being accused of working with opponents:

If we want to find out what someone else is thinking, at some point we need to interact with them. The public includes opponents *and* supporters, and sometimes we can forget that. Reading something written by project opponents, asking others about them, or observing them from a distance can all be useful preparatory steps, but until you actually engage with opponents who have concerns and issues (i.e., *before* your project becomes an agenda item for organized opposition), you won't be able to understand their point of view. The interpersonal contact provides context. To someone on your team who didn't know what you were trying to do by talking with citizens, it might look like you're taking the opponent's side. There is an easy remedy for that. People simply need to know what you do, how you do it and how it provides value. You're not a traitor or a disingenuous person; you're doing your job.

Reap the Benefits

As to the benefits of public engagement, it demonstrates commitment to the project and to the community; it's very powerful. It shows that the concerns of the public matter to you, that community insights are worth the time to learn about, that you recognize you ultimately need the public in order to be successful and most importantly, that you understand your project hasn't been fully informed until you have sought out and listened to the voices of the community. For some, engaging with the community can bring about feelings of vulnerability—the opposite of power. However, consider that the aim of your project isn't power—it's success.

Additionally, you will learn from your shortcomings and you may build relationships with people who are still stuck and see you as an example. You may even gain support—or at least a lack of opposition—from parties you never expected to support your efforts.

It's time to stop allowing your fears to paralyze you. Ultimately, facing that fear head on and allowing your fears to motivate you will benefit your work habits, your project success and even the communities impacted by those projects. 🌱



Lesley T. Cusick has been in IRWA since 2013. She is the Program Director for Community Outreach and Engagement with RSI EnTech, LLC, an ASRC Industrial Services Company. Lesley has over 30 years of professional experience assisting public and private sector clients with project development.

INTRODUCING THE **CORRIDOR VALUATION BOOK**

An interview with Randy Williams, SR/WA

BY ETHEL NAVALES



1. Tell us about yourself and your IRWA career.

I have been a real estate appraiser since 1977 and hold the MAI and SR/WA designations. I retired (for the most part) at the end of 2018, although I am still active in the IRWA both in teaching and by being the International Relations Chair for 2019-2020. I also represent my employer JLL at various functions like IRWA's Annual International Education Conference. My IRWA career is approaching 35 years. During my career, I have served as a Chapter President, Region Chair and finally, I served as the International President of the Association in 2011-2012.

2. When did the idea of creating a book focused on presenting an overview and new alternatives to corridor valuation first come to mind?

It started four years ago at our Conference in San Diego. Bonnie Roerig, MAI, AI-GRS, was chairing the International Valuation Community of Practice. At the Valuation meeting, she discussed the idea of creating a book on Corridor Valuation. Scott Robinson, MAI, SRA, AI-GRS, AI-RRS, the Appraisal Institute President-Elect at the time, approached Bonnie after the meeting and expressed interest on partnering with us on this publication. At this same meeting, Bonnie asked for my opinion. I suggested we take up Scott on his offer and move forward with a steering committee. She agreed upon the condition that I too would serve on the steering committee.

3. What was the main purpose and goal behind the creation of this book?

Our main purpose was to add to the body of knowledge about valuing corridors. Corridors are very complex and there are multiple—and sometimes opposed—theories/techniques on valuation. Our goal was to present these multiple techniques as tools to understand valuing corridor properties. As such, the book does not place any technique over another.

Virtually any city of any size in North America has some kind of corridor within its territory, be it utility, rail or other. That means that not only appraisers, but also property agents will deal with a corridor issue sometime in their career. So we believe this publication is of value to every real estate department in every municipality and utility company. Research confirmed that a current text of this type was not available.

4. Describe the steps you took during this publishing process.

We initially formed a steering committee to decide the content and shape of the book. We were fortunate to have Richard Marchitelli, MAI—an appraiser with extensive corridor valuation experience—to chair the committee. We met face to face as a steering committee only one time. After that, we met electronically and by conference call. In the end, we outlined the topics necessary and produced a Request for Proposals (RFP) for authors.

We received a large number of proposals for the various chapters. All eight members of the steering committee



had extensive corridor valuation experience either in the USA or Canada. As such, we assigned three members to read and discuss each author's submission. If we agreed that the submission should be in the book, we wrote our critiques and asked for modifications or more detail in the writing. This was not a simple task as some submissions went outside the original scope of the book. In the end, we included several of these as they were useful in adding to the overall body of knowledge for corridor valuation and impact. The steering committee screened the content and the Appraisal Institute employed professional editors to complete the publication.

5. What were some of the biggest challenges you faced and how did you overcome them?

The initial challenge was to decide the depth and breadth of the book. We eventually decided that we would focus on valuation in the USA and Canada so we could provide value to our 10 regions. A USA-centric book would not serve a large number of our membership and a book attempting the encompass corridor theory around the world would have been so complex as to be unachievable. We also did not receive the amount of submissions we deemed necessary from our first RFP. We refocused the RFP, directing it to specific authors we believed would be useful contributors.

6. How was your experience partnering with the Appraisal Institute and the Appraisal Institute of Canada?

Partnering with the AI and the AIC was one of the most rewarding parts of this project. All three associations trust each other and work well together. The most complex part was that three associations would agree to share in a publication that furthers a body of knowledge. The Appraisal Institute has a vast amount of experience in publication, so we all agreed the AI would be the publishing entity. Tep Shea-Joyce, the Senior Manager of Publications with the AI, was a joy to work with. She and Richard Marchitelli shepherded us through a very complex process.

All three associations agreed we would equally share in the publication expense and income. As such, we were able to produce the book in a very cost-efficient manner. The USA authors supplied chapters that sometimes only apply to USA law. Similarly, our Canadian authors addressed issues more applicable to Canada. The AI and the AIC have let us know that the Corridor Book was a successful partnership and we have made a contribution to the body of knowledge about corridor valuation. I believe there is interest in additional projects in the future.

7. How can IRWA benefit from further partnerships with other organizations?

The IRWA has a focus on all components of infrastructure. We have property managers who could benefit from partnering with property managing associations such as BOMA (Building Owners and Management Association) and IREM (Institute of Real Estate Management). Similarly, our engineers and utility professionals will have other associations that

cross over into other primary areas of expertise. Partnering with these organizations would expose them to our Association and our members.

8. Who should purchase this book and what will they gain from reading it?

Foremost, real estate appraisers are the primary target. This publication is also valuable to any entity that is involved with corridor matters. Additionally, municipalities and DOTs often deal with railroads when they need road or bridge crossings. Corridor valuation is a complex issue. This book allows insight into what makes a corridor valuable. Some corridors do not contribute value, so it is important to understand all of the factors. The book also has a chapter on "Rails-to-Trails" which is applicable to USA law. This is a different type of valuation and can easily be mishandled.

Corridor Valuation: An Overview and New Alternatives (ISBN: 9781935328759) is a 240-page soft cover book. It is available for \$50 for the print or PDF version, or \$70 for both. Call 888-756-4624 or order online at www.appraisalinstitute.org.



The following are two excerpts from *Corridor Valuation: An Overview and New Alternatives*. The first passage highlights the origins of corridor valuation techniques, while the second passage outlines conclusions made about corridor valuation issues since the turn of the 21st century.

The need for generally accepted techniques for the valuation of corridors emerged out of the development of the railroad industry in the United States in the nineteenth century. The railroad age in the United States began in 1830 with the first operation of a train by the recently formed Baltimore and Ohio (B&O) railroad company. By 1840 there were over 1,800 miles of railroad track in states east of the Mississippi. Trackage tripled during 1840s and tripled again in the 1850s to include lines that extended west of the Mississippi. These initial railroad trunk lines stitched together established commercial regions in the eastern United States and were assembled in various ways, frequently alongside existing canal rights of way and often via state-sponsored efforts to permit the linkage of interstate commerce.

With the enactment of the Pacific Railway Act of 1862 for the creation of a rail corridor across the Great Plains, the Rocky Mountains, and the Sierra Nevada mountains to California, the focus for the first time was on a publicly defined transportation and communication corridor. The act granted the legal rights to a right of way 200 feet wide on either side of the tracks, which was to be “one continuous line” and include “necessary grounds for stations, buildings, workshops, and depots, machine shops, switches, side tracks, turntables, and water stations.” The legislation provided the right to string telegraph lines along the right of way as well. Various additional laws passed as supplements to the 1862 law enabled development of various spur lines, ancillary additions, and connections to the main line. The supplemental 1864 Act “required” the railroad companies to use the land grants as “one continuous line” for “all purposes of communication, travel, and transportation.”

The implications of the Pacific Railway Act for the development of corridor valuation concepts was summarized in a 2012 *Appraisal Journal* article as follows:

The 1862 Act recognized all land within the corridor, or right of way, was integral to transnational transportation and communication. It did not parse uses within the right of way but recognized one connected, continuous line, i.e., a corridor. In effect, the right of way or corridor established by the 1862 Act constitutes an integrated, multipurpose alignment of land uses principally related to transportation/communication, an intended use that had not effectually changed since its creation.

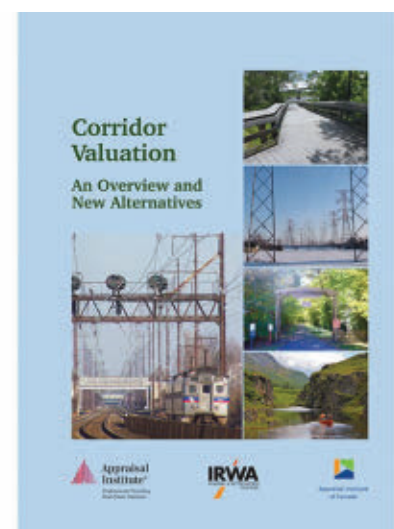
The continuing rapid expansion of the American railroad network in the 1870s and 1880s led to intense public concerns—especially by farmers and small businesses—about the monopoly position that the railroad industry had achieved in American commerce. In response, Congress created the Interstate Commerce Commission (the ICC) in 1887 to review and regulate the rates set by railroads. As a number of articles in *The Appraisal Journal* have noted, the first attempts to think systematically about the valuation of this rapidly expanding railroad corridor system emerged in the aftermath of the creation of the Interstate Commerce Commission. The result was the across-the-fence (ATF) method, the origin of which has been summarized in *The Appraisal Journal* as follows:

Under the ICC’s regulation, the railroads argue they should receive an adequate return on their investment. Therefore, the ICC developed a method for determining how much land was utilized for railroad and related purposes as well as its worth; that method, still in use today, is called the across the fence (ATF) method of real estate valuation.

Despite what appears to be a return to a debate about fundamental issues involved in corridor appraising, there are perhaps some things that the appraisal profession can agree on from the history of the development of corridor valuation techniques as expressed in the published literature of the profession. From the debate about corridor valuation issues and methods since 2000, the following becomes clear:

- The purpose of the corridor valuation assignment is crucial to a determination of the proper appraisal method or methods to be applied.
- Case law continues to drive the appraisal process, the selection of the appropriate valuation method, an understanding of the property rights involved in the appraisal assignment, and the applicability of such issues as definition of the larger parcel and how jurisdictional definitions of terms such as *market value*, *fair market value* or *just compensation* affect the appraisal assignment.
- ATF value is almost always a proper starting point in a corridor valuation assignment. However, it may not always be the most appropriate method given the purpose of the assignment. It may be only one among several methods (including estimation of net liquidation value) that the appraiser may need to address.
- The most appropriate valuation method or combination of methods depends in large part on the highest and best use of the corridor. Is the highest and best use continued use as a corridor? Or is the highest and best use abandonment and dismantling of the corridor in a liquidation?
- Data is now available from hundreds of corridor transactions all across the country that makes the possibility of the appropriate application of the sales comparison approach to the value of an entire corridor or portion of a corridor feasible in theory.
- Corridor sales transactions also allow calculations to determine if there is a “corridor” factor that should be considered when appraising an existing corridor for continued use.
- There have been thousands of negotiated “subservient easement” transactions involving fiber optic transmission lines, pipelines, and power line corridors in the past two decades, but accessing that data is often difficult due to confidentiality concerns.

The debate and discussion about corridor valuation issues and methods will go on. The purpose of the remaining chapters in this book is to add to that discussion.



VOLUNTARY INVESTMENT

My term as RWIEF Young Professional Trustee

BY BRETT FARNER, SR/WA

The act of volunteering is more than just a chance to serve; it is an opportunity to give back a portion of what we have received. By freely offering your time, you can make a valuable investment in the future. The Right of Way International Education Foundation (RWIEF) shares a similar mission of giving to invest in the future of right of way education initiatives. RWIEF is also contributing to this mission by providing unique volunteer opportunities on its Board of Trustees.

First-Hand Experience

As a Young Professional (YP) Trustee, a new position created in 2015, I got a front row seat to see how the RWIEF works. Receiving charitable donations, generating financial contributions, funding course development, managing scholarship funds and exploring future investment opportunities are the primary responsibilities.

At first I considered it an education, but what surprised me was the freedom I was given to be involved immediately. Following another

influential YP in this role, I was encouraged to learn quickly, challenge conventional processes and suggest new ideas at my first meeting. The Board may have lamented at times giving me such a strong voice, but for a YP volunteer, the engagement was powerful.

