



# INTERNATIONAL RIGHT OF WAY ASSOCIATION

## Kachina Chapter 28 Phoenix, Arizona

Newsletter

[www.irwaaz.com](http://www.irwaaz.com)

### JUNE / JULY, 2006

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#### JULY SEMINAR MEETING

-  Wednesday, July 5, 2006
-  4:45pm
-  3rd Floor Conference Room
-  Az State Land

No Board Meeting in July

#### AUGUST BOARD MEETING

-  Wednesday, August 2, 2006
-  4:45pm
-  3rd Floor Conference Room
-  Az State Land

Confirm your attendance with Doc Sterling at docs@mwdaz.com



#### OOPS.....

Trampoline on a power pole.

Mesa, AZ

6.7.06

## PRESIDENT'S MESSAGE

Michael "Doc" Sterling, Chapter President

It looks like summer is upon us! "But it's a dry heat!"

I am looking forward to seeing many of you at our luncheon this month – Tuesday, June 13<sup>th</sup> at Garcia's. We have a nice option menu and a *great price*.

I am looking forward to attending my first ever IRWA Annual Conference. I'll be thinking of you fondly while I am enjoying the cooler weather [I hope!] in Denver.

There are some interesting things coming up for discussion and decisions in Denver this summer:

- a proposed increase in annual IRWA membership dues,
- an increase in IRWA Class costs,
- a new program for instruction of IRWA Class Coordinators,
- the initiation of a new IRWA Accounting System (which we have already implemented to some extent at the local level),
- and I'm sure a host of other things I haven't even fully looked into yet,
- classes and/or break-out sessions on various R/W topics,
- seeing old friends from around Region 1 and some from even further away,
- making new acquaintances.

Oh! Hope I remember to take my digital camera.

Hope I get a chance to get out to 'The Garden of the Gods, but even if I don't suppose U-2 will be performing live...

Back on the home front, the Chapter Educational Seminar Committee is finalizing plans for the Seminar scheduled for September 7<sup>th</sup> and 8<sup>th</sup>. We should have the enrollment form available on-line sometime in July AND a list of the Guest Speakers should be posted as well.

I hope all of you have some time to get away from the Valley this summer. Enjoy a safe, sane & pleasant summer!

CHINESE ELECTRIC LINES



## DO THEY HAVE RIGHT OF WAY IN CHINA?

Chris Banks, SR/WA (World Traveler)

### **WHO OWNS THE LAND?**

Well, I did ask and I received this answer – “All land in China belongs to the Government and the Government lets the people use it.” Mind you, this answer came from a sweet young girl, Winnie, who was our tour guide in Xi’an. But I have a feeling that what she said is true. Several other members of our Chapter went on this trip so maybe they got a better answer than I did.

### **WHAT ABOUT UTILITIES?**

While we were in China I tried to make my trip tax deductible by taking pictures of utility poles, electric lines and substations but I doubt if this is going to fly with the IRS. I noticed that even when a substation was out in a very rural area, placed among the farms, the Chinese had built tall block walls around the substation. I don’t know if this was to protect the people from site of an ugly substation or to protect the substation from people who needed to tap into an electric source. I also noticed a nuclear power plant off in the distance. While on the bus outside of Xi’an, we passed a man who was stringing electric wire from one pole to another while hanging from a sling with the wire looped over his shoulder. There was no boom truck, no one standing on the ground watching out for him – just this guy hanging from the existing wire. Of course I couldn’t get my camera turned on in time to catch this OSHA nightmare.

Some of the wires on the poles in Beijing were place so low that I could have jumped up and grabbed them. Of course, after working at SRP for a few years, I have learned that this is not really a good idea. Utility lines were all above ground inside the city, but when we went to the outskirts of the city where new growth was happening, the city looked something like you would see in the newer light industrial areas in Phoenix. Utilities were underground, parking lots were big and the buildings were not at all unique. Until a few years ago, China didn’t have to worry about large parking lots because few people owned cars but now this is changing.

### **MASS TRANSIT AND OTHER MODES OF TRANSPORTATION**

Beijing is preparing to host the Olympics in 2008 and is undergoing a lot of construction. They are in the process of building a light rail system from the airport to downtown Beijing. Actually, it seems like all of Beijing is undergoing a face lift, scaffolding and construction net is everywhere right now. But even with all of this construction, we never ran into any construction delays in traffic.

