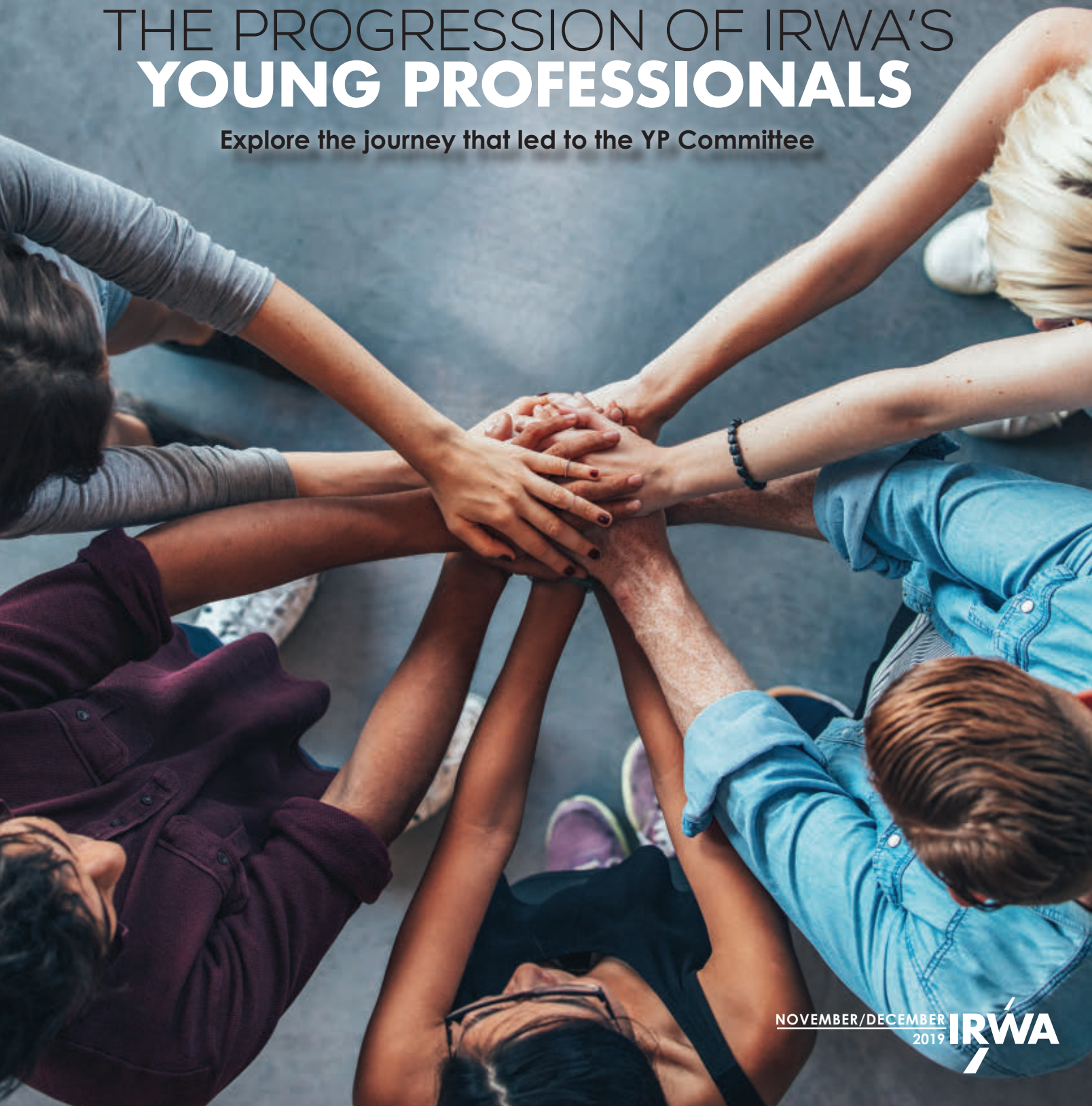


RIGHT OF WAY MAGAZINE

The Voice of the Right of Way Profession

THE PROGRESSION OF IRWA'S **YOUNG PROFESSIONALS**

Explore the journey that led to the YP Committee



NOVEMBER/DECEMBER
2019

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RIGHT OF WAY

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Volume 66 Number 6

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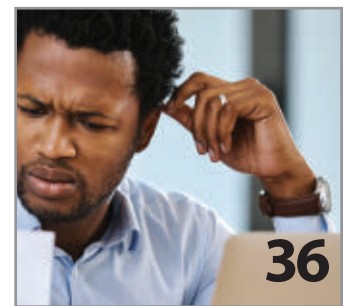
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Ethel Navales, Editor.

A NEW ERA OF COLLABORATION

An in-depth look into our strides forward

BY AIMIE MIMS, SR/WA



Our member leaders are making incredible strides within the Association, driving us toward important and meaningful change. I am motivated and inspired by our member leaders, and I want to take a moment to recognize and share some of the noteworthy work taking place.

International Governing Council

In September, the International Governing Council (IGC)—which is comprised of our 10 Region Chairs and the International Executive Committee (IEC) members—along with our Region Vice Chairs and senior staff met in Long Beach, California for two full days of productive and intensive meetings. The purpose of the meetings was to bring our Region leadership together with the IEC to discuss and plan for the year ahead. This was also an opportunity to prepare our

leadership team for how best to continue to support our membership.

In addition, this meeting served as a level-setting event—a chance for our member leaders to come together face-to-face to share our plans, answer questions, hold each other accountable and prepare for our next steps. And although we did not see eye-to-eye on every issue ahead of us, a new era of trust and collaboration was established. This was a critical first re-building step and I am grateful and appreciative of our member leaders who took time away from their families, friends and work

to be present with us. The time and energy they are investing now will pay dividends in our future.

At the IGC Meeting, several important agenda items were addressed, including the CEO search, the Governance Task Force (GTF), International Committee and Communities of Practice (CoP) Strategic Plans, as well as a meeting with the Right of Way International Education Foundation (RWIEF) and the Canadian Right of Way Education Foundation (CRWEF). Region Chairs were briefed on each of these items and prepared to share updates around each at their Region Fall Forums.

CEO Search

The IEC has embarked on the search for IRWA's new CEO. We have partnered with Sterling Search, a search firm that specializes in non-profit executive searches. The position description has been posted on targeted websites, including the IRWA website, and shared via social media. Sterling Search is also proactively identifying suitable candidates through their networks. The IEC remains optimistic that the Association's new CEO may be on board by IRWA's Annual International Education Conference in June of 2020.

International Committee and Community of Practice Strategic Plans

This year, our Association's International Committees and CoPs were tasked with developing strategic plans outlining their annual goals and initiatives. The initial plans were presented to the IGC in July. During the September IGC meeting, the Committee and CoP leaders called in to provide an update on their progress to date. It is exciting to see our Committees and CoPs executing on their initiatives. The IGC appreciates this communication as it allows them to continue to be better advocates for the important work our Committees and CoPs are accomplishing.

Governance Task Force

The GTF was established by a motion made by the IGC in September of 2018 to "pause the Association's Governance Project and postpone the Board of Directors vote in Portland 2019 in order to create a Governance Task Force to review the process." After a year of dedicated review, the GTF presented their final report to the IGC in September of 2019.

GTF Chair Sharon Slauenwhite, SR/WA, provided a detailed overview of the task force members, the review process, a cost-benefit analysis and breakdown of costs, the deliverables and benefits, as well as the project's weaknesses. In addition, the GTF's report included 11 recommendations, the first being that the "Governance Task Force recommends that the International Governing Council cancel the final phase of the Governance Project and instead take steps to implement changes that will satisfy the goals of the project but will not dramatically alter the existing structure of the organization at this time." After thorough discussion, the IGC unanimously voted to accept the first recommendation to cancel the final phase of the Governance Project.

The IGC will be discussing the value and approach to implementing the remaining 10 GTF recommendations at our February IGC meeting. A sincere thank you goes out to the GTF members for your hard work and perseverance. Our Association is headed in a stronger, more aligned direction thanks to you.

Education Foundations

This year, the RWIEF annual trustee meeting was held at the same time as the IGC meeting, which spurred a thought to try something new. The RWIEF and the CRWEF President and Trustees were invited to video conference in to a portion of the IGC meeting. As President, I was honored to provide a recap of the funding requests currently in progress and, more importantly, to share with the Foundations our sincere thanks for their continued partnership. The Foundations provide a critical role in the success of our Association through funding right of way education initiatives. We are grateful for the Foundations' support and look forward to our continued partnership.

In Summary

IRWA is headed in a stronger, more aligned direction thanks to the hard work of our member leaders. I am honored and humbled to be a part of the leadership of this Association and multitudes of thanks and appreciation go out to each of you. We have much to be excited about with the future of our Association. 🌟

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



Young Professional of the Year



Website of the Year



Chapter of the Year



Frank C. Balfour Professional of the Year



Employer of the Year with more than 20 employees



Gene L. Land Award for the highest percentage gain

SUBMISSION INFORMATION All forms are available on the IRWA website under the "About Us - Awards" tab. The "Award Forms" link is at the bottom of the page. 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 Kristopher Koehler, RWP, at irwainecvicechair@gmail.com.

All other submissions should be sent to INEC Chair Jenni Kriner, SR/WA, R/W-NAC, at irwainecchair@gmail.com.

Any questions can be directed to your INEC Region Representative. Contact information can be found under "Service Committees" on the website.



Award winners will be honored at IRWA's Annual Awards Luncheon on June 22, 2020 during the 66th Annual International Education Conference.

The Power of Giving

Benefits of sharing your expertise with your team



BY CAROL BROOKS, SR/WA

I started giving my mom chocolates for Christmas when I was seven and every year thereafter. The cool thing is that she'd give the decadent box of Whitman's back to me and each year the box was bigger! One Christmas a few years later, my mom explained why she did this by sharing a strange concept with me: it's better to give than to receive. My jaw dropped. This was the dumbest thing my 10-year old mind had ever heard, but she explained that the act of giving was rewarding. She insisted that giving was a virtue, which brings happiness, fulfillment and a sense of purpose to the giver. Despite her patience with me, I couldn't help but think that my mom had surely lost her mind. Perhaps she should have eaten a few of the chocolates herself to help sort out her thoughts.

Of course, I eventually began to agree with her. In fact, scientific research provides compelling data proving that the act of giving is a powerful pathway to personal growth and lasting happiness. Through MRI technology, studies have shown that giving activates the same parts of the brain that are stimulated by food, entertainment or even completing a huge acquisition project. Experiments show evidence that altruism is hardwired in the brain—and it's pleasurable.

“Lending a helping hand to team members who need support, direction and encouragement can be a life-changing experience for both the giver and receiver.”

Helping others may just be the secret to living a life that is not only happier, but also healthier, wealthier, more productive and meaningful. At the age of 10, I would have wondered if my mom had instigated these experiments. But as an adult, I've come to realize that she was right all along.

We are all blessed with different talents, creativity and ingenuity. It was never intended that we keep these attributes to

ourselves. We are meant to share them, helping others benefit, grow and become fulfilled. In other words, we are blessed so we can bless others. We were meant to give so that people from all kinds of places can be supported, challenged and made complete. Lending a helping hand to team members who need support, direction and encouragement can be a life-changing experience for both the giver and receiver. By lending a helping hand, you can make a difference in someone else's life. It has the power to enrich self-worth, collaboration and team effectiveness. The following are a few ideas to help you become alert to doing the right thing by discovering ways you can become a team giver.

Make Giving a Habit

We all started out at some point in our career wrapped in a steep learning curve. Hopefully you felt relief when a team member rallied to your side to provide support, feedback and guidance. Could this be the time in your career to show that same kindness and make a difference in someone else's life?

Make giving a natural part of your life. You can do this by looking for opportunities to help someone. In other words, practice giving until it becomes a habit. Once a habit, giving becomes second nature and you'll be at the ready to give without thinking about it.

Give Your Time

The gift of time is often more valuable to the receiver and more satisfying for the giver. We live in a hurried and busy world, but if we dig deep, we'll find that we all have time on our hands and can give some of our time to help others. As a novice right of way agent, I was deeply indebted to my mentor. Her patience and generosity to share her time—even though her workload was looming with critical deadlines—improved my own confidence and soon I was able to solve my own challenges and make a gratifying contribution to my team.

Seek a Purpose-Driven Life

Giving kindles purpose, and a purpose-driven life makes for a happier person. Simple acts of kindness can spark a team's confidence, imagination and success. But thinking of these acts and knowing how to deliver can be a challenge.

I suggest that you do not allow ego to enter your office. Ego will grind acts of generosity into a shredder because all ego cares about is itself. It may have you believe that giving is silly or that others will think you are weak. Refuse to listen to these lies because your purpose has no room for small-minded egotism.

In Summary

We all possess a large capacity to give. Our talents were meant to be shared with others and strengthened by your gifts of experience, encouragement and support. Search for opportunities to make giving a habit. The meaningful gifts of your time and expertise can solidify excellence within your team. And the bow on these gifts is a purpose-filled life. Don't cut others short. Don't cut yourself short. ✪



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



SPOTLIGHT ON KOBY GODWIN, SR/WA

Have you heard the one about an Edmontonian and a South African walking into a Calgary bar? No? Well, that's the moment my IRWA involvement dramatically shifted course. But before we get there, let me tell you a little about myself.

After starting a career drafting and working on urban planning with a municipal engineering firm, I joined the IRWA when I began working for the Alberta Government in 2006. With encouragement from a colleague, it didn't take long for me to start getting involved and I began my time as editor of the Edmonton Chapter 62 newsletter. As I was brought into the executive, I was taken by the passion and knowledge that was displayed by the members throughout Alberta.

When I attended the Annual Education Conference in Calgary in 2010, I was truly amazed at how many people were in attendance and how dedicated they all were. At some point that week, I ended up sitting at the hotel bar with a delegate from





South Africa. What began as a conversation about the World Cup turned into the moment when my direction with the IRWA changed. Even though we were from opposite sides of the globe, it amazed me how similar the right of way issues were for each of us. Of course, there were differences: in Edmonton we don't have to deal with a sugar cane crop burning under power lines, while they don't have issues with frozen ground. But we both have to navigate through difficult terrain and deal with regulatory issues. These similarities linked us together and the thought of meeting and engaging with this new group of IRWA members inspired me to do more.

This pushed me to become more involved with Chapter 62. I moved through the executive and finished my Presidency in 2015. I also became the Region 10 representative for the International Transportation Committee. Then I undertook the biggest challenge of my IRWA career: becoming a co-chair of the 2018 Education Conference in Edmonton. I could fill this entire magazine with stories, tidbits and things I have learned from that journey. It really was a once in a lifetime experience.

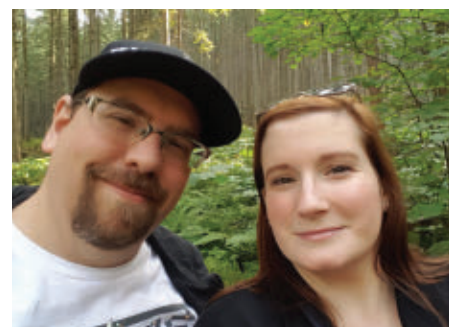
I am very proud to say that my current role is Vice Chair for Region 10, covering Western Canada. If all goes well, I will look to finish my time with the Region in 2022. Thankfully, I have amazing support from Region 10 and even more importantly, from my family through the long days, nights and weekends that volunteering can take. My fantastic family—my wife, Carlene, and my kids, Kira and Blake—has supported me when I have needed it the most and cheered me on when I have succeeded. They have also enjoyed tagging along for a trip or two!



With their support, I have been able to push forward on my main goal of having our course material updated to keep pace with the needs of our members. I was lucky enough to help contribute to the effort to create a Canadian Oil and Gas Course that was badly needed. In the future, I am hoping to help move us toward new advances and innovations in course presentations.

I believe that you get out of life what you put into it, and the IRWA echoes that. There are so many great people to meet, interesting experiences to draw from and knowledge to be gained. You just have to reach out and go for them. I have tried to seize each opportunity that has come along, even if that meant learning some hard lessons. For example, at a Region team building event, it became apparent I need to work on my escape room tactics!

In my downtime from the IRWA, I play board games with my very competitive family, chase around our pup, Rocket, and relax with our cats, Mookie and



Jinx. I also love to do some of the stereotypical pastimes of a Canadian: curling, playing hockey, camping and throwing axes. Any extra time gets devoted to my side passion of sketching whatever takes my fancy. Maybe by retirement, I can come up with a plan for it to be profitable!

Before I sign off, I wanted to say that I am humbled and honored to be chosen to be highlighted by the IRWA for this article. It truly means the world to me to be featured and tell you a little about my life in the IRWA. It is greatly appreciated. ✪

Member Spotlight is a wonderful place to introduce yourself or to celebrate a fellow member's contributions to the IRWA. For more information or to submit a member for consideration, please contact Ethel Navales at navales@irwaonline.org.



THE BUSINESS ETHICS FIELD GUIDE

Challenge 6: Playing Dirty

BY BRAD YARBROUGH

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

This ethics challenge is admittedly difficult to address. After all, isn't playing dirty unethical no matter what? But a past business experience illustrates the need to talk about this. In the oil boom of the 1980s, I borrowed money to purchase equipment being leased to oilfield operators. Monthly distribution of my share of the rental revenue was timely and provided a fantastic return on my investment. Soon, my

13 ETHICAL DILEMMAS

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

friends were borrowing and investing too. But the revenue checks started to become irregular and after a year of payments, ceased altogether. Phone calls to the owner went unreturned. The bank's explanation made little sense while it continued to demand the loans repayment. I went to the office of the company and found it partially vacated with no one there, but the door was unlocked. I decided to go in and look around even if it was trespassing. Inside, I found boxes full of documents. Nervous, I began exploring and was appalled to find evidence of a Ponzi scheme. My revenue had been paid from new investor money that was supposedly buying more equipment. After involving the FBI, the owner was charged, convicted and imprisoned. He would no longer victimize others. Were my actions unethical or even illegal? I'm glad this dilemma rarely occurs, but when it does, we need the help provided in this article.

A Difficult Decision

Under normal circumstances, behaviors such as lying, cheating and stealing are considered to be highly unethical. But under certain circumstances, these behaviors might be morally justified. All ethical dilemmas are difficult to navigate, but "playing dirty" is the most difficult. The trick is to assure that the ends clearly justify the means.

When you make a decision to play dirty, you must realize that you are intentionally planning to act unethically. Such an extreme action needs to be justified and limited because it will put your personal reputation in jeopardy.

Questions to Ask

1. **Will your action really bring about justice?** When you are being treated unfairly the natural reaction is to strike back. What makes people virtuous is the ability to rise above that impulse. Usually acting out of anger only escalates the harm. Therefore, ask yourself if your action will create more harm or actually create some good.

