

# STATE OF MONTANA

## JOB DESCRIPTION

*Montana state government is an equal opportunity employer. The State shall, upon request, provide reasonable accommodations to otherwise qualified individuals with disabilities.*

**Job Title: Right of Way Agent IV**

**Position Number:** 50011, 51215, 51217, 53002, 53215, 55215, 55218, 57215, 57245, 59002, 59215, 59226, 59228, 60010, 60033, 60047, 60053, 59218, 17010, 53070, 60010, 60022, 60039, 60067, 60076, 91938

**Location: Helena      Department: Transportation**

**Division and Bureau: Engineering Right of Way Bureau**

**Section and Unit: Special Programs**

**Job Overview:** This position serves as a Right of Way Agent IV and serves as a field authority in conducting property appraisals and negotiations for highway project property valuations and acquisitions. This includes all standard and specialized property appraisal and negotiation types. The position is expected to cover the appraisal and negotiation aspects of right of way acquisition as well as other right of way responsibilities involved in the various preconstruction, construction, and post-construction phases of highway projects. The position reviews project plans, appraisals, and acquisition packages for consistency and errors prior to acquisition. The incumbent also coordinates various operational functions of the Section and performs a variety of other duties as assigned. The position reports to the District Right of Way Manager and does not directly supervise others.

**Essential Functions (Major Duties or Responsibilities):**

### **APPRAISALS—40%**

- Develops and recommends new or modified policies, procedures, standards, and guidelines related to the District's appraisal process based upon analysis and assessment of appraisal and negotiation needs and priorities, changing statutory requirements, professional methods and standards, and Bureau goals and objectives. This involves assessing changes affecting transportation planning and right-of-way issues, standards, and requirements; incorporating objectives and recommendations from other Field Right-of-Way Agents; evaluating new professional methods and statutory requirements; and monitoring the effectiveness of various appraisal projects to identify and recommend new approaches to right-of-way acquisition and appraisal issues.
- Reviews and analyzes plans to determine impacts, accuracy, and constructability issues as

they affect ROW. Identifies errors and consults with staff to develop and coordinate resolutions. Serves as a project leader to provide guidance to field agents and fee appraisers and ensure the efficiency, safety, and overall quality of individual appraisals. Establishes and monitors project scope, priorities, timelines, and resource requirements. Reviews contentious or complex appraisal reports referred by other field agents to verify the technical integrity of methods and conclusions, ensure compliance with state and federal statutory requirements as well as professional standards, and provide quality assurance (i.e., ensure that appraisals correctly represent the value of the property to be acquired).

- Evaluates the effectiveness of ongoing appraisal procedures to identify operational efficiencies and resolve problems. This involves assessing past, current, and proposed appraisal project operations and results; consulting with subordinate staff, contractors, and supervisors; and continually evaluating changing Department needs to ensure effective program delivery. Develops solutions to a broad range of complex in-progress problems encountered by project staff (e.g., property valuations, contentious determinations, etc.).
- Researches and evaluates property title information and ownership data to estimate the impacts of various technical and legal issues on the valuation of the subject property. This involves examining building and site-improvement valuation information from various sources; investigating the effects of sanitation regulations, zoning, planning, irrigation rights, covenants and deed restrictions, traffic flow and access control, and other issues; and determining the relative effects on property values.
- Coordinates and/or conducts site inspections of subject properties and comparable sales to determine sales equivalencies and necessary appraisal adjustments; coordinates contracted services to develop value estimates of site improvements to be purchased; and documents technically and legally defensible valuation conclusions for incorporation into final appraisals. This involves ascertaining the highest and best use of appraisal property, determining, and documenting professional assumptions and limiting conditions; determining comparable sales data and appropriate adjustments to subject property valuations; and estimating the value of site improvements to be purchased as well as damages (i.e., due to proposed construction activities).
- Analyzes and evaluates appraisal information to determine appropriate amounts of State compensation for each parcel of property to be acquired. This involves identification and resolution of discrepancies in factual information, appraisal methods and techniques, and final determinations. As a field authority for appraisal projects, the incumbent is responsible for the most contentious and/or complex appraisal projects, such as partial take, multiple use, condemnation, and commercial/residential appraisals and subsequent negotiations.
- Conducts appraisal reviews as necessary to resolve discrepancies and maintain consistency among appraisal project reports. Recommends appraisal methods and justifications for final compensation adjustments to supervisors and/or review appraisers. Coordinates with District Right of Way Manager and/or Review Appraiser to identify and resolve discrepancies.
- Provides guidance and technical assistance to Right of Way Agents I, II, and III to resolve unusual or unanticipated problems involving District procedures, sensitive or contentious communications with landowners, technical interpretations, and other issues. Coordinates

