

Dear Dr. Mazie,

My company has told me that my department will have to take a course on Good Faith Negotiations. I understand you have been teaching such a course. Can you tell me why this is suddenly being required?

– Joe B. in North Dakota

A very good question, but it has a rather complicated answer. To start with the simplest explanation first, various regulatory agencies, like the Federal Energy Regulatory Commission, North American Electric Reliability Corporation and Public Utility Commissions think everyone who deals with landowners – especially right of way professionals - should become more sensitive to landowner needs and improve their people skills and attitude in dealing with them. This is based on the increasing number of complaints these agencies have received from landowners in the past several years.

While that's the simple answer, it is incomplete and a bit one-sided.

Truth is, there is a diverse group of professionals who also interface with and/or have an impact on landowners and their properties. Consider the project engineers who route a project; survey crews; environmental and archeological professionals who make assessments of proposed route lands; agency permitting folks – environmental and non-environmental; construction crews; and after the projects are complete, operational and maintenance personnel.

The interesting fact is that if you asked any of the above mentioned professionals who they believe usually creates the greatest landowner problems, the finger doesn't generally get pointed at us right of way folks. That doesn't mean we don't need to continue to grow and improve ourselves, or that

as professionals, we are perfect. We all know there are some renegade right of way agents or agencies out there that have bad attitudes and aren't particularly sensitive to landowners and their concerns. But overall, I think we can say that our industry is filled with a lot of good people, trying to do a good job, many times in very difficult situations where we have no control to influence the adversities. But we meet the challenges and try to find the best solutions available.

From my experience, I believe that the complaints have been misinterpreted because those who regulate the industry don't clearly understand the intricacies of our work. As a result, they have been quick to jump to the conclusion that we are the primary problem, perhaps because right of way agents spend more face-to-face time with landowners than the other groups.

I would challenge these agencies to look further, investigate all the complaints thoroughly and speak directly with the right of way agents. I think if they took the time to examine the facts, they would find that the landowner complaints (other than those who don't like a particular project or want it on their property) are often related to what happens very early in the project life, when routes are set or survey crews get overly eager and walk on to property without the necessary permits in hand; and/or during construction when crews cross outside their work area and the right of way, ultimately destroying trees, crops and creating other damages.

Again, I'm not going to say that right of way professionals don't make mistakes or can't improve. But the reality is that pipelines, transmission lines, wind farms, solar farms, highways and roads projects are all complicated, multi-layered and intricate processes that involve a multitude of professionals.

My advice is to find a Good Faith Negotiations course, learn and grow from it, then get back to the business of right of way with a refreshed attitude and possibly a few nuggets from the class that will assist you in your day-to-day work.



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A nationally recognized speaker, workshop leader and trainer, Mazie has a clinical background in applied psychology with expertise in organizational and personal development. She is Senior Vice President of Contract Land Staff, LLC, where she oversees training and team excellence programs.