

IRWA MISSION STATEMENT

The international Right of Way Association will be the worldwide leader for innovation and excellence in the acquisition and management of right of way and public use.



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In Memoriam - Carol Brooks



The IRWA is extremely saddened to have learned of the passing of IRWA instructor, course author, magazine columnist and mentor Carol Brooks, SR/WA.

Carol has made a

tremendous amount of contributions to the IRWA's education and instructor development programs over the years, and her passing will leave a deep void in our hearts.

She served as Vice Chair of IRWA's Partnership for Infrastructure Professional Education (2015-2018); authored Course 100 - Principles of Land Acquisition (in-person and online); served as the VEIT instructor for C100 Online and Course 213 Online - Conflict Management; and wrote a regular column titled, "Back to Basics" for Right of Way Magazine

(2010-2014), which focused on effective communication skills, communication etiquette, team-building management and the art of negotiations.

She was a recipient of the Louise L. & Y. T. Lum Award for distinguished contribution to education for the right of way professional. She also earned the Mark A. Green Award for Journalistic Excellence and Outstanding Contribution to Right of Way Magazine. Additionally, she was a frequent workshop speaker at the IRWA's Annual Education Conference.

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Nominations & Elections

This is what happened so far -

Nominations opened virtually on February 3rd and closed on March 3rd.

Remember to participate and vote for your favorite candidate. The voting will be for 14 days starting April 5th.

The installation of the new officers will be held in June.

Here are the nominees:

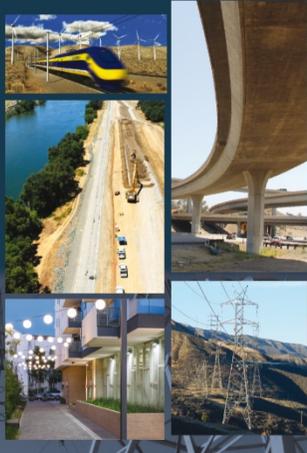
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2. Vice President – Hector Casillas, SR/WA
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8. International Director 1 – Matt Nusenow
9. International Director 2 – Hector Casillas, SR.WA
10. Interim International Director (4/21/21 to 6/30/21) – Matt Nusenow

Good luck to all the nominees!



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Virtual Luncheon – April 21, 2021



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coming soon!

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IRWA Courses – Region 1

C421 The Valuation of Partial Acquisitions, 4/12/21, INSTRUCTOR-LED VIRTUAL CLASS

C100 Principles of Land Acquisition (2-Day), 4/12/21, INSTRUCTOR-LED VIRTUAL CLASS

C304 When Public Agencies Collide, 4/13/21, INSTRUCTOR-LED VIRTUAL CLASS

C205 Bargaining Negotiations, 4/14/21, INSTRUCTOR-LED VIRTUAL CLASS

C700 Introduction to Property/Asset Management, 4/14/21, INSTRUCTOR-LED VIRTUAL CLASS

C421 The Valuation of Partial Acquisitions, 4/19/21, INSTRUCTOR-LED VIRTUAL CLASS

C213 Conflict Management, 4/20/21, INSTRUCTOR-LED VIRTUAL CLASS

C102 Elevating Your Ethical Awareness, 4/21/21, INSTRUCTOR-LED VIRTUAL CLASS

C200 Principles of Real Estate Negotiation, 4/22/21, INSTRUCTOR-LED VIRTUAL CLASS

C409 Integrating Appraisal Standards, 4/27/21, INSTRUCTOR-LED VIRTUAL CLASS

C100 Principles of Land Acquisition (2-Day), 4/28/21, INSTRUCTOR-LED VIRTUAL CLASS

C902 Property Descriptions, 4/29/21, INSTRUCTOR-LED VIRTUAL CLASS

C703 Real Property Asset Management, 5/4/21, INSTRUCTOR-LED VIRTUAL CLASS

C303 Managing the Consultant Process, 5/5/21, INSTRUCTOR-LED VIRTUAL CLASS

Additional courses are listed on IRWA's website at www.irwaonline.org

Are you interested in taking a free class? Contact Kelley Kelley, or any member of the Board, to find out how you can become a coordinator.

