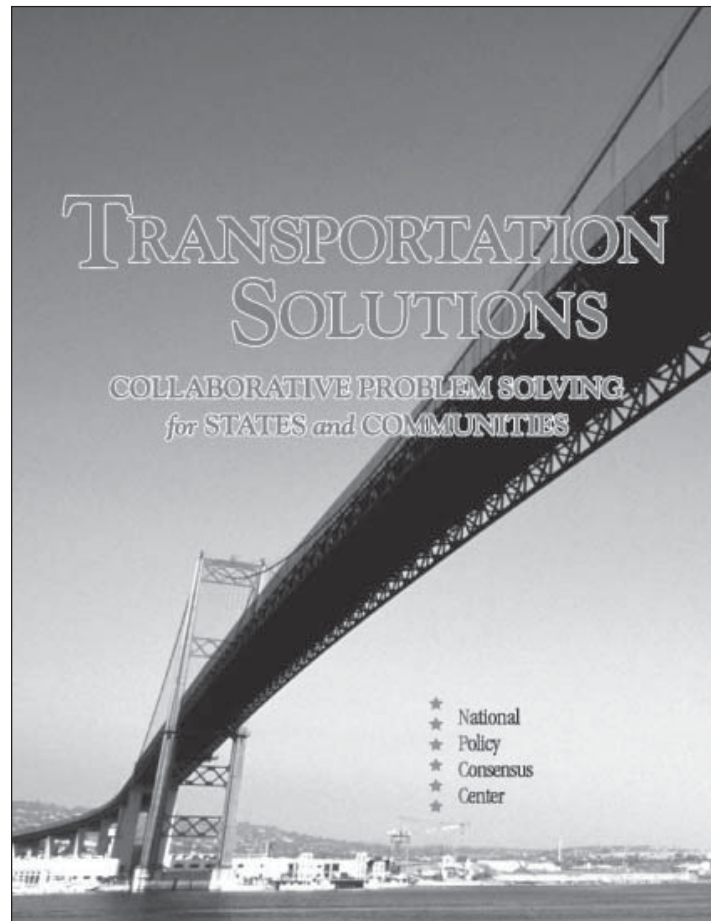


CASE STUDIES: TRANSPORTATION COLLABORATION

A supplement to



Published October 2003 by

National Policy Consensus Center

www.policyconsensus.org

TRANSPORTATION COLLABORATION CASE STUDIES

TABLE OF CONTENTS

Alternatives for the Orlando, Florida Urban South Central Corridor	3
Bryan Park Interchange – Richmond, Virginia.....	7
Colorado’s Shortgrass Prairie Initiative	10
Florida DOT Statewide Transportation Plan	13
Florida’s Strategic Intermodal System.....	15
Interagency Workshops in South Carolina	18
Martin Luther King Jr. Boulevard Revitalization – Portland, Oregon	20
Negotiating Access Management Rules In Oregon.....	23
Utah 3500 South Partnering Agreement	26
Washington-Oregon Strategic Plan For I-5 Corridor.....	28
Sacramento Transportation and Air Quality Collaborative.....	31

ALTERNATIVES FOR THE ORLANDO, FLORIDA URBAN SOUTH-CENTRAL CORRIDOR

OVERVIEW

During the 1990s local transportation entities in the Greater Orlando area tried to construct a limited access roadway that would link the Greater Orlando Airport with the City of Orlando. This “Central Connector Project” was included in the Orlando Urban Area Metropolitan Planning Organization (MPO) Long-Range Transportation Plan.

However, key stakeholders in the Orlando urban area began lining up in very public ways both for and against the expressway project. Proponents favored it as a direct and speedy route for tourists and businesses to travel from the airport to the City of Orlando. Opponents, including some local communities, believed the proposed roadway would divide their main business districts and negatively impact their economy and quality of life. Many of the opponents wanted an alternative for the corridor that would include roadway and light rail options. The dispute escalated into a “mega-impasse,” with parties engaging in litigation, administrative hearings, and proposed legislation to either build or eliminate the corridor.

In August 1993 the Orlando Urban Area MPO reluctantly retained facilitators to assess whether the parties would be willing to negotiate a consensus recommendation for the Central Corridor. The facilitators reported back that under specified conditions the key parties were willing to engage in mediation. The MPO agreed to a mediated consensus building transportation forum and asked the assessment team to conduct the mediation.

A case study of that process follows, with an epilogue written in 2003 describing outcomes of various parts of the mediated agreement and offering additional lessons learned.

THE COLLABORATION

THE PLAYERS

Each party to the negotiation designated a representative. Many of the cities, the county and the transportation agencies also had their transportation and growth management planners participate in the mediation. The participants included:

- City of Apopka
- City of Belle Isle

- City of Edgewood
- City of Ocoee
- City of Orlando
- Greater Orlando Aviation Authority
- Greater Orlando Chamber of Commerce
- Greater Orlando Promotional Council
- Holden Avenue Inter-Neighborhood Council
- Lake Holden Property Owners Association
- Lynx-Central Florida Regional Transportation Authority
- Orange County
- Orlando/Orange County Expressway Authority
- State Representative
- State Senator for District 40
- South Orange Community Council

The Florida Department of Transportation’s District 5 Secretary indicated during the situation assessment that she would participate in the mediation, but later declined after learning she was personally named in a lawsuit related to the Department’s involvement in the Central Connector process.

THE PROCESS

The Orlando Urban South-Central Corridor Mediation was completed in seven sessions from October 1994 through June 1995. Independent mediator Patricia Bidol-Padva, Ph.D., and Rafael Montalvo of the Florida Conflict Resolution Consortium conducted both the situation assessment and the mediation. The assessment involved interviews with 31 key stakeholders, as well as extensive windshield and walking tours throughout the study area and reviews of major documents, legislation, litigation summaries, memoranda, and technical studies related to the proposed project. The MPO also selected independent transportation consultants to provide technical support to the mediation participants.

Anyone could attend and engage in the mediation’s mutual education and idea-generation meetings, but only the designated representatives could participate in the official decision-making processes.

During the first session, the negotiators reviewed and accepted the mediation protocols, which were developed

by the mediators after consultation with the representatives prior to the first session. The protocols were designed to enable the negotiators to engage in joint problem solving, explore complex technical data, and keep their constituencies aware of the unfolding work of the mediation.

Next the negotiators identified optimal mediation outcomes in self-selected sub-groups, then shared their desired outcomes with the total group. They also identified information needed for future sessions.

During the second session, the negotiators heard and discussed two presentations on transportation demand parameters for the study area and concurrency requirements for transportation. They met with the technical staff about the presentations using a “fishbowl” process—a type of group dialogue that enables both negotiators and support staff to share what they think or feel about particular issues and to suggest options and alternatives.

New self-selected sub-groups identified potential criteria to assess the transportation alternatives that would be generated in the mediation. The full group then selected those evaluation criteria, and asked the transportation consultants to identify quantifiable measures for each criterion.

During the third session, the negotiators heard and discussed three presentations on transportation needs for the study area. After a fishbowl dialogue, they jointly created alternative transportation system networks for the Central Corridor. At the request of the negotiators, the transportation consultants did computer modeling and analyses of 11 options. After extensive dialogues, three more drafts of the *South-Central Corridor Technical Assessment Report* were prepared. Upon completion of the third draft, some negotiators also produced an *Alternative Analysis of the Neighborhood Impact*.

After considering the technical consultants’ analysis of the needed transportation priorities for the study area, the negotiators created a draft transportation improvement package that contained four major elements: 1) light rail on the existing CSX corridor, 2) refinements to five existing surface roadways, 3) deletion of the originally proposed Central Corridor, and 4) retention of proposed enhancements to Interstate-4.

A survey describing those four elements of the transportation package was prepared and mailed to each negotiator, who in turn shared the survey with their constituencies. They rated the recommendations and submitted them to the mediators. Negotiators agreed to use these survey results to create a motion on transportation improvements for the study area.

The fourth and final meeting began with a review of the survey results. All of the parties directly impacted by

the original proposed project supported implementation of the draft surface transportation improvement package.

At this session, the cities of Apopka and Ocoee reported that their constituents wanted the Western Beltway funded before any other projects, and that they supported future funding of the results of the mediation process. After intense discussion, the Apopka and Ocoee representative created the consensus recommendations that they submitted to the MPO.

All of the negotiators voted to delete the Central Connector from adopted roadway plans. Sixteen of the 18 negotiators voted to retain the Interstate-4 enhancements, and 13 of those voted to establish a committee to push for implementation of those improvements.

The Agreement

The consensus agreement consisted of the following two motions that were adopted by the designated representatives for submission to the MPO:

Motion One

A) Implement as a total package the following roadway improvements and light rail options:

- Light Rail on the existing CSX corridor from Winter Park to Orlando International Airport.
- Orange Blossom Trail (six lanes)-EW to Beeline.
- Orange Avenue (six lanes), EW to Beeline.
- Conway Road (four lanes), EW to Beeline.
- Semoran Boulevard-SR436 (six lanes with exclusive bus lane), EW to Beeline.
- Goldenrod Road (four lanes), EW to Beeline.

B) Delete the Central Connector highway from all adopted roadway plans.

Motion Two

Support the appropriate Interstate-4 enhancements following the recommendations of the I-4 Multi-Modal Master Plan Study.

OUTCOMES

The consensus recommendations of the South-Central Corridor Alternatives Mediation were unanimously adopted by the Orlando Area Metropolitan Organization on July 12, 1995 for incorporation into the MPO’s Year 2020 Long Range Transportation Plan. The recommendations had been reviewed and endorsed by the MPO’s Transportation Technical Committee on June 23, 1995, which recommended MPO approval.

The recommendations included improvements in lieu of the Central Connector, as well as deletion of the Central Connector from all local plans. The specific provisions of the recommendations and their implementation status as of January 2003 are outlined below.

Light rail on the existing CSX corridor from Winter Park to Orlando International Airport.

2003 Update: In the years following the Central Connector mediation, light rail became a controversial issue in the Orlando area. The results of an initial planning study proposing the use of the CSX corridor encountered strenuous opposition from some cities along the route. A second study, now nearing completion, used a consensus-building stakeholder process to identify an alternative route along the I-4 corridor that has received much more support.

Orange Blossom Trail (six-lanes) from the East-West Expressway to the Beeline Expressway.

2003 Update: Most of the relevant segment of Orange Blossom Trail (from I-4 to the Beeline) has been converted to six lanes, with construction completed in 2002.

Orange Avenue (six-lanes) from the East-West Expressway to the Beeline Expressway.

2003 Update: This is currently identified in the MPO's 2020 plan as a needed improvement, but one for which funds are not currently available.

Conway Road (four-lanes) from the East-West Expressway to the Beeline Expressway.

2003 Update: Most of this expansion has been completed. Acquisition of right-of-way for the remainder is currently programmed for fiscal year 2002-2003, with construction programmed for 2004-2005.

Semorán Boulevard (SR 436) (six lanes with exclusive bus lane) from the East-West Expressway to the Beeline Expressway.

2003 Update: The facility was converted to six lanes in 2002-2003. After further study it was determined that exclusive bus lanes would have to be elevated, and presently the project is not cost-feasible. They remain on the MPO's long-range needs plan.