The bus system was unique in that it was electric – sometimes. Some of the streets were so wide that the lines didn’t cross. When the bus ran out of electric line, the bus driver would get out, disconnect the bus and then drive away using the gas engine. Once the bus came to another line, the bus driver would stop, get out and with a long pole reconnect the bus. Of course, taxis were plentiful and cheap. We soon found out that the taxi rides were the Chinese version of Mr. Toad’s Wild Ride in Disneyland. I never rode in one of the little rickshaws or the motorcycle cabs – I don’t think I had enough to drink...

While in China we went to the Great Wall, Xi’an (Terra Cotta Army) and to as many of the sites in Beijing we could fit into the trip, including the Beijing Pearl (and Silk) Market – now that’s my idea of a market! I can’t tell you how many times I was told how young I looked “You nice lady – you look so young!” Of course, the people telling me this had some wonderful souvenir that they knew I HAD to have. (I think they need more optometrists in China.) We were never able to blend in with the crowds for some reason. We were the tourist attraction to the Chinese school children. They all wanted to practice their English on us and asked if they could take photographs with us. The Chinese people were wonderful to us and we loved the country. The cities are beautiful and the countryside is awesome. If you get a chance you should go to China to see what history really looks like up close. And while you’re there try the Peking duck and the critters on a stick (my doctor told me to cut back on insects so I didn’t eat any of those). If you want to know more about my trip, call me. I will even share my vacation pictures.



Please look for trip pictures on other pages of this newsletter.

## DID YOU MISS IT?

Chris Banks, SR/WA, Int'l Director

Were you one of the fortunate people who made a really nice profit by selling your property for an amount much higher than the appraised value? Did you get a replacement property for a steal and put that profit into something more fun than remodeling, like a nice vacation or a new cabin up North? Or were you like me, waiting until things quieted down and then – oops – I missed it?

Recent news articles report a drop of more than 30% in new housing starts. An economist on television yesterday said that this isn't the bubble bursting – just a slight hiccup, a natural progression. Whatever it is, I think the agents in the right of way industry need a little breather. The good news is that most economists predict that the Federal Reserve will realize that higher interest rates have dampened the housing market, a key factor in our economy. The prediction is that the rate increases will slow down or even stop, perhaps even a slight reduction will occur that will kick some life back into the housing market. Anyone out there have a crystal ball that works? I'd like to borrow it so I can get in on the next big wave.

Several years ago I worked for an agency that utilized a five-year "advance acquisition" program. The engineers and designers would design and plan a project, the right of way agents would buy the land rights needed, and the agency would then put the project "on the shelf" until the budget funds were allocated to build it. The criticism of this plan was that these right of way dollars should have been spent on other discretionary projects and in other departments. But look how smart this move turned out to be! Imagine how much more the right of way would cost today.

I have been racing with the developers trying to get ahead of them in our "advance acquisition" program but they are too fast for me. I'm looking at property in undeveloped, undisturbed desert areas, areas that I can't even get to physically without a 4-wheel drive car, only to find out that there is a PAD or Preliminary Plat being submitted at any minute. I'm not sure that "advance acquisition property" hasn't become like "buggy whips" – pretty hard to find those, too.

And making it even harder for municipalities and other government agencies, new eminent domain legislation is popping up all over the US – in favor of the private landowner. Not that this is good or bad – it just makes it challenging. For all of these reasons, it is important for us to make sure we stay on top of everything by attending every IR/WA seminar and conference we can. I will be at the conference in Denver in June. Will you? Or will you say, "I missed



Chris Banks in the Forbidden City



Melita Hillman in Tiananmen Square

## **UTILITIES COMMITTEE REPORT**

Mike Burns SR/WA, Region 1 Representative, International Utilities Committee

IRWA's 52<sup>nd</sup> Annual International Education Conference is just around the corner. The dates are June 18-21, 2006. The International Utilities Committee has 4 sessions they are sponsoring and 3 that are joint presentations with other committees. The following is a list of session dates and times along with a brief description of the presentation.

Monday June 19<sup>th</sup> 1:30pm-3:00pm  
Utility Relocation-Best Practices "Why is That Pole Still There?"