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

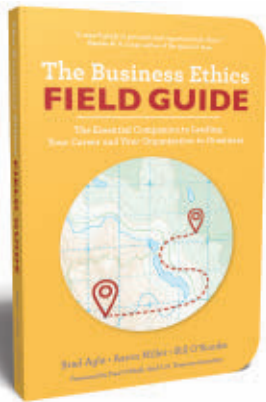
When opportunity exists to wield an unfair upper hand.

12 REPAIR

When you are responsible for a mistake.

13 SHOWING MERCY

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



2. Does your plan minimize the harm?

Unethical actions may be justified in certain circumstances, but such a justification should not be viewed as *carte blanche* to retaliate in any way. For example, if public disclosure of confidential information is likely to right a wrong, that doesn't mean that all the confidential information must be revealed. Restraint is prudent.

3. Does your plan help others, not just yourself?

Self-interest is not a bad motivation, but you will more likely be seen as being morally justified when you are doing something for the benefit of others.

4. Will the action harm your reputation?

While acting unethically might bring about a greater good, it might also invoke other consequences and change the way others perceive you. For instance, playing dirty might damage your reputation with an opposing party while strengthening your reputation with parties of high character. Try to assure that the parties who matter, including your family and friends, understand the merit of your motivation.

5. How will the other party react?

Inherent in this dilemma is the fact that the opposing party acted unethically. Ideally, your action will cause them to see their mistake and avoid doing it in the future. Perhaps they will even commend you for righting a wrong that they perpetrated. Alternatively, they could respond by escalating the situation even further and creating more harm. Be aware of that possibility.

Risks of Playing Dirty

There are a number of pitfalls in this dilemma, such as getting the facts wrong. Before doing something unethical, be absolutely sure you have all the facts. Try to get a complete understanding of the situation, including intent and steps that may have been taken to minimize the damage. Unethical behavior, even when justified, will put future trust in jeopardy. Make sure you are on sound footing.

Additionally, be careful not to be vengeful. Revenge for its own sake is wrong. Instead, the focus needs to be on righting a wrong. A lot of people have gotten themselves in trouble by seeking to punish others rather than seeking justice. Society is much more likely to accept unethical behavior for a noble purpose.

What Goes Around Comes Around

The boundary between clever, ethical business practices and unethical practices can be a very fine line. In my experience, this is especially true when those with whom you do business are seeking to take advantage of you or deceive you. In those instances, playing dirty might help protect yourself and your company.

For example, our company produced huge electrical connectors (plugs) that allowed ships to connect to on-shore power when docked. We negotiated a contract to sell five plugs over 24 months for \$25,000 each. We delivered the fourth plug and anticipated an order for the fifth plug in the next month or so. To our surprise the customer called in a panic. Evidently, a ship pulled out of the port in Norfolk without disconnecting the plug. They needed a replacement when the ship arrived in Charleston in two days. I explained that we didn't have a plug in inventory but we could expedite the parts, rearrange the factory schedule work some overtime and drive the plug

to Charleston. I explained that our actions will result in \$7,000 of added expense. The customer refused to pay the additional cost, insisting that we had a contract and I had to honor the price. We worked through the night, made the connector and drove it to the Port of Charleston on time—all at the contract price of \$25,000. With the delivery of that fifth plug, our contract was completed.

Two days later, I received another call from the customer. When the ship pulled out of Charleston, the plug was not removed and was damaged again. I offered to deliver a new plug for \$50,000. I wanted to recover the additional \$7,000 for the fifth plug, \$7,000 for the sixth plug and a bit more. With few alternatives the customer agreed to pay.

Was that action playing dirty? On reflection, I believe that if the customer would have agreed to pay our added costs for the fifth plug, they would have received the sixth plug for the same price of \$32,000, not \$50,000. Perhaps this action will result in the customer being more "fair" in the future. The lesson is to be very careful to be fair with others; what goes around comes around.

In Summary

Playing dirty is difficult for people of character. It causes personal confusion and pain, and it should. To have a very high threshold before you would act unethically, even to right a wrong, is not a bad character trait. But remember that when you enter the arena of playing dirty, be very careful. 🌟



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.



Two communication networks at play in project planning and execution

BY LESLEY T. CUSICK

This is the first in a two-part series on understanding the networks encountered in community engagement. We will explore the structures of formal and informal networks, and provide insight on how they can work together. The relevance to projects is clear: informed decision-making—which has considered the change that your project will bring and the input from the individuals/communities that will be affected by that change—has become the only effective way to get projects built.

Utilities, departments of transportation, federal agencies and private sector interests almost solely rely on formal networks in their conduct of operations. The formal network supporting the project has budgets, schedules and the necessary personnel and structure to execute the project. Communities, on the other hand, are strongly inclined to have informal networks that rely on individual personality *types* to provide structure and focus. The number of consistently involved, informed and affected individuals in the community is most often small. The contrast between these two different networks is great, but they don't need to cause "The Great Divide," where nothing gets built besides tension and anger. The networks can work together if the project takes initiative and dedicates time to engage with the affected communities.

Engaging Communities

When? Early/as part of the project plan.

How? With individuals who know how to listen and discern issues, interests and concerns.

Where? In the communities, where the people live and gather.

Why? If the investment of time isn't made, there is an increased likelihood that the small number of involved community members can be transformed into a large number of unaffected individuals who adopt the opposition to your project as their cause. They may or may not have money, but they certainly have time—*your project's* time and by default, its budget.

The Social Ecology approach to project work can avoid The Great Divide and narrow the gap between project needs and community interests. Key aspects of this article are drawn from the seminal work of the late Dr. Lynton Caldwell, as well as Joel Garreau, James Kent, Trish Malone, Kevin Preister and personal project experiences over time.

Social Ecology has its origins in the National Environmental Policy Act of 1969. In its most basic definition is the idea of understanding the relationship between the physical and social environments in a specific place, as well as recognizing that people are a part of their environment. This narrowing actually *creates space* for the project team to explain and clarify the purpose and need for the project, its technical requirements and objectives, and put them alongside the issues and concerns of the affected communities in the project area. Identification of the areas of sensitivity, disagreement or uncertainty are the spaces where reasonable alternatives and compromises can be generated. While alternatives and compromises may not be what project sponsors hope for, they are superior and less costly than protests, destructive acts, injunctions or outright project cancelation.

Community: What and Who Will be Affected?

Just what is a community? In terms of project planning, community includes all of the homes and businesses (and people within them) that your project will impact. The community is actually a subset of your stakeholder groups. In one aspect, spatial relationships define community, since it includes your immediate neighbors, your neighborhood, the part of town where you live and the town itself.

It's crucial to remember that common interests and values also define community. Think of how you spend your free time, your interests, hobbies, routine activities and the people you associate with during those times. However, the definition of the non-physical community can change – in particular to what it is facing or fighting. This last point is vitally important when planning an infrastructure project. When it's time for a community to “step up” in an organized manner to help in

a tragedy for example, the person you least expect to take a leadership role may be out in front of it. Conversely, the respected corporate citizen may be the one who happily takes direction from that leader. The labels of what we do from 9 to 5 are often dissolved in times of crisis.

Networks: How Communities and Organizations Operate

Even though you may not see them, they are there hiding in plain sight. Networks are the formal/informal organizational structures and the people who occupy them in particular roles, all working to make things happen. They are dynamic and respond to expectations, conditions and pressures. They exist in companies, in governments, in communities and in families. Once you understand *the roles* that people have within the network they are a part of, you are on your way to understanding how they work and how you can work with them to assist your projects.

Formal networks

Elected and appointed officials, corporations and government organizations are examples of formal networks. Formal networks operate pursuant to procedures and guidelines in a predictable manner to get things done. There is a hierarchy of ascending responsibility and accountability, either to a board, shareholders or the electorate. Expectations are established from the top and executed from the top



down. Organizationally, formal networks are vertical and there tends to be very hard lines between the levels from officers to middle managers to staff. The more conforming the individuals are within a formal network, the more the structure of the organization can function as an edifice, deterring the ability to listen to communities.

Communication in the formal network is linear with increasing detailed knowledge at the bottom and increasing policy or political skill at the top. Communication within and from the formal network is most often written or through press releases from corporate spokespersons, along with formal meetings. A key descriptor of the formal network is structure, with characteristics of predictability, efficiency and strength. These are exactly the organizational attributes that makes these firms the “go to’s” to get things done. Interestingly though, they are the *exact opposite* of what affected communities say they need in having their voices heard.

Informal Networks

Informal networks are horizontal in nature, lacking the clear hierarchy of a corporation but not lacking the ability to make things happen. Most importantly to a project manager, the informal networks do not lack the ability to stop things from happening either. The informal networks in societies form the structure by which communities sustain themselves and maintain cultural harmony and survival. It is when faced with an oppressive formal system that the

informal networks become more powerful. Social media is an artificial community network, but certainly adds to the power of a community network.

Informal networks are directly related to how people live their day-to-day lives. Being a more natural and more practiced state, the informal networks are quite strong and resilient. An additional strength of the informal network is that they know how the formal network operates and they know the names of the people in charge. Unlike communication within the formal structure that flows from the top down, the informal network has the flexibility to communicate with the highest levels of the formal network’s membership—and be heard (it’s never good press for corporate leadership to turn away community members who simply ask to meet). If a project is delayed and the delays are tied to an issue with community engagement, that is an indicator that the power has shifted from the project to the community. How can a project recover from that in a way that helps the community and the project? The answer is engagement, which is an investment of time to listen, be patient and practice humility. This is why you need to do this at the start of your project!

Helping Your Project Succeed

If you need to reach out to someone in a community to gather insights on concerns or to learn what the community sentiment is about your proposed project, you need to find the right people. Where do you go and how do you find them? Who knows the answers to your questions and who can tell you why those are the answers? How can you find the people who have something to tell you that you need to know but are afraid to speak out publicly?

Formal and informal networks alike can be equally puzzling to those who aren’t familiar with them or with the specific place where they are operating. Experience calls it reading between the lines in written material or reading a room when you walk into it. The people in the formal and informal networks who hold certain roles, such as gatekeepers, are the ones you need to seek out. ✪

Part two of this series will identify the different roles found within informal networks and define the roles by behavioral attributes so that they can be recognized. Also discussed will be information on where you need to go to find the people that have the important roles, as well as strategies for working between the networks in the space where there is room for progress.



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





EXPERT WITNESS OR FACT WITNESS?

Understanding an appraiser's role

BY CLAUDIA GAGLIONE

We have recently received several inquiries from appraisers that raise concerns. In general, the appraisers do not understand the difference between being a “fact” witness and being an “expert” witness. They are unsure of who the client is, what they might be obligated to do or who will pay them for their services. Here are some key difference between the two types:

FACT WITNESS

- Compelled to testify by subpoena (must appear).
- May be paid fee (not guaranteed).
- Is the appraiser who completed the appraisal involved in the case.
- Has personal knowledge of the property involved in case.
- Is asked factual questions (who, why, what, etc.).

EXPERT WITNESS

- Hired to testify for a fee.
- Did not perform the appraisal involved in the case.
- Has no previous knowledge of the property involved in case.
- Provides their opinion on topic in dispute.
- Cannot be forced to be an expert witness.

Just the Facts

A fact witness testifies about first-hand and personal knowledge: what they did, heard, said or saw. An appraiser would be called in as a fact witness because an appraisal he or she prepared might be relevant in a pending case. Questions for the appraiser may include:

- Who retained them?
- What instructions were they given in connection with the assignment?
- Whom did they speak to about the property?
- What were they were given or told about during the inspection?
- What fee were they paid to complete the assignment?
- What did they observe or not observe during the inspection?
- If a copy of the appraisal is shown to them, is it a true and correct copy of the report they prepared and submitted to their client?

Fact witnesses are typically not paid for their time. They may be obligated (subpoena) to testify because they have personal knowledge that could be relevant to issues in a case.

Depending on the amount of time that has passed between the appraisal and the testimony, a fact witness might have to say he or she does not recall certain facts or details. Testimony must be given under oath. As long as the answer to any question is a truthful answer, there is no such thing as a good or a bad response. In most cases, a fact witness should not be asked for their opinions.

For example, the appraiser acting as a fact witness might be asked if he recalls observing any evidence of a roof leak or evidence of a prior leak during the inspection. Did he recall seeing anything like a water spot on any ceilings? Is it his custom and practice to inspect every room in a home? Does he have any reason to think he did not inspect every room of the subject dwelling? These are all examples of appropriate questions to be asked of a fact witness.

A fact witness should not be asked to respond to a hypothetical question. An example would be: “What if you were told that the buyer received an estimate of \$20,000 to repair significant roof damage... would that have impacted your value opinion? In what way?”

Those are not questions a fact witness could answer. It goes beyond his or her “personal” knowledge. It would require the witness to perform additional research and investigation. Simply put, it is not the kind of question a witness could answer based on actions, observations or recollections.

An appraiser might be forced to testify due to a subpoena, which is like a court order. Appraisers are sometimes angry about subpoenas. They argue that producing documents or attending depositions takes too much time and it is not fair that they do not get paid a reasonable rate for that time. The complaints might be valid, but that does not change the fact that subpoenas are a part of doing business and the appraiser might face consequences if he or she does not comply with the terms of a subpoena.

Tell Tale Claims

The following is a tale of an unprepared appraiser and his experience as a fact witness.

An appraiser in New Jersey was hired to appraise a commercial property in what turned out to be a nasty dispute between two heirs; a brother and sister were arguing about how to dispose of the family business after their father’s death. The



appraiser had prepared a few appraisals of commercial properties, but mostly did residential work and had never prepared an appraisal in connection with this sort of dispute. The appraiser's client was the brother who was being sued by his sister. They were both supposed to get appraisals to see if they could resolve their differences.

The insured appraiser was instructed by his client (the brother) that his appraisal had to reflect a property value as of the date the lawsuit was filed. The appraiser was still not really clear about what he was supposed to do, but the client agreed to a fee of \$5,000, so the appraiser supposed the assignment was too good to refuse.

The appraisal was completed and sent to the brother's attorney. The appraised value, as of the date the lawsuit was filed, was \$8 million. The lawyer said that the client was a bit disappointed. He had hoped the appraiser would come in with a value of at least \$10 million. The appraiser learned that the sister was offering to buy out the brother so that she could continue to run the business. The sister claimed the property was only worth about \$6 million and that was at the heart of the dispute.

Almost a year later, the appraiser was asked to testify at a deposition. He met with the lawyer prior to the deposition and tried to find out what had transpired over the course of the past

year. He said the lawyer seemed rushed and that he was not able to answer many of the appraiser's questions.

The appraiser asked if he could look over the sister's appraisal and the lawyer said he had not seen it yet. The deposition was over in a few hours and the appraiser was a little surprised that he had not really been challenged about anything in his report.

A few months later, the appraiser received a demand from counsel for the lawyer, who had been sued for negligence by his client, the brother. The appraiser learned that counsel for the sister had filed a motion for summary judgement, which was granted. The motion argued that the only relevant value in the case was the value "as of the date of death." The sister had submitted her appraisal as of that date, which reflected a value of \$6 million.

The brother had no evidence to challenge the sister's value. His appraisal reflected value it was as of the date the lawsuit was filed and that was irrelevant. The judge agreed. Since the only proper evidence of value was the value in the sister's appraisal, he ruled for the sister and said the brother had to accept \$3 million for his share of the property.

The brother sued his lawyer for negligence. He said the lawyer should have known that the appraisal he had

was worthless because it did not reflect the value as of the date of death. He said the lawyer's negligence cost him at least \$1 million, since the brother had expected that his sister would have to pay him \$4 million. The lawyer's counsel sent the demand letter to the appraiser saying he was equally at fault for not realizing that his report should have reflected value as of the date of death.

The appraiser admitted that he really was not qualified to take on the assignment. He had never done any work involving estate and inheritance issues. He knew the attorney was not giving him much guidance, but he told himself that it really didn't matter. He was upset, embarrassed and did not want to be sued.

The insurance carrier hired an expert appraiser who agreed that the value of the property, as of the date of death, was about \$6 million. The brother really had no damages. He was paid \$3 million, which is what he would have been paid if the insured's appraisal was correct. His only damages were the fees he had paid to litigate against his sister. If he had known that \$6 million was a reasonable value estimate and that \$3 million was the most he would be paid, he probably would not have spent almost \$100,000 in attorney's fees to fight.

The E&O carrier for the lawyer settled with the brother and the appraiser was never sued after all. ☺




Claudia is a member of the Los Angeles law firm Gaglione Dolan & Kaplan. She graduated from the University of Southern California Law Center in 1982 and specializes in the defense of professional malpractice claims. Since 1987, Claudia and her colleagues have supervised over 8,000 claims and lawsuits filed against real estate appraisers and other real estate professionals across the country.

THE PROGRESSION OF IRWA'S YOUNG PROFESSIONALS

Explore the journey that led to the YP Committee

BY MATTHEW ECKMANN, SR/WA



In just about every industry and organization you come across, one of the main concerns you will find is how to continue attracting new members or employees. Therein lies the creation of most Young Professionals (YP) Groups. Most begin small with a few passionate people sitting around a table and brainstorming ideas on how to attract more members to that table. Once at capacity, they go and find a bigger table, and then a whole room. Before you know it, this small YP movement has taken on a life of its own.

IRWA is no different. The progression of the Young Professionals movement started about 20 years ago with a small group of passionate individuals who created the first YP Group. I am excited to present interviews with two of these passionate people: **Faith Roland, SR/WA**, and **Jim Struble, SR/WA**. Fast forward about a decade and we see a resurgence in the Young Professionals movement. Again, we see a group of dedicated members who come together and commit themselves to advancing the YP initiatives within the organization. This group included **Brodie Allen, SR/WA**, and **Brett Farner, SR/WA**, who we have asked to contribute to this article as well. From 2011 through today, the Young Professionals Group has continued to grow and flourish in no small part to the Chairs who have led the group forward year after year. We have asked two of these Chairs, **Nikkiy Bestgen** and **Carmelita Delgado**, to provide their insights on the succession of the Young Professionals Group to the Young Professionals Committee.



Faith A. Roland, SR/WA
Contract Land Staff, LLC

Faith A. Roland, SR/WA, is the Senior Vice President of Contract Land Staff, LLC. She is a celebrated thought leader within the Public Infrastructure Community and served as International President of IRWA in 2008-2009. Faith continues to mentor and lead as a much sought-after CLIMB certified instructor and through her role establishing the Leadership Institute for IRWA. She has twice received the Professional of the Year award from her Chapter and in 2015, she received the prestigious Louise L. & Y.T. Lum award.