Goldenrod Road (four lanes) from the East-West Expressway to the Beeline.

2003 Update: Construction has been completed.

Delete the Central Connector highway from all adopted roadway plans.

2003 Update: The Central Connector was deleted from all adopted roadway plans.

Support the appropriate I-4 Enhancements following the recommendations of the I-4 Multi-Modal Master Plan Study.

2003 Update: The I-4 Master Plan has been completed. Improvements are underway and scheduled to be complete by 2012.

LESSONS LEARNED

- ✓ **This mediation enabled extremely polarized parties to create a consensus agreement for the Orlando Urban South-Central Corridor.** The mediation enabled parties who had waged a long and bitter battle to reach an agreement that the MPO accepted and included in its Year 2020 Long-Range Transportation Plan.
- ✓ **Consensus broadened support and accelerated construction.** Most of the specific improvements recommended as part of the consensus agreement had been present in the transportation discussions before the mediation. Their identification in the mediation as part of a package of improvements in lieu of the Central Connector, however, significantly strengthened and broadened support for them, and accelerated their construction. Improvements that previously may have been of mild interest to only one jurisdiction became regional priorities.
- ✓ **Success breeds success.** The success of the Central Connector mediation demonstrated to the MPO, FDOT District 5, and area jurisdictions that processes that involve stakeholders directly in resolving their differences can work in transportation issues. According to MPO planners, this was a significant factor in MPO and FDOT decisions to use consensus building in two subsequent high-profile controversies: the Orlando-Area light rail issue mentioned above, and the environmentally sensitive Section B of the Western Beltway.
- ✓ **Leadership counts.** Due to extraordinary leadership of FDOT, the MPO, the Planning Director of the City of Orlando and representatives of the City of Edgewood, a forum was created where extremely polarized parties were able to work together to create a consensus agreement.

-
- ✓ **Processes should be tailored to fit the situation.** The Situation Assessment identified the conditions under which the disputants were willing to try to create a consensus alternative. The mediator selected collaborative approaches that would enable disputants to develop respect for each other and to jointly create an innovative transportation agreement. The techniques included: ground rules, an interactive planning process, a dialogue fishbowl, self-selected sub-groups, a survey for constituents for draft consensus agreement, and iterative interactions with the independent transportation consultants.
 - ✓ **Combine shared learning on transportation issues with negotiation.** Many transportation issues had to be fully explored before the parties could jointly create a recommendation for the corridor. During the first few meetings, transportation and planning professionals made presentations and engaged in dialogue with all of the participants. In addition, the MPO contracted with independent transportation consultants who engaged in dialogue with the participants to create the assessments. The parties who had opposed the Central

Corridor trusted the independent transportation consultant's assessment and felt a level playing field had been created.

- ✓ **Representatives should check in with constituents and stakeholders.** The mediation protocol included a ground rule that asked designated representatives to communicate their deliberations with their constituencies, and to share their views with the other negotiators. In addition, the designated representatives surveyed their constituencies to create the final version of the consensus agreement.

This case study was initially drafted by Dr. Patricia Bidol-Padva and Rafael Montalvo, facilitators in the case. Montalvo and Hal Beardall of the Florida Conflict Resolution Consortium updated and revised the case study. For a full account of this case see <http://consensus.fsu.edu/transportation/FDOT_Report_A-3.html>. For eight other transportation consensus building and mediation cases see <http://consensus.fsu.edu/transportation/FDOT_Report_AppA.html>.

BRYAN PARK INTERCHANGE – RICHMOND, VIRGINIA

OVERVIEW

This case involves a challenging two-year public involvement and consensus building process convened by the Virginia Department of Transportation (VDOT) in 1997 to seek agreement between the agency and citizens concerned about traffic congestion, safety, and the impacts of interstate traffic on Bryan Park and adjacent neighborhoods. The process resulted in consensus recommendations by a citizen advisory committee that were endorsed by VDOT. As with most long-term processes, the effort included a distinct set of challenges, innovations, and lessons learned.

The precipitating issue was an “in-house” proposal in 1996 by a VDOT engineer to construct a fly-over on I-95 that would encroach on Bryan Park’s Azalea Gardens, a 285-acre public park on Richmond’s north side. The proposal, which also entailed removal of a small pedestrian access bridge to the park, aroused significant concern among area residents, who feared the project would harm the park and nearby neighborhoods. In response, VDOT dropped the fly-over proposal and entered into broader discussions with the community about the Bryan Park area in general.

THE COLLABORATION

The Players

Several meetings between VDOT officials and citizens made it clear that a more intensive and deliberate effort was needed to exchange views, to analyze information, and to identify needs, concerns, and options. In spring 1997, VDOT initiated a formal public involvement process by inviting concerned citizens and organizations to create a Bryan Park Interchange Advisory Committee. A group of about 30 citizens, representing a variety of park advocacy, civic, and business groups, began meeting in September 1997 with mediators from the Institute for Environmental Negotiation at the University of Virginia. The process was developed in conjunction with a *Feasibility Study for the I-95/I-195/I-64 Study Area*, conducted by a transportation engineering firm, Michael Baker Jr., Inc. (the consultants).

To convene the citizen advisory committee, VDOT placed advertisements in the city newspaper, as well as in smaller neighborhood newspapers. Nearly 70 people showed up at the first meeting. Overwhelmed with the response and feeling that the group would be unmanageable, VDOT asked the citizens to return to their respec-

tive interest organizations and identify only one or two persons who could serve for each organization. Individual citizens were told they could continue to participate as well. Significantly, while many different neighborhood and civic organizations were represented, more than one-third of the people were also members of the same interest group, Friends of Bryan Park. Following VDOT’s request, the group was thus pared down to about 30 citizen members composed of a mix of individuals and citizens representing a variety of local interests.

The Process

The process was driven to a large extent by VDOT’s goals for the advisory committee, as well as by the engineering feasibility study. The Advisory Committee completed its four phases of facilitated work over the course of two years, in 22 facilitated meetings and three formal public workshops of about three hours each.

The Advisory Committee members decided at the outset that they would operate on a consensus basis. They recognized that while consensus would be difficult, consensus recommendations would carry more weight with local and regional decision makers. Consensus was defined as a decision that could be supported by *all* members of the group, with the understanding that on any given decision, a member might have reservations or hesitations but must at least be able to go along with the decision. If one person could not live with a decision, consensus would not be reached.

Phase One: In its first phase of work, from September 1997 through January 1998, the Advisory Committee members achieved consensus on their overall purpose, group protocols, and guidelines for group behavior. In tandem with these efforts, members also created a detailed list of concerns and a detailed list of information needs, both of which were provided to the consultants and to VDOT. Lastly, members developed four goals that they would later use to evaluate options and to guide their final recommendations. The goals were:

1. Maintaining the existing boundaries of Bryan Park and preserving a Bellevue pedestrian and vehicular bridge.
2. Preserving the adjoining neighborhoods by protecting them from physical, environmental and aesthetic encroachments.
3. Maintaining a southbound access ramp and a northbound exit ramp with relocation of these ramps

a consideration; eliminating tractor-trailer traffic; and minimizing other commercial traffic at the northbound Exit 80 ramp.

4. Relieving congestion in the study area.

When developing protocols in Phase I, the Advisory Committee was unable to resolve issues related to the media, including whether the media should be able to attend the meetings and who from the Advisory Committee should be allowed to speak to the media. The issue was extremely emotional and divisive; some people threatened to drop out if the media were allowed to observe, while others argued forcefully for an open process. A subcommittee that formed to address this issue proposed that the mediators should be the sole spokespersons for the group, while individuals would speak for themselves. However, the issue of whether the meetings should be open or closed to the media was left unresolved.

Phase Two: The Committee's second phase of work, from February to July 1998, involved intensive learning about the complexities of the transportation planning process, multi-modal transportation, and design and aesthetic considerations. Members also received detailed information about current and projected traffic conditions in the interchange area.

Phase Three: The third phase of work, in September and October 1998, generated potential ideas for study by the consultants which would possibly resolve or ameliorate the previously identified issues and problems.

The challenge of phase three was to devise a way in which citizens not trained as traffic engineers could address traffic congestion and safety issues in a meaningful and realistic way. To meet this challenge, the mediators introduced a game called the "Traffic Diet Exercise." Advisory Committee members were divided into four teams and asked to come up with a package proposal that would reduce the number of overall traffic trips by the prescribed amount, as well as "social policy" proposals that might accompany the package. At the end, the four teams shared their proposals and identified common elements. The game helped elicit ideas, although some—who thought it covered old ground—found it frustrating.

Phase Four: In its fourth phase of work, from February to September 1999, the Advisory Committee worked closely with the consultants to evaluate the ideas generated.

The engineering firm narrowed the list of ideas and conducted an initial analysis to determine which were practical enough to merit more in-depth study. The consultants next conducted a cost-benefit analysis of the

remaining set of ideas/alternatives, and used this cost-benefit analysis (along with the decision criteria established by VDOT) to determine which ideas they felt would best resolve traffic problems in the study area.

The Agreement

Throughout the entire fourth phase, Advisory Committee members provided the consultants with their views and recommendations. The consultants reported that these views were taken into consideration to the extent possible in development of the firm's final recommendations and report. As the last step in the process, the Advisory Committee both evaluated the firm's recommendations and developed its own complementary set of consensus recommendations.

OUTCOMES

VDOT has promised to take the recommendations of the Advisory Committee into consideration. VDOT and representatives from the Advisory Committee presented the report to the Commonwealth Transportation Board, and VDOT declared their support for the recommendations endorsed by the Committee. As the recommendations were intended for VDOT's 20-year plan, it is still too early to tell whether the recommendations will be fully implemented.

LESSONS LEARNED

- ✓ **Effective processes require time.** This was a unique situation with considerable antagonism and distrust, not only between citizens and VDOT but also among citizens. Those conditions necessitated a substantial amount of time for group members to develop trust and a sense of responsibility. A process like this could not be used in situations with tight time pressures.
- ✓ **Identify the full range of stakeholders.** Representation from the study area was not full and balanced, with insufficient participation by some stakeholders such as commuters not living in the area, commercial interests, and members of the African-American community. The process would have benefited greatly from seeking a more deliberative way of identifying the full range of stakeholders and achieving representation that remained fair but ensured accountability, equity, balance of diverse interests, competency to mediate, and demographic and geographic diversity. Mediators can help with that task, if they are selected at the front end of a process. If selected after the group has been convened, mediators should explore the question of appropriate representation immediately, before the first meeting.

-
- ✓ **Clearly define desired outcomes and expectations.** VDOT asked citizens to invest a great deal of time without full clarity about how their final recommendations would actually be used. This was in part because VDOT had no equivalent prior experience and was not sure itself how the final recommendations would be used.

The process would have benefited from VDOT laying out general expectations about meeting dates and times, participants' responsibilities, protocols, and desired outcomes for participants at the beginning of the process, while retaining flexibility to allow for member input in setting ground rules. Also, some Committee members expressed frustration that their ideas and suggestions were not being considered or given adequate weight in the feasibility study. The process would also have benefited from a mechanism to document and verbally acknowledge the extent to which citizen input would impact the feasibility study.

