



# SAFELY NEGOTIATING LAND RIGHTS

Recommendations to guide decisions as  
the COVID-19 pandemic continues

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**F**or most of us, safety in the workplace is nothing new. However, with 2020 came COVID-19 and the very real need to adapt to the new normal to keep employees and others safe as well as businesses up and running.

To meet this need, we've seen that existing standard safety protocols have been modified to incorporate COVID-19-specific concerns. As the pandemic continues, so has our adaptation and evolution of these guidelines, as well as how we execute them.

Safety at work is a way of life, and these enhanced safety protocols are important, especially for conducting land rights negotiations and acquisitions during the pandemic. By understanding risks and learning ways to protect against them, we are empowering right of way professionals to make the choice to keep themselves and others safe, which in turn keeps projects on track and moving forward.

Right of way teams are working with clients and stakeholders to share and understand their COVID-19-specific protocols. The protocols commonly include requirements like having an essential services letter, work-from-home directives, or travel directives, which might prohibit travel or require additional approvals.



## A VIRTUAL MOMENT

An endearing example of relationship building during the pandemic arose when one of our agents taught a landowner how to download, log in and use Facetime for the first time! It took a bit of extra effort on the agent's part to talk her through these steps, but once they had it up and running, negotiations went smoothly. A few weeks later, she signed the easement agreement, and the landowner happily shared with the agent that she had been Facetimeing her grandson in another state and even got to read him a bedtime story. It's a great example of an agent taking the extra time to build a virtual relationship that not only benefited the negotiation process but also positively impacted the landowner.

### Key Components of Safely Negotiating Land Rights During the Pandemic

While the world has significantly changed over the past year, as right of way professionals, we are still expected to build positive relationships with landowners and stakeholders and meet project deadlines and expectations. However, the way we're executing our roles have changed.

During the pandemic, the first option that needs to be considered is how to successfully build relationships with landowners virtually. For many of us, while this isn't ideal, it really is the best way to keep everyone safe.

It takes extra effort and extra time to establish and build a relationship virtually — plan for it! Develop messaging to share with landowners, including asking how they prefer virtual communications to be conducted and if there is anything you can do to help put them at ease during this process. Confirm your plans with them and execute plans as stated.

### Virtual Tools for Meeting with Landowners

Many tools are readily available, free, easy to use and don't even require installation. Using these virtual tools can maintain and build the *trust* and *momentum* of landowner relationships.

Webcams, video conferencing software like Zoom, Webex, Microsoft Teams and Skype and electronic signature software are all relatively easy tools to learn and use.

While these technologies are beneficial, we as right of way agents need to act as the guide for our landowners to make use of these technologies and make the process less intimidating. Additional planning and discussion is required throughout the negotiation process in order to incorporate them. It's often helpful to schedule a "test run" with landowners to help them understand how to sign up, log in and navigate

the tool. This helps alleviate the pressure of getting the technology up and running *and* negotiating land rights all at once. Putting landowners at ease while using technology that may be unfamiliar to them can keep the negotiation process moving forward.

For most, webcams have become commonplace over the past year. However, formal platforms like Webex can be intimidating if landowners aren't using them in the workplace. Screen sharing can help immensely in negotiations because it enables you to walk through a document together.

The same is true when using electronic signature software, such as DocuSign, where we can receive, sign and send documents. Taking the time to guide your landowners through this process ahead of "signature" time will make for a better experience when the final documents are needed.

### Working Virtually with States and Jurisdictions

Virtual tools are not limited to work with landowners; many states and jurisdictions are now relying heavily on these types of tools as well. Specifically, remote notary and electronic recording are common. Check with your local secretary of state, jurisdiction, clerk and recorder website for information specific to your state. Requirements change depending upon your location and often have expiration dates.

## What to Do When a Virtual Meeting Can't Get the Job Done

There are instances when a virtual meeting just won't work. If you've done what you can virtually, and meeting in person is still necessary, thoughtfully pre-plan for the meeting to reduce the risk of a COVID-19 exposure. *It's recommended that those who have been vaccinated continue to take steps to protect themselves and others.*

As part of your pre-planning, it's important to follow current local, state and federal government directives and ordinances, including your state's "crisis standards of care" protocols, client- and employer-specific guidance and any property owner or tenant restrictions such as access to senior living housing. This guidance is frequently reevaluated and updated, so it's important to stay up to date on the most recent guidelines.

It's critical to share with the landowners, *before the meeting*, the safety steps to be taken *during* the meeting, so both parties can safely plan their attendance.

## Safely Meeting In Person with Landowners

Many of the tips to stay safe during an in-person meeting with a landowner are the same tips that apply to each of us in our daily lives. If an in-person meeting is needed, keep in mind things like:

- Talking with landowners in advance about a safe, socially distanced location to meet, ideally outside.
- Setting expectations with landowners that during the meeting, you'll be wearing a face covering and staying at least six feet apart and asking them to do the same.
- Asking landowners if they've been exposed to COVID-19 over the past 14 days, and if so, reevaluate the in-person meeting.
- Avoiding handshakes, try a wave or nod of the head instead.
- Washing or sanitizing your hands before and after the meeting.

Even when wearing gloves, remember not to touch your mouth and face, follow proper protocol to safely remove the gloves and immediately wash your hands with soap and water or use hand sanitizer. Make sure you have adequate supplies for yourself as well as extras for others.

On the day of the meeting, bring multiple sets of documents and pens with you or even better, email or mail them to the landowner in advance to avoid having to pass items back and forth. If emailed, be sure to confirm before the meeting that the landowner can print and bring the documents.

Most of us are accustomed to packing our trip essentials before heading out to negotiate with landowners, like our laptop car chargers, phone chargers, dog treats for the landowner's not-so-friendly dog, our notary stamp, maps and documents. In addition, plan to bring a safety bag to help minimize the risk of exposure to COVID-19.

Which safety items should you pack? Here's a recommended list:

- A mask or face shield that covers your mouth and nose
- Alcohol-based hand sanitizer
- Clean, non-sterile gloves
- A baggie to discard used personal protective equipment
- Multiple sets of documents and pens

Perhaps most importantly, while at the meeting, if you have concerns about your safety or the safety of others, know that *it is OK* to excuse yourself from the meeting. You can offer to follow up later with a phone or video call or meet at another time.

## Getting to and from In-person Meetings

If another team member is planning to attend the meeting with you, separate vehicles are recommended. If it's necessary to travel together, the safest option is to have the passenger sit in the back. While it may feel awkward, we must get comfortable with such precautions to stay safe.

Whether you're following safety protocols to meet safely in person or using virtual tools to help landowners feel confident moving forward, it's up to each of us to safely carry out our roles and keep our projects on track. Determining whether to meet virtually or in person can be complex, but with adequate pre-planning, we've seen how we can safely keep our work moving forward. 🚀



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