MAGAZINE
RIGHT OF WAY
The Voice of the Right of Way Profession

THE BUSINESS ETHICS FIELD GUIDE
An interview with the experts

NOVEMBER/DECEMBER 2018
IRWA

RIGHT OF WAY

The Voice of the Right of Way Profession

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Volume 65 Number 6

Features

Departments

Columns

On the cover: The authors of The Business Ethics Field Guide, Brad Agle, Bill O' Rourke and Aaron Miller.

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

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Tel: (763) 591-5454
aimie.mims@hdrinc.com

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Sharon Slauenwhite, SR/WA
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Tel: (902) 394-3135
snslauenwhite@gov.pe.ca

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

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

CHIEF EXECUTIVE OFFICER
Mark A. Rieck
IRWA
Tel: (310) 538-0233, ext. 140
rieck@irwaonline.org

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

INTERNATIONAL REGION CHAIRS

REGION 1 – CHAIR
Yoli Matranga, SR/WA
Bender Rosenthal, Inc.
(916) 978-4900 ext. 232
y.matranga@benderrosenthal.com

REGION 2 – CHAIR
Teri J. Morgan, SR/WA, R/W-RAC, R/W-NAC
HDR, Inc.
Tel: (512) 431-2742
tmorgan@hdrinc.com

REGION 3 – CHAIR
Penny Rolf, SR/WA
WSB & Associates
(612) 360-1314
prolf@wsbeng.com

REGION 4 – CHAIR
Craig J. Curtis, SR/WA
Diversified Property Services, Inc.
Tel: (410) 707-4622
dpscraig@aol.com

REGION 5 – CHAIR
Beth Smith, SR/WA
Milwaukee Metropolitan Sewerage District
(608) 220-7770
bsmith@mmsd.com

REGION 6 – CHAIR
Judy Jones, SR/WA, R/W-AC, R/W-NAC
Goodwyn, Mills & Cawood, Inc.
Tel: (334) 271-3200
judy.jones@gmcnetwork.com

REGION 7 – CHAIR
Delores J. Oakland, SR/WA
Phillips 66
(406) 531-9216
oaklandrwservices@gmail.com

REGION 8 – CHAIR
Rod Glaves, SR/WA
Niagara Region
(980) 980-6000 ext. 3259
rod.glaves@niagararegion.ca

REGION 9 – CHAIR
Fred L. Easton, Jr., SR/WA
Farnsworth Group, Inc.
(303) 947-9983
feaston@f-w.com

REGION 10 – CHAIR
Jenna Wood, SR/WA
Evolve Surface Strategies Inc.
(403) 960-6051
jenna.wood@evolveinc.ca

INTERNATIONAL REGION VICE-CHAIRS

REGION 1 – VICE CHAIR
Mike J. Flanagan, SR/WA
Clark Land Resources
(858)405-6559
mike.flanagan@clarklandresources.com

REGION 2 – VICE CHAIR
Denise Skinner, SR/WA
NuStar Energy LP
(210) 918-2119
denise.skinner@nustarenergy.com

REGION 3 – VICE CHAIR
Dan Lesher, SR/WA
Great River Energy
(763)445-5975
dlesher@grenergy.com

REGION 4 – VICE CHAIR
Ida Parrett, SR/WA
Delaware Dept. of Transp.
(302) 420-8764
ida.parrett@state.de.us

REGION 5 – VICE CHAIR
Daniel K. Bucan, SR/WA
(412)952-0800
bucandk@mac.com

REGION 6 – VICE CHAIR
D. Wade Brown, SR/WA
American Acquisition Group, LLC
(813)287-8191
wade@americanacquisition.com

REGION 7 – VICE CHAIR
Jim Lingeman, SR/WA
Lingeman Valuation & Consulting/Universal Field Services, Inc.
(360)909-0855
jim.lingeman@gmail.com
(360)909-0855

REGION 8 – VICE CHAIR
James Hardy, SR/WA
Government of Nova Scotia
902-424-2363
james.hardy@novascotia.ca

REGION 9 – VICE CHAIR
Paige M. Gardiner, SR/WA
(801)989-7047
paige.gardiner@me.com

REGION 10 – VICE CHAIR
Koby T. Godwin, SR/WA
Alberta Infrastructure
(780)422-0197
Koby.Godwin@gov.ab.ca

INTERNATIONAL INDUSTRY COMMITTEE CHAIRS

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

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coleen.magness@flairdocs.com

TRANSPORTATION
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LOCHNER
Tel: (254) 715-8864
sheila.mills88@yahoo.com

INTERNATIONAL SERVICE COMMITTEE CHAIRS

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

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

DISCIPLINE COMMUNITIES OF PRACTICE

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

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

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

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

VALUATION
Timothy Holtzhauer, SR/WA
Cushman & Wakefield
Tel: (206)521-0276
Timothy.Holzhauer@cushwake.com

COUNCIL ON INTERNATIONAL RELATIONS

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

YOUNG PROFESSIONALS GROUP

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

EDUCATION AND CREDENTIALING

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

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

RIGHT OF WAY INTERNATIONAL EDUCATION FOUNDATION

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

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

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

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

CANADIAN RIGHT OF WAY EDUCATION FOUNDATION

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

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

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

APPRAISAL AFFILIATES

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

MEMBER, THE APPRAISAL FOUNDATION ADVISORY COUNCIL
Phyllis Lilly, SR/WA
Tel: (804) 721-1274
phyllis.lilly1210@gmail.com

DEADLINE FEBRUARY 1, 2019

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 10, 2019 during the 65th Annual International Education Conference.

IRWA
BUILDING A BETTER WORLD TOGETHER®

MOVING FORWARD

Addressing current issues and moving in a positive direction

BY JEFFREY JONES, SR/WA

When I concluded my presentation at the Closing Gala during IRWA's Annual Education Conference in Edmonton, I asked that we all work together for what is best for the International Right of Way Association. After a challenging beginning to the year, the International Governing Council (IGC) came together with the Region Vice Chairs to begin our work as a team.

Governance Task Force

With a number of new members on the IGC, we began with a closed session meeting—a gathering of just our elected officials to allow the IGC to openly discuss the issues that are being brought forward. The first and most important was the communication of the Governance Project. I want to apologize for any miscommunication and the perception that the discussion and participants were to remain private. That was in no way the intent of any of the meetings of the Governance Project. The participants and the discussion should have been communicated and that falls on me. I will own it and we will correct that.

We began that process at our September IGC meeting when, after much discussion, the IGC unanimously passed the motion to pause the Governance Project and to postpone the vote that was on track to take place in Portland. The motion also created a Governance Task Force that will include one representative from each Region, the IEC as ex officio members and a Staff Liaison. IEC Vice President Sharon Slauenwhite, SR/WA, will lead the task force and I look forward to the outcome of their hard work.

IRWA Education

A second item that has come up as a concern is the Education Program. This also developed into a lengthy discussion. One of the topics discussed was whether or not we are committed to a learner centered program versus an instructor led program. Are we raising the bar? Another topic included users of our education services outside of the Association.

I'll say it right off the top—I am a firm believer in the learner centered program. I have been a Chapter Education Co-Chair and Course Coordinator since 2000 until I began on the IEC. I thoroughly enjoy the interaction provided in our newer classes. Having attended all of the CLIMB Instructor program presentations, I know that our current instructors use the tools that are taught and contained in the Instructor Toolbox. They may not use all of them, but they use what is comfortable for them. I have sat in a few of the new classes and I can say the participants have embraced the learner centered class style as well.

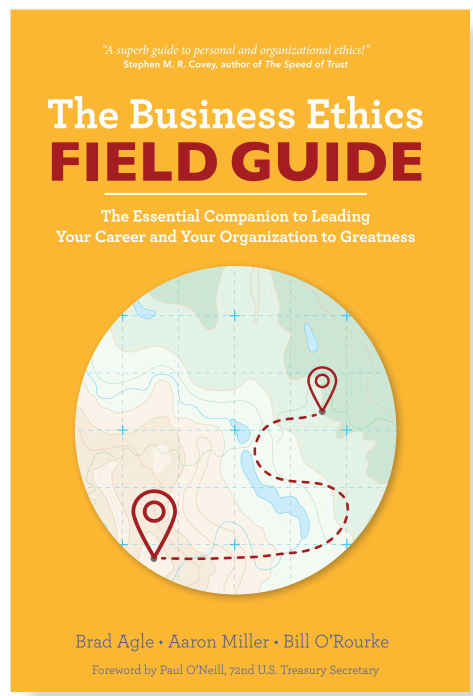
To address the concerns that have been brought forward, the IGC will be creating an Education Task Force. The task force will look at the issues and bring their report back to the IGC. Region 9 Chair Fred Easton, SR/WA, will be leading the Education Task Force. Additionally, as we look at our credentialing, the IGC passed a motion to add Course 235 to the Canadian SR/WA pathway.

Taking the Right Steps

As we move forward from our rough start, I know the IGC is committed to move the International Right of Way Association in a positive direction. I would like to ask that you all work with us as we build a great IRWA. ✪

In This Issue...

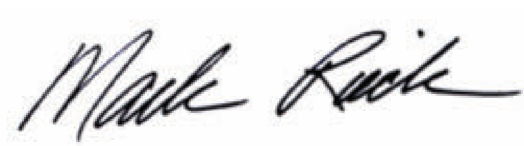
In this issue, we introduce a new series based on *The Business Ethics Field Guide*. This book was written by true leaders in the field of ethics: Brad Agle, Aaron Miller and Bill O'Rourke. Brad is the George W. Romney Endowed Professor and Professor of Ethics and Leadership in the Marriott School of Management at Brigham Young University. Aaron is a professor in the Marriott School of Management, where he teaches business ethics. Bill taught MBA students Strategy, Leading Change and Ethics in the School of Business at Duquesne University.



The series will take a close look at 13 ethical dilemmas outlined in *The Business Ethics Field Guide*. The field guide itself serves as a practical tool and is designed to offer real-world problems, along with real-world answers. We each face ethical challenges every day. It is good to know your Association cares about you and wants to bring you the best information possible on the subject.

Ethics, along with IRWA education and certifications, are what separate IRWA professionals from others in the industry. I hope you enjoy the introductory article, starting on page 26. We look forward to bringing you the series in upcoming issues.

Onward.



MARK RIECK
IRWA CHIEF EXECUTIVE OFFICER

IRWA HEADQUARTERS

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

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

ACCOUNTING

Chief Financial Officer
Fred Nasri ext. 139
nasri@irwaonline.org

Controller and Personnel Manager
Rakhshan Mazarei ext. 131
rmazarei@irwaonline.org

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

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

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

CREDENTIALING

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

EDUCATION

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

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

EXECUTIVE STAFF

Chief Executive Officer
Mark Rieck, ext. 140
rieck@irwaonline.org

FIELD OPERATIONS

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

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

MEETINGS & EVENTS

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

MEMBER SERVICES

SVP, International Relations
Daniel Stekol ext. 126
stekol@irwaonline.org

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

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

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

PROFESSIONAL DEVELOPMENT

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

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

WEBSITE & TECHNOLOGY

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

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

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

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

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

RIGHT OF WAY MAGAZINE

EDITORIAL STAFF

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

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

GENERAL INFORMATION:

info@irwaonline.org

U.S. 310-538-0233
Canada 888-340-4792

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THE INSTRUCTOR SPOTLIGHT SERIES

Get to know the people behind the purpose

BY DEIDRE ALVES, M.ED.

Investing in our instructors has been one of our greatest assets. Leadership has been extremely supportive of this effort over the years, including the International Executive Committee's participation in our CLIMB Instructor Development Program. We are proud of our instructors who strive for excellence, and this series enables you to learn about what drives them to give back to the Association. One of the highest compliments I received from my work with IRWA so far is from a seasoned member who said, "Thank you for your genuine belief in us." I share this with you with true humility and a sense of the profound responsibility I have for the development of instructors, collaboration with industry experts and our education program. We all come together partnering as respected friends and colleagues for something greater than ourselves: our learners.

Our instructors are some of the most passionate and dedicated professionals I have ever had the joy of collaborating with. It is an honor to know them and more importantly, to call them friends. Friends such as Faith Roland, Fred Easton and Guillaume LaVictoire have graced the pages of this Instructor Spotlight Series. Now, it is a pleasure to present to you the next instructor in our series, Brian Taylor, SR/WA. Brian comes to us from Edmonton, Alberta and is the Region Head of Property and Facilities Management, Corporate Management and Services Sector for Natural Resources Canada across the Prairies and Northern Region, Government of Canada. He has depth of experience in commercial lease negotiation, acquisition and disposal of real property, valuation and appraisal, portfolio and asset strategies, as well as investment analysis.

BRIAN TAYLOR, SR/WA

1.What is the most rewarding part of instructing for the IRWA?

Without a doubt, the most rewarding part of instructing is getting to work with our people, who are all great industry experts in a variety of locations. I always love instructing and each time I teach a class, the participants give me a whole new set of stories of their experiences—it is great getting to know and work with folks from different industries, regions, religions, countries, etc. I have been fortunate to teach folks from the arctic to the equator. I have taught employees with oil companies, government bureaucrats and appraisers from Canada to the Middle East. With each class, I enjoy spending time to strip away any layers of differences and recognize that at our core, we're all people. We're people who care about our families, want to enjoy our time and wish to leave the world a better place.

2. IRWA's purpose is to improve the quality of life through infrastructure development. As an instructor, how do you contribute to the fulfillment of this purpose?

For me, one of the greatest benefits of belonging to an association is the ability to ensure that everyone is treated fairly and with respect. This applies internally between our members and in how we interact with the public. Even though I work for a government agency, I am confident that members of my department provide the same level of professionalism and expertise when interacting with the public as they would with any other IRWA member company.

This is where my role as an instructor directly ties in. I am involved in instructing a range of topics, including technical appraisal courses, negotiation and communications, as well as ethical standards. My responsibility as an instructor is to ensure our education participants understand early on what is expected from them in the right of way industry, both from a technical side of how we do things and especially how we all interact with the public.

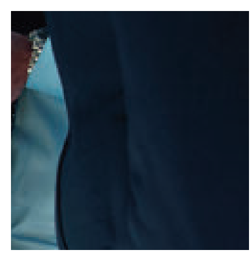
3. What is the most important thing you would you like your future students to know upon entering your class?

I begin every class advising the group that it is a busy schedule and a "mentally full' day. I expect everyone to regularly contribute to group discussions and give examples of how the topic has affected them in the past. In other words, if anyone was planning to sit here for the day listening to me talk so they can zone out – they are in the wrong room.

This has always been a well-received comment and I have always had a good, well-engaged group. We have a lot of fun and cover a broad range of discussions on the course topic. At the end of the class, everyone leaves feeling good about the volume, depth of material and examples that we, as a group, discussed.

I wish to thank Brian for his thoughtful reflections and for being a part of our special series. To book Brian or any of our other talented CLIMB Certified Instructors today in your Chapter, please visit https://www.irwaonline.org/members/irwa-course-instructors and click "Find an Instructor" or if you would like to nominate an instructor to be featured in our series, please contact education@irwaonline.org. ✪

Deidre Alves is IRWA's Chief Learning Officer.



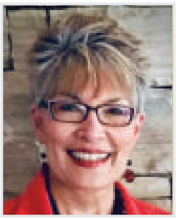
TRANSFORMING "TEAMWORK" INTO A VERB

How a change in perspective can benefit team effectiveness

BY CAROL L. BROOKS, SR/WA

American writer Constance Hale once said, "Let's consider for a moment that a sentence can offer a moment of quiet, it can crackle with energy or it can just lie there, listless and uninteresting. What makes the difference? The verb." Now imagine a sentence without a verb. A scene in a book may read something like this: *Becket to the door, hoping someone—anyone—could him*. The resulting sentence is boring and nonsensical, right? In contrast, this same scene with verbs could read: *Becket staggered to the door, hoping someone—anyone—could rescue him*. What a difference a verb can make to spur our imagination and motivate our creativity. A verb expresses action—it's like putting feet to a commitment, a vision or a goal. Verbs can bring life to a story or in our case, to a workplace.

According to the American Heritage Dictionary, "teamwork" is a noun and is defined as the collective effort by the members of a group or team to achieve a common goal. Do you sense the action in this definition? What if we changed our perspective from seeing the word "teamwork" as a noun and focused instead on the action? What can we do to be mindful of transforming "teamwork" into a verb?



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 Lead Instructor and served four years as Vice-Chair of the Partnership for Infrastructure Professional Education. © 2018 Carol Brooks. Visit www.CornerstoneManagementSkills.com.