- ✓ **Some citizens reported that their trust in VDOT increased** because they felt VDOT convened and conducted the Advisory Committee process in good faith and persisted with the process despite sometimes feeling unheard, misunderstood, and misrepresented. Their consistent representation at meetings enabled them to answer important questions quickly. **Citizen trust of the engineering consulting firm also increased** among some participants because the consultants invested considerable time, effort and financial resources in the process.

- ✓ The impact of the consensus recommendations on VDOT and others making transportation decisions is still uncertain. However, **many of the participants most critical of VDOT and most skeptical of the process strongly endorsed this process** in their final evaluations.

- ✓ In addition, several key members of the Advisory Committee reported that **positive encouragement from the mediators during rough spots in the process was crucial** to their continued involvement. The process taught them a great deal about the complexity of transportation decision-making and the wide range of differing interests impacted by transportation decisions; that they made long-lived friendships where once there was mistrust and even hostility; and that they learned that collaboration among people with differing views and needs is not only possible, but can also be a productive and ultimately positive experience.

This case was adapted from Opening Transportation Planning To Community Involvement: Challenges and Lessons Learned, by Tanya Denckla, Institute for Environmental Negotiation, University of Virginia.

COLORADO'S SHORTGRASS PRAIRIE INITIATIVE

OVERVIEW

Colorado's shortgrass prairie –covering more than 27 million acres, or nearly one third of the state – is one of the most imperiled ecosystems in North America. Factors contributing to its deteriorating condition include agricultural plowing, water and wind erosion, development of dams and irrigation systems, decreasing water availability, development, and the loss or decline of important herbivores such as bison, elk, and prairie dog. Of more than 100 declining species on the prairie, 54 are globally imperiled, ten are listed under the Endangered Species Act (ESA), one is proposed, and six are candidates.

With continued development, diminishing habitat, and the number of federally listed species increasing, the Colorado Department of Transportation (CDOT) has been spending more and more time on clearing projects. Clearance often involves multiple seasons of species surveys and additional time for mitigation or conservation planning. As a result, individual projects can sometimes consume state resources for years before anything happens on the ground. In addition, the project-by-project clearance and mitigation process can yield scattered and fragmented habitat conservation, which contributes little to the viability of individual species and ecosystems on which they depend.

These two sets of concerns set the stage for a unique and successful collaboration. A desire emerged several years ago among state agencies like the Division of Wildlife and non-profit organizations like The Nature Conservancy to alleviate the need to list species under the ESA by conserving large portions of shortgrass prairie habitat. At the same time, CDOT (which counts nearly 90,000 acres of shortgrass prairie within its statewide right-of-way) along with the Federal Highway Administration (FHWA) and U.S. Fish and Wildlife Service were exploring regulatory streamlining practices that would focus resources on results.

THE COLLABORATION

The Players

The Collaboration was initiated by Edrie Vinson, of the Colorado Division of FHWA, and Vinson's colleague at CDOT, Marie Venner, who shared an interest in bringing environmental values into agency practices. In spring 2000, Vinson and Venner arranged to meet with

Chris Pague of The Nature Conservancy (TNC) to discuss a collaborative initiative.

One topic of conversation was TNC's 1998 study, *Ecoregion-Based Conservation in the Central Shortgrass Prairie*. The study, centered on Colorado's Eastern Plains, identified imperiled species and top priority habitats for protection. The two transportation officials acknowledged their own agencies' interests in large-scale habitat protection; if shortgrass prairie species continued to get federally listed at the current rate, it could bring highway construction to a halt. Shortly after their meeting, representatives of CDOT, FHWA, and TNC contacted the U.S. Fish and Wildlife Service (FWS) about collaborating on a habitat preservation / mitigation banking project.

From the beginning, the parties to the agreement focused on their desire to combine a mitigation banking approach to streamlining transportation projects with a large-scale habitat conservation approach to protecting declining species. The parties crafted an assessment of future impacts from CDOT transportation projects and came up with a conceptual conservation strategy to offset those impacts.

The parties partnered with public interest and research organizations, including the Colorado National Heritage Program and the Rocky Mountain Bird Observatory, to complete the assessment and flesh out the conservation concept. The Farm Bureau, the Colorado Cattleman's Association, and local governments skeptical of conservation initiatives were consulted at various points. Environmental organizations such as the National Wildlife Federation, Audubon, and the Sierra Club were consulted at meetings of Colorado's Environmental Roundtable.

The Process

Once all the primary partners agreed to collaborate, they began meeting about once a month, planning and negotiating without the help of an outside facilitator. One participant believes this was possible because the parties had very compatible interests and each had a lot to gain from collaborating.

In April 2001, after meeting for nearly a year, the parties formalized their collaboration in a Memorandum of Agreement (MOA). The signatories to the MOA were CDOT, FHWA, FWS, the Colorado Department of Natural Resources, the Colorado Division of Wildlife, and The Nature Conservancy.

The Agreement

The Memorandum of Agreement (MOA) committed the parties to working together to effect regional conservation of declining species on Colorado's Eastern Plains. This will be done by providing proactive, advance conservation of priority habitats for multiple species that will allow CDOT and FHWA to address compliance under the ESA for listed species and for declining species that may become listed.

In preparation for the agreement The Nature Conservancy and the Colorado National Heritage Program identified declining animal and plant species that 1) were likely to be listed under the ESA in the next 20 years, 2) were within a zone of impact from CDOT highways, and 3) were likely to benefit from a conservation/mitigation banking approach. Thirty-six species became the focus of the MOA.

In lieu of project-by-project species inventory, analysis, and review, the parties estimated the collective impacts of proposed transportation projects on declining-species habitats over the next 20 years. They based this estimate on CDOT's 20-year plan, which anticipates safety, reconstruction, capacity, and other transportation improvements for 22% of the highway network in Colorado's central shortgrass prairie (over and above overlay projects, which are expected to have minimal impacts). The MOA covers those transportation improvement projects, in addition to CDOT maintenance work, resurfacing, and on- and off-system bridge repairs throughout the Eastern Plains.

Under the MOA, a panel headed by technical experts from The Nature Conservancy and Colorado Division of Wildlife will identify priority habitat conservation sites that can serve as large-scale conservation/mitigation areas for the 36 species identified in the preliminary survey.

CDOT will then issue a request for proposals from outside parties who would contract with CDOT to acquire property interests in the selected sites and develop a conservation plan for the acreage. The party that enters into the contract with CDOT will manage the conservation acreage in accordance with the purpose for which they are acquired under the ESA. CDOT will fund the contract with the intent that Federal-aid projects will reimburse the state for mitigation credits as they are used. The contracting party will report to CDOT regularly on the conservation activities over the 20 years the contract will be in effect. The lands will be held in perpetuity for habitat conservation.

This proactive conservation/mitigation measure will help satisfy CDOT and FHWA obligations under the ESA for identified listed species and declining species, should the latter become federally listed as threatened or endangered.

OUTCOMES

The MOA sets up a unique long-term institutional collaboration among state and federal transportation and resource agencies and a national non-profit organization. It will eventually protect more than 50,000 acres of shortgrass prairie in Eastern Colorado. Much of that acreage will be leveraged with other conservation measures—like those of Ft. Carson, Great Outdoors Colorado, and the Pawnee National Grasslands—to preserve even larger sites that would otherwise be subject to development and species decline.

CDOT has not yet purchased any land. Their first attempt was unsuccessful in part because the division in charge of the purchase was accustomed to purchasing right-of-way, and negotiation around land conservation were somewhat outside the division's realm of experience. CDOT has since decided to contract for outside land brokerage service.

A secondary outcome of the project has been the continued use of collaborative practices by the participating parties. According to the MOA, "While shortgrass prairie issues can be challenging, long-term conservation success will require an open and honest dialog among public agencies, private landowners, and non-profit partners. The land management entities in this MOA will foster a collaborative approach to shortgrass prairie conservation and management and are committed to working with local communities."

The trust the agencies built through this project led to other joint activities. For example, FHWA and FWS have created the first endangered species "bank" in Colorado. Through ESA mitigation, FHWA discovered an innovative method of protecting the habitat of the Prebles Meadow Jumping Mouse. In cooperation with FWS, they tripled their effort beyond what was required to comply with the ESA and created 25 acres of habitat for the threatened mouse.

Finally, the parties to the MOA are undertaking a public education campaign to build appreciation of the shortgrass prairie ecosystem and how it supports life in Eastern Colorado. The effort will include outreach to schools, libraries, and other organizations.

LESSONS LEARNED

- ✓ Although personal relationships and informal discussions were important to the success of the collaborative process, **the MOA provided the formal glue** that will hold the project together, even in the event of personnel turnover.
- ✓ **Collaborative efforts can result in cost savings.** CDOT gets 20 years of mitigation at today's land prices. FWS stands to save money by avoiding costly project-by-project reviews under the ESA.
- ✓ **Trust built through one collaboration can lead to future cooperation on other issues.**

✓ **Exploring and uncovering shared interests was a crucial first step** to the success of this collaboration. Helping all parties accomplish their missions can ensure motivated and enthusiastic participation. As Edrie Vinson observed, "If you can accommodate people's interests up front, everyone will work hard to pull off the project. In our case there has been almost no dissention. We look for solutions together and we find them!"

This case was adapted from Colorado Memorandum of Agreement, available at < <http://www.fhwa.dot.gov/environment/strmlng/comoa.htm>>. Other sources include Shortgrass Prairie – 2003 FHWA Environmental Excellence Awards Entry and Successes in Streamlining Newsletter, December 2001.

FLORIDA DOT STATEWIDE TRANSPORTATION PLAN

OVERVIEW

Florida is expecting to undergo changes that will have a dramatic impact on its statewide transportation system. Current trends indicate that by 2020, imports and exports will double, 5 million new residents will call Florida home, and up to 87 million tourists will visit the state each year—an increase of 15 million.

To prepare for such dynamic growth, in 1995 the Florida Department of Transportation (FDOT) adopted a comprehensive transportation plan called 2020 Florida Transportation Plan (FTP). Under federal law, within five years the state was required to update the plan and submit it to the US Department of Transportation for approval.

The complex update procedure involved a number of issues, diverse interests, and multiple government agencies. To improve coordination among the various government agencies and to incorporate input from stakeholders, FDOT decided to use a facilitated consensus process.

THE COLLABORATION

The Players

Tom Barry, then FDOT Secretary, initiated the process. As primary convener, he chaired the 2020 FTP Update Steering Committee, appointed its members, and appointed members to three 25-person advisory committees.

The committees included a number of elected officials: two state senators, two representatives, the mayors of Orlando and Gainesville, elected officials from the Municipal Planning Organization, three county commissioners, and representatives from the city and county.

In addition to the policymakers, the process included representatives from the governor's office, FDOT, the Federal Highway Administration, the chairman of the Transportation Commission, the Environmental Protection and Community Affairs departments, environmental representatives, and other citizen and non-governmental stakeholder groups. In all, there were 97 participants in the process, each carefully selected to assure a balance of perspectives and varying points of view.

