

RIGHT OF WAY MAGAZINE

The Voice of the Right of Way Profession



SECURING A SEAT AT THE TABLE

SoCalGas reaps the benefits of involving land services in the initial planning phase

NOVEMBER/DECEMBER
2017

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RIGHT OF WAY

The Voice of the Right of Way Profession

NOVEMBER/DECEMBER 2017

Volume 64 Number 6

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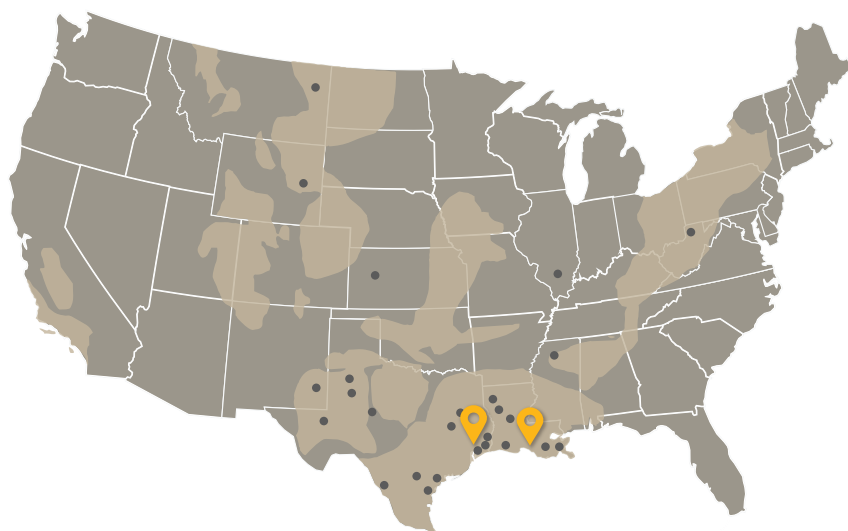
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Planting Our Flag

Turning our outwardly focused mission into a reality

JERRY COLBURN, SR/WA

I am so fortunate to represent the IRWA during these remarkable times. Having reached a tipping point in our organization, we are truly on the path to expanding our reach and elevating our profession. Whatever role you play in this industry, you have an incredible opportunity to make an impact on a day-to-day basis. Whether it's our colleagues at work, the people affected by our projects or even friends and family, we are all working to improve the quality of people's lives through our piece in infrastructure development.

IRWA's International Vice President, Aimie Mims, SR/WA, describes the IRWA as the "means" by which we all can accomplish our higher purpose of improving people's quality of life. Think about it—our Association is constantly elevating ethics in our communities, promoting excellence through teaching best practices, and now, we have a laser focus on the "learner" in all of our educational offerings.

Almost a decade ago, our CEO Mark Rieck was tasked with making IRWA a truly international organization, expanding outside of Canada and the United States. Mission accomplished! Not only do we have a presence in 16 countries, we are making a difference in all of those places. Our influence is shaping regulations, policy and even law regarding land access for infrastructure projects around the globe.

As your President, it is my goal to make the IRWA relevant outside of our present sphere of influence. We are accomplishing this in other countries and most recently, we have had a major impact in the U.S. In September,



the Trump administration asked the Federal Energy Regulatory Commission (FERC) to explore which regulations have become too burdensome and have caused delays to energy projects. In turn, FERC contacted the IRWA to assemble a delegation of energy company executives to meet with them in Washington, DC to share our insight and experiences regarding these regulations.



We are planting our flag at home and abroad. Planting the IRWA flag is critical to being a truly "outwardly facing" organization. I have spent most of my right of way career in business development for companies that I have a stake in. As the Director of Business Development for Overland, Pacific & Cutler (OPC), I practiced the importance of planting our flag wherever we could with the knowledge that OPC would reap the benefits in the long-term. This was the first step in establishing relationships, and these grew into opportunities that the firm is reaping today. The IRWA is on this path of creating long-lasting relationships and seizing opportunities that will ultimately expand our reach.

So what does "outward facing" mean to you, and more importantly, what can you do to advance this mission? Who can you establish a relationship with that will move the organization forward? We have to tap into other infrastructure authorities to widen our visibility. Reach out to those outside of our organization to broaden our external influence and raise awareness of our industry relevance. Let's invite people from the outside to share in our passion and knowledge. We are the body of knowledge that makes up this professional domain. Plant a flag, raise awareness and make a difference in our future. 🌐



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IRWA on Purpose

Activating purpose throughout the Association

MARK RIECK, IRWA CHIEF EXECUTIVE OFFICER



The IRWA has always made a difference in the world, and now we are especially focused on it as we lift up our higher purpose **to improve people's quality of life through infrastructure development.** For us, it is more than a slogan. It is a way of life. When IRWA members go the extra mile for citizens impacted by infrastructure projects—by helping them go from renting to ownership, moving them from a bad part of town to a better neighborhood and even something as simple as adding a dishwasher in a home where there was none—we are reminded that we deal with real people who truly appreciate what IRWA members do for them.

Communicating IRWA's Purpose need not be forced, take long or be boring. Making a difference in a person's life, their community and our world is important work that you can truly feel good about. After all, we improve people's quality of life through infrastructure development every day.

Onward. ⚡

So how do we activate purpose throughout the Association? Here is a hot list of ideas for you to reflect on as you go about your day:

Best Ideas to Drive Purpose:



Testimonials – There is no better way to share a positive story than to quote a land owner or share a real situation that improved the life of an affected citizen. Every member has a story. Tell yours.



Purpose Moments – Do you have Safety Moments at the beginning of every staff meeting to briefly discuss a safety-related topic? How about integrating a Purpose Moment before team meetings, Chapter meetings and IRWA board meetings?



Member Spotlight – IRWA regularly highlights our members in Right of Way Magazine, Leaders Edge for IRWA Chapter Presidents and member meetings. Why not recognize someone who has a project and a story to tell about how they are improving people's quality of life?



Show the Video – IRWA's "About Us" page on the website has a great video on our Higher Purpose. View it yourself and then share the video with others.



Measure it – Ask members at a meeting whether they know IRWA's purpose. Measure it with a show of hands at the start of the meeting and once more at the end. Repeating our purpose helps people remember it and feel pride in what they do.



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Principles of Land Acquisition Transformed

BY DEIDRE ALVES, M.ED.

IRWA is proud to present a brand new course, C100 Principles of Land Acquisition. Serving as our industry seminal course, it provides the foundation of infrastructure and right of way education. It's here, it's ready, it's new and it's yours.

C100 has enjoyed a rich history within the organization, providing vital background information in land acquisition. It originally began as a two-week course, but as time marched on, it eventually morphed into a four-day course. While this condensed version served the organization well, feedback revealed that four days plus travel was becoming impractical and impossible in the ever-burgeoning, fast-paced global marketplace. At the same time, the content information needed to get to the industry. It needed to be relevant and leading edge, and it needed to be spearheaded by the IRWA. So it was time for C100's next evolution—a new course with new objectives and a new approach.

A New Course With a Revitalized Concept

The Partnership for Infrastructure Professional Education (PIPE) worked to revitalize the conceptual framework of the course. Providing the learning architecture and course edits, I collaborated with PIPE Co-Vice Chair Carol Brooks, SR/WA, who provided her outstanding subject matter expertise and Amir Vafamanesh, IRWA Headquarters' Education and Instructional Development Manager, who provided his stellar graphic design and formatting expertise. Together, we decided not to simply water down the original version. Instead, we wanted

to create a brand new course with new innovation, new outcomes and a new approach to meet the needs of the infrastructure professional today *and* tomorrow.

Our new course has gone through a very successful pilot phase and is now ready to be released. It is a two-day, 16 credit unit, classroom-based learning experience, and it is the bedrock course of all our industry certification pathways. The course has two critical objectives: to provide students with an awareness of the disciplines involved in infrastructure/right of way land acquisition and to provide a working knowledge of the importance of a *team approach* to the work. In addition, students are exposed to IRWA ethics and the IRWA higher purpose of improving the quality of people's lives through infrastructure development.

In the course, students have the opportunity to meet Knowlan, the noble knight of knowledge, who is our official IRWA learning mascot. Along with our CLIMB Certified Instructors, Knowlan helps infrastructure students learn key concepts in the course and presents them with "golden keys" to make the learning highly memorable and immediately applicable to the work of the industry. Sound intriguing? It is!

A Prepared Faculty Leads the IRWA Learning Experience

In October 2017, CLIMB Certified faculty eligible to teach this course were invited to attend a dynamic and engaging two-day C100 Instructor Training in Los Angeles. Through this training, our faculty is prepared and ready to lead an amazing learning experience for our future C100 students worldwide. IRWA will be adding these faculty names as CLIMB Certified to teach IRWA C100 on



to the "Find an Instructor" link on our website.

Aggressive plans are in place to bring this groundbreaking course to the world. And it starts with *you*—in your Chapter. Chapters are highly encouraged to bring this powerhouse classroom-based course forward with our powerhouse CLIMB Certified instructors. Whether as a solid primer to clearly understand the principles of the industry or as a refresher for infrastructure professionals, this course is for you and ready—now!

Come experience our brand new course positively impact the infrastructure industry like never before—furthering our collective IRWA purpose to improve the quality of people's lives through infrastructure development. ✪



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The Simple Act of Caring

The root from which ethical behavior emerges



BY BRAD YARBROUGH

Peanuts, the top-rated cartoon series of all time, was a parody of society and loved by billions. Its colorful characters gave insight into human conduct, and its readers clearly identified. In one strip, Charlie Brown asks Sally, "How was school today?" To which she replied, "Who cares?" Charlie responded by saying, "I was just asking." Then Sally announces her newly acquired perspective by stating, "It's my new philosophy...from now on, nothing bothers me. Who cares? Who cares? Who cares?" This would ultimately become one of Sally's irreverent philosophies.

In 2014, the famed cartoon's creator, Charles M. Schulz, authored *Who Cares, Charlie Brown?* A book reviewer aptly said that the story about Charlie's baseball team taught him and his teammates that winning really isn't everything, but doing the right thing is. I can hear know-it-all Lucy summarizing the gang's *aha moment* with the revelation, "It's about ethics, Charlie Brown!"

Connecting the Dots

Recently, I met with Dr. Brad Agle and Bill O'Rourke to discuss their book, *The Business Ethics Field Guide*. Brad is a Professor of Ethics and Leadership in

the Marriott School of Management at Brigham Young University, and Bill had most recently served as President of Alcoa-Russia before retiring. "What is the root from which the desire to be ethical emerges?" I asked Dr. Agle. His reply was simple. He said, "Ethics is rooted in one's care for others."

Ethics is about a thoughtful response to dilemmas where multiple options compete for action. Oftentimes, I've found that an ethical dilemma puts personal interests in conflict with the interests of those around me. The act of caring and ethics share common goals: making those decisions that maintain a healthy society in which the dignity of all humans is held in highest regard. A "me" attitude must often yield to a "we" mentality.

Recently, catastrophic hurricanes, mass shootings and other horrific acts have resulted in unbelievable destruction and sadly, the tragic loss of innocent lives. But these events have rallied an army of compassion. Individuals and organizations responded to the hurting with their time, talent and treasure. Their sacrificial duty to fellow human beings demonstrated one underlying motive...they CARED!

The Cajun Navy, comprised of volunteer boat owners, mobilized to rescue thousands in Irma-flooded Houston. Oklahoma Gas and Electric, a huge provider of energy to our state, sent an armada of trucks to Texas to restore power. Kevin Ryan, a friend and CEO of Covenant House, doubled efforts to provide services to homeless youth throughout the affected areas. Another longtime friend, Dr. Gary Morsch, a physician and founder of Heart to Heart International, assembled teams of doctors and other personnel to serve remote areas of Puerto Rico in Maria's aftermath. And in the midst of a senseless tragedy in Las Vegas, countless stories are told of courageous individuals acting heroically. The immediate response of law enforcement and medical professionals saved countless lives.

These recent events reminded me of another disastrous day, when on April 19, 1995, a truck-bomb killed 168 people in Oklahoma City. I was one of thousands who rushed to the site that day. The response would be termed "The Oklahoma Standard," a standard established by ordinary individuals with one common characteristic: they CARED. I again witnessed this standard of care immediately following 9/11 when the world poured out its concern and aid to the victims of terrorism. The compassion was palpable and profoundly impacted me while visiting Ground Zero and speaking at many post-tragedy events.

Ethics and care of others go hand-in-hand. They are inseparable. Now, more than ever, each of us must make a commitment to both. I hope that each IRWA member and the companies which they represent will make a conscious decision to create a culture of care, make a pledge to ethical excellence and get involved with efforts to help improve society. ★



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.

DEADLINE FEBRUARY 1, 2018

IRWA Call for Awards

EACH YEAR, IRWA recognizes members, Chapters and companies for their valuable contributions toward advancing the Association and the right of way profession.

The International Nominations and Elections Committee is currently accepting nominations for the following categories:

- Frank C. Balfour Professional of the Year
- W. Howard Armstrong Instructor of the Year
- Young Professional of the Year
- Government Employer of the Year
- Employer of the Year
- Chapter of the Year
- Website of the Year
- Newsletter of the Year
- SARPA Scholarship Sponsored by RWIEF
- CRWEF Scholarship

SUBMISSION INFORMATION All forms are available on the IRWA website under the "About Us" tab and submissions will be accepted by email only.

CRWEF Scholarship applications should be sent to Shannon Favaro, SR/WA, at shannon.favaro@fortisbc.com

Newsletter and Website of the Year should be submitted to INEC Vice Chair Jenni Kriner, SR/WA, at jk17bear@yahoo.com

All other submissions should be sent to Randall Kopfer, SR/WA, at randallkopfer@gmail.com

Award winners will be honored at IRWA's Annual Awards Luncheon on June 25, 2018 during the 64th Annual International Education Conference.



Who Are Your Customers?

The importance of focusing on your deliverables



BY CAROL L. BROOKS, SR/WA

Whether we realize it or not, each of us provides a product or service that someone else needs so they can do their job. Regardless of job title, the people who need what you have to offer are your customers. Therefore, one of the most critical questions we can ask ourselves is, “Who are my customers?” At first glance, this may seem like a rhetorical question, but the answer determines how effective you are in managing your job, your success and ultimately the success of others.

Let’s assume that you are an acquisition agent. Your customers could range from the project manager and engineer to a local public agency or a property owner. Now thinking of your colleagues or agency representatives as customers

may require a bit of a mind shift. But identifying who they are is critical to building, maintaining and growing your relationships with them.

The concept of effective customer service is not new, however, you may be wondering what’s involved. Following are some key components of effective customer service:

Focus on Excellence: Our performance and ability to complete a task depends on those who provide us with what we need to do our job. Any delays can jeopardize our completion time. In other words, we are as good as what our suppliers provide to us. In turn, can you see that your customers are as good as what you supply to them? If a project

manager needs acquisitions completed on time, it’s vital that you make every effort to do so. Remember, your project manager is your customer.

Good Enough Isn’t: We’re constantly pulled in different directions with demands that can be dizzying. When we feel stretched and worn out, it becomes easy to do what I call “enough to get by.” We compromise our standards and when that happens, it’s the customer who is affected. Regardless of the distractions that surround us, we must stay focused and organized to deliver a product that we are proud of. That means no shortcuts, no delays and no partial deliveries just to get by. Good enough is never an option.

“Our performance and ability to complete a task depends on those who provide us with what we need to do our job.”

Put Yourself in Your Customer's Shoes:

This comes down to one major ingredient: empathy. Empathy allows you to show your humanness and encourages your customer to do the same. It paves the way to a better understanding and will help you to put your best foot forward. So how do you put yourself in your customer's shoes? Think about things from their perspective. Learn what it takes to do their job, understand their priorities, spend time with them and take an interest in their family and hobbies. The more you can identify with your customer, the more you'll align with their needs, values, beliefs and concerns.

Keep your Customer in the Loop:

If you're approaching a specific deadline and you're down to the 11th hour without an easement, appraisal or environmental report, it's critical to let your customer know in advance of the due date. Contact them beforehand and tell them when you will deliver, or discuss this with your customer and create an alternate plan. This effort enables them to plan and make necessary adjustments on their end. Your customer will appreciate your professionalism, honesty and trustworthiness.

