

## New Organizational Concept of Right of Way in New Mexico

by Bill Garner



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*Garner is a native Texan and began his career with the Texas Highway Department in 1955 at Wichita Falls. He spent four years in Construction and Engineering and transferred to the Right of Way Department in 1959.*

*Prior to his appointment to Director in 1980, Bill served twelve years as Deputy. He has been in the Right of Way Association for eighteen years and a Senior Member since 1969. He is currently Chairman of the Highway Sub-Committee of the International Transportation Committee.*

*The following article was first presented at the Renol 82 Educational Seminar, Transportation Committee session held June 22. Garner is Chairman of the International Highways subcommittee.*

I will open my talk with a quote from the **Right of Way Magazine**, October, 1981; "A Non-Futurist's View of the 1980's" by Charles M. Fornaci, SR/WA, Executive Vice President:

Finally, the days of the single disciplined right of way practitioner are over. A person simply cannot exist and operate effectively if the only thing we can do is negotiate, or appraise, or provide relocation assistance. We are in a multi-disciplined age, and as much as we may wax nostalgic about negotiating in the good old days, those days are over. Either we adapt to the management requirements of the 80's, or we will soon fall by the wayside, or be an "also ran".

The New Mexico State Highway Department recognized the reality of Mr. Fornaci's statement three years ago. Due to the completion of the final stages of the Interstate Highway Program in New Mexico, we found ourselves overstaffed with R/W area specialists, i.e., Relocation Assistance Officers, with little or no background in other R/W disciplines. Further, we had no comprehensive program to cross-train these people in other work areas in an economical manner. Work existed in other disciplines, such as appraisal or negotiations, but we could not immediately expect the under-utilized employee to fit in as he had little useful background in the new work area. The sins of the past had come to roost! We had been lulled to sleep by the huge

Interstate Highway Program. We had designed an organization of specialists to meet the unique requirements of the Interstate program. With the completion of the Interstate program, our organization was no longer suited to our needs. It has been made quite evident to us that we will be required to maintain large workloads and high level of expertise with far fewer people in the future. Cross training our remaining personnel has become a necessity; rather than a luxury. The question then became, how are we going to implement cross training and what are our organizational resources? In terms of education, high travel costs, and inconsistent political edicts restricting out-of-state travel professional training in New Mexico had been brought to an effective halt.

We were confronted with a joint dilemma: (1) the need to train our R/W personnel in multi-disciplines due to our smaller work force, and (2) financial limitations hampered our ability to train our personnel. Our organizational resources were found to be as follows:

1. Become more active in the local R/W Association Chapter and appraisal organizations hoping to influence and encourage in-state; and therefore, offer less expensive professional training courses be scheduled in Santa Fe and elsewhere.
2. Play upon the evident and apparent need to train our personnel in multi-R/W disciplines. Using our quite visible need as justification, we

successfully pushed through a personnel specification and salary study which had built in the requirement for multi-disciplined R/W Agents. This necessitated further educational training to comply with State Personnel Board requirements. Our personnel specifications were built to help resolve our most pressing problem — hiring and training versatile employees.

3. Fall back upon our own extensive resources of experienced and professional personnel. This resource has proven to be as important as the two prior resource areas.

In-house training is now a continuing and beneficial fact of life at the New Mexico State Highway Department. We have developed comprehensive utility and railroad adjustment courses dealing with both State and Federal regulations and construction plan reading. We believe expertise in reading construction plans and R/W plans to be a must for the R/W professional. We found that some of our personnel were lacking in these areas.

A basic real estate appraisal background is of great benefit to any R/W professional. The New Mexico State Highway Department has implemented weekly sessions whereby our personnel are required to attend and brush-up on their skills. Sessions cover everything from filling out forms correctly through appearing as an expert witness at a condemnation trial. The idea is to assist our personnel in achieving a level of performance where their narrative appraisal reports consistently pass review in a satisfactory manner; and therefore, eliminate wasteful duplication of effort.

We have sent our employees through basic technical writing and writing skills courses where basic grammar, composition and narrative skills are stressed. The idea is to eliminate jargon and help our employees develop the skills necessary to write concise and understandable reports.

While in-house training is used to sharpen existing skills, it is not used to replace the professional training offered by the IRWA or other organizations. We feel such instruction should be conveyed in a classroom setting with little outside distraction.

New employees are immediately given a self instructional plan and map reading course during their first week of employment. They are then assigned to each Unit in the R/W Section for a designated period of time which is geared to the complexity of work performed by the Unit. They are then assigned to the Unit for which they were hired to begin their on-the-job training and attendance in training courses.

During the last two years, the New Mexico State Highway Department has managed to get the following courses scheduled in Santa Fe or Albuquerque:

1. A.I.R.E.A. Course IV, Condemnation, January 11-16, 1981.

2. IRWA Course 101, Principles of R/W Acquisition (all four segments), March 30—April 10, 1981.

3. FHWA Course, Relocation Assistance Payments, May 11—15, 1981.


4. IRWA Course 203, Advanced Communication Skills, October 8—9, 1981.

5. FHWA Course, Inspection for Decent, Safe and Sanitary Housing, October 20—22, 1981.

6. IRWA Course 401, the Appraisal of Partial Acquisitions, February, 1982.


7. A.I.R.E.A. Course, Rural Valuation, in Santa Fe, in April, 1982.

As you can see, we are offering our employees extensive training in a short period of time. In each of the above courses 25 to 50% of our employees were in attendance. Also, we are attempting to vary the kind of education offered in an attempt to train well-rounded R/W Agents.