The Process

In June 1999, FDOT enlisted the assistance of the Florida Conflict Resolution Consortium (FCRC) to help

develop and implement a process for revising the 2020 FTP. FCRC Director Robert Jones worked with FDOT staff and senior management to conduct a conflict assessment and design a participatory consensus process.

All committee meetings were facilitated, consensus based, and open to the public. Following initial meetings, the Steering Committees charged the advisory committees with crafting policy recommendations. The advisory committees then held seven meetings to study and develop consensus recommendations on specific substantive issues. Following the meetings, public input was solicited through 12 workshops around the state. Using this input, the committees revised their reports and submitted them to the steering committee for review.

Over a three-month period, the steering committee met to discuss the advisory committees' recommendations and to draft a preliminary proposal. Although the consensus guidelines required that 80 percent of participants concur, the process helped to engender so much trust among the members that they unanimously agreed on a draft and on all major decisions throughout the process. Again, FDOT sponsored facilitated focus groups and workshops to encourage statewide public input on the decisions. The committee incorporated this feedback, revised the proposal, and reached another unanimous agreement.

The Agreement

The consensus building process resulted in a plan that was unanimously adopted by the Steering Committee, reviewed and approved by FDOT's Executive Committee, submitted to USDOT in December 2000, and approved in February 2001.

The updated plan established four goals and associated long-range objectives: 1) improving the safety of transportation; 2) preserving and managing existing transportation systems; 3) enhancing economic competitiveness; and 4) ensuring quality of life through livable communities, healthy ecosystems, and sound economy. The plan also included implementation recommendations.

In a subsequent evaluation of the process, one Steering Committee member remarked, "I have never been through a process of this complexity that was handled so effortlessly. The facilitation process was great, and really forced decision making and accomplishment of objectives."

OUTCOMES

One part of the updated transportation plan called for development of a Strategic Intermodal System (SIS) for the State of Florida. To develop that system, FDOT initiated a separate consensus process based in part on the positive experience of updating the transportation plan. That effort was successful, and the Florida legislature will soon consider implementing the SIS.

More generally, FDOT's commitment to collaboration and consensus has enabled the agency to lay the substantive and procedural foundations necessary for reaching the statewide objectives by 2020.

According to former Secretary Barry, FDOT has continued to use consensus building to deal with a number of difficult issues. "We found that these processes provide better communication, save time and money, and strengthen important relationships," he said.

LESSONS LEARNED

- ✓ **High-level leadership support for the process was key.** Unlike the 1994 effort, this process had the full support of leadership, from the Secretary on down, and went well beyond simply seeking public input in the draft plan. It developed a structured way to bring a variety of perspectives in building consensus for the new policy direction provided by the update.
- ✓ **A close and effective working relationship** among the facilitation team, the chair and vice chair, and the FDOT planning staff was important to the success of the consensus building process. The Steering Committee chair was comfortable with using a facilitated approach, and allowed the facilitation team to lead the committee through various exercises.
- ✓ There was a general willingness of the chair and the committee to consider and make **mid-course adjustments to the process.** The overall process was initially designed to go for 12 months, but an additional 3 months enabled the process to produce consensus on an actual updated plan and not simply a set of consensus policy recommendations, as was initially planned.
- ✓ **Innovative procedures or techniques contributed to success.** The combination of a representative stakeholder committee process and public workshops to open up development of the plan to scrutiny and input appeared to work well in this effort.
- ✓ **FDOT adeptly handled issues of technical complexity.** Throughout the committee deliberation process, FDOT staff secured experts for technical presentations and information on relevant transportation studies.
- ✓ **The process kept representatives in touch with their constituencies.** The Metropolitan Planning Organization Advisory Committee (MPOAC), composed of elected and staff representatives from the state's 25 MPOs, was represented on the steering committee with elected officials who served on MPOs and the chair of the statewide MPOAC. When the committees' initial workshop draft was developed, the Chair of the Steering Committee requested a special half-day facilitated workshop with the MPOAC. The process allowed all members to rank the acceptability of over 100 recommendations and offer concerns and suggestions. This workshop, and a second one following the draft plan, allowed an input point for all MPOs and not just those representing their interests on the Advisory and Steering Committees.
- ✓ **The broad participation in the update process** helped create a sense of ownership in the final report that extended beyond committee members and the FDOT to other agencies and levels of government. This may have opened the door to greater cooperation on implementation of the plan across departments and jurisdictions.

*This case adapted in part from Case 8: Building Consensus on Updating the Statewide Transportation Plan, in *Transportation Dispute Resolution in Florida*. It was prepared for FDOT by the Florida Conflict Resolution Consortium, June 30, 2001. For more information see <http://consensus.fsu.edu/transportation/FDOT_Report_A-8.html>.*

FLORIDA'S STRATEGIC INTERMODAL SYSTEM

OVERVIEW

The Florida Department of Transportation (FDOT), in cooperation with its partners and other stakeholders, is developing for the first time a statewide Strategic Intermodal System (SIS). This was a new feature of the 2020 Florida Transportation Plan that was adopted in 2000 following an 18 month facilitated stakeholder consensus building initiative.

The SIS represents a shift in the way the state views the development of and investment in Florida's transportation system. Once established, the system will be used to target expenditures aimed at enhancing Florida's economic competitiveness and will include an increased corridor emphasis in planning and funding projects. The system will be composed of facilities and services of statewide and regional significance for aviation, highway, intermodal rail, seaport, space and transit systems, and accommodations for bicycles and pedestrians.

The overall goal in Phase I was to reach consensus with the Strategic Intermodal System Steering Committee on recommendations to the FDOT Secretary, as well as the Florida Transportation Commission, regarding:

- Policies to guide decisions related to the SIS;
- Designation criteria and the facilities and services to be included in the system; and
- Guidance on project prioritization methods and funding options to implement the system.

In Phase II, FDOT and its partners will determine needs based on criteria established during system development, determine how to best address those needs, and establish priorities for funding them.

Facility and service providers of every transportation mode and other stakeholders worked together to reach consensus on what facilities and services should be included in the system. The Committee worked in plenary and in committees focusing on infrastructure, economic competitiveness, and community and environment issues and recommendations.

THE COLLABORATION

The Players

The Secretary of FDOT and the Assistant Secretary of Transportation Policy initiated the process. The Secretary served as the Steering Committee Chair and the Assistant Secretary served as Vice-Chair. Both participated directly

in the substantive process of seeking agreement on recommendations. In recognition of the many "owners" of the facilities to be included in this system, and the diverse stakeholders with an interest in how the system will enhance or impact Florida's economy, communities, and the environment, FDOT invited a wide range of representatives to the table.

The Florida Conflict Resolution Consortium served as neutral third-party facilitators. Cambridge Systematics was hired as an outside technical consultant.

The Process

The consensus building process was conducted in three stages: an organizational stage, an education and initial development of recommendations stage, and a consensus building and report adoption stage. Between February and December 2002 there were eight one- or two-day SIS Steering Committee meetings. In addition, three SIS member-drafting groups held a total of 23 facilitated meetings, with 15 public workshops convened around the state to review draft recommendations.

1. Getting Organized

The initial organizational stage began with a series of preliminary meetings between the Chair, FDOT staff, the consultants and the facilitators to organize the first Steering committee meeting and meeting process. The Florida Conflict Resolution Consortium produced a situation assessment and an initial process design in cooperation with the State Transportation Planner, FDOT's Office of Policy Planning staff, and consultants that included Cambridge Systematics—retained by FDOT to serve as technical advisors. The preliminary planning meetings were key to developing effective working relationships among the team and agency by establishing a clear understanding of roles and responsibilities during the consensus building process and how those respective roles could best compliment each other.

Prior to the first meeting, the facilitators, in consultation with staff and consultants, developed and sent to members a survey to identify perspectives on the current plan, issues and concerns to be addressed in the update process, and information needed to develop consensus on those issues. The organizational stage concluded with a one-day organizational meeting of the Committee in February, at which members reviewed and suggested refinements to the draft process goals, principles, roles

and decision making guidelines¹, and prioritized key issues identified by members in their pre-meeting surveys.

2. Education and Initial Development of Recommendations

The Steering Committee met in April, June, and August to hear informational briefings on the key issue areas of economic competitiveness, infrastructure, and community and environment, and to develop initial recommendations. Following each presentation, members worked in facilitated small groups to review the trends and issues identified, and to discuss potential initial policy statements. In plenary sessions and ad hoc task groups, members worked to review, refine, and adopt the goal statement, principles and assumptions, roles and responsibilities, and consensus-building guidelines.

During the third committee meeting, three drafting groups, chairs and vice chairs were appointed by the SIS Steering Committee and asked to develop draft SIS designation criteria from the three key issue areas. Between the June and August Committee meetings, these facilitated groups met almost weekly either by teleconference or in person.

At the August meeting, a panel of the three drafting group chairs provided background on their groups' draft criteria and maps, and identified unique and crosscutting issues. Consultants from Cambridge Systematic presented a preliminary draft on integrated designation criteria.¹ Drafting groups then met on the second day to address identified concerns and respond to any assignments from the plenary discussion, and to provide technical staff with guidance for the next draft.

3. Consensus Building and Report Adoption

The Steering Committee met monthly in one- or two-day sessions from September, through December to refine and adopt a final consensus report.

In September the committee reviewed, refined, and adopted draft workshop materials for presentation at 15 public workshops conducted around the state.

Between the September and October meetings, staff, and consultants conducted extensive public outreach through the workshops, meetings, an SIS website, and a toll-free comment line. They also conducted a mail-in survey to gather public input on the SIS goal and prin-

ciples, the draft designation criteria and thresholds, and the facilities that met those criteria and thresholds.

At a two-day meeting in late October, the SIS Steering Committee meeting reviewed comments from the public workshops. By the conclusion of the second day, the Committee unanimously adopted a single text format to serve as the basis for an "amendatory" draft report, which would allow members to submit changes to sections of the text. The primary focus of the November meeting was to refine and adopt the amendatory text. Facilitators used a series of straw polls to gauge the initial support of the committee members for respective sections of the draft report. The poll identified concerns that required further discussion among the members in order to clarify and build consensus before the final vote for adoption. The discussions resulted in refinements that were presented to and unanimously accepted by the Steering Committee. The final amended text was adopted, as revised, with only one member voting no. The amendatory text incorporating November's comments and suggestions, along with change amendment forms, were mailed to members in November. Proposed amendments were then compiled and made available to members for their review four days prior to the final meeting in December.

At that meeting, members reviewed the 28 proposed substantive amendments and seven editorial amendments to the draft report. Both voting and ex officio members participated in discussions of the proposed amendments, but only voting members could approve amendments for inclusion and for final adoption of the report. Final decisions required a favorable vote from at least 80% of present and voting members. If any key issue or package of issues received more than 50% but less than 80% support, documentation of the differences and the options that were considered were to be included in the final report.

The final vote for adoption of the report as amended was 21 in favor, one opposing. The opposing member had attended only the first organizational meeting and the final adoption meeting. Though staff kept that member updated on the progress of the Steering Committee throughout the process, the member had not participated directly in Steering Committee or Drafting Group discussions and the consensus building process.

