



## Spotlight on IRWA President

# Daniel W. Beardsley, SR/WA

As leader of IRWA's International Executive Committee (IEC) and board of directors, Dan Beardsley, SR/WA, plays an integral role in implementing the strategic vision of the Association. In the months to follow, as the leadership envisions the professional development needs for the future, Dan's commitment to continuing education will ensure the Association keeps focused on the future while still addressing the needs of today.

By Barbara Billitzer, Publisher/Editor

Dan, who has been in the right of way and legal fields since 1973, acknowledges the importance of evolving in an increasingly more technical and information-rich environment. "Written and verbal communication skills and the ability to negotiate remain job essentials, but in today's always connected, information-rich work environment, the demands on the right of way professional have increased tremendously," notes Dan. "Our business culture demands immediate response requiring today's right of way professional to research, assess and apply huge amounts of information in a time-compressed situation."

**Q: You have volunteered much of your time to the IRWA over the years. What has been your most rewarding experience?**

**Dan:** I have been blessed to have a number of truly great experiences through IRWA. As a volunteer, I've gotten to know so many great folks, and once the work is over, the fun really begins. If I had to limit it to one experience, I would have to say it was the 1997 Seminar Host effort. While we had some incredible challenges, the spirit and camaraderie of the Alaska members, and all the people from Region 7 and the rest of the Association that kicked in to help over the five years we promoted the seminar, were really hard to top. The

reception and the incredible donation of \$35,000 to the foundations that Region 7 put together for Toronto is a carryover of that spirit and equally rewarding.

**Q: How do you keep updated on issues and trends in the right of way industry?**

**Dan:** Obviously through Right of Way magazine, but I also read and research legal cases, trade publications and periodicals to develop course and seminar materials as well as address issues that come up day to day. When I'm really in need of assistance, I pick up the phone. If I have a relocation, appraisal, surveying or legal issue, I have a whole network of

people in the Association to call. If they don't have an answer, they usually direct me to someone who does.

### **Q: What originally attracted you to the right of way profession?**

**Dan:** I was an out-of-work surveyor coaching a high school football team. Jay Sullivan, that big guy that did the installation, despaired that I would ever be a success at teaching high school kids defensive techniques and offered me a job doing right of way work on the TransAlaska Pipeline.

### **Q: What led you to become an IRWA member?**

**Dan:** If you remember how big Jay Sullivan is — he was also a former Marine drill sergeant — when he said go, I did. Actually my first experience was IRWA Course 101 in Missoula, Montana. Glenn Tonkin, the instructor, dubbed our group mudbound 101. I'm sure he called us that because we started with the law segment and were discussing land interests. John Benson, later a Region 7 Chair and President of IRWA, was a participant and invited the class over to his place for steaks. From that point on I was hooked on IRWA's education and opportunities to network.

### **Q: What would you say is the Association's greatest strength?**

**Dan:** Without a doubt, our members. The overwhelming reason for IRWA's continuing success is the membership. They recruit new members, put on the courses, hold meetings, sponsor seminars, host our forums and International conferences, mentor new professionals...the list is endless. If we could bottle and sell to other organizations what our members bring to the table in enthusiasm, hard work and positive attitude, we would be the wealthiest nonprofit professional organization around. Our folks are problem solvers that get things done, day in day out, and that carries over to the Association.

### **Q: What do you see as the greatest benefit to being an IRWA member?**

**Dan:** You are back to limiting me when you say the "greatest." There are too many good things both professionally and personally I've gotten from the Association. Education is what brought me into the

Association. Nowhere is there a curriculum that matches IRWA's for the type of work we as right of way professionals do. Certainly other professional organizations and colleges and universities offer excellent courses and seminars, but IRWA's blend of subject matter with practical applications, not to mention the interaction with other professionals, covers the gamut of what we do as professionals. It provides immediate applicability and more often the things you discuss with classmates provide the best way to deal with issues that you have to work through with people and organizations in your local area.

### **Q: Do you foresee any major changes in the right of way profession over the next few years?**

**Dan:** In some respects, our business never changes. It continues to revolve around the right of way professional's ability to communicate and problem solve. On the other hand, the environment in which we do our business is rapidly changing. The Uniform Relocation and Real Property Acquisition Act, Uniform Act, and the National Environmental Policy Act, were in their early stages when I became involved in right of way. Since then we have had an increasing array of federal, state and local laws and regulations governing every aspect of our business. A recent project required not only the acquisition of rights of way from private property owners and agencies, but also a storm water waste plan because more than one acre of vegetation was disturbed, a hazardous spill contingency plan, special permits for a fish stream and a number of other permits. To be effective, today's right of way professional must have thorough training and knowledge over a number of disciplines, if not enough to be able to solve the problem, at least enough to recognize there is a problem or a requirement that must be met.