Intensity

Before you head into the next team meeting, think about what you bring to the table and take an objective view of your strengths. Give closer attention to who you are, then become curious about ways you can offer your strengths to support and fortify your team. Say yes to sharing the best of yourself with your team. For example, one of my strengths is humor. When expectations are set too high or when there's a lack of buy in to top-down indices, I try to get my team to laugh and release their tension. In doing so, they can relax and become more engaging. When you think of it, it's the team's tension that can interfere with effective brainstorming.

Inclusion

One of the ways we can come from a place of generosity is to be bighearted. The gifts of your strengths are meant to be given away. It seems the more you give, the more you'll get back. In the example that I shared about my humor, I am encouraged when people laugh at what I say. It gives me confidence to give away my humor and the results of being generous with my strength is like a boomerang. What I receive in return is a better version of myself. The same can happen to you!

Intuition

It's easy to doubt ourselves and think about how we might fail or be unduly challenged by someone. But over the years of my work experience, I've learned one key factor about myself: No one knows me like I do. No one knows how strongly I can second guess myself or hold back from being brave enough to trust myself. I finally began to realize that these traits weren't helping me or my contribution to others. It was time to quit collecting all kinds of negative data. It was time to trust myself. This past year, I made a resolution to follow my intuition—no doubts, no dawdling, no distractions. There were times when the climb was too hard, but I kept to my resolution and trusted my intuition. The payoff was incredible.

In Summary

We all seek success, the euphoria of accomplishment and the satisfaction of achievement. Each of us has the power to change the dynamics of our team by changing "teamwork" into a verb. Let intensity, inclusion and intuition partner with you to reach unbelievable heights of achievement for you and your team. This is action in its truest form and when you convert a noun into a verb, watch the renewed enthusiasm to team effectiveness. ✪

AN INTERVIEW WITH IRWA'S YOUNG PROFESSIONAL OF THE YEAR

DERRICK ROMA, SR/WA

What did it mean to you to walk across that stage to receive your award?

It was motivating! There was a lot of energy in the room and it felt very rewarding to receive the recognition. More importantly, it has given me an opportunity to thank the many people who have helped me to find my way in the early part my career. I felt like I was accepting the award on behalf of so many others, especially my wife Suzanne, who has been so supportive of my dedication to work and my involvement with the IRWA. Without her and all of my mentors at O. R. Colan Associates and throughout the IRWA, I would never be where I am today. Thank you, everyone!

What advice would you give to someone who is in the early stages of their career with IRWA and is looking for the next step?

Expand your skillset and get out of your comfort zone. The best things in life lie on the other side of fear. Look around you and at the people that you deem to be successful. Seek their advice, establish goals and develop a plan to achieve them. Take advantage of every opportunity to be mentored, but also to mentor others. You will be amazed at how much you will learn and how good it feels when you give back.

How does Derrick embody the YPG of the year?

He truly leads by example. Derrick is willing to flip the coin over to explore the other side. He is not only open to those new ideas, he is not afraid to implement them regardless of success or failure.
—Carmelita Delgado (past YPG Chair)

He has a willingness to continuously go above and beyond not only in his professional career, but for the IRWA and the Young Professional Group.
—Noelle Hoelsken (YPG Secretary)

Derrick embodies the YPG of the year because of his commitment to his career and the organization.
—Matt Eckman (YPG Vice Chair)

He has the ability to motivate, educate and provide directional purpose within our group. He balances career and family effortlessly. He is always willing to lend a hand, an ear, an idea. He joins the ranks of successful YPG winners, but I believe this will not be his only award received from IRWA. Congratulations and I can't wait to see what you do next!
—Nikkiy Bestgen (YPG Chair)

What was your most favorite part of the IRWA Conference in Edmonton?

The networking event organized by the Young Professionals was a highlight for me. The whole young professional group put in a lot of effort throughout the year to pull that event together, and it was a huge success. It was great to see everyone coming together, enjoying the fellowship and sharing perspective.

What has your right of way career meant to you?

This career has allowed me to play a role in building and maintaining our nation's infrastructure and has been very fulfilling. No acquisition, relocation, or project is the same, and they often present difficult and emotional situations for property owners and displacees. When recommending relocation benefits or settlements, it can be challenging to ensure that compensation is just for the property owner or displacee, and is also justifiable to the client or tax payers that are funding the project. Acquisitions and relocations can be very complex and it is extremely rewarding to be part of the solutions to some of these challenging problems.

If you could go back and tell yourself something 10 years ago, what would it be?

To get involved in IRWA leadership earlier in my career. I joined the organization immediately upon entering the right of way profession and I attended meetings, but I sat on the sideline while the same few dedicated individuals committed their time volunteering as Officers and Committee Chairs. I finally jumped in and my involvement with the organization has been much more rewarding ever since. Also, buy heaps of Netflix stock!

How has IRWA affected your career?

The IRWA has really changed my perspective of the right of way industry, particularly after attending the regional events and national conferences, where I have learned how diverse the right of way industry is. It is easy to get sucked into projects and the everyday demands of the work, losing sight of the periphery. I have enjoyed attending these events and regaining sight of the bigger picture. It has helped me to maintain focus on long term goals and has also allowed me to give back to the organization through volunteer opportunities.

If we could hold the IRWA Education Conference anywhere in the world, where would you choose?

I lived on the South Island of New Zealand for six months while studying abroad in college, and would certainly welcome any opportunity to go back and visit. It is a beautiful country. (Or Boston, Massachusetts!)

What is your next step and how can leadership at IRWA support you?

From a professional development standpoint, I am working to earn my Certified General Appraiser's License, which has always been a goal of mine. Within IRWA, I am also exploring opportunities to volunteer at the regional and national level and to continue to represent the interests of the young professionals. IRWA can provide support by continuing to invite the young professionals to the table and to involve us in decision-making at the national level. The YPG will be the future of the organization, so it is important to understand the YP's perspective.

Share a YPG memory that has impacted your life.

Being involved with the YPG leading up to the Anchorage, Alaska conference really changed my perspective on the organization. We were trying out some new ideas at the time, which were not always well received outside of our group. The YPG had some tremendous leadership though, and with support from HQ, we were able to all come together to produce some big results. It was empowering to have been associated with such a dedicated group and to see the sincere support for the young professionals coming from HQ.

If you had to describe the YP group in one sentence what would it be?

A growing network of professionals, newer to the right of way industry, that are all looking for opportunities for personal and professional development, as well as ways to contribute toward the future of the IRWA.

What can IRWA do in order to better support the young professionals within the organization and their career?

When I entered the right of way industry in 2006 after graduating college, I was assigned to work on a large airport land acquisition and relocation assistance program. On my desk the first day, next to my copy of the Uniform Act, was an application to join the IRWA. I understand now that I was extremely fortunate to have that level of support from my employer. We need to work toward a future that ensures other young professionals have that same opportunity to engage with the IRWA early in their career.

What is your Purpose within IRWA?

My purpose is to play a small role in ensuring that the organization remains healthy into the future and continues to be the preferred organization for infrastructure real estate professionals. If you talk with anyone working in the right of way industry, their journey into the profession will usually involve a series of events, where the only common denominator seems to be happenstance. Mine has been no different, but when it comes to succession planning, luck is not a strategy. We need to be proactive and create dedicated career paths into the right of way industry and reach the next generation of students.

Bonus Question: What is your favorite food?

Tacos. ✪


HIGH
MEDIUM
LOW
RISK

SOCIAL RISK SCORING

Evaluating the risk of proposed projects

BY KEVIN PREISTER AND JAMES A. KENT

Citizen opposition to projects of just about any kind has reached costly proportions with billions of dollars lost each year through project delays or denials. It is time to assess why companies continue to react to project opposition by spending money on conflict rather than on preventing it from occurring in the first place. It would seem reasonable that the money used to fight citizen opposition (which ends up in the hands of lawyers, PR firms and lobbyists) would be better spent on the communities of impact. This shift in strategy would put billions of dollars currently lost to disruption into the hands of right of way agents to work with communities and citizens at the front end of a project. The time has come to think through how to operate a project in a preventive framework, and a major contribution to prevention is to understand social risk and how to use it to accomplish successful citizen and community engagement.

When managing the social risk of right of way projects, there is no shortcut for the value of direct, personal citizen contact. We have written many times in this column about the value of entering the world of citizens to understand how a community functions, how informal networks operate for survival and caretaking, how communication occurs, and how to locate and develop relationships with those individuals held in high esteem by their peers. Working in this fashion provides operating space, increasing the level of authority and resources available to a professional change agent to accomplish their objective. In doing so, the right of way professional can respond to emerging citizen issues early, reduce the emotional rhetoric that often dominates public venues and find practical solutions to project impacts.

In this article, we want to present a tool for early identification of social risk. We have now offered **Course 225, Social Ecology: Listening to Community** in 10 locations in the U.S. and Canada. We have learned some of the early clues that a proposed project could become disruptive. In today's climate of instant controversy, a proactive capacity to anticipate social risk is even more important.

Below, we present 15 indicators that can reveal social risk before a project is announced. We ask that you try this score card out by considering a current or past project with which you are familiar.

SOCIAL RISK SCORE CARD

Save Money, Save Time, Save the Project!

CATEGORY A:

Information that can be assembled from project data or off-site sources. This information is publicly available from government agencies or from private internet sources.

Indicator #1
Check to see where the project footprint/corridor is in relation to playgrounds, schools, senior centers, cemeteries and other vulnerable areas.

- a. Within 500 feet or less; High Risk
- b. Between 500 to 1500 feet; Medium Risk
- c. Beyond 1500 feet; Low Risk

Indicator #2
Check the location of minority populations and their proximity to the project. If the project has been placed in a minority area deliberately to avoid battles elsewhere, the potential for an environmental issue is high.

- a. Location is near minority populations; High Risk
- b. Environmental Justice requirements are met; Medium Risk
- c. There are no minority populations or the impacts on minority populations have been mitigated; Low Risk

Indicator #3
Public lands are highly prized by citizens. Make sure that you avoid public lands if at all possible, especially federal lands because national interest groups will attach their formal anti-development positions to your project.

- a. Attempt a new route through public lands; High Risk
- b. Follow a pre-existing corridor through public lands; Medium Risk
- c. Avoid public lands; Low Risk

Indicator #4
Farmers and ranchers describe higher costs and higher value for irrigated lands compared with non-irrigated land. Does your project go through irrigated land?

- a. Irrigated land is crossed to complete this project; High Risk
- b. No irrigated land is crossed to complete this project; Low Risk

CATEGORY B:

Information that can be assembled on-site from the local communities.

Indicator #5
Talk to people about past or existing project conflicts. If there have been conflicts, are they still ongoing? If resolved, how were they resolved and when? Existing or past conflicts are a reliable indicator of trouble for a new project.

- ○ a. Recent conflict still ongoing; High Risk
- ○ b. Past conflicts are resolved; Medium Risk
- ○ c. There have been no conflicts; Low Risk

Indicator #6
Visit the gathering places along the route or at the project site, such as coffee shops. What is the talk about in these places?

- ○ a. Negative talk about your project; High Risk
- ○ b. Talk is of victimization (even if it's not related to your project); Medium Risk
- ○ c. There is no talk about your project and no talk about other current negative events; Low Risk

Indicator #7
Check bulletin boards in the communities to see what is posted. These are generally good sources of information.

- ○ a. If messages about the project are hostile; High Risk
- ○ b. If your project is posted on the bulletin board, regardless of the message; Medium Risk
- ○ c. If there is nothing on the bulletin boards about your project; Low Risk

Indicator #8
Review the local newspapers to see how controversy is reported. What kinds of controversies have been covered and have they been covered impartially?

- ○ a. The newspapers are reporting on your project with either a positive or negative slant; High Risk
- ○ b. A few articles about other project conflicts but nothing disruptive; Medium Risk
- ○ c. News articles contain few disruptive conflicts and nothing about your project; Low Risk

Indicator #9
Be conscious of the viewshed (the lines of sight from homes and communities) from the project site or corridor location. People value their viewsheds and an early indication of this is important. Real estate agents are a good source for this information. For instance, do realtors market viewsheds as a part of property sales? If so, is there an economic value as well as a social value?

- ○ a. Viewsheds have intense social/economic attachment; High Risk
- ○ b. Viewsheds are recognized but not given much emotional weight; Medium Risk
- ○ c. Viewsheds are not part of the conversation; Low Risk

CATEGORY C:

Information about the usual practices of your client/company in generally managing project and corridor definition, as well as land acquisition.

Indicator #10
What is the general approach to land owners in the project area?

- a. Threaten eminent domain as a first choice; High Risk
- b. Engage in conversation about the project with no or little involvement of the property owner; Medium Risk
- c. Involve the property owner in resolving their issues; Low Risk

Indicator #11
What is the approach when staging a public meeting?

- a. Rely only on information produced by the public affairs department or project personnel for the project; High Risk
- b. Preface a public meeting with a few weeks of effort in creating fact sheets and press releases; Medium Risk
- c. The team has been doing ongoing community engagement with direct citizen contact for a few months before the first public meeting; Low Risk

Indicator #12
How does the team engage individuals in the community?

- a. Assume that citizens will understand the project from project presentations and formal documents; High Risk
- b. Only provide project information to service organizations and other formal groups such as Rotary, Lions and Chamber of Commerce; Medium Risk
- c. Discuss the project at the early stages with informal leaders through their gathering places; Low Risk

Indicator #13
How does the team communicate with individuals in the community?

- a. Use only formal means of communication or public relations firms to get the word out; High Risk
- b. Meet only with formal organizations to discuss the project; Medium Risk
- c. Involve project personnel directly with the citizens in discussion about local issues and how to address their issues as part of project operations; Low Risk

Indicator #14
When you discover a community issue that materially affects the project but is beyond your control, how do you respond?

- a. There is no adequate or timely response and the issue already has a negative impact on the project; High Risk
- b. The response is delayed to where resolving the issue is more difficult and becomes a problem; Medium Risk
- c. Respond immediately (within 24 hours) to resolve the issue once it is identified; Low Risk

Indicator #15
The right of way agent is the indispensable professional on the ground that can influence project success.
The right of way agent:

- a. Relates almost exclusively to landowners; High Risk
- b. Goes beyond landowners and involves stakeholders; Medium Risk
- c. Understands that the job is to engage with landowners, stakeholders and citizens impacted by the project; Low Risk

SOCIAL RISK SCORE CARD

1. Count the number of Lows, Mediums, Highs
2. Multiply the # of Low ratings by 1
3. Multiply the # of Medium ratings by 2
4. Multiply the # of High ratings by 4
5. Add up all ratings for a total score
6. Use the chart below to determine if your project is/was at Low, Medium, or High Social Risk

Project Score:

SCORE EVALUATION

Risk Category	Total Score	Indicators
Low Risk	20 or Less	Many opportunities to position the project for community benefits. The project has a social license to operate, but management has to be diligent about maintaining that license.
Medium Risk	21-40	Reduced opportunities but options available with company flexibility. This category is the most dynamic with some ability to go down the scale.
High Risk	41-60	Few opportunities; without management changes, disruption will occur. A mid-range score means there is no chance to earn a social license. The project will have to manage in a disruptive environment.

How did your project score? Above we show how we would interpret the score. Send us your score and your feedback to the emails below. Suggestions on additional indicators are welcome, as are your thoughts on the value of a social risk scoring matrix such as this.

If social risk indicators work, they offer the beginnings of a preventive framework for the right of way industry. One of the best models for understanding preventive thinking is the transition of the medical world over the last 40 years. We have moved from high risk care (treating people once they are sick) to health care (keeping people healthy). Preventive care involves the patient up front in staying healthy thus improving health and reducing cost of disruption caused by illness. The cost savings by preventing illness is measured in the trillions of dollars over that time period.

Some companies and agencies have already recognized the paradigm change in how citizens are responding to infrastructure projects and are re-tooling to be effective in citizen engagement. This type of preventive approach is working for others and it can work for you and your project. ✪

Kevin Preister, Ph.D., is Executive Director of the Center for Social Ecology and Public Policy. He is Co-developer and JKA Director for IRWA Course 225, Social Ecology: Listening to Community. Visit www.csepp.us or email kpreister@jkagroup.com,

Jim Kent has been crafting empowered collaborations among corporations, communities and governments for more than 30 years. He is President of JKA Group and co-developer of IRWA Course 225, Social Ecology: Listening to Community. Visit www.jkagroup.com or email jimkentjka@gmail.com.