The Agreement

The final recommendations submitted to the FDOT Secretary contained a detailed list of the designation criteria and thresholds, the facilities that meet these criteria and thresholds, and accompanying maps. The Steering Committee also developed initial guidance on institutional and financial issues related to SIS designa-

¹ Following each section of the presentation of the draft an initial poll was taken, using a four-point consensus acceptability scale, to assess members' level of comfort with the approach presented and to guide discussion toward addressing the most serious concerns.

tion and implementation, but determined it would be more appropriate to consider these issues during the subsequent implementation phase.²

OUTCOMES

Designation of the Strategic Intermodal System in Phase I will be followed by development of a Strategic Plan in Phase II during 2003-04 that will guide future investment in and management of the SIS. The Strategic Plan will include detailed facility maps, identified needs, prioritized improvements, financing strategies, and related policies.

LESSONS LEARNED

- ✓ **Leadership is critical** to successful consensus building. The fact that the Secretary of Transportation called the parties together with the support of the Governor's office and then served as the Steering Committee Chair was key to ensuring the participation of key partners in designing a new system that would fundamentally shift in the way Florida views development and investment in its transportation system. Participation by these partners was necessary because there will be many "owners" of the facilities on this system.
- ✓ **Consensus building requires time and resources.** By allocating adequate time and resources for this consensus building process, FDOT allowed members to work out their disagreements, engage in substantive dialogue, and find better solutions. Early engagement of facilitators resulted in an appropriately designed consensus process, and in a collaborative working relationship among the facilitators, staff, and consultants throughout the 11-month process. Facilitators, staff, and consultants held frequent coordination meetings throughout the process and briefed the chair and vice-chair prior to each Steering Committee meeting.

- ✓ **A well designed process is essential.** The FDOT process created a framework for members to develop ownership and to sort out and order the issues so they could understand and discuss them fully. A survey of issues and concerns prior to the first meeting helped educate members about the number and range of issues to be considered during the process. Presentations were made on key issue areas, followed by small group and plenary discussions. Drafting groups that formed around three key issue areas allowed for development of draft criteria that could be refined by the larger group. . Members came to support the process for developing the criteria and expressed strong concerns when new criteria regarding highways were introduced without going through the same process.
- ✓ **Flexibility in the process is important.** Because the FDOT framework allowed for adjustments, the role of the drafting groups could be expanded to include review and revision of criteria to address concerns expressed in plenary sessions and during the 15 public workshops.

This case study was developed by Robert M. Jones and Hal Beardall of the Florida Conflict Resolution Consortium <<http://consensus.fsu.edu>>, who designed and facilitated the SIS process. For a copy of the SIS Steering Committee's adopted consensus guidelines see <http://www11.myflorida.com/planning/sis/steering/consensusguide_adopted.pdf>.

² See the final report at <<http://www11.myflorida.com/planning/sis/steering/report/default.htm#final>>.

INTERAGENCY WORKSHOPS IN SOUTH CAROLINA

OVERVIEW

State transportation agencies face an increasingly complex web of permitting processes to get projects approved and constructed. Increasingly, transportation officials are exploring ways to improve communication with regulatory agencies and to streamline permitting processes to smooth the pre-construction process. In South Carolina, the Department of Transportation (SCDOT) has taken a distinct approach to improving interagency communication.

Since the mid 1990s, SCDOT has hosted two workshops that bring together federal and state agencies to build relationships and agree on common objectives. The workshops are unique; rather than focusing on the specific projects or processes confronting them, participants share perceptions and understandings, then work from general coordination issues to specific action items.

The two-and-a-half-day workshops have resulted both in better working relationships among agency personnel and in new institutions and procedures that make the state more efficient in its pursuit of environmental and transportation goals.

THE COLLABORATION

The Players

SCDOT and FHWA organized the workshops, which are scheduled to take place every five years. The following regulatory and resources agencies attended the most recent workshop in 2001:

Federal Agencies:

- U.S. Environmental Protection Agency
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- National Marine Fisheries Service
- U.S. Coast Guard

State Agencies:

- Department of Natural Resources
- Department of Health and Environmental Control
- Office of Ocean and Coastal Resource Management
- Department of Archives and History

Workshop participants were mostly upper- and middle-management officials who had the authority to take decisive action and make commitments at the workshop.

SCDOT and FHWA hired a professional facilitator to help develop the agenda and facilitate the event.

The Process

SCDOT held the workshop at a state park with overnight facilities, a cafeteria, and recreation areas. The facilitator, Louise Smart from CDR Associates, crafted an agenda based on phone interviews with participants and on needs identified by SCDOT and FHWA.

Participants began the first day by sharing their perceptions of the other agencies. The facilitator listed the perceptions and helped redirect potential personal attacks into constructive comments about obstacles to inter-agency cooperation. In this way the workshop served as a forum for airing issues and complaints, and then directing them into a productive process.

A major goal of the first part of the workshop was to get participants to understand and employ “interest-based” decision-making, in which people communicate their underlying desires and priorities, rather than their position on an issue. It also enabled participants to put themselves in the shoes of the other agencies. “Doing that allowed us to come out of our box and recognize the common mission that our agencies have in serving the public good,” said Wayne Hall, Assistant Environmental Manager at SCDOT.

At the workshop, participants developed a list of shared perceptions and concerns, while agency representatives discussed new or innovative programs and added these possibilities to the list. Throughout the remainder of the workshop the group narrowed the scores of issues into a manageable list of action items.

The Agreement

With the help of the facilitator, the agency officials came to consensus on an implementation strategy for their action items, which included assigning participants to committees to move the item forward and attaching due dates to particular tasks. (See Outcomes below.)

The group also signed a charter statement at the end of the workshop that reads, “We, the undersigned, commit to an honest and open relationship leading to balanced decisions which reflect the missions and mandates of each organization. Working together, we will strive to achieve the mutual objectives of developing efficient “win-win” products and processes while allowing environmentally compatible transportation projects.”

OUTCOMES

One of the action items agreed on at the most recent retreat was establishment of an interagency task force to serve as a project team on large transportation design-build projects. The task force discusses regulatory issues early on and identifies possible sticking points. Together they reach decisions on the best ways to expedite projects. For example, when plans changed on the construction of the \$650 million Cooper River Bridge, the task force avoided bureaucratic snarls and saved all the agencies time and money by strategizing together on the best way to permit the modified elements of the plan.

Another agreement created an early environmental screening procedure for local long-range plans. This was particularly important to the resource and regulatory agencies, which saw early interagency coordination as critical to preserving a balance between protecting the environment and expediting permits for transportation projects. According to the agreement, SCDOT reviews the long-range plans of local MPOs and councils of governments (COGs). Then, using geographic information systems, it maps out environmental constraints on those plans. Constraints consist of all identified possibilities from the Superfund sites to wetlands.

SCDOT then sends the maps to its liaisons at the resource and regulatory agencies, which conduct field reviews and send comments back to SCDOT. The comments are then forwarded to the appropriate MPO/COG and become part of the long-range plan records, giving implementers of the plan advanced information on specific environmental requirements, in essence, raising red flags on sensitive issues. This early screening allows the MPOs and COGs to reassess their project prioritization and adjust as necessary.

Discussions at the workshops also facilitated placement of SCDOT liaisons at four state resource or regulatory agencies. These liaisons ensure that staff at the other agencies are dedicated to SCDOT projects, and they help expedite reviews and permits, which helps streamline environmental procedures for state transportation projects. FHWA and SCDOT jointly fund the positions.

Other important agreements have emerged from the interagency workshops, including agreements on an informal 404/NEPA merger process, on dealing with secondary impacts, and on watershed planning. In addition, the two and a half day workshop helped establish enduring relationships that are likely to pay off in the long term. The workshop was an environment of open communication that got agency officials away from their offices and into a state park, where they played tennis and basketball and continued their discussions

after workshops sessions had ended. Participants often made more progress on building shared understandings during their informal time together than they did in meetings.

“At the workshop we developed real camaraderie, observed Wayne Hall of SCDOT. “Now we are on a first name basis, and we are more likely to pick up the phone and call each other. That is a big change from the time-consuming but common practice of conducting interagency business through letters, because no one knows anyone else well enough to just call and talk informally. Now that we recognize we are all after the same goals—providing a public product, looking out for public interests—it makes it easier to communicate.”

LESSONS LEARNED

- ✓ **Having full participation from upper management** at the workshops allowed the participants to agree on important action items and make commitments on the spot. Upper management officials ensured that the message got down to the staff level. Memos from management are not always effective. There is a need to **communicate directly with staff at all levels**. This follow through is critical; it is relatively easy to agree to work together compared to how difficult it is to truly change everyday work practices.
- ✓ **Interest-based decision-making** helped officials understand their colleagues' concerns and constraints. It contributed greatly to the ability to come to consensus on action items. The facilitator was essential; she introduced the model and held people to it even as they vented frustrations.
- ✓ There was **adequate time over the two and a half days for people to develop relationships** and get their own issues and concerns heard by the group. The remote location, overnight lodging, good food, and recreational facilities contributed to the constructive isolation of workshop participants from workday matters.
- ✓ **Success requires individual champions** who can implement the results of collaborative processes. These processes need committed champions to bring up agreements later and hold others to them. Champions can generate continuous messages in words and actions to overcome the mundane barriers to collaborative projects, like traditional work practices and evaluation criteria.

MARTIN LUTHER KING JR. BOULEVARD REVITALIZATION – PORTLAND, OREGON

OVERVIEW

Highway 99-E, known as Martin Luther King Jr. Boulevard (King Boulevard.), is a major throughway in the City of Portland, providing access to the northeast Portland business district. Until 2002 it was owned and operated by the Oregon Department of Transportation, which was responsible for street operations and traffic control. Designated a district level highway, it is intended to serve primarily local traffic and land access.

In the mid-1990s, despite decades of inconsistent public investment, viable commercial uses along this street were still intermittent and redevelopment had been slow. Many people connected with the district believed that lack of on-street parking and lack of access due to a planted median strip caused businesses to fail and deterred redevelopment.

In mid-1996, a confluence of state and local concerns produced a collaborative effort to revitalize King Boulevard. An interagency collaborative program called Community Solutions was completing its first pilot project and looking to identify a second community-based project. Metro—the regional governing body—was looking to the state for help implementing the Metro 2040 Growth Concept. At the same time, a vibrant coalition of community groups called the North/Northeast Economic Alliance was organizing support for its visionary community plan.

THE COLLABORATION

The Players

In 1995, five state agency directors began serving as the Governor's Community Solutions Team (CST). Together they have been actively engaged in developing integrated and collaborative approaches to community development. The standing agencies of the CST include:

- Oregon Department of Transportation (ODOT)
- Oregon Housing and Community Services Department (OHCS)
- Oregon Economic and Community Development Department (OECD)
- Department of Land Conservation and Development (DLCD)
- Department of Environmental Quality (DEQ).

The Community Solutions Team approach focuses on interagency and state/local partnerships, community-based problem solving, and integrated collaborative planning to increase community livability and to maximize the use of limited public resources. On the King Boulevard project the CST served as an organized and focused forum to assist local partners in removing some of the obstacles to redevelopment of the boulevard.

