



This article has been adapted from an interview I did with the podcast "Elevated Access: The Inside Story" with Chad Hughes. The podcast focuses on the access required for energy and infrastructure developments across North America. You can find the podcast and listen to the full episode on Apple Podcasts and Podcasts.app.



Global Infrastructure Real Estate

Best practices and thoughts from a seasoned veteran

BY GORDON E. MACNAIR, SR/WA, AACI, P.APP

In my forty plus years of experience as a real estate infrastructure professional, I've been fortunate enough to have worked with people from across more than six countries: Canada, U.S., U.K., Australia, Mexico, South Africa and Nigeria. As I've observed and learned more about how the industry has taken shape to meet the needs of the communities in those respective places, I've gained a great appreciation for the similarities and differences that we all share as right of way professionals.

For instance, terminology differs greatly depending on where you are. As a prime example, years ago, IRWA member Doug Hummel, SR/WA, was doing research in the U.K. to see if there was a similar organization to IRWA, but he wasn't having much luck. Eventually, someone informed him that the term "right of way" in the U.K. refers to a pathway through a cow pasture — definitely not what he was interested in! He then discovered that "right of way" in the U.K. is referred to as "infrastructure real estate." Other countries such as Australia refer to it as "land access." I, myself, am partial to how the UK and Australia refer to our industry as "infrastructure real estate and land access," which I have found to be a more approachable description to those who are struggling to understand what we do.

Despite these differences, the one thing I've found the most fascinating about infrastructure projects is that we are all facing similar problems — the size and scope of the project may vary, but the real estate issues are a common denominator regardless of what country in which we are practicing.

Compassion & Empathy Go a Long Way

I was raised by my grandfather who was a retired farmer in northern New Brunswick. One day in tenth grade, I remember getting off the bus and noticing how distraught he looked. The Department of Highways (DOH) had removed his two access points, including the culverts on the other side of the road, which meant he no longer had access to his hayfields on the south side of the highway. I'll never forget seeing how devastated he was — I couldn't remember ever feeling so helpless before as the DOH had not contacted with my grandfather whatsoever about disrupting his property rights. Eventually, one of our neighbors was able to assist us in dealing with the DOH so he could get his access restored.



I still have the painting of our farm in my office. Every time I see it, it reminds me why it is so important to respect people and show compassion. After all, we are all human beings with basic needs and our property is very special to us.

I have carried this notion with me throughout my professional career. Regardless of our background and where we live, humans can always benefit from a little kindness and learn from one another.

Building rapport and being empathetic toward others are key components in this industry that may not be immediately emphasized. When engaging with the various stakeholders such as property owners and tenants, it's vital that we show compassion by being kind to one another or the situation can quickly result in lasting negative impacts.

The idea of compassion and empathy can also be applied to the bigger picture. One of the major differences between the countries I've been fortunate to learn about through my capacity as past IRWA International Relations Chair, was how different countries assist people in relocation projects for residential properties, businesses and farms.

In countries like Australia, Canada and the U.K., compensation is offered to the owner when they are displaced. However, in the U.S., the Uniform Relocation Act, a federal act passed in 1970, states that the authority legally must work with displaced parties, on federally funded projects, to provide relocation advisory services on top of paying compensation. This extra step in ensuring that the landowner is taken care of after being displaced is another reminder of how compassion can go a long way and even make lasting impact in legislature.

In fact, since learning of the Uniform Relocation Act in the U.S., my colleagues in the U.K. have taken interest in providing similar assistance to those displaced within their respective countries. The Compulsory Purchase Association (CPA) in the U.K. has invited some IRWA members from the U.S. such as International Past President Lee Hamre, SR/WA, to cross the pond and explain this legislation so CPA could consider advocating for changes in their legislation to better assist those displaced.