“Reasonable” Compensation

Legislation vs.
expectation

By Tom Everitt

The notion of compensation has, in recent times, worked its way more and more into our everyday vocabulary and become — in an increasingly litigious society — a default expectation, regardless of the magnitude of inconvenience.

In Australia, Victoria's state government is spending record amounts of money on public infrastructure projects and is proposing to lift the state's moratorium for onshore gas exploration this year. The latter possibility opens the door for more linear infrastructure projects traversing private property, with the focus on offering “fair and reasonable” compensation only becoming more prominent. This is particularly true for the gas industry, where proponents can not only face controversy with inadequate compensation offers to landholders — who now also have social

media availability, which broadens their conversation circle from traditionally a chat over the fence with the neighbour — they also face broader community opposition to their fossil fuel projects.

The ambiguity in the current legislation allows proponents to define their own reasonable approach to compensating landowners and occupiers when seeking voluntary landholder agreement. However, this also leaves proponents looking to open the compensation door facing critical questions such as: “What is reasonable?”,

“What is equitable?” and more generally, “Who is eligible to receive what compensation?”. Another important question asked of land access experts is “How much compensation will secure land tenure?”; on one hand, principles offering too little compensation can cause delays to sign up landholders and in-turn project delays, yet offering

too much compensation can make projects unviable, unappealing to shareholders who expect value for money and potentially create unachievable precedents for future projects.

Usually in a linear infrastructure scenario, the industry has largely held the line and interpreted the state's legislation in a very black-and-white manner. Whilst our increasingly complex and sophisticated community is pushing the need to attend to more of the “grey,” it is interpreted as follows: individuals who have a stake in land “directly affected” by the footprint of works are typically entitled to compensation; those who aren't associated with such land are not. But even the term “directly affected” is now brought into question; is a resident in a house adjacent to a construction site who bears the noise and dust caused by months of construction works any more entitled to compensation than the

Continues on Page 10

IRWA Mentor Match



This IRWA is proud to announce the launch of this exciting new member benefit that reflects our commitment to you and your professional development. This unique online networking and career development tool helps you find, connect and share your experiences with your fellow industry peers across the globe! You can simply apply to our IRWA Mentor Match program by following the four steps below:

1. START

First, complete your IRWA profile by ensuring that your contact information, professional profile picture, and bio are all up to date. You can even import your education and job history information from LinkedIn. A complete and accurate profile is crucial to the success of selecting and matching.

2. ENROLL

Next, decide whether you're looking to be a mentor, mentee, or both and sign up today by clicking on the links below:

- Enroll [here](#) as a Mentor
- Enroll [here](#) as a Mentee

Make selections for each of the program demographics to set your preferences. Demographics include: topics, venue, specialties, career stage and start/end date. Please note: Some fields are required for enrollment. The more information you provide, the easier it will be to make the best match. Keep in mind: in order to request a mentor or mentee, you must be enrolled in the program.

3. SEARCH

Then, use the Mentor Program Directory to input your search criteria. You can also take advantage of features to help you find and recruit matches:

- Track your mentoring relationships
- Participate in discussion forums on mentoring topics
- Search for helpful mentoring resources

4. CONNECT

Congratulations! You're all set. You completed steps 1-3 and are now ready for the fun to begin! Enter one or more searches. If you're unsure of the search criteria, select "Search for ALL of the selected values." The Mentor Program Directory will do the work for you and populate the results.

Next, click on the member's name who you're interested in establishing a mentor/mentee connection with. The link will bring you to their profile page. If you think it's an ideal match, look under their profile image for the Mentor Match badge, which when clicked will allow you to request a connection. If it's not a desired match, you can simply select the back button to return to your previous search results.

Let the mentoring begin!





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Kelley Kelley

kellyfornialiving@gmail.com

[m](#)

Please contact our Education Chair:



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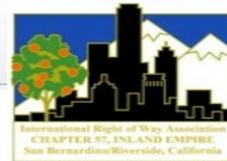


We would love to hear from you!

Hello fellow members of Chapter 57!

Would you like the Chapter to host a luncheon on your favorite topic? Do you know anyone who would like to speak at an upcoming luncheon? If so, please contact Matt Nusenow, President-Elect, at (949) 842-3191, or via e-mail at mnusenow@farallonconsulting.com.