Over the years, there had been many changes in the community around King Boulevard, and there was substantial distrust of government by local residents. The governor wanted to break down barriers between the local community and state government, as well as among state agencies. He wanted to use this opportunity to evaluate how agency processes and programs could be more flexible to help the community address local needs. To this end, the governor directed the CST agencies to provide assistance implementing the local vision for King Boulevard as represented in Metro's 2040 Growth Concept and in the NorthEast Economic Alliance's Community Plan.

The Process

A CST Advisory Committee provided the substance and inspiration for the King Boulevard project. "Committee members approached their work with passion and discipline," recalls Michael McElwee, a Portland Development Commission staff representative to the committee. "We met twice a month on a regular schedule. People seemed to have a fire under them. We got things done."

The official Community Solutions Team, made up of one local representative from each agency, met weekly while the project was underway. Together they reviewed plans and requests from the larger community committee, sorted out technical details, and identified state resources for implementing the revitalization effort.

The Agreement

Each of the five CST agencies agreed to provide different resources to the project. In total, investments related to the CST effort included about \$7 million in process, program, and project costs and related investment by other local governments. The following is a summary of the implemented agreements from each agency:

Department of Transportation

- Construction of a pilot project to modify a .5-mile section of King Boulevard median and provide on-street parking. The project was completed in a few months, rather than the 2-year time frame originally estimated by ODOT. The cost of this initial improvement was \$35,000, and it provided a symbolic demonstration of the commitment of the governor and state agencies to invest in improvements in the King Boulevard Corridor.
- ODOT design standards modified to allow 10-foot travel lanes on King Boulevard.
- An additional \$500,000 to the City of Portland provided by ODOT in the form of Immediate Opportunity Fund (IOF) assistance for further modifications of the boulevard.

Department of Environmental Quality

- A brownfield survey along 2.7 miles of King Boulevard, which provided clarity to property owners and prospective investors about potential environmental liabilities. No significant contamination was found.

Economic and Community Development

- OECD worked with lenders on a demonstration program to allow funding of commercial space within residential buildings in distressed areas to encourage mixed-use development. As a result, criteria within the Oregon Business Development Fund loan program have been modified to support this type of mixed-use business in distressed areas.
- \$200,000 in business development incentives provided.

Housing and Community Services

- OHCS provided \$3.2 million of assistance since mid-1996, \$100,000 in the form of a direct grant and other funding in the form of tax credits and bonds.

The agreements between the CST agencies contributed to substantial ongoing local commitments to revitalizing King Boulevard—commitments that laid a foundation for the CST activities and, in turn, were strengthened and accelerated by the increased attention the CST process brought to the Boulevard. For example, the City of Portland took responsibility for continued improvements to King Boulevard beyond those initiated during the CST involvement. The Portland Development Commission (PDC) provided several million additional dollars to fund the City's road improvements. Local businesses and property owners took advantage of

matching grants and incentive programs offered by PDC, while a network of Community Development Corporations worked with the City's Bureau of Housing and Community Development to build the community's vision of a vibrant, mixed-use affordable housing.

OUTCOMES

The CST process resulted in more state agency resources dedicated to addressing local issues than would have been applied through a more traditional process. Although the process cost more than a traditional process,¹ the investment of state resources enabled leveraging of additional public and private investment and a change in the nature of the street that will continue to benefit the community into the future.

Positive economic outcomes far outweighed public costs as a result of the efforts of the local community and the CST. A January 2001 study by Community Solutions estimated total public and private investment in housing, commercial development, and road improvements at more than \$46 million.² Projects include mixed-use housing developments, relocation of the Nike outlet store, the location of several bank branches, and the expansion of popular restaurants. Employment and property values have both increased as well.

The Community Solutions study estimates that using the CST process created \$21.5 million in public and private investments and 156 jobs that would not have occurred without the collaborative approach.

One of the most significant impacts of the CST process was the speed with which changes were made to King Boulevard. These resulted in innovative residential and commercial improvements, and the change in perception of the King Boulevard corridor from a declining, low-income neighborhood to an expanding economic opportunity for new business.

Facilitated in part by improvements to the roadway and new collaborative relationships, discussions proceeded between ODOT and the City of Portland on transferring ownership of King Boulevard from the state to the city.

Several local residents noted this was the most collaborative process they had ever seen between the City of Portland, Metro, the State of Oregon, and the local

¹ For information see *Cost-Benefit Analysis: Two Approaches to Community Development*, prepared by MW Consulting, HDR Engineering, Inc. and Claritas Consortium. January 2001.

² *Cost-Benefit Analysis: Two Approaches to Community Development*.

community. Relationships and trust were built where before there had been deep mistrust. The results of this new positive relationship can be seen in new projects being developed in the corridor today.

LESSONS LEARNED

- ✓ Overall, the CST process provided the framework and forum for state agencies to collaborate on problem solving, and to focus resources on integrated solutions.
- ✓ The local community was organized, committed to moving the process forward, and provided the vision for the project. This was crucial. The fact that the CST process was following the community vision, and not creating one, energized the project from the ground up, and gave it a degree of legitimacy.
- ✓ A representative and diverse Advisory Committee provided a mechanism for directing the community's vision and authority into project implementation. Strong leadership made the Committee especially effective.
- ✓ The importance of high-level political support in the form a gubernatorial mandate cannot be overstated. The mandate created a sense of urgency, and agency officials were motivated to produce results. As one ODOT official observed, "The higher up the bureaucratic food chain that people get involved, the more effective the process."
- ✓ Metro worked hard to engage the public and members of the Advisory Committee. They presented certificates and awards to dedicated volunteers. When the detested median was removed, Metro presented chunks of the concrete curb to members of the committee in dated and decorated Plexiglas

This case adapted from Cost-Benefit Analysis: Two Approaches to Community Development, prepared by MW Consulting, HDR Engineering, Inc. and Claritas Consortium. January 2001.

NEGOTIATING ACCESS MANAGEMENT RULES IN OREGON

OVERVIEW

Throughout the United States, the siting and construction of access points to state highways has grown increasingly contentious. Conflicts center on issues like safety, congestion, destruction of natural habitats, and commercial and private property owners' rights.

In Oregon, the Department of Transportation (ODOT) began to see a significant increase in the amount of opposition to the department's access management decisions. Access management is a broad set of strategies that balance the need to provide safe and efficient travel with the ability to allow access to individual destinations. Within ODOT, differences arose about the best departmental approaches to access management, and how to deal with the growing external opposition.

Because ODOT had taken different approaches in different places, inconsistencies existed in permit decisions, which led to growing frustration among property owners and developers. Commercial stakeholders were concerned that the state's proposed "alternate access" routes would not serve development adequately, while environmentalists worried that too much access was being allowed. Constituents took their complaints to their legislators.

In response to requests from legislators, ODOT agreed to draft new regulations to deal with the access management issue. Their aim was to resolve some of the major conflicts surrounding access management. After an unsuccessful attempt to develop these rules in the traditional way, ODOT decided to try a new approach.

THE COLLABORATION

ODOT sought advice from the Oregon Dispute Resolution Commission and began exploring 'collaborative rulemaking' as a way to develop the required rules. Collaborative rulemaking is a process by which a government agency works together with interested parties to develop agreement on a proposed rulemaking action.

The Players

After discussing the process with the Oregon Transportation Commission, the body that would formally adopt

the rules, ODOT decided to create the Access Management Advisory Committee (AMAC) and charge it with drafting recommended rules for access management. In November of 1998, ODOT hired the Institute for Conflict Management, Inc. (ICM) to plan and guide the negotiated rulemaking process that AMAC would undertake.

More than 30 interest groups were likely to be affected by the rules. The appointments to AMAC included developers, realtors, the business community, environmentalists, city and county governments, and other state agencies. These parties had been butting heads for years over highway access issues.

The Process

ODOT and ICM worked together early on to lay a solid foundation for AMAC's challenging work. The development of an *Agreement to Collaborate* was a central component of the preparation. Required under state administrative law, the *Agreement to Collaborate* articulated AMAC's legal authority, core charge, operating procedures, and ground rules, and it laid out schedules for meetings and for subsequent rule adoption by the Oregon Transportation Commission.

AMAC held 18 full-day meetings between February and December of 1999. The process included facilitated assessment of multifaceted transportation planning issues and development of draft rule language.

Participants on advisory committees typically bring differing levels of policy, technical, and legal expertise to their work, and AMAC was no exception. In the beginning, all members of AMAC faced the task of becoming acquainted with complex areas of policy, engineering, and law in order to participate constructively in the process. ODOT, ICM, and the Assistant Attorney General provided extensive background material, explained the history of access management in Oregon, and assisted AMAC members in understanding key aspects of relevant laws. The members also educated each other on economic, technical, and operational issues.

Because the collaborative process would involve intensive negotiation, ICM devoted much of the first AMAC meeting to educating participants in useful communication strategies and conflict resolution concepts. Hired facilitators helped committee members understand the objective of finding "common ground"

and using dispute resolution tools for overcoming conceptual gridlock. Overall, the AMAC process involved multi-level education flowing in several directions simultaneously. Participants clarified and articulated their concerns and learned to understand the perspectives of their colleagues, while at the same time developing recommendations that would improve Oregon's access management system.

When AMAC moved from education to the decision-making phase of its process, the facilitators used a single-text, discussion draft process to begin developing recommendations and draft rule language. Early in the process, ICM converted ODOT's draft rule concepts into a single document to which AMAC members could respond with proposed changes. Throughout the remaining months, the facilitators corresponded with AMAC members through electronic mail, sending "red-lined" drafts to the committee and to ODOT, collecting further edits and feedback, and incorporating suggestions into the single-text discussion draft in preparation for the next AMAC meeting.

AMAC used a consensus voting procedure that allowed members to register their responses to proposals and included an opportunity to offer suggested edits to text development while explaining their reasoning. The consensus voting procedure included the possibility for a minority report in the event the committee did not reach consensus on a particular point.

To explore difficult issues too complex or contentious for immediate decisions, AMAC created balanced subcommittees to study the subject matter and to submit draft recommendations to the entire group. AMAC members volunteered to participate in subcommittee work depending on the degree to which the question matched their interest or expertise. Subcommittee members would summarize their work at the next full AMAC meeting. Subcommittee members typically developed a depth of knowledge about a particular area through their work together, and then set the context for the large group so all members could deliberate with the same level of information.

In addition to the negotiation within AMAC, a large portion of ODOT's work involved consistent communication among ODOT staff regarding emerging AMAC proposals. An internal group of advisors (the Access Management Advisory Group) met weekly to explore the latest developments and to offer their feedback. Although it was necessary to ensure the rules were workable from ODOT's perspective, this second set of weekly meetings placed additional strain on agency staff. However, the value of this internal communication became clear in the subsequent implementation phase, as some ODOT employees already had a working knowledge of the new rules.

The Agreement

After five months, AMAC agreed to a set of draft rules and circulated them to all interested parties for comment.

The administrative rules developed in this collaborative process reflect a comprehensive approach to access management. The recommended rules:

- a. Encourage early communication between the agency and the applicant;
- b. Provide objective criteria for approving approaches to state highways;
- c. Establish a 120 calendar-day time frame for approval or denial of an application;
- d. Publish access management spacing standards and minor deviation limits;
- e. Establish access management objectives for highway projects;
- f. Establish an expedited appeals process and opportunities for collaborative discussions; and
- g. Encourage the use of access management plans and intergovernmental agreements in long-term comprehensive planning.

