

Interest Based Convening: Toward Participatory Decision Making in Transportation Investment

This paper examines the role of public involvement in transportation planning.

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Some Perspectives on Public Involvement

"Keeping citizens apart is the first axiom of modern politics." Jean Jacques Rousseau. (Walker, 1993, p.273)

"The public involvement process under the Statewide and Metropolitan planning process is overly prescriptive, creates potential for project delay, increases costs and court challenges and does not allow states the flexibility to decide what is appropriate based on regional needs. (American Association of State Highway and Transportation Officials, 1995, p.29)

"The Snickersville Turnpike Association is a true grassroots organization. We are at the ground level. We are the people, the community. We are the ones who eventually benefit from or suffer from what you do here in Washington. I cannot express strongly enough how much we benefit from ISTEA. ♦ Susan Van Wagoner, in Citizen's Hearing, 1996, p.20.)

Introduction and Summary

Typically public involvement in transportation investment has occurred late in the planning and project development process. Residents of a neighborhood about to be impacted by a road or transit project organize to stop the bulldozer, or to block the final issuance of environmental or other permits. This kind of involvement is inevitably confrontational, as the governmental entity responsible for the project has already committed to it, and the engineers and planners have assured their superiors that the project should go forward. Public involvement at these late stages can take the form of protest and disruption of meetings, litigation and sometimes actual disruption of the construction of the facility -- all causing delay and considerable expense.

A sincere effort to engage the public in the actual effort of prioritization and project selection, on the other hand, could have the result of building a public consensus regarding the projects ultimately selected, and perhaps altering the decisions so that they respond to public concerns. In the long

run, such early participatory decision making can save money and time, rebuild public confidence in government, and serve elected representatives by providing input into the needs and desires of their constituents. An aggressive and open public involvement and institutional consultation process can lead to better prioritization decisions.

Recent transportation legislation in the United States has shifted the focus of public involvement from the late stages of the transportation development process to the early stages, by providing for interagency consultation and public involvement in long range planning, programming and prioritization and in multimodal evaluation. Since the passage of this federal legislation in 1991, considerable progress has been made in such participatory decision making, both by transportation agencies and by non-governmental organizations. A review of several case examples reveals some key lessons about public involvement and institutional partnering. Central to engaging in the process are the concepts of openness, partnership, systems thinking and equity.

Background: Public Involvement and Consultation in the United States Prior to 1991

Public concern with transportation investment in the United States began to emerge relatively early in the development of the nation's highway system -- with the construction of the nation's Interstate system in the 1960's and 1970's. As the states began to use federal funds to construct the Interstate Highways through cities and towns, public concern about the environmental and social impacts of these facilities began to grow. "Freeway revolts" erupted in many metropolitan areas during this period, leading to the cancellation of many urban segments of the system. The freeway debates coincided with the rise of the environmental movement in the United States in the early Seventies, and the first legislation to meaningfully engage the public in the transportation investment process was the National Environmental Policy Act (NEPA), which required consideration of the environmental impacts of any federally financed project. The law also required the governmental entity proposing the project to consider alternatives, and required the federal government to approve the findings of the state or local implementor. In addition, the law provided that citizens could impact the process through public hearings, and gave citizen groups standing to sue in the courts if the environmental review process was not conducted in a proper manner.

NEPA was used successfully to block many projects at the time, and it has become an important tool for measuring and evaluating the environmental

impacts of proposed projects. An early court decision ruled that the NEPA process did not apply to long range transportation plans, however, so NEPA has always been applied late in the process -- after a government agency has committed itself to spending money in a particular corridor. As a result, most Environmental Impact Statements are constructed to defend a particular project by addressing and mitigating its environmental consequences. Public input and agency consultation is not sought regarding the advisability of pursuing the investment in relation to other choices in other corridors.