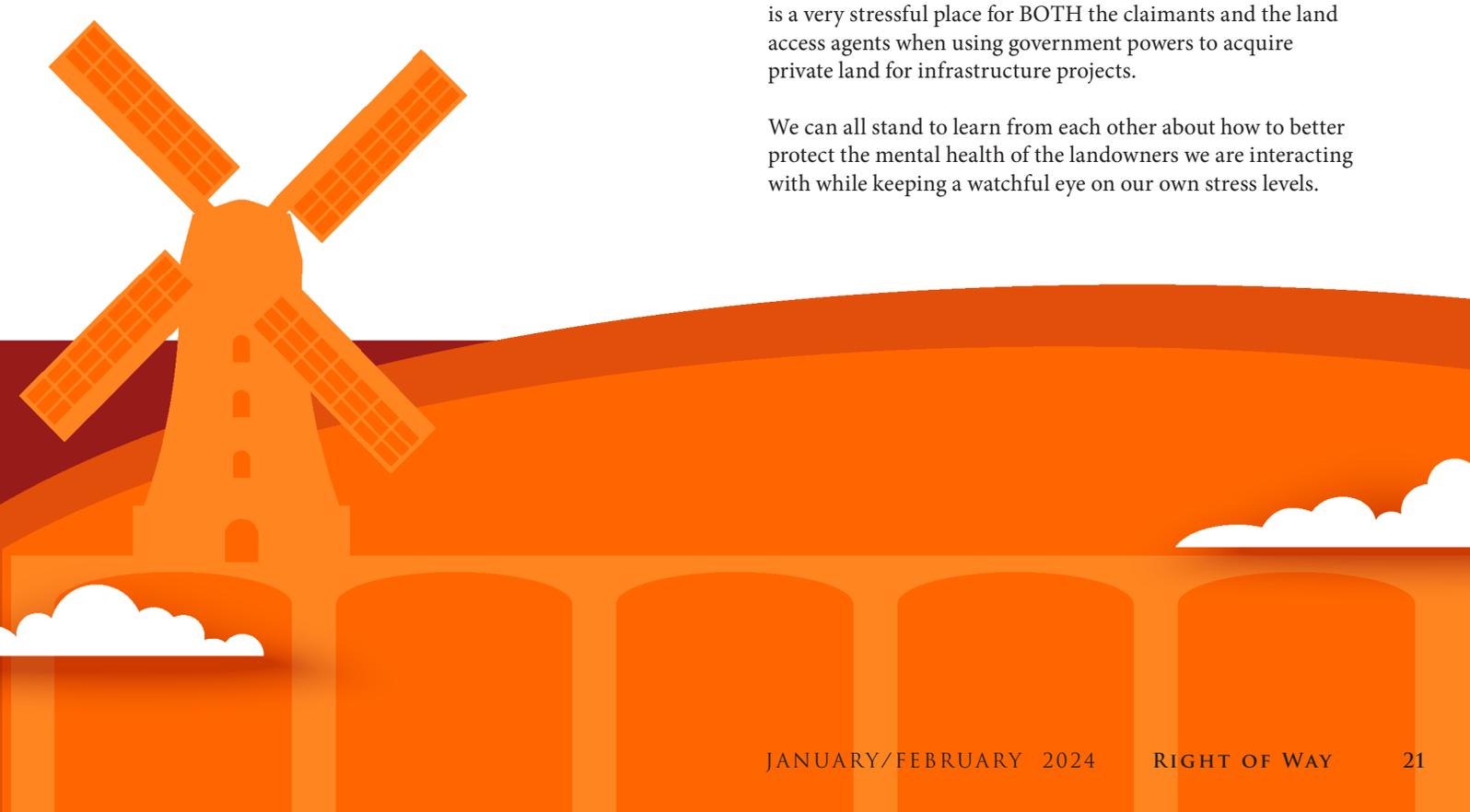
Take Care of Your Mental Health

At the annual education conference in Denver last year, Jamahl Waddington from Australia provided a presentation where he highlighted some of the significant opposition issues faced by land access agents for their renewable transmission energy projects, including landowners using social media to post the visits — this has resulted in agents being required to bring an additional person with them for safety. Situations like these are very real for our industry and pose significant mental health challenges for both landowners and agents.

In 2022, the CPA conducted a survey to determine how the compulsory purchase order (in Canada, this is referred to as expropriation; in Australia, it's compulsory acquisition; and in the U.S., it's eminent domain) negatively affects people's mental health and well-being. It was the first survey of its kind to look specifically into these issues. There were several specific factors that were identified as causes of anxiety for claimants or property owners and tenants, such as a general lack of understanding for the process, anxiety over the uncertainty of the timetable, concern over how they would be compensated, and why the compulsory purchase order was even required.

What I take away from all of this is that it doesn't matter what side of the fence you are on with infrastructure projects — it is a very stressful place for BOTH the claimants and the land access agents when using government powers to acquire private land for infrastructure projects.

We can all stand to learn from each other about how to better protect the mental health of the landowners we are interacting with while keeping a watchful eye on our own stress levels.



Engage with Your Community

Across the board, engaging with the community has become more essential, especially with the rise of social media, as mentioned before. I recently heard of an example where there were some owners recording their meetings, posting them online, and publicly sharing the private information of the land agent's family. As we move into a more digital world, communication is quick to spread, and if proper measures are not put into place prior to the attention, it can shed a negative light on, or even derail a project.