We value your opinion and welcome your input! If you have any comments or recommendations for the newsletter, please contact Sheryn Smay, Newsletter Chair, at (951) 826-5343 or via e-mail at ssmay@riversideca.gov.



PRESIDENT'S MESSAGE
April/May 2021

The 5th Annual Joint Appraisal Institute Meeting, originally scheduled for April 7, has been rescheduled to April 21, due to a conflict. Our meetings are still being conducted virtually. Meeting information will be sent to you a day or so prior to the meeting.

Our annual election of officers and related chapter business will be conducted at the April membership meeting. It is important that you attend this meeting to ensure that we have a quorum for voting.

The Region 1 Spring Forum, is scheduled for Saturday, April 10, 2021, from 9:00 to noon. This virtual business meeting is open to all IRWA members, at no cost. If you are interested in attending, please reach out to me for more information.

The International Committees have been busy hosting webinars that are designed as lunch-n-learn (aimed at 1 hour) opportunities for all IRWA members. Most of the webinars have been at no cost. They are informative and easy to fit into your day. Likewise, many chapters are offering virtual chapter meetings that are open to all members free of charge. It is interesting to sit in our other chapter meetings. Broaden your horizons. Give it a try!

The annual education conference scheduled for June in San Antonio (June 6-9) is plowing full steam ahead. In keeping with pandemic cautions, the conference will be offered as a hybrid in-person/virtual event. Visit the IRWA website for information and registration. The program will include many education sessions that range from 1 to 1-1/2 hours, and IRWA continuing education units are credited automatically.

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“Reasonable Compensation” (continued)

Landholders affected by linear infrastructure easements use many different approaches to maximize their compensation during negotiations; a common strategy being they'll “wait ‘til the last minute to agree,” as traditionally they've seen or heard that this is when the compensation is maximized. Whether this does or doesn't happen, many proponents are mitigating this perception by retrospectively back paying landholders, should higher principles of compensation be adopted later in the project — hence, avoiding any need for landholders to hold out.

Recently through other major infrastructure

projects, some contractors have also found themselves in the same spotlight. Not having clear legislation to lean on regarding compensating residents for construction impacts, they inadvertently reach new respite measure benchmarks defined not just by “best practice,” but also financial or social factors. These lead to “per-project” principles that recognize — to varying degrees — inconveniences to neighbours and the broader community caused by construction. The typical impacts that residents (and businesses) face, are out of hours and general work noise, dust and workforce impacting local parking and traffic delays. How much — or even if — people are offered respite from such

inconveniences is yet to be consistently adopted. And while defined with good intentions, these per-project principles are carried to the next project, but once again drastically evolve in all directions due to a number of respective interests.

The line which defines “needing” to compensate and compensating because it's “the right thing to do” is becoming blurred. There is no question that land being permanently encumbered should attract compensation but having occupants of such land eligible to receive solatium (inconvenience compensation) for impacts that many other surrounding properties also often face for “free,” makes for some hard lines

“...a common strategy being [landowners] will ‘wait ‘til the last minute to agree,’ as traditionally they've seen or heard that this is when the compensation is maximized.”

“The line which defines “needing” to compensate and compensating because it's the “right thing to do” is becoming blurred.”

to be drawn by proponents who ultimately seek a social license from a wider community comprising both landowners and adjoining neighbors.

Proponents, communities and contractors would all look to benefit from more encompassing legislation regarding compensation. There is a real opportunity for industry leaders to collaborate and consider their previous experiences to propose legislative changes that define the line for the nuances of such scenarios, and lead to the betterment of our industry and better community outcome. If not legislative changes, at least definitive guidelines noting explicit qualifications for compensation eligibility for nearby neighbors of such

works, would also avoid unfair precedents. Too many times have we walked away from projects which see customers getting the gas, but squeaky wheels getting the oil.

Tom Everitt has worked on some of Australia's largest infrastructure projects since 2009, which has seen him in various roles in the fields of land access, stakeholder engagement and project management. As the Director of TDC Services, Tom is currently contracted to oversee securing land tenure for a proposed major pipeline in the country's south east.