The past three years, I endeavored to make a difference by experiencing and being involved in as many aspects of the Foundation as I could. I started with the media sub-committee, looking at the RWIEF website (RWIEF.org) and I helped at conference with the Foundation's exhibit hall booth. I later organized a volunteer group for a Monday Night Event and worked the Annual Golf Tournament. Over the last year, I focused on influencing how the Foundation manages certain assets in its balance sheet and participated in strategic discussions on the future of RWIEF activities. Because of this background, I was recently able to provide a comprehensive update to Region 3 at their Fall Forum on behalf of RWIEF.

What I Learned

Ultimately, I realized there is an interesting aspect of volunteering and dynamic of giving back – you set out to give part of yourself to benefit others, but often times you end up getting more back in return. Any way you look at it, I would call that a good return on your investment.

As my term as a YP Trustee comes to a close, I would like to offer the following advice to my fellow young professionals: when it comes to volunteering, there is no such thing as being "volun-told." These are rare occasions where someone else sees your potential and gives you the platform to make an impact with your talents. Seize these moments when you can, be generous with your time and use volunteer positions as stepping-stones to build the future you want to see. To the RWIEF Board of Trustees, *thank you* for this incredible gift to serve alongside of you and for your investment in me. You are an unbelievable group of people, working endlessly to serve others. Each of you embody the true spirit of volunteering. Finally, I encourage everyone to continue to share your time, talents and blessings. ☘



Brett Farner is a Real Estate Supervisor at Ameren Services Company. He has been a member of IRWA's Chapter 37, Region 3 since 2008 and served as Chapter President in 2012-2013.



MANAGING THE RIGHT OF WAY SUBCONSULTANT

An interview with HDR's Carol Bellinger, Leigh Enger and Michael Noonan

BY ETHEL NAVALES

The right of way industry is a vast and complex one, which is why we consistently aim to show the importance of right of way subconsultants. From appraisers and surveyors to relocation and acquisition agents, we've spent countless pages sharing how truly vital every right of way role is to the project at large. But what about those who are managing the right of way subconsultants? What are their best practices, lessons learned and biggest challenges? Most of all, what are the primary differences between the management of professionals from other industries versus successfully managing a right of way project? We decided to uncover just that.

We were given the wonderful opportunity to speak with three of HDR's National right of way leaders. HDR specializes in engineering, architecture, environmental and construction services, and they have created a legacy tied to high-performance buildings and smart infrastructure. With nearly 10,000 employees and over 200 offices worldwide, HDR's depth of knowledge and services brought forth just the sort of leaders we were looking for.

Carol Bellinger is HDR's Transportation Real Estate Services/Right of Way Director based in Plymouth, PA. Leigh Enger is HDR's Water Business Group Real Estate Director based in Salem, OR. Finally, Michael Noonan is based in Laporte, CO and is HDR's companywide Business Class/Practice Lead for real estate and right of way with a focus on energy sectors. These three leaders are not only experts in their field, they also have a wealth of knowledge to share.



Carol Bellinger
HDR's Transportation Real
Estate Services/Right of Way
Director

I grew up in Los Angeles where some of my relatives were real estate brokers, and I witnessed how they enjoyed making a difference in people's lives. So shortly after serving in the Air Force, I went to work for the City of Tacoma, obtained my first real estate license and ultimately became the Real Estate Manager for the city. During my tenure with the city, my interest in making a difference in my community and people's lives became my passion. I've been able to follow this passion in my right of way career for more than 35 years working in 10 states.

At HDR, my primary responsibility is to lead and manage HDR's real estate and Right of Way services capabilities, staffing and marketing activities for our transportation business. My goal is to differentiate HDR as a full-service consultant, enhance service delivery to our clients and build the real estate services/right of way practice.

What are some of the biggest challenges in managing right of way subconsultants?

In selecting subconsultants, the challenge is finding those who can support our goals, do not compromise our objectives of client satisfaction and those who sustain long-term company performance. Additionally, managing subconsultant priorities and work efficiencies are the biggest challenges. Subconsultants may have conflicting priorities caused by another client, making it difficult for them to treat your project with a sense of urgency. Work efficiencies affecting the delivery of assignments and quality of work are another challenge.

The HDR team's policy is to consistently provide professional services that satisfy statutory and regulatory requirements while meeting or exceeding client expectations. Our goal is to be the "best in business" and to set the industry benchmark for excellence in the services we provide.

Are there key differences in managing right of way subconsultants versus a management role in another industry?

A subconsultant might be focused on their specialty or niche service. Some may not be focused on the big picture or the long-term goals of the project. It remains our responsibility to manage that specific task within the larger mission or goal of the project.

What are some best practices you can share with other right of way leaders?

Involving experienced real estate services/right of way personnel early in the project life cycle will establish realistic project costs and schedules.

How do you handle a situation where the client expectation is different from what you believe is best?

I handle these situations with honest communication and flexibility.



How are subconsultants selected? Are you ever given a list of subconsultants by the client and if so, does this impact your project work process?

HDR brings together the right people for each individual client and engagement, ensuring the right skills, expertise, experience and the highest level of teamwork. Subconsultants are selected by their reputation in the industry, skillsets and successful project delivery experience. There are times when we are given a list of subconsultants to choose from or asked to include a certain subconsultant on our team, and we do our best to be accommodating.

It remains critical that the subconsultant support HDR's project delivery goals and not compromise our client satisfaction and objective of a long-term relationship with that client. They must work within established project work flows and protocols for

project delivery. We communicate with all subconsultants so that HDR's standards are established and enforced throughout the project lifecycle.

Describe some of the biggest lessons you've learned from your management experience.

My biggest lessons have been on flexibility and courage. When managing people there is no "one size fits all." We manage diverse professionals with a variety of backgrounds to achieve a common goal. Be an advocate for your team, have the courage to look inward first when things aren't going as planned and have the flexibility to change.

What can be worked on to improve the success of right of way projects?

Early involvement. This means including real estate services/right of way early in the project life cycle.

With so many moving parts, how do you handle communication issues?

I establish communication protocols early in team development and the initiation of the project to prevent communication issues. It's also important to immediately address communication issues, check established communication protocols and modify as needed.

What advice do you have for newcomers to the industry and for those who are just beginning their management responsibilities?

In my opinion, the right of way industry is the most diverse industry! There is a professional niche for everyone in our industry, so be true to yourself and find your niche. My advice is to know your company's vision and mission and build teams accordingly. Be an advocate for your team and once again, have the courage to look inward first when things aren't going as planned!

As a right of way leader, what role do you play in fulfilling IRWA's purpose of improving people's quality of life through infrastructure development?

I've mentored right of way professionals in 10 states and I am currently implementing HDR's recruiting and training program. With aging infrastructure and growing mobility needs in our communities, there is more demand for experienced professionals pushing boundaries, being innovative and successfully delivering public projects.

The pool of trained and experienced individuals is shrinking, creating hiring challenges. The demand for trained right of way professionals is very high and the supply is almost non-existent. We believe entry-level recruiting and training along with IRWA courses elevates the technical expertise of HDR and the community we serve, further promoting HDR's commitment to the community.





Leigh Enger
HDR's Water Business Group Real Estate Director

I was fortunate to begin my career in October 2000 at the Oregon Department of Transportation as a right of way agent. The foundation that ODOT provided me was incredibly well-rounded. ODOT trains agents to do acquisition, relocation and appraisal work. I will always be grateful for the opportunities I had there and the friendships I made.

Currently at HDR, I work with our national water practice to continue to grow and expand our presence in the water market. Our right of way professionals across the country have broad water market project resumes, and my role is to assist with messaging those services, build effective teams and promote our diverse capabilities both internally and externally. I am tasked with recognizing how our right of way business class can align themselves with those opportunities and ultimately be of service to programs that could benefit from our technical skills.

What are some of the biggest challenges in managing right of way subconsultants?

At HDR, we operate as both a prime contractor and subcontractor, so our relationships with other firms are a key to success in either role. I believe that our biggest challenges arise in the area of communication, consistency and relationships. Trained in effective communications, right of way agents are quite skilled in this area and typically excel in their abilities. Communicate early and often with your subconsultants because during the project lifecycle, one thing is certain: there will be change and this becomes a challenge to consistency. Our deliverables must be consistent with the established process because consistency builds trust. At the end of the day, we are building trust with landowners in order to acquire the necessary property rights to build our projects. If you and your subconsultants can move through change while remaining consistent with deliverables, you not only maintain your relationships with property owners, but also with all the other disciplines on your project team.

Are there key differences in managing right of way subconsultants versus a management role in another industry?

I think the key difference between managing subconsultants in the right of way industry and other industries is that we do not deliver plan sets or numbers of sheets within a design. Our job is to acquire land rights necessary to build infrastructure projects within our built environment. There are certainly many technical requirements to follow, but we are also dealing with people, and all people have different ways of reaching decisions about whether or not to sign.

What are some best practices you can share with other right of way leaders?

I've learned everything I know from experienced mentors who encouraged and supported me as I entered the world of right of way consulting. They inspired me to work hard, accept challenging assignments and they taught me how to operate within an engineering company. Surround yourself with people who know more than you and build your teams with high-quality staff who care deeply about the outcome. Give people responsibility, ownership and support their professional development within our industry.

How do you handle a situation where the client expectation is different from what you believe is best?

Our clients hire us not only to acquire the necessary land rights for a project, but also to implement or help develop processes and procedures that adhere to federal regulations and/or state laws governing the acquisition process. When there is an expectation that is different than what we believe is best, then it is our job as consultants to educate our client on best practices. This can be challenging, as we are walking a fine line between the mentality that "the client is always right" and telling a client the "hard truth" about how a specific situation should be addressed. This is why our best clients hire us. We are not afraid to open up a discussion that might be uncomfortable if it's the right thing to do.

How are subconsultants selected? Are you ever given a list of subconsultants by the client and if so, does this impact your project work process?

HDR looks for providers who have similar core values, excel in their chosen profession and provide the best value to our clients. Yes, our clients have pre-approved lists of providers that meet certain requirements, whether they be appraisers or acquisition and relocation agents. We adhere to those requirements and honor them to the best of our abilities.

Describe some of the biggest lessons you've learned from your management experience.

I've learned that you should never get too attached to any title you may have. Additionally, you should always treat people with dignity and respect, especially since the person you manage today might be the person who manages you tomorrow. You may be good at managing projects and writing scopes, schedules and budgets, but it's the people you work with that make your job enjoyable.

What can be worked on to improve the success of right of way projects?

Continued education about the right of way acquisition process to our design teams.

With so many moving parts, how do you handle communication issues?

Pick up the phone. I learned this lesson when I was working with property owners every day. You can tell a lot about a situation by hearing a person's voice and not so much by text or email.

What advice do you have for newcomers to the industry and for those who are just beginning their management responsibilities?

Newcomers to the industry should fully immerse themselves in IRWA's coursework, find a mentor and take on challenging assignments. Always strive to do better and look for ways to improve processes. Look for mentors who are doing what you want to do, but also pull in a couple of mentors from other disciplines with other skillsets. In right of way, we are charged with explaining project details to property owners and the more you know about each phase of the project, the easier it will be to provide that information with confidence.

As a right of way leader, what role do you play in fulfilling IRWA's purpose of improving people's quality of life through infrastructure development?

My role has varied throughout my career. When I first entered the profession, I was tasked with learning the discipline through working on projects and taking IRWA courses. As I moved into a management role, I supported our staff's IRWA memberships and encouraged active participation at the local and national levels of IRWA, while still taking courses. When I look around the room at our local Chapter 3 luncheons, I am sometimes overwhelmed by the number of people in attendance whom I encouraged to pursue this profession. I'm so grateful today for the opportunities I've had, but more than that, I really believe we are using our talent and knowledge to change the world for the better.





Michael Noonan
HDR's companywide Business
Class/Practice Lead for real estate
and right of way

My career in the right of way industry began in 1981. At that point, I was pre-law and I had worked in construction and survey, spending winters as a ski instructor. That winter, I had a ski lesson with a gentleman who managed a large power utility and after spending a couple days skiing and talking right of way, I caught the bug and contacted the local IRWA Chapter President to begin the discussion of starting a new career. I've been very lucky throughout my career to have opportunities to work alongside some of our industry's best and brightest, all across the country.

Currently, I ensure HDR's team is delivering the highest caliber of land rights and right of way services. To that end, I collaborate with peers to develop quality proposals, assemble stellar teams for the project at hand and maintain a robust training program for all levels of the HDR right of way team.

What are some of the biggest challenges in managing right of way subconsultants?

For me, a critical element to focus on is making sure the entire team is informed and on the same page with regard to what and how we want to communicate. This focus extends beyond the right of way team and subconsultants. It includes the design team, surveyors, appraisers, teams advancing environmental field studies, as well as anyone who might come into contact with landowners or elected officials.

Are there key differences in managing right of way subconsultants versus a management role in another industry?

We view the right of way team as an extension of the client, serving as the bridge between affected landowners, elected officials and the broader project team. Many times, the field team is viewed by the public as the "face" of the project. This dynamic heightens the importance of fielding a highly professional and ethical right of way group. Strategic and deliberate management of the team will in large part be reflected in the resulting public perceptions formed as a result of these interactions.

What are some best practices you can share with other right of way leaders?

Put yourself in the landowner's shoes to better anticipate and understand their perspectives, and to develop communication accordingly. Maintain this ability to understand perspectives throughout early engagement and negotiations in order to respond quickly to landowner questions and concerns and where possible, mitigate those concerns. One of our team's stated goals is to "treat landowners the way we would want our families to be treated in similar circumstances." This dynamic doesn't always lead to easy settlements, but

even when an impasse is reached, this forward-thinking respect for the landowners will usually pay dividends in maintaining productive long-term relations throughout the construction, operations and maintenance phases of a project.