Be Adaptable: Every customer is different, and some may seem to change from week to week. Become someone who can handle surprises, sense the customer's mood and adapt accordingly. Be willing to learn. After all, providing good customer service is a continuous learning process.

Manage Expectations: Sometimes your customer may need a reality check. When they ask you to rush a new project, simply say, "I'm working on one of your other projects right now, so which one do you want first?" Managing your workload and your time is critical in serving all of your customers in an efficient and organized manner. Being assertive and

maintaining flexibility will help you to satisfy the needs of your customer, while managing your own time.

Work Smarter, Not Harder:

Although this may take some creative imagination, the payoff is huge. For example, when I used to go on ride-alongs with my customers, it always proved to be time well spent. Visiting job sites with my engineer gave me the opportunity to learn more about the proposed work and how it affected right of way acquisition. In some cases, we were able to strategize ways to adapt the design so that it would have minimal impacts on the property owner. These ride-alongs provided me with a deeper understanding of the goals and minimized the questions, discussions and changes during the acquisition process. All in all, putting in this extra effort helped me to become more effective in my job.

Putting the key components of effective customer service skills into action will bring enormous benefits to both you and your customers. And a strong partnership with your customers will bring job enrichment, satisfaction and deeper purpose to team performance. ☘



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



It's a **Two-Way** Street

How to succeed with IRWA's Mentor Match Program

BY NOELLE HOELSKEN

The benefits to be gained from a good mentor relationship have the potential to outweigh education, natural ability and even luck. To help facilitate new mentor-mentee relationships in the Association, IRWA's Young Professionals Group recently launched an online professional platform that makes it easy to connect. With Mentor Match, members can take advantage of one of the most effective pathways to career success for both the mentor and mentee.

Say Goodbye to Comfort Zones

In my budding professional career, I have been fortunate to be a participant in both formal and informal mentoring relationships that have helped me identify and set attainable goals, experience professional growth and shape my leadership skills. The most successful pairings are based on honest assessments of the strengths and weaknesses of both mentor and mentee.

When I set out on the journey to find my own mentor, I made it a point to look for someone who possessed a skillset that I was sorely lacking. For me, that was anything involving appraisal. The majority of my work involves land acquisition and negotiations. I used to dread the part of my job that involved appraisal and anything in its capacity. Unfortunately, this was also a daily facet of my position at the time.

To get the most out of the experience, I found that working with a mentor who specializes in a skillset you have yet to master is critical. Not only for your own career, but for your clients, your company and future companies you aspire to work for. Mentors push others to grow where there is weakness and

“The most successful pairings are based on honest assessments of the strengths and weaknesses of both mentor and mentee.”

flourish where there is strength. In order for mentoring relationships to be rewarding for both parties, it is recommended that the mentee's areas of improvement line up with the mentor's strengths. This requires saying goodbye to our comfort zones.

Don't Sell Yourself Short

In the early stages of cultivating my relationship with my IRWA matched mentor, I quickly learned that mentorship is a two-way street. Like most young professionals, I had underestimated what I could bring to the relationship. There's a popular misconception that only the mentee gains value, while the mentor offers insight and guidance. But it is important to realize this is not a transaction—it's a relationship. As a young professional, it is imperative to offer value to your mentor, and that often means working harder than those around you.

One of the most important things a mentee brings to the table is a different viewpoint. While you are there to be guided by someone with an abundance of knowledge within your industry, you don't want to underestimate what you have learned along the way. Mentors have succeeded in their careers by learning from others, and they will be interested in what they can learn from you. For example, technology and applications are constantly evolving and new methodologies are being applied, while traditional processes and procedures may have been streamlined or

eliminated altogether. A good mentor demonstrates an attitude where ideas are respected more than title and position. They didn't get to where they are by always doing things the same way. Similar to the mentee, they are often hungry for new ideas.

Roles and Responsibility

Mentoring is an active partnership between committed professionals designed to foster growth and career development. In addition to defining expectations of each role, there is a responsibility in managing and cultivating these connections. The good news is that there is more than one way to approach this.

Both parties are well within their rights to stress the importance of communication and mutual respect for each other's time. Creating an individual development plan is an excellent way to accomplish this. Establishing short and long-term goals, acknowledging and addressing concerns, and monitoring and reporting on progress are all critical in order to nurture these networks.

The most successful mentees are those who are motivated and feel empowered to plan and manage the direction of their career. They take responsibility for their development, learning and growth. At the same time, seasoned professionals who take their responsibility of mentoring seriously have a profound impact on not only their mentee's career, but their own as well.

In Summary

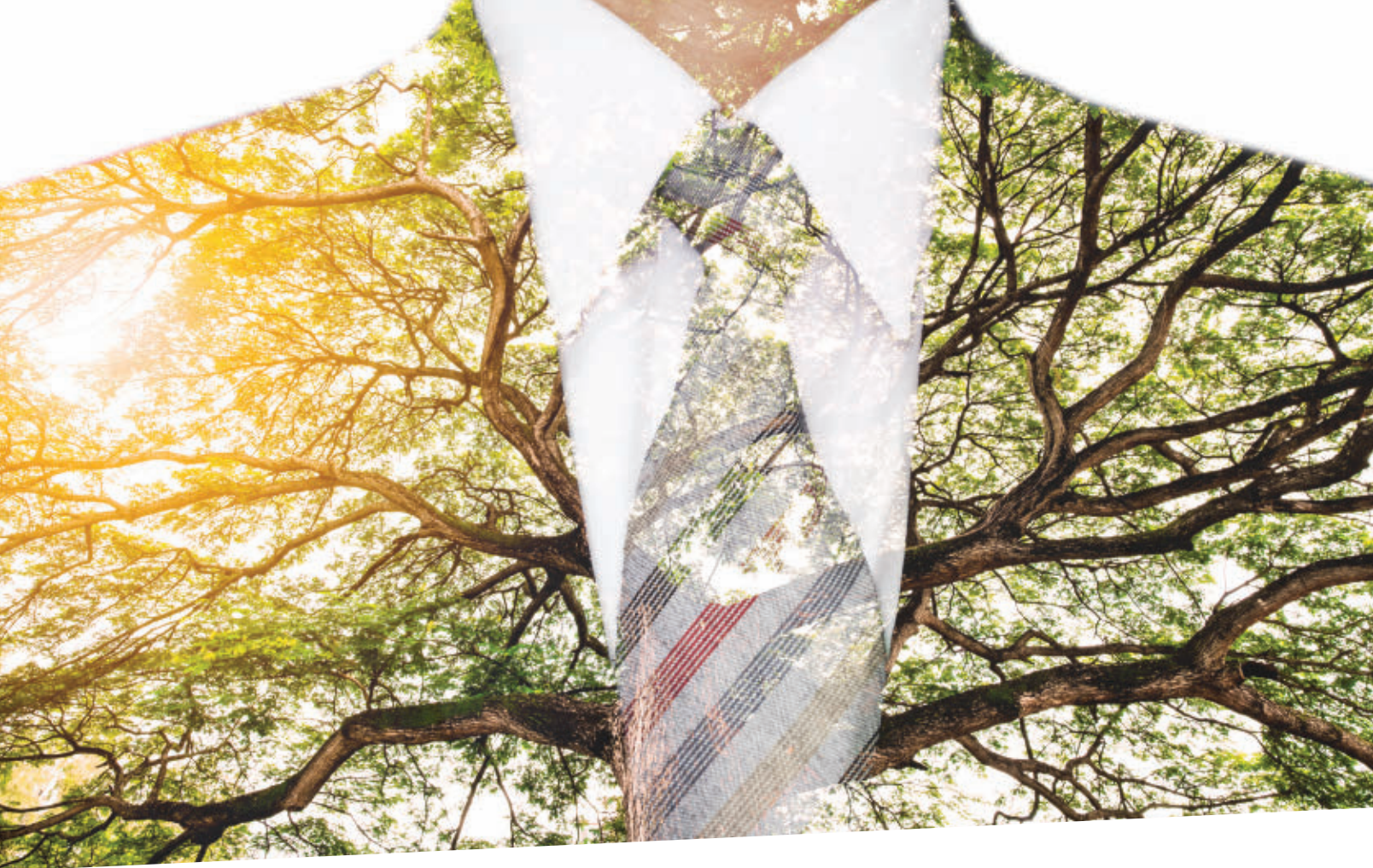
The key for mentees is to have the foresight and humility to identify areas of weakness. For mentors, the key is to connect with someone who is in need of your particular area of expertise. In doing so, you'll ensure that you get the most out of the mentor-mentee relationship and find success in your life and career.

IRWA's Mentor Match program is an excellent way to develop successful professional and personal relationships in our industry, which is really what our Association is all about.

I would like to take this opportunity to express thanks and gratitude to my mentor, Orell Anderson, MAI. Thank you, Orell, for your continuous wealth of knowledge and for investing your time. ★



Noelle Hoelsken is a Land Acquisition Agent with Stanley Consultants, a global engineering service provider. A member of Chapter 6 in Denver, Colorado, she was named the Chapter's Young Professional of the Year in 2016.



PLANNING FOR **ENVIRONMENTAL** **HURDLES**

Attorneys play a critical role in avoiding potential pitfalls

BY MICHAEL RUTTER, ESQ. AND CHRISTINE ROY, ESQ.

It takes a deep understanding of environmental regulations and property restrictions to successfully plan and develop today's infrastructure projects. The potential pitfalls are not always readily apparent and can add costly delays to the project schedule. It is particularly challenging when the properties impacted are preserved farmland or are encumbered with Green Acres restrictions, conservation easements or other environmental constraints.

The Most Challenging Parcels

In over 30 years of advising clients on projects in New Jersey, our firm, Rutter & Roy, has found that identifying Green Acres-restricted land is one of the major challenges our clients encounter. These parcels can be extremely difficult to identify, especially if they are unfunded parcels not listed on a local unit's Recreation and Open Space Inventory, a master list of Green Acres-encumbered properties in each municipality.

New Jersey created the Green Acres Program in 1961, a program that would not only leave a legacy for the state but also become a national model for open space preservation. The program was created to meet the state's ever-increasing recreation and conservation needs in the midst of sprawling growth.

Under New Jersey's Department of Environmental Protection (NJDEP), it has preserved more than 680,000 acres of open space.

From the outset, we presume that if the land is municipally owned, it's Green Acres-restricted land. Many publicly owned properties are not, but after handling a large number of diversions under the 2006 Green Acres Rules, we understand that the answer often is not black and white. Despite our decades of experience with environmental and development regulations, we often come up against situations and issues that we've never seen before.

A Complex and Lengthy Process

We tell clients that it's important to identify property restrictions as early as possible because those can lead to significant project

delays. The jurisdictional review process alone can take six months to a year, as the participants wrestle with identification and determining whether they fall under other federal funding programs such as Land & Water Conservation. We also check to see whether properties are subject to a Deed of Easement conveying the non-agricultural development rights to a county, town or the State Agriculture Development Committee, making them preserved farms.

In New Jersey, the Green Acres diversion process can be complex and time-consuming. If there are surface impacts to conservation restrictions, these must be approved by the Commissioner of the NJDEP after holding a public hearing. If any of the properties are Green Acres restricted, this will trigger an onerous approval process, including the need to hold two public hearings, submitting an application to NJDEP and ultimate approval from the Commissioner of the NJDEP and New Jersey's State House Commission. The diversion process could take well over a year to complete, but it is always preferable to a condemnation. The rules are intentionally strict to discourage companies from obtaining a diversion on protected lands. Legal professionals who understand these kinds of property restrictions are essential to companies navigating the statutory and regulatory process.

On a recent project, a client proposed to open trench through a heavily forested property owned by the New Jersey Turnpike Authority. Under New Jersey's No Net Loss Reforestation Act, the deforestation of a half-acre or more on property owned by a State agency or authority requires the preparation of a



New Jersey created the Green Acres Program in 1961 to meet the state's ever-increasing recreation and conservation needs in the midst of sprawling growth.

reforestation plan, the holding of a public hearing 180 days prior to the proposed work and significant compensation. By identifying the issue early in the planning process, the client was able to revise its plans and do a horizontal directional drill that worked to avoid triggering the statute.

Involving the Legal Team Early in the Process

Attorneys can play an important role in ensuring the success of any project—as long as they are involved early on in the process. Acquiring rights across property subject to a conservation restriction can have a significant impact on the schedule, and the legal team will know the procedures for obtaining the necessary property rights in the shortest amount of time. The schedule must allow for adequate time up front to acquire necessary environmental permits/approvals and the land acquisition schedule.

An experienced legal team can be invaluable in making jurisdictional determinations, identifying publicly owned lands, detecting regulatory triggers and planning for appeals. They are familiar with the process and regulatory timeframes associated with each permit, as well as common missteps that could impact the schedule. Although our clients will often acquire permits and approvals directly with local authorities, legal action can be a viable option when approvals are not granted.

Anticipating appeals has become a necessity in recent years. It used to be that requests for re-hearings,

“**The diversion process could take well over a year to complete, but it is always preferable to a condemnation.**”

and subsequent appeals, focused on the certificates of public convenience and necessity issued by the Federal Energy Regulatory Commission (FERC). But now, even before an application is made to FERC, you must anticipate appeals of state environmental permits.

Permit applications should be treated as legal documents, and involving the legal team in reviewing environmental permit applications will work to ensure that they are not vulnerable to appeal. An experienced legal team can “scrub” the permits to ensure that the regulatory standards applicable to that particular permit are addressed, as well as issues identified by the NJDEP in past projects.

In Summary

The fact is that there is no typical project because each one has its own set of challenges and environmental issues. The key to minimizing major issues and avoiding potential delays is proper project planning. Getting the legal team involved early on in the planning phase will allow them to identify fatal flaws or issues which may cause delay to the start of construction. If restrictions and the potential impacts are identified up

front, it may even be possible to revise the plans and avoid these restricted properties, thereby saving the client time and money. ☘



Michael Rutter is a Partner at Rutter & Roy, LLP. He joined the firm in 1978 and has over 35 years of legal experience in pipelines, condemnations, real estate and environmental law. His litigation expertise also includes railroad law, insurance law and probate.



Christine Roy, Partner, joined the firm in 1999. She specializes in environmental law and has extensive experience in land use, transportation and pipelines. She has been lead counsel on approximately 100 condemnation actions in connection with six major interstate natural gas pipeline projects.

SECURING A SEAT AT THE TABLE

SoCalGas shows the benefits of involving land services in the initial planning phase of a project

BY ANDREW THOMPSON, SR/WA

Years ago, a project manager approached me saying he needed to get in touch with a landowner and get an access agreement to use the landowner's property. What's more, he needed this in less than five days.

As any land services agent would agree, this deadline was nearly impossible. Because he had failed to come to me in a timely manner, his deadline did not give me sufficient time to thoroughly discuss the project with the property owner and establish a relationship. Despite my explanation, I could not pacify the project manager. In his perspective, I was the one throwing a wrench into his project.

This miscommunication is all too common in the world of infrastructure projects. Although a handful of managers know to engage right of way agents early in the planning phase, it seems many are just now realizing that permits and land acquisition can require a lot more time than expected. While design and aesthetics remain a top priority, other equally important aspects—such as property rights—are often overlooked or ignored until the 11th hour. Not surprisingly, the biggest cause of project delays is land access.

Imagine what would happen if right of way professionals consistently got a seat at the table from the very beginning. Imagine if we were consulted and factored into the initial planning phase of a project rather than brought in at the final hour. Instead of imagining, we wanted to make that a reality. This is where the SoCalGas Pipeline Safety Enhancement Plan (PSEP) comes in.

A Focus on Safety

Safety is a core value that SoCalGas and SDG&E demonstrate through action and investment. PSEP is designed to enhance the system's integrity and further protect customers and employees.