Jim Struble, SR/WA
Northern Colorado Water
Conservancy District

Jim Struble, SR/WA, is the Real Estate Manager for the Northern Colorado Water Conservancy District, where he has been employed since 1986. Jim is an active member of IRWA Chapter 6, Denver. Beginning in 1990, he held the offices of Chapter President, Newsletter Editor and Vice Chair of the Professional Development Committee, as well as Chair of Region 9 and Vice Chair of the International Professional Development Committee. Jim was named Chapter 6 Professional of the Year in 1999 and he was IRWA's 2007-2008 International President.

Before the YP Group existed, what resources were available to Young Professionals for networking, mentoring, support and overall immersion into IRWA?

Faith: The only resource back then was local, one-on-one mentoring and only if you were lucky enough to find someone with the time and skills to mentor. I had good encouragement from a few of my older co-workers during my first right of way job with the County. I was encouraged to attend the Chapter lunches and able to begin taking courses. Meeting others in class and getting to know my peers was what helped the most.

Jim: After joining the IRWA in 1990, I was fortunate to have several individuals from the Denver Chapter who were willing and ready to mentor me and other younger members of the Chapter. At my first IRWA Conference in 1990, I met several individuals who eagerly encouraged me to get more involved in the Association.

What was the primary goal/reason for creating this group?

Faith: I came in at year two of young leadership. I believe it was initially designed for younger participants, but we had a very wide range of ages at my first meeting. We had several debates about age limitations and eventually changed the name to LDC – Leadership Development Council. In hindsight, I think it should have been focused on the participants under 40 and should have kept “young leadership” as a focal point. There is a need to have a peer to peer exchange of ideas and I believe age and tenure in the profession do matter.

Jim: The International Executive Committee established a forum for young professionals of the IRWA to get together as the Young Leadership Council. The Council was formed out of a commitment to develop new IRWA leaders with two purposes in mind. The first was to foster creative thought for younger, talented individuals involved in the right of way profession. The second was to serve as a source of leadership for local Chapters, Regions and International Committees.

Tell us the process of creating the Young Professionals Group. Were there any particular hurdles you all had to face?

Faith: Funding for the group and for attendees will always be a hurdle. I was fortunate to come from a larger Chapter. We budgeted to support/sponsor two or three attendees several years in a row. Every single person that received support from our Chapter ended up coming back to the Chapter and served in all the offices, including president. If a Chapter invests in their future leaders, they will see the benefit of fresh ideas and engaged leaders.

Jim: Each Chapter was asked to send at least one young member to be a part of the inaugural meeting held in 1998. Approximately 33 Chapters each sponsored a member. Those of us in attendance expressed interest in being given opportunities to become a bigger part of the Association. Others shared that their Chapter's leadership believed the new members needed to acquire more experience—in other words, they needed to pay their dues and then leadership would decide the course of the new member's future involvement. Additionally, we quickly realized that membership struggled when it came to defining Young Professionals. Were they young in age or were they young in their new careers?

Can you recall any notable events that propelled this group forward?

Faith: I believe holding events consistently for several years running gave us momentum. We also added training and presentations to the daylong event that focused on leadership development. Most of all, giving younger members a venue to connect was the key to giving me the motivation to pursue leadership. Peer to peer support and camaraderie has built lifelong relationships that I still have today.

Jim: We had very good leadership, but I must admit we struggled at first as we moved from year two to year three, but I felt that the YLC was really starting to come together. If you look at the individuals in the photo, there are several who became Chapter, Regional and International Committee leaders in the years after the original YLC began.

What are some of the major differences between your experience as a Young Professional compared to the Committee that exists today?

Faith: Today's group is more committed to stand apart and be recognized as a fresh voice in our industry. They are not afraid to try new things or to limit participation to a more clearly defined age group. We kept getting pushed to include "new to the industry" as opposed to just "young professionals." I believe in the model where age limitation is a criterion. After 35-40, most folks really are at another stage in career and in life. Fresh energy comes from always having new folks join and others move on to leadership.

Jim: I am not sure if there are many differences. I think the young leaders today want what we wanted 20 years ago: to be a part of the IRWA. We wanted to help grow the IRWA and to make it an organization that attracted members. We wanted to be the future mentors! I am glad that the committee has come back strong. I do believe that we will see these individuals become future IRWA leaders and I am glad that these individuals are being invited to leadership meetings and are involved in helping to shape the IRWA.

If you could share one vital piece of advice for a Young Professional just entering the profession and IRWA, what would it be?

Faith: Participate fully! This is a line I use a lot when coaching and mentoring my own teams. You only get out what you put in. The moment I became engaged at my Chapter level, I participated fully— volunteering and saying yes when asked to serve. It then opened my eyes to how we are structured Regionally and Internationally. Say yes and you will learn and grow within our industry. I have been thankful every day for the opportunities I've received within this profession and for every time I raised my hand to volunteer and to serve others.

Jim: I think we are in an exciting time right now with a lot of new infrastructure being done around the world. There is a multitude of opportunities out there for younger members to be a part of. Don't be shy. Challenge yourself. Join your local Chapters, introduce yourself to a long-time member and ask them to be your mentor.





Brodie Allen, SR/WA
Evolve Surface Strategies Inc.

Brodie Allen, SR/WA, is the President of Evolve Surface Strategies Inc., a negotiation and acquisition firm in Western Canada. Brodie has been a right of way professional for 19 years and has a passionate background in the IRWA. He has served as Region 10 Chair, Chapter 48 President, Leadership Task Force committee member and YP Chair.



Brett Farner, SR/WA
Ameren Services Company

Brett Farner, SR/WA is a Manager in the Real Estate Department at Ameren Services Company. He has been a member of IRWA's Chapter 37, Region 3 since 2008 and served as Chapter President in 2012-2013. Brett also served on the International Nominations and Elections Committee, was a past Chair of the Region 3 Young Professionals Committee, served on the RWIEF as a YP Trustee and is currently serving as a member of the IRWA International Finance Committee.

Explain the environment of the Young Professionals at the time. Had there been a decline in participation?

Brodie: When I first got involved, the concept of formalizing the YP Group was in its infancy. Tyler Jans, SR/WA, had quarterbacked organizing two successful YP Mini Conferences in 2011 and 2012. However, the YP Group was not considered a Task Force until 2013 when Lisa Harrison, SR/WA—who was IEC President at the time—formalized the initiative. I did not see a decline in participation at that time as we really had nowhere to go but up with participation.

Brett: When I started on the YP Task Force, there really wasn't an active YP Group within the Association. What I found interesting after the YP Task Force started moving forward was learning about the YP Groups that had been formed and existed previously. It seemed that each generation had started their own IRWA YP Group, but none of them lasted beyond that generation of people.

What steps did you take to advance the Young Professionals into the powerhouse that it is today?

Brodie: First steps were to assemble a talented team to help define direction. In September 2013, Courtney Otto, SR/WA, Brett Farner, SR/WA, Aaron Adkins, SR/WA, Tyler Jans, SR/WA, and I had an initial meeting to set our group's vision and goals. Part of that exercise was a look back on history. Many members thought 2011 - 2013 were the first YP concepts. In actuality, the initial YP movement started years prior and involved a group of young members which included Faith Roland, SR/WA, and Jim Struble, SR/WA. That group/initiative obviously worked as both those individuals went on to be International Presidents. However, the group did end, which brought us to one of our early key goals: focus on strategies/objectives that ensure long-term sustainability of the YP presence across the Association.

Brett: We moved forward as a team. I was asked to be on the initial Task Force in 2013 by Brodie Allen and Tyler Jans. The initial focus was around creating opportunities for Young Professionals to get involved in the Association—specifically the Annual Conference. The team went on to create, develop, host and renew a YP Event at the IRWA Annual Conference in 2014, 2015 and 2016.

Were there any changes you implemented or wished to see?

Brodie: As the YP development was in its infancy, we were not so much focused on changes. Instead, our early objectives would be fine-tuned with future leaders. As noted, one key objective was to merge the YP movement as much as possible with the other IRWA initiatives. From day one, a long-term goal was to formalize the YP as a committee or a group with funding and ongoing IGC support. As I was also the Region 10 Chair at the time, it allowed updates to flow directly to/from the IGC and provided the ability to solicit continued support from the IGC, as well as HQ.

Brett: As the YP Event at Annual Conference continued to grow, it was becoming clear that the YP Task Force was competing with the rest of IRWA for visibility. In 2016, IRWA held the Global Congress session on the Saturday before the Annual Education Conference, which led to further competition for sponsors, media and participants. At the end of the Conference in Nashville, the Young Professionals Group asked for a meeting with IRWA leadership to start the discussion about incorporating the YPG platform into the Conference. Following that initial meeting in Nashville, the YPG worked with IRWA to transition the YP movement into the continued operations of the Association, including IEC participation in YPG meetings, Right of Way Magazine articles and full Conference planning participation.

Another significant change occurred in 2015 when Taylor Sass became YP Chair. Taylor had been very involved in her Chapter and Region Young Professionals Groups, and she brought that experience

to the role. The YPG would now have Region Representatives under Taylor's leadership. Each Region Representative was encouraged to bring the YP initiative to the Region and Chapter levels. Following the 2014 Annual Conference in Hartford, Aimie Mims, SR/WA, Jake Farrell, SR/WA, Mindy Leadholm, SR/WA, Michelle MacMillan, SR/WA, Brent Lundgren, SR/WA, and myself started the Region 3 Young Professionals Committee. As the current Region 3 YP Rep, I was excited to see this change being implemented across the Association.

Were there any particular hurdles or memories that stand out to you about this process?

Brodie: Without question, the hot topic of the day was whether or not YP participation should have an age limit associated with it. There was a lot of passion for this topic. As such, a good majority of our initial efforts were put into defining what it meant to be a YP in the IRWA, prior to focusing on goals for YPs. In order to move our group forward in the first formal year, we elected to drop the age topic and we built a set of questions for YPs to self-identify with.

Brett: The hurdle for me was always relevance. Convincing our industry, employers, sponsors, mentors and even the Young Professionals of the importance of engagement was and is hard. There is only so much time, money and people resources to go around and everyone wants to get the most value out of the Association that they can. Memories are the easy part because of the people I shared them with. When we completed the first YP Event in Hartford as the Young Professionals Task Force, the team was sitting in the lobby of the hotel debriefing. A photographer came up and asked to take our picture and referred to us as the group that made the YPs happen—while not historically accurate, the comment still felt pretty awesome! It is just one of my favorites from years of memories working on this initiative.

What are some of the major differences between your experience as a Young Professional compared to the Committee that exists today?

Brodie: It is very encouraging to see that the YPs are being imbedded in to the Association, rather than an initiative or task force of the day. After that, honestly, I'm really not too sure as I've purposely stepped back with following the fine details. One of the challenges I've always struggled with is when past committee leaders continue to be involved long beyond their advisory year as it does not help keep the energy fresh. Particularly with the YPs, I felt that it was very important for me to completely step back and let the next talented team run with continuing to mold the YP vision. From what I hear, things are going extremely well!

Brett: There are probably several differences between now and then, but certainly we were a smaller team then and we were not an official committee (I'm very excited for the new YP Committee) and we did not have money for travel. These are all great accomplishments for the current committee, and I am happy to have played whatever part I could to get to this

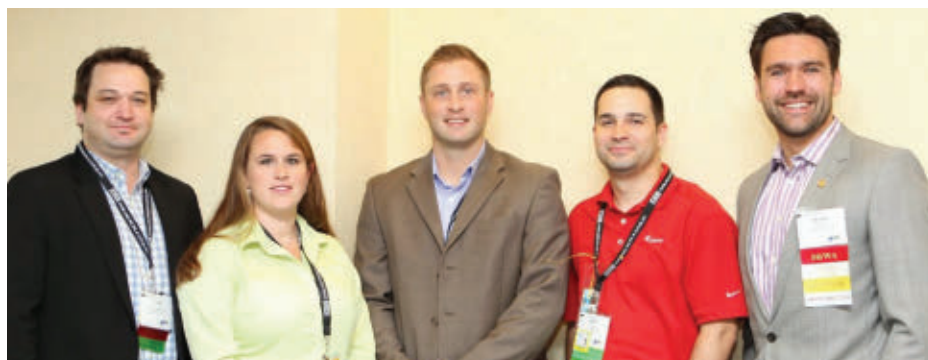


point. At the end of the day, anyone that volunteered to support the YP initiative had more in common than we had differences. I believe we all wanted to make a positive difference for the Association, industry and Young Professionals.

If you could share one vital piece of advice for a Young Professional just entering the profession and IRWA, what would it be?

Brodie: The IRWA has amazing opportunities to aid in advancing yourself as a professional in our wonderful industry. Every member has a choice of how involved he/she can be and whether they want to take advantage of the opportunities. Ensure you embrace the choice and get involved!

Brett: Get involved in the IRWA and stay involved. I just wrote an article for Right of Way Magazine on this topic, so I won't belabor the point here. I can say my most proud and humble moments involving YPs are those where a fellow Young Professional stepped up to lead, including Nikkiy Bestgen on the YPG, Kasy Chambers (Baldauf) and Carmelita Delgado joining the Right of Way International Education Foundation as YP Trustees, and Aimie Mims being elected to the IEC. There are many more examples I could cite and all are great role models for this Association.





Carmelita Delgado, R/W-NAC
Percheron Field Services

Carmelita Delgado, R/W-NAC, is a member of Chapter 38 Salt Lake City, Utah. She served as Chapter President and a Right of Way International Education Foundation Young Professional Trustee. She is the North Central Regional Manager for Percheron Field Services and enjoys being a member of the IRWA.



Nikkiy Bestgen
Contract Land Staff, LLC

Nikkiy Bestgen is a member of Chapter 37. She is a Sales Manager for Contract Land Staff and a mom of two lovely little men, Eric and Noah. Her time with IRWA has helped to shape her future.

Tell us about the journey the group has made since being revitalized.

Carmelita and Nikkiy: One of the things that we observed was the increased involvement, recognition and focus for the Young Professionals at the Chapter, Region and International levels. This truly was exciting to see and be part of. We had to create initiatives to try and improve the exposure of the group. We worked hard to get our website up and provided the Blue Jeans communication platform so we could continue to communicate more often. We are thankful for the support of HQ and Leadership. Other initiatives include a discount for Young Professionals for the Conference registration fee and different badge colors so that others at the Annual Conference could identify with the YPs. These helped with a natural evolution of the group and drew more attention to the YPs that were attending. The YPs also had a booth in the exhibit hall and raffled off prizes, free courses and Conference registrations. In order to really measure our successes, we started tracking our efforts and providing data recaps at our Chapter and Forum meetings. By reporting these statistics, those who were new to the IRWA (as well as some seasoned members) started to reach out and engage us more. Our communications increased, more ideas started to come about and support to execute grew.

As the spotlight grew on the YPG, the IRWA leadership invited us to an IGC meeting to provide our updates on these efforts and we have since been invited back to additional IGC meetings. We knew we needed to reach more people and we wanted to improve our message. All of this comes together with hard work and support. As we evolved, we became more aware of our financial needs and as each forum, symposium, Chapter meeting and Conference came about, we understood we had to become more structure-driven when asking for monetary support. We set financial goals, made action plans and created specific committees to carry out these tasks. We strived to not only show innovation of our group in speaking sessions, but continue to try new things to keep the energy, engagement and excitement for the YPG.

We knew that with evolution comes change, but as a group, we had all agreed to keep our Saturday Night YP Social going. We have taken it from a few friendly people coming by to maxing out space capacity, making all kinds of new friends and welcoming several new Young Professionals to the IRWA. It is wonderful to see the movement grow and shape year after year.



What was the main reason you wanted to help elevate the Young Professionals Group into the Young Professionals Committee?

Carmelita and Nikkiy: We felt the group status was limiting the ability of the YPG's growth and ability to evolve further. In all honesty, the truest answer is simple: we knew we needed to really establish a place in the IRWA to develop these eager leaders, support them and help them grow. The passion, energy and ideas that several of the YPs have are countless, and we knew we needed to capitalize on this as a committee. The YP Committee was the most stable way to achieve the longevity and guarantee our future. It is very rewarding to look back and see all the work that has gone into taking this group to the next level. The confidence and support is now established and growth is now braving a new path for the YPs to come.

Describe the process of making this change a reality.

Carmelita and Nikkiy: As time has gone on, seeds of ideas, communication and energy were planted. We knew changes would be coming. Once the leadership group of YPG made the decision to pursue this growth, it moved quickly. We discussed these changes with our group of Regional representatives, then YPG Leadership, then IRWA leadership. Everyone was in support. We involved the great minds of our organization to understand how these changes happen and received a lot of feedback from their years within the organization. After understanding the true capacity of changing from the Young Professional Group to the Young Professionals Committee, the idea was pitched to the YPG and they were all in favor of making this leap of change into evolution. The actual execution of getting to a committee was very efficient and quick. It was amazing!



What were the initial reactions from the rest of membership?

Carmelita and Nikkiy: Honestly, the majority of us were expecting both negative and positive feedback due to this large scale of change. Some warned us to be careful of what we were asking for and to understand the changes that could happen with the elevation. Others said it was a necessary move to secure the YPG's future in the IRWA. Some asked how they could help, while others still questioned us and wondered what would the difference be from being a group vs. a committee. After all discussions were held, the majority were in support and agreed this was the next logical step. This meant the YPs would have more of a voice and have a secure, respected position within IRWA.

What would you like to see the Young Professionals accomplish now that they are a committee?

Carmelita and Nikkiy: We would like to see the committee maintain and continue to move forward with the innovations. Particularly, we would like to see the continuation of live streaming education sessions, reduction in costs, as well as an increase in YP voice and opinion within the organization. We are extremely excited for the college outreach program, the education webinars to become a reality and the committee to continue to help shape the YP Recipient of the year. We think the vision of these young leaders is limitless and powerful. We cannot wait to see what their next few years produces for our organization and look forward to supporting their efforts in any way possible.

If you could share one vital piece of advice for a Young Professional just entering the profession and IRWA, what would it be?

Carmelita and Nikkiy: Just try. Venture out and say yes. Attempt to do something you think might be out of your reach. Speak up, raise your hand, challenge your peers and always get involved. Anything you can do helps. If you have a passion for speaking, talk! If you have a passion for writing, submit articles. If you are technically blessed, help with social media, streaming or website advancement. All of us have unique ways we reach our audience. Use yours to get involved. This committee never says no. They always support each other, and they always try. So please come out and get involved!

Finally, be open to the remarkable friendships. In the business world, our two companies happen to be fierce competitors. But in the IRWA YPG world, we were the ultimate teammates. So often we can get caught up in the hum of the business, but IRWA offers networking and friendship that rises above company. We both are loyal to our companies and strive for perfection at our jobs, and yet we are the best of friends. We celebrate our friendship and celebrate our company support in the same way. That is a wonderful and under-celebrated trait of the IRWA. It unites us past our business roles. Our companies—while ferocious competitors—are also our most loyal supporters in achieving these visions. We thank them and all our supporters!