OUTCOMES

AMAC submitted its draft rules to ODOT in June of 1999 and then participated in the subsequent public hearing and adoption process. The Oregon Transportation Commission adopted the rules without amendment in February 2000. They became effective in April 2000.

Because all the key interests were involved in developing the access management rules, the final draft generated little controversy. AMAC's collaborative work reduced conflict and political impasse by negotiating agreements based on an understanding of and acceptance of the stakeholders differing interests. "This was a very technical issue with lots of pieces to it," said Peter Fernandez, Transportation Services Director for Salem, Oregon, and AMAC member. "In a standard forum the decision makers, who are not technical people, would have been told by staff what had to be in the rule, and on the other hand, would have been told by various interests why it didn't work for them. We wouldn't have gotten anywhere on this issue in a standard forum."

AMAC produced recommended administrative rules that have been widely viewed as representing a balanced approach to access management. Following the conclusion of the process, several AMAC members noted they did not achieve their "wish list" of access management policy changes, yet they also expressed satisfaction with the process and with the result generally. The combina-

tion of AMAC's tireless efforts and the hard work of ODOT created a synergy that ultimately produced not only new rules, but also enhanced understanding among previously polarized groups. ODOT's efforts to collaborate internally while AMAC was completing its tasks increased the likelihood of agency staff acceptance of the new rules.

In addition to follow-up staff training, ODOT has made information on the permit application process and approach available on its website.

When the rules were formally adopted, ODOT scheduled a 15-month review to assess their effectiveness and address concerns that the appropriate balance had not been achieved. "AMAC II" was charged with: 1) gathering and providing public input relating to rule effectiveness; 2) reviewing and providing balanced, concrete, practical assessment regarding implementation of the rules; and 3) recommending potential amendments.

While many original members participated in this project, AMAC II also included some new members from similar or comparable interest groups. This altered the group dynamics and, in some cases, made the negotiations more challenging. Additionally, some participants thought others were looking to regain "lost" ground from AMAC I. AMAC II held five day-long meetings concluding in July 2001, and issued a consensus-based report commenting on the effectiveness of the new rules and making recommendations for improvement.

ODOT notified the committee that it could support many of the recommendations but had concerns with some of them, particularly the proposed changes to the "reasonable access" concept. As a result, "AMAC 2.5" was convened in October 2001 and its charge was to revisit "reasonable access."

AMAC 2.5 met three times with one additional subcommittee meeting over three months. The resulting recommendations, by majority vote, provided a modified conceptual framework for the permitting of private and public approaches on expressways and other state highways. The recommendations introduced the concepts of "alternative access" and a "benefits test" to the permitting process in the place of "reasonable access."

LESSONS LEARNED

- ✓ This process exemplifies the benefits of **carefully managed collaborative processes**. It is a credit to AMAC's sponsors and participants, who had the courage to negotiate collaboratively on a range of technically complex and politically sensitive issues.

- ✓ **Early engagement of facilitators** and preparation for the process, including the Agreement to Collaborate, laid a solid foundation for successful collaboration.
- ✓ The Oregon Transportation Commission and ODOT's **authoritative sponsorship of the process and openness to input** bolstered the credibility and effectiveness of the Advisory Group's work.
- ✓ **The education phase of the process was essential** to committee members developing an understanding of the complex technical and legal issues and to understanding each other's positions and interests.
- ✓ **Communication by email** was an effective way to resolve minor issues and move the process forward within a limited amount of face-to-face meeting time.
- ✓ By working from **one written document, acknowledging and setting aside collateral issues, and utilizing subcommittees**, AMAC was able to accomplish a great deal in a short period of time.
- ✓ When parties have a long, contentious history; a **facilitator plays an important role** in creating a climate for working together productively.
- ✓ **When policies are developed openly and collaboratively**, they are likely to generate less controversy and move to formal adoption more easily. This can save both time and money.
- ✓ **Collaborative approaches can assist in monitoring and evaluating implementation**. Membership in the follow-up collaboration should be consistent with the original effort to avoid having to repeat time-intensive learning and relationship building.

This case was adapted from Oregon's New Access Management Rules: A Study in Process, Politics and Pragmatism, by Craig Greenleaf, Del Huntington, Sam Imperati and Margaret Weil. Prepared by the Institute for Conflict Management, Inc., for the 4th National Access Management Conference—August 2000 and from States Mediating Change: Improving Governance Through Collaboration, Published by PCI, 2001.

To obtain other papers on the collaborative process, on the substance of Oregon's Access Management Rules, and on post-AMAC developments, send email to Sam Imperati at <SamImperati@attbi.com>.

UTAH 3500 SOUTH PARTNERING AGREEMENT

OVERVIEW

The 3500 South Corridor Project is a transportation study and Environmental Impact Statement (EIS) to evaluate transportation needs for 8.5 miles of state highway outside of West Valley City, a large southern suburb of Salt Lake City. The project is considering multi-modal alternatives and is being coordinated with a transit corridor study currently being managed by Wasatch Front Regional Council. It is a collaborative effort by the Utah Department of Transportation (UDOT), West Valley City (WVC), Wasatch Front Regional Council (WFRC), and the Utah Transit Authority.

The objectives of the project include: 1) Identify needs; 2) Develop and evaluate alternatives; 3) Prepare a draft EIS; 4) Prepare a final EIS; and 5) identify a preferred alternative. The process includes public and agency coordination, data collection, developing and evaluating alternatives, environmental analysis, EIS preparation, and concept-level design II.

THE COLLABORATION

The Players

UDOT officials played an instrumental role in putting together a collaborative process around the 3500 South Corridor Project. Angelo Papastamos, who is now director of an innovative program called Context Sensitive Solutions, and UDOT's Regional Manager initiated discussions with West Valley City stakeholders about transportation alternatives in the corridor. Over several weeks they engaged transportation engineers, planners, politicians and others. It was clear from their discussions that WVC stakeholders felt a lot of ownership in the corridor, and any UDOT process addressing the future of the corridor would have to be collaborative.

The Utah Transit Authority and Wasatch Front Regional Council were already involved in the planning of a transit project with WVC, and made an obvious addition to the collaborative effort. Through a series of discussions between UDOT and UTA the agencies came to some shared understandings and agreed to participate in each other's processes as well as work together on a collaborative 3500 South Corridor project. FHWA and FTA's participation rounded out the agency players on the project.

Once the agencies decided to work together they contracted with Carter & Burgess, Inc., to guide the project and prepare the EIS.

The Process

After agreeing to work together, it took the agencies and the consultants another three to four months to "decide how to decide" on the structure of their collaborative effort. The participants spent much of this time simply getting to know one another. They spent a full day at a nearby ski resort going through facilitated team building exercises, sharing perspectives, and strengthening personal relationships. They agreed to have breakfast every other week, partly to talk about the project, but mainly to keep in touch.

They also spelled out the logistics of their partnership. They discussed roles and responsibilities and the best way to organize their work. When they finally brought in a nationally known facilitator to guide them through the collaborative process of drafting a Partnering Agreement, they got it done in a single day. The six to eight months of informal discussions and team building exercises laid the foundation for a smooth and speedy consensus on the formal agreement.

The Agreement

The 3500 South Partnering Agreement creates a team structure to organize the participation of each agency in the project. Roles and responsibilities are spelled out for each of the following groups:

1. The Sponsor Team – Consists of the four sponsoring agencies. This group is represented by the agencies that will likely be contributing financially to the implementation of improvements in the corridor. This team makes decisions, provides a big-picture view, forwards proposed actions to FHWA and FTA, develops funding strategies, and acts as implementers.
2. Project Management Group – Tracks progress of the project and facilitates coordination with all key groups and project participants. The Project Management Group interacts with the Sponsor Team by providing information and recommendations for making key decisions at project milestones.
3. Technical Advisory Committee – A resource for the Project Management Group. It provides guidance on the scope of the technical analysis, performs quality control oversight of the technical process/product, and assists with Regulatory/Standards/Plan compliance. The Technical Advisory Committee is not a policy group; it is advisory only. Its main role is to bring issues out for further analysis.

-
4. Public Advisory Committee – Provides a “sounding board” function and the opportunity to discuss public input through various outreach activities. The committee works with the consultant to keep the public informed, and to bring the public’s perspective in to the other committees. The Public Advisory Committee is also not a policy setting or decision-making group.

In addition to agreeing on a structure for their collaboration in the Partnering Agreement, the agencies also agreed to continue to use collaborative practices and respectful communication in their dealings.

The Partnering Agreement explicitly states, “Participants are committed to mutual respect and having trust in each other, which includes respect for the value of each other’s opinions and trust in the process. The participants are committed to working in a collaborative manner in order to bring the project to completion in a timely manner.”

The Agreement goes on to elaborate effective communication methods, communication protocol, ground rules for meetings, use of particular meeting facilitation techniques, and a detailed process for developing consensus.

OUTCOMES

After the Partnering Agreement went into effect, member agencies began an extensive public outreach effort over the next 6-8 months. The outreach effort included getting the community and school children involved in identifying the needs and values of the community. They worked collaboratively to form and incorporate input from the Technical Advisory Committee, the Public Advisory Committee, a visioning workshop, several community outreach meetings, and several public meetings. In a December 2002 facilitated meeting that lasted nearly 5 hours, the parties all agreed on language for the “Purpose and Needs” chapter of the EIS.

Again, the formal agreement process was relatively quick and easy due to the relationships and the process the partners already had in place. In addition, the “Purpose and Needs” chapter incorporated some unique elements that demonstrate the extent to which the collaborative process allowed the parties to think creatively. For example, in addition to identifying needs for traffic mobility and safety, the chapter also sets a course for creating a corridor that reflects the cultural and community character already in place, and that enhances mobility for a variety of modes of travel.

LESSONS LEARNED

- ✓ **Relationships are key.** The ongoing breakfast meetings every other week, along with other team building activities, contributed to creating the shared understandings that allow the participants to function as an effective interagency team.
- ✓ **The early contact and informal discussions among the stakeholders** allowed them to create group ownership of the collaborative process from the beginning.
- ✓ **Community outreach was extensive.** Early community outreach facilitated an understanding of the communities’ needs and efforts. The project involved school children by having them contribute pictures, plans, and visions for the corridor. This and other outreach activities were instrumental in building trust with community.
- ✓ **A professional facilitator brought in at key junctures** helped the group come to formal agreement. The facilitator also introduced communication, collaboration, consensus, and facilitation techniques that worked well enough for the parties to institutionalize them in their Agreement.

This case was adapted in part from the 3500 South Partnering Agreement.

WASHINGTON-OREGON STRATEGIC PLAN FOR I-5 CORRIDOR

OVERVIEW

The I-5 Partnership Planning Process brought together Washington and Oregon leaders and citizens to respond to concerns about growing congestion on Interstate Highway 5. As the only continuous Interstate on the West Coast, I-5 is critical to the local, regional, and national economy. At the Columbia River, I-5 provides a critical connection to two major ports, deep-water shipping, up-river barging, two transcontinental rail lines, and much of the region's industrial land. In addition, for residents in the Portland and Vancouver area, I-5 provides one of two crossings of the Columbia River for automobiles and transit. An average of 125,000 trips are made across the I-5 bridge every day.