How do you handle a situation where the client expectation is different from what you believe is best?

The best approach to this dynamic is to begin planning discussions early in the processes with the client. For many projects, our first step includes development of project-specific acquisition strategies and guidelines. These early discussions will usually flush out any differences in expectations and provide an opportunity to sync up everyone's understanding of the program.

How are subconsultants selected? Are you ever given a list of subconsultants by the client and if so, does this impact your project work process?

At HDR, we are very selective in who we weave into our project teams. We recognize that these individuals not only represent HDR and the client, but that the field staff are many times the "face" of the project in the landowner's eyes. I have found that when a client thinks highly enough of a subconsultant to ask us to include them in our project team, we are willing to explore that scenario. Another part of a successful relationship with a subconsultant is to make an early priority of getting better acquainted with the sub and to make time to exchange ideas and concepts with them in order to facilitate a better understanding of their past experiences. This will give insight into what they perceive as priorities for success. To provide the platform for these priorities, we will often establish a project-specific training session at the onset of the project to train alongside one another in order to instill solid relationships and technical knowledge among the right of way team members.

Describe some of the biggest lessons you've learned from your management experience.

Do not assume anything. This includes client expectations, their understanding of right of way issues and timelines, the team's understanding of project details and even landowner perceptions of the project. Keeping everyone well-informed and engaged early in the project life cycle will lead to a much more streamlined and smooth project that meets established scope, schedule and budget.

What can be worked on to improve the success of right of way projects?

Ultimately the right of way process is a people process, so effective and timely communication goes a long way to building project success. Typical project teams include an assembly of regulatory, environmental, engineering, public relations, right of way and construction teams, all working across someone else's land. Maintaining a focus on these relationships and ensuring effective communications between the parties may be one of the most important factors to maintain throughout the project life cycle.

With so many moving parts, how do you handle communication issues?

I remember the days before we had developed sophisticated tracking and collaboration tools. We have found both internal and external benefits to establishing comprehensive and functional communications plans, many times confirmed at our project kick-off meetings. The platform for communication is established, which may be a simple structure for weekly calls and updated mapping/spreadsheets or a more sophisticated collaboration tool that allows for multiple users across the project teams. Regardless of how simple or sophisticated the communication plan is, the most important factor to the program will be to ensure everyone uses the systems put in place.



What advice do you have for newcomers to the industry and for those who are just beginning their management responsibilities?

Get used to starting with a “work back” schedule and identify the end goal of any acquisition program, including critical path schedule and milestones. Communicate to the broader project team, establish a solid approach for achieving that goal and let your field teams have the flexibility to be themselves when dealing with landowners.

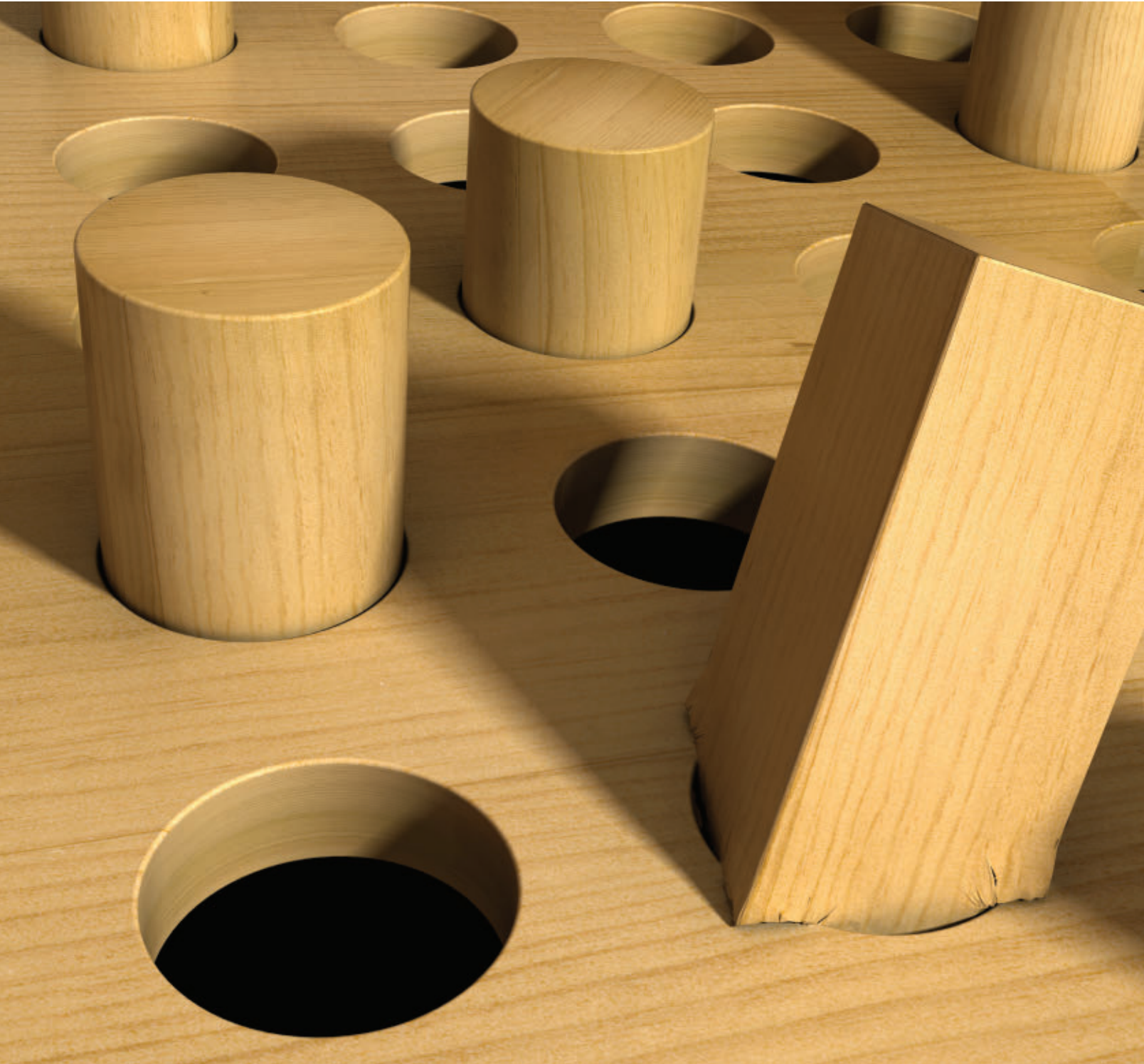
As a right of way leader, what role do you play in fulfilling IRWA's purpose of improving people's quality of life through infrastructure development?

I grew up working summers on our family ranch in Wyoming and I remember many family sit-downs with land and right of way agents. Often, the success of the meeting had a lot to do with the high-caliber of the agent we were working with, or the lack thereof. As stated earlier, our team maintains a focus on fair and respectful treatment of affected landowners. The acquisition process can prove to be emotional and confusing to landowners. Likewise, infrastructure projects are necessary and typically hold benefits for the entire community. We strive to serve as the bridge to maintain the necessary balance between advancing infrastructure projects, while maintaining a strong connection with affected landowners and the public. ★

IT'S ALL ABOUT THE PEOPLE

Turn employee potential into performance

BY BRAD WOLFF





Imagine that your meticulous, rule-following accountant and creative, eccentric marketing person have switched positions. How's this likely to work out? In truth, some variation of this misalignment is common in most organizations.

For instance, The Waybeloe Potential Corporation was operating at the breakeven point for the past five years. The CEO, Harvey Waybeloe was frustrated. Another CEO told him about an employee-alignment process that was delivering amazing results for other companies. Out of desperation, he decided to try it. Within two years, profits increased from breakeven to \$3.2 million. The fix? Putting the right people in the right seats!

Most business leaders say that 80 percent of the work is done by only 20 percent of the workforce—otherwise known as the top performers. They usually produce three to four times more than the others. The main reason is due to job alignment rather than attitude or drive. Here's evidence: sometimes top performers are moved or promoted and then become poor performers. Likewise, many poor performers become top performers when moved to appropriate roles. The bottom line is that everyone can be a top or poor performer depending on how well the work aligns with their innate characteristics.

Seven Steps

How do you deliberately create an organization where people's work is aligned with their innate abilities? Here's an overview of a proven process:

1. Shift your mindset from focusing on skills, experience and education to innate characteristics first.

Sometimes, people who are “great on paper” get hired and become poor performers. In that same vein, many top performers started off lacking required skills, experience and education. When someone's work aligns with their innate characteristics, they can utilize their natural abilities and unleash their passion for their work. Also, the best training and management will not turn poorly aligned employees into top performers.

2. Select the right assessment tool.

Many organizations use personality assessments in the hope of gaining more objective information about people to set them up for success. However, the results are usually disappointing due to four inherent pitfalls:

- a. What you think of as personality is mostly surface-level, observable behaviors instead of what's underneath, which are driving these behaviors. The drivers of behavior are more accurate, predictive and stable.

b. Assessment-takers usually provide different answers based on which of the following they consider: how they actually see themselves, how they believe others see them and how they want to see themselves.

c. Assessment-takers use a specific context or situation to answer the questions. For example, answers to questions related to extroversion (sociability and talkativeness) may vary depending on context differences: small vs. large groups, familiar vs. unfamiliar people, level of interest in the topic of conversation, etc.

d. If an assessment is used for a job application, the applicant often has an opinion on what traits the employer is looking for and skews the answers accordingly.

What's a better option? Select an assessment that delves beneath the personality into what is more core or innate with people. This eliminates the biases of personality assessments and provides more valid and reliable data.

3. Establish trust with the employees.

Inform the employees about the company's commitment to align their work with their natural gifts. Don't hide things or surprise people. Employees want to do work they're good at and enjoy.

4. Develop an understanding of the innate characteristics being measured.

Before you can align people's innate characteristics with their work, it's essential to understand what these characteristics mean. In other words, how each one impacts the way people think and behave. Now you have the basis to identify which characteristics

are needed for different types of positions within your organization.

5. Develop clarity on the job duty break-down.

It's important to know what people will do on a day to day basis in each job. The hiring team (direct manager and others with a major stake in position success) should meet to gain clarity on the percentage of time spent performing each job responsibility. Group together duties that are very similar in nature (family of duties). Estimate the percentage of time spent working on each job duty family.

6. Determine which innate characteristics are critical and where they need to measure.

The hiring team determines which innate characteristic is critical for each job duty family. They also agree on the desired range for each characteristic. For example, on a one to 10 scale, the range for creative thinking should be between seven and nine. Now you can develop an optimal range for each critical characteristic.

7. Administer assessment and align employees with job functions.

Assess both current employees and potential new hires and compare to the desired ranges. Take the appropriate action based on how strong the level of alignment is. Top performers almost always fit into desired ranges for each critical innate characteristic. If this is not the case, you need to adjust your desired ranges based on the data. Here's more information on aligning employees:

- When current employees don't align with their jobs, evaluate

other positions within the company that do align well.

- Openly discuss available options with employees who are misaligned. Develop a plan to shift roles or tweak job descriptions when this is feasible. Frequently, there are other employees who'd be thrilled to trade positions or some duties that better match with their own innate characteristics.
- For applicants applying to open positions, only interview the people who align well with the desired innate characteristics. When you interview people who don't align, you may be tempted to discount the assessment results. This rarely ends well.

In Summary

In the end, the most important job of management is to maximize the ROI of its workforce. As management consultant Peter Drucker said, "The task of a manager is to make people's strengths effective and their weaknesses irrelevant." The most important thing you can ever do as a leader is to put people in a position to excel rather than get by or fail. How are you doing in your most important task? 🌟



Brad Wolff specializes in workforce and personal optimization. He's a speaker and author of, People Problems? How to Create People Solutions for a Competitive Advantage. As the managing partner for Atlanta-based PeopleMax, Brad specializes in helping companies maximize the potential and results of their people to make more money with less stress. His passion is empowering people to create the business success they desire, in a deep and lasting way. For more information on Brad Wolff, please visit: www.PeopleMaximizers.com.



VALUE BUILDINGS IF THEY'RE NOT BEING TAKEN?

Shedding light on complicated valuations

BY CHRIS PETERSON, STEPHEN ROACH AND ERIC SCHNEIDER

Imagine an agency client has called you to appraise a neighborhood shopping center on a busy thoroughfare. The reason for the appraisal is that a portion of the property is being acquired for a road-widening project and as part of the project, they are taking a temporary construction easement (TCE) on a portion of the parking lot for equipment storage. None of the shopping center improvements are being touched and the client, who is sensitive to both timing and fee, is asking for an appraisal of only the land since that is what is being affected.

An acquisition of only the land on an improved property is a fairly common appraisal scenario in right of way acquisitions. On the surface, it can appear to be a straightforward assignment. But what happens when the assignment is not straightforward, and the acquisition ends up substantially impacting not only the area directly impacted, but the shopping center as well?

Valuing Only the Land

One of the first questions to ask is whether an appraiser can value only the land, even though the property is improved. To answer that question, we look to an appraiser's professional standards, specifically the Uniform Standards of Professional Appraisal Practice. A frequently asked question in USPAP discusses whether an appraisal of only the land under a shopping center can comply with USPAP.

The answer is yes. This type of assignment is certainly one that an appraiser can perform. However, to achieve credible assignment results, the appraiser must identify the characteristics of the property that are relevant to the type and definition of value, as well as the intended use of the appraisal. These types of characteristics include whether the subject property is only a physical segment of the property, such as land. Further, an appraiser is not required to value the whole when the subject of the appraisal is determined to be a partial interest.