LEVEL SETTING PRIORITIES

How to transform your organization's execution strategy

BY DUSTIN WEAVER

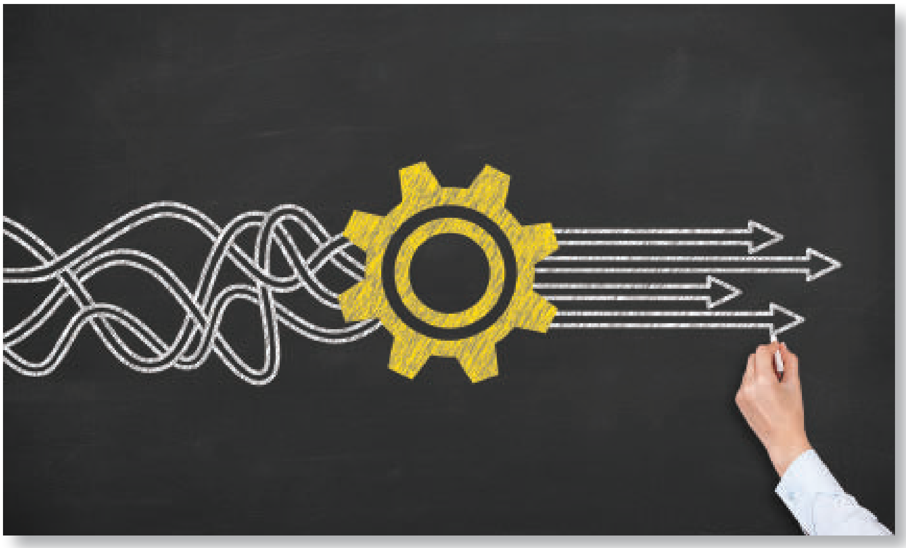
As the Oil and Gas industry starts to heat up with the upswing in commodity prices, so does the number of competing priorities. We have all been warned to never over-promise and under deliver, but the opposite of this will get you into the same mess or leave your stakeholders underwhelmed. So where does this leave us as a society that continually asks for more out of our employees, consultants and stakeholders? Who decides where the priorities align, when there is a proliferation of priorities, or (as my wife says) when there is a horizontal priority list? For example, a land manager may need a new capital project, while simultaneously requiring a significant time investment in an on-going operations request. Which priority is more important and who decides the order of execution? Have realistic expectations been set with all stakeholders? This example leads to a few tools that can be utilized in accessing your priority list with your department and organization's overall execution strategy.

Communication

It starts with having a good line of communication to your customers, direct manager and other functional leaders to ensure that everyone is working toward accomplishing the same goal. For example, five years ago a customer requested a new pipeline project between Gas Gathering system A and Gas Gathering system B to use efficiencies in each system for transporting their product. This is a typical request, but during the course of the project, the customer also decided that they needed five new well connect lines along the route to be connected during the construction of the mainline. This was great news, but bad timing for the project team. Now the priority had shifted from getting the line complete between the system and it also required brand new scopes for the new well connects, as well as a rework of the alignments for all of the surface facilities needed to make the connections. This example taught the project team to ask other qualifying questions to the customer to ensure that everyone had the same goals in mind. Additionally, the team learned to identify "black swans" in the field, which are items that tell you the hidden or neglected information in a conversation. For this scenario, the customer was building lease roads and new well pads in the area, which should have triggered additional qualifying questions. As the great sociologist/novelist George Bernard Shaw said, "The single biggest problem in communication is the illusion that it has taken place."

Realistic Expectations

It is important to set realistic expectations about what, when and how a task or series of tasks can be accomplished. It may be the project director's job to assign the work, but it is our job to determine how it can be done using the existing constrained resources available to all of us. Begin by analyzing



the request, looking for factors that may affect the project timeline and those which could be out of your control, such as specific permits, funding delays or contract resource restraints. Second, ask qualifying questions about projected dates, the larger picture and final strategy. Last, keep in mind that no one person may have all of the answers, so regularly communicating your progress with the team will be paramount in successfully completing your task. Setting expectations and communicating the action items involved will help to eliminate miscommunication and dropped responsibilities. This is especially true for leaders who delegate the tasks, since they must make sure their expectations are 10 times as clear.

Synergizing Resources

No one person or group can operate efficiently in a vacuum, so regular meetings with other functional groups are a must in order to gain the valuable insight of the overarching strategy of a project. I am not suggesting meetings for the sake of meetings, but they should be value-based engagements that have mutual consideration of information being shared. Next, identify which task can run in parallel with other tasks without having a hard phase-gate. This will take experience, but once you've gained an understanding of the flow of tasks and its interconnecting pieces, the process will add great value to level-setting your priorities. Lastly, coordinate activities in conjunction with other groups to synergize resources. This piece can be crucial (especially on budget-restrained projects), but it can also be a detriment to timing. This skill of knowing when to synergize resources and when not to will come with project experience, but one insightful tip is to understand your hard dates for each task and plan accordingly with other functions.

Executing on Priorities

In summary, ensure that communication is clear and concise, set realistic expectations with stakeholders, synergize resources and information with the team, and write your priorities down to track your progress. After all, when everything is a priority, does anything get prioritized?

Just look at The Ivy Lee Method for prioritization, which has lasted through the testament of time. In 1918, steel mogul Charles Schwab was desperate for an answer to help his executives make better use of their time. As the story goes, Schwab arranged a meeting with the highly respected productivity consultant, Ivy Lee, in hopes of transforming his men and their productivity efforts. Ivy said he only needed 15 minutes with each executive and he would not charge Schwab a fee unless productivity increased over the course of three months. Here were the instructions that Ivy relayed to the executives:

1) At the end of each work day, write down the six most important things you need to accomplish tomorrow. Do not write down more than six tasks.

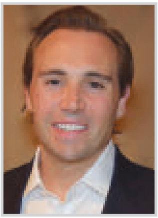
2) Prioritize those six items in order of their true importance.

3) When you arrive tomorrow, concentrate only on the first task. Work until the first task is finished before moving on to the second task.

4) Approach the rest of your list in the same fashion. At the end of the day, move any unfinished items to a new list of six tasks for the following day.

5) Repeat this process every working day.

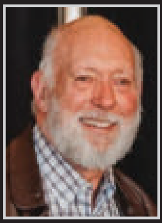
At the end of the three months, Schwab wrote Ivy a check for $25,000 in payment for the dramatic increase in productivity out of his executive team. ✪



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

MAXIMIZING YOUR APPRAISAL DOLLAR

Selecting and maintaining the right appraiser



Jim Price, SR/WA, was a partner at Appraisal Group of the Northwest in Bellevue, Washington. He appraised and reviewed right of way projects for over 30 years. In honor of his dedication to IRWA, we've republished his contribution to the IRWA Chapter 4 Field Notes, a weekly e-blast. *Please turn to page 62 to view Jim's obituary.*

BY JIM PRICE, SR/WA, MAI

This article is my chance to present the appraiser's side of the story and what wins our loyalty and enthusiasm. It's not only money!

Choosing the Right Appraiser

When choosing an appraiser, I would suggest hiring an appraiser with an SR/WA or a similar designation. These individuals show continuing professionalism, have taken right of way classes and deal with right of way situations on a day-to-day basis. They know what to say and how much to say to a condemnee's questions. Other professional designations might include the MAI, SRA, IFA and ASA. Similar to our own members who take relevant IRWA courses, members of these organizations have demonstrated a commitment to professionalism with continuing education and follow a strict code of ethics. An appraiser who cares enough to try to become better educated in their field through a professional organization is more likely to be qualified to do your work. State certification standards are far less stringent than a designated appraiser must achieve.

You must also ask the right questions. Is your appraiser familiar with the type of property in your project? Single family residential properties are the most common type of properties to be affected by projects, so it would be beneficial to choose an appraiser who has had experience in this specifically. Do they have access to the Multiple Listing Service so they can obtain complete information on residential properties? Are the appraiser's fees too high? Appraisers have substantial expenses, including overhead, recertification, secretarial expense, equipment and E&O insurance. Real estate cycles cause disruptions of business for appraisers, forcing mortgage appraisers to attempt right of way assignments at attractively low fees. But this can result in extensive review work by the client.

Finally, pick a review appraiser who has prepared many similar appraisals and is still active as an appraiser. If the review appraiser is not aware of current market conditions and data sources, it is difficult to adequately review another appraiser's work product.

Winning an Appraiser's Loyalty

Be loyal to your appraisers if you want them to be loyal to you! Don't broadcast RFP's to six or seven appraisers. We can't spend a day researching and preparing a proposal for a job when there is a minimal chance of getting it. Pick two or three qualified appraisers to submit proposals and provide them with all of the information that is practicable to create a competitive proposal, such as assessor's information or updated site maps.

“IT IS IMPORTANT TO MAKE THE APPRAISER A PART OF YOUR TEAM.”

Order only as detailed a report as necessary. Learn what is involved in a restricted, narrative or self-contained report, and determine which one is adequate for your project. A more detailed appraisal can be completed later for negotiations or potential court action.

Additionally, don't ask the appraiser to submit all of their methodology with their proposal. As professionals, they are assumed to be competent to present the correct approach when preparing an appraisal or they wouldn't be on your approved list in the first place.

When the assignment is awarded, provide environmental and soils information, the property owner's address and telephone number, pending negotiations or sales, title information and any other information that may be pertinent to the appraisal. In addition to the property's value, a good appraisal report may provide additional market information. This can be helpful in analyzing the overall real estate market and providing insight into the motivations in the marketplace for real estate purchasers. These questions should be considered:

A. What is the strength of the real estate market for your type of property? Are properties on the market for a long time?

B. Is the subject property unique in any way that will make it hard to replace?

C. What is the property's highest and best use?

D. Does the appraiser indicate that an environmental review of the property may be desirable?

It is important to make the appraiser a part of your team. They are your "eyes and ears" in the field and can pass valuable information back to you, making your project a success. The appraiser is often one of the first contacts with the property owner and can make the resulting negotiations cordial or difficult.

In Summary

Even if they are for preliminary cost estimates, The Appraisal Foundation mandates that *all* appraisals must meet the minimum standard of a restricted appraisal. Getting good valuation information early in a project begins the process of building quality file data and decreasing the risk of large cost overruns, which can later prove embarrassing.

By choosing the right appraiser and ensuring that your appraiser stays enthusiastic about their task, you will be one step closer to achieving your own goal. ✪

THE BUSINESS ETHICS FIELD GUIDE

An interview with the experts

BY BRAD YARBROUGH

Business has often been compared to a jungle and for the most part, I have to agree. After all, many of us have experienced the fear of being lost amid towering career threats and feeling trapped by the overgrowth of unsolvable situations. We want to make the right decision and do the right thing, but we need help doing it.

And if my 40 years of business and leadership experience has proven anything, it is that the journey does not get easier. So instead of hoping for less problems, it seems wiser to gain additional skills in order to overcome them. As Socrates once said, "The only true wisdom is in knowing you know nothing."

You may be wondering who exactly can help you become better prepared to face these dilemmas in business. Who are the experts? Well, it is my privilege to introduce three individuals that have majored in the study of ethics. Brad Agle, Aaron Miller and Bill O'Rourke have co-authored the highly acclaimed book, *The Business Ethics Field Guide*. I met Brad and Bill in Oklahoma City a few months ago while attending a meeting of the Oklahoma Ethics Business Consortium. Their presentation was marvelous and showed a mastery of the subject. Not only did they autograph my book, they inscribed an increased passion for ethics in my life. *These are experts.*

The Business Ethics Field Guide is the best I've read on the subject and serves as a superb guide for making ethical decisions in "the wilderness." It distills our everyday ethical challenges into 13 common dilemmas with real life examples and insightful solutions. It teaches the vital skills we need to make ethical decisions and find choices that are not only right for each of us, but for those around us as well.

Each of these 13 ethical dilemmas will be featured in upcoming articles written by Brad, Aaron and Bill. I'm launching this series with an interview to introduce you to these outstanding individuals and whet your appetite to read the articles that will follow in the months to come.

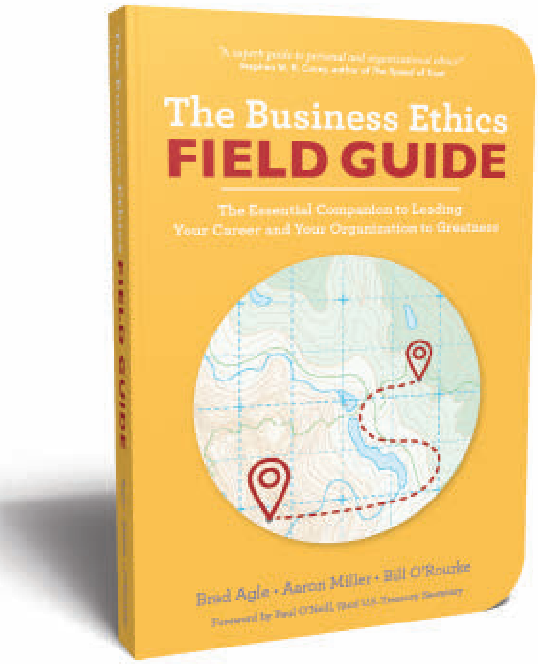
1. What led you to become experts on the subject of ethics?

BILL O'ROURKE – When Brad Agle invited me to come to his Business Ethics class at the University of Pittsburgh to discuss ethical situations, I had been with Alcoa, Inc. for over 30 years and I had come across quite a number of ethical dilemmas. I soon realized that students could benefit from learning about my experiences, so I have documented hundreds of real ethical situations that I have faced and I routinely speak about them with university students, corporations and other organizations. My exposure with Brad Agle and Aaron Miller has helped me to appreciate the rationale for making decisions, the importance of integrity as an organizational value, the importance of fact gathering and the need to act fast when faced with an ethical dilemma.

AARON MILLER – I started out as a practicing attorney, but I found my way into academia as an adjunct professor teaching business ethics and nonprofit law & finance. Teaching was so enjoyable that when I had the chance to teach full-time, I jumped at it. So, I would say that my expertise comes from 12 years of teaching ethics, coupled with my prior background as a lawyer. Though I'm primarily a teaching professor, I've been lucky enough to be involved in research as well—the most important being the five years of research and writing that went into *The Business Ethics Field Guide.* (Reading hundreds of real ethical dilemmas and their outcomes would help anyone develop greater expertise.) This is a subject that fills me with curiosity, passion and excitement for all that's yet to be discovered.

BRAD AGLE – I began a PhD program in Business, Government and Society at the University of Washington in 1988, and one of the primary emphases of this program was business ethics. After completing my PhD and two years of working on CEO leadership at a CEO Institute, I began my professorial career at the University of Pittsburgh in 1992, where I taught business ethics and was the inaugural director of the David Berg Center for Ethics and Leadership. I've been involved in research, teaching, writing, speaking and consulting on business ethics for 30 years, the last nine of which have been at Brigham Young University. I'm a big believer in an individual's ability make a difference in the world, and I'm trying my best to lift the institution of business to become an even greater positive force in society.

Aaron Miller *(left) is a professor in the Marriott School of Management where he teaches business ethics. Prior to his current role, he practiced law in areas including small business, nonprofit, taxation and corporate governance.* ***Brad Agle*** *(center) is the George W. Romney Endowed Professor and Professor of Ethics and Leadership in the Marriott School of Management at Brigham Young University. He has provided leadership training to dozens of organizations including Alcoa, US Steel and the Marine Corps.* ***Bill O'Rourke*** *(right) retired from Alcoa where he held a number of leadership positions including President of Alcoa-Russia from 2005-2008. He taught MBA students Strategy, Leading Change and Ethics in the School of Business at Duquesne University.*



2. Your pursuit of the subject led to co-authoring *The Business Ethics Field Guide* in 2016. Can you explain the title?

BILL – Life can be tough. Sometimes we need help to traverse the challenges we face. There are guidebooks that tell us how to survive the various categories of challenges we might encounter in the wilderness, such as getting lost, having an encounter with a dangerous animal and how to treat injuries. Sometimes, the challenges we face in life are similar to those wilderness challenges. Research conducted by Brad Agle and Aaron Miller over the years allowed them to identify 13 categories of business ethics issues. Each category is addressed in the book in a manner that the reader will understand when they face that issue. It then provides advice on how best to deal with that situation. In this way, the book serves as a helpful "field guide" and reference for individuals when they encounter an ethical dilemma in their life.

3. The foreword was written by Paul O'Neill, former U.S. Treasury Secretary and Alcoa CEO. He said, "...ethical behavior, for leaders, is more than avoiding clear wrongs." Can you elaborate on that statement?

BILL – I reported to Paul O'Neill when he was the CEO of Alcoa and he was the most enlightened leader I have ever known. When Paul came to Alcoa in 1987, he established a vision: Alcoa aspires to be the best company in the world. He wanted every function, every individual and every product to be the best. He complimented that vision with a set of articulated values, which began with integrity. By practicing integrity, you challenge others to do more than expected, to perform far beyond the legal compliance requirements and make the world a better place. I believe that's what Paul meant by saying that ethical behavior is more than avoiding clear wrongs.