In 1974, the United States Congress responded to growing concern about the impact of the Interstate Highway construction on the environment and on the vitality of towns and cities by passing transportation legislation which called for an improved planning process which involved government entities other than the state highway departments in the planning and programming effort. The act created what came to be known as the "3 C Planning Process", calling for a planning effort that was continuing, comprehensive and cooperative, and involving local government in metropolitan areas through associations known as metropolitan planning organizations. The new law also called for public involvement through requirements for public hearings on the plan and on programming decisions. Throughout the 1970's, there was a major effort to enhance public understanding about transportation decisions, to involve the public in the decision making process and to make more balanced transportation decisions. Federal resources were devoted to developing innovative public involvement techniques, case studies were conducted of successful programs, and considerable progress was made. At the same time, efforts were made to apply the 1965 Civil Rights Act to transportation investment by undertaking reviews of the impact of transportation investments on underrepresented minority groups. Substantive reviews of transit service to minority communities were undertaken on a nationwide basis at the behest of the Urban Mass Transportation Administration.

This major effort to improve planning and institute participatory decision making peaked in about 1980. Throughout the 1980's the federal government retreated from its focus on planning and public involvement and the practice of planning by the states and metropolitan planning organizations languished, as did the level of understanding of techniques of public involvement. At the time of the passage of the Intermodal Surface Transportation Efficiency Act in 1991, only one of the ten federal regions had an active Intermodal Planning Group for consultation on improved planning practice and only three or four of the fifty states had formal intermodal

planning programs. Citizen and non-governmental capacity in transportation planning had similarly declined from its peak in the late seventies.

1991's Intermodal Surface Transportation Efficiency Act: Partnership, Public Involvement, Cooperation and Consultation Are Reintegrated into Transportation Investment

In 1991, the United States Congress signaled the end of the Interstate highway building era by passing a major piece of legislation called the Intermodal Surface Transportation Efficiency Act (now dubbed ISTEA and pronounced "Ice-Tea"). The new law made the final authorizations of funding for the Interstate Highway System -- most of which ironically goes to a multi-billion dollar project to bury the old Interstate in downtown Boston in an attempt to reclaim the center city -- and refocuses state highway engineers on an Interstate Maintenance program in which capacity additions are prohibited. In ringing language, the new Act called for an end to "the costly and inefficient practices" of the Interstate era, and promised in a new era of managing a 'National Intermodal Transportation System.'

The ISTEA legislation authorizes \$155 billion for transportation investment over a six year period, an increase of perhaps 25% over past trends. The law creates a totally new framework for transport spending, however, which turns the old system of decision making on its ear, creating quite a challenge for institutions dominated by highway engineers. ISTEA attempts to ensure that these institutions will respond to the mandates by linking policy to both planning and funding. Transport policy maven Donald H. Camph characterized new program and policy directions in ISTEA: emphasis on a systems approach, with increased focus on alternative modes, environmental protection and mobility of persons and goods; holistic approach to planning, which expands concepts of system performance to include mobility and access, equity, reliability and external impacts and stipulates a cooperative partnership for planning between local and state governments; flexibility, unprecedented flexibility in moving money between modes (roads, transit, bikes and pedestrians) , making funding decisions clearly a part of the planning process; linkage to air quality and environment, in both funding and planning; emphasis on performance, with a focus on preservation, maintenance and management of the existing system through management systems; emphasis on aesthetics, with both planning requirements and funding set-asides for scenic byways and easements, historic preservation and other features; focus on safety, on the roads and in communities, for users and non users; and finally an emphasis on public involvement, which

moves the nation toward a participatory model of decision making, with an informed citizenry playing a key role. (Camph, 1994, pp.4-5)

ISTEA requires the preparation of new long range plans which incorporate these changed directions, and for the first time requires the public disclosure by state agencies of fiscally constrained programs of projects consistent with the plans. One of the most notable provisions of the law is the requirement that both the states and the metropolitan planning organizations not only offer an opportunity for public review and interagency consultation as part of the planning and prioritization process, but that the agencies must publish for review and comment a plan for public involvement. In other words, agencies should not only involve the public in planning but also in deciding how and when to seek public input. The law and subsequent guidance ask implementing agencies to consult at key milestones in the planning and programming process, so that the public is involved throughout the process, not just at the end of the process. With respect to the federally required transportation budget or program, called a Transportation Improvement Program, involvement of the public and consultation with other agencies should happen first with schedule and financial plan, and second with the development and selection of evaluation criteria. ISTEA also asked for agencies to consider all reasonable alternative transportation investments in a corridor before selecting a project, leading to a new process called the major investment study (MIS). The MIS offers an opportunity for engaging the public and local entities in a collaborative decision making process prior to the selection of an alignment or specific improvement.

