

AN INFORMATION GUIDE FOR A TRAINING PROGRAM OF RIGHT-OF-WAY PERSONNEL



Published by the
**AMERICAN ASSOCIATION OF STATE HIGHWAY
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MODELS AND GUIDELINES FOR TRAINING, DEVELOPMENT, AND CERTIFICATION OF PROFESSIONAL PUBLIC LAND ACQUISITION AGENTS

An Informational Guide for Developing and Managing a Training and Professional Development Program for Right-of-Way Personnel

**Developed by the Special Sub-committee on the R/W Training
Program Guide of the R/W Committee of AASHTO**

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June, 1975

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INTRODUCTION

In 1963 the American Association of State Highway and Transportation Officials (AASHTO) Right of Way Committee developed *An Informational Guide for a Training Program of Right of Way Personnel*. This 34-page pamphlet, published in conjunction with a 750-page volume entitled *Acquisition for Right of Way*, marked a milestone in the development of the work of right-of-way acquisition. These publications reflected the recognition that the job of acquiring right of way had become more than an adjunct to the job of an engineer, surveyor, or administrative clerk.

In the years since 1963 many additional changes have taken place in the character of the work of acquiring right of way. This new direction in right-of-way work has resulted from numerous external and internal pressures. First, there have been pressures from population growth which have resulted in the unprecedented need for the acquisition of right of way. But other pressures have accompanied the growth demand, which in turn have made the process of acquiring right of way more difficult. New laws and court interpretations favoring the protection of property owners' rights, remarkable inflation in land values, environmental protection laws, and the new Federal law assuring replacement housing assistance are only a few of the changes which have significantly increased the difficulty of acquiring right of way. Each of these changes has increased the need for personnel who are technically competent in a variety of fields, such as appraisal, communication and interpersonal relations, environmental and condemnation law, etc.

Likewise, since 1963 we have seen change in the character of personnel employed in right-of-way departments. Right-of-way departments have been established and have staffed these new departments with college graduates with degrees in business, economics, community planning, psychology, etc. There has also developed a growing recognition of the value of professional competence gained through education and certification by professional associations, such as the American Right of Way Association, American Institute of Real Estate Appraisers, and the Society of Real Estate Appraisers.

Slowly, then, during the past decade a group of uniquely-skilled employees associated with land acquisition needed for public use have begun to emerge toward professional status. Although State Highway programs are the largest single employer of R/W agents, it is estimated that approximately 100,000 people are presently employed by agencies acquiring property for public use.

This group has many of the characteristics of other professionals (physicians, attorneys, engineers, professors). For example, these agents share a common set of concepts and technical vocabulary irrespective of the agency they represent. Their working knowledge implies specialized training in law, economics, appraisal, real estate, and human relations; and as each of these fields continues to become more complex, continuing education is necessary. Further, these agents are essentially self-supervised. They are called on to make many complex decisions in judging land values and dealing with owners' problems, and many of these decisions involve large sums of money.

Finally, there has been a growing body of educational materials and programs developing during the past ten years. Several state Highway Departments have developed books and comprehensive training programs in a variety of subdisciplines associated with R/W acquisition. These organizations have also developed standards for the practice of appraisal and acquisition and have set up procedures for the certification of professional competency and for monitoring professional ethics.

Probably the most obvious consequence of all of these changes toward the professionalization of R/W personnel has been the growing importance of continuing education. First, because most agencies cannot hire trained R/W agents, they usually hire a college graduate in a related field (like economics) and therefore have to develop some kind of training program in R/W methods and skills. Second, the technical information involved in a successful R/W acquisition program is growing and changing at such a rapid rate that any acquiring agency must have some program for keeping their agents up-to-date on these changes. Third, because there is a growing recognition that new forms of management and organization built around teamwork are far more efficient than the more traditional approaches of dividing up the job into narrow specialties, there is little doubt that in the near future more R/W departments will experience the need for retraining of narrow specialists so that they can work effectively on project teams. Fourth, as land values and public resistance increase, society will increasingly demand that acquisition be done by personnel who are professionally certified, such as is implied in the designations of SRWA and MAI.