This session features a discussion of the various types of infrastructure improvement projects that involve utility relocation and the actions that should be taken by project owners in order to complete all required relocations within established timelines.

Monday June 19<sup>th</sup> 3:30pm-5:00pm  
Vegetation Management Update

The August 14, 2003 blackout caused greater governmental scrutiny of vegetation management practices, ultimately leading FERC to issue an order requiring "transmission providers" to report to FERC and others regarding their practices. The session will discuss the FERC Report on such practices and how companies have subsequently changed pre-Blackout vegetation management protocols.

Monday June 19<sup>th</sup> 1:30pm-3:00pm and 3:30pm-5:00pm  
Mock Trial, Parts 1 & 2

This two-session trial will be the highlight of the Denver Conference. The trial will feature well-known Denver area professional and is based on an actual court case. Joint session sponsored by Valuation, Utilities and Local Public Agency.

Tuesday June 20<sup>th</sup> 9:15am-10:30am  
Right of Way Encroachments

Options for maximizing uses of rights of way (including second line rights) and methods for handling unreasonable encroachments. Joint Session sponsored by Pipelines and Utilities.

Tuesday June 20<sup>th</sup> 11:00am-12:15pm  
Utilities Roundtable

A moderated discussion of topics from the audience which provides a unique opportunity for the exchange of practical information focused toward utility right of way and Land issues.

Tuesday June 20<sup>th</sup> 2:00pm-3:15pm  
Telecommunications Update-"Wireless & Broadband & Land Line Oh My"

This session will present an overview of the multitude of changes and challenges that these sectors are facing and what the future may hold for each one.

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On another note I had the opportunity to travel to Istanbul Turkey to stay 2 weeks with my son and his family in April. It was a unique opportunity to see much of Istanbul, that tourists don't get to see. My son and his wife are learning the Turkish language and actually live in a middle class neighborhood on the Asian side of the city. Istanbul is a city of 15 million (yes 15 million!) people that covers roughly the size of metro Phoenix. It is much like San Francisco as much of the city is hilly. Everyone lives in high rise buildings from 5-30 stories. We did do a number of tourist things, including visiting the Haga Sophia, the Blue Mosque, the Grand Bazaar, and two beautiful palaces that the Sultans of the Ottoman Empire lived in. We also took a ferry boat tour of the Bosphorus. Where do Utilities come in? Well at the north end, just before the Bosphorus enters the Black Sea, we passed under two large 500 KV transmission lines that span the water. At the end of the ferry route we went up a mountain to see a ruined 14<sup>th</sup> century fortress that guards the entrance to the Black Sea. Also we went to the National Military Museum that gave us more insight to the history of Turkey. We also went to a mall that the Turks claim is the second largest in the world. We used various forms of transportation, including a private vehicle, numerous taxis, the ferry many times, mini buses, regular buses and double decker buses, the subway and trains. That doesn't count walking numerous times. All in all, a fascinating experience.

## **REGION 1 UPDATE**

Mark Keller, SR/WA, Region 1 Chair

The International Right of Way Association's Annual conference is approaching quickly. This year's conference will be held in Denver, Colorado and is expected to be full of educational offerings as well networking. I will be stepping down as Region 1 Chair after serving as Vice-Chair and Chair from 2002-06. With a lot of support from Chapter 28, Region 1 is in great shape. Our Region has an excellent website, extensive networking system, and thirteen strong chapters with over 1,500 members. Carolyn Carrica, newly affirmed Chair from Chapter 46 and Chris Banks, newly elected Vice-Chair from chapter 28 will lead region 1 for the next five years. I have enjoyed serving Region 1.

The top issues and action items covered at the Spring Region Forum include:

Remember to register and make arrangements for the annual conference from June 18-21, 2006.

Remember the items for the book drive, auction, and educational foundation. We need donations for all these areas.

Remember the party for Region 1 incoming IEC President Jim Finnegan-donations are also welcomed from chapters.

Should be receiving board materials prior to the conference.

Finish and submit tax returns to Fred Nasri-ASAP.

Submit educational courses for 2006, 2007, and 2008 to Carolyn Carrica.

Submit list of all chapter officers' and committee's contact information including term to Bonnie Gray at IRWA.