PSEP is one of the largest pipeline safety projects in the United States. As required by the the California Public Utilities Commission (CPUC), all natural gas pipelines in the SoCalGas transmission system that have not been tested or lack adequate records of a pressure test will be tested or replaced. The current phase calls for SoCalGas to hydrostatically pressure test or replace about 190 miles of transmission pipelines in populated areas

and retrofit over 500 valves to be automatically or remotely controlled. The company's five-year capital plan includes \$6 billion in infrastructure investments. In 2017 alone, it is investing approximately \$1.2 billion to improve the safety, performance and reliability of its pipeline system and infrastructure.

These investments clearly demonstrate the company's commitment to safety. And with its infrastructure plan and funding in place, the company recognized that in order to be successful, a strategic methodology would be critical.





Engaging the Right Players Early On

I was brought in as the PSEP Land Services Manager in March 2013 and tasked with developing processes and procedures for its implementation. I quickly realized that, where a lot of companies fail is in getting the initial assessment of a project up front. A project manager will typically do all the leg work themselves, not knowing the risks involved with land acquisition.

As a land manager, it is my responsibility to ensure that we're in compliance with the laws and not trespassing. It is also my duty to maintain positive relationships with the impacted property owners and not jeopardize the company's reputation. After all, once the project is designed and approved, you still have to build, operate and maintain it. If we upset or alienate a landowner early in the project, we face the potential of negative consequences for the life of that asset.

Under a traditional approach to project management, project teams reach out to land services experts after a project has progressed far along in the design and engineering phase and it is time to begin acquiring land rights. Early on, I took the position that I was not just a real estate specialist who buys property. I was an advisor who could help determine and avoid the risks and potential pitfalls that can happen in the acquisition phase. Not only that, it is my responsibility to make sure we take

care of the pre-construction access so that we're doing what's right and maintaining the reputation of the company.

Land services is different from other disciplines in that we're also dealing with the human element. Some timeframes may not make sense to a design engineer, but we know the benefits of developing relationships early. For instance, let's say that we're dealing with someone who was upset over a project in the 1980's. Once we recognize this, we might decide early on not to use his property. We can help find alternatives to using his property, and we may even be able to foresee which cases could lead to eminent domain. But all of these benefits are only applicable if we're utilized early on.

As it turns out, many other subject matter experts also felt that their early involvement in the planning process would help mitigate potential pitfalls later on. As we began developing the policies and procedures of PSEP, we decided to engage everyone (including public affairs, environmental, design, surveying and construction) into the early stages and throughout the closeout process.

Reaping the Benefits

Within the PSEP organizational structure, we have had dedicated staff and project teams who were charged with developing the implementation processes. This led to a number of best management practices.

One of the first things we developed was a work process map, which is a tool that allows the project manager to understand which deliverables need to come from which group and when to expect them. This increase in transparency was just the beginning of keeping everyone on the same page.

Early in every PSEP project, we hold an interactive planning session where all the subject matter experts meet face-to-face to draft a proposed schedule and outline the deliverables


for each group. According to Janella Cordova, who currently holds the seat at the table for land services in many PSEP projects, this gives our land team the opportunity to look at what kind of properties we're dealing with. For instance, knowing whether a property is governmental, state-owned or private will change our approach. Being aware of complex or challenging acquisitions helps us to develop a realistic timeline. In addition to identifying risks and how they might impact the proposed schedule, this platform allows everyone involved in the project to better understand our concerns, and we have found that there is much less pushback. Janella points out that as the project progresses, it's much easier to address issues that were already brought up earlier as potential risks.

We feel a great sense of responsibility to educate the project teams on what we do, why we do it and how we work within the confines of property rights, environmental protection and permitting agencies. Similarly, we end up learning about the concerns and needs of the other disciplines involved. Nothing is overlooked because all aspects of the project are presented and discussed at the planning meetings, including base-mapping for survey, the access required for survey, getting pre-approval to go on someone's property, survey monitoring and even environmental monitoring.


By integrating both the work process tool and the interactive planning session, we are able to identify potential risks and create a transparent schedule. And because we are all interacting and communicating in unison, we're working to ensure that no one is holding up the next phase of the project. This is a true show of teamwork.

An Expected Comparison

I always tell both the land acquisition and the permitting teams that we're essentially space planners. We typically notice things that the others don't, such as overhead electrical lines that require cranes be used and could cause a safety hazard during construction. We don't just look at our project—we



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look at what's surrounding it. We see what aspects of the land could be used to our benefit, as well as the dangers we need to avoid. Without our team at the table in the initial planning phase, the consequences can have a large and direct impact to schedule and cost.

IRWA International President Jerry Colburn, SR/WA, recalls two particular instances during his time with Overland, Pacific & Cutler, Inc., where he currently serves as Managing Director, Energy & Utilities. In one instance, the skills of right of way agents were utilized early and throughout the project. In the other, they were overlooked. As you probably guessed, the outcomes were quite different.

While working on the 91 freeway in California, there was a design to take out all the parking on an almost brand new building for a California Highway Patrol (CHP) turnout. Acting proactively, the right of way agents looked at the route and were able to shift the CHP turnout up about half a mile. By moving the road back and saving the parking, the revised route ultimately saved millions of dollars.

Unfortunately, the opposite can happen when land and right of way agents do not have a seat at the table. Jerry recalls a time when the team driving the piles for a freeway overpass caused so much vibration that the foundations of the mobile homes in an adjacent park were severely damaged.

As these examples show, the land agent's early involvement can make or break the project budget and schedule. With PSEP projects, we get involved early so that we can determine whether an idea is effective or detrimental to the project and adapt accordingly.

Addressing the Concerns

As with every new methodology, this strategy poses some concerns. The most obvious are costs. This can certainly be more costly on the design side, even after identifying inefficiencies and streamlining the process to match a more reasonable cost. Companies and organizations who



SoCalGas crews work on Line 43-121 North Section 2 in Los Angeles, California.

adopt this method need to be aware that while it is likely to cost more initially, especially with an increased staff, greater benefits in schedule and construction can be expected later on.

Additionally, this model may not fit the day-to-day operations involved with smaller projects. In those cases, we encourage using some of the best management practices that we developed in PSEP, such as the work process map. No matter the size of the project, this change in mindset to involve everyone early on will continue to benefit infrastructure projects for years to come.

A Worldwide Solution

The issue of waiting until the 11th hour to bring in a right of way professional extends far beyond the U.S. In fact, when Jerry Colburn, SR/WA, attended the U.S.-Mexico Natural Gas Summit in San Antonio, Texas this year, he discovered that they face the exact same challenges that we do. Many Mexican pipeline project teams complain of delays because of land access, and they all admit that this could have been avoided with conversations happening up front. Right of way agents are not asked how much the project is going to cost or how much time is needed. They are simply given a deadline and a package.

I am proud to say that PSEP has taken steps to address the problem head on and create new processes that mitigate the potential risks.

In building a project team, we recognize that each discipline has an incredibly important voice. This methodology is not only beneficial for land services. There have been a number of other disciplines—such as outreach, public affairs, environmental, design, surveying and construction—that also reap the benefits of having everyone at the table from the beginning. Above all else, our project successes have proven that even if we're just a cog in the wheel, every role is just as important as the next. 🌟



Andrew Thompson, SR/WA, is the Land Services Manager for Southern California Gas Company where he is assigned to the Pipeline Safety Enhancement Plan. In addition to being a member of the IRWA Pipeline Committee, he is a Past President and International Director of Chapter 1, Los Angeles.



THE NUTS AND BOLTS OF DRAFTING EASEMENTS

Writing easements that can withstand the rigors of eminent domain

BY MISCHA BOARDMAN

Proper drafting of easements is a painstaking process. It takes knowledge about the applicable law, fine attention to detail and the ability to think critically and spot issues. Failure to draft an appropriate easement can result in failed acquisitions, time delays and undue expense. Fortunately, there are some ways you can avoid the potential pitfalls of a poorly-written easement document.

Begin With the End in Mind

During the acquisition phase, we often see previously unidentified issues surface only to cause delays and add costs. That's because when easements are being drafted,

the thought of a condemnation is not usually top of mind. Most easements overlook this area, and as a result, even a small oversight can bubble up into major problems later on and potentially stall your project altogether.

Early in the easement drafting process, the goal is to obtain properties on a voluntary basis. However, in the final stages of the acquisition process—when eminent domain becomes the last remaining option—oversights in the easement can throw up roadblocks to bringing the project in on time and on budget. To minimize the most common issues that utilities and other condemning agencies face, it's critical to prepare for a potential condemnation.

The Pre-Litigation Phase

In any eminent domain lawsuit, there are two main types of challenges that a property owner can bring. A “necessity” challenge goes to the authority to condemn. While necessity challenges can take on many forms, at the most basic level, the argument is that the condemning agency does not need the property, either because the project itself is not needed or because the individual property is not necessary for the overall project. Losing a necessity challenge could mean that the utility company may not condemn the subject property at all. This type of ruling could compromise the viability of the project as a whole. When a necessity challenge is used to successfully contest specific provisions of an easement, the utility company may be forced to re-draft its easement and restart the condemnation process. Depending on a project’s tolerance for delay, losing months or years on a land acquisition or construction timeline could be catastrophic.

The second type of challenge is to the “just compensation.” This is the amount that the condemnor is required to pay for the property rights being sought. Property owners are constitutionally entitled to receive full and fair compensation for their property, and they have the right to challenge the condemning agency’s valuation if they believe it is too low. Typically, just compensation challenges are not project killers, but they can certainly negatively affect a project’s bottom line.

Because necessity and just compensation challenges may significantly affect a project and its budget, it is essential to draft easements and other project documents assuming that eminent domain will be utilized to condemn the remaining properties required to complete the project. Favorable outcomes are possible at every stage of a project, whether it be voluntary acquisition or later at a trial on necessity or just compensation. However, this requires careful planning during what is frequently thought of as the “pre-litigation” phase of the project.



...timing and cost setbacks could have been avoided altogether if the company had spent the time and resources in the planning stage to appropriately modify the easement language to fit the taking...



Learn the Rules

Nobody would start playing a game without first learning the rules. Land acquisition is no different. It is essential to know the eminent domain law in the region/state where your project is located. Simply knowing the federal rules is not enough. Each state will likely have a unique set of written statutes and case law that could affect not only the health of a project, but also the manner in which property owners may challenge it. Some states are much more property owner friendly than others.

For example, Michigan has codified its eminent domain processes and procedures in the Uniform Condemnation Procedures Act. The act was drafted with many property owner protections in place and imposes responsibilities and liabilities upon a condemnor far in excess of the federal law and what’s imposed in most other states. A condemning agency’s violation of these responsibilities can have grim consequences on its ability to condemn. To begin a project before fully understanding all the specific state laws is incredibly risky. To minimize that risk, be sure to learn about the laws before you start.

Avoid Using Standard Easement Templates

When beginning a new project, it is critical to ensure that you are using an easement document that is customized for that particular project and/or state. That means fighting the natural tendency to simply recycle a standard easement. Instead, specifically and carefully review the language of the easement document and think critically about whether specific provisions are appropriate for the current project. Many times we see utility companies come into Michigan and rely on their template easement documents without making modifications required by geography, law and/or the design of the new route. This can often lead to damaging consequences.

Recently, a national utility company constructed a crude oil pipeline through several states, including Michigan. The utility chose to use its template easement document across all of the states, instead of separately analyzing whether adjustments to the language would be needed. The template easement document was fairly broad and granted the company the right to transport crude oil “...or any material or substance ...”

Unfortunately, the regulatory approval received by the utility company in Michigan limited the company's authority to transport crude oil only. When the company sought to condemn the final 80 easements for the new transmission line, dozens of Michigan property owners challenged the necessity of the taking, arguing that the company's easement sought to condemn a right that they did not actually need—the right to transport substances other than crude oil. The court ruled in favor of the property owners, dismissing the condemnation lawsuits and requiring the company to start the condemnation process from the beginning. This caused a lengthy delay, and of course, added significant expense to the land acquisition budget.

These timing and cost setbacks could have been avoided altogether if the company had spent the time and resources in the planning stage to appropriately modify the easement language to fit the taking in Michigan.

Acquire Rights to Only What's Needed

When drafting an easement, limit the rights to only what is needed. Do not try to acquire the right to do something that will never be done. The first and most important reason is illustrated in the previous crude oil example. A condemnation case can easily be derailed by a necessity challenge if a condemning agency attempts to take more than what is needed for the project.

Another compelling reason to limit the rights being acquired is to limit how much must be paid for the easement. Every individual easement right that is acquired

will be valued by the property owner's real estate appraiser—and the condemning agency will be required to pay for it, whether it is used or not. Some states require that easements being condemned be valued as if the condemning agency will use every easement right to the fullest extent possible—even if the condemnor does not intend to fully utilize its rights.

A good example is vegetation management rights. Oftentimes, utility easements provide very broad removal rights like "the right to cut, trim, remove, destroy or otherwise control any trees, bushes and brush." Essentially, this type of language would allow the easement holder to remove all vegetation within the easement area and by any means it chooses. And this is how the easement will be appraised. This is true even if the utility only intends to remove trees that are in excess of 25 feet tall. Because the company has taken the right to full removal, it will be required to pay for that right even if it does not intend to actually use it.

To help avoid paying for rights that may never be used, consider whether it might be appropriate to limit the rights being acquired. Some limitations include:

- Voltage in electric easements
- Number of lines (oil, gas or electric) that can be constructed
- Vegetation removal rights
- Ability to assign rights to other utilities in the future
- Area within the easement where facilities may be constructed

Before finalizing an acquisition easement document, review it carefully to ensure that only those rights that are needed and will be used are being acquired. This will help to avoid paying extra for rights that may never be used.

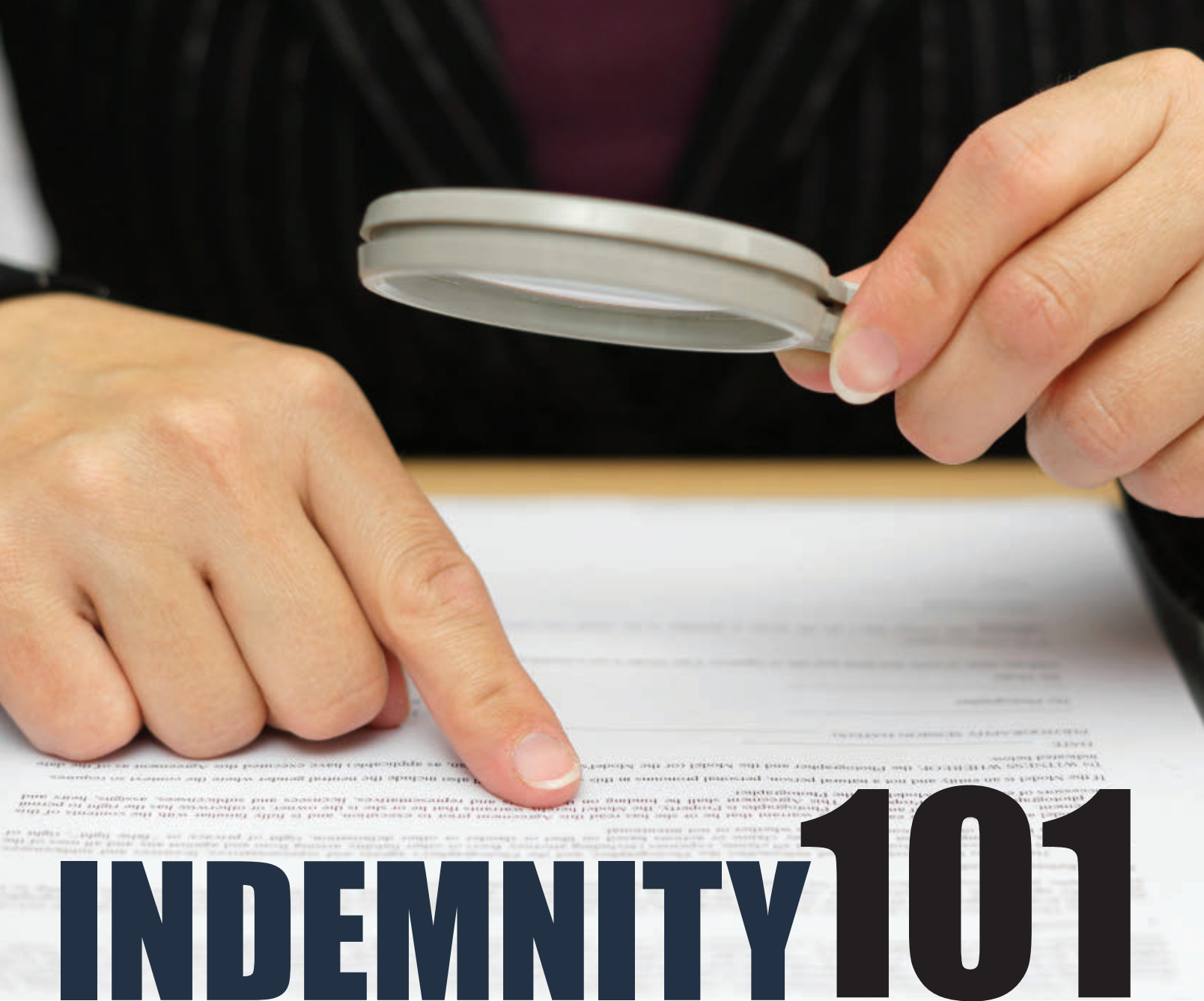
In Summary

It is important to think strategically when drafting acquisition easement documents. While this can be a lengthy and meticulous process, it can help you avoid potential valuation or necessity issues later in the acquisition process.