It is therefore highly appropriate (possibly even essential) that AASHTO undertake to revise and republish the *Informational Guide for a Training Program of R/W Personnel*. The document is designed to help R/W management, and those who have been delegated the training and developmental responsibility for the R/W department plan more effectively for their training needs in the coming decade. Specifically, this publication is designed to help in the: (1) identification of training needs; (2) planning and implementation of an effective professional training program; and (3) identification of training resources. The content has been constructed so that the planning process can be presented in a relatively simple manner for use as a guide for interested agencies. Further information is included in later chapters in the form of models as examples of performance standards and training programs that could be implemented. Finally, more detailed research and documentation is presented in the appendix for those who need this information.

I

THE NEED FOR PROFESSIONALISM

In establishing guidelines for the diagnosis of training needs and the consequent development of a training program to meet these needs, it is important that an appropriate frame of reference be established. Therefore, this section of the report will establish and develop the following rationale:

- a. If a R/W acquisition program desires to operate in the most efficient and manner, it is necessary that management encourage agents to think and act like "professionals" rather than "workers."
- b. If an acquisition agent is expected to think and perform in a professional manner, he must be encouraged to strive for continual self-development.

The job of a professional calls for independent thought, judgment, and action, and this sets him aside from workers who traditionally are expected simply to follow orders. Likewise, workers are generally supervised rather closely while professionals usually work in an environment where their work is essentially self-supervised. Both of these criteria apply directly to the expectations for success in both appraising and negotiating.

The concept of professionalism also implies the existence of a body of technical knowledge which is necessary for successful practice. It further implies that the necessary knowledge is continually growing and changing in both quantity and direction. The concept likewise implies a set of skills that must be continually examined and sharpened.

Even a casual observation of the rapid expansion of both technical and legal knowledge related to R/W and prediction of what will continue in the future should demonstrate clearly that the right-of-way agent must be encouraged to think (and act) about his continuing education as a professional, not simply as a worker.

Another important reason for wanting R/W agents to think and perform like professionals is the growing suspicion and hostility of the general public toward land acquisition. There is an obvious need for agents to reflect a strong professional image in terms of knowledge and independent judgment, but also in terms of a professional code of ethics. The often heard public attitude "Oh, you're just an employee of the state and you're just doing or saying what they tell you to" can be dealt with if the work of the agent and agency can be "monitored" by a strict code of professional ethics. Thus agencies should encourage their agents to strive for the excellence of performance reflected in the professional certification programs designated by such terms as MAI and SRWA.

If the right-of-way agency wants its agents to excel in terms of effective job performance, then it must realize the need for agents to think professionally, act professionally, and thus the need to grow professionally. Agencies must encourage agents to attend courses that will expand their knowledge of right-of-way related

materials. This is a joint endeavor. An agent should develop his own need to better himself. He should see it as his responsibility to actively seek out new educational materials and training in those subjects that will improve his job performance. He should also seek contact with other professional agents in a mutual search for further knowledge. An agent seeking professional status *will want* to do everything to better himself, to gain all the information he can that will assist him in his job.

But it is also important to emphasize the role of the right-of-way agency. By helping the agent identify his training needs and then facilitating the achievement of these objectives through funding outside classes or organizing in-house programs or both, the agency is investing in raising its ability to perform its mission more effectively and efficiently.^{1,2}

In an era of extreme concern for governmental efficiency, a proposal for an expansion of a training program may raise serious questions about the values of such a training program for the agency. Although the answer has been implied already, it may be important in summary to list some of the specific advantages to the agency in promoting professional development. Dr. Charles Pyron, Management Professor at the University of Oregon, has studied right-of-way organizations for the past eight years and has compiled this list of costs that can be reduced through professional development:

1. Condemnation cases can be significantly reduced by professional performance. A large percentage of owners who go to court do so for emotional reasons, usually resulting from blunders in appraisal and/or negotiations.
2. Lead time problems can be reduced significantly by professional performance. Shorter than desirable lead time seems to be a normal part of R/W acquisition, but when an agency is staffed with professional agents the response to this problem can prevent the costly errors commonly experienced by most agencies. Some of these costs are monetary (i.e. having to pay more than appraised value, administrative costs resulting from the need for reappraisals, repetitive negotiation, etc.), and some costs are in terms of poor public relations which may raise costs of future acquisitions (i.e. bad publicity in the papers, perceived uneven payments for comparable property in a neighborhood, etc.).
3. Professional agents can produce a higher quantity of work and at the same time better quality. Only a few agencies have measured the effect of professional training on improved work output. The available evidence appears to indicate that quality of appraisal and negotiation work does not suffer when the quantity of production increases, *if* the quantity improvement results from training or some form of improvement in method rather than from a management edict to produce more.
4. Professional training and development also reduce the "hidden" costs of personnel management. Agencies that invest in professional development can, for example, reduce employee turnover costs. Likewise, professional development and effectiveness in the teamwork management approach can combine to reduce costly interdepartmental communication breakdowns.