Is it Credible?

The next question becomes whether valuing only the land of an improved property provides credible assignment results. This question is a little more complicated because the answer involves looking beyond a particular assignment. However, like with the previous question, the answer starts with USPAP.

USPAP contains the Scope of Work Rule and in this rule, there are three tasks that an appraiser must perform for each appraisal assignment. These include 1) identifying the problem to be solved, 2) determining and performing the scope of work necessary to develop credible assignment results and 3) disclosing the scope of work in the report.

With respect to identifying the appraisal problem, certain "assignment elements" need to be addressed to assist with the scope of work determination. Of particular note is the intended use of the appraiser's opinions and conclusions, as well as the subject of the assignment and its relevant characteristics. Both of these elements are needed to assist in determining the type and extent of the research and analysis to perform.

The other component to consider is what constitutes an acceptable scope of work. USPAP provides some guidance on this, stating that the scope of work is acceptable when it meets or exceeds the expectations of regular intended users for similar assignments and the actions of an appraiser's peers when performing the same or similar assignment.

To put this into context, the appraisal problem in the right of way arena generally involves valuing a property to assist in determining just compensation related to the acquisition. If the assignment is, like our example, a TCE in the parking lot of a shopping center, the "relevant characteristics" could include only researching and analyzing information related to the land. Furthermore, the typical agency may expect only



a valuation of the land and other appraisers who specialize in right of way may perform the same land-only analysis.

Is it Appropriate?

Everything discussed thus far seems to be straightforward. If only the land is being affected and if both clients and appraiser colleagues would consider the land only, then it seems that a valuation of the land satisfies an acceptable scope of work and could lead to credible results. However, there are times when the valuation of the property as improved is critical, both analytically and procedurally. After all, how does the appraiser know that the improvements are not damaged by the acquisition if they are not appraised? Attorneys often argue that the relevant property (the larger parcel) was not actually appraised

if only the land is analyzed and valued. In addition, damages to a remainder are typically determined by subtracting the value of the remainder after the taking from the value of the remainder as part of the whole; if neither of those analyses were performed for an improved property, an argument can be made that the appraiser has no basis for a conclusion that the remainder is not adversely impacted by the acquisition and the project.

An Evidentiary Perspective

In eminent domain proceedings, lawyers, judges and the jury scrutinize the sales used by appraisers to value the property acquired. For this article, this litigation process will be analyzed within the framework of California law, but the same general premise applies regardless of the jurisdiction.

The use of a sales comparison approach for an improved property in California is guided by Evidence Code section 816. This code section explains how comparable sales in the marketplace are comparable to the subject to be valued. According to the Evidence Code section 816:

In order to be considered comparable, the sale or contract ... must be sufficiently alike in respect to character, size, situation, usability, and improvements, to make it clear that the property sold and the property being valued are comparable in value and that the price realized for the property sold may fairly be considered as shedding light on the value of the property being valued.

The obvious question this section poses is: if the subject is improved, how can a sale be comparable if the sale is not improved? Notice that the code section does not distinguish between a part-take and a full-take. The code section very clearly and very directly instructs appraisers on how “comparability” is determined in eminent domain proceedings. To dive a bit deeper into the question posed, consider California Civil Jury Instruction number 3506:

In determining the fair market value of the property you must consider both the value of the land and whether any buildings, machinery, or other equipment attached to the property increase or decrease the value of the property.

This instructs the jury that it *must* consider how an improvement, such as a building, contributes to the subject's valuation. How can a jury do so if the comparables used by an appraiser are vacant, but the subject is improved? Isn't a parcel of dirt completely different than a shopping center?





If an improved property is valued using a land sale, does that land sale truly shed light on the value of the subject that is to be acquired...?



A Closer Look at Part-Takes

A major component of just compensation in many part-take acquisitions in eminent domain comes from establishing “severance damages.” These damages reflect that the functional utility and other characteristics of the remainder may have been impacted by a part-take; they are the diminution in the value of the property that remains after the acquisition. When the acquisition of property is only a portion of a “larger parcel,” compensation *must* include the difference in the fair market value of property in its “before” condition and the fair market value of the remaining portion thereof after the construction of the improvement on the portion taken.

A part-take can and likely will affect an improved property much different than a frontage acquisition of a vacant lot lacking entitlements to develop. A part-take on an improved property supporting a business may drastically impact parking, access, circulation and/or business operations. If an improved property is valued using a land sale, does that land sale truly “shed light” on the value of the subject that is to be acquired as the law has instructed?

On the other hand, if a part-take does not affect an improvement or does not negatively impact a business, then that part-take may only impact land. But then why wouldn't a land sale accomplish the valuation required for such a part-take? It is possible that a frontage take of a vacant lot is analogous to a frontage take impacting a parcel improved with an office building if the acquisition does not impact parking, access, circulation or other functional attributes of the property. To value only land acquired, the appraiser can use only sales of land to determine a land value.

Why does all this legal stuff matter? If a judge determines that a sale does not “shed light” on the value of the property to be acquired, or more specifically, that a land sale does not “shed light” on a part-take of an improved parcel, a jury would not be able to use that land sale in determining the value of the acquisition. Equally as important is that the failure of valuing the property as improved may mask severance damages that would have been established with a valuation of the property as improved.

What's the Risk?

According to California law, an agency may not commence an eminent domain proceeding until its governing body has adopted a resolution of necessity that meets certain criteria. One of the requirements is that the agency must establish an amount that it believes to be just compensation and offer the property owner no less than the amount of its approved appraisal. Therefore, if a court determines that the appraisal was sufficiently flawed and that it could not possibly represent a reasonable estimate of probable compensation, the court could decide that since no code-compliant offer was made, the adoption of the resolution of necessity was improper. This means that the complaint was also improper.

By way of example, one of the authors was retained to review a deposit appraisal involving a commercial property in Southern California. The analysis included only a valuation of the land and therefore ignored the possibility of damages resulting from a significant loss of parking during a protracted construction period, a permanent loss of parking, the creation of an on-site circulation problem and other material issues. When the public agency requested an order for possession, these issues were raised and the court denied the agency's motion for possession to begin construction of the project. Having committed to a construction timeline and having entered into agreements with the construction contractor that required possession of the project right of way by a certain date, the agency had no choice but to make a significantly enhanced offer to the property owner to settle the matter.

The improvements should have been considered and valued in the deposit appraisal. The appraiser's failure to do so resulted in a significant problem for the agency. This is not

an isolated incident either, as we are also aware of a matter where a court negated the resolution of necessity on similar grounds, requiring the agency to start the entire process over to acquire the property. Neither of the appraisers who performed these deposit appraisals did their clients any favors. Both had determined to use a scope of work that ultimately created significant problems and costs for their agency clients.

Conclusion

In determining what is to be appraised, the valuation of only the land *may be* acceptable under professional standards as long as the relevant subject characteristics are properly identified and disclosed. This would include disclosure of the existence of the improvements, whether or not the property as improved is valued, in order for the report to not be misleading.

Professional standards also dictate that the scope of work must be sufficient to develop credible assignment results in the context of the intended use. The determination of the scope of work is ultimately the decision of the appraiser (not the decision of the client as subtly mentioned in our shopping center example). The appraiser must be prepared to demonstrate that the scope of work is sufficient to produce credible assignment results. Depending on the nature of the taking, the valuation of the land only may be sufficient. However, often a valuation as improved is needed, even if there is no direct acquisition of the improvements.

It is also important to know what intended users expect and what an appraiser's peers are doing. In some cases, it may be that an appraisal of the land only could be what is expected for an agency. Additionally, an appraiser (and his or her peers) can decide that it is acceptable to value

just the land portion of an improved property for a deposit appraisal. However, what if the appraisal will be used for trial purposes? This is a far less common scenario.

In our experience, trial attorneys expect a valuation of the property as improved, and an analysis of the property as improved is generally performed by appraisers during the trial phase. This is not to say that an appraiser must never appraise an improved property as vacant or never appraise only the land for trial. However, if a valuation as improved is expected by intended users and is commonly done by an appraiser's peers, then that should be done pursuant to an acceptable scope of work.

USPAP warns that an appraiser "must not allow assignment conditions to limit the scope of work to such a degree that the assignment results are not credible in the context of the intended use." The appraiser must fully identify the appraisal problem, conduct all the necessary research and analysis, and disclose what is necessary in the report. If the appraisal is performed properly in the context of professional standards, the appraiser becomes a valuable component of ensuring the property owner's just compensation, whether the appraiser is retained by the agency or the owner's counsel. Either way, an appraiser who is excluded from testifying because he or she didn't value the improvements puts their client at great risk. ☛



Attorney Chris Peterson of Peterson Law Group Professional Corporation focuses on Eminent Domain, Inverse Condemnation, Government tort liability, Dangerous Conditions, Landslides & Debris Flows and some personal injury cases. He has helped his clients achieve excellent results both by settlement and by jury verdicts. He was recently nominated for the American Bar Association's 2019 "On the Rise Top 40 Young Lawyers" award, a national recognition.



Stephen Roach, MAI, SRA, AI-GRS has been an appraiser for over 40 years. Since 1986, he has been co-owner of Jones, Roach, & Caringella, Inc., a real estate valuation and consulting firm based in San Diego. His appraisal assignments have included numerous partial acquisitions and other significant and complex assignments throughout the United States. He also has extensive deposition and trial testimony experience.



Eric Schneider, MAI, SRA, AI-GRS is a Senior Appraiser with Jones, Roach, & Caringella, Inc., a real estate valuation and consulting firm based in San Diego. He has over 10 years of experience in real estate valuation. He currently serves as president of IRWA Chapter 11 and was recently awarded the Chapter's Young Professional of the Year.



HIGH PERFORMING TEAMS

An environment of trust, communication and passion

BY DUSTIN WEAVER

Are you leading a high performing team? The term almost seems cliché in the fast-paced, execution-based world we live in today. But what does this phrase really mean and how do you know if you are guiding your group in the right direction, accomplishing the right goals and most importantly, fulfilling Maslow's *hierarchy of needs*? As American psychologist Abraham Maslow once said, "If you plan on being anything less than you are capable of being, you will probably be unhappy all the days of your life."

Therefore, as a leader, how can you facilitate your team into becoming the most capable they can be as both individuals and as a collective group? Secondly, how do you know if your team is running at its optimum mastery to strategize, execute and fulfill all project needs? Are your team members fulfilled, gracious and excited about their opportunities to add value to the organization? Let's focus on the three tenets of high performing teams: trust, communication and passion.

Tenet #1: Trust

Trust is defined in the bible as a bold, confident, sure security or action based on that security. Ultimately, it is what we do because of the faith we have been given. Therefore, how do you ensure or implore trust among your team? First, faith must be given to each individual that the team is pulling for one another to be successful in their venture.

According to business executive, author and chemical engineer Jack Welch, trust begins with generosity and continues with clear vision and feedback. Being generous in the workplace is not about material gifts, but rather an understanding of giving of your time and attention. It's not just hearing, but really listening to people's

ideas and openly praising, showcasing gratitude and providing recognition. The leader must set the example by being fueled with passion for the team to get the recognition for a job well done and team members being promoted. This engrains security, respect and admiration for one another, which builds a trusting and healthy cultural environment.

Tenet #2: Communication

Communication in the workplace is well understood to be an important factor in the success of tasks and projects, but for high performing teams, it is the epitome of creating the right atmosphere to ensure that everyone is really listening rather than just hearing.

Peter Drucker—the "father of management," whose writings contributed to the philosophical and practical foundations of the modern business corporation—once said, "Listening is not a skill; it's a discipline. Anybody can do it. All you have to do is keep your mouth shut." This seems harsh, but most of the time we listen only to prepare our reply rather than to learn from the speaker. The three rules in communication are as follows: listen first and speak last, involve the entire group in the discussion and finally, articulate the vision and goals clearly so everyone has a clear path to success.

Tenet #3: Passion

Lastly, have you heard the parable of the brick layers? A passer-by stops to admire the work of three men. He asks the first brick-layer what he is doing. The brick layer simply says that he is laying bricks. The passer-by approaches the second brick layer and asks him what he is doing. The second brick layer replies that he is earning a living laying bricks. Lastly, the passer-by approaches the final brick-layer to ask him what he is doing, expecting a similar answer. However, the third brick layer explained how he was

building a grand cathedral, which would house thousands of people and be a monument to the city. It is in the answer provided by the third brick-layer that demonstrates passion—a burning within to be part of the change we wish to impress in our work and to see the larger vision. According to *Business Insider*, "The people that achieve their greatest success are passionate people that lead, support, and mentor others with zeal and zest for the work and the people."

As a leader, you set the tone to fan the flames of passion in your team. Start by asking yourself if you believe in your product or service. Get to the "why," and that will fuel the rest. Secondly, use competition to excite and change the atmosphere in your group and then publically praise the success.

Final Thoughts

In closing, leading and building a high performing team is not always about getting everything right or always succeeding. Although that is the goal to reach and fulfill the vision, a team can learn more in its valleys of failures, challenges and difficulties rather than staying on top of the mountain. Therefore, focus on building trust, on creating great communication and on instilling passion for the work, driving towards excellence and winning in your team. So break-through expectations, outperform the norms and blaze a new path into the future. ⚡



Dustin Weaver is a Land Manager for Williams Companies. He holds an MBA from Baylor University and is licensed as a Texas real estate broker.