Engagement with major real estate infrastructure project stakeholders is extremely important. As infrastructure professionals, we must be diligent and aware of the environmental, social and governmental implications of a project. For example, many countries are now demanding more engagement in the front end, such as the Canadian Impact Assessment Act of 2019 for major infrastructure projects.

In Mexico, engagement is somewhat different, because property is classified into two categories — private and public property. Private property can be private or social property, and under the category of social property, there is “Eljido” and “communal” property. Eljido property is land granted by the Mexican government to a group of individuals for agricultural and ranching purposes. They are structured as communities or townships. Communal property is land that belongs to the community for its common use and enjoyment. Public property is the land that belongs to the nation, also known as national property. Due to all of these factors, securing the property rights in Mexico can be a little more challenging.

Meanwhile, engagement in Nigeria also looks different than what we are accustomed to seeing in Canada and the U.S. since the land in Nigeria is all owned by the crown. Therefore, affected property owners are only compensated for the depreciated value of the improvements when property is expropriated for infrastructure projects.

In Australia, they are working hard to achieve fairness and equity with their indigenous population, and a vote is being put forward to change legislation to recognize the First Peoples of Australia by establishing an Aboriginal and Torres Strait Islander Voice. This is reminiscent of the challenges that we've faced in Canada as we work to recognize and raise the voices of our indigenous people. Engaging with the community is the first step to empowering citizens so they are aware that they have a voice, and that voice matters.

Curiosity Leads to Creativity

American author Neil Postman said, “Children enter school as question marks and leave as periods.” This really resonated with me.

Years ago, I read a book by Roger von Oech titled, “A Whack on the Side of the Head.” In the book, he tells the story of his high school teacher putting a dot on the blackboard and asking the class, “What is that?” After a long silence, someone called out, “A chalk dot on the blackboard!” The rest of the class was somewhat relieved that it was the end of the discussion. But then his teacher tells the class she is surprised at their response, as she did the same exercise with a kindergarten class the day before, and they had chimed in with an owl's eye, a cigar butt, the top of a telephone pole, a star, a pebble, a squashed bug, a rotten egg and so on.

So, what can we gain from this anecdote? In the 10-year period between kindergarten and high school, they had learned how to find the right answer, but they also lost the ability to look for more than one right answer. As adults, we learned how to be specific, but we had also lost much of our imaginative power. This shows how essential it is to be open minded and creative when developing solutions for our challenges.



I'll provide a real example of how creative problem solving can yield astonishing results in our industry. In 2019, BC Hydro's substation for the west end of Vancouver was approaching the end of its economic life. In an attempt to replace this infrastructure, BC Hydro went forward with a proposal call resulting in 11 potential sites. The winning site was owned by the Vancouver School Board, and the current school structure on the site was also an aging asset. Due to this, the Vancouver School Board offered up its subsurface fee simple rights for the three-level, west-end substation, which required the demolition of the school. However, once the substation is built, a sports field will be developed over the surrounding land, including where the former school building was located, and a new school will be constructed. This provides the Vancouver School Board with funds to possibly acquire two new schools in the downtown area while BC Hydro meets its needs for a new substation. The project is to be completed around 2029, and this serves as a great example of two partners working together and creating an innovative solution for a shared land use.

Remain curious and ask about creative methods your colleagues might have used to solve unique problems. One of the biggest benefits of our Association is the vast network of professionals who are at your disposal, ready to lend a hand when needed. You never know what they might be able to offer you and what you may be able to leave them with in return.

Closing Thoughts

The best way to continue developing as a professional in our ever-changing industry is to know where to find the best resources to grow your knowledge and foster creativity. Podcasts like "Elevated Access: The Inside Story with Chad Hughes," "Infrastructure Junkies" with Kristen Short Bennett, SR/WA, and Dave Arnold, Esq., SR/WA, and the Eminent Domain & Right of Way Club with Pat McCallister, SR/WA, and Beth Smith, SR/WA, on the Clubhouse, and Eminent Domain with Clint Schumacher are great and entertaining ways to stay up to date with industry trends and learn from other professionals. Read

as many industry books as you can (I, myself, just ordered "Infrastructure as Business: The Role of Private Investment Capital" by Professor James McKellar) and take advantage of the courses and seminars that associations like IRWA have to offer.

The important message here for infrastructure real estate and land access professionals who want to work across jurisdictions is to keep abreast of the changes that are occurring in our industry. As Heraclitus once said, "The only constant in life is change."

There are many opportunities in different parts of the world for those people who want to work on real estate infrastructure projects. It's a great time to be working in this industry, and I only wish I was younger to take advantage of those opportunities. 🌟



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Relations Committee. Gord has taught courses and delivered presentations on infrastructure real estate issues throughout Canada and the U.S. as well as Australia (virtually), South Africa, and the U.K.