¹ An instrument to assist the agency is the individual career development plan. A formal career plan assists the employee in identifying and obtaining his career objectives.

² On-the-job training is another method an agency may use to further educate its agents toward professional competence.

5. Professional development of right-of-way agents can also help an agency reduce the costs associated with having to hire many specialists (such as might be required to meet environmental impact study needs or appraisers for trail testimony). Training agents to perform secondary tasks (such as conducting environmental impact studies) can keep agents busy during the slack times often experienced by many smaller right-of-way agencies.

II

PLANNING FOR A TRAINING PROGRAM

This chapter will be devoted to the steps that are necessary for planning an effective professional right-of-way training program.

A. The R/W organization's mission and its goals to obtain that mission should be consulted (or specified, if not presently available). The specific yearly objectives for reaching these goals should also be examined (or determined and listed).

The overall training program should be focused on that training necessary for the organization to reach its overall mission, e.g. to operate efficiently, effectively, and equitably:

- Acquire property for the Department
- Manage that property;
- Relocate displaced individuals and businesses;
- Assist local agencies in their property acquisition activity;
- Advance the free exchange of information and promote employee development.

Priorities for training programs can also be established through this process; e.g. your organization's main objective (at this point in time) is relocating displacees on an ongoing project. The immediate needs of the training program would be for relocation assistance training.

B. Establish standards of performance

Performance standards are a necessary prerequisite for the development of a professional right-of-way agent's training program. The training program must be established in a fashion that will train each right-of-way agent to a point where he can meet those minimum standards of performance.

1. The first step in establishing performance standards is to determine exactly what the job of a professional agent entails—sometimes referred to as a “job audit.” Listed below is a set of methods to obtain such information.¹ These methods can be used by management, agents, a representative from the personnel department, or an outside consultant. (A team approach, combining the observations of several of the above, is often the best way to develop the most accurate and objective description of professional standards.)

- a. Direct observation of on-the-job experience.

¹Marvin D. Dunnette, *Personnel Selection and Placement*. Belmont, Calif., Wadsworth Publishing Co., 1966, p. 75.

- b. Interviews with job incumbents and their supervisors.
- c. Questionnaires or checklists completed by job incumbents, their supervisors, or others familiar with the job.
- d. Time/motion studies and ratings of man/job requirements.
- e. Other sources of available information, such as may be found in presently existing training manuals, existing job guides and descriptions, process specifications, various records and reports.

1. Once a few or all of these data gathering methods have been used, it should become obvious what the standards for the different levels of right-of-way agents should be. It will be from these standards that an effective training program can be built. It should be stressed again that it is important to establish the performance standards from the above-mentioned instruments, so that objective measurements for the standards can be made. So often training programs are established based on what someone "thinks" is important work behavior rather than behavior that has been objectively identified.²

In Chapter III, "A Model for Establishing Standards of Performance for a Professional R/W Agent," there are descriptions of seven (7) items considered necessary for the professional development of a right-of-way agent for each of five (5) levels of professional competence. This model is included so that each state will have an example of what could be expected from professional agents.

- C. Establish training profiles for each employee to include history of rotation and formal classroom training achieved to date.

This method provides an inventory of training accomplished to date and gives management an opportunity to assess its professional manpower on hand. It also facilitates planning far into the future for the training resources necessary to accomplish the organization's mission.

- D. Identify training needs based upon

1. Review of the organization's goals, objectives, and performance standards to assure that all agents have minimum skills. These are very important to the training section or program, so that a department will know what areas of (additional) concentration will need assistance through training. Once this is known these concerns can be built into the training program so that the department will not fall short of needed personnel or experience.
2. Determine each agent's need for training based on performance appraisal. After training to meet performance standards have been set, the agency must help each agent identify his specific needs for remedial training. It is at this stage that the agency can learn what major areas of concentration must be centered on to offset poor performance. Paul Pigors and Charles A. Myers suggest the following alternatives for accomplishing this task:³

A choice has to be made among several types of appraisal plans: (a) point

²It should be noted that some states, as determined by our survey, already had existing standards that were excellent. Others should consider updating, upgrading or establishing objective standards.