Matthew Eckmann, SR/WA
City of New Braunfels

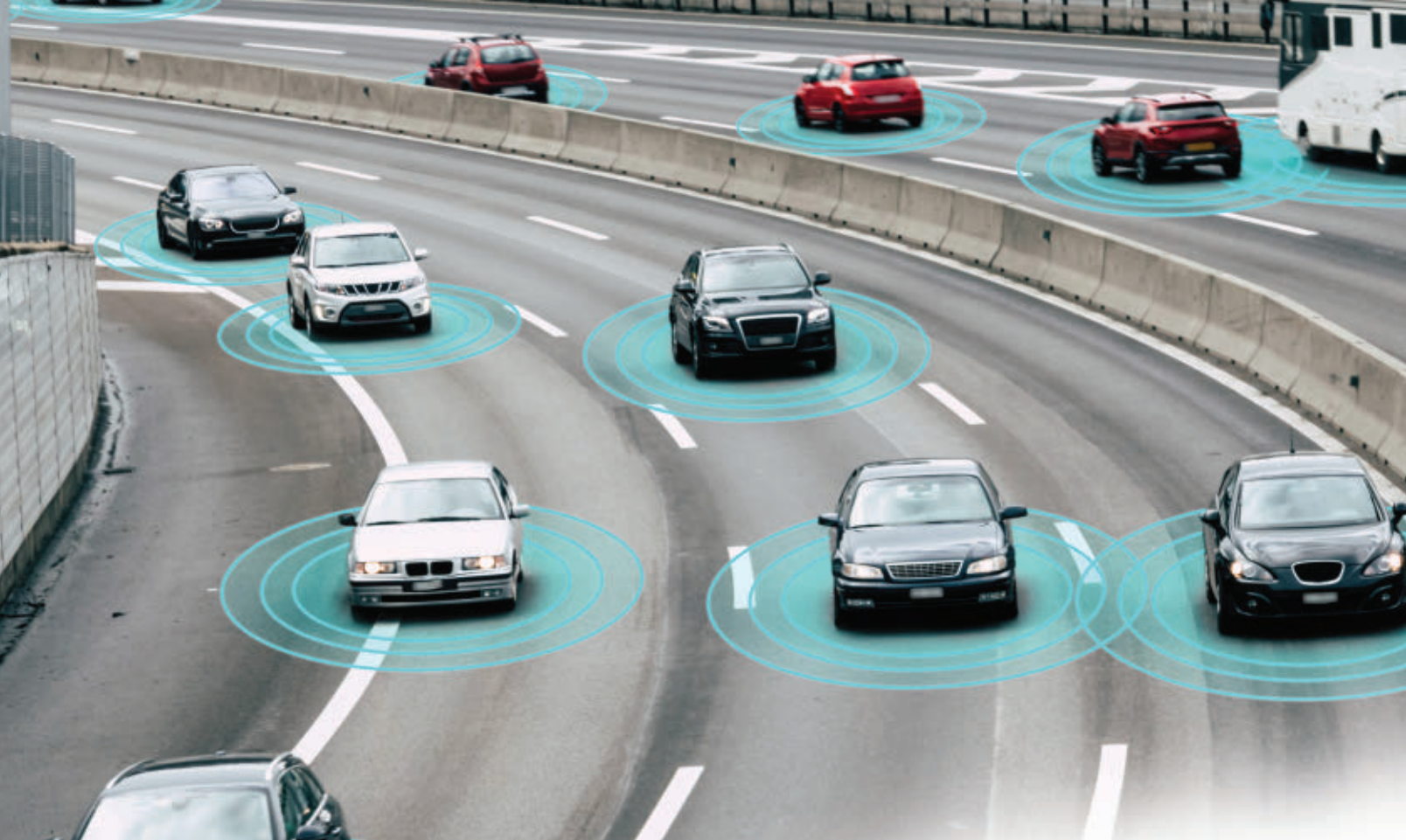
Matthew Eckmann, SR/WA, is the Facilities & Real Estate Manager for the City of New Braunfels, Texas and has been an IRWA member since 2008. He is currently serving as Chair of the Young Professionals Committee and Chapter 39 Vice Chair.

In reading all of the responses from the Young Professionals that have come before me, I feel truly honored to be trusted with the responsibility to continue to lead this movement forward into the coming year. It is an even bigger honor to serve this year under the leadership of International President Aimie Mims, who started her path to leadership as part of the Young Professionals Group. My journey as a YP began at the International Conference in Seattle, WA. I was fortunate enough to have an employer who sponsored me to attend the Young Professionals event that was held that year and from that moment, I was hooked. I spent the next few Conferences learning more about the group until I was given the opportunity to serve as one of the Region 2 Representatives beginning in 2016. I then moved through the ranks, serving as Secretary, Vice Chair and now this year as YP Chair.

In this first year of being recognized as an official committee, we have hit the ground running. We have representatives appointed for almost every Region and have begun working on several initiatives as part of both our strategic plan and special projects brought to light by members of the Committee. Some of these initiatives include continuing to work on the Mentor/Mentee program, implementing a college outreach program and developing an educational webinar that will be hosted by the Committee and available to everyone in the organization. My biggest goal for this year is to see a Young Professional representative serving on the Board in every Chapter in our organization. This may sound like a daunting task, but we are already well on our way due to the great work from those passionate members over the last several years.

In order to continue the success of the Young Professional Committee, it is going to take work and participation from all areas in this organization. Everyone from the individual having the passion to get involved, the employer allowing the employee to participate, the Chapters and Regions continuing to support their Young Professionals by giving them the opportunities to participate in leadership positions to the IRWA as a whole embracing the YPs in their efforts to grow not only in their careers, but also in the organization.

As I conclude this article, I am drawn back to a couple of quotes from Faith Roland's responses. The first is, "participate fully." This seems to have been the common theme with all our interviewees in this article. Participation to the fullest extent has been the cornerstone of their success—not only in their careers, but also in the IRWA. The second quote which stood out to me was: "If a Chapter invests in their future leaders, they will see the benefit of fresh ideas and engaged leaders." This quote not only applies to Chapters, but can also be applied to employers, Regions, Committees and CoPs. If the Young Professionals movement has taught us one thing, it is certainly that investing in the future pays in great dividends. ✪



SELF-DRIVING VEHICLES

How will they impact us and why should we care?

BY RYAN HARGROVE

About a year ago, my wife and I took a weekend trip to Las Vegas, Nevada. After enjoying dinner out at a popular restaurant one evening, I opened the Lyft app on my phone to order a ride back to our hotel. Upon doing so, I received a message indicating we were eligible to be matched with one of the first self-driving vehicles on the Lyft network. My wife and I were intrigued, having never ridden in a self-driving vehicle (SDV) before, and we eagerly accepted Lyft's self-driving-ride invitation.

There were two Lyft representatives in the front of our SDV when it arrived, which was a bit ironic (since the vehicle was supposed to drive itself). One person was a safety driver, ready to take over if the SDV failed. The other was responsible for keeping track of system performance and labeling data on a laptop. Both also served as de facto tour guides for our self-driving-ride experience.



There was a high-tech screen in our SDV that showed cars and objects on the road. We witnessed our SDV making lane changes on its own. It was also explained to us that city regulations required SDVs to be driven manually on hotel properties. Overall, the ride was a fascinating experience and we arrived at our destination in a comfortable and efficient fashion. The experience inspired me to conduct research on the future of SDVs and how they'll impact us moving forward.

SDV Technology

According to an email Lyft sent me in connection with our Las Vegas ride, the Lyft SDVs use a collection of different sensors to perceive the world around them, including cameras, radar and LiDAR. The cameras work like human eyes, picking up things like lane markings, pedestrians and traffic signals. The radar sensors use radio waves to detect pedestrians and other vehicles, and to understand how they're moving relative to one another. The LiDAR sensors use small laser pulses to build a three-dimensional map of the environment and all the objects in it.

It's worth mentioning that while most of the industry is incorporating LiDAR into SDVs, Elon Musk of Tesla has described LiDAR as expensive and unnecessary. Moreover, at Tesla's 2019 Autonomy Day he stated, "LiDAR is a fool's errand. Anyone relying on LiDAR is doomed."

Current Status of SDVs

According to the Society of Automotive Engineers, there are six levels of SDVs, numbered zero to five. Level Zero represents no automation while Level Five represents full automation. Levels One through Four represent everything in between. Most existing SDVs fall into the Level One and Two categories while Level Three systems are just being introduced.

Level Five SDVs are still years away according to a 2019 Popular Mechanics article entitled "When Are Self-Driving Cars Actually Coming?" by Anthony Alaniz. Sam Schwartz, a leading transportation engineer, agrees that Level Five SDVs still require substantial development time in a recent episode of "The Eminent Domain Podcast." Schwartz believes the first wave of widespread SDV use will involve highly structured circumstances, such as buses on fixed routes.

Bryant Walker Smith, a law professor specializing in SDVs, indicates in a Los Angeles Times article entitled "Tesla Has a Huge Incentive to Deploy Self-Driving Tech But is the World Ready?" that to conquer the Level Five challenge, SDVs would need to be capable of successfully transporting a sleeping occupant from "downtown Manhattan to the mountains of Maine in the wintertime." In a 2017 interview on Bloomberg Television, Apple CEO Tim Cook called Level Five development of the SDV "the Mother of all AI Projects."

SDV Advantages

SDVs offer numerous potential advantages including:

- **Reduced Collisions, Injuries and Deaths**
SDVs promise fewer distractions and quicker reaction times, resulting in less collisions, injuries and deaths. Additionally, they can be programmed to mitigate passenger impacts when collisions are imminent (e.g. by spinning around so the collisions occur at their rear).
- **Increased Productivity**
Commuters will be freed to engage in a variety of productive activities since their attention won't be focused on driving.
- **Increased Independence and Mobility**
Seniors and those with impaired vision or deficiencies in motor skills will have a readily available transportation option, and gaps in access to public transportation will be filled in.
- **Fewer Household Vehicles**
SDVs will serve multiple members of a household with drop-offs and pickups occurring at different locations and/or at different times.
- **Reduced Fuel Consumption**
SDVs will utilize platooning—a strategy where vehicles drive behind one another in tight formation—to save fuel both by reducing wind resistance and using roads more efficiently.
- **Quieter Roads**
Sirens and horns are tools used by humans to communicate with each other. Their usage will be mostly unnecessary with SDVs.



SDV Challenges

There are also challenges and potentially negative impacts associated with SDVs including:

- **Environmental**

It's anticipated that more miles will be driven overall as empty SDVs go back out on the road rather than remaining parked. On working days, many SDVs will complete a "double commute." Additionally, the convenience of SDVs may lead to a surge in transportation demand. In a Cornell Real Estate Review blog, Jason Henderson noted that whether vehicle-miles traveled increases or decreases and what SDVs' underlying power source ends up being will be the two biggest determinants of the environmental impacts of SDVs.

- **Software Concerns**

SDV software will meticulously log and track the locations of SDV riders and has the potential to be hacked by wrongdoers desiring to intercept SDV control.

- **Industry Disruption**

The taxi, parking and trucking industries will be negatively impacted. Auto dealers, auto insurance providers, rental car companies, the oil industry and personal-injury attorneys may suffer as well.

- **Accident Responsibility**

If an SDV crashes, who's responsible? Anthony Alaniz points out that "we don't know yet, and insurance companies aren't eager to head to court to figure it out."

- **Government Regulation**

The lack of federal rules governing SDVs and the need for thorough vetting of the reliability of the technology will impede the adoption rate.

- **Unique Driving Encounters**

SDVs will be challenged by potholes, dogs, pedestrians, skateboarders, bicyclists, deer/wild animals and panhandlers attempting to wash SDV windshields.

- **Unique Human Interactions**

SDVs will have difficulty interpreting and reacting to signals from human drivers such as nodding, waving and making eye contact to announce intentions.

The Early Automobile Analogue

The automobile was developed in 1886 by Karl Benz. In the U.S., it was initially unclear how the transportation system would evolve around automobiles. There was a lot of optimism about them, but there were also concerns.

In 1899, Henry Bliss was the first pedestrian killed by an automobile in the U.S. The taxi driver that struck him was initially arrested and put in jail. However, he was later released. In March 2018, Elaine Herzberg was the first pedestrian killed by an SDV in the U.S. She was struck by an Uber test vehicle, which was operating in self-drive mode with a distracted human safety driver sitting in the driving seat. These tragic events both involved new driving technologies being incorporated into roadways that hadn't been designed to accommodate them.

Determining who deserved blame for these unfortunate fatalities was challenging. Additionally, each tragedy generated public fear about the safety of the associated technologies. According to the podcast, "The Fault in Our Cars," in the 1920s, pedestrians were barred from accessing streets and the perceived ownership of roadways shifted from pedestrians to cars; it's generally been that way ever since.

The current rules of the road were written with human drivers in mind. Such rules will need to be revisited and rewritten as SDVs become ubiquitous. We're in a challenging gray area with SDVs currently; the human is mostly passive but still needs to be ready to jump into action when needed. Sam Schwartz suggests there will be a 30-year phase-in period for SDVs, roughly similar in length to the phase-in period experienced by the early automobile.

The Passenger Elevator Analogue

The passenger elevator is another invention that revolutionized human mobility. However, it wasn't well-received by its first users, according to a CNN Style article entitled "A Short History of the Elevator." Initially installed in 1857 at a department store in New York, it was shut down after three years due to lack of use.

Lee Gray, an architectural history professor, is quoted in the article stating, "Mechanized hoisting devices had existed since the early 1800s, but the transition from carrying goods to carrying people happened in the late 1850s. That required a complete transformation of the technology, because early freight hoists had no cars: they were simply open platforms and, therefore, very dangerous."

A focus on safety ultimately increased the public's acceptance of passenger elevators. Elevators today are among the safest forms of transport. Newer buildings with many elevators are starting to employ a system called destination dispatch. Users select which floor they want to go to and then board the car indicated by the system. As Lee Gray points out, "The idea is to take advantage of computers to get the most efficient traffic flow in a building. The technology does everything for you. It's not exactly like [an SDV], but it has a similar feel."



Potential Real Estate Industry Impacts

The real estate industry stands to be impacted significantly by SDVs. Examples of such impacts include:

- **Reduced Parking**
Land currently used for parking will be developed with other uses since SDVs can drive home and come back when needed. The Cornell Real Estate Review blog points out that parking will also be uncoupled from buildings and placed in more centralized areas.
- **Parking Design Changes**
If empty SDVs park themselves, parking spaces will be smaller since the doors of empty SDVs won't need to be opened by passengers. Additional design changes will include parking structures built to allow for future conversion to office or retail space, as well as replacement of existing street parking with vehicle drop-off and pickup zones. An offshoot of the elimination of street parking, however, will be loss of municipal parking meter revenue.
- **Acceptance of Longer Commutes**
Workers likely will be willing to commute farther if it's a better and more productive experience.
- **Elimination of Close-In Location Advantages**
With acceptance of longer commutes, office projects will be located farther from urban centers, according to a 2018 CBRE study entitled "Autonomous Vehicles: Driving Change for Real Estate." Furthermore, according to "Autonomous Vehicle Technology: A Guide for Policymakers," a report produced by the Rand Corporation, "just as the rise of the [early] automobile led to the emergence of suburbs and exurbs, so the introduction of [SDVs] could lead to more dispersed and low-density patterns of land use surrounding metropolitan regions."
- **Increased Traffic in Certain Locations**
Downtowns may become busier as people opt out of public transit.
- **Functionally Obsolete Garages**
Large garages may become less important to the single-family home market because families may no longer want multiple cars, according to a Valuation Magazine article entitled "Driving Change: How the Transportation Revolution Affects Real Estate." Part of a large garage might even be converted into extra living space.



Potential Right of Way Industry Impacts

According to an instructional video produced by the Great Courses entitled "Robotics: Self-Driving Vehicles," by some estimates, only five percent of a typical road is occupied by vehicles. Additionally, cars cost an average of \$35,000 apiece in the U.S. and are used only four percent of the time, according to an AI Weekly article entitled "How Self-Driving Cars Could Reduce Emissions, Eliminate Parking Spots and Add \$1.3 Trillion to the U.S. Economy" by Kyle Wiggers. These statistics highlight an opportunity for SDVs to increase efficiencies in the use of our vehicles and roads.

The right of way industry stands to be impacted significantly by SDVs. Examples of such impacts include:

- **Changes in Our Roads**
Platoons of SDVs will use road space more effectively, resulting in less congestion. Cars that crash very infrequently will be smaller and lighter, allowing for further efficiencies in road use. Dedicated SDV lanes and curb redesigns will help allow the full value of SDVs to be achieved.

In "The Great Race: The Global Quest for the Car of the Future," author Levi Tillemann notes that SDVs might be capable of driving "on roads that look more like tracks – with just enough width for precisely calibrated vehicles to glide along." Although the average car is about six-foot-wide, U.S. Interstate vehicle lanes are twelve-foot-wide to accommodate for human-driver error. Sam Schwartz suggests a narrower, seven-foot-wide highway lane might be appropriate for SDVs, considering their anticipated precision.

Sam Schwartz also points out the average highway lane currently handles 1,800 to 2,000 vehicles per hour (vph) but predicts a dedicated-SDV highway lane will be able to handle 3,600 vph. Eric Sundquist, Managing Director of the State Smart Transportation Initiative, is quoted in an ITSdigest article stating, "An even more aggressive estimate, taking

into account the possibility of [SDVs] platooning in a 'hypothetical continuous train,' could raise capacity even further, to 8,000 vph at 60 mph, or 10,000 vph at 80 mph.”

As the human population expands, these developments will potentially save countries billions of dollars on unneeded road expansion. Some prognosticators even suggest existing roads should be narrowed in the future, allowing for features like wider sidewalks, tree lining, retail patio seating and storm-water runoff filtration.

- **Difficult Public Project and Planning Decisions**

According to a post on the Driverless Car Market Watch blog entitled “We Need a Moratorium on New Public Transport Projects,” current planning and estimation processes for infrastructure projects “cannot and do not take SDVs into account but it’s now clear that SDVs will fundamentally change our traffic patterns. This greatly increases the risk that public transport projects will already be obsolete at the time they’re completed.” The author, Dr. Alexander Hars, further suggests that municipalities should institute temporary moratoriums on new infrastructure projects. Schwartz echoes this sentiment, indicating he discourages overbuilding of traffic infrastructure that doesn’t adequately account for SDVs.