PASSING THE BATON

Developing the next generation of right of way professionals



Like many others, the right of way profession is experiencing a loss of professional expertise as the Baby Boomers retire. Adding to the shortage of qualified right of way professionals is the decades-old practice of state highway departments' reducing their staff, doing away with their internal training programs and encouraging early retirement. With state budgets already inadequate for the transportation needs of the states, training new right of way professionals is a low priority for most. In the utility sector, there is also a shortage of qualified professionals due to the demographics of our population.

This was the topic of a panel discussion at the IRWA Annual Conference this year in Portland, Oregon. Led by Catherine Colan Muth as facilitator, the panel included Drew Gilmore representing Ohio, Rob Stapley representing Montana and Carol Bellinger from HDR representing the private sector. Each panel member was asked: ***What is your agency or company doing to create the next generation of talent for our industry?***



Drew Gilmore, Administrator of the ODOT Office of Real Estate.

Many State DOTs are on the precipice of a knowledge and experience cliff. Looming retirements, fiscal constraints, tight labor markets, training gaps and a new workforce with different goals represent a potential risk to future project delivery timelines and efficiency. In Ohio, the DOT is fortunate to have an extremely competent and experienced staff. However, within the next five years the DOT is facing the potential of over 50 percent turnover. Drew Gilmore is the Administrator of the Office of Real Estate for the Ohio Department of Transportation and he further highlighted the issue saying, “With turnover comes an influx of new staff that need training but many of the retiring staff are our current trainers.”

Along with more traditional knowledge management transfer concepts such as training manuals, shadowing and cross-training, Ohio has leaned into technology and tapped into the wealth of experience within the staff Statewide. The DOT is developing online versions of their popular in-person courses to improve the accessibility to the material. Additionally, they have taken a cue from the “YouTube generation.” Drew Gilmore explained, “Today if you want to know how to change the cabin air filter in your 2006 Honda Accord, you would just search for that video on YouTube. And we have applied that idea to topics in right of way.” The DOT is developing a series of real estate staff-created short videos on specific concepts delivered by the subject matter experts. Some of the videos include discussion on subsurface utility locating, relocation reestablishment expenses, right of way authorization, invoicing, railroad acquisition basics and how to secure a structure for demolition.

Inherently, turnover issues are a future problem and one that can be difficult to create interest in circumventing, but Ohio has a unique perspective. Drew Gilmore shared, “We talk about our knowledge management transfer efforts as opportunities for our people to leave their legacy at the DOT. Our staff have committed their careers and their professional lives to providing the best public service they can. They are proud of the work they do and how it has benefited the public. We want to respect that desire within our people to continue to have Ohio DOT continue to be successful and productive even after they retire.”



Rob Stapley, Right of Way Bureau Chief, Montana Department of Transportation.

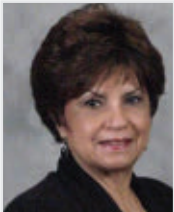
Like a lot of State DOTs, Montana is preparing for a wave of retirements, with 37 percent of its DOT employees being retirement eligible today. According to

Rob Stapley, Right of Way Bureau Chief with the Montana Department of Transportation, “Retirement is not our only concern. Our employees are not staying in the same position or with the department for their whole career like they did 20-30 years ago.” This means the need to be proactive in planning for the future must be the focus, instead of reacting to these pending vacancies.

One of the ways the Montana DOT (MDT) is planning for the future is through succession planning. Stapley explained, “This is not just a buzz word that implies we are handpicking replacements for key positions. Succession planning is all about sharing knowledge, cultivating talent and embracing change.” The Engineering Division at MDT has defined succession planning as a future-focused process that identifies and documents knowledge, shares that knowledge through the development of individuals, and positions MDT and its employees to be prepared for inevitable change.

Knowledge sharing looks like many different things, depending on where you are in the organization. Siloed or stand-alone positions require more immediate attention and documentation than areas that have multiple employees performing the same set of tasks. The employees in these siloed positions need to see what is in it for them, whether that is more help, a better way to complete their tasks or exposure to other areas and staff. Information that is gathered in the different areas of MDT is used to cultivate staff, creating an environment where employees can learn and grow. Through the knowledge sharing process, position-specific processes and procedures are documented and made available to all staff. Employees who are interested in other positions can review this information to help them decide if a specific position might be a good fit for them.

According to Stapley, “There isn’t one succession planning tool that works for all positions and situations. We have looked at 19 different tools and are focusing on four specific tools: expert interviews, position-specific worksheets, short-term double fill and job rotations.” These tools were chosen because of the immediate impact and value that they offer the department. The other tools will be used when they are deemed the best choice for gathering or sharing information. As knowledge and information is gathered from one employee and shared with others, MDT hopes to create a more transparent work environment where employees are prepared for future opportunities within MDT.



**Carol Bellinger, SR/WA,
Associate Vice President,
HDR Engineering, Inc. and
National Transportation
Real Estate Services
Director, HDR, Inc.**

As with many of their clients, HDR is feeling the impacts of a retiring generation. HDR developed an entry level recruiting and training program to help alleviate existing and future staffing challenges. According to Associate Vice President, Carol Bellinger, SR/WA, “We recruit motivated, innovative people who see challenges as opportunities and take satisfaction from solving problems. We recruit and train individuals from local high schools, colleges and pools of licensed realtors. This provides HDR a good cross section of the communities we work and live in while promoting HDR’s commitment to the community.”

Providing professional and technical training for right of way personnel strengthens our industry, improves public service and allows existing staff to clearly see paths to desired career levels.

HDR has numerous programs used to recruit and retain employees, including a referral awards program, a flexible onboarding program that helps new hires integrate swiftly and confidently, a company-wide awards program, a service award program and college reimbursement. Additionally, HDR has an officer program to provide opportunities for employees to be promoted to an officer of the company, a professional associates program where individuals are elected as experts in their respective service areas, as well as a fellowship program to help employees pursue their ideas and foster innovation.

According to Bellinger, “The future of HDR relies on the innovative perspectives that young professionals bring in developing solutions for our clients. Our investment in the next generation is important for HDR and contributes to the next generation of professionals for our industry.”



**Catherine Colan Muth, CEO of O.R.
Colan Associates and ORC Utility &
Infrastructure Land Services, LLC.**

ORC has a long tradition of developing and delivering training for the right of way industry, beginning with Mr. Colan’s first training course in the 1970’s entitled The Art of Professional Negotiations. For more than 40 years, ORC has developed courses for the National Highway Institute (NHI), the training arm of the Federal Highway Administration (FHWA). In 2016, ORC teamed with IRWA to provide development of online training courses for the IRWA Online University. In these many ways, ORC has contributed to the training and development of the next generation of right of way professionals for our industry.

Beginning in 2005, ORC recognized that the retirement of the Baby Boomer generation was going to create a shortfall of trained right of way professionals. As the company continued to grow, they were finding it more difficult to find experienced right of way agents. In response to this, they expanded their internal training program and began to recruit recent college graduates. ORC’s Jr. Agent Training Program is a three-year structured curriculum that includes internal courses as well as courses from IRWA, NHI and the Appraisal Institute. The program allows substitution of state courses when required by states like Ohio.

For the first six months, a Jr. Agent is on corporate overhead while they focus on completing a group of selected training courses and assigned field tasks. The training begins with a one-week overview introductory course of the Uniform Act that ends with a day of instruction on plan reading. Each Jr. Agent is assigned a mentor and is provided a written learning plan. The Jr. Agent generally graduates to an Agent 1 position after six months and continues their training plan over a period of three years.

More than 20 percent of ORC’s employees and managers originated from the Jr. Agent Training program. Recently, ORC has focused on recruitment of second career people who have relevant experience in other areas and can quickly transition into the right of way industry. The search for second career applicants has also focused on those coming out of the military. Last year, ORC began an Internship Program that invites college students to work part time while earning college credits as a way of exploring a career in right of way.

According to the company’s CEO, Catherine Colan Muth, “These programs represent a substantial financial investment, but ORC realizes that this investment is critical to our ability to continue to grow and to meet the needs of our industry.” ☛



URA

THE HUD WAY


A mystery no more

BY JAY SMITH


When most people think of the U.S. Department of Housing and Urban Development (HUD), they think Public Housing or Section 8 housing assistance, but there's so much more to HUD. The Department is comprised of many programs and does many things to create and preserve affordable housing while supporting infrastructure development, community and economic development, disaster recovery, mortgage insurance, fair housing and so much more. Let's explore HUD, its mission and programs, its people, its mysteries and the HUD way.

The Relocation and Real Estate Division

HUD's Relocation and Real Estate Division (RRED) has delegated authority for rulemaking, policies, standards and procedures, as well as advisory materials for compliance with the Uniform Relocation Assistance



In some situations, having to comply with the URA requirements is straightforward. However, often the opposite is true.



and Real Property Acquisition Policies Act of 1970 (URA), as amended, across all of HUD's programs. The Division is headed by Will Rudy, who took the helm three years ago and has spent most of his professional career at HUD serving in numerous management and program policy positions.

Rudy notes that outside of the Headquarters office in Washington, D.C., RRED includes 10 Regional Relocation Specialists, one of whom is based in each of HUD's regional offices. Recent increases in congressional appropriations to HUD for disaster recovery assistance have enabled the Department to hire two limited-term employees in Houston and San Juan to assist with HUD's role in long-term disaster recovery. RRED actively participates in federal interagency working groups with the Federal Highway Administration and other federal agencies on URA rulemaking and cross-cutting policy issues.

RRED is developing a series of web-based adult learning training modules for external stakeholders and for HUD program staff. The first module, "URA the HUD Way," as well as an introductory video on the URA and its applicability to housing and community development programs are available at www.hudexchange.info/programs/relocation/. The modules include a series of knowledge checks and a final review that award users a certificate upon successful completion.

Challenges and Considerations

Both challenges and unique opportunities arise when administering URA requirements created largely in the context of highway and airport construction across a broad array of homeless

assistance, affordable housing and community development programs. Chief among these challenges is that HUD programs frequently result in displacement and subsequent relocation of its own low-income clients or other low-income individuals, and there is not a uniform triggering even for all HUD programs.

"In some situations, having to comply with the URA requirements is straightforward. However, often the opposite is true," said Rudy. "There are many factors that affect URA applicability in a project. Not the least of these is the source of HUD funds used in an acquisition, rehabilitation or demolition project."

The source of funds contributes to the complexity of a potential project. To understand the importance of source of funds, consider that the URA definition of initiation of negotiations (ION), which is found at 49 CFR 24.2(a)(15), points out that the source of funds may affect the date that the URA applicability is triggered and the date on which persons who may be displaced by the project would be considered eligible for URA assistance. Adding to the complexity, most affordable housing projects receive funds from more than one HUD program. To ensure that you, as a relocation consultant, project developer or grantee, fully understand the potential complexities related to your projects, Rudy recommends that grantees and developers responsible for HUD-funded projects contact the HUD Regional Relocation Specialist for their area.

Further Requirements

In 1987, Congress enacted Section 104(d) of the Housing and Community Development

Act of 1974, as amended (49 CFR Part 42). Known as the “Barney Frank Amendment” to acknowledge the bill’s author, Congressman Barney Frank, Congress established these additional requirements to address concerns that the URA did not adequately protect lower-income persons from the impact of HUD’s urban renewal and revitalization programs. Section 104(d) establishes its own set of relocation requirements triggered by conversion or demolition of lower-income housing. It applies only when HUD’s Community Development Block Grant (CDBG), HOME Investment Partnership (HOME) Program, or Section 108 Loan Guarantee Loan funding are used in projects that involve demolition or conversion of housing that rents at or below the local fair market rents and displaces persons whose incomes are at or below 80 percent area median income. Communities receiving these funds must certify that they have established a Residential Anti-Displacement and Relocation Assistance Plan that includes these essential elements: (1) intent to minimize displacement; (2) one-for-one replacement requirements for all occupied and vacant occupiable dwelling units demolished or converted to a use other than lower-income housing; and (3) provision of relocation assistance.

Some Section 104(d) requirements are similar to URA requirements, while others differ significantly. For instance, Section 104(d) imposes a one-for-one replacement requirement for any housing that rents at or below the local fair market rents and is either demolished or converted to another use. Section 104(d) also requires that replacement housing payments be made to displaced tenants for 60 months instead of the 42 months specified by the URA. According to Rudy, “While Section 104(d) can be quite challenging, it is

an important addition to federal relocation requirements because it assures such housing will continue to be available at affordable rents to low- and moderate-income persons for a minimum of 10 years. Section 104(d) ensures that all persons have access to housing that may be rented within their means.”

Rudy advises that, “Comprehensive project planning by the HUD grantee or developer is the key to minimizing complications in the development process. If a project involves the use of federal funds to acquire, rehabilitate or demolish occupied property, it is critical that the planning consider the source of funds and the applicable funding requirements. If HUD funds are involved, it’s advisable to contact a HUD Regional Relocation Specialist for guidance.”

HUD’s Role in National Disaster Recovery Efforts

When you think about immediate federal disaster response, it is the Federal Emergency Management Agency (FEMA) that comes to mind. But few people are aware that HUD plays a role in disaster response. HUD lends a helping hand to FEMA and disaster victims in the immediate aftermath of a disaster by deploying HUD staff to work with other Federal, State and local agencies at “Joint Field Offices” located in disaster areas.