In this fifth year of implementation of the new law, it is possible to see both progress and problems. All fifty states now have some form of long range transportation plan, and almost four hundred metropolitan areas have developed long range plans with balanced transportation budgets. Local elected officials and citizens have been engaged by the thousands in the transportation planning process, and the result can be seen below in many case examples. At the same time, many transportation officials complain of heightened expectation and insufficient funding, hinting that without larger budgets public engagement may only result in dissatisfaction with the choices being made by these transportation officials.

At the same time, there is a strong reaction from many transportation officials, who believe that ISTEA has encouraged people to become involved in transportation who would not otherwise be involved, and this involvement of new constituencies can be counter productive. The American Association of State Highway and Transportation Officials has argued that they work for elected officials and are thus accountable to the public. Therefore, they have

proposed that consultation and public involvement should be optional for the states. Environmental and citizen groups are complaining that ISTEA's requirements for citizen involvement do not ensure that government agencies will be responsive to input, and are calling for stronger enforcement by federal agencies. To get beyond the rhetoric about the law and answer the question at hand, i.e., whether public involvement and interagency consultation actually improves decision making, it is necessary to refer to actual case examples.

Innovative Public Involvement Processes Conducted by Government Agencies

Since the passage of the ISTEA legislation in 1991, many metropolitan and state transportation agencies have initiated processes to engage citizens and community groups in developing multimodal transportation plans and programs. While many of these public involvement processes consist of conventional public hearings and the distribution of reports to libraries and mailing lists, many agencies have devised innovative outreach programs that actually attempt to use public interest groups, business people and citizens to provide input and help make decisions. In these cases where the intent has been to actually use citizen input to help in developing goals, objectives, performance measures and priorities for the plans and programs, the result has been judged a success by the agencies.

Albany's "New Visions". In Albany, New York, the Capital District Transportation Committee is charged with the preparation of the long range plan and transportation improvement program for the Albany, Schenectady and Troy areas of upstate New York. The Albany planning effort took a task force approach to the development of the twenty year long range plan, which was required to contain a fiscally constrained set of multimodal priorities. The Capital District Planning Committee, or CDTC, enlisted the help of over a hundred agency personnel, municipal and county officials, business people, public interest groups and citizens and neighborhood groups in a series of topical task forces dedicated to topics as diverse as goods movement, quality of life and least cost planning measures. The task force members worked alongside state and CDTC staff to review relevant data, understand the state of the practice and apply local experience and values to the various transportation issue areas. Recommendations from the ongoing effort are presented at community forums. The result was threefold, according to CDTC staff: a broad involvement and understanding of key transportation issues by community leaders, a better reflection of the social, economic and environmental impacts of transportation in transportation investment decision making, and some really groundbreaking planning work.

In particular, the CDTC plan, entitled "New Visions", has applied both qualitative quality of life indicators and principles of integrated resource management and least cost planning to the prioritization of projects and issues in the plan.

St. Louis Opens the Door. A second exemplary public involvement effort is taking place in the St. Louis metropolitan area. Metropolitan transportation planning in this bi-state area is the responsibility of the East-West Gateway Coordinating Council, in cooperation with the Missouri and Illinois state transportation departments and the region's transit operator. East-West Gateway saw the ISTEA legislation as an opportunity for both an improved partnership with the states and for a broader engagement of community groups in transportation planning. Central concerns in the St. Louis region revolved around the mismatch between job location and concentrations of unemployment and around the conflict between the need for reinvestment in the region's core and its older suburbs and the desire of the state to accommodate growth in outlying counties as wealth and jobs dispersed.