Achieving a successful outcome involves customizing your easement documents to the specific project and its location. It also requires knowledge about the applicable laws, fine attention to detail, and the ability to think critically and keep an eye out for potential issues. By following some of the suggestions provided, you can help avoid failed acquisitions, time delays and undue expenses. ★



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INDEMNITY 101

Shifting the risk of professional negligence

BY PETER CHRISTENSEN

Contractual indemnification clauses are present in almost every contract relating to right of way services. Whether they are written for governmental entities or private companies, acquisition agents, appraisers and relocation agents in particular are often impacted and would benefit from a clear understanding of what indemnification is and how it works in typical right of way service agreements.

Purpose of an Indemnification Clause

An indemnification clause is a contractual promise by one person or business to reimburse or pay for the monetary loss of another person or business. In commercial contracts, it is fairly common for one party to agree to indemnify (or reimburse) the other party for losses. For example, in a lease agreement, a tenant who operates a gymnastics school would agree to indemnify the landlord for all damages claimed against the landlord if an injured gymnast sued. After all, it is the tenant who controls safety in the gym and knows what the risks are, while the landlord has little or no control.

However, indemnification clauses often shift an unreasonable amount of risk to one party—risks that the party can't always control. Some even go so far as to require one party to indemnify the other party's own negligence.

When The Indemnification Clause is Missing

When there is no indemnity clause in a service agreement, it doesn't mean that the right of way professional has no potential liability. They will still be responsible for damages stemming from breach of the contract. Obviously, right of way professionals also have potential responsibility for their own negligent or wrongful conduct, even when no indemnity clause is present. This is the common law of professional negligence, general negligence and other tort claims. If a right of way professional's work product falls below the applicable standard of care and that violation causes injury to the client, the professional may be sued for negligence.

For example, we recently saw a client sue a real estate appraiser over an unfavorable result in a condemnation suit. The judge had thrown out the valuation opinion because the appraiser had used the wrong date of valuation. The client alleged that this violated the appraiser's standard of care and that the appraiser should pay for the client's poor result and alleged financial loss.

The common law that has developed around professional negligence is applied every day in thousands of cases against all types of professionals. It is a very well conceived area of law, and it presents the legal risk that professional liability insurance policies are designed to cover.

When Indemnification is Extreme

When creating contracts, legal counsel for users of substantial right of way services—such as local governments, transportation agencies or companies acquiring large scale land rights—often create very one-sided agreements. The lawyers throw in every possible provision they can dream up to protect their clients and shift risk to the right of way services firms.

For example, here's a lightly edited form agreement that a pipeline company gave to the right of way service firms they were seeking to engage:

"Consultant shall indemnify, defend, and hold harmless Company and Company's officers, directors, employees, contractors, agents and other representatives (collectively "Company Parties") from any and all losses, damages, costs, fines, suits, liabilities, claims, demands, actions and judgments of every kind and character, whether in law

or in equity (collectively "claims"), including those claims resulting solely or in part from the negligence or other acts or omissions of any Company Parties, arising out of or relating in any way, directly or indirectly, to Consultant's services under this Agreement. These obligations shall survive after termination of this Agreement in perpetuity. "

When I read something like this, I think about the risks that a firm may be blindly taking on. Under this clause, the right of way firm is promising to pay the pipeline company's losses or costs of any kind, including fines or penalties against the company, for anything related to any work done by the firm under the agreement. The right of way firm is even required to indemnify the company for losses resulting from the company's own negligence. While many state laws could make such extreme indemnity obligations difficult to enforce, no right of way professional has any interest in being hauled into court and forced to defend themselves based on such technical legal defenses. The provision also



requires the firm to indemnify them for the company's own financial losses. To top it off, the firm's indemnification promises will exist forever, even long after the project is over and the contract has ended.

Three Key Considerations

The above example of extreme indemnification raises the kinds of issues that can arise in any services agreement. Before considering indemnification clauses, right of way firms should address these three major questions:

1 Does the clause require that your firm defend the client?

The example clause not only obligates the right of way firm to pay the client for damages or losses resulting from the firm's acts but also obligates the firm to defend the client against any claim relating to such acts. This is very common language in indemnity clauses, but it poses some major risks.

What it means is that you've promised to pay for lawyers to defend your client against a claim relating in some way to your work, regardless of whether you've actually been found to have been negligent or done anything wrong. For a right of way firm, there are two big risks to accepting such a defense obligation. First, the promise to defend your client against claims is almost certainly not covered by any professional liability insurance you may have. The reason is that this promise is purely contractual. You would not otherwise have a legal duty to pay for your client's defense if you had not agreed to the indemnification clause. And contractual obligations—as opposed to your professional duties—are not ordinarily covered by professional liability insurance. Second, it is too great a risk for your firm to pay out of its own pocket for attorneys to defend your client against a claim when you may not

actually have made any error or be found negligent.

2 Is the clause limited to indemnifying your client from third party claims—or does it also obligate you to indemnify and hold your client harmless for the client's own alleged losses relating to your work?

The example clause requires the right of way firm to indemnify and hold the client harmless for any damages or losses, whether they are the client's own internal costs or the result of legal claims brought by third parties. It is much safer to only agree to indemnify your client for losses and damages relating to claims and lawsuits filed by third parties. By agreeing to indemnify and hold your client harmless from its own "first party" losses or damages, you are likely stripping yourself of some important defenses that you would normally have against a claim for professional negligence. In particular, by agreeing to indemnify "first party" losses, you will likely lose out on the ability to defend a claim or decrease the amount of liability by pointing to negligence or mistakes on the part of your client.

3 Is your obligation to indemnify the client for wrongful conduct on your part—or are you obligated to indemnify the client without there being any wrongful or negligent acts on your part?

The fact is, you are much safer to tie your indemnification obligations to wrongful or negligent acts, rather than simply agreeing to indemnify more broadly for losses or damages related to your services. But many professionals and services firms sign agreements with problematic indemnity language under the assumption that the provisions can't be changed. In my experience, that's often not the case.

“

... no right of way professional has any interest in being hauled into court and forced to defend themselves based on such technical legal defenses.

”

I speak to many firms that are able to work with their clients to come up with acceptable compromises once they see the risks. Your client's contracts are sometimes attached to language that they themselves may see as unfair, particularly if they have been independent professionals in the past. The language may just have been adopted from a form without any real analysis.

“Confirm your willingness to accept responsibility for your own negligence or misconduct, but make it clear that being liable for the mistakes of others is unreasonable.”

When discussing your concerns, explain that holding you legally responsible for another's liability is simply unfair, as is requiring indemnification when you and your firm's representatives have not made any actual errors. Confirm your willingness to accept responsibility for your own negligence or misconduct, but make it clear that being liable for the mistakes of others is unreasonable.

A Fair Indemnification Clause in Comparison

For comparison with the extreme example, here is a provision that could be considered fair:

“Consultant shall indemnify Client, and its officers, agents and employees, for losses, claims, liabilities or damages that may be asserted by any third party against Client arising out of or resulting from negligent acts or omissions or intentionally wrongful conduct by Consultant, or Consultant's employees, agents or contractors, in the performance of Consultant's services under this agreement. Consultant's liability shall exist to the extent such losses, claims, liabilities or damages are caused by the Consultant's negligent performance of professional services under this Agreement. Consultant's obligation to indemnify Client shall continue for a period of one year following termination of the Agreement.”

There are a few differences that should be apparent. This clause does not include a duty to “defend” the client. It also more narrowly tailors the situations for which the consultant will be obligated to

indemnify. Rather than obligating the consultant to indemnify for all claims relating to the work—regardless of who or what kind of conduct causes the claim—the clause only requires the consultant to indemnify for their “negligent acts or omissions or intentionally wrongful conduct.” This clause also more closely aligns with the professional liability insurance coverage that the consultant is likely to have. Finally, the indemnity obligation only exists for a year after termination of the service agreement.

Final Thoughts

In the end, prudent right of way professionals are left with several choices when confronted with an unreasonable indemnification clause. They can try to negotiate a reasonable alternative, or if that does not work, they can choose not to do business with that particular client. Ultimately, the professional must decide whether the risk being assumed is worth the benefit of the client's potential business. 🍷



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AVOIDING

DOUBLE COUNTING IN COMPENSATION

Coordinating business valuation and real estate appraisals in expropriations

BY PREM LOBO, CPA, CA, CBV AND CATALINA ANGHEL, CPA, CA, CBV

It is not uncommon for business valuation and real estate appraisal experts to be retained concurrently in expropriation proceedings. If a business is operating on land that is required for a public project, it's possible that the property owner will suffer from both business losses and a loss of property value.

Business Valuation vs Real Estate Appraisal

Generally, business valuers are retained to opine on two types of losses. One is the loss of business value that occurs when there is a full taking of land and it is not possible to relocate a business operating on it. The second type is business losses, which could result from a full taking of land where it is possible to relocate a business, a partial taking of land, or, sometimes, no taking of land (as a result of nearby construction activities for example).

On the other hand, real estate appraisers are retained to determine the market value of land taken for a full or partial taking or to determine the decline in the market value of the remaining land where there is a partial or no taking of land (sometimes referred to as injurious affection).

Significantly, even where there is no taking of land, compensation for injurious affection may still be available if damages were suffered as a result of construction or other expropriation related activities. For example, if a business is located adjacent to a roadway construction project, the value of that property can be impacted as a result of the construction. Moreover, if the construction makes it difficult for the business to operate normally, business losses can also become an unfortunate result.

Need for Consistent Assumptions

Both business valuers and appraisers have a duty to the adjudicator to impartially assist in determining the monetary compensation that would put a claimant back in the same economic position as it would have been in absent the expropriation. In fulfilling this duty, the compensation calculated by business valuers and appraisers should be based on a consistent set of assumptions to avoid issues like double counting. These assumptions often require coordination between the business valuers and the appraisers.

Avoiding Double Counting of Cash Flows

In a partial taking that results in injurious affection to the property as well as business losses, care must be taken to avoid potentially double counting with respect to the cash flows. Since these losses are typically considered in both the real estate appraisal and business loss calculations, it is not surprising to see losses inadvertently counted twice.

For example, assume that part of a hotel complex on a resort property is abutting a highway that requires widening. The widening requires the taking of part of the hotel's parking lot, as well as the demolition of one of the hotel buildings on the property, and it becomes expropriated by a government authority in 2014. The result is a reduction in overall property size from 500,000 square feet to 400,000 square feet. In addition to reducing the property's square footage, the highway widening and demolition work results in financial setbacks due to intermittent hotel access restrictions

and rerouting of traffic in the area until mid-2017. Once the highway-widening project is finally completed, the visibility and aesthetics of the hotel complex are both diminished.

An appraiser may calculate the following:

- Market value of subject property at expropriation date, reflecting **pre-expropriation** square footage (500,000 sq. ft.) and **no impact** of the expropriation (no injurious affection). Assume the appraiser uses discounted a cash flow approach to arrive at market value, being **Cash Flow A**, resulting in market value of \$30 million.
- Market value of subject property at expropriation date, reflecting **post-expropriation** (i.e. lower) square footage (400,000 sq. ft.) and **no impact** of the expropriation (no injurious affection). Assume the appraiser uses discounted a cash flow approach to arrive at market value, being **Cash Flow B**, resulting in market value of \$23 million.

- Market value of subject property at expropriation date, reflecting **post-expropriation** (i.e. lower) square footage (400,000 sq. ft.) and reflecting impact of the expropriation (injurious affection, due to loss of visibility etc.). Assume the appraiser uses a discounted a cash flow approach to arrive at market value, being **Cash Flow C**, resulting in market value of \$20 million.

Given this scenario, the appraisal losses may be calculated as follows:

- Market value obtained from **Cash Flow A** (\$30 million) minus **Cash Flow B** (\$23 million) = Market value loss of property expropriated (\$7 million).
- Market value obtained from **Cash Flow B** (\$23 million) minus **Cash Flow C** (\$20 million) = Injurious affection (\$3 million).

These calculations are illustrated in the Components of Damages table below.

Components of Damages

Market Value Loss of Land
= Difference of \$7 million

Injurious Affection
= Difference of \$3 million

Potential Business Loss
= Difference of \$1 million

Total Potential Compensation
= \$11 million

Cash Flow A

Present value of \$30 million

- Determined by appraiser
- Market value of subject property at 500,000 sq. ft. (pre-expropriation)
- Does not reflect impact of expropriation (injurious affection)

Cash Flow B

Present value of \$23 million

- Determined by appraiser
- Market value of subject property at 400,000 sq. ft. (post-expropriation)
- Does not reflect impact of expropriation (injurious affection)

Cash Flow C

Present value of \$20 million

- Determined by appraiser
- Market value of subject property at 400,000 sq. ft. (post-expropriation)
- Reflects impact of expropriation (injurious affection)

Actual Cash Flow

Present value of \$19 million

- Determined by business valuator
- Reflects **Cash Flow C** and incremental temporary impact of construction work during construction period
- May also reflect impacts unrelated to expropriation which may have to be identified and removed, as applicable

Adding Business Losses to the Mix

When exploring whether any business losses exist—in addition to the property losses already mentioned—the business valuator needs to understand which factors are accounted for/reflected in calculating Cash Flow C. For instance, if Cash Flow C reflects lower lease rates due to loss of visibility, but does not reflect a reduction for the temporary impact of construction activities, additional business losses may be applicable unless the appraiser considered those in their valuation under injurious affection. On the other hand, if Cash Flow C reflects not only the loss of visibility but also includes reductions in cash flow due to construction related disruptions, then potentially all of the business loss has already been reflected in the difference between Cash Flow B and Cash Flow C, and, therefore, has been reflected in the injurious affection calculated by the appraiser.

If it has been established that Cash Flow C does not account for/reflect all business losses, then calculating business losses should include a comparison of Cash Flow C with actual cash flow following the taking. If actual cash flow is lower, this suggests a possible business loss. As shown in the table, this potential business loss is approximately \$1 million. Of course, further analysis is necessary to see if such difference between Cash Flow C and actual cash flow is exclusively due to the taking, or whether it is partially the cause of unrelated factors, such as competition or the economy, and therefore only partially claimable.

When Double Counting Occurs

If a business valuator were to calculate business losses as the difference between Cash Flow A and the actual cash flow, business losses would be double counted with the market value of land and injurious affection.

Similarly, if business losses were calculated as the difference between Cash Flow B and actual cash flow, business losses would be double counted with injurious affection.

To avoid potential duplication of losses, business valutors and appraisers need to understand what factors are accounted for/reflected in the various cash flows used in calculating appraisal losses and business losses, as using the inappropriate set of cash flows could result in double counting of losses. In this regard, early coordination between the appraiser and business valuator will prove invaluable in ensuring that all properly compensable losses are quantified, while minimizing the risk of double counting.