AARON – Very compelling research points to the idea that leadership and ethics are inseparable. Put another way, there's no aspect of leadership without ethical importance. Joanne Ciulla, a top academic in the study of leadership as well as ethics, has incredible insights in the connection. She says, "Leadership is not a person or a position. It is a complex moral relationship between people based on trust, obligation, commitment, emotion, and a shared vision of the good." In the end, no one can be a good leader without also making ethical choices.

4. In the book, you identify 13 Ethical Challenges we each face in business. How did you define these?

BRAD – I've taught executive MBA students for the past 18 years in Pittsburgh, Sao Paulo, Prague and Salt Lake City. My students' first assignment is to write up an ethical dilemma they've faced in their career. I've now read close to 2,000 of these dilemmas. In doing so, I began to notice patterns–certain "types" of ethical issues would come up again and again. While the specifics would be different, the fundamental challenge being faced fit a common pattern. There is a type of research designed to detect different "types" called textual or qualitative analysis. We conducted research using my students' dilemmas until we had identified the fundamental dilemmas they faced. This was a collaborative process among Aaron, myself and other researchers at BYU.

5. Why should I be ethical?

AARON – There's a multitude of reasons to be ethical (trustworthy relationships, peace of mind, leadership opportunities, etc.). Even biological evidence points to fairness and honesty being important to human beings. In the end, every argument in favor of bad ethics usually has to rely on us abandoning the very things that make us people, namely love, purpose and connection. There is an idea that bad ethics can give us a competitive edge, but that takes a short-sighted view about what winning really means and about what matters in the end. For example, a massive, multi-decade Harvard study identified meaningful, reliable relationships as the single strongest predictor of human happiness. It's impossible to get those through unethical behavior, no matter what edge you think it gives your career.

BRAD – Part of being ethical is realizing that it will not always be to your personal benefit. Because ethics is about how we treat others, most of our greatest ethical heroes are those who have sacrificed for others. Meanwhile, my experience is that those who are dedicated to living ethically in their professions are universally happy and oftentimes highly successful.

BILL - There is also the undeniable cost of wrongdoing. Unethical behavior will have a cost to you and your business. In the long run, those who make the wrong choices end up paying for them in terms of fines, imprisonment, loss of sales and profits and damage to their reputation.

6. Do you find that most people *want* to do the right thing?

BILL - Beyond avoiding costs of wrongdoing, there is a desire by most people to act properly and to be ethical. In fact, most people who have made poor ethical choices wish they could have the opportunity to do it again and choose differently. It's hard to put a value on personal harmony but it is clear that losing your personal integrity matters significantly.

AARON – I believe most people want to do the right thing. I also believe most of us have gaps in our skills and abilities that help us accomplish the right thing. Good ethics is more than just having good intentions. That's

13 ETHICAL DILEMMAS

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

1. **STANDING UP TO POWER**
Someone in power is asking you to do something unethical.

2. **MADE A PROMISE**
Conflicting commitments force you to choose.

3. **INTERVENTION**
You see something wrong. How do you proceed?

4. **CONFLICTS OF INTEREST**
Multiple roles put you at cross purposes.

5. **SUSPICIONS WITHOUT ENOUGH EVIDENCE**
You believe something is going on, but you're not sure.

6. **PLAYING DIRTY**
Achieving justice but by doing something unethical.

7. **SKIRTING THE RULES**
Bending a rule for a better outcome.

8. **DISSEMBLANCE**
Misrepresenting the truth for better outcome.

9. **LOYALTY**
Giving up ethical stance to protect valued relationship.

10. **SACRIFICING PERSONAL VALUES**
Living ethically might put burden on others.

11. **UNFAIR ADVANTAGE**
When opportunity exists to wield an unfair upper hand.

12. **REPAIR**
When you are responsible for a mistake.

13. **SHOWING MERCY**
You could grant forgiveness, but you don't know if you should.

WHAT WE ALSO HOPE TO DRIVE IS A DESIRE FOR INDIVIDUALS TO CHOOSE MORE RIGHT OVER RIGHT.

why we wrote our book! Our hope is to give people the tools they need to do the right thing.

BRAD – The vast majority of the people I've met want to do the right thing. However, there are a lot of forces pushing us toward less than ethical behavior. Ethical decision-making is a very complex process involving our values, intellect and emotions, as well as our group, organizational and cultural influences. Unfortunately, just *wanting* to do the right thing isn't enough.

7. Can you expand on the dilemma between doing what's right versus doing what's easy?

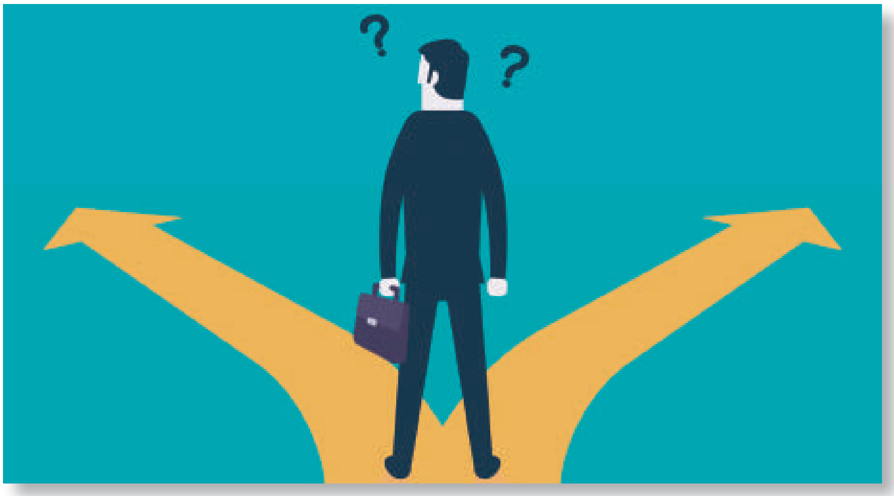
BILL - Our book addresses moments when values conflict. These situations are particularly difficult because they don't lend themselves to the typical framework of right verses wrong. Note that our book does not provide insights on theft, assault, or other crimes that are clearly wrong; there's no dilemma involved. Instead we deal with situations where an individual must choose between two highly prized values. For example, is it better to honor a promise to keep information confidential or to reveal that information in order to protect a supplier or your employees? We recognize that these "right vs. right" decisions are common in life and we attempt to provide the reader with a framework for addressing those situations.

What we also hope to drive is a desire for individuals to choose *more* right over right. If something is found that does not belong to them, a good leader knows that they cannot take it. Excellent leaders take steps necessary to get the item into the hands of the rightful owner. A good leader of a manufacturing plant that has a toxic spill reports the spill to the government authorities as required. An excellent leader takes the steps necessary to clean the spill, notify affected persons, get them necessary medical attention and take steps to assure that the spill never occurs again. When crafting an organizational culture, the leader has an obligation to set the tone. Push your organization to strive to achieve the best outcome possible, often far beyond compliance. Then, support those who choose to do "more right" and recognize their efforts.

8. Many media-covered, corporate scandals can be traced to unethical behavior. In addition to a damaged reputation, what are other costs of doing unethical business?

BILL - It seems that we hear about these scandals regularly. A recent example of corporate misbehavior is the Wells Fargo situation. The company devised an incentive in which employees were rewarded for opening more accounts. As a result, bank employees began opening accounts for customers, often without even telling the customers they were doing so.

However, I believe that it is the reaction to these events that will determine future success or failure. Once a company has lost the trust



of its customers, it is difficult to get back. Wells Fargo took their situation seriously. The CEO was fired and about 700 employees who intentionally deceived their customers were fired. Four directors on their Board were released for not exercising appropriate oversight of the situation. Ethics training was expanded. The values were reinforced and Wells Fargo publicly admitted their mistake. Their new advertising campaign notes that although Wells Fargo is an old company, they have been re-founded in 2018. It seems that most customers believe that Wells Fargo has seriously addressed the situation.

Another point to be made is that although we read about these corporate ethical failures, we don't read about the tens of thousands of companies and millions of business leaders who are working hard every day to make the right ethical decisions. I believe that the vast majority of businesses and their leaders are driven to do what's right. So, keep that in mind whenever you read about those caught doing wrong–there are a lot more doing right.

AARON – To add to Bill's insights, I would also emphasize that we live in an age where it's harder than ever to get away with bad behavior. Smartphones with cameras are everywhere. Social media can spread news of a scandal in seconds. When you consider how hard it is to build a reputation for ethics and how quickly it can be destroyed, ethical leadership has never involved higher stakes!

9. Can a person learn ethical decision-making skills and master them?

BILL - Definitely. Ethics is not merely a matter of good intentions. Ethical behavior can be a result of thoughtful application of ethical skills. These ethical skills are especially necessary for effective leadership. You need more than a love of nature to lead people on a journey through the wilderness. You need the experience and skills of a wilderness guide. In the same sense, wanting to be ethical falls short of actual ability to guide others through ethically precarious terrain.

AARON – Years of experience in teaching ethics proves to me that these are skills and they can be mastered. I have so many stories about students who come back years later to tell me about how they used skills they learned to navigate some devilishly tricky ethical territory. These are not the kind of problems you resolve with good intentions alone.

BRAD – No question. In fact, one of the most enjoyable aspects of my job is meeting individuals who are truly ethical experts. When I meet them, they jump out at me like great athletes to a talented sports scout. Bill O'Rourke was one of the first ones I got to know well. It was immediately apparent to me that he was a highly skilled ethical leader. Learning from him has been one of my greatest professional advantages and personal blessings.

10. The IRWA has placed an emphasis on the subject of ethics throughout its history. What is your opinion on the role a professional association can have in ethically-shaping its industry?

BILL - Professional associations can play a very important role. The association is often the face of the profession. Their communications, conferences and membership activities allow the profession to define itself, to portray the qualities of its members and to shape the culture of the profession. The association can play a role in reinforcing the values of its members through reward and recognition programs, touting the positive actions and values of its members. The association can also serve to police itself by communicating when the values and mission of the association are not being followed. The association and their leaders help to build pride in its members that is typically based on strong values beginning with integrity.

AARON – The truth is that people just don't talk enough about ethics and values at work. This is where professional associations can fill an otherwise dangerous vacuum. When people develop camaraderie and mutual respect in a profession, they can also set high ethical standards for each other. It means something to be a member of IRWA, and that has a lot to do with the ethics consistently reinforced and expected of each other.

WHAT OUR READERS ARE SAYING:

"Most leaders think they've already mastered ethics; great leaders know that ethical leadership is a skill set that needs to be developed. This book is a useful resource for developing that skill set. It's an engaging practical guide to organizational ethics—for professionals and for students."
-Adam Grant, Professor of Management at the University of Pennsylvania and a New York Times bestselling author

"The Field Guide is a must read for executives and anybody who understands that enduring business success and reputation is based on values and sound ethics. It offers a treasure chest of hands on guidance, essential to navigate every day's business life. The authors not only succeed in showing how to deal with dilemmas. They also show how solving dilemmas builds personal and organisational strength."
-Georg Kell, Founder, United Nations Global Compact; Vice Chair, Arabesque Partners

"No one wants to be caught off guard, especially when split-second decisions could lead to a potential career mishap, or worse. This book takes the smart, persuasive, and influential approach that not only gives the reader immediate solutions to real world dilemmas, but could lead to significant organizational shifts in policies to avoid being in those difficult situations in the first place."
-Sharlene Wells-Hawkes, Chief Marketing Officer, StoryRock; Award-winning ESPN Sportscaster; Miss America

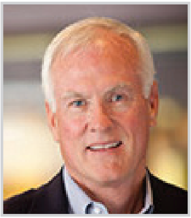
BRAD – The actions of leaders can have profound effects on those in the organization. Aaron is absolutely correct that people don't talk about ethics at work nearly enough. In fact, one of the recommendations of the U.S. Sentencing Commission (which developed some best ethics practices for organizations) is to spend time identifying the types of ethical issues prevalent for the organization, and then do training on those ethical issues. Professional associations are in the best position to understand the types of ethical issues most prevalent for their practitioners and to provide training on those issues.

11. Right of Way Magazine will feature one of the 13 challenges in each of its upcoming issues. How excited are you to be a part of this effort?

BILL - We are very excited to be a part of this initiative. Our desire is to help others be better able to navigate through the ethical perils in life. Having the opportunity to reach so many of your readers on a regular basis gives us a unique opportunity to achieve our goal. We appreciate the opportunity.

AARON – This is such an honor! We want nothing more than to empower good people, and this opportunity is exactly that.

BRAD – We're thrilled that your professional association is interested in our work and in helping your members develop into the type of ethical leaders we all hope to be. We know that we are all beneficiaries of the work of your members. We anticipate that you will all find the journey to be interesting, exciting and ultimately useful. Thanks for joining us on this mission to make the world a better place for all of us. ✪



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.

Nigeria Can Be Transformed to Meet Infrastructure Demand

This article was originally published in The Guardian on August 6, 2018 and was permitted for republication as is. To view the original article, please visit https://guardian.ng/property/nigeria-can-be-transformed-to-meet-infrastructure-demand/

BY CHINEDIM UWAEGBULAM

Five years after its inauguration, IRWA Chapter 84 Nigeria consisting; estate surveyors, land surveyors, engineers and others involved in right of way acquisition and management is set to spearhead the drive for improving the quality of life through infrastructure development. In an interview with Property & Environment Editor, CHINEDUM UWAEGBULAM, IRWA President, EMMANUEL MARK, a fellow of the Nigerian Institution of Estate Surveyors and Valuers, explains his mission and backed amendment of the Land Use Act to conform with the generally accepted standard of acquisition and compensation.

The Nigerian chapter of International Right of Way Association (IRWA) was inaugurated in 2013, as the first chapter in West Africa and the second in Africa, after South Africa and the global body has nearly 10,000 members from over 15 countries around the world, but little is known about the organization in Nigeria. Why is it so?

Indeed like you said, it is a global body of over 10,000 members from over 15 Countries around the world, though not popular like professional body in the built environment in Nigeria, however our members have been involved in most infrastructural and real estate projects in Nigeria. 2013 to date have been our years of growth and building of the Association. Our members have been operating through various professional associations, like the Nigeria Institution of Estate Surveyors and Valuers, Nigeria Institution of Surveyors, Nigerian Bar Association (NBA), Nigeria Environmental Society etc. This is the first time IRWA Chapter 84 Nigeria is bringing professionals in the right of way practice under one roof.

The Nigerian chapter of the International Right of Way Association recently elected you as its president, what is your plan for the association, including giving it visibility?

For our Nigeria Chapter, my plans will be to unite efforts of our members towards individual development, improving service to our employers, the public, and advancement in the body of knowledge related to the professional tasks of our members. For this year, we have mapped out measures to create visibility and develop a viable communication plan. This interview is one of the means of communicating to the wider public about what we do and how we better the lives of our people through infrastructural and real estate consultancy.

IRWA is a volunteer-driven organization comprised of multi-disciplined professionals employed by private industry and government agencies, what are the opportunities for prospective members?

As stated earlier, International Right of Way Association comprises of a dynamic global community of dedicated professional members. We receive cutting-edge solutions to industry challenges through specialized education courses and seminars, a programme of professional development, as well as thought-provoking forums for the exchange and advancement of ideas. Our members will also have certification opportunities in appraisal, asset management, negotiation and acquisition.

IRWA is a platform for our members to have global industry-wide recognitions, designation and certifications and to elevate the role of right of way professionals by strengthening their industry relevance. In Nigeria, IRWA members include estate surveyors, land surveyors, engineers, and others involved in right of way acquisition and management.

Emmanuel Mark with IRWA's Council on International Relations Chair, Mary Anne Marr; IRWA's Senior Vice President - International Relations, Daniel Stekol; and representatives from Nigeria, South Africa, Australia and Saudi Arabia.

With clear cases of mismanagement of right of way in major routes, which has affected meaningful developments, how do government ensure proper right of way management?

Often time Right of Way, already acquired is mostly mismanaged resulting to illegal occupants or squatters encroachments on the right of way properties. We will be available to offer our right of way management services to the government, especially managing various activities within unincorporated areas, including the review of construction traffic control plans, enforcement of illegal encroachments; the purpose of the right of way management is to provide appropriate traffic planning and coordination of all activities in the right of way acquisition processes.

A new report released recently revealed that Nigeria requires $15bn (N4.59tn at N306 to a dollar) worth of investments annually for 15 years in order to adequately develop its infrastructure. Given the government's limited access to international debt, revenue constraints and competing priorities, how can the country meet its infrastructure demands?