### **Q: What would you like to see happen to increase the Association's visibility?**

**Dan:** My personal belief is that we must develop courses or at least sponsor educational opportunities to train right of way professionals in the skills that will assist them in becoming supervisors and managers. Our programs are geared to the entry-level and journey-level professional. Until we

begin assisting our members to move into the management ranks, right of way professionals will remain the problem solvers at the project level, but won't be the decision makers at the program level. In most agencies that have active right of way involvement, the decision makers are more often engineers, project managers or planners, people who deal with the budgets and long-range schedules of multiple projects, not the individual activities within a project. As an Association, to be visible to the management ranks, we must have members in those ranks.

### **Q: What role has education played in your right of way professional career?**

**Dan:** Huge. Education brought me into the Association. I still remember vividly the 101 classes, the communication class series and partial acquisitions, Course 401. The skills I gained from those classes shaped my professional career. Course 201 completely changed the way I negotiated, and even 20-plus years later, I still use many of the principles I learned in that class, whether it is negotiating right of way acquisition or a construction claim dispute. Education has been my primary passion with the Association. I am very proud of Course 802 Legal Aspects of Easements. It is a fundamental need for our members, and I still enjoy student's reactions and questions when they are first exposed to some of the concepts in the course. We have a number of courses that make life in the trenches so much better for our members.

### **Q: Why did the Association decide to evaluate and revamp all of the IRWA educational courses?**

**Dan:** Two reasons. One, the courses have been developed by a number of different instructors with different approaches. Every set of materials you pick up is different. The goal is to make sure that the participant's manuals have all the information necessary to make them an effective learning tool during the class and a reference after the class. We want them to have consistent learning principles and format, branding if you will. The second reason is that we need to challenge each course to determine if it meets the needs of our members and is the best tool for our participants. From a management

standpoint, we need to assess our inventory. Do we have all the courses we need and are the ones we have the best course or the best use of the Association's time and resources? The International Professional Development Committee (IPDC) is reviewing each of the courses and will make recommendations to the International Executive Committee (IEC) whether or not to keep the current course, change or modify it, or eliminate it. We have also asked all the International Committees to review the courses and let us know which ones need modification or updating and whether we need to add areas of instruction. The education summit we are holding later this year will convene the various stakeholders in IRWA's education programs. At that summit, we hope to establish the direction and the format for IRWA education in the future.

**Q: What has been the biggest challenge during your five to six years on the IEC?**

**Dan:** I believe the strategic planning process is the most important thing we as the IEC do. Prior executive committees had developed a strategic plan, but implementation was lacking. Collectively it took a lot of work for us to define what we wanted to accomplish as an executive committee. In some respects we didn't provide much leadership in the early years of the plan because the IEC was struggling to define its mission. In the last two years, we have made some significant strides: The International Committees have responded very well to our Committee Governance; we are seeing major efforts by the committees to review courses and provide the IPDC with input on educational needs; several committees are developing seminars and "canned" presentations for use by chapters; and all of them are developing subcommittees to spread the work around and increase participation by the committee members. Regionally, the Chairs and Vice Chairs are taking a greater role in working with the IEC. Regional Chairs are now taking responsibility for the leadership training at the regional forums and have a more active role in explaining the annual budget and the activities of the Association. The regional folks are also taking the lead in identifying the roles and responsibilities of the regional officers as well as the chapter officers. With both International Committees and the

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Regional Officers, we are seeing strong involvement which stems from the guidance that the last several executive committees developed through the strategic planning process. It has been a lot of work, but we are beginning to see the results.

**Q: As IRWA's President, what are some of your most immediate priorities?**

**Dan:** My three most immediate priorities are beginning the update of IRWA's strategic plan, the Education Summit and the continued involvement of the Regional Chairs with the IEC.

As we have discussed, in my view the strategic plan is the most important thing the IEC does. The reason I say that is that it is the one effort which provides the focus for all of us on the IEC to work toward common goals, not the individual goals of one person. With common goals, we don't change direction every year, so staff isn't told to focus on one thing this year and after the installation of a new president be told to stop that activity and go in a new direction. It takes time to make significant changes to a volunteer organization, and the strategic planning process builds in continuity from year to year. We've essentially accomplished what is in our current plan. As we do this interview, the IEC and the Chair of the Membership Committee and the Chair of the IPDC are getting ready to undertake a planning session that I hope will develop the vision that will lead us over the next five years and into the future. It is just a

beginning because the vision is only the first part. Once the vision is identified, we will need to develop goals and strategies to implement that vision. In the next issue of Right of Way magazine we will introduce the process to involve our leadership and any members that wish to be involved in the development and implementation of the new strategic plan.

