

STATE OF MONTANA

JOB DESCRIPTION

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

Job Title: Right of Way Agent II

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 II and is responsible for conducting property appraisals and negotiations for highway project property valuations and acquisitions. This includes standard property appraisal and negotiation types. This position is expected to cover both the appraisal and negotiation aspects of right of way acquisition as well as other right of way responsibilities involved in the various preconstruction phases required for highway construction and related purposes. The position reports to the District Right of Way Manager and does not directly supervise others.

Essential Functions (Major Duties or Responsibilities):
Appraisal and Acquisitions - 90%

- 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.
- Conducts site inspections of subject properties and comparable sales to identify factors affecting property values and collects data required for property maps, plats, and/or sketches used in appraisals. Designs property documents according to project specifications. This involves ascertaining the highest and best use of appraisal property, determining and documenting professional assumptions and limiting conditions; determining comparable sales data and adjustments to 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

compensation for each parcel of property to be acquired and completes a basic appraisal. This involves identification and resolution of discrepancies in information, appraisal methods and techniques, and final determinations. The incumbent is responsible for most types of standard appraisal projects 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 Supervisor and/or Review Appraiser to identify and resolve discrepancies.
- Reviews and incorporates changing methods, laws, and professional standards related to right-of-way and real estate appraisals into ongoing projects. Develops and maintains working relationships with other staff and fee appraisers, professional associations, and others to exchange information regarding program operations and proposed changes.
- 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.
- Completes technical and legal documentation required for negotiations and agreements to ensure the accuracy, clarity, and availability of essential information and data related to property acquisitions, including Right-of-Way agreements, deeds, easements, grants of possession, irrigation agreements, tax reimbursement statements, and contact histories related to the subject property. Research updated title information, liens and lien satisfactions, tax delinquencies, judgments, and other information that may complicate title examinations. Identifies and resolves title discrepancies through extensive research of public records and other means available.
- Evaluates fundamental issues affecting appraisal negotiations to ensure just compensation.
- This involves reviewing 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 issues into negotiations and agreements.
- Interprets right-of-way plans, construction plans, and cross-sections for natural features, property interests, construction features and basic 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 as necessary.
- Negotiates just compensation for real estate acquisitions with staff, landowners, Department and private legal representatives, and others as necessary to establish consensus regarding property values and compensation amounts. The incumbent is responsible for negotiating standard acquisition types. 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. This involves consulting with other agents, MDT staff (e.g., legal, hydraulics, design, traffic, etc.), and external contractors; explaining and justifying appraisal determinations, procedures, and requirements; and recommending appropriate

means of resolving conflicts (e.g., monetary, construction, legal, etc.).

- Secures necessary signatures to finalize successful negotiations and agreements. Refers irreconcilable negotiations and impasses to the District Right of Way Supervisor and/or Right of Way Acquisition 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 Supervisor. This involves damage assessments, valuations, and negotiations to settle claims (i.e., like those required for property acquisitions).
- 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 - 10%

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.

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 of real estate appraisal, including the principles of eminent domain, real estate law as it applies to land titles and transfer documents, appraisal and acquisition of real property for federal aid projects, and other program functions.
- Knowledge of applicable State, Federal, AASHTO, and FHWA requirements and standards.
- Knowledge of technical and legal documentation standards.
- Knowledge of land surveying, highway engineering and design and construction methods and materials.
- Knowledge and skills of the principles of negotiation and conflict management.
- Skill in the use of specialized surveying and other equipment such as microfiche readers, microfilm readers, distance measuring equipment, motion analyzers, planimeters, and others.
- Ability to examine, interpret, and translate technical/legal information to varied audiences.
- Ability to use standard office software applications (e.g., word processing, databases, etc.).
- Ability to analyze and interpret statistical information.

- Ability to negotiate consensus on land values and compensation amounts.
- Ability to explain and defend Department actions in legal proceedings and formal appraisal reviews.
- Ability with managing and mediating confrontational or contentious situations with landowners, legal representatives, and others.
- 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.
- Ability to identify root causes of problems and develop alternative solutions; confidently challenge the status quo by experimenting with new ideas.
- Ability to communicate effectively orally and in writing.
- Ability 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. Additional relevant education and/or experience may substitute for experience as determined by the Panel.
- This position requires a minimum of One (1) year and Six (6) months 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
 - Six (6) months of ROW Agent Level I (one) experience.
 - 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.

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

Employee	Title	Date
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Human Resources Review

Job Code Title: Right of Way Agent Job Code Number: P92022

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 type="checkbox"/> Telework Available | <input type="checkbox"/> Telework Not Available |
| <input type="checkbox"/> Classification Complete | <input type="checkbox"/> Organizational Chart attached. |
| <input type="checkbox"/> | <input type="checkbox"/> |

Human Resources:

Tiffany Thornton	HR Generalist	11/17/2023
Signature	Title	Date