³Paul Pigors and Charles A. Myers, *Personnel Administration*, New York: McGraw-Hill Book Co., 1973, p. 299.

system with weights for each factor; (b) nonpoint system with a chart or form describing the factors to be appraised; (c) the rank-order or forced-distribution method, in which each supervisor ranks his employees on overall performance or divides them into groups, such as the top 10 percent, the next 20 percent, etc.; (d) the field-review method, in which the performance of each employee is reviewed in detail by the supervisor with the help of the personnel department; (e) the critical incident method in which supervisors note "good" and "bad" incidents about the performance of each of their employees; or (f) appraisal by results or objectives.

Which of the six (6) different plans is used to determine how an agent is performing is probably less important than being sure that the agent is directly involved in the assessment of his own strengths and weaknesses. However, to maintain objectivity the task must be guided by a supervisor or counselor who has some knowledge about the use of the method.⁴

3. Determine each agent's professional training needs based on career objectives (Career Development Plan).

It is important that a career development program is set up and used. The object here is to set up a program that will aid the R/W department and the agent to determine the agent's training objectives for both professional and personal growth. This means to explore aptitudes and interests that an agent may have in terms of long-term goals within the profession.

From this program the R/W department should be able to determine where an agent is on *all* aspects of his personal/professional training program, i.e. performance deficiencies, attitude changes, personal goals (met/not met), department training requirements (met/not met), etc.

For those state departments that do not have the personnel to set up such a program it is valuable to look at the resources that a consultant may offer in this area.

4. Determine training necessary to meet organizational development trends or philosophies.

Some organizations may want to instill an attitude or philosophy of action way of managing that may require special training. An example would be a R/W unit that wanted to operate through teamwork or participative management principles. In that case it might be beneficial if teamwork or group leadership type development sessions were established.

It should also be mentioned that a yearly review of this *total* program (all 4 areas above) should give a good indication as to where the department is going and what improvements in training may be needed for coming years.

E. Set up comprehensive long-range training plan for meeting training needs.⁵

1. Establish priorities to meet training needs and set up classes based on priorities.

⁴These six (6) ways of measurement are not the only ones available. Without making a long list of other types of methods for evaluating performance, it is suggested that a review of "Appraisal of Job Performance: Rating or Merit Rating Programs for Employees and Managers," National Industrial Conference Board, Inc., *Studies in Personnel Policy*, No. 121, New York, October 1951 (2nd printing 1959) would be helpful.

⁵See Appendix B for detailed training process suggestions.

a. Standard set of classes that prepare agents for professional growth and development, such as:

- 1) Introduction or orientation training that takes totally inexperienced new employees and prepares them to begin work by introducing them to basic fundamentals.
- 2) In-depth knowledge type classes, developed or identified as being taught by outside sources, for developing an *in*-depth knowledge of the basic functions of R/W acquisition—appraisal and negotiation.
- 3) Remedial and special (temporary) need courses.
- 4) More sophisticated courses may be prepared or identified to prepare agents for senior level responsibility; i.e. law, land-use planning theory, basic supervision, etc. This may involve guidance toward professional certification.

2. Assessment of available training resources.⁶

An effective comprehensive professional development program in R/W involves cooperation between the state agency and other resources. Even if a state is rich enough to afford to develop and maintain their own complete, exclusively in-house program, it is probably *not* in their best interest to do so. These are part of a professional development program that can best be achieved by use of outside resources. Although a careful cost/benefit analysis of in-house vs. outside training and development programs has not been conducted, in relation to the development of this report, it is the premise of this report that (a) effectiveness, not cost, should be the primary concern in designing an educational program; and (b) that with careful planning a comprehensive training program that integrates in-house and outside resources will not involve a total cost that is significantly higher than when the entire program is staffed by in-house personnel.