Considering Market Rents

In some contexts, there may an expropriation of land and a business that operates on the property. The business may or may not pay fair market rent in relation to the property. In order to value the business and in calculating cash flow used in the valuation, business valutors may have to reflect a fair market value rent figure (or normalize the rent actually paid by the business). This generally has to be consistent with the rent determined and used in the appraisal of the property. For example, if the rent actually paid by the business is below market rate and the business is valued using this lower rent expense figure, this will overstate the value of the business.

Meanwhile, if the appraiser has valued the property assuming a higher fair market rent, this will result in a higher appraised fair market value of the property. As such, there is an inconsistency between the rent figures used in the valuation and appraisal exercises, resulting in potential overcompensation. It is important for the rent figures



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used in the valuation and appraisal to be consistent to avoid such overcompensation.

Addressing Land and Leasehold Improvements

Appraisers should clearly indicate what assets and liabilities (land and leasehold improvements) have been included as part of their appraisal. If a valuation is based on adjusted net book value, the business valuator should ensure that the fair market value of these assets are not reflected again in the business valuation—or are otherwise adjusted—to avoid double counting.

For example, with a complete taking where a business cannot relocate and is terminated, if the appraiser has included the value of leasehold improvements in the market value loss conclusion, the business valuator should not duplicate this in their business valuation. If the appraiser has not included the value of leasehold improvements, the business valuator should consider whether leasehold improvements should be included in the business valuation at full replacement or depreciated replacement costs, and they should consider whether there are any betterment issues to address.

Cost Considerations

Care should be taken to ensure that certain costs are considered by either the appraiser or the business valuator—but not both. Specifically, consideration should be given to out-of-pocket costs incurred by a business on disposition of a property, ongoing capital expenditures required to keep a business operating and/or environmental remediation costs. A business valuator should generally consider these costs in the business valuation as long as they were not already included by the appraiser.

Borrowing Capacity

An appraisal is performed on a debt-free basis and therefore may not have considered whether there is any unused borrowing capacity available to the property owner. As such, the business valuator may need to adjust for this and reflect an increase in the valuation of the business.

Betterment

Some expropriation statutes may specify that any betterment ascribing to a property owner from an expropriation can only be set-off against injurious affection to the owner's land or remaining lands. It may be important to consider whether the betterment in question is unique and specific to the expropriated property as opposed to a benefit that is available to all neighboring landowners. This is an analysis that is usually undertaken by appraisers.

Start of Loss Period vs. Expropriation Date

In some cases, facts may suggest that the start date for quantifying business losses may be earlier than the expropriation date. This may occur when the claimant can prove that expropriation impacts were experienced prior to the expropriation date, such as when lower lease rates are demanded by tenants in anticipation of an impending expropriation. Business valutors and appraisal experts may need to review relevant documents to determine if an earlier date is appropriate in quantifying business losses, and whether certain detrimental impacts to cash flow noted prior to the expropriation date were indeed the result of the impending expropriation.

In Summary

In expropriation proceedings, coordinating certain aspects of the compensation calculated by business valuation and appraisal experts is of paramount importance. By discussing potential overlapping areas of compensation, such as cash flow streams, market rents, leasehold improvements and various costs, valutors and appraisers can avoid double counting and other issues associated with calculating losses.

The early coordination between appraisers and business valutors is invaluable in ensuring that all compensable losses are quantified, while minimizing the risk of duplication.✱



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Right of Way Planning Input is Encouraged

A 1980's perspective on getting a seat at the table

Following is an excerpt from the article published in the March 1980 issue of Right of Way Magazine

BY EARL T. NEWTON, JR.

Right of way professionals have a great opportunity to contribute to the planning process. Many of them have existing knowledge and skills that can be used in the process. With a reasonable amount of training (e.g., short courses), this knowledge and these skills can be considerably enhanced to allow even greater contributions. In many State highway and transportation agencies, there are staffing needs that qualified right of way professionals can fill. Therefore, what is needed is to match the needs with right of way capabilities.

An important concept I wish to emphasize is that there is a role for qualified right of way personnel, whether right of way is acquired or not. For example, if there is a substantial

upgrading of a highway within existing right of way limits or there is relatively little right of way acquired, they can still contribute. Each phase of the planning process, systems planning, location and design offers opportunities.

In my discussion I will present eight principal concepts or observations. The first one is that in every State highway or transportation agency, right of way professionals perform a significant planning role in the location and design phases, although in most cases, this is limited to three areas. Second, some State agencies use their existing right of way personnel much more extensively. The third concept is that qualified right of way personnel have the capability



...in every State highway or transportation agency, right of way professionals perform a significant planning role in the location and design phases, although in most cases, this is limited to three areas.



to provide major contributions in the categories of social involvement, economics, land use, public involvement, historic and archeological preservation, noise and esthetics. The fourth concept is that appropriate training is needed to enhance capabilities. Fifth, we should seek ways to achieve right of way contributions to the planning process. Some strategies to accomplish this will be discussed. Sixth, among those who have planning roles, some should participate in research activities. Seventh, the assistance of professional societies should be utilized to provide forums for new ideas, provide education and promote professionalism. Eight, right of way professionals should be much more involved in the planning phases.

Capability

There are about 6,500 right of way professionals in State highway and transportation agencies or an average of 125 per State. There is a lot of talent in these agencies. This talent is attributable to the diverse educational background and work experience of these professionals. Their formal education includes the following principal disciplines: business administration, law, engineering, sociology, economics, agriculture and forestry. These are very desirable educational

backgrounds for contributing to the planning process.

Most of the State appraisers have acquired useful skills in the course of their work. For example, they have experience in preparing area analyses, site analysis, highest and best use studies and feasibility studies, all of which are very useful skills.

Acquisition agents are particularly strong on communication skills. They are dealing with the public everyday, and they do it very well. Because of their communications skills, they are capable of performing a much larger role in the public involvement activities in their agencies.

Relocation agents have a strong social orientation. They are dealing with the real world and have the capabilities for dealing with social and economic issues.

Training is needed for these right of way professionals to enhance their knowledge and skills and increase their capabilities. They

needed training in the planning process, as well as in specific categorical areas. Short courses are particularly needed. The kind of people I am thinking about for this training are the bright, eager people in our agencies who have the right attitude. Training will be discussed further below.

The focus should be on the categories that are particularly important and are most appropriate for right of way personnel. First, there is the category of social considerations. I see some of our State right of way personnel doing all the social studies that are needed in highway agencies. This is a tremendously important area. Social considerations include impacts on community cohesion and community facilities and services. Similarly, some right of way professionals can prepare all the economic studies that are needed.

Land use considerations are a logical area for qualified right of way personnel. In fact, they could very well be the principal land use experts in a highway agency. They deal with land use matters as zoning, building codes and master plans to some extent in the appraisal process. Public involvement is a subject with great potential. Right of way professionals can do all the public involvement work. Noise is

another category where some right of way personnel can prepare all the studies.

Historical and archeological preservation comes into a different category. There is a requirement for archeological and historical preservation expertise, but I do not see very many right of way people that have this expertise. However, there is a tremendous need for coordination, researching of information, interviewing and pulling it all together. The facilitation process is something that right of way professionals can do.

Esthetics falls in about the same category. Some of the other categories where right of way people can provide useful assistance are ecological impacts, air quality and water quality. For example, those with forestry backgrounds are

particularly suited to dealing with ecological impacts.

What type of individual should do this planning work? The person should have a favorable attitude, be interested in the work, a good team player, the skills to contribute, the knowledge and appreciation of the total program and how his activities contribute to the big picture. He should understand and appreciate the contributions of others. He should recognize that highway decisions are complex and require trade-offs. For example, an alternative that may be good for engineering may not be good in social and economic terms. Often there are tradeoffs. >>

To read the full article, visit the IRWA website and click on the Right of Way Magazine section. The archives can be accessed from the menu provided.



Earl T. Newton, Jr., U.S. Army Colonel (ret.), is a Realty Specialist for the Office of Right-of-Way at the Federal Highway Administration (FHWA). He served as Chairman of the AR/WA International Environment Committee, Secretary of the Association of Federal Appraisers, and he is now a member of the AR/WA Long Range Planning Committee.

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THE SPIRIT OF EMINENT DOMAIN

A historical accounting of honest and fair negotiations

BY MAZIE LEFTWICH, PSY.D.



Individual property ownership rights are engraved into the bedrock of U.S. history. Colonists enjoyed widespread land ownership, and their emerging free market economy was based primarily on private contracts. Yet the government's power of eminent domain—the taking of private property for the greater public good—is no less a cornerstone of our country's formation.

Finding a balance between the public interest and the protection of private property rights requires a cautious and deliberate process. When done equitably, the greater good of society is served.

The Beginnings of Eminent Domain

The United States can trace its history of utilizing eminent domain all the way back to England and the Magna Carta, when a rebellious group of Feudal Barons forced upon the unpopular King John of England a document to limit the King's powers by law and protect the Baron's rights. The Magna Carta was first chartered in 1215 and was reissued with alternations in 1216, 1217 and 1225. It eventually served as the foundation for the English system of common law.

The Magna Carta was a safeguard against arbitrary government. Article 39 of the Magna Carta reads, "no free man shall be ... disseised [deprived] of his freehold ... except by the lawful judgment of his peers, or by the law of the land." But no compensation was awarded to owners whose property was taken by the King (government) for public use.

As English Law and the political system matured and a parliament developed, the government obtained ownership of private property through existing legal channels, including parliamentary legislation. This principle was followed in England for several centuries and later adopted

by the developing American colonies. Interestingly, there was never a specific set of documents written for the Colonies, but simply an assumption by the King and all parties that the Colonies were an extension of England.

Eminent Domain and the Colonists

During the early days of American history, uncompensated takings of private property by colonial governments generally involved unimproved land. Each colony had its own unique style, but all had governors appointed by the King who reported back to him. Colonial governments often appropriated private land to build roads and bridges to develop America's frontiers. Making personal sacrifices for the common good, including forfeiting personal property was considered an essential duty of every colonist.

But much like today, there was disagreement surrounding eminent domain. While many disagreed that personal property interests should always be sacrificed for the greater good of society, not everyone agreed with the takings. Many colonists expressed distress over colonial governments that were abusing their power of eminent domain. New York, for example, regularly failed to recognize title to real estate in its colony that was held by residents of Vermont. Other colonies also discriminated in favor of their own residents, and against persons whose patriotism was questionable during the American Revolution. During the Revolution, the power of eminent domain was used at times to seize the land of colonists who were loyal to Great Britain, as well as to obtain various goods and housing for the colonial army.

Birth of a Nation

As delegates to the Constitutional Convention of 1787 were returning to their colonies to have the new Constitution ratified, the issue of basic rights became a major concern

throughout the colonies. George Mason, who is considered the Father of the Constitution, had made a motion to have a preface to the Constitution declaring such rights, but it had been rejected at the Convention. So George Mason then refused to sign the Constitution and ratification took place without it having a Bill of Rights. However, after the adoption of the American Constitution in 1788, there was fear, particularly by the anti-Federalists led by Thomas Jefferson,

“
...the spirit
of eminent
domain
has been to
protect the
landowner's
rights.”

that the federal government would be too powerful. Thus in 1791, Jefferson pushed for the adoption of the Bill of Rights, supported by Madison, for the first ten amendments to the federal Constitution. Interestingly, once again the Magna Carta played an important role in that it had the origins of many of the rights and liberties contained in our Bill of Rights.

It was in this context that the Eminent Domain Clause of the Fifth Amendment was drafted. It states, "No person shall be ...deprived of life, liberty, or property, without due process of law nor shall private property be taken for public use without just compensation."

Making a Commitment to Landowners

The Interstate Natural Gas Association of America (INGAA) created a standardized approach to land acquisition for the pipeline industry. However, every right of way professional, no matter the industry, should strive to adhere to these principles. The INGAA Commitment to Landowners includes the following:

- 1. Respect and Trust:** Positive, lasting relationships are built on mutual respect and trust. We will strive to understand issues from the Landowners' perspective and help them understand ours.
- 2. Accurate and Timely Information:** Providing natural gas transportation and storage services to the nation may create concerns. We will provide Landowners with information regarding the importance of energy infrastructure, the reason and need for the proposed project, and the processes in place governing easement acquisition, certification, construction, operation and maintenance of our facilities, and the particulars of individual projects.
- 3. Negotiate in Good Faith:** We will listen and strive to understand, and negotiate in good faith. We will make every attempt to reach agreement with Landowners in an honest, fair and reasonable fashion.
- 4. Respect the Regulatory Compact:** Final approval for a project is not a certainty and our interactions with Landowners will reflect that understanding. Prior to a Federal Energy Regulatory Commission decision, actions taken to negotiate easements or options are at the company's risk as there is no guarantee the project will be approved. We will communicate clearly that federal eminent domain cannot be exercised unless a Certificate is granted by the Federal Energy Regulatory Commission and will distinguish clearly when, and if, eminent domain is exercised pursuant to state law.
- 5. Responding to Issues:** We will respond to Landowner concerns in a timely fashion. To enhance direct communications and timely responses, we will provide Landowners with a single point of contact within the company to answer any question or concern and to provide general or project-specific information.
- 6. Outreach:** We will engage with and promote awareness on the part of affected stakeholders early in the planning process. In broadening our outreach, we will develop relationships with, and introduce our industry to, those who might not have otherwise known about its benefits to the community and our dedication to safely providing these services.
- 7. Industry Ambassadors:** Each company employee and representative is an ambassador for the industry. We will ensure our employees and representatives interact with stakeholders in accordance with these commitments.
- 8. Ongoing Commitment to Training:** We believe in continuous improvement in all aspects of our business. With the demand for natural gas increasing and many new people entering the industry, we will train our representatives to interact positively and productively with Landowners and other stakeholders.

The Fifth Amendment provides a range of protections for citizens. It also requires the Federal Government to pay a fair price—just compensation—when they purchase all or part of a parcel of private property for the general public's use. If a government entity determines that public interest requires the use of privately-owned land, they can use eminent domain to justify the purchase of that land, even if the landowner doesn't want to sell it. Important to note, the Fifth Amendment, as originally written, was only a restriction against the Federal Government. It did not apply to the States.

While there were some limits on the powers of the States before 1865, it was not until the Civil War that the federal Constitution limited the powers of the state (and thus local) governments against their own citizens through the passage of the Thirteenth, Fourteenth and Fifteenth Amendments. The Fourteenth Amendment imposed restrictions on States through the broadly worded Equal Protection, Due Process, and Privileges and Immunities Clauses. The Due Process Clause prohibits state and local government officials from depriving persons of life, liberty, or property without legislative authorization. This clause has also been used by the federal judiciary to make most of the Bill of Rights applicable to the States, as well as to recognize substantive and procedural requirements that State Laws must satisfy.

The Case for Eminent Domain Today

While most landowners can agree that eminent domain is necessary, no one wants it applied to them. Even though it has been used to acquire private property for national parks, transportation, water supply projects, and electrical and energy infrastructure—all things that benefit private landowners—there's still a "not in my backyard" mentality. Highways, pipelines, cell towers and airports are all vital to our modern society.

However, these types of projects can't be constructed without using some private lands. Without eminent domain, a single property owner could stand in the way of a project that could potentially benefit hundreds of thousands or even millions of people.

From the days of the Magna Carta, the spirit of eminent domain has been to protect the landowner's rights. The framers of the Constitution treated private property as the cornerstone of a free society. As such, eminent domain is intrinsic to the principles on which our nation was founded. Eminent domain is about individual rights, so understanding the landowner's perspective is imperative. Taking away private property for public use should not be done lightly. Owners must receive just compensation. The entire spectrum of projects, with all their many stages, processes and procedures, must be handled in a fair manner. And property owners must be given an adequate opportunity to be heard and have their questions and concerns addressed.