The Education Summit is really another part of the strategic planning effort. It will focus on where we as an Association need to go with our education. Between the Education Summit and the revamping of our existing courses, I hope we will put IRWA on course to a significantly improved education program. If we do it right, education will be the catalyst for improved revenues which will lead to a greater opportunity for the Association to expand its services to our members and pursue global growth opportunities.

The third area, the involvement of the Regional Chairs with the IEC, expands our leadership base, allowing all of us to find newer and better ways to serve our members.

**Q: What do you hope to accomplish during your 12 months as IRWA President?**

**Dan:** I don't characterize it as what I want to accomplish. Because of our strategic planning efforts, it is the goals of the IEC that all of us are seeking to accomplish. There are six of us elected members on the IEC, along with Dennis Stork on behalf of headquarters, and Steve Ruth, our general counsel, plus the 10 Regional Chairs who are developing the goals and strategies. My hope and belief is that this group can and will establish the foundation for future growth of the Association.

Let me preface by saying that I think IRWA's potential is unlimited. And with that, I think the key to reaching that unlimited potential is to plan and establish our vision for the future. Collectively, my colleagues and I started strategic planning about five years ago and developed plans to implement that strategic plan. The projects we've completed are essentially those that we felt we could accomplish so that we could demonstrate a tangible step for the

Association. But the plan didn't have any BHAGs, big hairy audacious goals or "BHAG," and basically what we did was work on a plan that we felt we could accomplish; partly because we didn't have the support structure in place. I think Dennis has done a good job in building up the headquarters staff, and I think that we're moving to the point where we can start looking at BHAGs.

**Q: What would be a good example of a BHAG?**

**Dan:** What I would personally like to see, this is an idea I've got to attribute to Alan Wurtz, is for IRWA to become the global center for right of way education.

Essentially, we want to have a subject matter faculty who would be in a position to do live video multimedia presentations that would be responsive to the needs of our members. We would strive for a comprehensive program, not only IRWA courses, but be able to host other organization's courses just to facilitate getting that information out to our membership.

Also, we want to expand what we have to offer so that it's applicable from the entry-level person all the way up to management. I think we do a great job training entry-level and journey-level people in the right of way profession but I don't think we have a very strong presence when we start moving up into the upper levels of management. I think that would be a very significant step that we can take as an association. Part of the advantage to doing the teleconference is, for example, there may be another organization that has a program of benefit to our members but may not be appropriate for us to try and develop. A good example is the Project Management Institute. They developed a number of courses and programs on project management, and it might be more appropriate to use their vehicle rather than developing our own.

Another area that would be significant would be to develop a stronger role with our federal agencies. As we are seeing today, their training budgets are going down and the availability of time for training is being decreased all across the board. I think IRWA's potential would be to provide some of the educational opportunities. I think the losing party in

this is the public. With the cut-back in federal dollars and state dollars for training what we're finding is that people have less skill and less capability being put on the job in many cases trying to sink or swim, and unfortunately, quite often they sink. I think that IRWA could perform a great role by being in a position to help those agencies in their training needs. The training center I mentioned would be helpful that way as well.

The last part of the vision is for IRWA to go global. I think there's a potential for crossing borders — not only would we be able to expand what IRWA does — but I think we would be able to learn from our neighbors from across the seas. A good example would be dealing with comparative laws and best practices. We've had our members go on the Federal Highway Administration's Scan Tour, and they brought back a host of ideas from some of the European countries. It would be helpful for us to be involved with other countries and bring back that same kind of information for our own members while providing them with information about our Association, our laws and our practices as well.

**Q: Are there opportunities for IRWA to partner with similar associations in other countries?**

**Dan:** We're pleased to work with the Japanese Consultants Council Association (JCCA) and the South African Right of Way Association (SARWA), which was actually formed after one of their current members, Bobby Richardson, came to the U.S. and attended one of our annual conferences. He strongly believed in what we were doing, and they formed SARWA. I'm not aware of other specific right of way organizations overseas, however I think there is a demand for it. We're getting contacts from a number of the Asian market countries, and I understand that some of our members have recently had discussions with representatives from Mexico and Spain.

IRWA has an enormous opportunity relative to our educational programs and our compensation requirements. For instance, the Japanese adopted many of the provisions stated in the U.S. Constitution, because in 1945, part of their requirement was to adopt similar constitutional provisions. Consequently, we have a history

of eminent domain law that they can look to for guidance.

