STATE OF MONTANA
MONTANA DEPARTMENT OF TRANSPORTATION
JOB PROFILE

☐ Update
☐ Formal Review

Date Submitted ________________

SECTION I - Identification

Working Title: Right of Way Agent II     Department: Transportation

Job Code Number: 131974     Division & Bureau: District Engineering

Job Code Title: Right of Way Technician     Section & Unit: District Right of Way

Pay Band: 4     Work Address: Statewide

Position Number: 50011, 51002, 51215, 51216, 51217, 53002, 53215, 55215, 55218, 57215, 57225, 57245, 59002, 59215, 59226, 59228, 60008, 60010, 60033, 60047, 60053, 60062, 60070, 60076

☐ FLSA Exempt     ☑ FLSA Non-Exempt     ☐ Non-Union     ☑ MPEA     ☐ Blue Collar

Profile Completed By: Rob Stapley     Work Phone: 444-6063

Work Unit Mission Statement or Functional Description:

The Montana Department of Transportation's (MDT) mission is to serve the public by providing a transportation system and services that emphasize quality, safety, cost effectiveness, economic vitality and sensitivity to the environment.

The Engineering Division prepares projects for bidding and coordinates highway construction. The Division is made up of the Materials, Construction, Right of Way, Bridge, Traffic and Safety, Consultant Design, and Highways bureaus; the Engineering Information section; and five District Construction Offices in Missoula, Butte, Great Falls, Glendive, and Billings for budget and workforce purposes.

The District Right of Way (ROW) section is responsible for the acquisition of interests in real property for highway construction, maintenance, excess property disposal, and related purposes. This includes appraisal and negotiation for real property interests; the preparation of right of way estimates and various studies including access control, irrigation and route location; and recommending design revisions where necessary to acquire parcels. District ROW personnel also assist in the relocation of displaced individuals as a result of highway projects.
**Describe the Job’s Overall Purpose:**

This position serves as a Right of Way Agent II and is responsible for conducting property appraisals and negotiations to arrive at fair compensation for Department property acquisitions. This includes standard property appraisal and negotiation types. The 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.

**SECTION II - Major Duties or Responsibilities**

This section should be a clear concise statement of the position’s major duties and the approximate percent of work time for each duty

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<th>% of Time</th>
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**APPRAISALS**

1. 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.

2. Conducts site inspections of subject properties and comparable sales to identify factors affecting property values and collect 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).

3. Analyzes and evaluates appraisal information to determine appropriate amounts of 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. The incumbent is responsible for most types of standard appraisal projects and subsequent negotiations.

4. 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.

5. 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.

6. 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.
**B. ACQUISITIONS**

1. 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. Researches 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.

2. 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.

3. 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.

4. 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.

5. 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.).

6. 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.

7. 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., similar to those required for property acquisitions).

8. 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.
C. OTHER DUTIES

Performs a variety of other duties as assigned by the District Right of Way Manager in support of the Department mission, District objectives, and operational plans. This includes exchanging information with consultants, Department staff, other agencies, and the public; coordinating public hearings and special projects; attending ongoing education and training; and performing a variety of other duties as assigned.

1. The following duties and/or specific tasks listed under section II above are considered “essential functions” because they require specialized expertise and skill and are the primary reasons the job exists (they must be performed by this position with or without accommodations):

   Duty A: Appraisals
   Duty B: Acquisitions

The following mental and physical demands are associated with these essential functions:

PHYSICAL
- Light lifting (less than 10 lbs.)
- Carry light items (papers, books, small parts)
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Travel within the State to project locations, and out of State travel by airline to national conferences and meetings.
- Operating a personal computer
- Communicate in writing, in person, and over the phone
- Ability to drive long distances

MENTAL
- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Computing arithmetic operations
- Comparing data
- Compiling information
- Analyzing
- Coordinating
- Synthesizing
- Negotiating

2. Does this position supervise others?  □ Yes  □ No

   Number directly supervised: 0
   Position Number(s) of those supervised: N/A

3. Attach an Organizational Chart.
SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:
Considerable 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; 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, highway engineering and design and construction methods and materials.

SKILLS:
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.) analyzing and interpreting statistical information; 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.

Behaviors required to perform these duties:

See MDT Core Behaviors

Education:
Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

☐ No education required
☒ High school diploma or equivalent
☐ 1-year related college/voc. training
☐ Related AAS/2-years college/vocational training
☐ Related Bachelor’s Degree
☐ Related Master’s degree

Experience:
Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

☐ No prior experience required
☐ 1 year
☒ 2 years
☐ 3 years
☐ 4 years
☐ 5 or more years

Other specific experience (optional):
Two (2) years’ experience consisting of 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 one (1) year of Right of Way Agent Level I experience or equivalent with demonstrated ability to perform those required tasks.
**Alternative Qualifications:**
This agency will accept alternative methods of obtaining necessary qualifications.

☑ Yes ☐ No

Alternative qualifications include:
Additional education may be considered on a case by case basis by the panel.

**SECTION IV – Other Important Job Information**

☑ Fingerprint check          ☑ Valid driver’s license
☐ Background check          ☐ Other; Describe

Other information including working conditions such as shifts, lifting requirements, travel or hours.
SECTION V – Signatures

Signature indicates this statement is accurate and complete.

**Employee:**

Name: ________________________________  Title: ________________________________

Signature: _____________________________  Date: ________________________________

**Immediate Supervisor:**

Name: ________________________________  Title: ________________________________

Signature: _____________________________  Date: ________________________________

**Bureau Chief:**

Name: ________________________________  Title: ________________________________

Signature: _____________________________  Date: ________________________________

**Division/District Administrator:**

Name: ________________________________  Title: ________________________________

Signature: _____________________________  Date: ________________________________

**Department Designee:**

Brent Rabe /Designee  
Chief Human Resources Officer  
Human Resources Division

Signature: _____________________________  Date: ________________________________