

A BLUEPRINT FOR LEADERSHIP:

Then & Now

San Diego Chapter 11 Celebrates Milestone Anniversary



Congratulations are in order for IRWA's San Diego Chapter 11. For 55 years, its members have worked to advance the right of way profession in San Diego.

Chapter 11's members consider it one of the strongest in IRWA, and are proud to possess financial security and strong leadership - all part of a recipe for remarkable success. The Chapter has a diverse membership, comprised of both young and old members from all walks of life. Over the decades, this Chapter has come together and evolved into a strong unit of leadership. Members take full advantage of IRWA's educational opportunities, professional development programs and networking events, all of which have helped them to grow into their personal best.

During the Chapter's celebratory luncheon, held this past September, Carol Brooks, SR/WA took a moment to reflect. "Fifty-five years ago, a handful of Southern California right of way professionals executed their vision to create a network for their peers and a blueprint for leadership, which they have left for us to carry on in 2010. All of us in Chapter 11 are thrilled to continue the proud legacy of our first officer board and membership body, who bravely established pinnacle attributes of management, commitment and involvement."

Acknowledging that much has changed in the profession since those days, Carol introduced longstanding chapter member and guest speaker, Bill MacFarlane, who shared his insight about right of way work then and now. His speech follows:

THEN: Fifty-four years ago when I became a member of the then-American Right of Way Association (ARWA), property owners had very little protection - the acquiring agency had the gold and made the rules. The property owner wasn't always treated with respect or consideration during the acquisition process.

The owner was often told if they didn't accept the offer, their property would be taken by eminent domain. This method is otherwise known as the shotgun approach or condemnation. In those days, the term negotiation meant, "Here is our offer, take it or leave it. While you may think your property is worth more, let me tell you that our appraisers are never ever wrong." Although a terrible situation for the property owner, as a right of way agent, you might say that those were the good old days!

Back in 1956, if you were a California right of way agent working for the State Division of Highways (now CALTRANS), you had to be a member of the ARWA. However, in those early years, our membership was not as diverse as it is today. Back then, we didn't have an educational program that supported our profession, or the numerous certifications available now, and we certainly didn't have the Senior designation. In the good old days,





Pictured, from left: David Allsbrook, Bill MacFarlane, SR/WA, Joel Newsome, SR/WA and Carol Brooks, SR/WA.

we didn't have personal computers, word processing, spreadsheet software, property ownership data bases, GIS, GPS, cell phones or texting. Considering all this, how did we manage? One might say that we waffled along. Paper, paper everywhere, lots of mistakes (errors and omissions), lots of copies and lots of disgruntled property owners.

Now: Well, ladies and gentlemen, these days the word negotiation has taken on a whole new meaning. Eminent domain laws provide property owners with more protection and now we negotiate settlements. We listen to the property owner and take their input into consideration. We also take into consideration the cost of the condemnation process for both the agency and the property owner. And we look at the risk of making an unreasonable offer.

This is the age of computers and the worldwide web. And let's not forget email, file attachments and PDF files. Today, whether we function as a consultant or as a government employee, we need to better understand the project and cope with the needs and the concerns of the agency and the property owners, and we have the tools to do it. We have learned that understanding both sides and facilitating cooperation among all parties is the key to a happy negotiation.

Agencies have many concerns, such as the negative feedback from the property owners regarding the proposed project and the negotiation process; delivery of physical possession within the project time line requirements; and costs associated with negotiated settlements, damages, relocation and goodwill.

Let's not forget about the property owner concerns. Property owners want to be treated fairly (good faith negotiations); get a fair offer for the rights being acquired; know how the proposed acquisition will impact their property in the after condition and how much they will really receive and how soon (this one can be a catch-22). And, of course, they want to be compensated for damages, relocation, furniture, fixtures and equipment (FF&E) and business goodwill.

My observation regarding how things were 54 years ago and how things are today, is that the negotiating process today is more demanding and requires a higher degree of training, experience and professionalism. Today, the negotiator carries the burden of convincing the property owner and the agency that the proposed negotiated settlement is fair and a win-win for both sides. Luckily for us, we have the resources we need through IRWA and the strong Chapters we are involved in to help up meet those high standards.

So I will leave you with these closing thoughts on succeeding in the right of way profession: TELL me how to do it, and I might forget. SHOW me how to do it, and I might remember. INVOLVE me, and I will understand it and remember.



Membership Chair Sandra Durbin, SR/WA inducts two new members into the Chapter.