Agenda items for the Region 1 caucus meeting on June 19 at 7 AM.

Issues, problems, etc. to be submitted to Region Chair and Vice-Chair

Lastly, please submit evaluation sheets for Region 1 Chair and Vice-Chair for 2005-2006.

After reviewing the action items, it appears that many have been completed and will be finalized at the Denver Conference. The proposed IRWA Board resolutions include the following:

1. Dues increase in 2007-\$10 increase for Senior Members and \$5 increase for retired members.
2. Amendment to change the bylaws to account for the GST for the Canadian chapters.
3. Amendment to change the number of board officers to account for latest changes for Regional Governance and IEC Officers.

Election of the 2006-07 officers for the IEC, Regional Chairs and Vice-Chairs, and appointment of committee chairs and vice-chairs.

In December 2005, IRWA held an Educational Summit and developed a plan to revamp and bring up all IRWA course to current adult learning standards and to better serve IRWA participants with timely and relevant courses in the Right of Way Profession. The consensus is that the new IRWA courses will foster an enhanced learning experience.

Please stay tuned for additional information and my final report from Denver.





Gregg Tuttle, Manager  
SRP Land Department  
Surveys Division

## Surveyor's Corner

### Question:

*I need a minor change to an ALTA survey drawing, but the surveyor who originally signed the drawing is no longer available, and now there a discussion of having the new surveyor perform extensive work just to sign off on this minor change? Are they trying to create more work to charge me more money?*

Well, like all good questions this really has more than one simple answer. There is the part about a 'new' surveyor making "revisions" to an existing drawing; and then, there is the question of the costs associated with the change..

Before I continue, my own personal disclaimer/caveats:

- I am NOT licensed to practice law as an attorney.
- The following does NOT constitute legal advice.
- It is the PERSONAL OPINION of a Land Surveyor licensed to practice Land Surveying in Arizona.
- This article is meant solely for the purpose of stimulating thought and discussion regarding the subject at hand. The following is, by no means, meant to be a complete and exhaustive treatment of the subject matter.

With regards to the NEW 2005 ALTA requirements, note paragraph 2:

"The plat or map of such survey shall bear the name, address, telephone number, and signature of the professional land surveyor who performed the survey, his or her official seal and registration number, the date the survey was completed, the dates of all of the surveyor's revisions . . ." (*Emphasis added.*)

*The intent of the underlined clause is to eliminate revisions by one surveyor to a survey prepared by another.* For a second surveyor to make revisions is misleading and ethically questionable when the first surveyor is not aware of said revisions. The solution, presuming that the permission of the original surveyor cannot be obtained, is that the second surveyor would basically treat the survey as a new survey with a completely new certification.

To perform a "recertification" on an existing drawing without the knowledge and permission of the originating surveyor is considered by professional surveyors to be unethical. It would be similar to an appraiser 'revising' the appraisal of another appraiser without the knowledge or permission of the originating appraiser.

Most professional surveyors are very cautious concerning the terms: "recertification" and "update" – because they imply something other than (less than) a "new" survey.

It is commonly understood by professional surveyors that anytime there is a new signature, and/or a new date of certification it is considered a new survey.

A revision (made by the originating surveyor) *may be* something less than an "update" of the drawing, and, as such, *may not necessarily* involve a new signature / certification date.

BUT, as noted above, would require an additional REVISION DATE, and some qualifying language as to WHAT was revised on the drawing.

As to the situation where the originating surveyor is not available to perform the requested changes:

The new surveyor certifies the survey *without qualifications*, and thereby takes FULL professional responsibility of the entire survey. So, given that, - the effort to put into this is a matter of professional judgment. That professional surveyor must decide whether or not to direct a complete 're-do' of the entire survey. Deciding depends on the answers to a variety of factors, some of which are:

- How long ago was the original survey conducted?
- Who did the fieldwork and how was the fieldwork accomplished?
- How thorough and complete was the original survey?
- How well is the survey documented in the field notes and job file folders?
- Were the boundary determinations / resolutions clearly and understandable documented in the file?
- What may have changed in the chain of title of the property, or with the adjoining?

Continued on next page....