Negotiating with Honesty and Integrity

Right of way agents are compelled to negotiate in good faith and approach negotiations with the intent of developing rapport and trust with the landowner by being responsive to all their concerns, always being honest and timely with responses and working with the utmost integrity. When initiating a right of way easement or land purchase, remember that the land you are seeking is not for sale. The landowner is not predisposed to work with you. Your goal is to enter into a voluntary, fair and reasonable agreement with each landowner whose property is crossed or purchased.

Just compensation is determined by the fair market value of the property as determined by sales of comparable properties and other valuation measures in the area at the time of the right of way negotiations. The landowner may have much more than just a financial investment in their property. Emotional,



The Eminent Domain Clause of the U.S. Constitution's Fifth Amendment states, "No person shall be ...deprived of life, liberty, or property, without due process of law nor shall private property be taken for public use without just compensation."

familial and cultural factors often come into play when negotiating compensation, further complicating a delicate situation. When negotiating on behalf of a private entity, additional concessions can often be made in the spirit of cooperation. From replacing a fence to building new access roads, such items added can smooth the transition. However, in public entities negotiations, where such additional items cannot simply be added, a right of way agent must be extremely clever in problem solving with the landowner, such as moving a driveway entrance a few feet. Remember, the landowners will be neighbors to your project for many years to come, so establishing and maintaining positive long-term relationships is in everyone's best interest.

In Summary

Public use versus private property rights has been a divisive issue going back for centuries throughout many countries. Unfortunately, in the United States there have been a handful of highly publicized instances in which an organization abused its eminent domain powers. Any organization that uses eminent domain as a threat is operating well outside the law and this damages the reputation of our entire industry. Yet for every negative story, there are many success stories in which

landowners and public/private entities reach equitable and mutually beneficial arrangements regarding fair market value. Eminent domain is a very powerful law. It is necessary to build the infrastructure of America. Without it, many of our nation's beloved natural parks wouldn't exist. The goal is to initiate eminent domain procedures judiciously, and only as a last resort.

If you keep the landowner's perspective in mind when negotiating—and are honest and fair in your negotiations—you can walk away from the transaction knowing you are operating with the same spirit as our Founding Fathers. ★



Dr. Mazie Leftwich is a nationally recognized speaker, workshop leader and trainer and has been an IRWA Certified Instructor for 25 years. She spearheaded training and professional development programs for Contract

Land Staff, LLC, and provided training for energy companies, non-profits and colleges, including the University of Houston. Mazie developed CLS's Project Land Management Program® and now serves as a Consultant for the firm.



THE EVOLUTION FROM MANAGER TO LEADER

How a shift in focus increases the odds for success

BY BRIAN BRAUDIS

Transitioning managers into leaders requires calculated planning and hands-on training. Unfortunately, managers are often promoted into leadership positions with the presumption that their current level of effectiveness will continue into their new role. This can cause managers to trip on their way up the ladder.

Rather than make assumptions or create impossible expectations, it is prudent for senior leaders to put a plan into place to increase the odds for success. With an aggressive strategy, senior leaders can mitigate the potential stumbling that often occurs. It starts with ensuring you have the right candidate in mind for

the promotion and then cultivating their skills and knowledge. In other words, hire for attitude and train for ability.

Cultivating Leaders Early On

The transition process should start long before the manager takes on

their new position. Early on, the selected candidates should be groomed through extensive training, cross-program experiences and leadership development.

Strong support systems must also be in place, including a network of colleagues to model the way and offer reassurance. Having mentors and coaches who monitor progress can reinforce the training and help cultivate those newly acquired skills. Through this strategic process, the soon-to-be leader will gain a deeper understanding of the leadership landscape and be better prepared for the expectations that are sure to follow.

Grasping the Change in Focus

It is imperative for leaders to recognize that a new role requires a shift in focus, particularly in the following areas:

1. From Production → To Outcomes

The immediate challenge for managers is to shift their mindset from making widgets to influencing outcomes. This is inherent in the leadership process. As the new leader begins working with department heads and stakeholders, they need to operate from a new perspective—a long-term view with the realization that short-term milestones are needed for successful implementation. The role of the leader is to influence the long-term, while being fully aware of what's needed to achieve the end result.

2. From Specialist → To Visionary

Managers thrive as specialists. They have expertise within their department and a good understanding of how they function relative to other areas of the organization. But that's not enough for a leader. Leaders must be able to translate information, patterns and trends into the language of efficiencies, profit and direction. Leaders must harness what is known now with the trends they envision for the future. An organization's future success relies on this. Vision can be complex and multifaceted, but nothing can beat everyone pulling in the same direction.

“

The classic mistake is for new leaders to over-manage and under-lead. ”

3. From One → To All

Managers typically have the responsibility of managing staff and monitoring their daily activities. Leaders, on the other hand, don't manage people as much as they lead direction. The classic mistake is for new leaders to over-manage and under-lead. This can be especially problematic if there are lingering departmental biases. Colleagues can help by being patient as these new leaders become more experienced in shifting their focus from managing one department to serving all of them.

4. From Solving Problems → To Anticipating Them

Strictly speaking, managers and leaders are keen problem solvers. But one of the finer points of leadership—and where leaders earn their keep—is seeing problems before they happen. If a leader can identify slowing growth or a decline in earnings early on and proactively put things in place to avoid potential downsizing, this not only benefits the organization but each and every employee as well.

5. From Worker → To Learner

Leadership is not about knowing everything—it's about continuous learning. It's vital that new leaders make this shift from a working manager to a learning leader. Achieving a level of

competency and excellence requires a desire for ongoing learning. As they work to cultivate an open mind and flexibility, they must also demonstrate a commitment to relentless self-improvement.

When developing leaders are hand-selected, cultivated and afforded the organizational backing necessary for success, it's more than an exercise in succession. It's a testament to an effective leadership strategy that reinforces an organization's culture. Over time, this effort leads to the ultimate competitive advantage. ✪



*Brian Braudis is a human potential expert, certified coach and speaker. He authored **High Impact Leadership: 10 Action Strategies for Your Ascent**, as well as audio programs on topics ranging from executive leadership development to stress management. Visit www.TheBraudisGroup.com*

A CULTURE OF COMPLIANCE

Mexico's reforms spur new codes of conduct



BY CARLOS ANTONIO FLORES AND BRUNO VERA STEPHENS

With accountability and compliance reforms now in place, ethical conduct has become the cornerstone of Mexico's national strategy. Following the momentum set in motion by Mexico's General Administrative Responsibilities Law—which entered into full force on July 2017—many state and privately-owned companies have taken steps to create or adapt their existing ethical codes in order to comply with the new law.

As the energy market in Mexico continues to expand, Petróleos Mexicanos (Pemex) has been focused on enhancing its efficiency and competitiveness. In August 2017, Pemex published its own Conduct Code, *Código de Conducta de Petróleos Mexicanos, sus Empresas Productivas Subsidiarias y en su caso, Empresas Filiales*. This Code aims to create a culture of compliance among all personnel, including employees, legal representatives, subsidiaries and affiliates. The policies are designed to gradually reduce and eventually eradicate actions that could have a potentially detrimental impact on the company, such as internal harassment, resource misuse, information leaks and corruption.

Adopting Core Values

The Pemex Conduct Code is built on the company's core values of respect, equality, non-discrimination, efficiency, honesty, loyalty, responsibility, legality, impartiality and integrity. These values take influence from the American Foreign Corrupt Practices Act, while also adapting itself to Mexican legislation. All Pemex employees and its legal representatives are expected to adapt the core values into their day-to-day lives.

In light of the company's focus on becoming increasingly more competitive, resource efficiency and conservation are of the utmost importance. The Code provides employees with ways in which to achieve this objective in the areas of information management and maintaining confidentiality, as well as ensuring the accuracy of all financial records. Pemex strictly forbids any abuse or malpractice within the company that results in gaining a personal benefit. Any such practices are to be actively prevented, investigated and prosecuted. With a strong anti-corruption policy, employees are expected to report any possible act of corruption.

Preventing potential conflict of interests is a priority that most companies share, and Pemex is no exception. The company has strict policies that require the company to cover all transportation, accommodation and related expenses. Invitations to events may be accepted when there is a clear and legitimate business link to the company, however proper authorization is required. Receiving gifts or invitations is not necessarily prohibited, but special caution must be exercised when doing so as it may pose a potential conflict of interest. This caution extends to any type of benefit, be it personal or in favor of someone else, from an outside party that has or professes to have a commercial relationship with Pemex. Benefits are defined as events, trips, use of vehicles, stock, gift certificates, property and money. For example, if a potential business partner invites a Pemex employee to dinner, pays for that dinner and then signs a deal with Pemex, the employee's actions and motives may be

questioned and lead to a formal internal investigation. Even those outside the company may anonymously report an infraction to the Conduct Code, and it's forbidden to retaliate against the complainant. The sanctions imposed by the Conduct Code are in addition to those that may be incurred under the General Law of Administrative Responsibilities and other applicable civil, administrative and criminal laws.

Implementing the Pemex Conduct Code is an important step that demonstrates the company's commitment to accountability and compliance reforms. This aligns closely with Mexico's progress in fighting corruption in the country and elevating ethics to a higher level.✪



Carlos Antonio Flores is a Partner at Rodríguez Dávalos Abogados, a law firm specializing in energy and infrastructure development. As the head of the firm's Energy Consulting Legal Area, he oversees regulatory and compliance matters. He is a member of the Association of International Petroleum Negotiators and the Institute of Energy Law.



Bruno Vera Stephens specializes in the hydrocarbons sector at Rodríguez Dávalos Abogados. He has managed the permitting process with various governmental agencies and has advised clients on safety issues regarding operational, industrial and environmental risks.

IRWA Granted Special UN Status

The IRWA has recently been granted Non-Government Organization Special Consultative Status by the United Nations (UN) through its Economic and Social Council.

This Special Consultative Status will allow IRWA to participate in UN meetings and events, interact with other organizations holding the same status and impact the world with our body of knowledge and body of experience. In this role, we have the opportunity to contribute our services and technical expertise to a number of activities including information dissemination, policy advocacy, joint operational projects, and intergovernmental processes.

IRWA has joined the ranks of just more than 4,000 organizations in the world with this special status. In an effort to spread our purpose and become an outward-facing organization, we now have the wonderful opportunity to be heard by a truly global audience and contribute to its agenda.



The Economic and Social Council of the United Nations.

Staff Completes Emerging Leaders Program

IRWA Headquarters successfully completed a new staff development program, Project Eli (Emerging Leader Innovator). Led by Deidre Alves, IRWA's Chief Learning Officer, this challenging program was offered to a select number of high performers at headquarters. The program was designed to provide the tools needed to develop their area of impact and purpose as an emerging innovator.

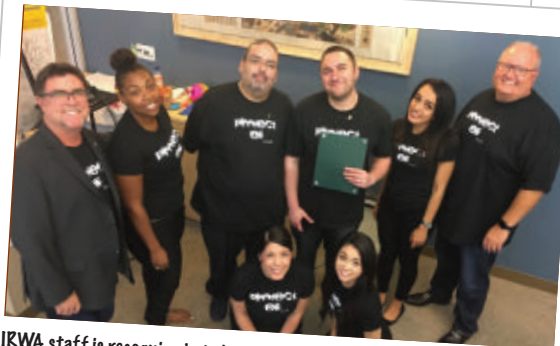
Project Eli Objectives:

- To develop leadership, self-awareness and communication skills
- To increase individual sphere of impact within the organization
- To cultivate an enterprise-mindset
- To participate in deep-case dynamic analysis
- To craft a unique and innovative solution, product, or service for IRWA

Throughout the three-day program, the Project Eli team had the opportunity to assess their strengths and weaknesses, challenge themselves with various exercises and gain a number of high-performing skills and tools. The program ended with a successful team collaboration, resulting in the creation of an exciting product for the Association. This staff development program is just one of the many ways in which Headquarters is working to ensure the delivery of quality products and services to the entire Association.



Deidre Alves, M.Ed., celebrates her five year anniversary with IRWA.



IRWA staff is recognized at the culmination of Project Eli. From left is International President Jerry Colburn, SR/WA, DeOnna Koonce, Carlos Gonzales, Amir Vafamanesh, Astrid Anaya and Mark Rieck. Kneeling in front is Deidre Alves and Ethel Navales.

SURVIVAL OF THE DETERMINED

Montana's Chapter 45 reflects on its 50th Anniversary



BY BERNARD LEA, SR/WA

The history of Montana Chapter 45 is a long one that includes some good times and some challenging ones. In the beginning, when the Association was known as the American Right of Way Association, there was substantial support from most of the public agencies in the state, including Montana Power and the Montana Department of Transportation. These companies believed in our mission and gave their support because they understood their agents needed expertise that could be provided by the Association. We discovered that there were members who really believed in the benefits of membership and sold it to their supervisors.

Unfortunately, this support dropped off over time, and we began to struggle. Without the support of their employer, many of our agency

members couldn't justify the expense of traveling to meetings or assuming a leadership position with the Chapter. As a result, many of us went through the elected chairs more than once to keep the Chapter alive.

The 80's were lean times for our Chapter. On more than one occasion, we didn't have enough members in attendance to actually hold a meeting. And without enough members, we didn't have a quorum to conduct business. Part of the reason for low attendance is because of the size of Montana. It is approximately 500 miles from Miles City in the eastern part of the state to Missoula, which is in the western half. Most members would need at least two days of travel and an overnight stay in order to attend a two-hour meeting. To address this, we would move the meetings around to give each member a chance to attend.

Despite the low Chapter participation, we never gave up! During one of my terms as Chapter President, I noticed several members continued to show an interest so we approached them to become more active by running for an office. Most accepted the challenge. We also began recruiting from the attendees at the courses we sponsored. Many of our more recent members and officers came from this recruitment strategy.

We are proud of our Chapter's ability to survive. The key is to not give up too soon. Chapter 45 was able to celebrate its 50th Anniversary because of the determination demonstrated by its members during the lean times. As long as there are interested and active members, even the smallest Chapter can survive. ★



Chapter 45 celebrated its 50th Anniversary in 2016 when it hosted the Region 7 Fall Forum. Pictured from left, Jerry Colburn, SR/WA, Chapter President Michael Rabb and IRWA's Daniel Stekol, who presented the commemorative banner.



Past Chapter Presidents include, from left, Pat Compton, Michael Rabb, Dee Oakland, David Whitlock, SR/WA, Rose Shea, R/W-EC, Betsy Tarrant, Bernard Lea, SR/WA and Gene Kammerman, SR/WA.

Don't Let Size Fool You

Even seemingly minor acquisitions can cause legal challenges



BY MICHAEL F. YOSHIBA, ESQ.

On a recent project, we assisted our City client in San Bernardino County, California in acquiring permanent street easements for a proposed street widening project. The acquisition involved four privately-owned, single family residential parcels, each of which had its own unique sidewalk. Because they were constructed site-by-site while under the jurisdiction of the County, each sidewalk varied in size and together, they formed a staggered alignment.

The proposed public project design sought to straighten the street with the installation of new sidewalks and greenbelt areas for safety and aesthetic reasons. The proposed permanent easement areas were each less than 200 square feet and did not impact any structural improvements. After the appropriate environmental clearances were secured, the City ordered appraisals to determine just compensation.

Once completed, the City's governing body reviewed and approved the appraisals reporting. The City set the amount of just compensation and made formal written offers to purchase the easements at the established fair market value of \$2,000 each.

Navigating the Legal Process

Upon receipt of the City's written offers to purchase, the property owners realized they needed guidance in navigating through the legal process. A formal written offer to purchase includes a detailed description of the acquisition process, however, the verbiage contains many specific legal phrases and references. Although these are intended to inform affected property owners, they often lead to confusion. Some property owners may turn to their friends and family familiar with real estate to assist them in responding to the City's offer to purchase, but eminent domain law is highly specialized. Most attorneys, including those who specialize in real estate, rarely deal with the procedural specifics in eminent domain acquisitions.

Consulting with competent eminent domain legal counsel is typically the next consideration, and there are two ways to compensate them. One is through a contingency agreement and the other is retaining them on an hourly basis.