with other Right of Way personnel to provide quality assurance (i.e., ensure that appraisals correctly represent the value of the property to be acquired).

- Researches and monitors changing methods, laws, and professional standards related to right-of-way and real estate appraisals to incorporate appropriate innovations into ongoing project plans. Develops and maintains working relationships with other staff and fee appraisers, professional associations, and others to exchange information regarding program operations and proposed changes.

### **Acquisitions - 40%**

- Researches and examines documentation related to appraisals to determine actual/potential deficiencies; anticipate mediating factors (e.g., environmental concerns, sanitation regulations, zoning, etc.); and explain and clarify specific details of individual appraisals (e.g., procedures, requirements, construction plans, valuation factors, etc.). Researches updated title information, liens and lien satisfactions, tax delinquencies, judgments, and other information and data that may collude or complicate title examinations. Identifies and resolves title discrepancies through extensive research of public records and other means available.
- Completes technical and legal documentation required for negotiations and final agreements to ensure the accuracy, clarity, and availability of essential information and data related to property appraisals, including Right-of-Way agreements specifying the terms and conditions of purchase, deeds, easements, grants of possession, irrigation agreements, tax reimbursement statements, and contact histories related to the subject property.
- Evaluates multiple and variable factors (e.g., access control, corridor preservation, fishing access, drainage, etc.) related to appraisal negotiations to ensure just compensation. This involves researching available legal and technical documentation (e.g., ownership titles, conservation easement records, architectural/engineering designs, etc.); coordinating with builders, attorneys, technical specialists, and others; and integrating these factors into negotiations and consequent agreements.
- Interprets right-of-way plans, construction plans, and cross-sections for natural features, property interests, construction features and engineering features (e.g., equations, curve data, approach standards, engineering standards, setback requirements and bid specifications) to ensure the compensation adequately reflects the economic impact to the landowner's property. Explains and clarifies elements of plans, agreements, and bid items to landowners. Meets with landowners, often in stressful circumstances (and, usually at their residence) to explain the impacts of the construction activities, present the monetary offer and ascertain landowner conflicts; objections and problems are resolved before the required signatures can be obtained.
- Negotiates just compensation for real estate acquisitions with staff, landowners, Department and private legal representatives, and others to establish consensus regarding property values and compensation amounts. The incumbent is responsible for negotiating the most complex or contentious acquisition types (e.g., partial take, condemnation, multiple use, etc.). Ensures that any changes in value between appraisal and completion of negotiations are reflected in final compensation.
- Resolves contentious and confrontational situations with landowners and/or legal representatives to establish consensus between negotiating parties. This involves consulting with other agents, MDT staff (e.g., legal, hydraulics, design, traffic, etc.), external contractors;

explaining and justifying appraisal determinations, procedures, and requirements; and determining appropriate means of resolving conflicts (e.g., monetary, construction, legal, etc.).