According to East-West Gateway staff, early efforts at public engagement and partnering with the state were mixed. After some skirmishing, the East West Gateway Coordinating Council and the Missouri Highway and Transportation Department entered into negotiations which led to a memorandum of agreement on a jointly administered planning process for the region. At the same time, the Council began to use focus groups, task forces and directed outreach to involve groups interested in social services, job training, industrial retention and quality of life in the planning process. Asking for assistance in resolving specific issues and capitalizing on opportunities, the Council was able to refocus attention on transportation investment's desired outcomes for the region's economy and its quality of life. The region's efforts at linking transportation investment and economic opportunity were recently bolstered by a multi million dollar grant from a private foundation to continue partnerships in providing job training and the linking of jobs in the periphery and workers in the core. In the words of Blair Forlaw of the East West Gateway Coordinating Council, "These are new directions for all of us and, like turning a big ship around, it's going to take persistent effort, and time." (Forlaw, 1996, p.3.)

These examples of agency sponsored public involvement process teach two key lessons. First, public involvement should be organized around issues that people in the community care about such as jobs and quality life, rather than around issues transportation planners think about like volume to capacity ratios. While this involves translation on the part of the professional, this focus on transportation outcomes helps to get people involved and keep

them involved. Secondly, it helps to organize public involvement around specific issue areas so that people see their involvement as being focused and so that key interest groups can align themselves with their special areas of interest. Our society is increasingly organized around affinities such as the environment, aging, historic and scenic issues, and business opportunities, and it helps to reflect these affinities in the planning process.

Public Involvement Process Conducted by Public Interest Groups

Since the passage of the ISTEA legislation in 1991, coalitions of citizen and public interest groups concerned with quality of life, environmental and regional planning issues have formed in many parts of the United States. Sometimes in response to invitations by government agencies and sometimes in reaction to the official processes, these coalitions have undertaken independent transportation planning efforts, often involving unique partnerships and broad outreach and involvement efforts. These efforts have influenced "official" plans by redefining issues into a broader frame and by providing a base of citizen support for progressive policies. An examination of these independent efforts can also provide some interesting pointers about successful consultation and involvement techniques.

Chicago's Citizen Commission Takes the Lead. In the Chicago metropolitan area, a coalition of groups concerned with community development and the environment began to work together in 1991 to respond to a proposal by the Chicago Transit Authority to demolish an elevated rapid transit line serving city and suburban areas on the west side of the region as well as Chicago's south side. The new coalition was successful in convincing authorities to reprogram some \$300 million in funding to rehabilitate the aging line, and then turned to transit oriented redevelopment around station areas along the line. This bridging of community economic development and transportation accessibility concerns ultimately led to the creation of a regional citizen's commission to address transportation investment in the entire metropolitan area. In early 1994, eight agencies came together "to develop a plan for future [transportation] investment that would consider the needs and concerns of the entire region, with a focus on consumer amenities and services, jobs and economic development, public health, open space, livable communities and the special underserved needs of seniors and disabled citizens." (Center for Neighborhood Technology, 1996, p.2) Sponsors of the coalition included regional public interest groups dealing with public health, open space, urban affairs senior citizens, alternative transportation, community development, the needs of the disabled, and environmental issues. The Chicagoland Commission on Transportation and

Air Quality convened a series of task groups which developed reports on specific issues ranging from governance of the region to open space and public health. These reports were considered, debated and then coalesced into a series of recommendations for the investment of transportation funds. The Commission is presently engaged in seeking endorsements from local government, business groups and the press for their recommendations.

This independent effort is notable for several reasons. First, the group convened a broad based partnership by interest groups affected by the transportation system; in effect a coalition of customers and clients rather than a coalition of owners and operators. This commission was able to view the problem from the perspective of transportation's benefits and costs without the ownership bias that colors planning by a highway or transit agency. Second, the dispersed authority for developing recommendations by issue area led to each sponsor seeking the endorsement of a broader coalition for its recommendations, and ultimately led to a broader regional vision. For example, the senior, disabled and community development communities have all now endorsed a regional greenways plan. Finally, the report, which was coordinated by a regional group called the Center for Neighborhood Technology, showed that independent groups can develop a professional and balanced set of goals and objectives for multimodal investment in a complex metropolitan region.

