



SUCCESSFUL PROJECT IMPLEMENTATION

Expanding the Operating Space of the Right of Way Professional



BY KEVIN PREISTER

Although right of way agents are professionals adhering to ethical standards and committed to industry procedures, land agents often have limited *operating space* necessary to be successful. Operating space (OS) refers to the level of discretion, authority and resources available to a professional change agent to accomplish his or her objectives. If the OS is large, many opportunities are available to accomplish change. If the OS is small, there are few options available to move objectives forward, and even a very good professional with incredible abilities and passion can be partially and even totally handcuffed.

When considering recent, large-scale social changes—such as the program to eliminate cigarette smoking—the public advocates created OS that was quite large. Thanks to lots of hard work done for many years, a foundation was created for significant social strides when the OS became available. Cigarette manufactures tried to narrow the OS to preserve their market, but the anti-smoking forces expanded the OS by ensuring that 1) the policy pieces were in place, 2) the various educational outlets could target the populations to be impacted with relevant information in a variety of formats and 3) there were programs that provided face-to-face contact at the local level.

Or take the case of the Pacific Northwest where fire ecology has gained widespread acceptance. The scientific validity of using fire as a management tool has become well-established to deal with significant changes in fire-adapted ecosystems. However, when fire ecology was first emerging in the 1970s and 1980s, the dominant paradigm was still focused on *Smokey the Bear*, who encouraged putting all fires out. At that point in time, people pushing for fire ecology had little OS and individuals had to take on personal risks to eventually open up the OS, create wider change and push for the acceptance of fire ecology.

Conditions in the Right of Way Industry

OS in the context of the right of way/infrastructure industry is the level of discretion available to the right of way agent to optimize decision-making opportunities in fostering successful project outcomes.

The following are the current conditions reported by right of way professionals during **Course 225 Social Ecology**: Listening to Community, which is currently being conducted with various IRWA Chapters:

- A. Right of way agents are skilled in building trusting relationships with landowners. However, the growing level of controversy with right of way and infrastructure projects requires them to undertake a broader community reading of the interests and issues of citizens beyond landowners in order to improve implementation and to prevent opposition movements. They need more and varied OS in order to be successful.

Operating space creates two elements that are essential to project health: flexibility and maneuverability.

- B. With the downward pressure on contract costs, right of way companies rarely include community engagement as a separate line item in their project bids, fearing such costs would affect their competitiveness. However, without OS granted by the owner companies, the agents can't complete the necessary community engagement in order to be successful.
- C. Right of way agents often learn of opportunities to improve project design and implementation through citizens, but they are not routinely included in the design phase of a project where such knowledge can be most effective.
- D. Internal company processes for timely response to citizen issues—either on the part of the project owner or its client companies—are often not in place, leading to escalation of issues and disruption. This can be avoided if individuals locally connected in the communities, such as right of way agents, are given the operating space with which to proceed.

For better or worse, some recent pipeline projects have created a watershed moment in the

infrastructure industry, which will be difficult to reverse without direct action to create OS at the ground level. Three changed dynamics have shifted into place:

- First, citizen issues stimulated by these projects were nationalized and communicated widely, creating resistance activities nation-wide and making local solutions more difficult if not impossible.
- Second, the timeline for preventing disruption from citizens once a project is announced is shrinking rapidly. Previously, projects took four to five years to become disruptive. Recently, we've seen projects become disruptive in just months.
- Third, national opposition groups against nearly all linear infrastructure projects will remain in existence for some years.

Therefore, it is essential to create management systems that provide OS, which can return project action to the local arena where citizens of impact and right of way professionals can take control and make collaborative decisions about the project.

Minimizing the Risks

While *decision* space is an internal, corporate function of integrating legal, technological, fiscal, physical, political and social/cultural factors in project design, *operating space* is an external function. It relates to successful community engagement and represents the essential elements for project success. The more OS that is available, the more opportunities are developed for the project to succeed.

If the agent has no “wobble room” (the time frame is too short, the budget is lacking, project communication is inadequate or citizen issues become disruptive), the social risk to project success moves to a high threat. OS creates two elements that are essential to project health: flexibility and maneuverability. Without those two social ecology elements, the right of way agent is locked into a very narrow OS mandated by the administrative procedures of the company or the project, rather than being able to function and adjust to the communities of impact.

Entering the natural routines of a community and understanding citizen interests and issues early in the process provides maneuverability for the right of way professional. Such a discovery process in the

community expands OS because it provides more understanding and subsequent opportunities for responsive management approaches. If the client company of the right of way agent has flexibility in the design and implementation of a project, the stage is set for minimizing impacts and optimizing community benefits. As that occurs, the more extreme voices lose social standing and a “social license to operate” is created.

Creating Operating Space

The necessary elements for creating OS are as follows:

- The right of way agent has a framework for effective community engagement. They know what to do. Land agents know how to operate in a culturally-appropriate way within a community setting. They understand how communication occurs, as well as the citizen interests and issues affecting the project and they are able to build trusting relationships. IRWA Course 225 provides such a framework.
- The institutional supports are in place. This includes support up and down the management chain, job descriptions and employee evaluation criteria that include communication and community engagement skills, as well as timelines and guidelines that are community-appropriate. If there is no flexibility in project design, the timeline is too short or if there is a decision maker that is strongly opposed to this management approach, then the right of way agent will be on their own to generate success and preserve goodwill—an almost impossible task. With the ability to adapt and explore within the community

context, the opportunity for finding or developing wins increases dramatically.

James Kent Associates recently held a two-day training program for a major utility company. The first day was devoted to community discovery and the second day to internal company procedures needed for citizen issue management. The company recognized that timeliness and coordination of response to citizen issues were important and that with attention to those factors, all employees could be the eyes and the ears of the company. By making these small changes, the utility’s OS expanded, significantly building community goodwill.

- The social supports are in place. The right of way agent can create social support using Social Ecology concepts such as informal networking, relating through gathering places, seeking out network caretakers who are well-regarded by others and engaging at the face-to-face level. Working with informal networks (the governing structure of non-formally organized citizens) opens up OS because networks are more interest-based while groups and organizations are mostly position-based. As citizen issues are resolved, citizen allies are created who can then buffer the project against more extreme voices.

Right of way agents in the current environment often create their own OS so as to have the flexibility and maneuverability to improve their success with community engagement, which in turn

contributes to delivering the project on time and within budget. These change agents are the early adaptors to the new reality of understanding that the business of business is now society and its health and well-being.

Changing the World

Famous anthropologist Margaret Mead once said, “Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it’s the only thing that ever has.”

Right of way agents are in a unique position to indeed change the world. They are the bridge between communities and infrastructure projects and they need more OS to be successful. Currently, they appear to be lone individuals or small groups within companies committed to community engagement as a professional obligation. It seems that a natural next step in their efforts would be to form an open informal network among themselves to share and support each other to be productive in this new world of citizen empowerment. 🌟



Kevin Preister, Ph.D., is Executive Director of the Center for Social Ecology and Public Policy. He is Co-developer and JKA Director for IRWA Course 225, Social Ecology: Listening to Community. Visit www.csepp.us or email kpreister@jkagroup.com,