- Recommends modified or expanded work contracts for working around sensitive environmental areas, historical sites, and other community interests to resolve disputes with landowners and other affected parties. The incumbent must assess individual circumstances of proposed projects, objections, or complaints from interested parties, and the impacts of various alternatives to project parameters (e.g., time, cost, safety, etc.).
- Exercises delegated authority to offer cash and/or construction incentives to secure agreements with landowners. The incumbent ensures that incentives beyond appraised property values are justified based upon circumstances related to planned construction activities, comparable sales, negotiation proceedings, Department limitations, legal requirements, and other issues.
- Secures necessary signatures to finalize successful negotiations and agreements. Refers irreconcilable negotiations and impasses to the District Right of Way Manager and/or Right of Way Operations Manager for subsequent action. Provides valuation testimony in court proceedings to explain, justify, and/or defend appraisal methods, evaluations, and final determinations.
- Resolves landowner damage claims related to construction activities as requested by the District Administrator, Bureau Chief, or District Right of Way Manager. This involves damage assessments, valuations, and negotiations to settle claims (i.e., like those required for property acquisitions).
- Provides guidance and advice to other negotiators on special needs, opportunities, and impediments affecting negotiations. This includes reviewing project details to identify potential incentives, disincentives, and problems (e.g., relocation issues, damage claims, etc.) and coordinating with agents and landowners to address specific needs and interests.

### **Right of Way Operations - 15%**

- Develops and delivers training sessions to agents to fulfill training needs identified by the incumbent, District Right of Way Manager, and/or Right of Way Bureau (e.g., conflict management, new appraisal methods and standards, etc.). This involves researching and/or compiling training materials, establishing voluntary and/or mandatory schedules, delivering training presentations, and providing ongoing technical assistance and consultation as necessary.
- Apprises District Right of Way Manager of team and individual performance (i.e., of Right of Way Agents I and II) on various projects. This involves assessing project outcomes relative to specific goals and professional standards, identifying strengths and deficiencies, and presenting information to supervisors. The incumbent may also participate in staff recruitment and selection committees to ensure objective and appropriate staff appointments.
- Conducts or oversees ownership studies, irrigation and stockpass, access control, and other special studies to research and document information related to right-of-way costs; structural elimination, inclusion, or preservation during construction; present and future needs based on the highest and best use of properties; and other information that is critical to the effectiveness of District operations as well as individual appraisal projects.

- Monitors contracted service delivery to ensure the efficiency and overall quality of services. Identifies and notifies service providers of errors or deficiencies, refers recurring or severe problems to the District Right of Way Manager for resolution, and provides ongoing guidance and technical assistance as requested.
- Represents the Department and landowner interests in a limited capacity throughout all phases of a project: the pre-construction phase (e.g., in-house, Plan-in-Hand, etc.), during construction, and post-construction phase.
- Identifies suspect or illegal outdoor advertising services to ensure compliance with laws and requirements. This involves identifying and/or inspecting outdoor advertising sites, referencing applicable statutes and regulations, and coordinating with landowners to explain requirements, deficiencies, and violations; issue permits; and monitor corrective actions.
- Promotes a positive public image of the Department and effective relationships with landowners, local government officials, community representatives, consultants, and others through conscientious and courteous service delivery, effective communication, and technical and personal assistance.

### **Other Duties - 5%**

Perform a variety of other duties as assigned by the Section Supervisor and/or the Bureau Chief in support of the MDT mission and Division objectives.

### **Supervision**

The number of employees supervised is: 0

The position number for each supervised employee is: N/A

**Physical and Environmental Demands:** This position functions in a typical office environment. Work is performed in an office environment and in the field involving traversing rough terrain, working around heavy machinery and equipment, and contentious situations with landowners. The incumbent is expected to travel extensively throughout the state (e.g., up to 1,000 miles per month) to perform site visits, perform or evaluate appraisals, and negotiate acquisitions. Property inspections may require walking moderate distances, climbing over fences and ascending stairs, and working in inclement weather conditions. Contentious negotiations with landowners, legal representatives, and others; and heavy workloads may create stressful day-to-day working conditions.

