



# Mama Said There'd Be Days Like This

## The Art of Negotiations

*By Carol L. Brooks, SR/WA*

### Review from Part One, EASE-MENT:

Meg Phillips and Joe Norman, Right of Way Agents for Mountain Range Telecom met with Mr. & Mrs. Stillner to discuss an easement that would allow the placement of fiber optic on their farm. The course of their negotiations goes from bad to worse as the property owners refuse to grant an easement on their property.

The key points from Part One are as follows:

- Never, never, never use the word "take" to negotiate. Incorporate words like "use," or "easement covers Xft of land," etc.
- "Educate" the property owner about legal terms and concepts.
- Avoid legalese and technical terminology - speak in good ol' plain English. Remember the KIS method: Keep It Simple.

Listen in on Meg and Joe's conversation as they discuss their experience with the Stillners.

"WOW! I feel as though we just got tossed out to the Stillner's pig pen." Joe said as he loosened his necktie.

"You know, I vote for being one of those pigs just about now," Meg added.

"Mrs. Stillner probably cares for them better than she did us."

"Meg, now I understand why the department sends teams of agents out to this part of the country. These folks are tough," Joe exclaimed as he rolled down

the car window, and hoping the fresh country air would ease his pounding headache.

"Do you remember what Morgan said as we left the office to meet the Stillners?" Meg asked.

"Morgan is always saying something crass. I rarely pay attention to him."

"Regardless, sometimes he comes up with good ideas," Meg said rallying to Morgan's defense. "I think he's got something here. Listen, Joe! He said, 'You guys can't go to the country dressed like that. Those farmers will laugh at you as they slam their door in your faces!'"

Joe shrugged his shoulders as he scooted into his seat and laid his head on the head-rest.

"You have to admit that we were definitely over-dressed for the Stillners." Meg offered.

"Think you've got something there, Meg."

"When the Stillners met us, they must have thought that we were better than they were."

"The next field meet we have with farmers, let's say we dress similar to them," Joe concluded.

"Let's think of other things we could have done differently to improve the negotiations." Meg challenged.

"Well for starters, Mrs. Stillner really got fired-up when she heard the word take. Joe said.

"Did you see the look on her face

when we said we couldn't offer compensation for the easement because of the tariffs?"

"Yep! if looks could kill, we'd be goners!" Joe said jokingly.

"We didn't have an answer when they asked why we decided to place the fiber on their property and not their neighbors." Meg said with embarrassment.

"Guess we should have checked with Engineering before the meeting." Joe confessed.

"Do you think they understood the definition and the benefits of fiber optics?"

"Don't know how we could have explained it better. I felt as though we were on a roller coaster by explaining the same thing over and over!" Joe said, a bit irritated.

"There's got to be a simpler explanation. When I return to the office I'll give Barney from Construction a call and ask him if he has fiber samples we can show to property owners." Meg suggested.

"That reminds me! When we were at the trade show, I picked up one of those fiber pens that lights up. We can use that as well." Joe said as he felt a hint of encouragement for an idea that could help future negotiations.

As they continued their drive back to the office, they discussed ways to simplify the explanation for the benefits of fiber. They observed existing overhead lines along the roadside and noted how estatically pleasing the skyline was due

to the significant difference in diameter between copper cable and fiber. At another location they noticed that one fiber line had replaced several copper cable lines, thus further cleaning-up the skyline. They chatted about its improved transmission and low maintenance qualities. They agreed that being able to hear telephone conversations better had to be a plus. And the fiber was more resilient in the inclement country weather. Their brainstorming proved that knowing their product is one of the first steps to success. By the time they reached the office, they agreed there's more to negotiations than riding on the coat-tails of a large company.

"Joe, would you be interested in a negotiations course?" Meg inquired as she parked the car in the company lot.

"I sure could use something," Joe said as he dragged himself out of the car. "Meg, some days they just don't pay enough for this job!"

"Yep! Mama said there'd be days like this!" Meg said with a chuckle.

She offered to make arrangements to enroll in a negotiations course if Joe promised to attend. Knowing that he needed to improve his skills, he agreed to take the course. They entered the

building and proceeded down the long hallway to their respective offices. As they turned the corner they ran into their co-worker, Morgan.

Morgan gave them a glance and said in his usual sarcastic way, "Looks like you two got chewed up in your fancy go-to-church-meetin'-clothes!" .

#### LESSON 2:

a) Know your property owner. What part of town do they live in? What class of people live there? Dress in a way that helps them to identify with you and you with them. This is the beginning of establishing rapport with the property owner that leads to TRUST.

b) Know your product and its benefits. When you know your product, it's easier to explain the most complex concept.

c) Do your homework before you talk with the property owner. Know why engineering designed the job in a particular way. Why this route? Why this property? Is there a possible alternate design? If so what is it? If not, why?

d) Good agents not only excel in negotiations, they are a marketer and a psychologist as well. In order to accomplish successful negotiations, agents need to sell their product and its benefits,

and must be able to identify the property owners behavior in terms of awareness in body language, change in attitude, change in communication, both verbal and nonverbal, and change in voice intonations.

NEXT ISSUE: Tag along with Meg and Joe while they attend an IRWA's negotiations course entitled, "Skills and Attitudes For Successful Negotiations - Part I." ■

*Carol Brooks has over 11 years experience as a right- of- way agent with Pacific Bell in San Diego, CA. Retired from Pacific Bell in 1998 and currently a right- of- way consultant, her expertise includes acquisition, creating/instructing training programs on negotiating and site selection, project management and zoning. An active IRWA member since 1990, she serves on various committees, was the former President of Chapter 11 and currently Chair of the International Liaison Committee.*

*In the last issue of Right of Way (May/Jun Vol. 47, No.3) the illustration in Carol Brooks' "Ease-Ment: The Art of Negotiation," was created by Fred J. Kruse, a Right Of Way Agent for Pacific Bell.*

## Want Your Ad In Color Like This One?

Well it can.

Advertisers now have the option to place a 4-color ad in *Right of Way* magazine .

Bring out the colors that represent and project a more dynamic image of your company. Contact Mary Anne Modina for quotes

(310) 538-0233 Ext. 130  
modina@irwaonline.org

Discover the difference color can make!