For Nigeria to meet its infrastructure demands, the Federal Government will have to review its policies in order to achieve better business environment. The solution to inadequate infrastructure financing in the country is private capital funding, so efforts must be geared at bringing investment inflow. For instance, large transportation project in Nigeria require amounts beyond the capacity of the Federal and State Governments in any single year, given competing priorities; therefore, external funding

Emmanuel Mark shakes hands with Mary Anne Marr, IRWA's Council on International Relations Chair.

sources will be inevitable for long-term projects.

So, Nigeria require stable multi-year funding mechanisms independent of annual fiscal constraints to catalyze long-term funding from various sources namely banks, contractors, pensions, donor, agencies and the bond market. We need a national infrastructure acupuncture plan and we must choose where to put the pin at every time. A developed country is not where the poor has a car, but where the rich use transport. Transforming Nigeria to meet its infrastructure demand is doable. All it need is better tariffs and regulations; public procurement approach; and the right investment climate.

What are the hindrances to implementing the best practices and emerging issues in right of way acquisition and compensation? Do you think total abrogation of the Land Use Act of 1978 is a major issue?

Right of Way acquisition and compensation is usually a challenging exercise. Global diversity of right of way acquisition and compensation have brought the issues of best to the front burner. Issues of right to legitimate process; to notice; to be heard; to appeal; to transparent procedure and equivalent compensation among others have said to constitute the best practice in ROW acquisition.

As regards, the Land Use Act, I will rather advice for an amendment to the relevant sections of the act to conform to the generally accepted standard of acquisition and compensation instead of complete abrogation. For instance, section 29(4)(a) allows for an amount equal to the rent paid to the government as well as cost of improvements to the land. This ignores the fact that the allottee could have acquired the land from its original allottee at a huge cost in the open market. Right-Of-Way acquisition has become an integral component of the overall planning and implementation of highway and transportation projects.

What is your association's relationship with the federal and state governments?

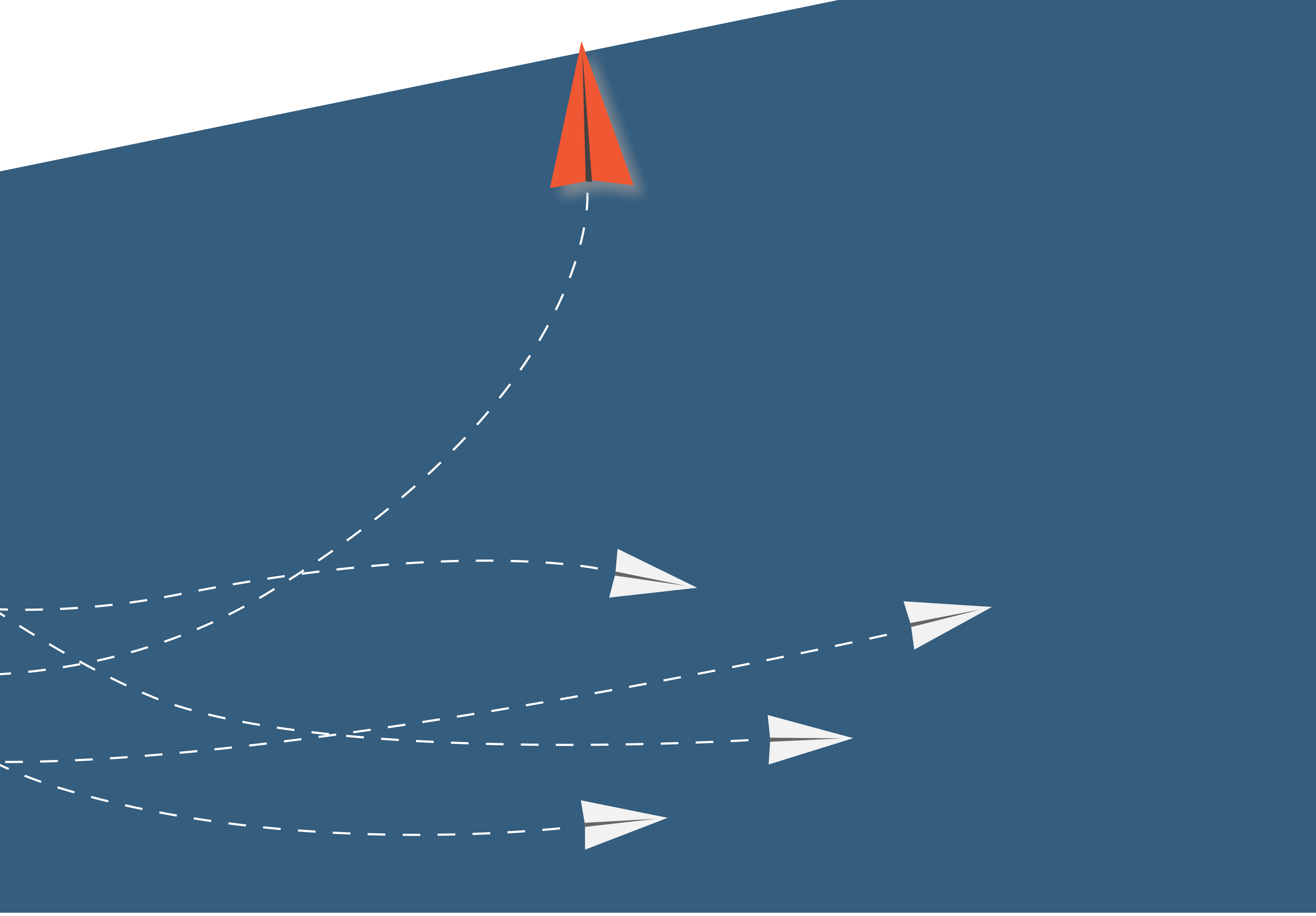
Our association is the foremost organization of global infrastructure real estate practitioners, with the primary purpose of improving the quality of life through infrastructure development. Our relationship with various Federal and State agencies has been cordial. Before now, our members have been working with government agencies, Individual and through their various professional associations, however, we will be offering better services through our multi-disciplinary membership.

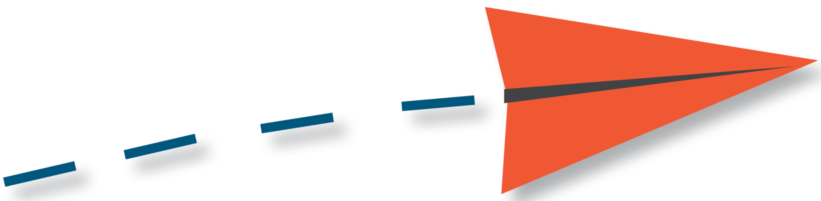
The dual objective of every Right-Of-Way activity are to ensure security of the assets and to guarantee that the assets can be sustainably managed such that income streams can finance costs of capital over time, how is your association playing this role?

As an association, we ensure that our clients received cost-effective right of way services to guarantee income to finance cost of capital. It is also to note that capital is, of course necessary, it is not sufficient to ensure success. Capital has to be focused on the right projects and then spent judiciously.

There have been various complaints by communities and property owners that they are shortchanged in course of compensations for government's acquisitions. How do you ensure your members uphold the ethics of their profession?

As an association, we recognize the responsibility of the right of way profession to the people and businesses we serve and believe that we should encourage and foster high ethical standard in our profession. We adopt a code of ethics for our constant guidance and inspiration predicated upon the basic principles of professional competence, character, integrity, fairness, commitment and trustfulness. These principles provide the foundation for establishing and maintaining all professional relationship. ✪





BY RYAN T. HARGROVE, MAI

About 18 months ago, I found myself at a crossroads in my appraisal career. I'd been a commercial real estate appraiser for nearly two decades, having worked for a handful of appraisal firms for a variety of intended uses, primarily for mortgage loan underwriting purposes. But I felt like I had become stagnant and for too long. I was feeling burnt out with several aspects of the appraisal work I was doing. It had been quite some time since I sought to further my career by networking, actively participating in industry associations, taking challenging continuing education courses and pursuing work that required more specialized knowledge and experience.

I thought about leaving the appraisal industry altogether. After all, I hold a master's degree in real estate development and could likely make a clean transition into that area of the real estate industry. However, after much soul-searching, I realized I didn't want to leave the appraisal industry altogether. Instead, I wanted to turn over a new leaf in my appraisal career.

TRANSITIONING TO RIGHT OF WAY AGENCY WORK

Steps I took to make the most of my appraisal career

Discovering Motivation

For inspiration, I thought about the appraisers I've met during my career who have impressed me. I observed some commonalities amongst them:

- They are well-educated and stay up to date on industry trends.
- They take pride in their work and deliver a high-quality work product.
- They are well-known and well-respected in the industry.
- They participate in industry associations and volunteer work.
- They don't stay stagnant for too long.
- Most importantly, they genuinely seem to enjoy the work they do.

It also occurred to me that many of these appraisers do quite a bit of specialized consulting and expert witness work. Some of them serve part-time as instructors for colleges, universities and industry associations. Others contribute to the appraisal and real estate industries by writing articles, books, blogs or course curriculums.

I made the decision that the activities described above are the type of endeavors I want to pursue as I move forward with my appraisal career. I became particularly focused on the right of way industry when I realized it was a fascinating area of the real estate field that I had neglected for too long.

Turning Ideas into Action

I began applying for positions of employment within the right of way industry, specifically looking for opportunities with public agencies, as I felt like this was the most expeditious way to get exposure to right of way appraising. In September 2017, I accepted an appraisal position with the County of San Bernardino in California and I officially commenced employment with the County in November 2017.

The transition to working for a government agency has been an intriguing experience. Prior to beginning my employment with the County, I'd worked out of a home office for over 10 years. Now, I work in a large office environment within a real estate services department that includes professionals from a variety of real estate or related disciplines.

Appraisers within the County's real estate services department perform complex appraisals of real property for a variety of County purposes, which can include acquisitions for County occupancy, eminent domain for public projects, surplus disposition and asset monitoring. Our department confronts and manages a number of unusual real estate transactions, which generally involves collaboration of multiple professionals. As a result, I have collaborated with countless professionals, including acquisition agents, leasing agents, fiscal specialists, construction specialists, architects, maintenance specialists, property managers and relocation advisors. Additionally, I have opportunities to serve and interact with other County departments including Flood Control, Transportation, Probation Fire, Special Districts and County Counsel.

In working for the County, I've noticed there is a big emphasis on limiting mistakes and "getting things right." We must remain very mindful of the rights of County residents and our fiduciary responsibility to the taxpayers. Additionally, it's imperative we maintain conformance to government statutes and County policies.

Striving to produce work that is mistake-free can be challenging. However, I'm now in an environment where an appropriate amount of time is generally allotted to allow for a work product of very high quality. For much of my career, I had to work in a high-production, high-pressure environment where turnaround times were fast and long hours were the norm. With the County, my production may have decreased, but when I finish an appraisal project, I'm able to take a great sense of pride in knowing that my work product is of the utmost quality.

Newcomer Challenges

Even though more time is generally allotted for County appraisal assignments than in appraisal work I've done in the past, deadlines certainly are not disregarded. If an appraisal and an accompanying property acquisition are for a public project, there are often grants or other public funding involved with specific dates that must be adhered to. Additionally, at various milestones along a timeline, our projects must receive Board of Supervisor approval. Appraisals are generally the first leg of an acquisition project and appraisers need to be efficient and timely to allow acquisition agents sufficient time to complete their scope of work related to the project.

One thing that's been a bit difficult to adjust to in my work with the County is the "stop and go" nature of some of the projects. Because we are collaborating with many other professionals, particularly on larger projects, discrepancies can sometimes develop amongst different project participants or different departments. When these types of issues arise, projects are sometimes set aside while corrective actions are taken.

One of my current appraisal assignments is for a road widening project that will involve partial acquisitions from 16 different property owners. When I began to take a deep dive into analyzing the project, I noticed some inconsistencies in the project design documents. The appraisal portion of the project has been placed on hold so design issues can be ironed out. A certain amount of efficiency and momentum will be lost in proceeding through the appraisal process, but this is a secondary consideration to eliminating discrepancies and potential mistakes.

What I've Learned

I've been in my County position for about a year now. I'm absorbing information on County procedures and policies quickly and efficiently, while still recognizing there are a lot of nuances to learn and it will take a good deal of time to grasp everything. I take copious notes when presented with topics and information that are new to me, and I proactively ask for clarification when things are not initially clear. I believe these types of actions accelerate the learning process. I've also been pleasantly surprised by how knowledgeable and well-qualified the professionals I'm working with in the County's real estate services department are. They've certainly made it easier for me to learn quickly in my new position.

I've begun setting several new goals for myself since moving to the County and commencing work in the right of way industry. I'm pursuing IRWA certification, namely the R/W-AC appraisal credential, which I can obtain on an accelerated basis through MAI cross-certification. I recently became an IRWA Course Coordinator and I am in the process of coordinating my first IRWA course. I'm also pursuing opportunities to develop my public-speaking, writing, teaching and leadership skills.

My recent change of employment to right of way appraising for a government entity has been an interesting and rewarding experience so far. I certainly would urge novice and seasoned appraisers alike to consider incorporating right of way appraising into their appraisal practice. This also pertains to employees of a public agency—it could definitely be more rewarding and enjoyable than meets the eye. ✪

Ryan T. Hargrove, MAI is a Real Property Agent with the Real Estate Services Department of San Bernardino County in California.

CROSSING A CRAWFISH POND

Understanding the effects of your project

BY GREG SPICER

If you perform right of way land services to lay a pipeline or run an electrical transmission line in Southwest Louisiana or Southeast Texas, you are likely going to have to cross a few crawfish farms. After all, the crawfish is the official crustacean of Louisiana. And crawfish are not just a Cajun delicacy and dinnertime staple—they're also at the center of a thriving business. Crawfish farming is a form of "aquaculture." In fact, Louisiana farmers yielded 127.5 million tons of crawfish in 2016, with a "farm-gate" value of $172 million annually. In Louisiana, there are 225,789 acres devoted to crawfish aquaculture.

In order to successfully cross a crawfish farm, you need to understand what a crawfish farm is, how your project will affect that farm and how to compensate the crawfish farmer for his damages due to loss of crop and property damages. Of course, before you even set foot near (never in) a crawfish pond, you need to do three important things: get some good rubber boots for the mud, make sure you pronounce the farmer's name correctly and make sure you call those crustacean by their correct name (not crayfish, crawdaddies, or fish bait).

What is a Crawfish Pond?

Crawfish are grown in shallow earthen ponds, which are eight to 24 inches deep and mimic the natural habitat of crawfish with seasonal flooding and drying. These ponds are relatively flat and easily drained, with suitable levees that allow for production, harvesting and management of vegetation. The soil must have sufficient clay to hold water and accommodate burrowing of crawfish. These ponds are flooded in the fall and drained in the spring due to the oxygen demands for decaying vegetation, which is the food source for crawfish (the "forage crop"). The equipment needed for culturing crawfish include irrigation systems, harvesting equipment (specialized boats, traps and sacks) and agricultural implements to establish the forage crops and maintain levees.

There are two major types of production strategies: mono-cropping and crop rotation. Mono-cropping is when crawfish are the sole crop harvested from the land and production typically occurs in the same location for several production cycles or longer. The second and most common production strategy is the "crop rotation" system, in which rice (and sometimes soybeans or other crops) are raised in rotation with the crawfish. Crawfish may be cultured in two crop rotation systems: the rice-crawfish-rice system and the rice-crawfish-fallow/soybean system. The crawfish crop will almost always follow the rice harvest. One advantage of the crop rotation approach is that the farmer can get two crops out of his field in the same year.

Getting Through the Field

Inevitably, as the right of way land agent, you will be asked by your client if they can get through a farmer's field with their construction project without having to pay for crop damages. The short answer to this question is – probably not! Most farmers are continually cropping their fields. Because of this, it can be tricky coordinating construction schedules to avoid the crops. From March to July, the farmer will grow his rice crop in water (flooded fields). In June, he will seed his crawfish in the rice field. Then later in July to August, he will drain the water from the fields and harvest the rice. By September to October, the old rice field is re-flooded and it becomes a crawfish pond. From November to July of the following year, the crawfish are harvested. Finally, the farmer will drain, plow and level his field to repeat the process.

Your best window of opportunity for construction is when the farmer decides to keep the field fallow during the months of July through October (instead of a second crop). During this time, when the farmer would normally drain, disc and re-level the field, construction would cause the least amount of harm to his crop production. However, if a second crop was planned by the farmer, then the entire crop would have to be purchased so the field could be drained and dried in preparation of construction or pipe installation.

The kicker is that in order to have a dry field for construction in the spring of the year (when your construction contractor likes to construct), the farmer would not be able to produce a rice crop or restock his crawfish (May-July), resulting in having to pay for the loss of an entire crawfish crop in addition to the rice crop. The best-case scenario would be that the farmer had adequate stock of crawfish remaining in the field prior to draining and construction is completed on his property prior to August when he plants vegetation.