In “The Fault in Our Cars,” Seth Stevenson asks: “What are streets for? Do they exist to help vehicles move around quickly and easily or are they places for people, where you can stroll around, meet friends and get coffee or go shopping?” Schwartz suggests we consider returning additional roadway space generated by SDVs to pedestrians, bicyclists, skateboarders and the like.

A techcrunch.com article entitled “How Many American Cities Are Preparing for The Arrival of Self-Driving Cars? Not Many” notes that “if suburban governments shirk at designing better, more compact physical space, the additional efficiencies and comforts of [SDVs] will just induce longer commutes and more sprawl, which is bad for the environment.”

- **Lower Taxes**

Minimizing road and highway expansion projects might lead to reduced local taxes.

- **Public Transit and Toll Road Usage**

Mass transit projects may decline. Additionally, toll road usage may decline, as shorter commute times may not be valued as much if people are freed from the responsibility of driving.

- **Expandability**

Self-driving technology will be applied to trains, trucks and buses. The potential exists to overhaul our transportation networks. As examples, Budweiser has pilot-tested intrastate delivery of goods using SDVs and UPS has recently used them to haul cargo between Phoenix and Tucson, Arizona.

Conclusions

Younger generations are not that enthralled by driving. In fact, only about half of millennials obtained a driving license by age 18, according to Kyle Wiggers. Conversely, young people tend to embrace technological advancement. Seth Stevenson mentions, “Very few people doubt that [SDVs] are coming. The adoption of the technology seems inevitable but, for now, the software is not perfect. It still makes mistakes.” A Sustainable America article entitled “Will Self-Driving Cars Reduce Emissions?” notes, “one thing nearly all experts agree on is that the autonomous evolution is coming, and we shouldn’t wade in blindly.”

The early automobile and the passenger elevator are interesting analogues for SDVs. Both technologies faced significant hurdles and initial public resistance, particularly regarding safety. SDVs face similar issues. These antecedent technologies were ultimately able to conquer safety concerns, win public acceptance and revolutionize society. Will SDVs be able to do the same?

Russ Mitchell opines that premature deployment of SDV technology would result in crashes, injuries and deaths. It would damage public trust in the technology and set the field back by years. In a 2018 blog post entitled “The Positive Risk Profile of Self-Driving Cars,” Dr. Hars points out there’s a two-sided distribution of safety outcomes with SDVs. They’ll likely prevent many accidents (positive outcome) and may cause some accidents (negative outcome). Uncertainty about negative outcomes will need to be critically weighed against the certainty of positive outcomes. Delaying the use of SDVs for too long may cause harm in terms of accidents that could’ve been avoided.

In the “The Fault in Our Cars,” Tom Standage points out that, “When your city has an argument about whether there should be congestion charging or whether there should be higher taxes on Uber, it’s really all of those little decisions that are going to shape the future. It’s really important that we don’t just think about it in a tactical way, but we step back and say what’s the final vision that we want and how will these decisions that we’re making today contribute to that?”

Momentum for SDVs is strong. The technology promises to bring about intriguing changes, many of which are discussed herein but some of which are yet to be anticipated. I encourage you to stay abreast of this evolving technology and to voice your opinions about it, as it seems destined to make a large impact on our lives, both personally and professionally. The next time you order an Uber or Lyft, be aware that an SDV may be just around the corner. ☘



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Y

ou may be familiar with this scenario: the team's exhausted. They're burned-out and you are too. You don't know if you all can recover. You have all been working at 150 percent for over a year.

Now you're told that the company will go through even more changes, despite going through three major transitions in as many months. Everyone is really on edge and it looks like Susan is going to quit.

And what about the team? You all work in the same building, but that's about where it starts and stops. In fact, you're hoping to get out of here soon.

If this all sound familiar, it looks like you and your team are officially burned out. Even in the best of times, creating and maintaining a high-functioning team is work. When the team is burned-out, the task is infinitely harder, but it can be done. The following are some steps for recovery.

FIRST AID FOR *BURNED-OUT* TEAMS

BY KATE ZABRISKIE

TEAMS

Five steps to recovery



Kate Zabriskie is the president of Business Training Works, Inc., a Maryland-based talent development firm. She and her team help businesses establish customer service strategies and train their people to live up to what's promised. For more information, visit www.businesstrainingworks.com.

STEP ONE

The first step is accepting a list of truths.

Truth One:

People have different levels of buy-in, a range of professional goals and varying home/work demands.

Truth Two:

Not everyone experiences burnout in the same way nor is work always distributed evenly in most organizations. Some people probably are more burned-out than others.

Truth Three:

Great teamwork will compensate for a lack of resources in the short term. However, teams that are stretched too thin for too long begin to show signs of wear and tear after a while.

Truth Four:

If the leader isn't a believer in what the team needs to accomplish or isn't working as hard as he or she can to bring the team over the finish line each day, team members will know it and react in a range of ways—most of which are neutral at best.

Truth Five:

Transparency matters. People don't like being left in the dark or worse still, lied to.

Truth Six:

Too many changes at once usually don't go over well unless there's a logical flow to them—a sense of fairness about what's being changed and the absence of unnecessary chaos or drama.

Truth Seven:

Elephants in a room stay there if they're allowed to do so. If a team is not prepared to operate with candor and address any unspoken issues, there's only so much that can be done to save the group.

Truth Eight:

Team members' perceptions of the team's condition are their truth. You may have plenty of data to argue to the contrary, but until people are ready to listen and believe what you show them, what they currently think is what is.

STEP TWO

Once you've got a firm understanding of the basic truths, the next step is taking a long and hard look at what's working, what isn't and why. Does everyone understand and buy into the team's mission? Is work distributed fairly? Are some people doing more than they should have to do and others doing less than they should? Are people resentful of each other? Is there drama and do you know the source? Is the team's burnout a recent phenomenon or has its decay been long in the making? Is the burnout caused by internal factors, external factors or a combination of both? Have people been misled or lied to in the past by those in positions of authority?

Those questions are just the tip of the iceberg and some ideas to get started. In fixing burnout, asking the right questions is as important (if not more) than taking action. A good list of questions will help you reduce the likelihood that you are treating symptoms or curing the wrong disease altogether.

STEP THREE

When you think you have a good grasp of the current situation and have verified your findings with others, it's time to start thinking about what could be. A fast way to imagine a different state is to work through some more questions.

- Why does our team matter to the organization and what value do we offer?
- How do we want to feel about our work?
- What gets us excited about our work or what do we enjoy?
- What changes do we need to our work product, our work processes or our people interactions?
- What needs to stay the same?
- What level of performance do we need from each team member?
- What are we going to do if those levels aren't met?
- What additional resources do we need?
- What would success look like?
- What can we do to encourage transparency and communication?
- How will we celebrate improvements?

STEP FOUR

With a clear view of the present and a possible future, the next step is prioritizing. In most cases, burned-out teams don't burn out overnight. Often the process is long and marked by a series of declines, bad luck and unfortunate circumstances. Consequently, the recovery process is often long. In fact, the team may never realize some of the elements identified in step three for a long time or maybe ever. Most recoveries don't happen overnight. The trick is to keep the truths discussed in step one in mind as you prioritize a plan of action to get from the reality you uncovered in step two and the future you envisioned in step three.

STEP FIVE

The final step in the recovery planning process is creating a deliberate communication plan. Recognize that you need to over-explain and repeatedly share information. Once is not enough. Also, not all recoveries are linear. Your team will have some good days and bad. What's important is making progress in the right direction over time. After a series of successes, everyone who is still with the group should be feeling a little less burned-out and a lot more excited about the work to come.

With these five steps well in hand, you're positioned to provide some immediate triage to your team members that are battling burnout. Burnout can be pervasive throughout an entire company, so get your first-aid kit out as soon as you pick up on the problem and mitigate the issue before it negatively impacts your operation. 🌟

EXCEPTIONAL JURISDICTIONAL CONFUSION

Its place in the big picture of standards

BY M. LANCE COYLE, MAI, SRA

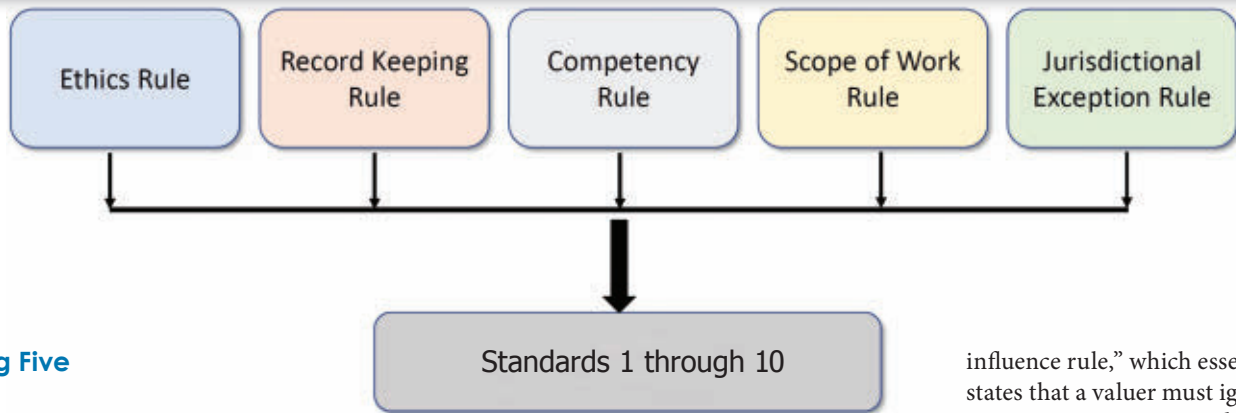
In real estate valuation, most appraiser practitioners have worked in the highly regulated environment of lending. As practice in the area of lending has become more prescriptive through the years, many appraisers have been relieved of having to think very hard about scope of work issues and other related Uniform Standards of Professional Appraisal Practice (USPAP) requirements.

On the other hand, valuers who work in (or convert to) the world of litigation support—a smaller but robust subset of appraisal practice—must carefully think through issues related to the scope of work due to the nature and complexity of that work. This is a good thing because if the scope of work is correctly developed for a litigation assignment, all parties benefit; the credibility of the appraiser's opinions is enhanced and all parties can better understand the opinions and conclusions.



USPAP's Five Big Rules

These always apply to appraisal and appraisal review



The Big Five

USPAP has five big rules that apply to each and every appraisal and/or appraisal review assignment. These five big rules take precedence over everything else in USPAP. In a sense, they are superior to all the other requirements, acting as an umbrella over the rest of USPAP. But it's more than that; they govern which additional rules apply and even what portions of those rules apply.

Among the five big rules, one is essentially administrative (the Record Keeping Rule) and two are essentially general conduct-oriented (the Ethics Rule and the Competency Rule). They are specific as to behaviors, but they are not specific as to the mechanics of development and reporting of an appraisal, which are enumerated elsewhere. However, the final two big rules (the Jurisdictional Exception Rule and the Scope of Work Rule) work hand in hand. They are the rules that specifically determine how the appraisal or appraisal review is to be executed. In fact, the Scope of Work Rule directly determines which of Standards 1 through 10 are used, as well as what *portions* in those standards are needed.

Jurisdictional Exception Rule

The Jurisdictional Exception Rule is a short and fairly straight-forward requirement. Its basic concept is that if a valuer is absolutely unable to comply with one of the mandatory requirements of USPAP due to a law or regulation, an exception to USPAP

is allowed for that requirement. However, the remainder of USPAP is preserved and will still apply to all other aspects of the assignment and the appraiser who prepares it. Appraisers who work in the litigation support arena are often confused about the applicability of the Jurisdictional Exception Rule because litigation assignments typically involve many laws, rules and regulations.

In a litigation assignment that involves a condemnation action—and depending on individual state law—an appraiser may be asked to ignore any changes in market value that result as a consequence of the project for which the taking is necessary or any changes that take place in the neighborhood for the same reasons. Sometimes, a valuer may be prohibited by law or regulation from reporting ad valorem tax data or certain lease data. Additionally, they might have a requirement to exclude or include certain comparable data or zoning information, among many others. These requirements differ from the typical practices that are found in appraisals prepared for regulated lenders.

One common situation that arises often is rooted in what is known in condemnation law as the “project

influence rule,” which essentially states that a valuer must ignore any positive or negative change in the market value of a property (in the “before” condition) as a result of the same public project for which all or a part of the property is being taken. However, in the requirements for the development of an appraisal, USPAP includes language about analyzing anticipated public improvements and their effect on value, as well as analyzing the effect on use and value of existing and modified land use regulations. Specifically, USPAP Standard Rule 1-4(f) states: “*When analyzing anticipated public or private improvements, located on or off the site, an appraiser must analyze the effect on value, if any, of such anticipated improvements to the extent they are reflected in market actions.*”

Thus, for many practitioners, it appears a conflict exists. The project influence rule requires a valuer to ignore the effect on value created by the project which has necessitated the taking, but USPAP appears to require the valuer to analyze anticipated public improvements and their effect on value. Many appraisers conclude that this apparent conflict in requirements prevents them from complying with USPAP and a Jurisdictional Exception is then created. This is a common mistake, probably as a result of a lack of understanding

of the concept of scope of work and how the various parts of USPAP work together to determine the appropriate requirements of developing an appraisal.

Scope of Work Rule

The Scope of Work Rule in real estate valuation is something akin to the function of a recipe in cooking. If the problem to be solved is to produce a cake for a friend, I know I'll need some flour, baking powder, eggs and other ingredients. If it's my friend's birthday, it might need some special frosting or decoration to match the intended use and maybe some chocolate to match her particular definition of birthday cake. And if my friend has special dietary needs, I might need to use a sugar substitute instead of granulated sugar as a special condition. I will also need competency in baking skills necessary to correctly identify and execute the techniques of mixing, temperature control, timing, proper equipment and oven baking. On the other hand, if my purpose is to create a dinner entrée, such as a Chicken Piccata, I don't need baking techniques at all and I don't need the same ingredients. Instead, I will need to know how to pan sauté and I'll need some chicken, wine and capers.

In the same way, the scope of work in an appraisal assignment tells me how to solve the problem based on the data needed (the ingredients), the techniques employed (baking or sautéing), the property characteristics (cake or entrée), the intended use (a birthday celebration) and any special circumstances (a person with dietary restrictions), among others. In a real estate appraisal, Standards 1 and 2 will be applicable resulting from the Scope of Work decision, while Standards 3 through 10 would be ignored. A business appraisal would use Standards 9 and 10 only, and so on.

Project Influence

Among the most critical components of developing a proper scope of work in a litigation support assignment is the requirement to follow the "laws and regulations" applicable to the assignment. These are just three little words buried in one paragraph and their importance is often overlooked. In a condemnation appraisal, the project influence rule is usually an overarching and important requirement. It is exactly what is meant by "laws and regulations" that are identified in the Scope of Work Rule. Remember, the Scope of Work Rule has precedence over the Standards Rules 1-10, so if the rules and regulations applicable to the assignment prohibit the valuer from analyzing "anticipated public or private improvements, located on or off the site," then that requirement takes precedence over any requirements found in Standard 1 and that portion of the standard is simply ignored. In a similar fashion, the rules and regulations applicable to an assignment prepared for tax appeal litigation must be followed. Rules and regulations applicable to an environmental contamination case are another example. This is why understanding the Scope of Work Rule is so important in any type of litigation case.

However, this still does not answer the question concerning the creation of a Jurisdictional Exception. Can the appraiser fully comply with USPAP when these seemingly conflicting conditions exist?

Evolving

Valuation standards have evolved and changed through the years, including the fundamental mechanics of how they work. For a long period of time, the requirements of Standard 1 were mostly mandatory and many valuers seem to have this idea still firmly embedded in their consciousness. This is part of

the reason for current confusion. Later, the idea of "departure" was introduced, giving valuers more flexibility in how appraisal opinions were developed and introducing the idea that some requirements are contingent, depending on the problem to be solved. Departure was later dropped in favor of the more elegant and sophisticated scope of work concept.

With this evolution in standards, not all of the requirements enumerated in Standard 1 are mandatory today. In fact, some are "contingent." For some reason, the contingent aspects of Standard 1 are lost on many valuers.

Defining Contingency

What does the word "when" mean? This might seem like an innocuous question due to its common usage, but the word "when" is used liberally within the standards. In fact, the word "when" appears at the beginning of a sentence 12 times in Standard 1 and is one of the keys to understanding how to execute appraisal development once the scope of work is correctly developed. The fact that the word is so commonly used in everyday English leads to complacency regarding its use in the standards, which creates confusion.

The word "when" is mostly defined in the dictionary in terms of a time concept; this is how it is used in the common vernacular. Here's just one example of how it is confusing: Standards Rule 1 states in 1-4(a): *"When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion."*

A casual reading of this USPAP passage could easily be interpreted by a valuer as being something like this: "I'm going to write up my sales comparison approach today and while I'm doing that, I need to be

sure to analyze such comparable sales data as are available to indicate a value conclusion.” But this is wrong and is not what the word “when” means in the context of appraisal standards.

The word “when” in USPAP really means “if” and it establishes that some of the clauses in USPAP Standard 1 are contingent. An expanded concept of the word “when” might also mean the following: “If needed for credible assignment results established under the Scope of Work Rule.” The word “when” is not a time concept in USPAP; it is a contingency.

USPAP Requirements

An analysis of Standard 1 reveals 24 requirements that are must-do’s. There is no contingency and no option. For instance, an appraiser *must* not commit a substantial error, be careless or negligent, identify the client, identify the definition of value and so on. However, there are 19 clauses that are contingent on the scope of work and in the case of the project influence rule in a condemnation case, Standards Rule 1-4(f) is one of them. The very first word of the SR 1-4(f) clause is “when,” but

now we understand that it really means “if.”

Circling back, remember that the Scope of Work Rule requires that valuers follow the *laws and regulations* applicable to the assignment. In a condemnation appraisal, if the laws and regulations require the valuer to ignore an analysis of anticipated public or private improvements and their effect on value, then that portion of USPAP Standard 1 *is not applicable at all and would not be done*. And because this portion of USPAP is contingent on the scope of work, there is no departure from the requirements as it is not a mandatory requirement. In fact, complying with the laws and regulations in the Scope of Work Rule means that the valuer is proactively complying with USPAP (not failing to comply) because the scope of work specifically excludes the analysis of anticipated public or private improvements. Perhaps it would be illustrative to think about the meaning of USPAP Standard 1-4(f) along these lines: “If it is necessary under the scope of work to achieve credible results, analyze anticipated public or private improvements and their effect on value; if the laws and regulations applicable

to the assignment prohibit analyzing public or private improvements, then ignore anticipated public or private improvements.” Thus the valuer *can* comply with the requirements of USPAP and no jurisdictional exception is created.