Long-term recovery efforts or disaster mitigation efforts? You may be thinking of the Army Corps of Engineers. But it is a little-known fact that HUD plays a substantial role in long-term disaster recovery as well as disaster mitigation efforts in Presidentially Declared Disaster Areas. Congress has appropriated over \$85 billion for HUD’s Community Development Block Grant – Disaster Recovery Program (CDBG-DR) to assist in long-term disaster recovery efforts dating back to the 9/11 World Trade Center disasters and including

numerous hurricanes, floods, tornadoes and wildfires, as well as the 2018 Hawaii volcano. CDBG-DR funds can be used for a variety of activities, from the restoration of infrastructure and mitigation against future disasters to economic revitalization and the rebuilding of housing for low- and moderate-income tenants and homeowners. HUD’s RRED provides training and technical assistance on URA and Section 104(d) to communities who are using CDBG-DR and other HUD resources in their disaster recovery efforts.

In Summary

HUD recognizes the importance of engaging IRWA’s network of relocation professionals to further its mission of improving the nation’s communities. HUD presented sessions on both URA and disaster recovery during IRWA’s 2019 International Education Conference in Portland, Oregon. If you missed these sessions, materials are available on HUD’s website at <https://www.hudexchange.info/programs/relocation/>. This same website contains useful tools and information, including statutes, regulations, policy, guidance, forms, as well as contact information for HUD’s Regional Relocation Specialists across the country. ★



William (Jay) Smith is a Relocation Specialist for Region IX, U.S. Department of Housing & Urban Development. Jay was selected as a HUD Community Builder Fellow in 1998 and has been HUD’s Region IX Relocation Specialist since 2002. Prior to joining HUD, Jay worked for the San Francisco Mayor’s Office of Community Development focusing on community-based planning and economic development.

IRWA COURSES

CLASSROOM BASED

BASIC RIGHT OF WAY DISCIPLINES

100	Principles of Land Acquisition	2 days
102	Elevating Your Ethical Awareness	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
230	Oil/Gas Land Basics & Related Surface Rights Issues	1 day
235	The Canadian Oil & Gas Industry Overview	2 days

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
415	USPAP and the Yellow Book: A Guide to Understanding Their Relationship	1 day
417	The Valuation of Environmentally Contaminated Real Estate	2 days
421, 421C	The Valuation of Partial Acquisitions	4 days
431	Problems in the Valuation of Partial Acquisitions	1 day

RELOCATION ASSISTANCE

501	Residential Relocation Assistance	2 days
502	Non-Residential Relocation Assistance	2 days
503	Mobile Home Relocation	1 day
504	Computing Replacement Housing Payments	2 days
505	Advanced Residential Relocation Assistance	1 day
506	Advanced Business Relocation Assistance	2 days

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

SR/WA REVIEW STUDY SESSION

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

ONLINE

BASIC RIGHT OF WAY DISCIPLINES

100	Principles of Land Acquisition
100	Principles of Land Acquisition (Spanish)
103	Ethics and the Right of Way Profession
104	Standards of Practice for the Right of Way Professional
105	The Uniform Act Executive Summary

COMMUNICATION/NEGOTIATIONS

Global I	International Real Estate
Global II	International Real Estate
200	Principles of Real Estate Negotiation
203	Alternative Dispute Resolution
205	Bargaining Negotiations
213	Conflict Management

MANAGEMENT

303	Managing the Consultant Process
304	When Public Agencies Collide

APPRAISAL

400	Principles of Real Estate Appraisal
402	Introduction to the Income Capitalization Approach
403	Easement Valuation
406A	15-Hour National USPAP Course Uniform Standards of Professional Appraisal Practice (McKissock is the provider of The Appraisal Foundation's official online USPAP course).
406B	7-Hour National USPAP Course Uniform Standards of Professional Appraisal Practice (McKissock is the provider of The Appraisal Foundation's official online USPAP course).
411	Appraisal Concepts for the Negotiator

RELOCATION ASSISTANCE

503	Mobile Home Relocation
507	Specialized Nonresidential Payments
520	Special Topics in Replacement Housing
521	Nonresidential Fixed Payments
530	The Business Move Process

ENVIRONMENT

600	Environmental Awareness
606, 606C	Project Development and the Environmental Process

PROPERTY/ASSET MANAGEMENT

700	Introduction to Property Management
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REAL ESTATE LAW

800	Principles of Real Estate Law
801	United States Land Titles
802	Legal Aspects of Easements

ENGINEERING

900	Principles of Real Estate Engineering
903	IKT/IRWA Underground Infrastructure Panorama

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

COURSES SCHEDULED

August 2019 – October 2019

REGION 1

105 The Uniform Act - Executive Summary
Las Vegas, NV (9/10 – 9/10)

205 Bargaining Negotiations
San Diego, CA (10/3 – 10/4)

218 Right of Way Acquisition for Electrical Transmission Projects
Reno, NV (9/26 – 9/27)

400 Principles of Real Estate Appraisal
Las Vegas, NV (8/22 – 8/23)

421 The Valuation of Partial Acquisitions
Las Vegas, NV (10/21 – 10/24)

421 The Valuation of Partial Acquisitions
San Diego, CA (9/3 – 9/6)

431 Problems in the Valuation of Partial Acquisitions
San Diego, CA (8/7- 8/7)

501 Residential Relocation Assistance
San Jose, CA (8/8 - 8/9)

600 Environmental Awareness
Las Vegas, NV (9/9 – 9/9)

802 Legal Aspects of Easements
Las Vegas, NV (10/25 – 10/25)

REGION 2

802 Legal Aspects of Easements
San Antonio, TX (8/23 - 8/23)

REGION 4

403 Easement Valuation
Dover, DE (9/27 – 9/27)

421 The Valuation of Partial Acquisitions
Dover, DE (9/23 – 9/26)

REGION 6

218 Right of Way Acquisition for Electrical Transmission Projects
Memphis, TN (8/22 - 8/23)

803 Eminent Domain Law Basics for ROW Professionals
Chattanooga, TN (9/17 – 9/18)

REGION 7

201 Communications in R.E. Acquisition
Bellevue, WA (10/1 – 10/3)

501 Residential Relocation Assistance
Seattle, WA (9/23 - 9/24)

604 Environmental Due Diligence and Liability
Tacoma, WA (8/19 - 8/19)

REGION 8

200 Principles of R. E. Negotiation
Mississauga, ON (10/10 – 10/11)

421C The Valuation of Partial Acquisitions
Mississauga, ON (10/22- 10/25)

REGION 9

410 Reviewing Appraisals in Eminent Domain
Centennial, CO (9/20 – 9/20)

502 Non-Residential Relocation Assistance
Salt Lake City, UT (10/2 – 10/3)

900 Principles of Real Estate Engineering
Salt Lake City, UT (8/22 - 8/23)

REGION 10

213 Conflict Management
Kelowna, BC (9/27 – 9/27)

400C Principles of Real Estate Appraisal
Kelowna, BC (9/19 – 9/20)

421C The Valuation of Partial Acquisitions
Kelowna, BC (9/23 – 9/26)

Please visit irwaonline.org to view course details and to find other courses scheduled around you.



Layers of Complexity

Mobile Home Park Acquisitions

BY MICHAEL F. YOSHIBA, ESQ.

You're probably familiar with the process. Conceptualize a public project, create a design, identify the right of way requirements, appraise and then acquire. It's simple most of the time. But one property in a state freeway widening project needed only a part-take acquisition from a mobile home park property. The mobile home park contained 44 park spaces with the "part-take area" affecting 25 of the 44 park spaces occupied by mobile home trailers. Mobile home park acquisitions offer unique challenges because these homes are a combination of real and personal property. The trailers are considered permanently affixed to the real property but can also often be deemed personalty because they can be detached and are movable.

Initial Offers

Mobile home trailers can be purchased and owned outright or they can be financed long-term through lenders that recognize the hybrid of real and personal property. The 25 mobile homes in this instance occupied spaces that were leased from the property's fee-interest owner. The mobile home trailers were separately owned and maintained by the lessee occupants. The space leases included access to utilities and to some common area park amenities such as the pool, recreation room and picnic bench area. The part-take property was appraised considering the separate property interests and the unique bifurcated ownership.

The part-take area bisected the mobile home trailers. There was no practical way to cut and reface the individual trailers nor was there space to relocate the trailers within the remainder property. Thus, the State determined that each of the separately-owned 25 mobile home trailers would be irreparably damaged and a complete loss. After appraising the part-take interests, separate offers were made to (1) the underlying fee owner and (2) the owners of the mobile home trailers. Rather quickly, each of the 25 mobile home trailer owners accepted the State's offer to purchase the mobile home trailers in addition to relocation assistance benefits. Escrows closed on the mobile home acquisitions, and the trailer owners moved out and into replacement housing.

Complications Begin

At that point, the State owned the trailers that remained on the property. The property owner refused a State-tendered rental agreement to leaseback the properties that the trailers occupied. The State offered to pay the amount of rent that the last tenant was paying, but the property owner refused to accept the tendered rent amount. Instead, the property owner sought to unilaterally increase the rental rate and began eviction and unlawful detainer proceedings.

Next, the State attempted to enter, remove and demolish the mobile home trailers, but they were denied access to the park by the property owner. The property owner claimed



that the State was trespassing. The State was therefore not able to inspect the trailers to verify vacancy or the existing condition of the trailers. Nor could the State enter the trailer park to secure the trailers to prevent vandalism and theft. Several questions were presented to legal counsel with the following answers provided:

(1) Is the State obligated to pay rent to the owner of a mobile home park for rent based on precondemnation-acquired mobile homes/units remaining on the site?

Yes. Damages for loss of rentals attributable to the State's precondemnation activities constituted a part of just compensation and a potential damage award to be negotiated or decided in a condemnation proceeding.

(2) Can the mobile home park property owner charge any amount of rent for property occupied by State-owned vacant trailers acquired through the State's exercise of its power of eminent domain?

No. Rent shall be determined through an establishment of the measure of just compensation for the taking of property based on the fair rental value of the property taken. The fair rental value can be established either through the voluntary negotiation or the condemnation process.



(3) Is the property owner entitled to interest on past due rents from the State as the post-acquisition tenant?

Yes. Interest accrues on the compensation or rental value from the date of possession. However, the rate must be the legal statutory rate of interest, not an arbitrary amount calculated by the property owner or the State. The date of possession will be a factual determination.

(4) Does the State have the right of entry onto the premises to remove the State-owned trailer units once the trailer acquisitions were completed?

Maybe. The property owner cannot deny the owner of the mobile homes access to remove the trailers as long as the entry does not substantially interfere with the operation of the remaining mobile home park and results in only trivial or inconsequential damage to the park. There were arguments to be made by both parties on this issue. This issue was decided at a court hearing whereby the court issued an order for prejudgment possession to the State.

(5) Were there any existing mobile home laws and or regulations which controlled or restricted the transfer of ownership of the trailer units from private parties to the State through their exercise of power of eminent domain?

No. The controlling authority regarding the State's exercise of the power of eminent domain includes the authority to acquire any interest in property necessary for state highway uses.

(6) Can the property owner of the mobile home park summarily deny access to the trailer park by State right of way personnel?

No. Guests invited by the resident of the mobile homes are not required to register with the park management or owner. Right of way agents can arrange to meet with the mobile home trailer owners to discuss the acquisition and inspect units without permission from the property owners. It would be wise in most situations, however, to provide notice to the property owner of the ongoing acquisition and relocation assistance process and requirements to head off complaints of interference with contract.

Most mobile home park acquisitions are fraught with complex legal issues occurring within the right of way process. These acquisitions were certainly no exception. ★



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

THE PROPERTY MANAGEMENT TEAM

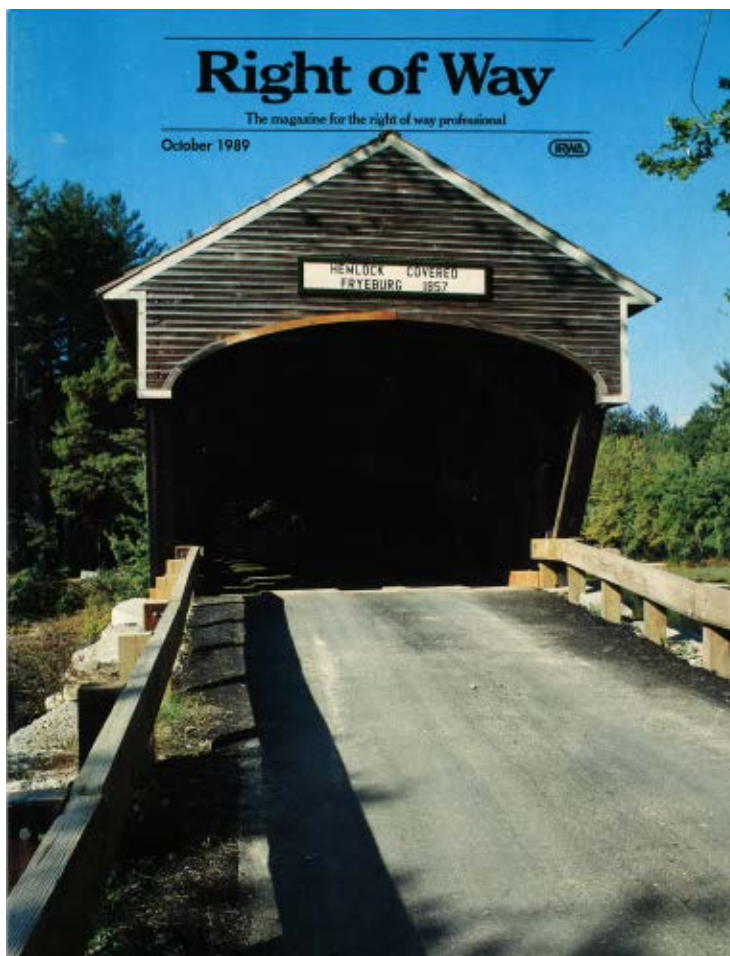
A Proposal from the 1980s

BY ROBERT E. FORRESTER, SR/WA

The choice of the title “Property Management Team” for the management group to be given the responsibility for managing the local government’s real property allows for a short discussion drawing on classical studies in interpersonal relations.