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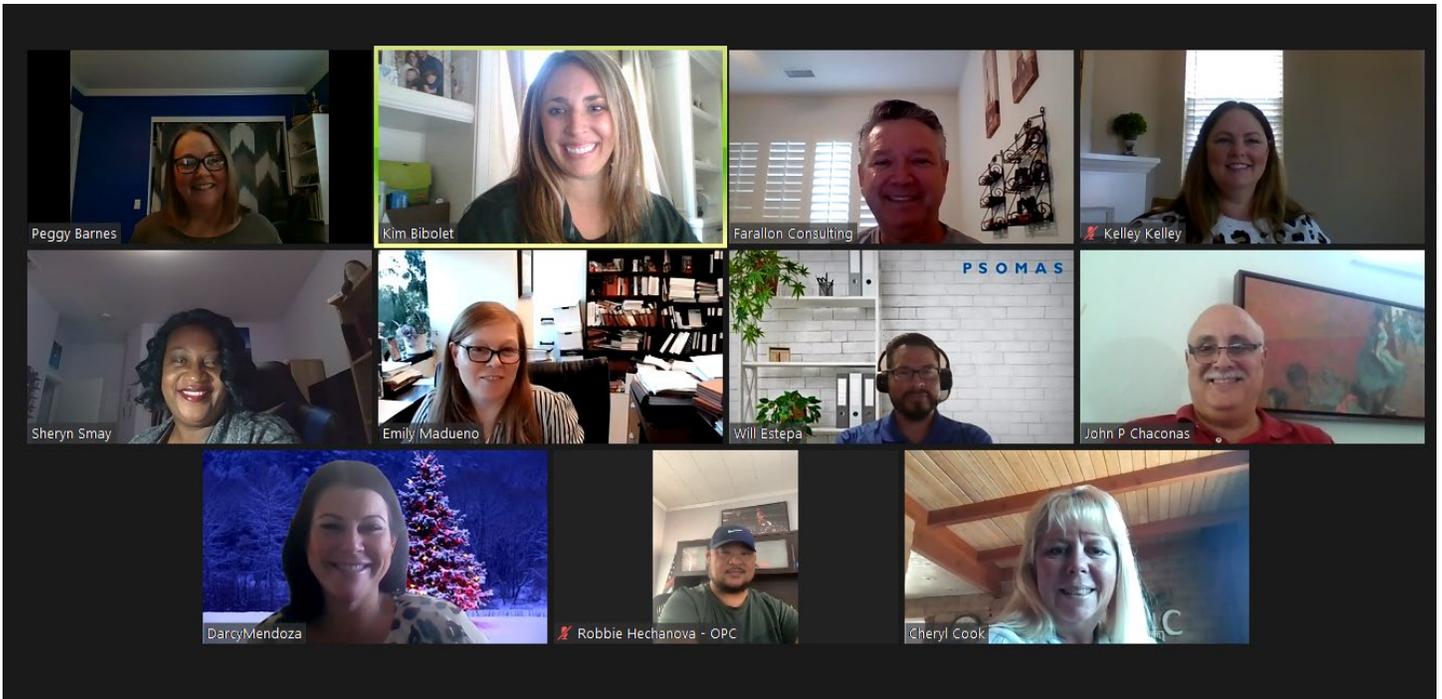
(Reprinted from IRWA's Right of Way Magazine: The Voice of the Right of Way Professional, “Reasonable” Compensation/Legislation vs. expectation, March/April 2021)



We, the Board members of Chapter 57, would like to say “Hi” to the members who make our chapter great! and “Welcome” to those of you who are new to this fun and exciting group of professionals.

IRWA is an association that was created to educate on industry related topics and for networking opportunities. The COVID pandemic forced us to change how we accomplish this. The good news is, HQ had already taken the initiative with the implementation of taking courses online.

Now it’s our turn. We are really looking forward to our new virtual format for the membership meetings and hope to see all of you in attendance!



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Welcome New Members

Please join us in welcoming our new members:

Timothy McCloud
Monument ROW

Raimok "Ramie" Dawit
Monument ROW

We invite you to immerse yourselves in the networking, educational opportunity that is IRWA. We hope your journey is fulfilling and successful.

Industry Buzz: High Speed Rail

High-Speed Rail Investment Continues to Spur Economy

The California High-Speed Rail Authority's yearly economic impact analysis released underscores the growing value of California's investment in high-speed rail amid the economic uncertainty of the COVID-19 pandemic.