Dr. Ray McClain with the LSU Agricultural Center has performed research suggesting that the pipeline could be installed in the fall after the rice is harvested. If the farmer can re-flood by January, then there may only be a 50 percent loss to the crawfish crop.

I would suggest that you discuss with your client the timeframe for construction of the project and its effect on crop damages well ahead of time and certainly before

approaching the crawfish farmer. If the crawfish farmer takes his field out of production based on your projected construction timeline and that timeline later changes, you will most likely have to purchase that crop *and* another crop rotation when construction actually occurs.

Paying for Damages

The cost of crop damages is usually much higher than the cost of the right of way or easement. Because crawfish are often a "cash" crop, many crawfish farmers are reluctant to provide you their yield or sales data on their crawfish production. The LSU Agricultural Center has basic yield and economic data on crawfish production on which you can base your crop damage payments. The average yield for crawfish, depending on whether it is continuous production or crop rotation, can vary from 800 lbs. to 1200 lbs. per acre. In addition to crop damages resulting from construction, there is also the potential for payment of damages to the crawfish farmer's land and farming operations. Damages to the drainage, irrigation, levees and roads are the most common and expensive. Mitigation of these damages can be accomplished by utilizing an Agricultural Landowner Questionnaire during the early access/survey permission phase of the project. The information the land agent needs to obtain includes:

DRAINAGE

- What drainage will be affected by the construction route? Consider both natural and farm drainage.
- Is there a need for rerouting drainage during construction to prevent interference with additional acreage on the farm?
- Location of drainage culverts, including type and size.
- Location of erosion controls structures, such as pipe drops and weirs.
- What fields drain into the affected land and how many acres are affected?

IRRIGATION

- Is there an above ground irrigation ditch or an underground irrigation pipeline?
- Is the land precision leveled and what percent of slope?
- Was the land laser leveled and who did it?
- Cost per acre to level in the past.

LEVEES AND ROADS

- What levee and field roads will need repair after construction is complete?
- Is there a need to reroute access roads to prevent interference of operation?
- Will field roads used need limestone applied for access?

It works best when the land agent uses a large aerial map with the pipeline or project route. Have the farmer mark the location of drainage and irrigation structures, as well as the direction the fields drain.

Educate Your Client

It is important and useful to educate your client early in the project on what damages and amounts they can reasonably expect to pay. This helps your client budget and have reasonable expectations of project costs. The amount of damages paid can be greatly influenced by historical payments by prior projects, the number and identity of "influential" landowners along the project route and the timing of construction and crop cycles affected. Construction methods, such as double ditching with soil separation, can prevent future problems and damages. Suggest to your client that they utilize a certified Louisiana or Texas crop consultant who is familiar with the area.

Parting Thoughts

Crawfish farmers are the most interesting and intelligent business people you will talk to while standing in the mud. Ask questions and learn about their business!

You probably will not be able to reach a farmer by telephone during planting and harvest season. Get in your truck and drive out to the field. The farmer will be more willing to climb off their tractor or out of the boat to talk to you. After all, you are in the farmer's "office" now! ✪

Greg Spicer, JD, is the Louisiana Regional Director for Contract Land Staff (CLS), a North American right of way services company. His primary focus includes pipeline and electric transmission projects. Prior to joining CLS, Greg maintained a private law practice for 16 years in Lake Charles, Louisiana.

RIGHT OF WAY GROUND PATROLS

BY VINCENT MALONEY

The importance of continuous maintenance

Constant attention is needed to address the safety, integrity and overall condition of the land that a critical form of infrastructure operates within or under. Many companies have high performing integrity programs to maintain safe operations, retrofit existing operations, or perhaps even replace entire systems in sections as fiscal budgets allow. While these best practices are being carried out, it has never been more important to conduct multi-focused pipeline right of way surveys than it is today.

Why is this statement true you might ask? Well let's discuss a few hot topics in today's industry that is putting right of way ground patrols more and more in the public eye and gaining popularity with many oil and gas companies.

The Role of Ground Patrols

1. SERVICE DEMANDS

Today's crowed cities, increased energy demands and fracking efficiency have increased lifespans and expectation of critical forms of infrastructure like never seen before. Populations are increasing, large cities need energy, cars need fuel and trading markets need profit margins reflected through exporting opportunities. This calls for more volume of product to be transported through pipelines. Therefore, right of way ground patrols are growing in occurrence and importance. Like anything else mechanical, the more you use it, the more you want to monitor it and maintain its intended performance. This requires additional assistance in areas such as pump stations, city gates, mainline valves, etc. A custom-fit right of way patrol offered by an experienced team can help in many areas of PHMSA, EPA and TSA best practices and required performance.

2. DAMAGE PREVENTION

In terms of damage prevention, 811 programs across the nation have done a tremendous job getting the word out regarding safe digging and locate requests. The Common Ground Alliance best practices have been adopted by many industry leading contractors across the United States, and they also serve as a bridge to maintain and strengthen working relationships with contractors involved in underground utilities. These efforts are important to exercise in the field through continuous observation. Right of way patrols can help with locate requests and serve as "watch and protect" representatives for a variety of high-profile activities such as integrity digs, drain tile install, wind turbine construction, water shed maintenance and general monitoring of right of way activities. These simple acts can be done simultaneously with other responsibilities, but any responsibility regarding onsite damage prevention should be the only designated task assigned for quality assurance. This type of service involves a highly trained pipeline professional. We recommend a locator certificate from a reputable course offering, extensive experience in damage prevention and the appropriate operator qualifications.

3. SEVERE WEATHER & NATURAL DISASTERS

Our industry needs to discuss weather recognition and its potential impact on pipelines. In doing so, we need to think about natural disasters in general. Patrolling a right of way regularly or immediately following a type of natural disaster can help identify washed out creek beds, damaged operation buildings constructed to protect sensitive equipment and the overall integrity of above ground components or known shallow facilities in the area.

4. VANDALISM & TERRORISM

We live in a world where our energy lifelines such as electrical transmission systems, railroads and oil & gas pipelines have become targets for malicious behavior and illegal acts. Regular pipeline right of way patrols help to identify suspicious activities, vandalism and potential physical hazards towards a form of infrastructure itself. These pipeline right of way patrols also help secure public safety, strengthen community awareness and involvement by improving awareness of suspicious behavior, and support an environment for continuous improvements and efforts towards general pipeline safety that will reflect safe and efficient operations.

5. SITE HOUSEKEEPING

Appearance of a utility and its operating components can reflect the integrity of the program. Often, companies go above and beyond to make sure their facilities look professional and exceed safe operations standards. Many companies have friendly budgets to accommodate continuous painting and coating improvements to their facilities, which protects the facilities from corrosion and provides a professional and safe appearance. Regular pipeline right of way patrols support these efforts and help identify areas that may need to be addressed for touch up. Often, the clean appearance of a pipeline's above ground equipment reflects the pride that the pipeline operators take in their work.

6. RIGHT OF WAY MARKER MAINTENANCE

Pipeline markers are a key component to a pipeline company's safe operation. They provide an emergency contact number, product type and company name for contact in the event of an emergency or general inquiry. Markers can often become sun bleached, faded, damaged, or in need of an update. Right of way patrols help maintain the integrity and accuracy of these important public awareness tools. Markers should be regularly checked for accuracy and condition.

7. COATING & WRAP INSPECTION

Pipelines are often coated with a fusion bonded epoxy or coal tar wrap to help protect them against corrosion. Due to age and weather, these coating and wraps need attention in order to continue adequate protection of the facility/utility. Regular right of way inspections provides the opportunity

Watch and protect activities during foreign line crossings of existing utilities with 811 best practices in effect.

Pipeline marker integrity inspection during scheduled right of way patrol.

to examine mainline valves (MLV's), meter runs, above ground creek crossings, and exposed pipe due to erosion and severe heavy rains. It is recommended that this type of inspection be carried out by at least a NACE CIP 1.

8. LEAK DETECTION

Pipelines are by far the safest method of transport for fossil fuels. Like any other form of critical infrastructure or transportation, unexpected events in the form of severe weather impacts or third-party damage may occur and cause leaks on a pipeline system. These leaks can occur on gathering, transmission and distribution systems, and they hold an equal importance for monitoring needs. Regular right of way inspections can identify unknown release of product, dead vegetation, or a rotten egg smell that may be natural gas or petroleum product. Some leaks can also affect other forms of transportation such as roads and railroads. Casing pipe is often used when a pipeline crosses another form of transportation to protect the pipe, but leaks can lead to corrosion or catholic protection (CP) interruptions. Walk-downs or walk-throughs on a right of way help keep compliance with the Pipeline Hazard Material Safety Administration (PHMSA), maintain public safety and validate safe operation of the company's investment.

9. POST CONSTRUCTION IMPACT

Building a pipeline has become very environmentally friendly and safe in today's industry. Often, contractors exceed PHMSA requirements or governmental expectations in regards to environmental compliance, quality and safety. Contractors today have very comprehensive quality and safety programs that are operated by very skilled pipeline professionals versed in environmental and quality best practices and regulations. Having these programs and divisions in place is simply a smarter way to do business. However, once the contractor leaves the project, there is a window of time for work to be covered under warranty. Impacts from a construction projects may occur long after a project is complete. Regular right of way patrols can help identify road deficiencies where a drill may have taken place. They can also help identify agriculture defects in the form of sunken trench lines and damaged environmental control devices (ECD's). These types of observations and reportings can help maintain water drainage, landowner relations, public perception, as well as the safety of the project and owning company.

10. ENVIRONMENTAL AWARENESS

Populations change and areas grow throughout the service life of a pipeline. Areas described as high consequence areas (HCA) may change in classification, requiring an update to a system. This can include an influx of people living near a pipeline, easement adjustments, new construction, or regulation adherence to changing conditions. Regular right of way patrols help document updated data to assure compliance with HCA data. Land can also change geographically due to an influx of people in a given area. Information is sometimes needed to plan a project accordingly in order to properly protect the environment and wildlife in the area of operations. These environmental observations can include wildlife survey, animal migration patterns, crop count assessment, water logged soils, wetland integrity and restoration progress tracking. Regularly walking a right of way with a custom-fit survey/patrol program for a given client can help in these areas and many more.

Post construction sink hole discovered during right of way survey.

Recommendations

It is encouraged by Patriot Pipeline Safety, Corp. to have a detailed discussion with your contractor to discuss a pipeline system's specific needs. After all, erosion and maintenance vary drastically with different regions in the world. A custom-fit right of way assessment should be discussed and carried out to reap the maximum benefits of such a service. Having experienced and properly trained professionals to entrust such important tasks to takes a strong working relationship. We recommend a thorough evaluation of credentials, operator qualifications, specific experience and a buddy system process to introduce the service provider to the pipeline systems area of operation and particular surroundings. This should include a team walk-down, history of the system, history of the environment, and current roles and responsibilities of the pipeline operator. It is further recommended that the same personnel conduct the right of way assessment when called for again by the client. This maintains familiarity with the system and reduces cost on the introductory process for the client.

Each pipeline system is different. They transport different products, operate in different climates, and vary in population density. Particulars of a system take time to teach and the first step is always to build a great working relationship with your service provider so expectations are clear.

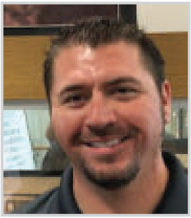
Fusion bonded epoxy coating inspection during right of way patrol.

Another recommendation is to weigh the pros and cons of walking or utilizing a small approved ATV when patrolling any right of way. This allows for an in-depth assessment. It is sometimes difficult to properly access wetlands, wooded areas, markers and railroad crossings from the air due to speed, visual barriers and height. Depending on the pipeline system, a right of way survey could be beneficial at least once a year. While it is recommended through the Code of Federal Regulations (CFR's) to determine patrols according to size, terrain and product, Patriot Pipeline Safety, Corp. recommends considering making patrols continuous. This will establish an environment of continuous improvement in your assessment of critical details regarding pipeline safety and security.

The Results

With these roles and recommendations in mind, the client can benefit from more efficient in-house employees, a reduction in man-hours and call outs, a reduction in overtime costs, and the assurance that their system is being continuously monitored by a competent and well-qualified pipeline professional. It may serve a client well to think of the appropriate time to do these surveys. We have had success with efficiency and accuracy following a maintenance right of way clearing or on a continuously well-maintained right of way for maximum observation and reporting potential. A trained and qualified 3rd party service provider responsible for a right of way survey/patrol can help meet and exceed requirements in the code of federal regulations (CFR's) and recommended best practices. ✪

Severe weather assessment on pipeline right of way during call out patrol for integrity verification and securement of public safety.



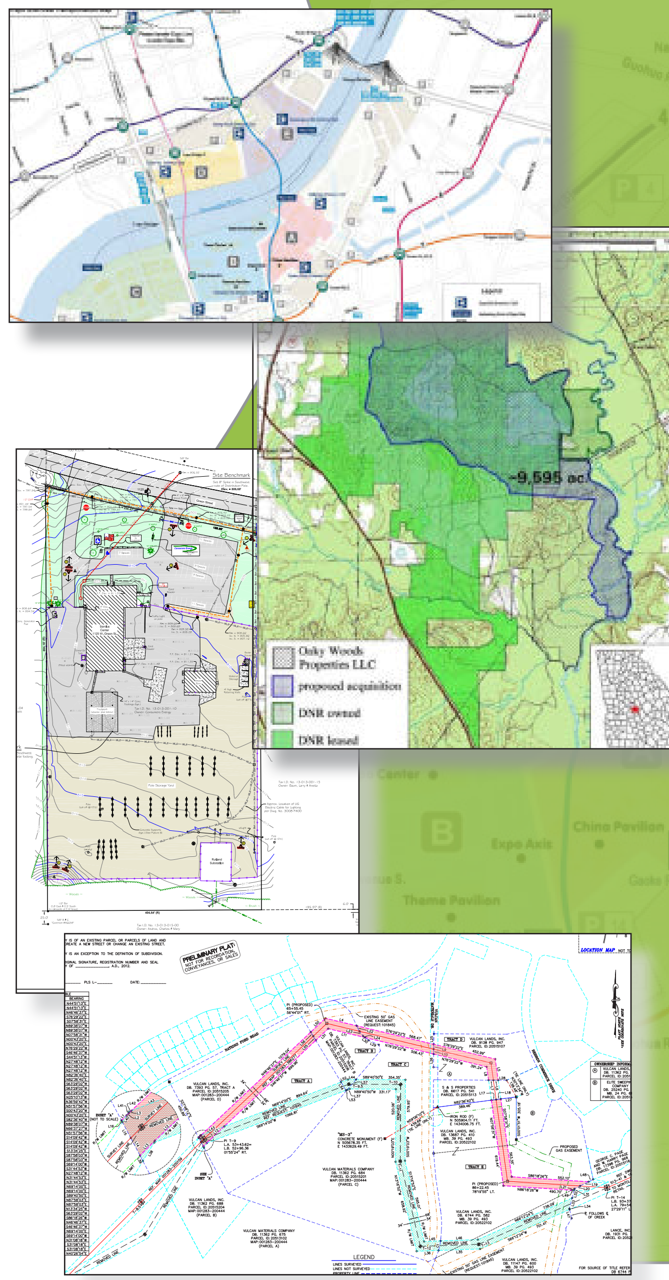
Vincent Maloney founded Patriot Pipeline Safety, Corp. in 2013 and grew the company into one of the leading resources for pipeline safety and industry related damage prevention innovations. As President of the company, Vincent developed free technical training specific to the pipeline industry and consulting on many notable pipeline construction projects.

17TH ANNUAL RIGHT OF WAY MAPPING Competition

Enter your map today!

Sponsored by IRWA's International Surveying & Engineering Community of Practice, this annual competition will be held in conjunction with IRWA's 65th Annual International Education Conference in June 2019 in Portland, Oregon.

Winners will be announced in Right of Way Magazine and at the Annual Education Conference, where winning maps will also be displayed. Winners will receive recognition at a national, regional or local IRWA meeting.



Eligibility: Anyone can enter, however, each entry must be sponsored by an IRWA member. Members may sponsor multiple entries. Maps must be associated with the right of way profession including related disciplines.

Prizes: The Grand place winner will receive a complimentary registration for IRWA's 65th Annual International Education Conference. A cash prize of $250 will be given to the individual winners in the following categories: Transportation, Oil & Gas, Electric & Utility, GIS and Industry General.