## Surveyor's Corner continued

Sometimes a firm's "*second-surveyor*" might attempt to "qualify" the requested change as being related to specific issue or specific issues, in an attempt to avoid total responsibility for the first surveyor's work, (although, obviously, the firm would certainly still have the liability either way.)

So, most professional surveyors will only place their certificate on a results-of-survey drawing that was originally sealed by another after an extensive review, (which many (most) times includes additional field work in the form of QC/QA verifications). None of which is either quick or free.

As to "revisions" -as noted previously- revisions to another's professional drawing, without the knowledge and permission of that originating professional are considered misleading and unethical. So "revising" another's work is to be avoided.

\*IF\* the firm is able to contact and gain the permission of the originating surveyor that would allow for simple revisions. However gaining that permission may not be practical or even possible (such as if the person is deceased.)

As to the cost of the changes to the requestor:

It all "depends" on the relationship between the requestor and the firm.

If the requestor represents an important client of the firm, (said client having much repeat business with the firm), then the firm may consider a negotiation on a timeline and the associated charges related to their 'second surveyor' (re)certifying the survey drawing. Probably less than a new survey.

If the request is a onetime affair, from a requestor with a poor or non-existent relationship with the firm then the chances are that the requestor will be charged for a completely new survey. That cost *maybe* somewhat less than if the firm had no prior knowledge of the property, but it will certainly be much, much more than the cost of a quick drafting change, with a reseal and a new signature and current date.

Well, that's it for this month's article from the Surveyor's Corner.

If anyone has feedback or comments, please feel free to share them.

As always, I am interested in the opinions from, the readers of the Kachina Chapter 28 Newsletter.

Please keep sending in those questions.

*Until next time, Thanks for reading about land surveying & land surveyors. -  
Gregg Tuttle, AZ/RLS # 11121; Manager, SRP LAND-Surveys Division*

### JUNE 2006 celebrates the 50<sup>th</sup> Anniversary of America's Interstate Highway System

In 1919, a lieutenant colonel in the U.S. Army joined a post-World-War-I military convoy that took 81 vehicles from Washington D.C. to San Francisco along the Lincoln Highway. The road was full of mud, bad bridges, danger and inconvenience - it took the convoy 62 days to make a trip Americans could safely accomplish in a week, nowadays. That lieutenant colonel was Dwight David Eisenhower, whose surface-transportation strategies as Supreme Allied Commander in World War II were key to winning the war in Europe - and who was elected President in 1952. Back home after the war, Ike -first shown the importance of good roads way back in 1919 - convinced Congress to invest in the INTERSTATE HIGHWAY SYSTEM, which has catapulted the U.S. economy to heights yet unequalled in the world.

2006 marks the 50<sup>th</sup> anniversary of America's Interstate Highway System - one of the all-time engineering wonders of the ages and a powerful force driving U.S. economic growth and quality of life. It took generations of American know-how and nerve to accomplish this feat - not only to determine how to do it, and bring the people and materials together for the task, but also to take up the challenge despite risk and cost. Today it is clear that the Interstate Highway System has repaid its original costs to our nation many times over - but it also clear that this generation needs to look ahead, as our parents and grandparents did, to determine what the future requires in infrastructure investment to maintain our quality of life. Join the state transportation department that comprise AASHTO as we celebrate the Interstate!

The historic convoy route of 1919 is being driven once again... BUT, this time moving from West to East - San Francisco to Washington D.C. as follows:

June 15th - San Francisco, CA  
June 16th - Reno, NV  
June 17th - Salt Lake City, UT  
June 19th - Laramie, WY  
June 20th - Cheyenne, WY

Swing Route Diverts on June 21st - Abilene  
& Kansas City, KS Rejoining in Davenport, IA

June 21st - Omaha, NE  
June 23rd - Davenport, IA  
June 24th - Chicago, IL  
June 26th - Akron, OH  
June 27th - Carlisle, PA  
June 28th - Emmitsburg, MD  
June 29th - Washington, D.C.

An Arizona Department of Transportation "Cone Truck" will lead the AZ convoy trek on June 14<sup>th</sup> in Tucson... proceed to Phoenix on June 15<sup>th</sup>... Flagstaff on June 16<sup>th</sup>... and join the national convoy in Salt Lake City... proceed to Wyoming... and then return to Arizona.