A Closer Look at Jurisdictional Exceptions

Remember that a jurisdictional exception is created only when the law or regulation prevents the appraiser from complying with the Standards. The project influence rule does not create this condition, as USPAP is structured so that the appraiser can comply. The combination of the Scope of Work Rule and the concept of hypothetical conditions (which are a part of problem identification in the Scope of Work Rule) allow exceptions to standards requirements.

Along with general assumptions, extraordinary assumptions, hypothetical conditions, and laws and regulations, jurisdictional exceptions are considered an “assignment condition.” Assignment conditions are one of the critical assignment elements that must be identified in order to satisfy USPAP’s requirement to recognize the problem



Remember that a jurisdictional exception is created only when the law or regulation prevents the appraiser from complying with the Standards.



to be solved. If the laws and regulations in an assignment are properly followed and it is clearly established that a jurisdictional exception does not exist, are any further disclosures, conditions or requirements needed? Some argue that use of a hypothetical condition is duplicative since that portion of USPAP is not applicable if scope of work is correctly developed and following the laws and regulations satisfies the requirement to properly account for assignment conditions. However, a hypothetical condition explaining that the project doesn't exist when in fact it does, helps to clarify and inform the reader of how the valuation problem is being undertaken. It also demonstrates that the appraiser understands and is complying with the project influence rule. Further, in the case of an appraisal prepared for eminent domain acquisition, it is usually necessary to include a hypothetical condition that any "after the taking" valuation assumes that the project has already been completed on the effective date of the appraisal.

Yellow Book

This is not the end of the confusion regarding the Jurisdictional Exception

Rule. If you are an appraiser providing valuation services for the condemnor in a federal acquisition, you are subject to and must comply with the Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA), often called the Yellow Book. In the section titled "Consideration of Land Use Regulations and Anticipated Public Projects," the UASFLA advises:

Section 1.2.7.3.3 of these Standards provides that the appraiser disregard any changes in a property's neighborhood brought about by the government's project. Section 1.4.3 further instructs appraisers to disregard recent rezoning (or the probability of rezoning) of the subject property if such action was the result of the government's project. Section 4.3.2.4.1 (Exceptions, under Zoning and Permits) explains the legal basis for these instructions. These instructions are contrary to USPAP Standards Rule 1-3(a), which requires appraisers to identify and analyze the effect on use and value of existing land use regulations and probable modifications thereof, and to USPAP Standards Rule 1-4(f), which requires appraisers to analyze the effect on value of anticipated public improvements located on or off site. Therefore, the instructions to appraisers in these Standards in this regard are considered jurisdictional exceptions.

Unfortunately, these instructions found in the UASFLA manual identifying the need to ignore SR 1-4(f) as a jurisdictional exception are incorrect, as we know from the preceding explanation. This further confuses the public and appraisal practitioners. Notwithstanding, valuers should follow client instructions and regulations, including the requirements of the UASFLA. The UASFLA is an assignment condition that should be complied with, as it is one of the laws and regulations that are applicable to the assignment. There is no single way to handle this conflict with the client, but communication with the client is paramount, particularly with regard to scope of work issues and how the appraisal is to be prepared. An

explanatory paragraph in the appraisal report where scope of work issues are discussed may also be worthwhile.

In Summary

When valuers provide litigation support services they also often provide related expert witness testimony and standards are often ignored or minimized. Standards can be confusing, hard to understand and for many participants, just plain boring. Some lawyers take the position that testimony about standards is simply not persuasive from a tactical perspective. Some lawyers don't invest the time necessary to understand the standards. Some administrative law judges or special commissioners may prefer to hear testimony that is focused on valuation issues, rather than "technicalities" in appraisal standards. But if the issue of standards is in play and if opposing counsel discovers that standards have not been carefully followed, not only will a valuer experience a very uncomfortable session on the witness stand, but the valuer's credibility will be impacted. Imagine a medical malpractice case where the medical provider did not follow standard procedures of care. There is no reason for parties of a condemnation case to be confused about the Jurisdictional Exception Rule. ☛



M. Lance Coyle, MAI, SRA served as the 2015 President of the Appraisal Institute, as well as on its Education Committee and Body of Knowledge Committee. A member of the AI faculty, he has over 30 years providing valuation services, mostly in Eminent Domain cases and today offers appraisal reviews of reports prepared in litigation cases.



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 and Gas Land Basics & Related Surface Rights Issues	1 day
235C	The Canadian Oil & Gas Industry Overview	2 days

MANAGEMENT

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

APPRAISAL

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

RELOCATION ASSISTANCE

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

ENVIRONMENT

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

PROPERTY/ASSET MANAGEMENT

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

REAL ESTATE LAW

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

ENGINEERING

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

SR/WA REVIEW STUDY SESSION

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

ONLINE

BASIC RIGHT OF WAY DISCIPLINES

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

COMMUNICATION/NEGOTIATIONS

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

MANAGEMENT

303	Managing the Consultant Process
304	When Public Agencies Collide

APPRAISAL

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

RELOCATION ASSISTANCE

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

ENVIRONMENT

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

PROPERTY/ASSET MANAGEMENT

700	Introduction to Property Management
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REAL ESTATE LAW

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

ENGINEERING

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

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

COURSES SCHEDULED

November 2019 – January 2020

REGION 1

200 Principles of Real Estate Negotiation
San Diego, CA (1/21/2020 - 1/22/2020)

200 Principles of Real Estate Negotiation
Shell Beach, CA (1/30/2020 - 1/31/2020)

213 Conflict Management
Sacramento, CA (11/22/2019 - 11/22/2019)

215 Right of Way Acquisition for Pipeline Projects
Los Angeles, CA (11/12/2019 - 11/13/2019)

218 Right of Way Acquisition for Electrical
Transmission Projects
San Diego, CA (12/5/2019 - 12/6/2019)

219 Introduction to Presentation, Instruction and
Facilitation
Las Vegas, NV (1/21/2020 - 1/22/2020)

502 Non-Residential Relocation Assistance
San Diego, CA (1/23/2020 - 1/24/2020)

604 Environmental Due Diligence and Liability
Los Angeles, CA (12/5/2019 - 12/5/2019)

604 Environmental Due Diligence and Liability
Las Vegas, NV (12/13/2019 - 12/13/2019)

800 Principles of Real Estate Law
Irvine, CA (1/21/2020 - 1/22/2020)

802 Legal Aspects of Easements
Alhambra, CA (12/11/2019 - 12/11/2019)

901 Engineering Plan Development & Application
Las Vegas, NV (11/14/2019 - 11/14/2019)

901 Engineering Plan Development & Application
Sacramento, CA (12/5/2019 - 12/5/2019)

902 Property Descriptions
Walnut Creek, CA (11/7/2019 - 11/7/2019)

902 Property Descriptions
Las Vegas, NV (11/15/2019 - 11/15/2019)

902 Property Descriptions
Sacramento, CA (12/6/2019 - 12/6/2019)

SR/WA Review Study Session & Exam
Las Vegas, NV (1/29/2020 - 1/31/2020)

REGION 2

218 Right of Way Acquisition for Electrical
Transmission Projects
Irving, TX (12/4/2019 - 12/5/2019)

421 The Valuation of Partial Acquisitions
Fort Worth, TX (11/5/2019 - 11/8/2019)

502 Non-Residential Relocation Assistance
Round Rock, TX (11/19/2019 - 11/20/2019)

703 Real Property Asset Management
Fort Worth, TX (1/23/2020 - 1/23/2020)

REGION 3

205 Bargaining Negotiations
Burnsville, MN (12/4/2019 - 12/5/2019)

603 Understanding Environmental Contamination
in Real Estate
Stillwater, MN (11/5/2019 - 11/5/2019)

604 Environmental Due Diligence and Liability
Stillwater, MN (11/6/2019 - 11/6/2019)

REGION 4

102 Elevating Your Ethical Awareness
Alexandria, VA (11/6/2019 - 11/6/2019)

400 Principles of Real Estate Appraisal
Hanover, MD (11/13/2019 - 11/14/2019)

410 Reviewing Appraisals in Eminent Domain
Hanover, MD (11/15/2019 - 11/15/2019)

REGION 5

200 Principles of R. E. Negotiation
Gahanna, OH (11/12/2019 - 11/13/2019)

213 Conflict Management
Gahanna, OH (11/14/2019 - 11/14/2019)

218 Right of Way Acquisition for Electrical
Transmission Projects
Springfield, IL (11/7/2019 - 11/8/2019)

400 Principles of Real Estate Appraisal
Plainfield, IN (11/4/2019 - 11/5/2019)

506 Advanced Business Relocation Assistance
Lexington, KY (11/6/2019 - 11/7/2019)

603 Understanding Environmental
Contamination in Real Estate
Fairmont, WV (11/5/2019 - 11/5/2019)

700 Introduction to Property/Asset
Management
Madison, WI (12/10/2019 - 12/11/2019)

800 Principles of Real Estate Law
Downers Grove, IL (12/3/2019 - 12/4/2019)

900 Principles of Real Estate Engineering
Ann Arbor, MI (11/4/2019 - 11/5/2019)

REGION 6

700 Introduction to Property/Asset
Management
Nashville, TN (12/12/2019 - 12/13/2019)

700 Introduction to Property/Asset
Management
Ocoee, FL (1/22/2020 - 1/23/2020)

SR/WA Review Study Session & Exam
Tucker, GA (12/3/2019 - 12/5/2019)

REGION 7

225 Social Ecology - Listening to Community
Fairbanks, AK (11/8/2019 - 11/8/2019)

410 Reviewing Appraisals in Eminent Domain
Bellevue, WA (1/28/2020 - 1/28/2020)

410 Reviewing Appraisals in Eminent Domain
Boise, ID (12/6/2019 - 12/6/2019)

415 USPAP and the Yellow Book: A Guide to
Understanding Their Relationship
Boise, ID (12/5/2019 - 12/5/2019)

421 The Valuation of Partial Acquisitions
Anchorage, AK (1/27/2020 - 1/30/2020)

421 The Valuation of Partial Acquisitions
Salem, OR (11/4/2019 - 11/7/2019)

803 Eminent Domain Law Basics for
ROW Professionals
Bellevue, WA (11/4/2019 - 11/5/2019)

900 Principles of Real Estate Engineering
Anchorage, AK (12/16/2019 - 12/17/2019)

REGION 8

703 Real Property Asset Management
Newmarket, ON (11/21/2019 - 11/21/2019)

REGION 9

102 Elevating Your Ethical Awareness
Salt Lake City, UT (1/31/2020 - 1/31/2020)

201 Communications in R.E. Acquisition
Centennial, CO (11/6/2019 - 11/8/2019)

421 The Valuation of Partial Acquisitions
Albuquerque, NM (1/21/2020 - 1/24/2020)

421 The Valuation of Partial Acquisitions
Denver, CO (12/9/2019 - 12/12/2019)

431 Problems in the Valuation of Partial
Acquisitions
Salt Lake City, UT (11/22/2019 - 11/22/2019)

803 Eminent Domain Law Basics for ROW
Professionals
Salt Lake City, UT (12/5/2019 - 12/6/2019)

REGION 10

213 Conflict Management
Edmonton, AB (11/8/2019 - 11/8/2019)

219 Introduction to Presentation,
Instruction and Facilitation
Edmonton, AB (11/6/2019 - 11/7/2019)

604 Environmental Due Diligence and
Liability
Edmonton, AB (11/5/2019 - 11/5/2019)



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18TH ANNUAL IRWA 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 66th Annual International Education Conference in June of 2020 in Minneapolis, Minnesota.

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.

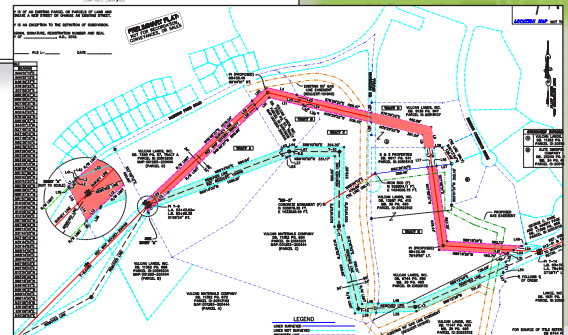
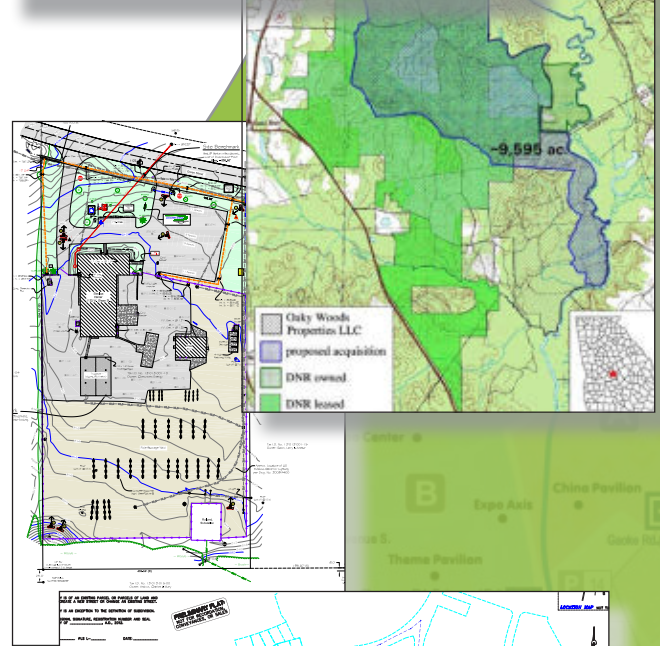
Eligibility: Anyone can enter, however, each entry must be sponsored by an IRWA member. Members may sponsor multiple entries. Maps must be associated with the right of way profession including related disciplines.

Prizes: The Grand prize winner will receive a complimentary registration for IRWA's 66th Annual International Education Conference. In addition, a cash prize of \$250 will be given to the individual winners in the following categories: Transportation, Oil & Gas, Electric & Utility, GIS, SUE Mapping, Engineering 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."



18th Annual Right of Way Mapping Competition

Deadline: February 17, 2020

Official Entry Form (please print or type)

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Entrant's Name _____

Company Name or Agency _____

Address _____ City _____ State/Province _____ Zip/Postal _____

Phone _____ Email _____

Category

- Transportation
 Oil & Gas
 Electric & Utility
 GIS
 Industry General
 SUE Mapping
 Engineering

Email PDF entries to:
isecop@irwaonline.org



Relocating Restaurants

The challenges of this unique relocation

BY DARRYL ROOT, R/W-RAC

One of the most challenging and interesting parts of performing non-residential relocation services under the URA (Uniform Relocation Assistance and Real Property Acquisition Act of 1970) is the variety of businesses the relocation professional encounters. This variety gives the relocation agent insight into the particular traits of a diverse spectrum of manufacturing and service-oriented industries.

One of the more unique types of non-residential relocations is the displacement of a restaurant. By its very nature, the restaurant business is extremely competitive and the profit margins are not as high as in other industries. These issues become further complicated if the restaurant is part of a franchise that may have strict rules on where it can be relocated and how the new site must look and be furnished. This article will review common relocation challenges associated with relocating restaurants and outline some best practices to meet these challenges.

Scheduling

Because of the historically lower profit margins associated with food establishments, it is particularly important that the restaurant's downtime be reduced as much as possible. Scheduling issues and the displaced restaurant's particular needs should initially be addressed in the relocation planning documents required by 49 CFR 24.205. For example, is there a time of year that the restaurant does most of its business? Some restaurants do a larger share of their business during the seasonal availability of certain food items. Is there a way to meet the project schedule and avoid these times to reduce hardship on the restaurant?

Collaboration

After the relocation planning phase, the relocation professional should be actively coordinating with the appraiser. It is essential that the appraisers involved make clear delineations between real and personal property. Oftentimes, it may not be easy to decide what category certain common restaurant items fall into, such as grease traps. The relocation agent's input can help clarify these issues. Once the appraiser has made his or her decisions on which category is correct for an item, the results should be clearly communicated with the displacee. If the displacee is a tenant, the relocation agent can then coordinate with the acquisition agent to help confirm ownership of the personal property. Review of the lease and other relevant documents is important for determining ownership. If the tenant owns the personal property, there are different benefit options, such as direct loss of tangible personal property or substitute personal property. Choosing between these benefits may take some time.

Location

Similarly, the restaurant should be allowed enough time to find a suitable replacement site. Because of the extremely competitive nature of the industry and abundance of food choices, location is critical. Where is the restaurant's existing core customer base located? Are there other suitable sites available near existing customers? Do these other sites have adequate parking and accessibility? Is there proper visibility? Is there a large enough population base at the new site to support the restaurant? These issues can be addressed through the benefits offered under 49 CFR 24.303 (b). This provision provides that the agency can reimburse the displacee for:

Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the Agency a reasonable pre-approved hourly rate may be established.

Marketing studies can be especially helpful to the displaced restaurant when it is operated as an individual franchise of a national brand. These national franchisors often have very strict rules on the proximity of one franchisee to another and closely regulate the interior and exterior look and construction of individual restaurants.

It is important to remember that such professional services must be actual, reasonable and necessary both in scope and price. The relocation professional should review both prior to the displacee engaging professional services.

Permits

Particular attention should be paid to the time needed by the food establishment to obtain necessary permits. These permits may include both zoning-related and operational permits. For example, if a conditional use permit or change of zoning is required for the replacement site, these expenses can be reimbursed up to \$2,500 under 49 CFR 24.301 (g) (17). Necessary attorney fees required to obtain such licenses or permits are also reimbursable up to \$2,500. Any anticipated attorney’s fees should be reviewed before they are incurred to ensure they are reasonable and necessary.

Operational permits such as health inspections and certifications can be reimbursed under 49 CFR 24. 301 (g) (11). This includes any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification. It should be noted that this regulation does not include general construction permit costs that the restaurant may have in connection with the new site.

Inventory

Finally, before vacating the displacement site, the restaurant should be encouraged to reduce its remaining inventory of food and liquor as much as possible. Health regulations often prohibit the transfer of open or partially used food items to different locations. To mitigate loss, the restaurant should see if the food vendor is willing to take back some of the food items or give it a credit to help reduce remaining inventory. Timely reduction of inventory avoids expense and waste.

However, should there be food and alcohol items left prior to the move, a careful, final inventory of the remaining items should be taken. Once the extent of the remaining inventory is known, the displaced restaurant may want to take advantage of the direct loss of personal property benefit. The formula for this benefit states the payment shall consist of the lesser of:

- (i) The fair market value in place of the item, as is for continued use, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling prices.); or
- (ii) The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (See appendix A, § 24.301(g)(14)(i) and (ii).) If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles under 49 CFR 24.301(g)(14).