With contingency agreements, attorney compensation is based on an agreed percentage of the final settlement, and it includes all of the attorneys' time from the first meeting until final resolution of the case. For example, when the estimated just compensation is \$2,000, a 40 percent contingency agreement leaves the property owner with only \$1,200. Not surprisingly, there is very little incentive for attorneys or property owners to enter into a contingency agreement in these small compensation cases.

Retaining an eminent domain attorney through a retainer agreement based on hourly rates is another option. However, those hourly rates can vary significantly depending on their experience and skillset. The time necessary to secure a settlement or court judgment can very easily range from 5 hours to 1,000 hours. The cost could be exorbitant for the property owner, and once again, there could be little financial incentive for the attorney.

Working with the City

Without a financially feasible option to retain competent eminent domain legal counsel, property owners are often left to rely upon themselves and the City to proceed through this process. That was definitely the case with this particular group of easements.

From the City's perspective, qualified valuation experts had established fair and just compensation for the permanent easements. The amounts offered for the permanent easements were in the upper range of the comparable sales prices cited by the appraisers. And while the City bears the fixed costs of the administrative and legal costs necessary to complete the eminent domain process, it still has responsibility to be prudent when it comes to using public funds.

A delicate balancing of these considerations is required when negotiating with property owners who do not have any legal representation. As a result, the City made it a priority to ensure that the property owners were never left with unanswered questions about the eminent domain process. Open lines of communications included in-person meetings, numerous phone

conferences, project design maps, environmental documents and follow up correspondence. The City representatives provided supplemental information concerning the many steps involved in the eminent domain process, including the resolution of necessity hearing and potential for condemnation litigation.

Fortunately, the City was able to reach settlements in each of these cases by addressing the real concerns of the property owners and answering all of their questions. By educating the property owners about the acquisition process and overcoming distrust of the unfamiliar agency acquisition processes, the property owners understood the impact on their property and decided that they were, in fact, receiving fair compensation.

In Summary

The underlying legal process for acquisitions of small permanent easements is not fundamentally different from agencies seeking to acquire 45-floor office buildings. Procedural and substantive due processes are required regardless of the property interests involved, large or small, and protections for the rights of property owners are codified and regulated. ☘



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

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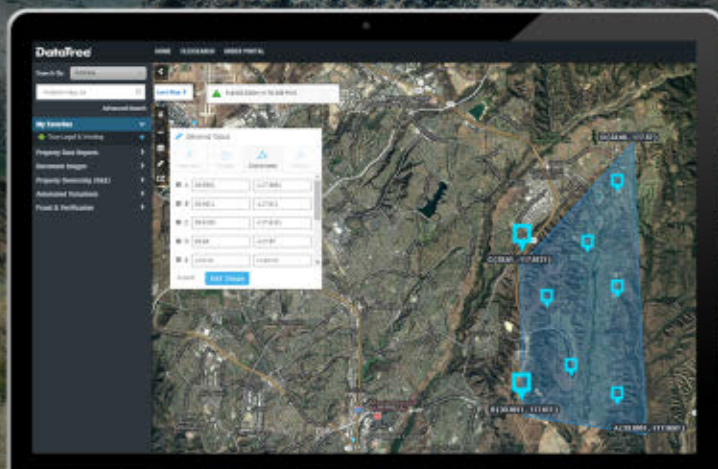
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Reducing the Risks

How to handle advanced payment requests from business displacees

BY DARRYL ROOT, R/W-RAC

Imagine a displaced business owner tells you that he will lose his business if you don't advance him \$250,000 in the next month to complete his relocation. The improvements at the replacement site must be done before he moves in. If the business defaults on any of its existing contracts, competitors will quickly step in and take its customers. The business owner has sent you one bid detailing what he says are eligible relocation expenses.

Unfortunately, the Agency's construction project manager needs the business owner to vacate in the next six weeks. So how do you proceed to help the business owner, get the parcel vacated on time and reduce the displacing Agency's risk of losing a quarter of a million dollars?

Requirements from the Agency

The largest requests for advances will come from business displacees. According to the Uniform Relocation Assistance and Real Property Acquisition Act (1970), the displacing agency has a duty to provide advanced relocation payments if a person demonstrates the need for it in order to avoid or reduce a hardship. The Agency is also responsible for reviewing claims in an expeditious manner, notifying the displacee promptly as to any additional documentation that is required to support the claim.

Prior to implementing any relocation project, the Agency should study and plan for the possibility of advanced payments in its Relocation Planning Document. Sufficient funds should be in place prior to beginning the relocation

process to cover requests for advanced payments, as well as all eligible relocation expenses based upon accurate cost estimating.

Requirements from the Displacee

In order to receive an advanced payment, the displacee must demonstrate why it's needed. This demonstration must show that the displacee will incur actual relocation expenses that are reasonable, necessary and eligible under the Agency's Relocation Assistance Program (RAP). A list of expenses should be described in detail with pricing obtained from two independent bids. Once the bids are supplied to the Agency, they should be reviewed carefully. Bids received from contractors whom the displacee may hire to do the work should be heavily scrutinized, as they obviously have

a vested interest and can potentially inflate their estimates for financial gain.

The regulations place the burden of proof for documentation on the displacee, and the advanced payment cannot be processed until the Agency has received sufficient backup to support the claim. The Agency is not under an obligation to repeatedly request this information. Neither is the advance a guaranteed "pre-approval." All funds advanced should be documented by proof of payment when the expense is incurred.

Mitigating the Risks

Although the displacing Agency has an obligation to provide advanced payments when sufficient documentation has been provided, every advanced payment is a funding risk. The RAP is a reimbursement program—not an entitlement program. Anytime funds are provided prior to expenditure on eligible expenses by the displacee, there is the risk that funds could be misused. If this occurs, the Agency may be forced to try to recover the funds through the legal system. The potential for misuse increases if the displacee assigns the advanced payments directly to a vendor or general contractor to perform the relocation tasks.

The Agency can reduce its risks by monitoring the displacee's progress on relocation, advising the displacee of the risks of assigning funds to a third party and thoroughly explaining that the displacee will be liable for any portion of an advance not spent on eligible, documented relocation expenses.

A signed Advanced Funding Agreement between the displacee and the Agency can also be used to reduce risks and to ensure the displacee thoroughly understands the advanced payment process. Once those funds have been expended on necessary expenses, further claims shall be applied against the advance along with bills, certified prices, appraisals or other evidence of such expenses. The file should reflect that the total amount of the advanced payment has been spent on actual, reasonable, necessary and eligible expenses.

The use of advanced payments in business relocations can facilitate and expedite moves and ultimately the possession of the affected parcels. They can also present a risk to the displacing Agency. Careful monitoring and documentation of the advanced funds can help reduce that risk. ☺



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



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CANDIDATES FOR 2018-2019 INTERNATIONAL EXECUTIVE OFFICE

Any IRWA Chapter or active member may nominate a qualified candidate for any of these 2018-2019 IEC positions:

- President-Elect
- Treasurer
- Vice President
- Secretary

To nominate a candidate, send the nomination form, recommendations, resume, candidate statement and color headshot to INEC Chair Randall Kopfer at randallkopfer@gmail.com. The nomination form and further information about candidate qualifications are available on the IRWA website at www.irwaonline.org.

Submission deadline is December 1, 2017



» PAST INTERNATIONAL PRESIDENTS

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

* Deceased



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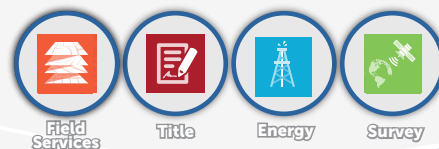
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Andrew Gardner Named Transportation Planning Practice Leader for Mott MacDonald



Mott MacDonald has selected light rail expert **Andrew Gardner** as the Transportation Practice Leader for the company's West and Canada units. Andrew has over 25 years of experience in developing, planning, designing and financing major light rail transit projects in Canada, the U.S. and the UK. Often serving as Project Manager or Project Director, Andrew has extensive experience in developing modern transportation infrastructure using delivery models, such as public-private partnerships and design-build.

Keith Ziobron Joins Cardno



Cardno, Inc. is pleased to announce that **Keith Ziobron** has joined the firm as the Branch Manager and Brownfields Expert in the company's Atlanta, Georgia office. With more than 30 years of professional experience, Keith brings exceptional client and project management skills, as well as technical expertise in brownfields redevelopment to the company. He has provided guidance through all phases of brownfields projects, including environmental permitting and compliance, EPA grant compliance and economic redevelopment.

Mott MacDonald Promotes Margaret Simmons-Cross



Senior Vice President **Margaret Simmons-Cross** has been named Division General Manager for the Greater West Division of **Mott MacDonald**. In her new position, Margaret provides leadership to Mott MacDonald's operations in Oregon, Washington, Utah and Colorado. A registered professional engineer in five states, Margaret has been with Mott MacDonald for 12 years. Most recently, she was Construction Manager for Silicon Valley Rapid Transit's BART Extension, a \$2.4 billion program near San Jose.



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Beth Anna Cornett Joins Cardno



Cardno, Inc. welcomes **Beth Anna Cornett** as a Senior NEPA-CEQA (National Environmental Policy Act-California Environmental Quality Act) Consultant in the company's Santa Barbara, California office. Beth Anna has a strong local background and in-depth experience leading and growing both NEPA and CEQA practices for state and local governments and private sector clients. She has over 15 years of experience in supporting project implementation and business development efforts.

Integra Realty Resources welcomes Julie Schultz



Julie Schultz joins the **Integra Realty Resources** team as Director of Hospitality Valuation and will lead the company's hotel, lodging and resort valuation product lines across their entire territorial footprint. Julie is a Certified General Real Estate Appraiser who previously served as Vice President of JLL's Valuation and Advisory Services Firm, focusing on hospitality and lodging valuation and consulting. She also previously served as Integra's Associate Director with the Chicago office.

Cultural Resources Expert Ryan Howell Joins Cardno



Ryan Howell has joined **Cardno, Inc.** as an Archaeologist and Cultural Resource Consultant in the company's Fitchburg, Wisconsin and Fridley, Minnesota offices. In this role, he focuses on providing cultural resources services—including historical, archaeological and tribal consultations and permitting—to Cardno clients throughout Wisconsin and Minnesota. Ryan brings over 20 years of experience in specialized cultural resources and archaeological work, including cultural resource surveys for large infrastructure projects. He is also experienced in providing guidance and mediation between local, state and federal regulatory agencies and tribal communities.

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Barbara Billitzer Retires as Right of Way Magazine's Publisher and Editor-in-Chief



Following a 13-year career with IRWA, Barbara Billitzer, Publisher and Editor-in-Chief of Right of Way Magazine, has decided to pass the baton, effective December 31, 2017. Barbara joined IRWA in January 2005 and since then has produced nearly 80 issues of the publication. During her tenure, she broadened Right of Way Magazine's editorial relevancy with new columns and

features, while steadily increasing ad revenue and delivering a valuable branding tool for the Association.

"Working with IRWA members and collaborating on vital industry subjects has been incredibly rewarding," says Barbara. "Our members are so passionate about what they do. Their desire to share their expertise and insight on complex issues is what makes this industry unique—and what has made my job so gratifying."

With a small publishing team, Barbara has great pride in the magazine's quality and appreciates the members who have responded so favorably to its evolution. She credits a very talented staff and praises the collaborative working relationship she has with IRWA's Creative Manager Joseph Roman and Editor Ethel

Navales. "With only three of us producing the magazine, keeping a lot of plates spinning is a daily requirement," she says. "They have an extraordinary work ethic, and I know that I'm leaving the magazine in good hands."

Barbara also praises IRWA's CEO Mark Rieck for his inspiring leadership style—and for the freedom to innovate and try new things, saying, "Mark is one of those visionary leaders who enjoys brainstorming and encourages you to explore new ideas. He has been an inspiring force behind the magazine's widespread success."

Previously, Barbara spent 20 years working in the corporate sector serving in marketing positions for financial institutions, Fortune 500 companies and advertising agencies. In joining IRWA, she leveraged her expertise in creating new communication and branding tools for the Association. In addition to producing ad campaigns to boost external awareness, she spearheaded the Annual Project of the Year Competition and launched public relations programs that generated major media coverage for the Association.

Recently, Barbara relocated to Henderson, Nevada with her husband Val K. Hatley, SR/WA, whom she met at an IRWA event. He retired from a right of way services firm in 2016, and since then, has made the "lifestyle" look a bit too attractive. She will be missed.

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COMPANY NEWS

Paragon Relocates its Headquarters



In August, Paragon Partners Ltd. relocated its corporate headquarters from Huntington Beach, California to Cypress, California. President and

CEO, Neilia LaValle said, "The new location is a strategic move to facilitate future growth opportunities, provide state-of-the-art facilities for our employees, and accommodate clients and guests in a welcoming, upgraded environment."

Founded in 1993, Paragon quickly outgrew its first office in just two months, and it continued to expand for the next 24 years. Opening additional offices throughout California and the United States, Paragon has become one of the leaders in the right of way industry. The new corporate office location allows Paragon to continue to provide a high level of responsive service to its existing clientele in the surrounding areas, which was a key factor in the relocation plan.

Paragon's other California offices are located in Sacramento, Fresno and San Diego. Regional offices are located in Alaska, Nevada, Texas and Virginia.

ASSOCIATION NEWS

Nigeria Chapter 84 Strengthens Relationship with NIESV



IRWA Nigeria Chapter 84 is now an affiliate of the Nigerian Institution of Estate Surveyors and Valuers (NIESV), the professional body for real estate practice in Nigeria.

NIESV is tasked with establishing a high and reputable standard of professional conduct and practice throughout the Federal Republic of Nigeria. One of its primary goals is to secure and improve the technical knowledge that constitutes land economy. NIESV also aims to promote the general interests of the profession and to maintain and extend its usefulness for the public good by advising members of the public.

This new status gives the IRWA an opportunity to have a representative at the NIESV Council. In an effort to create positive impact in Nigeria's infrastructure development policies, NIESV created the Compensation and Right of Way Valuation Faculty headed by the Chapter President, Eze Odigbo. This faculty will provide leading-edge training and right of way consultation services both locally and internationally.

TECHNOLOGY

Drones Utilized for Hurricane Harvey Aftermath



The New Jersey Innovation Institute (NJII) Defense and Homeland Security Innovation Lab has teamed up with Maser Consulting P.A. in conducting Unmanned Aerial Vehicle (UAV) video inspection of cell towers in Houston, Texas in the aftermath of

Hurricane Harvey. Maintaining telecommunication infrastructure is critical in rescue and recovery efforts. UAVs can be utilized to perform site assessments and determine accessibility to cell towers so that repair crews can be assigned where the most impact can be made. This greatly increases safety measures since the drone can determine whether or not the cell site is safely accessible, whether the flooding is too extensive and whether the ground level generators are submerged in water.

NJII and Maser Consulting sent two crews to Houston to conduct video inspections for several major telecommunications companies. To ensure the accuracy of these inspections, they utilized professional grade-UAS flight platforms combined with advanced sensors and data processing. This delivers timely and highly accurate data to clients, enabling them to make better informed decisions.

HIGH-SPEED RAIL

California High-Speed Rail teams up with DB Engineering



The California High-Speed Rail Authority has chosen Germany's Deutsche Bahn (DB) Engineering to operate train services when the first phase of the Los Angeles-to-San Francisco line is

complete. The High-Speed Rail Authority requested for proposals in June and each proposal was given a score based on their interviews.

DB Engineering beat out various companies from around the globe, including Spain, Italy, the UK and China. DB Engineering brings over 50 years of international engineering experience. During their

interview, DB engineering pointed out that they ran a network of about 30,000 trains per day, spanning 20,500 miles. Additionally, the company stated its approach would be to split the civil works, structures and rail infrastructure into separate packages and use excellent project management to reduce costs and keep the project on schedule. By allowing the client to pick and choose the best combination of offers, project costs are reduced and competitiveness is increased.



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ENVIRONMENTAL

IRWA's Environmental Community of Practice Seeking New Participants

IRWA's Environmental Community of Practice (CoP) is currently seeking interested members to participate in regular teleconference discussions covering a variety of environmental topics. This is a great opportunity for participants to share their best practices, while learning about new technologies and industry issues.