Over the past 25 years, profound changes in management theory have been observed. Changed social values and increased educational levels in the work force have required the manager to seek newer methods to maintain and improve the technique. Interpersonal relations have shifted toward more cooperation, openness in decision making and emphasis on performance based on labor-management trust. A goal of many organizations is to get workers highly involved in their jobs through quality improvement groups or labor advisory groups. Several writers, among them, Douglas McGregor, Rensis Likert, Chris Argyris and William Ouchi have presented studies in support of a change in worker-manager relations that result in greater productivity.

McGregor wrote in 1960 about two sets of assumptions management made about employees. These sets were given the catchy titles “Theory X” and “Theory Y.” Theory X portrayed the worker as lazy, lacking ambition and creativity and wanting above all else, security. Managers holding Theory X likely tend to manage using concepts that see management responsible for planning, organizing, and making important decisions. This type of



From our cover story to our individual articles, this issue of Right of Way Magazine heavily focuses on effective management, leadership skills and high performing teams. How much of a priority was this for the right of way industry in the 1980s? How different was their perception to ours today? The following is an article published from the October 1989 issue of Right of Way Magazine.

management directs people and assumes management responsible for motivating the worker. Theory Y utilized a different set of assumptions in which people were seen as being ambitious with work being a natural part of their jobs. These people seek responsibility and self-control in achieving goals. Theory Y produces delegation of important decision making, less passiveness and increased trust of employees. McGregor's contribution was that he forces managers to examine their assumptions about people and how these assumptions in turn, influence their own management practices.

Rensis Likert developed a questionnaire to measure characteristics of organizations, classifying management practices into four "systems." System 4 of his classifications leads to supportive relationships placing emphasis on team management. The leadership process in system 4 is important in getting the best possible results from the employee.

In Argyris' approach to management, he focused on individual needs and desires, recognizing a great need to begin treating people as adults. As people mature they should move from positions of dependence to ones of independence. Managers can foster this change by allowing employees an increased say in decisions and by creating jobs that are expanded in their scope. As with McGregor and Likert, Argyris pointed out the need for building on the ability of organizational members to use each other's unique talents toward goal attainment.

In the early 1980's, William Ouchi published his "Theory Z," an introduction of Japanese management techniques describing impressive productivity results in Japan. Of greatest benefit to American management technique was the concept of the importance of group consensus in decision making.

The concept of team management was being observed for the first time with management in the workplace being an essential part of the plan.

What should the Property Management Team consist of? The team should consist of a group of upper or middle management personnel with a dedication to lend separate independent opinions as to how the local government's property is to be managed. The team must be of a homogenous nature regarding their perception of the purpose of the job to which they are appointed. The team must have a reputation for an in-depth perception of the local governments purpose for chartering their team.

The Team size may vary depending on 1) the situation of the property to be managed, 2) the urgency at the time for its formulation, or 3) the length of time intended to evaluate its usefulness. It would be unreasonable to begin with less than seven members or more than 15. The selection of the optimum number will probably be determined by the level of management personnel allowed to participate in its beginning.

The original makeup of the Team will necessarily be influenced by the determination of the local government responsible for its formation. If budgetary constraints prohibit additional funding at the time of the initialization, it may be expected that a higher level of management personnel will be required to participate. In a small organization, this level of management will be expected to have the higher probability for success and will, at the same time, have the necessary experience to perform an ongoing evaluation as to the usefulness of the Team.

The City of Henderson, Nevada began a function of Property in an experimental stage with the City Council dedicating a group of seven key city personnel as a Property Management Team. This team included the City Manager, City Attorney, Public Works Director, Planning Director, Finance Director, Economic Development Director, and City Auditor.

To head this group of select management personnel, the City Council chose its Property Management Technician. It was

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”

clearly indicated that this was to be of an experimental nature when no budget was provided for the Team.

At the Team's first meeting, the Property Management Technician requested the name of the team to be changed to Property Management Committee. To provide an end to the story, the committee exists today with the beginning of a budget and reports regularly to the City Council with recommendations as to how the city's properties should be handled. ★

» PAST INTERNATIONAL PRESIDENTS

* Frank C. Balfour, SR/WA	1956-1957	George D. Wilkerson, SR/WA	1988-1989
* Richard Taylor	1957-1958	* Keith L. Densley, SR/WA	1989-1990
* Sam Houston	1958-1959	Gene A. Land, SR/WA	1990-1991
* Fred A. Crane	1959-1960	Robert H. Tarvin, SR/WA	1991-1992
* Dan W. Rosencrans	1960-1961	* Donald A. Henley, SR/WA	1992-1993
* Roger M. Lovell	1961-1962	* John W. Benson, SR/WA	1993-1994
* Roy A. Strobeck	1962-1963	Donna B. Crosby, SR/WA	1994-1995
* Dan H. Williamson	1963-1964	Larry E. Griffin, SR/WA	1995-1996
* Philip L. Rezos, SR/WA	1964-1965	Susan M. Serdahl, SR/WA	1996-1997
* Adelbert W. Lee, SR/WA	1965-1966	* Woodrow Pemberton, Jr., SR/WA	1997-1998
* Victor H. Eichhorn, SR/WA	1966-1967	Stephanie Rankin, SR/WA	1998-1999
* William F. Howard, SR/WA	1967-1968	Dwight G. Pattison, SR/WA	1999-2000
* Garth J. Linkey, SR/WA	1968-1969	* Wayne F. Kennedy, SR/WA	2000-2001
* George R. Watson	1969-1970	* Alan D. Wurtz, SR/WA	2001-2002
* Karl E. Baetzner, SR/WA	1970-1971	Albert N. Allen, SR/WA	2002-2003
* Gene L. Land, SR/WA	1971-1972	Donald S. Marx, SR/WA	2003-2004
* Rexford M. Shaffer, Jr., SR/WA	1972-1973	Gordon E. MacNair, SR/WA	2004-2005
* David E. PUNCHES, SR/WA	1973-1974	Daniel W. Beardsley, SR/WA	2005-2006
* William P. Snyder, SR/WA	1974-1975	James H. Finnegan, SR/WA	2006-2007
Richard L. Riemer, SR/WA	1975-1976	Jim L. Struble, SR/WA	2007-2008
* William L. Reid, SR/WA	1976-1977	Faith A. Roland, SR/WA	2008-2009
* Robert K. McCue, SR/WA	1977-1978	Sandy A. Grigg, SR/WA	2009-2010
* Wade S. Manning, SR/WA	1978-1979	Kenneth L. Davis, SR/WA	2010-2011
R. Tom Benson, SR/WA	1979-1980	Randy A. Williams, SR/WA	2011-2012
George E. Midgett, SR/WA	1980-1981	Patricia A. Petitto, SR/WA	2012-2013
* F. Larry Stover, SR/WA	1981-1982	Lisa R. Harrison, SR/WA	2013-2014
Robert L. Art, SR/WA	1982-1983	Lee S. Hamre, SR/WA	2014-2015
W.A. Thomasson, SR/WA	1983-1984	Wayne L. Goss, SR/WA	2015-2016
Richard D. Ricketts, SR/WA	1984-1985	Mary Anne Marr, SR/WA	2016-2017
* John E. Day, SR/WA	1985-1985	Jerry Colburn, SR/WA	2017-2018
Carroll W. Keck, SR/WA	1985-1986	Jeff Jones, SR/WA	2018-2019
Donald H. Ellis, SR/WA	1986-1987		
Ronald L. Williams, SR/WA	1987-1988		

* Deceased

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Shawn Fields Becomes President of Western Land Services



Land brokerage firm **Western Land Services** recently hired **Shawn Fields** as president. Shawn brings 30 years of experience in the oil and gas industry – all of which were spent at exploration and production companies and 10 years in executive leadership roles. In addition to his tenure at companies based in Oklahoma City, Tulsa and Houston, he has worked in nearly every major oil and gas basin across the country. Shawn is a member of the American Association of Professional Landmen (AAPL), in addition to multiple affiliated local associations such as the Oklahoma City Association of Professional Landmen (OCAPL), Tulsa Association of Petroleum Landmen (TAPL) and Denver Petroleum Club (DPC).

Harry Heinbaugh Joins Percheron, LLC

Harry Heinbaugh has accepted the position of Director, Northeast – Field Services for **Percheron, LLC**. He will be responsible for project oversight and quality execution, as well as business development in the region and will be based in the Moon Township, Pennsylvania regional office. Harry previously served as a Project Manager – Energy for Curative, Certified Title and Lease Title projects through the Appalachian region. Harry joined Percheron in 2008, previously serving as a Broker and Project Manager. He has over 20 years of experience in management, purchasing and business analysis. Harry is an active member of the AAPL, MLBC, NALA and IRWA. He earned his RPL certification through the AAPL.



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Cardno Promotes Jason Sean Lancaster

Professional infrastructure and environmental services firm **Cardno** promoted **Jason Sean Lancaster** to Southeast Ecological Lead in the Tampa, Florida office. In his new position, Jason will serve as a leader within the company's natural resources business in the Southeast region, supporting the implementation of the unit's business plan, focusing on client relationship management, project management and new business opportunities. Jason has been with Cardno since 2017. He has over 22 years of environmental consulting experience, most of which has been devoted to projects in the Southeast. Jason will be relocating to Florida to help mentor junior staff and provide support to long-term, Florida-based clients. Jason is a Certified Environmental Professional, Certified Ecologist and Professional Wetland Scientist.



Aaron Ulishney Returns to Cardno

Aaron Ulishney has returned to **Cardno** as Senior Staff Geologist in the company's Billings, Montana office. Aaron brings more than 10 years of contaminated site assessment/remediation and safety management experience on a variety of projects throughout the Western United States. Aaron is a licensed professional geologist in Wyoming with particular expertise in contaminated site assessment and remediation field activities. As a safety manager, he is familiar with safety protocol, standards and practices, particularly with performing large and complex projects within operating facilities, including remediation, OEM construction and refinery turnaround. In his new role, he will manage project execution and field safety activities on large-scale remediation projects.



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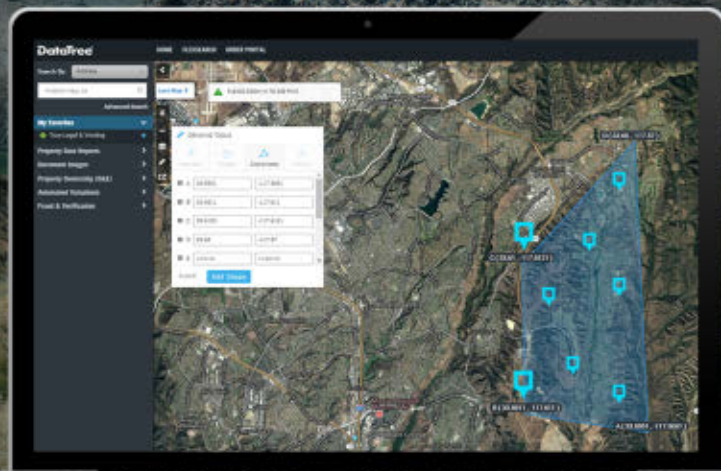
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BRIDGES

Acrow Bridge Provides Bridges to Central Africa

Acrow Bridge, a leading international bridge engineering and supply company, announced the installation of the first of 44 bridges provided to the Government of Cameroon as part of Acrow's financed Comprehensive Bridge Development Program delivered in 2018. In addition to the supply of the bridges, the program provides the extensive training of local engineers and technicians in the assembly, installation and maintenance of these critical infrastructure assets.

Designed to contribute to the repair and modernization of Cameroon's rural infrastructure, the project will support the development of regional trade and provide better access to schools, medical clinics and other basic goods and services. The modular steel bridges, prefabricated in the United States, are single- and multi-span double-lane structures ranging from 12 meters to more than 120 meters in length, which will be installed throughout the country by the local workforce. Acrow will continue to provide technical advisory services on-site to select installations.



Since its founding in 1951, Acrow has delivered bridging solutions in over 80 countries, with more than 2000 structures having been installed in developing countries over the last decade. Over the past two decades, Acrow has been engaged in more than 20 countries in Africa in the delivery of well over a thousand bridges and the training of thousands of African engineers and contractors in bridge assembly, installation and maintenance.

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AEC Symposium

Simpson Gumpertz & Heger (SGH) will convene a diverse group of architectural, engineering and construction (AEC) experts with building owners and managers for a full-day discussion on contemporary facade design in California. The fifth-annual Create + Construct symposium comes to the West Coast for the first time in June, with sessions in Los Angeles on June 18 and San Francisco on June 26.

A contemporary facade is more than the outward face of the building's architectural expression, it is a driving factor that influences overall performance. As California continues to embrace innovative design and impose more stringent performance standards, AEC professionals must carefully consider and reimagine the building facade.