Sensible Planning in Maine. Just prior to the passage of ISTEA, a broad based citizen's initiative in Maine led to a statewide referendum on transportation investment priorities. The Sensible Transportation initiative, which was adopted by the state's voters in 1990, was developed in response to the states then existing plan to focus transportation investment on widening of a single highway in the region. The referendum, spearheaded by the Natural Resources Council of Maine, called for a balanced multimodal approach, including improvement to other corridors and the development of rail service linking the states urban areas to the rest of New England. More importantly, the initiative called for an open, collaborative planning and programming process that integrated quality of life and environmental concerns into priority setting. After the initiative passed in 1990, the state transportation department worked with public interest groups to develop this process in a collaborative fashion. The initiative has survived two efforts by highway construction interest to defeat it in the legislature and the state is looking forward to the inception of rail service to its largest metropolitan area in the near future. Current planning efforts focus on eco-tourism and upon livable communities approaches to transportation. The Maine effort demonstrates that it is possible for an independent effort to transform itself into a government partnership with the community.

Community and Neighborhood Approaches. Other citizen based planning efforts have focused on multimodal solutions in a subregional and community context. The Surface Transportation Policy Project in collaboration with the Federal Transit Administration developed the Community Empowerment Project to focus modest financial resources on community education and involvement in five communities around the country. STPP has contracted with local public interest groups in Minneapolis, Minnesota, Austin, Texas, Montana, the South Bronx of New York City, and Kansas City to educate community residents about transportation so that they can become involved participants in the planning and programming process. In Kansas City, the Metropolitan Energy Center has worked in two communities to assist residents to inventory their treasures and limitation, their dreams and aspirations and translate these into transportation solutions from sidewalks to transit and from development to open space. The communities have been successful in translating their needs into a set of community priorities and then in competing for funding for implementation. In Austin, Texas STPP worked with People Organized in Defense of Earth and her Resources (PODER) to develop an awareness of the transportation needs of an underserved minority community. A key aspect of this project was the involvement of youth in inventorying the transportation needs of the community. These Community Empowerment Projects have drawn the ire of the American Association of State Highway and Transportation Officials, who have formally objected to attempts to involve constituencies that would "not otherwise be involved" in the transportation planning process.

These "independent" planning efforts demonstrate that convening around general interest issues can be most successful, that constituency groups can effectively involve and represent constituency concerns, and that it is essential to undertake constituency based convening with a wide range of interests involved from the outset. Otherwise, the result will not be credible.

Interagency Consultation and Partnership -- A Few Examples

One of the key problems in transportation planning in the United States is the dispersed ownership and operation of the transportation system. In most states, the roads are owned by a melange of state, county and municipal agencies and responsibility for finance, construction and maintenance is similarly divided. Transit systems are often independent authorities, and multiple transit operators coexist in many regions. Ports and airports are usually owned by still different authorities; and of course trucking and rail infrastructure is privately owned and operated. This dispersal represents a critical problem for multimodal planning and investment prioritization, as

each owner is motivated to maximize the return to their part of the system, rather than the return to the user or the system as a whole. When the overall planning entity is the owner of one part of the system, the result can be pervasive bias in planning activities.

Congress attempted to deal with this issue in metropolitan areas by enlisting metropolitan planning organizations to undertake transportation planning in collaboration with states and other transportation providers. These entities, whose boards are often composed of local elected officials, generally do not own any part of the transportation system, and hence are presumed to have the overall system as their domain. These entities assumed considerable responsibility with ISTEA's passage and have assumed a great challenge in gearing up to do multimodal planning with few preexisting resources. In large part, those areas which have demonstrated early success had preexisting collaborative regional processes and have used ISTEA to build stronger partnerships. Portland, Oregon's Metro, for example, was a preexisting elected regional government which actively had collaborated with the state, the region's cities and the transit operator to use transportation investment to revitalize the core of the region and manage growth. Metro used ISTEA to convene a partnership to develop a transportation plan for the year 2040, which focused on light rail investment, multiple centers of growth and continued creation of a mixed use transit oriented center city. All of this effort was made possible by high levels of interagency collaboration in both technical work and in communicating to the public.

