

A HOLISTIC APPROACH CAN SOLVE MANY CHALLENGES

It takes a village

BY GREG SMITH



Nearly every right of way agent has a stockpile of stories about projects that could have gone better. Unexpected twists and emotionally charged conversations can be part of the process.

Consider the Following

A shopping district has expanded beyond the point where existing infrastructure can support the increase in traffic. A DOT plans to install a new interchange with new turning lane, curb and sidewalks for pedestrian traffic. The plans call for a row of trees to be removed on a private residential property to accommodate the design. The first time the DOT requests the contracted right of way agent contact the landowner is to present a uniform offer. After an emotional initial conversation, the agent has learned that the landowner lost his wife and children in a car accident several years ago. Each tree was planted in memory of a family member lost in the accident.

A 10-inch gas transmission line is planned on the outskirts of a major urban area. Zoning is generally mixed use or nonexistent. A developer owns a 45-acre tract of land with plans to construct mixed-use residential apartments with restaurants, businesses and medical facilities below. The pipeline route bisects the property. When the right of way agent approaches the landowner, substantial damages are reflected in a counteroffer and reroute request. The landowner requests the pipeline navigate the property boundary inside building setbacks. This results in delays in the project schedule, impasse with the landowner and increased cost for both the engineering and survey teams to evaluate the route.

Most right of way agents who have acquired property know these situations are more commonplace than we'd like to admit. They often occur because not all stakeholders are tapped for input at the start of a project. Though complications are sometimes unavoidable, design changes and delays can be mitigated through:

1. Engagement of right of way stakeholders during project conceptualization, and
2. Frequent and clear community engagement during the routing and survey segments of the project.

In contrast to the stories above, imagine project conception as a roundtable discussion in which the routing, engineering and project management teams elicit feedback from subject matter experts on evident pinch points based on land use, zoning, common industry practices, local experience and clear and conspicuous current use. Roadblocks are mitigated before the congestion of project scheduling compounds foreseeable risk into costly delay. Project budgets are more accurately captured and unforeseen expenditures avoided. Contingency is allocated with insight and earmarked with purpose.

The entire project team can walk away from the drawing board with a unified message, ready to answer the whats, whens, hows and whys of impacted landowners.

We Are the Eyes and Ears for Our Clients

The second component of a successful infrastructure project is early, frequent and clear communication with landowners. The survey phase is often the first opportunity for an agent and landowner to have a meaningful one-on-one interaction regarding impact to the property.

This begins with survey permission and notification. The right of way agent should be communicating with the landowner at this stage to identify opportunities to build rapport and demonstrate good will. As the landowner is presented with preliminary project plans, he or she should have an opportunity to contribute insight.

Agents speak with landowners to determine ingress and egress preferences that take current land use into consideration. This can include livestock and farming concerns and unknown or unrecorded utilities, such as geothermal loops, sprinkler and septic systems, water wells and cemeteries. These findings are then reported back to the project team, analyzed by internal stakeholders and incorporated when feasible into the final line route. This cuts down on additional trips to the field for survey crews and the associated added cost to the budget and time to the schedule.

Ideally, after survey permission has been obtained, the assigned agents walk the project corridor with the survey crews. This helps to build familiarity with current property use and discover areas of potential impasse through the eyes of a land professional. This all sounds straightforward, but the land component of a project can be overlooked within the context of tight project schedules, budgetary constraints and independent variables being driven forward.

A Failure to Plan is a Plan to Fail

So, what's the plan from here? The first step toward incorporating lessons learned from past projects is to schedule project debriefs to discuss pinch points. This can help identify ways in which early engagement of right of way resources might have led to different outcomes.

Redoing surveys, completing additional engineering design and demobilizing construction crews are comparatively much more costly than allocating upfront resources to mitigate those outcomes. Facilitating these discussions lends credibility to change. From there, take the opportunity to host a "lunch and learn" outside of the right of way group with different disciplines in your company. Consider scheduling a meeting with different groups with a client, such as the project management team. Drive home the message that upfront right of way involvement saves cost and increases credibility. A holistic team approach to infrastructure design is best for our projects, our clients and our industry.

In the right of way industry, we have certain obligations to make sure our infrastructure projects support our communities rather than burden them. As contractors, we have an obligation to our clients to be fair liaisons to their customers and communities. As utilities and government entities, we have an obligation to make sure our contractors represent project and company objectives both ethically and responsibly.

When our first interaction with a landowner is that of an offer and a rigid route, we have failed that charge.

Let's work with our communities, for our communities. It takes a village. 🌟



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