Create + Construct will bring together AEC leaders from Los Angeles and San Francisco to discuss trends and share best practices when designing and constructing contemporary facades. Symposium highlights include:

- A keynote on collaboration, highlighting engineering and design concepts that affect facade aesthetics and performance.
- Session presentations examining the impacts of structural systems, fire and life safety requirements, and thermal performance on facade design.
- A panel discussion with local executives on how performance mock-ups can translate design intricacies into constructible assemblies.
- Networking opportunities with local peers and industry thought leaders.

Session and panel speakers will include Keith Blaine of Blaine Architects, Joe Conover of Clark Construction Group, Alex Cox of Permasteelisa North America Corp., Pavel Getov of Studio Antares, Shelby Joubert of Swinerton, Tammy Jow of AC Martin, Shruti Kasarekar of Atelier Ten, Andrij Kyfor of New Hudson Facades, David Pakshong of Gensler, Luke Pelton of DPR Construction, Vincent Polhemus of Walters & Wolf, George Tolosa of Handel Architects, Jeff LaRue of HKS, Lucas Treder of Permasteelisa North America and Tyler Westerling of Intertek. SGH participants include Justin deWolfe, Amy Hackney, Michael Huhtala, Xiu Li, Mike Ma, Christopher Norton, Kevin O'Connell, Eric Schroter, Travis St. Louis, Ryan Upp and Nathan Wittasek.

STUDENT OUTREACH

The Metropolitan Water District of Southern California Holds Annual Outreach Event



The Metropolitan Water District of Southern California, the winner of the 2018 Employer of the Year Award from IRWA Chapter 1, successfully held its 2nd annual spring student outreach event at its headquarters in Los Angeles. The focus of the event was an open forum panel discussion to introduce college students to the right of way industry and provide them with an opportunity to learn more about the practices of public agencies. It also promoted two student intern positions in Metropolitan's Real Property Group.

The event featured three panelists with extensive experience in right of way and public agency work: Lilly Shraibati, Manager of Metropolitan's Real Property Group; Holly Rockwell, Senior Executive Officer in the Planning Department at Los Angeles County Metropolitan Transportation Authority; and David Graeler, an eminent domain attorney from Nossaman LLP representing the local IRWA Chapter 1 as a past president. The students were an eager bunch, full of sharp questions related to current projects, environmental concerns, news items and many more topics. Each of the panelists provided insightful information, exciting project updates and personal career anecdotes.

Attendees included close to 30 students from Southern California universities such as UCLA, Cal State Long Beach and Loyola Marymount University. After the forum, the event continued with networking. Representatives from Metropolitan's Human Resources Department assisted those interested in the intern positions and the External Affairs Manager shared Metropolitan's history through a virtual reality experience. Two representatives of the IRWA Young Professionals discussed the organization with students one-on-one.

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(281) 755-6259 Mobile
jwdoyle@doyleland.com

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(412) 299-1199 Office
(724) 513-6383 Mobile
kldavis@doyleland.com

Stephen K. Patton
Vice President

(713) 458-5110 Office
(832) 794-0501 Mobile
skpatton@doyleland.com

Danny P. Gibbs
Vice President

(713) 491-6170 Office
(832) 720-2097 Mobile
dpgibbs@doyleland.com

J. Warren Doyle, Jr.
Chief Operating Officer

(504) 620-5058 Office
(281) 755-6251 Mobile
jwdoylejr@doyleland.com

Sensors for Safety



According to phys.org, sensors have the potential to offer a new way for inspectors to peer inside infrastructure systems almost continuously. Researchers from Carnegie Mellon University's Civil and Environmental Engineering (CEE) Department are currently studying the impact of information gathered from this type of technology in regards to decision-making for infrastructure systems. A recent paper published in *Structural Control Health Monitoring* suggests a general framework that

evaluates the benefit of applying sensing and monitoring systems to infrastructure based on information surrounding the infrastructure component. A sensor (or the monitoring system created by the sensor) could provide constant information, allowing professionals to periodically check on the state of infrastructure. Such a system could even detect the signs of a bridge collapse.

"It's not so obvious how much of an investment should be directed toward sensors, and how much should be directed to retrofitting and replacement," said CEE Professor Matteo Pozzi. "It's still ongoing work, assessing what structures should be monitored and how much to invest in each of them."

The proposal in the recent paper found that there are several factors that can determine the value of the sensors. These include how quickly the component degrades, what actions you can take for coping with the degradation, the economic costs related to maintenance, the cost of repairs, the costs related to the failure or malfunction of the sensor itself, how precise the sensor is, how frequently the sensors give you a response and how quickly you can react to the information from the sensor.

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WATER AND WASTEWATER

Pennsylvania American Water Launches Project Map



Pennsylvania American Water has launched a new site which contains a user-friendly online map. This map will allow customers to see water and wastewater system upgrades, showing locations and even details about the pipe improvement projects that are planned for the future. Approximately \$355 million will be invested into the system upgrades.

“Investing in our infrastructure is a key component to providing reliable service today and for future generations,” said Pennsylvania American Water President Jeffrey McIntyre. “We are committed to showing our customers how we are putting their water bills to work on replacing and upgrading aging infrastructure to keep their service reliable and affordable, and we want to be transparent about when and where these infrastructure projects are taking place.”

Survey results have found that water utility customers are far more satisfied with their water utility when they are fully aware of the efforts being made to replace old infrastructure.

While Pennsylvania American Water invests hundreds of millions of dollars each year on such efforts, our challenge has always been finding engaging ways to communicate these projects to our customers,” McIntyre added. “This map is an important tool in raising this awareness to an issue that is typically buried underground, out of sight and out of mind.”

The map features summaries of pipe upgrades, as well as the total dollars invested and length of pipe being installed. Those who visit the site can easily access and navigate the map by panning and zooming. This function is similar to other web-based maps. By clicking on individual projects, users can see specific project details such as affected streets. Projects shown on the map are expected to be completed by the end of the year.



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Urban Land Institute Releases Real Estate Economic Forecast



Institute's (ULI) Center for Capital Markets and Real Estate. The ULI Real Estate Economic Forecast, which includes predictions for the economy and industry through 2021, is based on a semi-annual survey of 45 of the nation's leading economists and industry analysts. Responses to the most recent survey, conducted between March and April, suggest that while growth will continue, it will continue at a slower pace than previous years.

The outlook for the US economy, real estate capital markets and real estate fundamentals remains positive but is expected to moderate over the next three years, according to the latest forecast from the Urban Land

The forecast, which covers 2019, 2020 and 2021, provides predictions for broad economic indicators; real estate capital markets; property investment returns for four property types; vacancy and rental rates for five property types, as well as housing starts and prices. Forecasts for commercial real estate prices are projected to grow at slowing rates relative to recent years, with prices in 2020 and 2021 falling below the long-term average growth rate for the first time since 2011.

"Despite stock and bond market volatility in late 2018 and increasing global trade and growth concerns, the April 2019 'ULI Real Estate Economic Forecast' is surprisingly consistent with the previous forecast conducted in October 2018," said William Maher, head of research and strategy for LaSalle Investment Management and a survey participant. "Overall, expectations for 2019 and 2020 are flat to up, while the newly introduced 2021 forecast calls for slower growth and returns. Moderating growth in gross domestic product and jobs growth for 2019 to 2021 should lead to slower but still positive real estate demand and absorption."

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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

Jenny Adkins, SR/WA
Oregon Dept. of Transportation
Chapter 3 Bend, OR

Michelle Agostinelli, RWA
Contract Land Staff
Chapter 13 Sugar Land, TX

Susan R. Anderson, RWA
Anoka County Highway Department
Chapter 20 Andover, MN

Timothy J. Atkinson, RWP
Michiana Land Services, Inc.
Chapter 10 Fort Wayne, IN

David L. Baylor, SR/WA
LJA Engineering, Inc.
Chapter 74 Houston, TX

Erin Begier, RWA
HDR
Chapter 6 Denver, CO

John Evan Borgmeyer, RWA
Midwest Right of Way Services, Inc.
Chapter 78 Omaha, NE

Erik Breitingner, RWA
Audobon
Chapter 8 Houston, TX

Emeline Myla Burgos, SR/WA
Puget Sound Energy
Chapter 4 Bellevue, WA

Mayrinda P. Cain, SR/WA
Enbridge Energy
Chapter 20 Bemidji, MN

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Coachella Valley Water District
Chapter 57 Palm Desert, CA

Chris Ciero, RWA
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Alexandria Clark-Quinones, RWP
Clark Land Resources
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Lauren A. Clifton, RWA
GAI Consultants, Inc.
Chapter Non-Member Orlando, FL

Lisa Lynn Cooper, SR/WA
HDR Engineering, Inc.
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Giuseppe Corigliano, SR/WA
City of Toronto
Chapter 29 Toronto, ON

Kimberly A. Davis, SR/WA
TN DOT
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King County - Wastewater Treatment Division
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Chapter 84 Nigeria

Akpan Idongist, RWA
Chapter 84 Nigeria

Isaiah E. Iroha, RWA
Chapter 84 Nigeria

Adamu Kasmu, RWA
Chapter 84 Nigeria

Janine Noelle Kidd, SR/WA
HDR Engineering, Inc.
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Deanna R. Kilburn, SR/WA
DOWL
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Carver County, MN
Chapter 20 Cologne, MN

Cory Lime, SR/WA
City of Austin
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Jonathan Lochner, RWA
Bowman Consulting
Chapter at-large Manassas, VA

Kirk Lowrie, RWA
Oncor Electric Delivery
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James R. Mason, RWA
Kentucky Transportation Cabinet
Chapter 25 Flemingsburg, KY

Heather McAlister, RWA
City of North Las Vegas
Chapter 44 North Las Vegas, NV

Shaun C. McClain, SR/WA
Contract Land Staff
Chapter 14 Sugar Land, TX

Monique R. Mitchell-Evans, RWA
Guadalupe Valley Electric Cooperative
Chapter 74 Gonzales, TX

Sarah A. Naqi, SR/WA
Saudi Aramco
Chapter 87 Saudi Arabia

Pamela J. Parr, RWP
Clark Land Resources
Chapter 11 San Diego, CA

Amy Pyne, RWA
City of Brampton
Chapter 29 Brampton, ON

Heidi L. Radlinger, SR/WA
City of Madison, Economic Development Division
Chapter 17 Madison, WI

Sara Rafou, RWA
Clark Land Resources, Inc.
Chapter 11 San Diego, CA

Tamisha S. Schrunk, RWA
HDR
Chapter 3 Salem, OR

Juliet Sweet, RWP
Stanley Consultants, Inc.
Chapter 6 Centennial, CO

Tracy Taylor, RWA
City of Ocala
Chapter 26 Ocala, FL

Greg M. Thompson, RWA
Integrated Right of Way
Chapter 40 Madison, MS

Matthew H. Trice, RWP
Ted W. Walters & Associates
Chapter at-large Tyler, TX

Note: Education milestones include only newly certified individuals.

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

Generalist Certification/Designation

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

Specialty Certifications

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

SPECIALTY CERTIFICATION

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Chapter 39 Mission, TX

James R. Mason, R/W-AC
Chapter 25 Flemingsburg, KY

Kimberly O'Reilly, R/W-NAC
Chapter 38 Salt Lake City, UT

Evan Ranes, R/W-AC
Chapter 44 Las Vegas, NV

Georgia Snodgrass, R/W-RAC
Chapter 39 Austin, TX

Kelly Hogan, R/W-AC
Chapter 33 Oklahoma City, OK

Francisco Mendez, R/W-RAC
Chapter 1 Inglewood, CA

Kimberly O'Reilly, R/W-RAC
Chapter 38 Salt Lake City, UT

Patrick W. Ryan, R/W-NAC
Chapter 36 Tampa, FL

*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



HAROLD THOMPSON

Born on April 20, 1932, Harold Thompson passed away on April 1, 2019. Harold was a beloved husband to the late Jacqueline Selby and a loving father to Karen Lemay (Richard) and David. He will be sadly missed by his grandchildren Pascal, Michelle (Brody), Chloe (Chris), Jeremie and Jaden.

Harold was predeceased by his brothers Benjamin, Terrence, Michael and twin brother Clive. He is survived by many beloved nieces and nephews. Special thanks to Angela Sluijter and Elizabeth Miller for the laughter they brought Harold and for the dignified care they provided.

Harold was a dedicated member of the IRWA and held multiple leadership positions during his volunteer career with the Association. Most notably, he was a Past Chapter 63 Ottawa St. Lawrence President and a Past Region 8 Chair.

Outside of the IRWA, Harold worked for the Regional Municipality of Ottawa Carleton for many years as a property officer. In the later stages of his career, Harold worked as an independent real estate appraiser.

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Letters to the Editor
People on the Move
Company News
Industry Insight

Project War Stories
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Obituaries

RIGHT OF WAY MAGAZINE

Send submissions and inquiries to Ethel at navales@irwaonline.org

UPCOMING IRWA EVENTS

www.irwaonline.org

2020 Conference
Minneapolis, Minnesota

June 21 – June 24

2022 Conference
Cleveland, Ohio

June 12 – June 15

2021 Conference
San Antonio, Texas

June 6 – June 9

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If you are ready to take advantage of all the opportunities these joint partnerships offer, IRWA invites you to contact Daniel Stekol at stekol@irwaonline.org.





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David Dominy
David.Dominy@am.jll.com

Greg Cook
Greg.Cook@am.jll.com

Jason Crump
Jason.Crump@am.jll.com

Richard Scholtz
Richard.Scholtz@am.jll.com



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