

Dear Dr. Mazie,

I've been a Right of Way Agent, primarily working on pipelines and electric transmission lines, for almost 30 years. During this time, I have witnessed a consistent problem - there is never sufficient time built into the project schedule for us to do our job properly. This creates unrealistic expectations and ethical challenges for all right of way professionals. Will there ever be a solution?

– Joan in Miami

You have identified what I consider to be the most critical integrity-related issue in the right of way profession, particularly within the private sector. There's always a need to rush, a push to get things done. While other phases of the project have been carefully planned, there is never adequate time set aside for the critical right of way processes. So our timelines get compressed, leaving us with little time to perform our job well. In fact, most of the other professionals involved in the project have no clue what we do or why we can't do it well under an accelerated schedule.

The reality is that right of way is virtually intangible to professionals outside of it – including project and design engineers who do not really understand the depth and breathe of what we do. Right of way is a complex, multi-layered, ever-changing, demanding and intricate profession! And the skills and professionalism required to do this work properly and efficiently is grossly underestimated by those outside the field.

So where does this problem originate? It begins with a lack of understanding by those groups initially involved in the planning and execution of a project. We all realize that there's a lot that takes place before any project can even get off the ground. Starting with the deal that's made, whether there is financing available, consideration of the various partners and respecting those very complicated relationships, the location of the project and its geography as well as the particular regulatory agencies involved. Then of course, we must consider the type of project (pipeline, electric transmission or wind

farm, to name a few) and the current political perspective regarding that kind of project. And we can't forget the financial goals that are totally dependent on the project completion. Whew!

In addition, the project schedule is often determined without regard for weather, delays, constructability concerns (the initial route may require excessive horizontal drilling so route changes can take place, for example), the landowners emotional and financial ties to their land (which can be unpredictable), as well as the eminent domain process (lengthy). The fact is that in the initial deal, the deal-makers may have grossly overcommitted the project completion date.

And as if there weren't already enough project variables, we can't forget to factor in the unique and very different individual personalities involved in the process – some focused on the financials, others focused on protecting landowners and/or the environment, and those who just want to get their part of the project completed.

When the design engineers, lawyers and financial folks set the project budget and schedule, many, many things are in place that will obviously affect right of way, yet right of way professionals are almost always excluded from this step. By the time that right of way is finally brought into the project, it is basically at the mercy of all that has previously transpired. And this is where the ethical issues begin.

Like all other specialists, when we begin our involvement in a project, we focus on what we need to do and how to do it. We take great pride in the unique perspective and skills we bring to the project. For us, it is so much more than just a small piece

of the overall project. This seemingly small part, as perceived by the other professionals involved, becomes the entire right of way project for us, and we want to give it the attention it deserves. When we are not given adequate time to give it our 100%, we feel pressured to get it done, rather than to get it done well.

So what is the answer? The answer lies in educating the public about the right of way profession. I believe that every right of way professional, consultant and service company, the Consultants' Council and IRWA must all make a concerted effort to educate those groups of professionals who make the deals and plan the projects about the reality of what right of way is all about. Make no mistake – this will not be easy. Generally speaking, it will require strategic and tactical planning, persistency, determination and perseverance. But then, isn't that what right of way is all about?



Dr. Mazie Leftwich, Psy.D

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.