### **Knowledge, Skills and Abilities (Behaviors):**

#### **KNOWLEDGE:**

Knowledge of the principles and practices of highway engineering, mathematics, design and construction, state and federal regulations, and environmental issues as they apply to road construction. The position also requires thorough and extensive knowledge of and experience in appraisal, including the principles of eminent domain, real estate law and real estate titles, appraisal and acquisition of real property for federal aid projects, and other program functions; applicable state, federal, AASHTO, and FHWA requirements and standards; technical and legal documentation standards; principles of negotiation and conflict management; and a working knowledge of land surveying.

#### **SKILLS:**

Ability to examine, interpret, and translate technical engineering/legal information to varied

audiences; ability to use standard office software applications (e.g., word processing, databases, etc.) analyzing and interpreting statistical information; advanced communication skills, strong ability to establish and maintain effective working relationships, apply analysis and professional judgment in resolving complex situations, negotiating consensus on land values and compensation amounts; explaining and defending Department actions in legal proceedings and formal appraisal reviews; and managing and mediating confrontational or contentious situations with landowners, legal representatives, and others. Also requires the skill in the use of specialized surveying and other equipment such as microfiche readers, microfilm readers, distance measuring equipment, motion analyzers, planimeters, and others.

**ABILITIES:**

This position requires the ability to develop effective techniques and procedures to achieve goals and objectives; to provide technical assistance to team members to ensure effective operations and project activities; identify root causes of problems and develop of alternative solutions; confidently challenge the status quo by experimenting with new ideas; to communicate effectively orally and in writing; and to work effectively in a high stress and multi-task environment.

**Minimum Qualifications (Education and Experience):**

The required knowledge and skills are typically acquired through a combination of education and experience equivalent to a Highschool Diploma or relevant field of study including Business Administration, Public Administration, Real Estate, Economics, Finance, Accounting, Communication, and Engineering. Other fields of study will be considered on a case-by-case basis.

This position requires a minimum of 5 years of experience in the following: One (1) year equivalent work requiring communication or public contact skills involving one or more Right of Way Agent communication-related activities such as persuasion, conflict management, diplomacy, rapport-building, mediation, problem-solving, or decision-making AND four (4) years of Right of Way Agent experience with demonstrated ability to perform those required tasks.

Certifications, licensure, or other credentials include: N/A

Alternative qualifications include: Any combination of additional related work experience and education equivalent to the minimum qualifications.

**Special Requirements:**

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|--------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Fingerprint check | <input checked="" type="checkbox"/> Valid driver's license |
| <input type="checkbox"/> Background check  | <input type="checkbox"/> Other; Describe                   |
| 035 Union Code                             | Safety Responsibilities                                    |

The specific statements shown in each section of this description are not intended to be all inclusive. They represent typical elements and criteria considered necessary to perform the job successfully.

**Signatures**

My signature below indicates the statements in the job description are accurate and complete.

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<b>Immediate Supervisor</b>	<b>Title</b>	<b>Date</b>
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<b>Administrative Review</b>	<b>Title</b>	<b>Date</b>
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My signature below indicates that I have read this job description.

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<b>Employee</b>	<b>Title</b>	<b>Date</b>
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**Human Resources Review**

**Job Code Title: Right of Way Agent      Job Code Number: P92023**

My signature below indicates that Human Resources has reviewed this job description for completeness and has made the following determinations:

- |                                                        |                                                        |
|--------------------------------------------------------|--------------------------------------------------------|
| <input type="checkbox"/> FLSA Exempt                   | <input checked="" type="checkbox"/> FLSA Non-Exempt    |
| <input checked="" type="checkbox"/> Telework Available | <input type="checkbox"/> Telework Not Available        |
| <input type="checkbox"/> Classification Complete       | <input type="checkbox"/> Organizational Chart attached |

**Human Resources:**

<b>Tiffany Thornton</b>	<b>HR Generalist</b>	<b>3-30-2022</b>
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<b>Signature</b>	<b>Title</b>	<b>Date</b>
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