



# LISTENING TO COMMUNITY

Key steps for success with IIJA

BY KEVIN PREISTER AND JIM KENT

With the passing of the Biden Administration's Infrastructure Investment and Jobs Act (IIJA), the concerns of right of way (ROW) agents on how and when they will become involved in IIJA-related projects have become more urgent. During Course 225 (Social Ecology: Listening to Community, held in Des Moines, Iowa) in November 2021, there was a well-received and lively discussion regarding the day-to-day world of the ROW agent in early 21st century. The insights gained from the Course 225 classes clearly indicate the necessity for a redirection of management to more fully make use of the position, talents, insights, knowledge and wisdom of the ROW agent in project design and implementation.

A theme in all Course 225 sessions to date is that the ROW agent inhabits two worlds: the first is their official job in the formal system, working with engineers, design teams and decision makers from their client companies; the second exists in the informal network of community settings where they learn about how a community works, the property owner's networks and the interests of local people who will be affected by impending projects and interacting with the project team.

The participants commonly shared the following realities of their world in working to ensure project success, including their current realities of project implementation. It is important to understand these conditions, especially in relation to the wave of projects that are about to see daylight because of the passing of the well-funded infrastructure act. The following are some of the insights the participants have discussed.

ROW agent realities:

- To be successful in today's environment, it is necessary to go beyond the formal landowner contact and address the larger community dynamics that increasingly determine project outcomes for better or worse.
- ROW agents often are burdened with unrealistic timelines that are driven by upper management or are established by project planners prior to having input from experienced ROW team members. In many cases, these timelines can be insufficient for developing trusting and productive relationships at the community level that are necessary for project success.



- The knowledge ROW agents possess about impacted communities does not make it into the design process. The design process, based mostly on data and information generated by the formal management system, is too far along by the time community input is obtained. The design process appears to be seriously stymied by not making use of the ROW agent early enough in the process.
- There seems to be little institutional understanding by project owners and their development teams of the informal systems of communication and support that are present in every community. For instance, the owner of a local coffee shop hears everything going on in the community — she is well known and trusted. The ROW agent realizes that if he got to know her, she could help move project information into the community and community information back to the project, which would help prevent conflicts and increase citizen understanding in a safe, informal setting. These informal systems are the lifeblood of what people call “grassroots.” Citizens in informal networks routinely assess, plan and manage changes in their environment. These are the counterparts of the formal planning and management of companies. They are known by ROW agents, yet their structure and contribution are unrecognized in project decision-making, preventing their use as an asset in fostering successful projects.

- ROW agents are concerned about the lack of feedback loops from project planning and design to project decision makers in distinguishing between success and failure of a project. When a project is canceled because of citizen resistance and disruption, there needs to be an effective process for picking up the learning points from such resistance to inform the next project, or often, the ROW agent will be left hanging.
- Many ROW agents have developed their own informal networks of colleagues and peers across the right of way industry that create “work-arounds” to resolve citizen issues early in order to forestall the development of opposition groups. There needs to be more companies that actively encourage ROW agents to engage in this kind of creative community work. This has been referred to as a “can do” problem-solving network that is horizontal in nature and a necessary part of the work agenda for ROW agents.

To be successful, ROW agents have expressed the following:

- ROW agents who have experience with managing community issues need to be placed on the design and project development teams to have early, productive influence in the decision-making process. To accomplish this, the process for soliciting proposals through RFPs (Requests for Proposals) should be broadened to include budget and staffing for effective and early community engagement.
- Many class participants advocated for the use of quick community scans when a project is first being considered. Identifying the cultural pitfalls from a community standpoint that will be discovered in later stages of project development is a benefit to project design and meeting critical schedules. A system needs to be developed to ensure early findings are communicated to technical project staff and environmental colleagues in an ongoing manner.
- A continuous line of communication is needed between the ROW agent and the project team. This is a process that brings back questions, information and citizen issues to the team for timely attention and action.
- Cultural language discovered through direct contact when interacting with community residents needs to be reflected back to the community when preparing press releases and project documents.
- Understanding the differences between community themes and citizen issues when developing communication and action opportunities is essential. While the first reflects community values and attitudes shared widely about how the project will affect the community, the latter are concerns specific enough to be acted upon and are linked to actual individuals, revealing citizen partners in the quest for a successful project.

These are the common elements that have emerged from Course 225 classes, which have been offered for the past nine years. Despite these productive conversations, there has not been enough concerted operating efforts to improve the project planning and design process from a community perspective. Why is this? How can we broaden contract language to include adequate front-end time, budget and

operating space for ROW agents to conduct successful community engagement that is increasingly essential to meeting budgets and schedules? The Social Ecology column in the Right of Way Magazine of July/August 2018 contained an article on Operating Space, defining it as the “level of discretion, authority and resources” available to a ROW agent to accomplish project objectives. For the reasons stated above, the ROW agent today does not have adequate Operating Space to be successful in meeting the upcoming challenges of the IJJA.

In the new world where citizens are taking charge of their environment, consideration of citizen design ideas must be incorporated into project planning to foster a citizen based “moderate middle,” forestalling the influence of extreme voices that are formally organized to co-opt local interest in the project.

Today, citizens mobilize overnight. They are effective self-organizers, and they fight to protect the well-being of their communities. In today’s world, after the watershed events created by the Keystone XL and Dakota Access Pipe Line (DAPL), the timeline for disruption from a project’s announcement has shrunk dramatically. Meanwhile, there are now national opposition groups who train activists in methods of fighting infrastructure projects even though the ROW profession has at its fingertips a solution to prevent or cope with this problem of ambush by organized nonresidents of the project area.

As an industry, we are so close to shifting the paradigm of project planning from the sterile data and information systems used today to a future that is also based on the recognition of knowledge and wisdom as a key part of project implementation. Conversations such as the ones regularly occurring in Course 225 are just the beginning of a movement to ensure that the upcoming infrastructure spending optimizes the benefits to local communities without the traumas of conflict and disruption. Like the title of the January/February 2022 Right of Way Magazine cover story, “Once in a Generation: Infrastructure Funding” suggests, a plan is needed for the right of way industry to ensure that the challenge is met with a “Once-in-a-Generation” management response that the future requires. ⚡



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