Leading Through Partnership in the San Francisco Bay Area. A similar effort was convened in 1991 in the San Francisco Bay Area by the metropolitan Transportation Commission and the California Department of Transportation. The Bay Area Partnership was a interagency partnership of some thirty six agencies with responsibility for transportation, land use and air quality in this region of six million people. According to the Metropolitan Transportation Commission "the guiding principle is that decisions jointly made will more readily lead to action and a commitment to overcoming obstacles." (Metropolitan Transportation Commission, 1996, p.2) The Bay Area Partnership acts through different committees in the areas of finance, operations and policy chaired by managers of partnership agencies. One of the first tasks of the partnership was the development of a 'multimodal priority setting process' which allocated more than half a billion dollars to about 500 transportation projects. Partners agreed upon a methodology which balanced system preservation with capacity needs, environmental needs with economic development and included cost effectiveness indices. While the indices could and will be improved, the important factor is that the

partners came together to agree on a multimodal ranking system which acknowledge many diverse points of view and interests.

Ohio and Minnesota Break New Ground. ISTEA also called for the development of statewide long range plans. A notable statewide partnership occurred in Ohio, with the development of Access, Ohio, a truly multimodal plan focused on transportation and the economic development nexus. The planning effort created a new partnership between public and private sectors. The Minnesota Department of Transportation (MnDOT) took a unique approach to partnering. Recognizing the rural and agricultural nature of much of the state, MnDOT has convened rural planning partnerships to integrate multi-jurisdictional concerns in the various regions of the state. This effort went beyond ISTEA and may represent a model for involving the varied concerns of local government in substate planning and priority setting.

The important lesson about these partnering examples is this: government agencies will partner when they see that they need help to get the job done. Partnering usually involves one agency making an initial offer to share power with other agencies. This initial offer gets other players to the table. Once the partners are convened, the second task is getting the new partners to realize that they have to contribute something themselves for the partnership to succeed. The keys are reciprocity and the need to accomplish a objectives which could not be accomplished individually. This lesson can be applied to partnerships between government agencies and public interest groups. Increasingly public interest groups in the United States have the power to block government action. So agencies need to bring them to the planning and programming table. At the same time, public interest groups have access to constituencies which are customers of transportation providers. The groups have a responsibility to represent these interests positively in partnerships to improve decision making. All of the requisite elements for partnering are there, if each group can get beyond defensive postures to see the inherent mutual opportunity.

Conclusion

The 1991 ISTEA legislation set the stage for a new type of multimodal transportation planning and programming in the United States -- planning based on outcomes, stakeholder involvement, partnership and an acknowledgment of broader societal implication of transportation investment decisions. Notable success stories are already appearing across the United States, and these successes appear to be based on an integration of diverse interests with traditional transportation concerns, rather than a sporadic

effort at increased communication and public information. This successful integration will hopefully form the basis for a fundamental and long lasting shift in the way that decisions are made in these regions, both leading to better decisions and serving as an example for other areas wishing to incorporate notions of accountability to the public and a focus on improved outcomes into multimodal planning. These stories are good stories; hopefully they can serve as good models as well.

Incorporation of three lessons from the examples cited above into public involvement plans may help to ensure that public input leads to better decisions. First, public involvement should be organized around issues that people in the community care about, and this can be most effectively accomplished by reflecting affinities including the environment, aging, historic and scenic issues, and business opportunities as goals for the planning process for transportation. Secondly, involving a broad set of constituency groups to help frame the relationships between issues like transportation and affordable housing, job access, the needs of seniors and youth, for example, will give broader credibility to the plan. Finally, in our increasingly complex society, participatory decision making ought really be viewed through a partnership model -- between and among government agencies and with both for profit and nonprofit private sector groups. Such partnering involves an understanding of the diverse needs and strengths groups bring to the table as well as an awareness of the need for reciprocity.

Public involvement and participatory decision making is an essential first step toward a sustainable transportation system. Given the increasing controversial nature of public works projects, it is also an essential step toward getting things accomplished. Planners owe it to their elected officials to try to involve their constituents in a meaningful way early in the decision making process.

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