Rules: One entry per person in each category. A map may only be entered in one category. Each entry shall be a standalone single sheet. Maps and entry forms must be submitted digitally using Adobe pdf files. Entries under the transportation, oil & gas and electric & utility categories must be maps/ plats prepared for, or in support of, boundary/right of way line retracement or acquisition. This includes, but is not limited to, property or right of way survey maps and plats. Entries under the GIS and industry general categories shall be maps or exhibits related to highways, pipelines, utility lines, telecommunication lines (or associated facilities) prepared for general purposes such as public hearings, presentations, conceptual plans, etc. Examples include, but are not limited to, ownership exhibits and aerial photos (with or without overlays), etc.

Judging: Entries will be judged on overall presentation, orientation and the effective use of graphics, legends, symbols and innovative methods

Disclaimer Information: : If contractual confidentiality precludes submission, the title block can be cleared of all pertinent information and state "Prepared for Competition due to Jurisdictional Confidentiality."

17th Annual Right of Way Mapping Competition

Deadline: April 5, 2019

Official Entry Form (please print or type)

IRWA Sponsor ____________________

Entrant's Name ____________________

Company Name or Agency ____________________

Address ____________________ City ____________________ State/Province __________ Zip/Postal __________

Phone ____________________ Email ____________________

Category

❑ Transportation ❑ Oil & Gas ❑ Electric & Utility ❑ GIS ❑ Industry General

Email PDF entries to:
isecop@irwaonline.org

MAKE IT COUNT

Maximizing a displacee's searching benefits

BY DARRYL ROOT, JD, MBA, R/W-RAC

Business and non-profit displacees in a federally funded project are hoping that $2,500 will reimburse enough expenses to find an appropriate replacement site under the benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended (URA).

The URA and its implementing provisions, which allows for the reimbursement of certain expenses incurred in searching for a replacement site, are as follows:

49 CFR 24.301

> *(17) Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed $2,500, as the Agency determines to be reasonable, which are incurred in searching for a replacement location, including:*
>
> *(i) Transportation;*
>
> *(ii) Meals and lodging away from home;*
>
> *(iii) Time spent searching, based on reasonable salary or earnings;*
>
> *(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;*
>
> *(v) Time spent in obtaining permits and attending zoning hearings; and*
>
> *(vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.*

What Gets Reimbursed?

Displacing agencies have different requirements for the reimbursement of searching expenses. Most require a travel diary that documents the miles traveled, sites visited, contact information for sellers of the sites, and receipts for meals and lodging if overnight stays are necessary and reasonable. The amount reimbursed for meals and lodging are usually capped at the agency's usual per diem rates for contractors or the GSA CONUS rate for the area.

The displacee's time spent searching for and/or negotiating the purchase of a replacement qualifies for reimbursement if the displacee supplies evidence of their hourly earnings. This evidence can include certified payroll records and other wage-related documents. Fees paid to real estate brokers can also be paid if the fees are reasonable, can be documented and do not include commissions.

It should be noted that some agencies will restrict reimbursement for searching expenses to a 50-mile radius unless the displacee can demonstrate that it is reasonable and necessary to look beyond that radius. This need for a larger search area often comes into play when non-residential displacees have very specialized businesses that need unique replacement sites or when the businesses are located in very rural areas.

The benefits for time spent obtaining permits and attending zoning hearings refers to reimbursement of the displacee's time, not an attorney's time. However, an attorney's time spent attending zoning hearings may be reimbursed under 49 CFR 24.301(g)(12) (Payment for actual reasonable moving and related expenses) and 49 CFR 24.303 (b) (related nonresidential eligible expenses).

The Relocation Plan

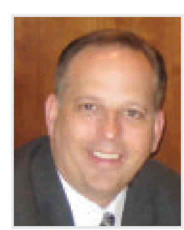
The relocation professional can maximize the displacee's searching benefits even before the business receives a Notice of Eligibility by preparing a detailed and thorough Relocation Plan. The Relocation Plan should document the availability of non-residential replacement sites. It should be noted that unique businesses may encounter difficult searches. The author of the plan should anticipate this difficulty and be familiar with any restrictive ordinances that may segregate businesses to only certain parts of the jurisdiction. In this way, the displacing agency can have a head start on anticipating searching needs.

Beyond preparing a thorough Relocation Plan, the relocation professional can maximize the value of searching benefits by combining them with advisory services and professional services. Advisory services can be used to refer the displacee to local realtors that have been useful in the past with helping business displacees. Although the relocation agent should not recommend a specific broker, providing the displacee with a list of experienced realtors can help narrow the search. The more targeted the displacee's referrals are, the less time will be spent viewing properties that might not fit the needs of the business. Experienced realtors with connections in the community may be able to refer displacees to "pocket listings" and other properties not publicly listed. The relocation professional should coordinate his or her efforts with the realtor to provide a steady stream of well-tailored referrals.

Professional services benefits under 49 CFR 24.301, 303 can also be used to help the displacee get the most out of limited searching benefits. When replacement sites are located that need zoning changes and/or variances, reasonable attorney fees can be paid for appearances before zoning boards. The relocation professional should coordinate with the displacee and the attorney to make sure beforehand that the attorney's fees are reasonable and necessary. Again, a list of attorneys who are familiar with relocation and zoning issues can be provided to the displacee upon request, but no particular attorney should be recommended. It should be noted that if the attorney the displacee wants to use is already on retainer or is an employee (in-house counsel), payment of these types of benefits may not be applicable.

An Important Task

Guiding the nonresidential displacee to the best replacement site is one of the most important and daunting tasks for the relocation professional. But the limited amount of searching benefits can be maximized through detailed planning and the combination of advisory and professional services. ✪



Darryl Root is a Program Manager and Northern California Regional Director for OPC. He has been in the right of way industry for 25 years.

COVENANTS AND RIGHT OF WAY

The benefits of creative problem-solving

BY MICHAEL F. YOSHIBA, ESQ.

Right of way requirements for projects get evaluated in conjunction with efficient designs, safety concerns and available funding. Each of these considerations are primary project drivers that identify what public projects can and do get constructed. Right of way maps are prepared depicting which properties will be needed for the project and title reports are ordered to identify recorded ownership rights, including the fee ownership and any easements, conditions, covenants and restrictions.

City street widening projects present planning challenges, particularly when planners seek to reconcile a project's need for additional right of way with the existing title conditions, covenants and restrictions. In one recent City public project in San Bernardino County, the City obtained a title report showing a covenant that reserved ownership of a small strip parcel to the City, which required the property owner to vacate the 10-foot strip of property ("Parcel 10") along the existing public street within 90 days of notice. With the Parcel 10 covenant, the City would not require any new right of way from this property, however, it would be difficult getting the property owner to agree to promptly remove the existing 50-year-old commercial building straddling Parcel 10 and the remainder property.

The City's Public Works department sent several notices to the property owner requesting removal of the portion of the building in the City's right of way, but the property owner didn't respond. Seeking to maintain the project's right of way clearance and delivery timeline, the City filed a declaratory relief action with the court to enforce the City's covenant, as well as a court order to remove the encroaching improvements. Declaratory relief cases are often given priority case status if extreme urgency can be shown. Here, the City had a critical need to secure possession of Parcel 10 for right of way certification and to maintain expiring project funding commitments. Right of way certification was necessary before the City could issue a Request for Proposals (RFP) for construction of the project.

The Court Decision

The court hearing was set, and briefs and declarations supporting motion were prepared and filed. In a close decision—and despite the probability of losing project funding—the court determined that there was insufficient urgency shown to justify the immediate and extraordinary relief requested. The court invited the City to resubmit the same motion for immediate relief with additional declarations from the funding agency and project engineers.

Concurrently, the City started the eminent domain process by sending notice of decision to appraise the property with the Parcel 10 covenant as a condition to the appraisal assumptions. The appraisal didn't find any damages because the covenant directed the owner to bear costs of removal of encroaching improvements, including a cut-and-reface of the remainder building.

The City considered the possibility of extensive litigation in both cases. Litigation costs would far outweigh the value of clearing title to Parcel 10 through the courts. Alternatively, the City could continue with the declaratory relief action, prevail and proceed to eject the tenant and property owner from the encroaching area with the legal process taking up to 24 months.

The Aftermath

The project funding commitment source would not wait several years for the courts to resolve the Parcel 10 covenant dispute, and would instead transfer the funds to another project ready and able to immediately use the funding. Although condemnation cases are more expedient and certain than the declaratory relief

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

action subject to a judge's ruling, there was no specific statutory mechanism in condemnation law that forces an owner to pay for the demolition or cut and reface of the building improvements. It was uncertain whether the property owner had financial resources to pay for removing the encroaching improvements. There was no certainty that the tenant would be able to relocate within the requisite project time frame.

The City decided to identify the realistic and practical options available and to determine the best direction moving forward based upon available project funds and timing. The City opted to ask the property owners if they were interested in voluntarily selling the entire property to the City. It would not be appropriate for the City to seek to acquire the entire property unless the City could identify a current or future public use for the property. The City identified the entire property as ideal for a street widening construction activities staging area.

Based upon this proposed public use, the City offered to purchase the entire property and the owner agreed that it was a mutually beneficial arrangement. The property owners didn't have to relocate the tenant since the City relocated the tenant, and they didn't have to litigate the covenant issue. The tenant successfully relocated within the general vicinity with a similar rental rate. The property owner sold the property for a fair amount, received the advantage of favorable tax reinvestment benefits, and the City was able to get right of way certification and retain the project funding. Both parties avoided protracted litigation with a creative solution to a complex problem. ✪

IRWA COURSES

CLASSROOM BASED

BASIC RIGHT OF WAY DISCIPLINES

100	Principles of Land Acquisition	2 days
102	Elevating Your Ethical Awareness	1 day
105	The Uniform Act Executive Summary	1 day

COMMUNICATION/NEGOTIATIONS

200	Principles of Real Estate Negotiation	2 days
201	Communication in Real Estate Acquisition	3 days
203	Alternative Dispute Resolution	2 days
205	Bargaining Negotiations	2 days
207	Practical Negotiations for U.S. Federal & Federally Assisted Projects	2 days
209	Negotiating Effectively with a Diverse Clientele	2 days
213	Conflict Management	1 day
215	ROW Acquisition for Pipeline Projects	2 days
218	ROW Acquisition for Electrical Transmission Projects	2 days
219	Introduction to Presentation, Instruction and Facilitation	2 days
225	Social Ecology: Listening to Community	1 day
230	Oil/Gas Land Basics & Related Surface Rights Issues	1 day
235	The Canadian Oil & Gas Industry Overview	2 days

MANAGEMENT

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

APPRAISAL

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

RELOCATION ASSISTANCE

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

ENVIRONMENT

600, 600C	Environmental Awareness	1 day
603, 603C	Understanding Environmental Contamination in Real Estate	1 day
604	Spot ON! Identifying Environmental Contamination of Property - *Environmental Site Assessments: Phase I*	1 day
606, 606C	Project Development and the Environmental Process	1 day

PROPERTY/ASSET MANAGEMENT

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

REAL ESTATE LAW

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

ENGINEERING

900, 900C	Principles of Real Estate Engineering	2 days
901	Engineering Plan Development and Application	1 day
902	Property Descriptions	1 day

SR/WA REVIEW STUDY SESSION

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

ONLINE

BASIC RIGHT OF WAY DISCIPLINES

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

COMMUNICATION/NEGOTIATIONS

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

MANAGEMENT

303	Managing the Consultant Process
304	When Public Agencies Collide

APPRAISAL

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

RELOCATION ASSISTANCE

503	Mobile Home Relocation
507	Specialized Nonresidential Payments
520	Special Topics in Replacement Housing
521	Nonresidential Fixed Payments

ENVIRONMENT

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

PROPERTY/ASSET MANAGEMENT

700	Introduction to Property Management

REAL ESTATE LAW

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

ENGINEERING

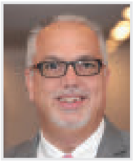
900	Principles of Real Estate Engineering
903	IKT/IRWA Underground Infrastructure Panorama

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

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

* Deceased

Jim Amorin Named Appraisal Institute CEO



The Appraisal Institute announced that it has hired **Jim Amorin**, MAI, SRA, AI-GRS, as its chief executive officer after a nearly year-long search. Jim was the 2009 and 2017 Appraisal Institute president, and has served twice as the organization's president-elect, vice president and immediate past president. He also has chaired or served on the Appraisal Institute's Executive Committee, National Nominating Committee, Finance Committee, Audit Committee, Strategic Planning Committee, General Appraiser Council Admissions Committee, Qualifying Education Committee and the AI Relief Foundation Board of Directors, in addition to region and chapter roles. Jim received the Appraisal Institute President's Award in 2012 for work related to the Capstone program as well as work on several project teams. In 2013, he was awarded the Appraisal Institute Education Trust's Y.T and Louise Lee Lum Award.

Environmental Assessment & Remediation Expert Jim Twiford Joins Cardno

Cardno, Inc., is pleased to announce that **Jim Twiford**, PE, has joined the firm as a Senior Technical Consultant in the company's Petaluma, California office. Jim has more than 30 years of experience performing assessment and remediation of contaminated sites and providing environmental compliance for the National Environmental Protection Act and the California Environmental Quality Act. His specific project management expertise includes remediation, construction, risk assessment, wastewater treatment, hazardous materials and regulatory closure. Jim has supported a number of large, complex projects across several sectors, including oil and gas, transportation, chemicals and water/wastewater. He is the project manager and senior engineer for the assessment and remediation of a large former petroleum fuel terminal (40 acres) at the Port of Oakland within the active cargo berths.

Utility Engineering & Surveying Expert Scott Throm Joins Cardno

Scott Throm, PLS, RLS, has joined **Cardno** as Branch Manager of the company's Lone Tree, Colorado office. Scott has more than 19 years of experience as a project surveyor and manager for large engineering firms, including as survey manager for the Colorado Department of Transportation. He has managed surveying, mapping and utility projects for a number of sectors, including land development, transportation, utility and civil design. Scott specializes in helping clients overcome challenges and reduce risks through his expertise in geospatial, engineering, aerial mapping and planning and controlling services. He is a Certified Federal Surveyor (CFedS) and is currently licensed as a Professional Land Surveyor (PLS) in Colorado and Arizona and a Registered Land Surveyor (RLS) in Arizona.

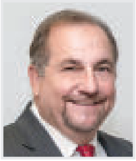
Bruce Moreira Joins Cardno's Portland Office

Bruce Moreira, PWS, GISP, has joined **Cardno** as an Environmental Project Scientist in the company's Portland, Oregon office. Bruce has more than 17 years of experience managing environmental permits at the federal, state, and local levels and providing geographic information system mapping services. His experience includes wetland delineations, local land use permitting, environmental site assessments, habitat mapping, natural resource surveys and photo interpretation. He is a licensed Professional Wetland Scientist and GIS Professional.

Geophysics Expert Jacob Spinsby Joins Cardno

Cardno, Inc. is pleased to announce that **Jacob Spinsby**, PG, has joined the firm as a Utility Engineering and Surveying Practice Group Leader in the company's Lone Tree, Colorado office. He has project management experience in challenging environments, including below pavements, behind walls, in and near gravesites and other culturally significant features, in buried foundations and within bedrock.

Jim Godfrey Joins Cardno's Tampa Office



Cardno, Inc., is pleased to announce that **Jim Godfrey**, PLS has joined the firm as Branch Manager of the company's Tampa, Florida office. With more than 30 years of utility engineering and surveying experience, Jim has provided mapping and subsurface utility engineering expertise and guidance for public clients throughout Florida, including extensive project experience with the Florida Department of Transportation. Jim's surveying expertise includes control surveys, design surveys, expert witness testimony and mapping for roadway projects.

Brenton Jenkins Joins Cardno's Baton Rouge Office

Brenton Jenkins has joined **Cardno** as a Project Engineer in the company's Baton Rouge, Louisiana office. Brenton has more than five years of experience performing environmental project management, engineering and construction services, primarily for the oil and gas sector. In his new role, Brenton will provide natural resources and environmental remediation support for a number of projects along Louisiana's Working Coast.

ASSOCIATION NEWS

Education Update: What's New with PIPE

This will be the first of many future communications from your Partnership for Infrastructure Professional Education (PIPE) Committee. PIPE has several new members to help guide and provide feedback to and from the committee to you, our members. Kristen Bennett, SR/WA, and David L. Arnold, SR/WA, have joined Committee Chair Tamara Benson, SR/WA, and Staff Liaison Deidre Alves M.Ed. Additionally, James Olschewski, SR/WA, will serve as this year's IEC Representative. Mark Rieck, IRWA's CEO, and Amir Vafamanesh, IRWA's Manager, Education and Instructional Development, will support the committee as Staff Members.

PIPE is actively engaged in many areas of professional learning and development. To support these efforts, you will soon be able to see new icons on the IRWA website which will contain information on new course releases, updates on curriculum, as well as information related to the newly announced World CLIMB—our global instructor development initiative approved by IRWA Leadership.