The obligations of all participants in developing the training program are listed below:

a. What the individual person can do:

- 1) Effectively plan his career by
 - a) Establishing personal training goals and objectives.
 - b) Determining where the special needs are
- 2) Perform individual reading.
- 3) Set up objectives with supervisor to learn through on-the-job training.

b. What the state agency can do:

- 1) Diagnose and establish performance standards.
- 2) Help each agent analyze his training needs and develop a growth plan.
- 3) Provide information on available courses, and funding when necessary. Since training funds in state agencies must be requested as much as two years in advance, this is a critically important and commonly neglected area of responsibility.
- 4) Set up a systematic program for evaluation of the development plan against the established objectives of individuals and the agency.

⁶See Appendix C for a list of some training resources.

- 5) Set up guidelines and provide counseling to managers for the use of on-the-job training. This is another major development resource that is either not being used or used very poorly by most states at the present time.
- 6) Establish subject matter outlines and criteria for development of special courses. Select resources, in-house and outside, to help construct and conduct these courses.
- 7) Establish a regular procedure for training which is closely associated with development for advancement (see Section 1.2). Some of these courses may be staffed with in-house resources or contracted out, but in most cases the agent will probably be sent to an off-site course. The decision here should be made on the basis of the content of the course and the extent of the demand at times when courses are needed.
- 8) Encourage its employees to associate themselves with the professional societies. The amount of information and experience these organizations offer is a great personal and professional aid to education, *plus*, it helps develop a sense of professional solidarity. It is important that these resources be used to the greatest extent possible.

c. What the Professional Associations can do:

- 1) Set professional standards and certification procedures for senior designation in R/W and related skill areas.⁷
- 2) Establish a national network of courses, scheduled two years in advance.
- 3) Identify key people nationally who can be available to consult with state agencies in the identification of training needs and program solutions.
- 4) Anticipate and develop new courses are needed to reflect the future direction of professional needs.

F. Evaluation of the training program

1. What data is needed to demonstrate that the training is paying off to the agency? The most important indicators are:

Lower rates of condemnations, lower rates of settlements over appraised values, lower operating costs, lower turnover, shorter time span to appraise acquire property, fewer complaints from owners, fewer federal citations, etc. But of equal importance is the effect of the program on each individual agent. How do agents feel about their development? What percentage of agents have a development plan, and are the specifications of that plan being met?

There are also more than just objective measures on which to evaluate a program. There is also the subjective measure of spirit and morale within the right-of-way department, something that is needed in any effective professional organization.

In Chapter IV, "The Model Training Program—A Summary of Appropriate

⁷ See Appendix D, "Certification of Professional Competence."

Educational Content for Each Level of Professional Development as Defined in Chapter III," an "ideal" training program is illustrated. This program is suggested as a model for states to use. Various circumstances, such as those stated under IIA above would dictate that other alternatives be taken to overcome immediate deficiencies created by emergency situations.

III

A MODEL FOR ESTABLISHING STANDARDS OF PERFORMANCE FOR A PROFESSIONAL R/W AGENT

After careful analysis of the survey responses from the states, we have developed the following composite definition of the professional agent.¹ Although no state program may match the model completely, it represents an ideal toward which each state may move.

Enclosed within this section are the descriptions of five (5) levels of professional development within a right-of-way division (1. Entry; 2. Assistant; 3. Journeyman; 4. Senior; 5. Department Head). For each of these five levels, the following seven characteristics are outlined:

1. Position Definition
2. Distinguishing Characteristics of the Job
3. Typical Duties
4. Minimum Qualifications for Hiring
5. Knowledge and Abilities Needed to Perform Effectively
6. Special Personal Characteristics "Need to Perform"
7. Requirements for Promotion to Next Level

ENTRY—LEVEL I

Position Definition

Under close supervision, while receiving formal and rotational on-the-job training in appraisal, negotiating, land management, and related functions of right-of-way work, the employee in this classification performs the more simple and routine office and field duties involved in the acquisition of real property and interests therein for state highway purpose.

Distinguishing Characteristics

This is the entry level class for right-of-way employees and is basically a training and experience gathering position. Employees in this classification are not required to have any previous training in right-of-way work. An employee in this class serves as a trainee in the procedures and policies involved in real estate acquisition for the state. Work is closely supervised by a senior right-of-way agent or other superior, and results are subject to frequent review for completeness and appropriateness.

Typical Duties

The employee in this class assists in the more routine tasks involved in appraising and negotiating for donation, purchase, lease or sale of various types of

¹Appendix A contains the results of information received from the various states.