**Q: If you were to describe the right of way profession to someone who isn't familiar with us, how would you describe what we do?**

**Dan:** What we do is definitely unique. Let me tell you an antidote first and then try to explain it.

A few years ago, I was in a meeting where I found myself explaining the role of right of way professionals. One of the people in attendance was the head of Alaska Housing Finance Corporation, which is the secondary mortgage market lender in Alaska and essentially sells bonds to fund real estate loans that are made by Alaskan banks. The CEO of that organization came up to me afterward and said, "You know, I never thought about right of way before, but it makes sense. Even with the entire infrastructure we deal with, I just never realized that there would be a need for an organization like yours." And I think that's the typical reaction from society. People don't recognize that there's a need for an organization like ours. Past President Don Marx once called us the "quiet organization." You never hear about us unless things are going wrong.

But I think right of way is essentially that of a problem solver. The people that work in right of way are problem solvers. We're the people that function as a liaison between



the need for the project and the impact on the individuals that are affected by the project. We're really an interface between the capital project people that construct and the public, the people that are impacted by those projects. If it weren't for right of way professionals, I don't think that you'd get to the same agreement level or that projects would run as smoothly as they do.

**Q: Would you like to share your most challenging right of way experience?**

**Dan:** Probably one of the most challenging experiences for me was a project that occurred back in the late '80s. Alaska, like a lot of western states that were heavily involved in oil and natural gas industry, was in a severe economic downturn. This was right after the 1986 tax act change and during the savings and loan debacle Alaska had a significant loss of value in our real property market. The project went through a subdivision requiring the acquisition of 54 new homes. Of those 54 homes, only three had any equity. The rest of them had a market value that ranged from \$20,000 - \$30,000 under the mortgage amount.

I personally called a number of people in different states and asked what they did in similar circumstances. Virtually every one of them told me that they put it in condemnation and let the courts sort it out. That approach wasn't acceptable to us. My staff and I started out by asking, "How would we like to be treated if this were to happen to us?" It certainly wasn't by taking the owner's home, leaving them \$30,000 in debt without a chance to hold onto the property until it appreciated or they had a chance to pay the balance down. Had the properties been condemned, the courts would have ruled that they still owed the \$20,000 - \$30,000 over the mortgage amount. In that case, they would not have been able to get another mortgage to buy a replacement house, putting them in a "Last Resort Housing Status." Putting 51 owners in a last resort housing status wasn't in the state's best interest either.

Instead of relying on the courts, we worked out a program in which the Federal Highway Administration agreed to let us

pay off each mortgage rather than pay the fair market value. Because we administratively settled every one of the purchases, FHWA also allowed us to use a modified FHA/FHMA appraisal form to reduce the project appraisal costs. As part of the deal, the Alaska Housing Finance Corporation, who held the loans on many of the properties, agreed to discount their loans to reduce the payoffs. It was a win-win for all. The homeowners weren't saddled with a debt they couldn't recoup, most of the owners purchased larger repossessed homes in the same neighborhood at a lower cost, Alaska Housing eliminated most of its inventory of repossessed homes, and the state saved an estimated \$600,000 by not having to fund last resort housing and reducing appraisal costs. The project moved very smoothly. That was a true challenge.

**"Treating people the way you want to be treated ... and problem solving — those are all skills that the Right of Way Association teaches"**

Treating people the way you want to be treated as an individual and looking for a solution and problem solving — those are all skills that the Right of Way Association teaches in its communication courses, helping us as professionals to look for those kinds of opportunities. Those skills helped my staff and I come to the solutions for that project.

**Q: What would you say is the Association's most untapped resource?**

**Dan:** Our volunteers. I'm always surprised by the amount of effort people put forth to make things happen for the Association. I've seen them overcome obstacles and strive beyond what I thought was even possible. The camaraderie is unbelievable, and as a consequence, I think we can do a lot more. Some of it starts with just asking people to become involved. What I was really heartened by in Toronto was the number of members who came up to me. They didn't come up to complain. In fact, they were all coming up and asking what could do to help. Our members demonstrated a very strong and positive attitude and willingness to get involved in the Association. I think the challenge for us as leaders of the Association is to identify meaningful projects for those volunteers, and to give them the opportunity to show what they can do. That's what I consider to be our biggest untapped potential.

The IEC has realized that the Association's regions and committees had enormous potential to take on more responsibility. In the strategic planning process the IEC identified some specific ways the committees could help move projects forward. Last January, we met with our International Committees while in Washington, D.C. Each committee chair was asked to bring a PowerPoint presentation and explain some of their current activities and projects planned for the future. The response was amazing. Everyone in attendance walked away shaking their heads and saying, "Wow; we couldn't believe that there was so much going on!" It was a pretty powerful experience.

To see that kind of enthusiasm and witness the effort taking place really makes you feel good as an executive committee member. Now the committees are working with subcommittees and defining meaningful ways for their committee members to participate. This will prove to be beneficial for each committee member and the Association as well.

With the incredible members we have and the support they provide the Association, I think the Association's potential is truly unlimited!