The group is actively pursuing a relevant list of discussion topics for the coming year and would like to input from members. For those members who are interested in participating, there are two ways to get involved. You can visit the IRWA Member Network at <http://membernetwork.irwaonline.org> to join the CoP and complete the survey on upcoming topics. Interested members can also contact the CoP Co-Chairs, Kim Millar at kimillar@ottawa.ca or Brittney Christy at bchristy@spiritenv.com. They will add you to the email roster so you can be notified about upcoming events and announcements.

Members of this CoP are expected to stay up-to-date on environmental issues in their respective Regions and disseminate this information to the rest of the group. The sharing of issues throughout the CoP enables its members, and ultimately

Association members, to stay informed of timely, important and relevant environmental matters.



Visit the IRWA Member Network at <http://membernetwork.irwaonline.org> to join the Environmental Community of Practice.



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

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



ENERGY

IRWA Meets with Federal Energy Regulatory Commission



IRWA Member Companies visited with the Federal Energy Regulatory Commission in October to discuss reducing burdensome regulations. Pictured

above are: Front Row (from left), Mark Vedral, Energy Transfer Company; Tom Schaeffer, American Electric Power; Phil Pack, Contract Land Staff; Ana Rausch, SR/WA, Percheron, LLC and Jerry Colburn, SR/WA, Overland Pacific and Cutler. Back Row (from left), IRWA's Mark Rieck and Mark Bardwell, Enbridge.

UTILITY ENGINEERING & SURVEYING

IRWA Strengthens Relations With UESI

In October 2017, IRWA International President Jerry Colburn, SR/WA, spoke at the Utility Engineering and Survey Institute (UESI) Board of Governors Meeting in Austin, Texas. Pictured with Jerry is UESI President, James Anspach, PG Ret., FASCE, after a successful meeting.



OUTREACH

Right of Way Career Presentation at California University Fullerton



Overland, Pacific & Cutler, LCC's Senior Project Manager, Janella Cordova, and Right of Way Agent, Gabe Becerra, were invited by the Real Estate

Association of California State University Fullerton to give an industry presentation, which provided an overview about what it means to work in right of way. Janella and Gabe used real-life examples to provide a visual of how right of way acquisition and relocation assistance impact infrastructure projects while improving the quality of people's lives. Those in attendance were engaged and asked thoughtful questions. It was a dynamic experience for everyone involved and Janella and Gabe look forward to the opportunity to speak to more of our future professionals.



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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

Elva Barba, RWA
Acquisition Sciences, Ltd.
Chapter 28 Phoenix, AZ

Cameron Bazilli, RWP
City of London
Chapter 29 London, ON

Angela Benz, RWA
Clark Land Resources, Inc.
Chapter 11 San Diego, CA

Curtis J. Bibolet, SR/WA
Epic Land Solutions, Inc.
Chapter 57 Riverside, CA

Sabrina Boothe, RWA
Clark Land Resources, Inc.
Chapter 11 Vista, CA

Krystal M. Bright, SR/WA
City of Charlotte
Chapter 31 Charlotte, NC

Chriscia L. Castro, SR/WA
Keller Williams Realty
Chapter 36 Fort Worth, TX

Beverly A. Challburg, RWA
Bender Rosenthal, Inc.
Chapter 27 Sacramento, CA

Brenda Chilvers, SR/WA
City of San Diego
Chapter 11 San Diego, CA

Michael E. Colbert, SR/WA
County of Sacramento
Chapter 27 Sacramento, CA

Adam Cox, RWA
Louisiana Office of State Lands
Chapter 43 Baton Rouge, LA

Terrence M. Daugherty, RWA
O.R. Colan Utility & Infrastructure
Chapter 13 Columbus, OH

Meghan DiCosimo, SR/WA
Bell Canada
Chapter 29 Newmarket, ON

Chris Dills, SR/WA
County of Sacramento
Chapter 27 Sacramento, CA

John W. Dito, SR/WA
County of Sacramento
Chapter 27 Sacramento, CA

Delana J. Gideons, RWA
LG&E and KU Energy, LLC
Chapter 25 Louisville, KY

Amy R. Griffin, RWA
Sandoval County
Chapter 53 Bernalillo, NM

George V. Hamilton, RWA
Fayetteville Public Works
Commission
Chapter 31 Fayetteville, NC

Peter J. Hannan, SR/WA
County of Sacramento
Chapter 27 Sacramento, CA

Carlos Herrera, SR/WA
Santa Clara Valley Water District
Chapter 42 San Jose, CA

Lacie Jones, SR/WA
Meshek & Associates, LLC
Chapter 33 Tulsa, OK

Katherine A. Kahlon, RWA
Tennessee DOT
Chapter 32 Nashville, TN

Jacquelyn M. Lane, RWA
Virginia DOT
Chapter 52 Richmond, VA

Caroline E. Lark King, RWA
HDR, Inc.
Chapter 38 Salt Lake City, UT

Kevin A. Maddox, RWA
Universal Field Services
Chapter 8 Tulsa, OK

Sandra A. Marsh, SR/WA
The Corp. of Haldimand County
Chapter 29 Cayuga, ON

Ashley McIay, RWA
Tennessee Department of
Transportation
Chapter NM Nashville, TN

Roxinne A. McPhail, SR/WA
North Dakota DOT
Chapter 72 Bismarck, ND

Christopher S. Mock, RWP
Cross Texas Transmission
Chapter 64 College Station, TX

Laura B. Morales, RWA
City of Fort Worth
Chapter 36 Fort Worth, TX

Erin Newberry, SR/WA
Bexar County
Chapter 39 San Antonio, TX

Martha Ojeda, RWA
Acquisition Sciences, Ltd.
Chapter 28 Phoenix, AZ

Georgina Paolucci, RWA
Regional Municipality of York
Chapter 29 Newmarket, ON

Debra Pieferse, SR/WA
Prairie Sky Appraisal & Consulting
Services
Chapter 66 Winnipeg, MB

Abraham S. Potgieter, RWA
Sasol Mining (PTY) Ltd.
Chapter 83 Secunda, South Africa

Sandra L. Pruski-Munoz, SR/WA
CPS Energy
Chapter 39 San Antonio, TX

Sandra E. Robinson, RWA
Clark Land Resources, Inc.
Chapter 11 Vista, CA

Michelle Satow, SR/WA
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Chapter 27 Sacramento, CA

Carey Seyler, RWA
Universal Field Services
Chapter 8 Tulsa, OK

Elizabeth Sheldon, RWA
Sunoco Logistics
Chapter 8 Richmond, VA

Ricky Threadgill, RWA
Oncor Electric Delivery
Chapter 36 Fort Worth, TX

Jodi Rae Traugott, RWP
Hiregenics
Chapter 35 Duluth, GA

Jason Tubbs, RWA
Tennessee Department of
Transportation
Chapter NM Jackson, TN

Jasmina Turkovic, RWA
New Brunswick Power Corp.
Chapter 65 Fredericton, NB

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County of Sacramento
Chapter 27 Sacramento, CA

Gregory L. Van Hoose, SR/WA
City of Charlotte
Chapter 31 Charlotte, NC

Svetlana Vorontsov, SR/WA
County of Sacramento
Chapter 27 Sacramento, CA

Melissa H. Wells, SR/WA
Tennessee DOT
Chapter 32 Nashville, TN

Eddie G. Young, SR/WA
City of Las Vegas
Chapter 46 Las Vegas, NV

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

Barbra L. Bourne, R/W-NAC
Chapter 73 Marana, AZ

Nick Chop, R/W-AC
Chapter 26 Jacksonville, FL

Victoria Gill, R/W-NAC
Chapter 36 Richardson, TX

Dawn M. Neuy, R/W-NAC
Chapter 17 Milwaukee, WI

Luis G. Perches, R/W-RAC
Chapter 8 Rosenberg, TX

*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

BYRON CORE



Byron Core, 87, died peacefully at his home on August 17, 2017. In 1959, he founded A. Byron Core, Inc., offering general and residential construction, insurance and real estate services. He later established Core Realty. In the early 1960s, his firm was among the first in Louisiana to establish expertise

in the valuation and acquisition of private property for public use. Today, his family-owned business has expanded to serve regional, national and global clientele as Right of Way Services, Inc., offering real estate, agricultural, forestry and environmental consulting services. He is survived by his wife, Sandra Core; his two sons and daughters-in-law, Keith and Brenda Core, and Brad and Sharon Core; his daughter and son-in-law, Sandy (Core) and Brad Duhé; seven grandchildren, Katie (Core) Guinn, Cathryn Core, David Core, John Erik Core, Jackson Core, Byron Duhé and Mary Cathryn Duhé; and one great grandchild, John Thomas Fruge.

JANITH MARSELL



Janith Marsell passed away unexpectedly on August 25, 2017 at the age of 75. Janith was born in Beatrice, Nebraska on October 16, 1941 to loving parents and grew up on a family farm. She graduated from Lewiston High School after which she married the father of her children, Max Wagner, who remained a lifelong friend. While her children were in school, she worked as a school librarian and as a Realtor. Later in life, she started her own Right of Way company and after many successful years of business ownership, she retired in 2016. Janith is survived by her children, Todd Wagner and Tammy Bentz and her husband, Les Bentz; her granddaughter, Dakota Bentz; her brothers, Ronald Schuster and Dennis Schuster and his wife, Bonita Schuster.

ALICIA WORTHLEY-GRIFFITHS, SR/WA



Alicia Worthley-Griffiths passed away on September 12, 2017 at the age of 71. Alicia retired from the City of Troy in 2001 where she had served as the Senior Right of Way Representative, acquiring property rights for major capital and road improvement projects.

Alicia received her SR/WA designation in 1986. She served as Michigan Chapter 7's first female President in 1985 and later went on to serve as Region 5 Chair and International Education Committee Chair. She also served as the Co-Chair of the successful 1989 International Seminar and was the first Michigander to receive the Frank C. Balfour Professional of the Year Award in 1988. Alicia recruited and mentored many future leaders of IRWA and Michigan Chapter 7, including Past International President Pat Petitto, SR/WA. She can be credited for her great contributions to the past and future strength of her Chapter, as well as our Association. Alicia is survived by her husband, Rod; son, Rodger; grandchildren, Reiss, Liam and Carter; and many nieces and nephews.



After a courageous battle with cancer, Stacey Storms passed away on July 11, 2017 at the age of 53. She was born on June 19, 1964 in Grinnell, Iowa to the late Earl and June (Meredith) Gropper. Stacey began her real estate career shortly after college, working in the residential and commercial fields, which

led to her work for OSF Saint Francis Hospital in Peoria as their Director of Real Estate. While at OSF, she was recognized as one of the Forty Business Leaders in the Peoria area under forty years of age. Her most recent employment was for the Ameren Illinois Company as Senior Real Estate Agent. Stacey is survived by her husband of 31 years, Jeffrey A. Storms; her sons, Taylor Storms and Jarrod Storms; her brother, Jeff Gropper and his wife Mary; and her sister, Michelle and her husband Dennis Reitzler.

IRWA Member Farewell

MIKE TURNER, SR/WA



Mike Turner passed peacefully on September 5, 2017. Mike was born in Sacramento on September 26, 1949. He served in the U.S. Army from 1969 to 1971. Mike was a proud and dedicated civil servant who worked for the County of Sacramento for 42 years, rising from Account Clerk to Chief of the Real Estate Division. He was active in the Sacramento Chapter of IRWA and was a former officer and member of the board. He had just completed his SR/WA designation and was to be awarded it at the October Meeting. It was presented to his wife, Dorothy, at the Board of Supervisors, which honored Mike for his service to the county. Mike is survived by his wife of 34 years, Dorothy; his children, Kari Turner-Burke and Erik Turner; sisters, Jan Langston and Julie Brozek; and many nephews and nieces.

JULIE A. WESTERGREN



At the age of 59, Julie A. Westergren passed away peacefully on June 7, 2017 after a long battle with cancer. Julie was born in Holdrege, Nebraska to Oscar and Ann Westergren. She moved to Eagle, Nebraska with her parents in 1975. She began with the Nebraska Department of Roads in the summer of 1977 after graduating from high school, and she spent the last 19 years in the Right of Way department. This spring, she was recognized her for 40 years of service to the State of Nebraska. She was also an active member of the IRWA. Julie is survived by her mother; Ann Westergren; and brothers; Gary, Greg and Kirby Westergren.

FRANCIS W. WINTERWERP, SR/WA



Francis Winterwerp passed away at the age of 63 on August 24, 2017. Born on June 19, 1954, Francis began his Right of Way career after high school when he joined the Prince George's County Department of Public Works and Transportation. He advanced to the position of Real Estate Acquisition Supervisor and in 1987, he became the Chief of the Right of Way Division. He retired from Prince George's in 2004 and joined Diversified Property Services, Inc. (DPS) until 2016. Francis is fondly remembered by the staff at DPS as a teacher, mentor and friend. His natural affinity for compassion and helpfulness were paramount in his success as a professional in the right of way industry. He was an active member of the IRWA Potomac Chapter 14, having served in every Executive office. Francis is survived by his wife, Eva; daughter, Jessica (Matthew Fentress); son, Dennis Wayne; father, brothers and many other relatives and friends.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

Title of Publication: Right of Way Magazine. Publication number: 466-080. Date of filing: September 21, 2017. Frequency of issue: Bimonthly. Number of issues published annually: 6. Annual subscription price: \$30.00. Location of known office of publication: 19210 S. Vermont Ave., Building A, Suite 100, Gardena, CA, 90248. Location of the headquarters of the general business office of the publisher: Same. Publisher and Editor: Barbara Billitzer. Known bondholders, mortgages and other security holders owning or holding one percent or more of the total amount of bonds, mortgages or other securities: None. Tax status: The purpose, function, and nonprofit status of this organization and the exempt status for federal income tax purposes has not changed during the preceding 12 months. Total number of copies: Average net press run during preceding 12 months: 9,974; Single issue nearest filing date: 9,430. Paid circulation mailed outside county: Average during preceding 12 months: 9,519; Single issue nearest filing date: 9,046. Paid circulation mailed in county/other: Average during preceding 12

months: None; Single issue nearest filing date: None. Sales through dealers and carriers, street vendors and counter sales: Average during preceding 12 months: None; Single issue nearest filing date: None. Total paid distribution: Average during preceding 12 months: 9,519; Single issue nearest filing date: 9,046. Total free non-requested distribution (through Trade Shows/Events): Average during preceding 12 months: 280; Single issue nearest filing date: 264. Total distribution (Paid and Non-Paid): Average during preceding 12 months: 9,799; Single issue nearest filing date: 9,310. Copies not distributed: Average during preceding 12 months: 175; Single issue nearest filing date: 120. Total all copies: Average during preceding 12 months: 9974; Single issue nearest filing date: 9,430. Percent paid and/or requested circulation: Average of preceding 12 months: 97.14%. Single issue nearest filing date: 97.16%.

I certify that the statements made by me above are correct and complete.
Barbara Billitzer, Publisher & Editor-in-Chief

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

Project War Stories
Project Successes
Advertisements
Obituaries

RIGHT OF WAY MAGAZINE

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

UPCOMING IRWA EVENTS

www.irwaonline.org

2018 Conference
Edmonton, Alberta

June 24 – June 27

2019 Conference
Portland, Oregon

June 9 – June 12

2020 Conference
Minneapolis, Minnesota

June 21 – June 24

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IRWA COURSES

CLASSROOM BASED

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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
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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

MANAGEMENT

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304	When Public Agencies Collide	1 day

APPRAISAL

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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
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

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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

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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

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701	Property/Asset Management: Leasing	2 days
703	Real Property/Asset Management	1 day

REAL ESTATE LAW

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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
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ONLINE

BASIC RIGHT OF WAY DISCIPLINES

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103	Ethics and the Right of Way Profession
104	Standards of Practice for the Right of Way Professional
105	The Uniform Act Executive Summary

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403	Easement Valuation
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ENVIRONMENT

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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

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