PIPE's commitment to you—our members—is to provide helpful information on a timely basis. Some information will be communicated to CLIMB Certified Instructors (C-text for our CLIMB Certified Instructors) and other information will be in the form of Frequently Asked Questions (FAQs) so that we can help promote the education program within our organization.

Please feel free to reach out to any of the PIPE Committee Members with suggestions or comments, and we will be happy to answer your questions.

BRIDGES

Acrow's Bridge Structures Support Renovation in Quebec

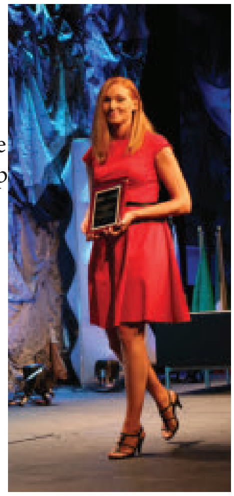
Acrow Bridge announced that it has recently completed the installation of a temporary modular steel truss system to enable the renovation of the historic Félix-Gabriel-Marchand Bridge in Mansfield et Pontefract, a municipality of Western Québec. The Marchand Bridge spans the Coulonge River and was built in 1898. It is Québec's longest covered road bridge and among the longest in the world. A mainstay of the region's tourism industry, despite ongoing repairs, the bridge was closed for safety reasons in May 2014 after a structural evaluation found that the structure was sinking.

Rehabilitation work on the structure began in January 2018 to strengthen it, replace the roof and deteriorated supports, and realign it both vertically and horizontally. Six temporary Acrow structures of 80 feet each were installed in late June and are being used to lift the bridge and provide support during the renovation. Because of the poor state of the covered bridge, installation posed a problem as launching rollers were prohibited on the existing floor of the structure. Instead, the floor was opened at the five piles and steel supports installed to receive the rollers. A cable was used to pull the complete structure to the full length of 480 feet. Once the structure was completely launched, pins were removed every 80 feet to create the six spans. Acrow's DS structure is 8.99 feet wide, narrower than the existing bridge, to allow 3 feet of access for workers on either side.

Acrow supplied the rental bridging components to contractor Eurovia Québec Inc., working under the direction of the Ministère des Transports du Québec. Acrow's temporary system is expected to be in place until the completion of the job, now anticipated for early 2020.

SCHOLARSHIPS

Alan D. Wurtz, SR/WA Scholarship Fund Recipient



My college education did not result in a 4-year degree, so I knew I would have to rely on life experiences and on-the-job training to advance in my career. The IRWA and scholarships like the Alan D. Wurtz, SR/WA Scholarship Fund make it possible for individuals without a formal college education to have a rewarding career, with endless opportunities for advancement. The Alan D. Wurtz Scholarship will not only help me achieve the SR/WA designation through the IRWA, but it will also further my career and my knowledge of right of way management.

I have gained a remarkable amount of knowledge from attending IRWA education forums and by taking classes offered by the Association, but I strive for more. For me, it is not enough to simply be successful in a career, above everything else, I want to know I made a difference. I believe if we continue to improve the infrastructures below and above us, we are creating a more sustainable future and making that difference. However, sustainability takes an enormous amount of commitment, especially from right of way professionals. It requires individuals in the field to be educated and knowledgeable about the industry and to stay up-to-date with federal and state codes. The Alan D. Wurtz Scholarship is providing financial assistance to Young Professionals that will encourage scholastic development and self-growth. I am extremely honored to be the first ever recipient of the Alan D. Wurtz, SR/WA Scholarship Fund and vow to lead by example, with the same spirit and enthusiasm as the late Alan D. Wurtz.

Sincerely,

Amanda Vande Voorde

AIRPORTS

Woolpert Contracted to Rehabilitate Runways in American Samoa

Woolpert has been signed under two contracts by the American Samoa Government, Department of Port Administration, to evaluate and rehabilitate the primary runway at Pago Pago International Airport (PPG) and to rehabilitate, reconstruct and possibly extend the runway at Ofu Airport (Z08).

American Samoa, a territory of the United States, is comprised of a group of seven islands in the South Central Pacific Ocean and has a population of roughly 55,000. PPG is located on the island of Tutuila. The primary runway, 5-23, is 10,000 feet long and 150 feet wide, and is partially built on a fringing reef. This runway provides international commercial service and supports the country's air cargo traffic, which is essential to the remote island. The second runway supports interisland traffic and is suitable for use by only small, regional aircraft.

On Runway 5-23 at PPG, Woolpert will study the pavement infrastructure, perform a condition evaluation, and make recommendations on methods of improvements, materials and phasing of the project, while minimizing disruption to airport operations.

Z08 has one 2,000-foot runway that serves the sister islands of Ofu and Olodega, 70 miles east of Pago Pago. Access to these islands, which have a population of roughly 500, is limited to a weekly flight or a chartered eight-hour boat ride, dependent on the weather and seas.

Woolpert Project Manager Curtis Brown said the runway is aging and showing distress, requiring reconstruction and possible extension for safety and increased aeronautical services. These runway rehabilitation projects are now underway and working in tandem. Design work is expected to be complete in the spring, with phased construction for both airport projects to follow over the next few years.

INVESTMENT

Infrastructure Investment is Important to Small Businesses

A scientific opinion poll found that small business owners view infrastructure spending as important to the success of their business and would like to see a variety of sectors included in any congressional spending package, including high-speed broadband for rural communities.

The survey, conducted by Chesapeake Beach Consulting on behalf of Small Business Majority, found 55 percent of small business owners believe robust investment in our nation's infrastructure is crucial to their business. What's more, small business owners feel strongly that a wide variety of projects should be funded by any infrastructure bill passed by Congress, including schools, hospitals, energy infrastructure, rails systems, and ports and waterways. There was particularly high support (96 percent) for funding highways, roads and bridges.

Additionally, the poll found a plurality of 44 percent of small business owners favor a congressional proposal for $1 trillion in public spending over 10 years, compared to 39 percent who support another proposal to spend $200 billion over 10 years. A majority agree that the responsibility for funding infrastructure projects should fall to the federal government, rather than state and local governments.

The poll also found seven in 10 small business owners feel it's important for Congress to fund high-speed broadband infrastructure projects, and 73 percent agree that any national infrastructure spending should include substantial investment to expand broadband access in rural areas.

"No matter what type of industry they're in America's small firms depend on this country's infrastructure, but much of that infrastructure is badly in need of repair or upgrade," said Small Business Majority Founder & CEO John Arensmeyer. "This poll makes clear what small business owners prioritize in terms of infrastructure work, and Congress should consider small business attitudes as it crafts future legislation to fund projects modernizing our nation's roads, bridges, broadband internet and other needs."

For the full poll report, please visit: http://smallbusinessmajority.org/our-research/infrastructure/small-business-owners-say-infrastructure-investments-important-their-business-favor-robust-federal-support

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

Chad Bradshaw, SR/WA
Ministry of Transportation
Chapter 29 Kingston, ON

Angela C. Martin, SR/WA
HDR, Inc.
Chapter 38 Salt Lake City, UT

Hadi Alsawad, SR/WA
Saudi Aramco
Chapter 87 Dhahran, Saudi Arabia

Michael A. Smith, SR/WA
Foster Valuation Company
Chapter 6 Greeley, CO

Allen Ishibashi, SR/WA
Midpeninsula Regional Open Space District
Chapter 42 Los Altos, CA

Paul Baumgardt, SR/WA
Arizona Public Service Company
Chapter 28 Phoenix, AZ

Andrew Hester, SR/WA
Whatcom County Public Works
Chapter 4 Bellingham, WA

Cathy A Springford, SR/WA
Hamner, Jewell & Associates
Chapter 50 Arroyo Grande, CA

Benjamin N. Johnson, SR/WA
Enbridge Energy
Chapter 33 Cushing, OK

Ray F. Miller, SR/WA
Alabama DOT
Chapter 24 Grove Hill, AL

Cheryl DeMucci, SR/WA
Paragon Partners, Ltd.
Chapter 1 Cypress, CA

James Vanden Akker, SR/WA
Metropolitan Water District
Chapter 67 Los Angeles, CA

Justin Sago, RWA
Sarasota County Government
Chapter 26 Sarasota, FL

Robert G. Spencer, RWA
Tennessee DOT
Chapter NM Jackson, TN

Stephen Kelly, RWA
Saudi Aramco
Chapter 87 Dhahran, Saudi Arabia

Bader J. Al-Khlaiwi, RWA
Saudi Aramco
Chapter 87 Dhahran, Saudi Arabia

Okwuchi Juliet Akalemeaku, RWA
Chapter 84 Nigeria

Cosmas Chuks Ezeh, RWA
Chapter 84 Nigeria

Chukwuma Emmanuel Akabuike, RWA
Chapter 84 Nigeria

Dr. Victor Abaecheta Akujuru, RWA
Chapter 84 Nigeria

Edward Edet Ene, RWA
Chapter 84 Nigeria

Emmanuel Okanwene Wike, RWA
Chapter 84 Nigeria

Gershom Henshaw, RWA
Chapter 84 Nigeria

Benjamin Emenike Okoronkwo, RWA
Chapter 84 Nigeria

Oloruntoba Seyl Ifabiyi, RWA
Chapter 84 Nigeria

Njideka Maryclara Aguome, RWA
Chapter 84 Nigeria

Lucky Emi, RWA
Chapter 84 Nigeria

Peter Chiemeke Ozili, RWA
Chapter 84 Nigeria

Raymond Udeh Obinna, RWA
Chapter 84 Nigeria

Samuel Harbin, RWA
Tennessee DOT
Chapter NM Jackson, TN

Shantel Bowers, RWA
O.R. Colan Associates
Chapter 37 Saint Charles, MO

Paul B. Connor, RWA
Synergy Land Services Ltd.
Chapter 29 Cambridge, ON

Michael Flanagan, II, RWA
Clark Land Resources, Inc.
Chapter 11 San Diego, CA

James D Gray, RWA
City of Springfield, Missouri
Chapter 5 Springfield, MO

Lisa A. Norris, RWA
Duke Energy
Chapter 31 Cary, NC

David C. Hall, RWA
Clark Land Resources, Inc.
Chapter 11 Oceanside, CA

Camille Trinkle, RWA
Clark Land Resources, Inc.
Chapter 50 Clovis, CA

Bretton Kingsley Bell, RWA
BEAR Land Services
Chapter 62 Sturgeon County, AB

Brian Moran, RWA
Central Electric Power Cooperative, Inc.
Chapter 31 Columbia, SC

Tiffani De'ane Dygert, RWA
Atmos Energy
Chapter 36 Dallas, TX

Christopher Shay Clarke, RWA
Bender Rosenthal, Inc.
Chapter 27 Sacramento, CA

Alexandria Clark-Quinones, RWA
Clark Land Resources, Inc.
Chapter 39 Temple, TX

Tyra Patterson, RWP
Pierce County
Chapter 4 Tacoma, WA

Christopher Rehm, RWP
Wyoming DOT
Chapter 6 Cheyenne, WY

Randall T Hickerson, RWP
Oncor Electric Delivery Company
Chapter 36 Waco, TX

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

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

Generalist Certification/Designation

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

Specialty Certifications

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

SPECIALTY CERTIFICATION

Richard Scholtz, R/W-AC
Chapter 74 Austin, TX

Thomas J. Seymour, Jr., R/W-AC
Chapter 8 Galveston, TX

Matthew H. Mitchell, R/W-AC
Chapter 74 Austin, TX

Steven M. Shockley, R/W-AC
Chapter 12 Chicago, IL

John P. Bennett, R/W-URAC
Chapter 36 Fort Worth, TX

Sandy Ojeda, R/W-RAC
Chapter 28 Phoenix, AZ

Joshua Tracy, R/W-RAC
Chapter 14 Gaithersburg, MD

Fredrick L. Easton, Jr., R/W-AMC
Chapter 6 Greenwood Village, CO

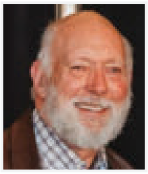
*Retired as of September 1, 2014. Members who have earned this certification can retain it as long as they recertify every five years.

STATEMENT OF OWNERSHIP, MANAGEMENT AND CIRCULATION

Title of Publication: Right of Way Magazine. Publication number: 466-080. Date of filing: September 10, 2018. 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: Mark Rieck and Ethel Navales. 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: 9,927; Single issue nearest filing date: 10,128. Paid circulation mailed outside county: Average during preceding 12 months: 9,489; Single issue nearest filing date: 9,677. 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: 9,489; Single issue nearest filing date: 9,677. Total free non-requested distribution (through Trade Shows/ Events): Average during preceding 12 months: 288; Single issue nearest filing date: 301. Total distribution (Paid and Non-Paid): Average during preceding 12 months: 9,777; Single issue nearest filing date: 9,978. Copies not distributed: Average during preceding 12 months: 150; Single issue nearest filing date: 150. Total all copies: Average during preceding 12 months: 9,927; Single issue nearest filing date: 10,128. Percent paid and/ or requested circulation: Average of preceding 12 months: 97.05%. Single issue nearest filing date: 96.98%.

I certify that the statements made by me above are correct and complete.
Ethel Navales, Editor.

IRWA Member Farewell



JIM PRICE

James B. (Jim) Price passed away on August 7, 2018 during a solo hiking holiday. Jim was born in 1944 in Illinois and graduated with a degree in finance from Northern Illinois University. He moved to Seattle in 1966 and two years later, he began work for the Washington Highway Department in Bellevue. In 1972, he met Peggy Hargiss and they married in 1974. Half the honeymoon was spent sailing in the San Juan Islands and half was driving up the Alaska Highway to Fairbanks so that Jim could appraise real estate during the Alaskan oil pipeline boom. He worked for Yerkes, Street, & Associates, which morphed into Price & Associates, and then changed to Hines, Price & Hage. He joined the International Right of Way Association and the Appraisal Institute and served as elected chapter presidents in both. His son, Glenn, was born in 1980 and his daughter, Eileen, in 1983.

Jim started Appraisal Group of the Northwest in Bellevue in 1986, a company that he would run as the majority partner until the end of his life. In 1999, he accepted Glenn as an appraiser trainee and in 2014, he was excited for Eileen's husband, Phil, to join the business. In 2013, Glenn and his wife Andrea welcomed the birth of their daughter, Inara.

He is survived by his wife of 44 years, Peggy Price; daughter, Eileen Cole and her husband Phil Cole of Renton; son, Glenn Price, his wife Andrea Repetto and their daughter Inara Repetto of Bellevue; and his sister Bonny Nolan of Snohomish.

WIL THOMAS

Willfred (Wil) Gerard Thomas passed away on September 19, 2018 from pancreatic cancer. Wil was born on August 22, 1941 and started working for PG&E right out of high school. He then went on to work for PGT and TransCanada. Wil loved his involvement with IRWA and said his right of way work was one of his greatest accomplishments. He loved all the contacts and friendships that he gathered along the way.

Wil and BettyJo were married for 56 years and have three sons (Jeffrey, Gregrey and Kenneth), seven grandchildren and one great grandchild.

JUAN A. ZARAGOSA

Juan A. Zaragosa passed away on August 20, 2018. Juan was born in San Antonio, Texas on September 19, 1947 to Jesus and Virginia Lopez Zaragosa. In 1966, he began his career at the Texas State Department of Highways and Public Transportation as an inspector assigned to the department's Bexar County residency and worked on the construction of US 90 West and US 281. Juan was promoted to district headquarters in 1973 and continued his advancement to the senior position of District Right of Way Supervisor for the San Antonio District. He retired from TxDOT in 2003, but continued to work with the Bexar County Appraisal District and HRM Consultants. He served on the Executive Committee for the International Right of Way Association.

Juan married Anita "Anna" Zaragosa on February 16, 1968. During their 50 years together, they traveled over half of the U.S. and, more recently, enjoyed spending time with their granddaughter, Dottie. Juan was skilled in many crafts, including resin casting and photography. His favorite pastimes included betting on horses, playing tennis, fishing and watching sports with his son, Chris.

He was preceded in death by his parents and his brothers, Albert Lopez and Rudy Zaragosa. Juan is survived by his wife, Anna Zaragosa; son, Christopher J. Zaragosa and wife, Anne; granddaughter, Dottie Claire Zaragosa; sister, Helen Hearne; brother, Manuel Zaragosa and wife Janie; sister-in-law, Alice Zaragosa; and numerous nieces and nephews.

Advertiser Index

JOIN FORCES WITH THE INDUSTRY LEADER

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

North American Partners

International Partners

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

IRWA BUILDING A BETTER WORLD TOGETHER.