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Due to feedback received from employees attending IRWA 401, The Appraisal of Partial Acquisitions, and A.I.R.E.A. Course, Rural Valuation, recently completed in Santa Fe, the Department has determined to emphasize training in the Income Approach during the 82/83 Fiscal Year.

Currently, the Department has arranged, through its representative on Chapter 53's education committee, to schedule the Association's recently developed Income Approach to Valuation seminar in Albuquerque in October, 1982. Prior to attending this course, employees will be required to attend an in-house training class on the Income Approach conducted by one of our senior appraisers. Stephen Schumpert, M.A.I. and Staff Appraiser, has volunteered his services for this task.

Also, the Federal Highway Administration has agreed to conduct its course entitled, Appraisals Under Eminent Domain for Federal-Aid Highways and

Other Related Programs, in Santa Fe during the week of September 20, 1982. This is a fundamental eminent domain appraisal review course designed for entry level or unexperienced personnel. FHWA will conduct this course at no cost to the Department.

If monies become available toward the end of Fiscal Year 82/83, the Department will attempt to work with A.I.R.E.A. West Texas/New Mexico Chapter 39 to schedule the A.I.R.E.A. Course entitled Capitalization Theory and Techniques, Part I, some time later in the year. Preliminary discussions have been conducted with Chapter officials and they are favorable to such an arrangement. Such an arrangement was the vehicle used to get the Rural Valuation course into Santa Fe.

Funding for the employment of fee appraisers has been reduced in New Mexico. This is due to budgetary considerations. Therefore, we are expecting to use our staff appraisers and other Right of Way Agents for more trial work. Additional

education in the valuation of improved properties will enable our people to produce professional appraisals for court testimony. Hopefully, productivity will increase. We do not wish to tie up our agents in condemnation trials, yet economics require our staff to achieve the necessary expertise in order to give effective court testimony.

Since Right of Way is not decentralized in New Mexico and is located in the General Office in Santa Fe, our training and course attendance is easier to control and more economical to administer. However, since New Mexico is the fifth largest State in land area, the acquisition of right of way requires a lot of traveling for the average agent. We have a total of 12,685 miles on our highway system of which 1,000 miles is Interstate (we acquired the final parcel of land for the Interstate System during the week of June 7, 1982), Primary 4,250 miles; Secondary, on the Federal Aid System — 3,230 miles; Secondary, not on the Federal Aid System, 3,835 miles; and Urban Systems 370 miles.

The New Mexico State Highway Department would like to see the following actions taken by the IRWA in the future in relation to training.

1. A water rights course stressing western states water law. We are one of the major water rights owners in New Mexico. It is quite evident that ownership and beneficial use of water rights is going to be the primary political issue of the coming decade. We hope that IRWA will recognize this need and conform to assist Right of Way Personnel in handling these issues.
2. Expand IRWA Course 101 Segment — R/W Engineering to full one-week presentation. Additional stress should be given plan reading and writing all kinds of legal descriptions.

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# BOOK REVIEW OF DAVID BRODSLY'S "LA FREEWAY - AN APPRECIATIVE ESSAY"

by Richard Robison

David Brodsly's *LA Freeway - An Appreciative Essay* is a well researched, definitive and interesting study of transportation and its prominent role in the development of Southern California. He observes that freeways are not unique to Southern California but have reached their highest level of development and acceptance in the auto centered culture of that region.

The author combines detailed research with philosophical insight in his recounting of early Southern California transportation history. His story is effectively relayed and documented as well as visually portrayed by an outstanding collection of maps, diagrams and photographs. It was interesting to find that the transportation corridors first used by the regions Indians were later used as railroad rights of way in order to promote and to serve railroad real estate developments. These same transportation corridors form the basis for the freeway system which now serves and unifies these same areas.

Brodsly notes that he grew up in Southern California and shared with many others in the area the typical

love-hate relationship with the automobile. He studies and documents the rail vs. auto issue which has been argued for many years in Southern California. He feels that the freeway will long remain the preferred way of life because of the freedom, independence, security and mobility that it offers to Southern California motorists.

The author states that the early-day electric railways and then the freeways were instrumental in allowing Southern California to develop as a sprawling city of back yards and quiet streets rather than a crowded industrial metropolis. The private automobile on the freeway allows this low density, pastoral type of life to continue. The motorists also can travel about the region with only the radio as a distraction and/or enjoy solitude and have undisturbed time for meditation.

To his surprise David Brodsly's research led him to the conclusion that rail transit is not energy and cost efficient and is not able to provide most of the needed transportation services which are available with the auto and bus on

the freeway system.

During the writing and researching of this book, Mr. Brodsly became aware that many of us, himself included, share a number of transportation myths. One of these is that mass transit is the answer to the energy crisis. The author's analysis of the Bay Area Rapid Transit System and other studies indicates that these transportation modes are not energy efficient nor are they the answer for Southern California.

This book has been of particular interest to the reviewer for a variety of reasons, one of which being many years of personal involvement in Southern California freeway rights of way.

However, I recommend this book to anyone interested in transportation, land planning or California history, and to all of us in Southern California whose daily lives are affected in one way or another by the impact of the freeways.

*Richard Robison is a member of Chapter 1 and works for the California Department of Transportation as Chief of the Right of Way Property Services Branch. Robison is a native of Southern California.*