As discussed, the restaurant will have to make a good faith effort to sell the items, unless the displacing agency waives the requirement. However, the reasonable costs incurred in trying to sell the items are reimbursable. These costs include advertising the sale and actually conducting it. After the sale, the restaurant should hand over all records to the displacing agency. The amount earned will be subtracted from the fair market value in place of the items and compared to the move cost to determine which is the lesser of the two alternatives in the formula.

But because of the perishable nature of food and applicable health laws, the sale may not be very successful. To further complicate matters, there are strict federal rules on the disposal of unsold alcohol. Therefore, the restaurant should document that it complied with all applicable health and disposal laws before, during and after the sale.

In Summary

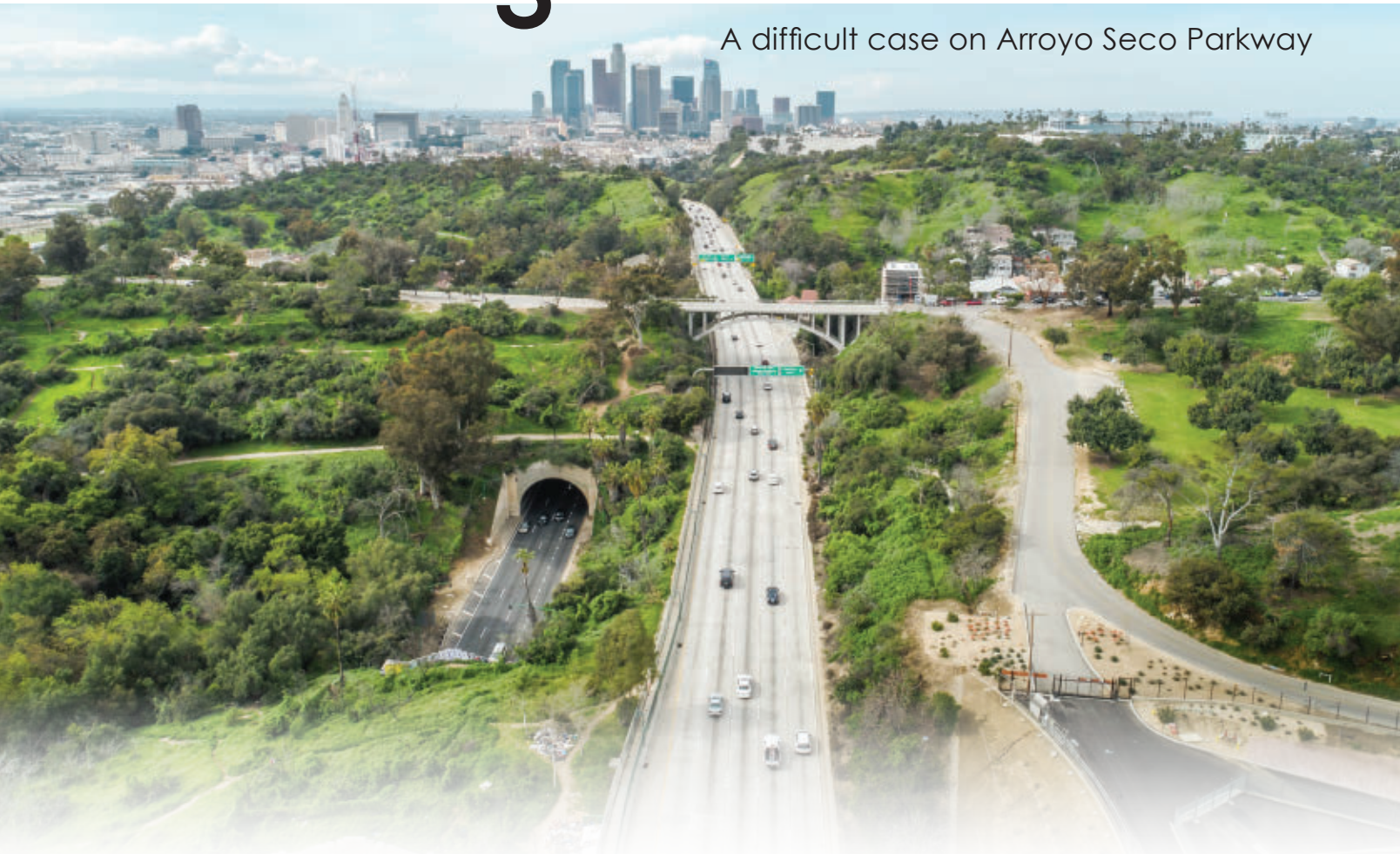
There are a number of challenges to this unique type of non-residential relocation. By understanding and applying these and other best practices, the relocation professional can help make a restaurant relocation successful for both the business owner and the displacing agency. ⚡



Darryl Root is a Senior Right of Way Project Manager for HDR. He has been in the right of way industry for 25 years.

Cliffhanger on Route 66

A difficult case on Arroyo Seco Parkway



BY MICHAEL F. YOSHIBA, ESQ.

One can only imagine the sheer panic that must have ensued after a brick-sized jagged rock crashed onto and through the windshield of an unsuspecting daily commuter as she snaked through the Los Angeles morning freeway rush hour traffic on her way to work. The commuting car was traveling southbound on a local two-lane freeway transition ramp that hugged the hillside adjacent to Elysian Park and Dodger Stadium. The transition ramp was constructed prior to the 1940s by cutting away a portion of the lower hillside, thus creating an approximate 200-foot high steep embankment, the toe of the slope being only a few feet from the roadway.

The driver sustained serious personal injuries from the shattered windshield glass and significant damage to her car. She proceeded to file a claim against the State of California.

History of Location

The accident location was within the original 6.2 mile Arroyo Seco Parkway, California's first freeway, which dates back to the 1940s. The Arroyo Seco Parkway project marked the beginning of the

freeway era on the west coast and in the Golden State. Now 8.2 miles and designated as California State Route 110, the Arroyo Seco Parkway, runs from downtown Los Angeles to Pasadena, California. It is a National Civil Engineering Landmark, a National Scenic Byway and the first of just two California Historic Parkways. The Arroyo Seco Parkway was also designated as one of the final legs of US Route 66 on its way to the Pacific Ocean.

The subject accident occurred midway through the transition ramp that connects southbound Interstate 5 freeway with the southbound State Route 110 freeway as it enters downtown Los Angeles. The State of California owned a highway easement over the steep embankment but did not own the underlying fee or the rights to use or occupy the top of the embankment slope.

Dangerous Condition of Public Property?

The issue raised by this claim and lawsuit was whether the accident occurred as a result of a dangerous condition of public property. More specifically, was the falling rock the result of poor maintenance

of the embankment or an independent bad act of an individual? Whether the rock fell from the unmaintained embankment or if someone intentionally threw the rock from the top of embankment with mischievous or criminal intent. Both sides had the difficult task of proving and disproving the origins of the offending rock.

Causation

Both sides reviewed sparse construction records and an unfortunate dearth of maintenance records pertaining to the embankment location. No records or photos were found of the privately-owned top of the embankment slope. Maintenance records existed for the occasional roadway falling rock and debris cleanup at this location. Construction records were on microfiche and didn't provide useful detail concerning slope cut, design or post-construction condition.

The State contended that the rock did not fall off the embankment from gravity and poor maintenance. Instead the rock was likely thrown from the private property at the top of the slope. According to the State's consultant geologist, the rock was dissimilar to the soil and rocks that existed on the embankment and could not have originated from the hillside. Combined with the fact that upon inspection of the top of slope, there were the same dissimilar rocks near the embankment

edge and scattered among empty beer bottles, party trash and car tire tracks. The upper area was saturated with graffiti and general vandalism to street traffic signs.

Attorneys for the injured driver cited the State's lack of regular slope maintenance, and the unfortunate inevitability of this type of accident happening at this location. They believed that the rock-type conclusion of the State's geologist was sorely inconclusive and the State could not definitively prove that the rock didn't fall from an ill-maintained embankment. Furthermore, the physics of the accident damage was consistent with a rock falling from mid-slope and not the top of the slope.

Resolution

Ultimately, discovery in litigation proved difficult for both parties trying to prove what didn't happen and disprove hypothetical scenarios where facts were sparse. With the initial burden upon the claimant to prove that the State was the cause of the harm alleged, and the State relying upon a defense predicated upon the absence of conclusive evidence, both parties decided to settle the case.

Postscript

This forced litigation along Route 66 at the Arroyo Seco Parkway created momentum for an ad hoc review of this embankment

and maintenance thereupon. Design of this roadway stretch predated more recent laws concerning personal injury claims on public property and the safety features incorporated into more modern roadways built adjacent to steep embankments.

With public safety going forward as the primary concern and this being a heavily used transition ramp into downtown Los Angeles, the State decided to implement a more permanent solution to falling rocks at this location. The State installed steel mesh netting (chain link fencing) across the entire embankment and anchored that into slope. Debris and trash were removed along top slope and memorialized in photographs. The embankment was stabilized and almost all rocks and debris formerly ending up on the transition road has been eliminated. ☘



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



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* Dan W. Rosencrans	1960-1961	* Donald A. Henley, SR/WA	1992-1993
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* Wade S. Manning, SR/WA	1978-1979	Kenneth L. Davis, SR/WA	2010-2011
* R. Tom Benson, SR/WA	1979-1980	Randy A. Williams, SR/WA	2011-2012
George E. Midgett, SR/WA	1980-1981	Patricia A. Petitto, SR/WA	2012-2013
* F. Larry Stover, SR/WA	1981-1982	Lisa R. Harrison, SR/WA	2013-2014
Robert L. Art, SR/WA	1982-1983	Lee S. Hamre, SR/WA	2014-2015
W.A. Thomasson, SR/WA	1983-1984	Wayne L. Goss, SR/WA	2015-2016
Richard D. Ricketts, SR/WA	1984-1985	Mary Anne Marr, SR/WA	2016-2017
* John E. Day, SR/WA	1985-1985	Jerry Colburn, SR/WA	2017-2018
Carroll W. Keck, SR/WA	1985-1986	Jeff Jones, SR/WA	2018-2019
Donald H. Ellis, SR/WA	1986-1987		
Ronald L. Williams, SR/WA	1987-1988		

* Deceased

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CANDIDATES FOR 2020-2021 INTERNATIONAL EXECUTIVE OFFICE

Any IRWA Chapter or active member may nominate a qualified candidate for any of these 2020-2021 IEC positions:

- President-Elect
- Treasurer
- Vice President
- Secretary

To nominate a candidate, send the nomination form, recommendations, resume, candidate statement and color headshot to INEC Chair Jenni Kriner, SR/WA, R/W-NAC at irwainecchair@gmail.com. Further information about candidate qualifications are available on the IRWA website at www.irwaonline.org. The nomination form is available on the "Award Forms" link, which can be found at the bottom of the "About Us - Awards" tab.

Submission deadline is December 1, 2019

Dr. Keith Wolf Joins Cardno



Cardno is pleased to announce **Keith Wolf, PhD**, has joined the firm as a Senior Environmental Manager in the company's Portland, OR office. Keith brings more than 30 years of experience in aquatic science, specializing in fish and wildlife population, ecosystem assessment and restoration, and recovery planning. Keith is proficient in multiple scientific and technology disciplines, including the development of habitat recovery programs, plans and projects, population monitoring and assessment, and environmental research programs. He has served as a senior scientist and project manager on hundreds of diverse and complex projects at all governmental levels, including federal Endangered Species Act recovery plans and several of the largest locally led watershed planning efforts of their kind in the United States. He is involved in several environmental organizations, including the Institute of Fishery Research Scientists, the American Fisheries Society and the International Imaging & Geospatial Information Society. He also serves on various environmental committees and Boards of Directors.

Cardno Welcomes Katie Agoado



Katie Agoado, PE has joined Cardno as a Roadway Project Engineer in the company's Clearwater, FL office. Katie has more than seven years of experience in roadway and bridge design, as well as quantities and signing and pavement markings. She has worked on numerous transportation projects for the Florida Department of Transportation (FDOT) as a roadway engineer, including U.S. 301 from South of CR 54 (Eiland Boulevard) to North of Kossik Road and SR 80 from Indian Hills Drive to CR 833. In addition, she has worked for the City of Dunedin as a Project Engineer, responsible for all roadway aspects from traffic study coordination to annual paving projects and other boardwalks and pedestrian bridge design plans for the parks department. Katie is a Professional Engineer in the state of Florida and a member of the American Society of Civil Engineers (ASCE). She is also Maintenance of Traffic (MOT) and Specification Package Preparation certified.

Franco Puentes Joins Cardno's Houston Office



Franco Puentes has joined Cardno as a Business Development Manager in the company's Houston, TX office. Franco has more than 16 years of experience delivering complex projects across the commercial, residential, healthcare and oil & gas sectors. He has worked with public agencies, architects, commercial developers and other engineering disciplines in the Houston market, including the Harris County Civil Justice Center building. Franco holds a Bachelor of Science in Civil Engineering from the University of Texas at San Antonio. He has served on the Houston Engineering and Scientist Society Club's Board of Directors.

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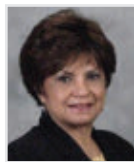
For career opportunities visit our career section on our website. ORC is an Equal Opportunity Employer.
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Rapher Perez-Lopez Joins LJA



LJA is pleased to announce the hire of **Rapher Perez-Lopez**, SR/WA, as a Project Manager of Right of Way Services for Central Texas Public Infrastructure. Rapher is a designated Senior Right of Way Professional with IRWA and has over 23 years of experience in the industry. Specialized in oil & gas, electric transmission and transportation right of way, he has an excellent track record for maintaining service standards. His experience includes right of way negotiations in oil & gas, electrical transmission, transportation, airport, light rail and telecommunication cell sites with significant experience in relocation assistance. Rapher is an excellent leader and motivator. He is responsible, hardworking, efficient, always willing to accept more responsibilities and capable of handling the most consuming and difficult tasks.

LJA Welcomes Carol Bellinger



LJA is pleased to welcome **Carol Bellinger**, SR/WA, as Director of Business Development for Right of Way Services. Working directly with Central Texas Public Infrastructure Division, Carol is focused on enhancing right of way capabilities to LJA's clients and maintaining an effective company-wide right of way business. She will collaborate across LJA markets to continue the growth of right of way services in oil & gas, power and water transmission where clients find value in streamlining their service delivery. Carol previously worked for HDR where she was the National Transportation Real Estate Services Director, responsible for the development and oversight of HDR's Real Estate Services. Carol has worked in the right of way profession for over 30 years, managing large scale public infrastructure improvement projects across the nation. She builds, directs and manages teams in acquisition and relocation for transportation projects including highway, railroad, high speed rail, commuter rail and airports. Carol holds IRWA's SR/WA designation.

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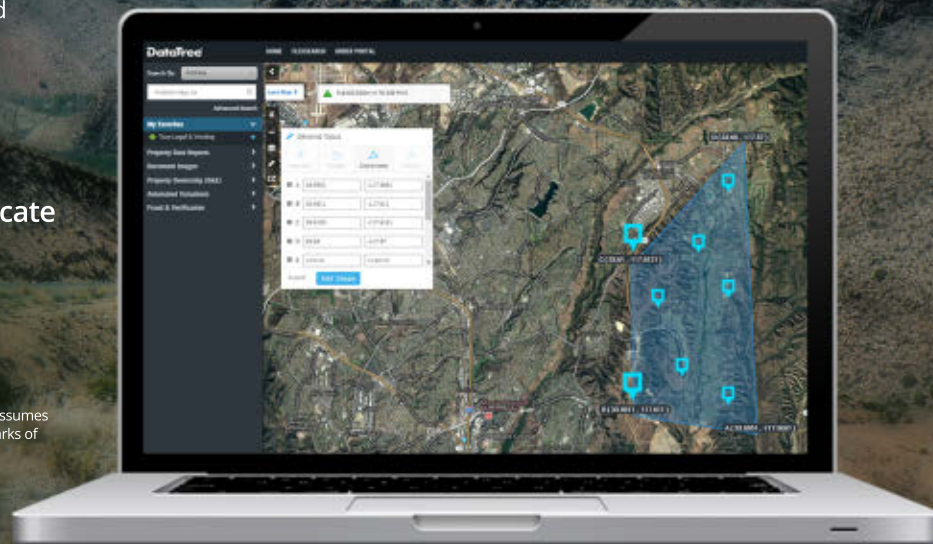
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Lora Gunter Joins Volkert's Texas Region



Volkert is pleased to welcome **Lora Gunter, JD, SR/WA**, as the Texas region's energy and right of way leader. In this role, she will develop strategic growth strategies in the energy and right of way markets in Texas. Prior to joining Volkert, Lora served as the right of way project delivery director for the Texas Department of Transportation (TxDOT), where she oversaw the department's statewide right of way acquisition portfolio. Lora also has experience working as an eminent domain attorney, gaining utility-related experience that includes utility relocations and permitting, consultant contracting and working with various project delivery personnel. She currently serves as the President of IRWA Chapter 36, which covers the Dallas-Fort Worth area.

Acrow Bridge Appoints Randy Needham as Pricing Analyst



Acrow Bridge, a leading international bridge engineering and supply company, announced the appointment of **Randy Needham**, formerly New England Region Sales Manager, to the newly-created position of Pricing Analyst. In this role, Needham will collaborate with sales teams in North America to develop pricing strategies to help continue to drive growth in the region. He is based in Acrow's Parsippany, New Jersey headquarters and reports to Russ Parisi, Vice President North America. Needham received a Bachelor of Arts degree in Economics and Accounting from Rutgers University. He began his career in the construction industry as a multi-role executive with Metfab Steelworks followed by positions with Safway Systems and Hill & Smith. Needham joined Acrow Bridge in 2012 as New England Region Manager.

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JLL Welcomes Three Industry Veterans

JLL has hired three industry veterans to strengthen its Valuation Advisory business and create an industry leading seniors housing and healthcare platform. **Zach Bowyer**, **Bennett Johnson** and **Bryan Lockard**, all designated MAI's, have joined the firm and will work together to further bolster JLL's national seniors housing and healthcare valuation and advisory services. Bowyer, who is based in Boston, will help lead valuation advisory through the introduction of advanced data products in the valuation space. He will be a member of JLL's Executive Committee and will focus on growth initiatives nationally, but especially in the Eastern region of the U.S. Los Angeles-based Johnson will be charged with identifying and implementing best practices throughout JLL's valuation advisory platform. He will also be a member of JLL's Executive Committee and will focus on growth initiatives and talent acquisition nationally, especially in the Western region of the U.S.