Since 2006, the Authority has created between 54,300 and 60,400 job years of employment throughout California and invested more than \$7.2 billion in planning

and construction of the nation's first high-speed rail system. Approximately 97% of the expenditures are to contractors, consultants and small businesses in California.

"The economic impact of high-speed rail in the Central Valley cannot be overstated," said Authority Chief Executive Officer Brian Kelly. "Our progress on the construction and planning of clean, fast, reliable electrified high-speed rail continues to provide work and opportunities, despite the pandemic-related challenges of the last 10 months."

"... the more than 5,000 total construction jobs we have created are helping families throughout the economy as those construction wages get spent in communities on goods and services that spur more economic growth from housing construction to restaurant employment," said Brian Annis, the Authority's Chief Financial Officer.

(Reprinted from IRWA's Right of Way Magazine: The Voice of the Right of Way Professional, Industry Buzz: High Speed Rail, January/February 2021)

Industry Buzz: Wastewater

US Government and the State of Illinois Reach Agreement with Peoria to Reduce Water Pollution from Sewer System

The U.S. Environmental Protection Agency (EPA), the U.S. Department of Justice, and the state of Illinois announced an agreement with the city of Peoria and the Greater Peoria Sanitary District (GPSD) that will yield significant reductions of sewage discharges from Peoria's wastewater systems into the Illinois River and Peoria Lake.

The settlement resolves Clean Water Act violations by the city of Peoria and GPSD related to combined sewer overflows (CSOs) and National Pollutant Discharge Elimination System (NPDES) permit exceedances.

Under the proposed consent decree, Peoria will implement a remedial measures program that will significantly reduce CSO discharges to the Illinois River and Peoria Lake. Peoria's combined sewer system is currently overwhelmed by stormwater runoff during heavy rain or snow, causing

CSO discharges to the Illinois River and Peoria Lake. These discharges consist of untreated human waste mixed with stormwater and contain high concentrations of bacteria, sediment and other pollutants that impair water quality in the Illinois River and Peoria Lake.

The proposed consent decree provides Peoria flexibility to choose and build projects at periodic intervals as necessary to meet performance standards, reducing the

(Reprinted from IRWA's Right of Way Magazine: The Voice of the Right of Way Professional, Industry Buzz: High Speed Rail & Wastewater March/April 2021)



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Carol Brooks (continued)

She once said, "Right of way professionals exemplify the public good and I want them to have all the communication tools to become the best they can be, and serve our citizens in an exemplary manner."

Her goal was always to create critical thinkers in her classroom and prepare her students to return to their respective jobs better than when they arrived on the first day of class. She certainly did that, and so much more. She was a consummate professional who instilled a wealth of knowledge and expertise in every student she has taught over the course of

nearly two decades as an instructor.

Our thoughts are with Carol's family. We wish them peace, strength and comfort during this extremely difficult time.



"Her goal was to create critical thinkers in her classroom and prepare her students to return to their respective jobs better than when they arrived on the first day of class."

(Reprinted from IRWA's Instagram page.)

Industry Buzz: Wastewater (continued)

number and volume of CSO discharges over time as projects are implemented. Peoria plans to use a high proportion of green infrastructure (e.g., permeable pavement, rain gardens, and bioswales) to achieve its performance criteria. Peoria's overall CSO controls are estimated to cost approximately \$129 million and will be completed by Jan. 1, 2040, with four interim milestones to ensure progress.

After the implementation of both Peoria and GPSD's CSO controls, the average annual CSO discharges will be reduced by approximately 92 percent. In addition, approximately

696,000 pounds of pollutants will be prevented from being discharged to the Illinois River and Peoria Lake each year. The CSO reductions will improve water quality in the Illinois River and Peoria Lake and will allow for enhanced recreational opportunities.

**International Right of Way Association
Chapter 57
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2020-21**

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About RWIEF



The Right of Way International Education Foundation was established for the purpose of funding right of way education initiatives. The Foundation focuses on generating financial contributions

and determines how best to allocate those funds for the betterment of right of way education. Over the last few years, funds have been allocated for educational summits, creation of new courses, upgrades of existing courses, conversion to on-line

delivery methods, and leadership programs. Cutting-edge education and professional development are essential to the growth and advancement of our profession and to each of us as professionals in this fast-paced, ever-changing industry.



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