JLL Hires Shawn James O'Connor

JLL announced that the firm has hired **Shawn James O'Connor** as an Executive Vice President in the valuation advisory business. Shawn will focus on seniors housing valuation in the Rocky Mountain region, as well as general valuation services in the Denver area. Shawn rejoins JLL, where he previously served in senior positions appraising complex seniors housing portfolios from 1999-2017. In addition to his valuation duties, Shawn will sit on JLL Valuation Advisory's Technology Committee, where he will help drive technology and data strategies into the valuation process. "I am thrilled to be returning to JLL and its nationally recognized team of valuation professionals. Its unparalleled platform and tremendous resources will allow me to provide the best possible expertise and services to our clients," said Shawn.

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COLLABORATION

CLS Enhances Platform with Tierra Right of Way Services



Darin Hittle, President and CEO of Contract Land Staff (CLS), a leading provider of Right of Way, Land Management and

Consulting Services in North America, is proud to announce that Tierra Right of Way Services, Ltd. (Tierra) has been added to the CLS group of companies. Randy Ferrick, SR/WA, President of Tierra, will continue to lead the team, providing leadership and oversight for the Tierra service line.

According to Darin Hittle, "Tierra is a further milestone in CLS's growth strategy, which includes expanding into geographic regions with complementary cultures, service expertise and top of class reputation. We are excited to welcome Tierra to the CLS portfolio of companies."

Randy Ferrick states, "We look forward to this natural growth step and all the opportunities it brings with the collaboration of two industry leaders that share a common mission to deliver outstanding right of way, cultural resource management and environmental planning services. I'm honored to lead the Tierra team with CLS."

Founded in 1985, Contract Land Staff, LLC, is one of the largest independent providers of right of way consulting services and related services in North America. CLS's services include a combination of land management solutions such as right of way acquisition, training, staffing, and land and real estate administration services. CLS serves pipeline, utility, electric transmission and distribution, rail, public infrastructure, solar and wind generation, and telecommunications clients. For more information, visit www.contractlandstaff.com.

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Director of Right-of-Way Services
dbaylor@lja.com

Carol Bellinger, SR/WA
cbellinger@lja.com

Rapher Perez-Lopez, SR/WA
rperezlopez@lja.com

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USPAP

2020-2021 USPAP and USPAP Related Courses Now Available

The Appraisal Foundation, of which IRWA is a founding Sponsor, recently announced the publication of the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice. USPAP is the generally recognized ethical and performance standards for the appraisal profession in the United States. USPAP compliance is required for state-licensed and state certified appraisers involved in federally-related real estate transactions. Also, USPAP sets the standards for other appraisal intended uses, including eminent domain. To purchase copies, paper and/or electronic, contact The Appraisal Foundation at www.appraisalfoundation.org.

The Foundation has revised its USPAP-related courses. The 15-Hour National USPAP Course (IRWA Course 406A) and the 7-Hour National USPAP Update Course (IRWA Course 406B) comply with the 2020-2021 edition. To become a real property appraiser in the United States, appraisers must complete the 15-Hour National USPAP Course (or its equivalent). Current real property appraisers must complete the 7-Hour National USPAP

Update Course (or its equivalent) once every two calendar years. The Foundation's USPAP and the Yellow Book Course (IRWA Course 415), which makes a nice companion course to USPAP, has been updated too. David Burgoyne, David Layne, Gregory Lee, John Rolling, William (Otto) Spence and Christina Thoreson instruct the three courses.

The six instructors are CLIMB certified and AQB (Appraiser Qualification Board) Certified USPAP instructors. To schedule any of the courses, contact your Chapter's Education Chair.

Note to Education Chairs: per IRWA's Scheduling Policy, you can schedule these classes to begin as early as January 15, 2020.



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CHAPTER NEWS

Empire State Chapter 18 Holds Course 200

In September, Chapter 18 hosted 11 participants at its offering of Course 200, Principles of Real Estate Negotiations, in Corning, New York. The course was held at and supported by Corning Natural Gas Corporation.

Course 200 presents a blend of communication skills necessary for successful right of way negotiations. The participants, from four Region 4 Chapters, brought varied industry experiences to the course. Offering their knowledge, practical tips and real-world examples enabled everyone to learn from the very best, their peers.



Wearing their newly acquired "Blue Flame" caps, Front row, left to right: Trish Morrison, Mary Engell, Dave Layne, Patty Quinn, Kelly Myers and Chantelle Ringgold. Rear row, left to right: Charles Hobbs, Terri Davis, Chris Dandrow, Christine Ghiotti, Joe Roberti, Katrina Mancini and Julie Lewis.

WATER INDUSTRY

Prestigious Water Industry Recognition for Brown and Caldwell Duo

Dr. Jose Jimenez and Ken Schnaars of Brown and Caldwell have been made Fellows of the Water Environment Federation. The prestigious, peer-nominated Fellow designation recognizes members' achievements, stature and contributions to the preservation and enhancement of the water profession.

A certified wastewater treatment plant operator and licensed professional engineer, operations and maintenance expert, Schnaars has over 40 years of specialized civil and environmental engineering experience. Throughout his career, he has led project management, process design, start-up and operator training on some of the nation's most diverse and complex water and wastewater treatment facility projects.

Vice President Dr. Jimenez is a process and research specialist with an impressive 20-year career of developing and implementing groundbreaking wastewater treatment technologies. In leading Brown and Caldwell's wastewater process practice and applied research initiatives, he provides technical analysis and support to design and research teams working on municipal water resource and recovery facilities.



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Acrow Bridge Provides Emergency Detour

Acrow Bridge, a leading international bridge engineering and supply company, noted one of its modular steel bridges was installed recently in Rock Port, Missouri to restore passage after severe flooding earlier in the year damaged the existing structure, which was subsequently closed. It was particularly critical the route be restored as quickly as possible as it is the only access for BNSF Railway crews to service flood-damaged equipment and resume full freight service within the region.

The overwhelming flooding in the Midwestern U.S. beginning in early March 2019 caused a number of deaths and devastating long-term damage across numerous states. Over the course of the winter, the region experienced particularly heavy snowfall. Extreme warming in mid-March combined with heavy rain rapidly melted massive amounts of snow, producing extensive runoff across frozen terrain into waterways, which led to dam and levee failures and catastrophic infrastructure damage.

In Rock Port, it was the flooding of the Nishnabotna River, a tributary of the Missouri River, which caused severe scour underneath the existing bridge on U.S. Highway 136. In order to most quickly restore safe passage, it was decided to “overbridge” or slide a longer Acrow bridge inside the damaged structure in order to remove stress from it. Although the project came with a particularly tight delivery and erection requirement, Acrow was able to meet the deadline—the structure was opened to traffic eight days after receipt of the order, despite inclement weather. Acrow’s bridge is expected to be in use for three months while BNSF Railway completes repairs in the immediate area.



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MAPPING

Woolpert and iXblue Partner to Deliver Aerial Mapping Services

Woolpert and iXblue Sea Operations division, part of iXblue Group based in France, have formed a strategic partnership to provide aerial mapping services to clients in Australia, New Zealand and across the South Pacific. The pairing combines the reputation and regional business development expertise of iXblue, a global marine survey and technology firm, with Woolpert's internationally known aerial topographic lidar, bathymetric lidar and geospatial capabilities. Under this partnership, Woolpert and iXblue will collect, process and deliver airborne digital imagery, topographic lidar and bathymetric lidar operations from helicopter and fixed-wing



platforms to provide custom solutions to commercial and government clients.

“We are looking forward to working with iXblue, which has established itself

as a highly respected data provider in the region, and to extend our geographic reach,” said John Gerhard, Woolpert’s director of Maritime Solutions. “By playing to our firms’ combined strengths, our clients will receive this highly accurate, highly requested mapping data at a lower cost.”

Woolpert has collected and processed hundreds of thousands of square miles of aerial, terrestrial and bathymetric lidar data and orthoimagery for clients within and outside the continental U.S. These clients include the U.S. Geological Survey, the U.S. Army Corps of Engineers and the National Geospatial-Intelligence Agency, as well as customers across multiple commercial industries.

iXblue has surveyed over 100,000 line miles worldwide and has been operating the Sea Operations division across the Australasian region since 2007, providing clients with detailed and precise surveys of the marine and littoral environment. iXblue recently announced the diversification in capability to include an aerial mapping operation alongside its existing marine survey business.

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APPRAISAL FIELD

Appraisal Institute Partners with Fannie Mae



The Appraisal Institute is partnering with Fannie Mae to promote appraisal careers and to foster diversity in the valuation profession. The Appraisal Institute is serving as co-lead on Fannie Mae’s Appraiser Diversity Pipeline Initiative with the National Urban League and Altisource. The initiative is intended to attract new entrants to the residential appraisal field, overcome barriers to entry (such as education, training and experience requirements) and to foster diversity.

“We place a high priority on diversity and welcome this opportunity to work with Fannie Mae on such an important initiative,” said Appraisal Institute President Stephen S. Wagner, MAI, SRA, AI-GRS.

The first step is to coordinate several events that will leverage the Appraisal Institute’s network of professional appraisers to inform and connect with those potentially interested in a residential appraisal career. Fannie Mae’s Appraiser Diversity Pipeline Initiative will help share information with potential valuation professionals – many of whom are unfamiliar with the attractive career options available in the residential appraisal field – about the opportunities to work flexible hours in the field or from a home office, use cutting-edge technology and choose from multiple career paths.

Working through the National Urban League’s regional Entrepreneurship Centers, the Appraiser Diversity Pipeline Initiative is designed to reach diverse, talented candidates and educate them about the appraisal profession; provide resources for interested candidates to help them get on a path to success; and offer guidance from appraisers employed by Fannie Mae.



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ACKNOWLEDGING EXCELLENCE

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

Industry CERTIFICATION/DESIGNATION			
Nicholas Adkins, RWA ORC Utility & Infrastructure Land Services, Inc. Chapter 21 South Charleston, WV	Brenda Gomez, RWA Clark Land Resources, Inc. Chapter 11 Oceanside, CA	Hunter Morrissey, RWA Bender Rosenthal, Inc. Chapter 27 Sacramento, CA	T. Ryan Seymour, RWA City of Frederickton Chapter 65 Frederickton, NB
Naif M. Alsharif, RWA Saudi Aramco Chapter 87 Dhahran, Saudi Arabia	Calvin Hagel, SR/WA TC Energy Chapter 29 Calgary, AB	Alexandra Nguyen-Rivera, SR/WA Los Angeles County Public Works Chapter 1 Alhambra, CA	Ashley O. Smith, RWA GAI Consultants Chapter Non-Member Orlando, FL
Shayne Bond, RWA Bender Rosenthal, Inc. Chapter 27 Sacramento, CA	Amanda L. Hill, SR/WA KDR Real Estate Services Chapter 52 Richmond, VA	Lindsey Noyes, RWA Sacramento Municipal Utility District Chapter 27 Sacramento, CA	Christopher Swartz, RWP Johnson, Mirmiran & Thompson, Inc. Chapter 52 Virginia Beach, VA
Brett Breakey, RWA Synergy Land Services Ltd. Chapter 79 Regina, SK	Lisa Juergens, RWA NISource/NIPSCO Chapter 10 Merrillville, IN	Alyssia Padilla, RWA United Power Chapter 6 Brighton, CO	Daniel Tijerina, RWP City of McAllen Chapter 39 McAllen, TX
Kathy Charlton, SR/WA City of Thunder Bay, Realty Services Division Chapter 29 Thunder Bay, ON	Joseph Khammash, SRWA HDR, Inc. Chapter 36 Fort Worth, TX	Tai Yan Phyin Mok, RWA Metropolitan Water District of Southern California Chapter 1 Los Angeles, CA	Jason Tubbs, RWP Tennessee DOT Chapter Non-Member Jackson, TN
Julianne Dalla Gassa, SR/WA BC Hydro Chapter 54 Burnaby, BC	Steven Kovach, SR/WA The Regional Municipality of Peel Chapter 29 Brampton, ON	Krissy Pleff, RWP State of Utah Dept. of Transportation Chapter 38 Salt Lake City, UT	Troy Welder, RWA Synergy Land Services Ltd. Chapter 79 Regina, SK
Tiffani Dygert, SR/WA Atmos Energy Corporation Chapter 36 Dallas, TX	Jon Kriner, RWA Croft and Associates, LLC Chapter 32 Nashville, TN	Kathleen M. Pysh, RWP NISource, Inc. Chapter 13 Bridgeville, PA	Austin Weseloh, RWP PPL Electric Utilities Corporation Chapter 9 Allentown, PA
James F. Fishinger, RWA Clark Land Resources, Inc. Chapter 11 Oceanside, CA	Jon Kriner, RWP Croft and Associates LLC Chapter 32 Nashville, TN	Cody Ragsdale, RWP Clark Land Resources Chapter 11 Oceanside, CA	Holly Whitley-Cataldo, RWA Maser Consulting PA Chapter 31 Charlotte, NC
Kelsey Fogarty, RWA Washington DOT Chapter 19 Spokane, WA	Emmanuel O. Mark, RWP Nuel Mark & Partners Chapter 84 Port Harcourt, Rivers, Nigeria	Jay Roos, RWA Clark Land Resources, Inc. Chapter 11 Oceanside, CA	Melody Yurasek, RWA Las Vegas Valley Water District Chapter 44 Las Vegas, NV
	Ray Mehta, RWA The Metropolitan Water District of Southern California Chapter 1 Los Angeles, CA	Colton Rop, RWA Synergy Land Services Ltd. Chapter 79 Regina, SK	Anthony Zois, SR/WA The Regional Municipality of Peel Chapter 29 Brampton, ON

Note: Education milestones include only newly certified individuals.

IRWA offers two career paths for right of way professionals: industry programs and specialist programs.

Industry 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

Joanna Cooley, R/W-URAC Chapter 8 Richardson, TX	Jon Kriner, R/W-NAC Chapter 32 Nashville, TN	Mark Pearce, R/W-NAC Chapter 33 Tulsa, OK	Ken E. Simpson, R/W-AC Chapter Non-Member Rapid City, IA	Genae W. Sundby, R/W-AC Chapter Non-Member Rapid City, IA
Callie Howard, R/W-AC Chapter 8 Houston, TX	Keith A. Lee, R/W-AC Chapter 4 Seattle, WA	Juan Salazar, Jr., R/W-NAC Chapter 36 Bedford, TX	Bobby J. Simpson, R/W-NAC Chapter 18 New York, NY	Lauren Walley, R/W-RAC Chapter 6 Denver, CO

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

IRWA Governance Task Force Update

Mandate:

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

Who:

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

International Executive Committee:

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

Progress:

The IRWA Governance Task Force Report was presented to the International Governing Council (IGC) on September 13, 2019. The Report was a result of the Task Force's review of the Governance Project process and all pertinent documents produced by the Governance Project. The Task Force used the Governance Project information, feedback, poll and survey data from IRWA members, as well as discussions within the Governance Task Force group on issues in their own Chapters and Regions, to formulate a list of 11 recommendations. The Report offered the IGC recommendations on concluding the final phase of Governance Project, as well as direction on how to satisfy the goals of the project without dramatically altering the existing structure of the Association. The recommendations focus on ways to improve direct communication across the Association, suggestions on ways to ensure full and fair representation, and recommendations related to the creation and implementation of competency-based leadership training.

The IGC voted to receive the completed report and thanked all the task force members for their service. Upon receipt of the Report, the mandate of the Governance Task Force was officially completed.

By a motion at the September 13, 2019 meeting, the IGC voted unanimously to cancel the final phase of the Governance Project, as was recommended by the Governance Task Force. It is anticipated that following a review of the Report by the Regions at their respective Fall 2019 forums, the IGC will meet in February 2020 to determine how to address the Governance Task Force Report's remaining recommendations.

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

IRWA Member Farewell

William “Bill” Miller



William Cleave “Bill” Miller of Orlando, Florida, passed away on August 5, 2019. Bill was born and raised in Sandersville, the son of the late Cleave B. Miller and Frances Ivey Miller. He was a former co-owner of B & L Warehouse in Athens prior to working with the Georgia Department of Transportation, Moreland Altobelli and Associates and Continental Field Services. Lastly, Bill was employed as a vice president with American Acquisition Group in Tampa, FL and North Carolina. Bill received the Excellence in Right of Way by the FHWA for his management of the successful Woodrow Wilson Bridge project in Northern Virginia. He

was a frequent speaker and attendee at IRWA events throughout his career, and he supported his staff who were all IRWA members. He is survived by his brother, Roan Miller; his wife, Lynn; nephews, Bivins Miller and his wife Danielle, Harley Miller and his wife Mallory, and Matthew Miller; nieces, Ivey Benson and her husband Allen, Magan Bell and her husband Kerry, Maggie Miller, and Mary Frances Miller; and 11 great nieces and nephews.

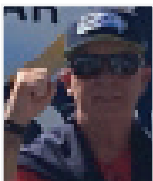
George Echols



George Dewayne Echols passed away peacefully on September 18, 2019. He was born in Tuskegee, AL to George Caleb and Mattye Leigh Echols on February 27, 1952. He, along with his siblings, were reared by their mother and step-father, Joseph F. Marshall. His career with Alabama Power Company lasted more than 37 years where he was employed as a Land Supervisor for its Southern and Southeast Divisions. Within the Auburn Community, he held active community membership in numerous community, civic and service organizations. He was a dedicated IRWA member and was elected to the Executive Board of Alabama Chapter 24

in 2010. He went on to serve all the offices, including President in 2013-2014. He was Professional of the Year for his Chapter in 2014. George was preceded in death by his parents and one sibling, Syletha Marshall Morish. He will be remembered by his loving wife of 40 years, Patricia Harper Echols; children, Jeremy (JaRyce) Echols, Melanie (Jesse) Chambless, Kevin (Andrea) Harper, and acknowledged son Morris Tooles, II; grandchildren Alexandria, Bradley, Jaden, Harper and Charlotte; siblings, Gwen Echols and Michael (Cynthia) Echols; several aunts, uncles, nieces, nephews, cousins and friends.

Mark Wade Waters



Mark Waters, 61, of Houston, Texas, passed away on October 4, 2019. Mark was born in Panama City, Florida on November 18, 1957 to Wade and Helen Waters. Mark married Patti McMorrow on October 4, 1980. Mark’s life centered around Patti and their two children, Tiffani and Justin. He was employed by Enterprise Products of Houston, Texas as a Sr. Land Researcher and a dedicated member of IRWA Chapter 8. Mark is survived by his loving wife, Patti; his children, Tiffani and Patrick Esher and Justin and Jenny Waters; mother, Helen Waters; siblings, Linda and Charlie Moore, Jane Jones, Tim and Sandy Waters, and Joy and

Kevin Richardson; grandchildren, Riley Esher, Reed Waters and Otis Waters; and nieces and nephews, Heather Foster, Lori Rempe, Casey, Kylie, and Gus Waters, Ryan and Zach Jones, and Krissie and Tyler Richardson and Kate Weeks.

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