In 1999 a bi-state leadership committee considered the problem of growing congestion on the highway and rail systems and recommended that the Portland/Vancouver region initiate a public process to develop a plan for the I-5 corridor. In January 2001 the I-5 Transportation and Trade Partnership was initiated with the overall goal of producing a strategic plan that would determine the overall level of investment needed in the corridor for highways, transit, and heavy rail, and to determine how to manage the transportation and land use system to protect investments in the corridor.

THE COLLABORATION

The Players

Washington's Governor Locke and Oregon's Governor Kitzhaber jointly initiated the planning partnership in 2001. The 26-member Task Force established to guide the development of the strategic plan included state elected and appointed officials from both Oregon and Washington, business representatives, neighborhood associations, land use and environmental justice advocates.

The Task Force had equal representation from Oregon and Washington. Key members of the Task Force were the mayors of both Portland and Vancouver, who made a commitment to attend all the meetings. The Bi-State Task Force was co-chaired by Ed Barnes, a member of the Washington Transportation Commission, and Henry Hewitt, the chair of the Oregon Transportation Commission. A neutral facilitator, Sam Imperati with the Institute for Conflict Management, Inc., was hired to assist the

collaborative effort. Staff from the various agencies provided technical support along with a number of consultants.

The Process

The Task Force met over an 18-month period, with four-hour meetings held once a month. The Task Force hosted seven rounds of public meetings to get ideas and feedback from the community. In addition, a Community Forum made up of interested stakeholders from both states was invited to closely follow the strategic planning process and to provide input at each milestone.

The process had five basic components:

1. Visioning and Development of Options
2. Evaluation of Option Packages and Land Use Analysis
3. Draft Recommendations
4. Re-evaluation and Additional Draft Recommendations
5. Development of Final Recommendations

The Task Force adopted ground rules at the beginning to guide the conduct of the meetings. One of the co-chairs set the stage by noting it was unlikely that anyone would get 100 percent of what he or she wanted, and that compromises would need to be made to reach a regional agreement. His goal was to have a plan that satisfied everyone at least 80 percent. A staff person noted that on each of the plan elements, the Task Force generally achieved this 80 percent agreement and that there appeared to be nothing in the plan that the members "could not live with". A key to the process was making sure the recommendations struck a balance among the competing perspectives.

Public involvement was a key element in the process and was encouraged through a variety of tools including: advertisements in newspapers; door-to-door delivery of project information; billboard and bus advertisements; a project website and web-based survey tools; a toll-free telephone line; and presentations to 275 business, community, and neighborhood groups. Outreach efforts resulted in participation by nearly 1,700 people.

The multi-modal option packages were based on ideas and comments from the public and consistency with the problem, vision, and values statements. The option packages that were analyzed all included new river

crossing capacity across the Columbia River for transit and vehicles. The option packages also included a substantial increase in basic transit service levels and implementation of a strong transportation demand management program.

After adopting draft recommendations for the corridor in January 2002, the Task Force asked for additional evaluation and design work on the bridge and its influence area. The plan also has a component that focuses on the needs of the freight and passenger rail system.

An additional feature of the process was that two work groups of community stakeholders, one in Oregon and one in Washington, were invited to help the Task Force develop findings and recommendations around the area of environmental justice.

The strategic planning process was aided by a new land use and transportation model called MetroScope, which was used to conduct an analysis of the implications of making or not making improvements in the I-5 corridor.

The Agreement

The Task Force adopted the final plan by a vote of 25 to 1. The recommendations included the following components:

- Three through-lanes in each direction on a segment of I-5;
- A phased light rail loop in Clark County ;
- An additional span or a replacement bridge for crossing of the Columbia River, with up to two additional lanes for merging and two light rail tracks;
- Interchange improvements;
- Capacity improvements for freight rail;
- Bi-state coordination of land use and management of the transportation system to reduce demand and protect corridor investments;
- Community involvement along the corridor to ensure that the final project outcomes are equitable.

OUTCOMES

When the Task Force completed work on the plan, it was presented to state and local government agencies in Washington and Oregon for formal endorsement. The Southwest Washington Regional Transportation Council; the Ports of Portland and Vancouver, Washington; the Oregon Transportation Commission; Metro; Multnomah County; City of Portland; and the transit agencies in Portland and Vancouver all endorsed the plan. Clark

County, Washington, and the City of Vancouver, Washington have also endorsed it.

As a follow up to the work of the Task Force, a process to develop a Bi-State Land Use Accord is now underway. It is anticipated that this will be adopted in 2004.

The states of Washington and Oregon, along with the Portland/Vancouver region, are also working together to fund the widening of a segment of I-5 to 3 lanes. This project is anticipated to be ready for construction by June 2005. In addition, the bi-state region will be initiating an Environmental Impact Study for a new river crossing and potential improvements in the bridge influence area. This effort will include an Environmental Justice Working Group, which will participate in all projects in the I-5 Corridor to ensure adequate emphasis is placed on the potential impacts and benefits to low-income and minority communities.

LESSONS LEARNED

- ✓ **The inclusive Task Force composition** helped produce recommendations that reflected a range of interests. Having business and community leaders involved in the decision making, not just elected and appointed government officials, helped generate better recommendations.
- ✓ **Commitment by both governors made a difference.** Having the governors appoint the task force members, and then staying informed about the process, helped emphasize the critical importance of this effort. In addition, the key elected leaders who served on the task force made it a high priority to attend the meetings.
- ✓ **Community outreach was an important part of the process.** Early on in the process a decision was made to conduct an open process that paid close attention to the opinions of people in the community. The Task Force explored all reasonable ideas and used feedback forms at public meetings to help focus the comments. Even more outreach would have been beneficial.
- ✓ **Involving Environmental Justice advocates in the process** helped ensure that these issues received adequate attention. The Environmental Justice Action Group was included as a member of the Task Force, and a series of special meetings around this subject was convened to flesh out potential impacts of some of the recommendations. In addition, activist groups were paid to distribute information door-to-door about the project at key decision points.
- ✓ **Hiring a skilled neutral facilitator/mediator was a key to success.** This was a complex negotiation and the

mediator helped ensure that all voices were heard and recommendations were worded in a way that encouraged buy-in.

- ✓ **A jointly owned and managed project was sometimes difficult to conduct.** Although there are clear benefits in sharing ownership and responsibility, it can be challenging to have two jurisdictions in charge.
- ✓ **Close working relationships among the staff** from the various jurisdictions supported the process. The project advisory committee of state and regional government agency staff provided input on key project decisions including the development of Task Force agendas. It was a critical factor in bringing many of the elected Task Force members along as the project progressed.

- ✓ **Balancing the varying needs of Task Force members for information was a challenge.** One of the challenges of the process was meeting the needs of all the Task Force members for information and discussion. Some members felt they needed more information, while others felt they already understood the issues. To bring all members to the same level of understanding about the problems and potential solutions for the corridor required that a significant amount of time be spent on education.

This case was adapted from the I-5 Corridor Final Strategic Plan (June 2002) and from interviews with project staff.

SACRAMENTO TRANSPORTATION AND AIR QUALITY COLLABORATIVE

OVERVIEW

Sacramento County is a rapidly growing metropolitan area, with the six-county region expected to grow by a million people over the next 20 years. This anticipated growth raises important questions about how the community can maintain mobility, enhance air quality, sustain economic prosperity, and preserve the Sacramento region as an attractive place to live and work.

To address concerns about transportation and air quality associated with this expected growth, county officials initiated the “Sacramento Transportation & Air Quality Collaborative.”

THE COLLABORATION

The Players

Forty-eight organizations (104 participants and alternates) are participating in the Collaborative. They were recruited from five categories that meet as interest groups:

- Business Interest Group
- Environment Interest Group
- Government Interest Group
- Local Community Participants
- Community Interest Group (Disability, Youth, Seniors, Ethnic etc.)

Two other groups participate separately—the Agriculture Interest and Tax Payers League, whose interests differ significantly from the other five interest groups. There also are ex-officio members who are invited as official observers and inform negotiations as needed, but don’t participate in formal decision-making. Ex Officio participants also have been identified and are on the distribution list for collaborative material.

The Local Community Participants bring a rich diversity of local perspectives (geographic and demographic) rather than the views of any one organization to which the participants may belong. Each of the four cities and the unincorporated areas of Sacramento County have participants who represent individual perspectives and not particular constituencies.

The various community interest groups selected participants for their interests. For example, the senior

organizations within the County of Sacramento were briefed on the Collaborative and invited to a luncheon to select a member and alternate to sit at the negotiating table. Some meeting attendees self-nominated and others were nominated during the meeting. The participant and alternate were selected by vote. The participant has the responsibility to inform the greater group of Collaborative progress, and to obtain input on negotiation points throughout the process.

Several of the groups have formed advisory groups to assist in the negotiation process. One example is the African American Advisory Group, whose collaborative participant has called upon leaders in the African American community to meet routinely to become educated on transportation, air quality, relevant land use and economic vitality, and to advise her on issues importance to that community during the negotiation phase.

The Collaborative has three full-time and one half-time staff, on loan from different participating government agencies. In addition, private professionals provide expertise in mediation and transportation through contracts.

The Process

The purpose of the Collaborative is to develop a long-range and comprehensive strategy for the Sacramento countywide area to improve transportation and air quality within a regional context, including relevant land use and economic development strategies. It is to be accomplished through an interest-based negotiation process consisting of five steps: 1) Assess, 2) Organize, 3) Educate, 4) Negotiate, 5) Implement.

The assessment step was initiated in 1999. Twenty participants from the five interests listed above were asked by eight public agencies to explore the potential for interest-based negotiations to address the transportation and air quality issues in the projected growth area. After an 18-month deliberation, the group recommended to the sponsoring agencies that they proceed with the collaborative process.

The cities of Citrus Heights, Elk Grove, Folsom, and Sacramento; the County of Sacramento; Regional Transit; Sacramento Transportation Authority; Sacramento Metropolitan Air Quality Management District; and Sacramento Area Council of Governments provide

funding for the effort and participate in the Government Interest Group. Caltrans provides a half-time staff member and participates as a member of the Government Interest Group. The newly incorporated City of Rancho Cordova, which has been briefed on the Collaborative, selected a local community participant and anticipates that a government representative will be selected as the city acquires staff.

During the organization phase, staff and stakeholders were recruited and oriented, then an overall approach was charted. The participants discussed and adopted the purpose; identified the challenges and opportunities associated with transportation, air quality, land use and economic vitality; identified what their group wants from the negotiation and why; and became acquainted with work from other communities addressing similar issues.

The structure of the Collaborative requires that participants volunteer 10 to 15 hours per month. They attend:

- A monthly plenary meeting for education purposes
- A monthly interest group meeting to develop issues and interest statements, to develop negotiation strategies, and to consider other Collaborative issues
- One or more working groups
- An Education Working Group to assist in design of the plenary sessions
- A Visioning Working Group to design land use and transportation scenarios to test via models
- A Coordinating Work Group to develop the negotiation framework.

In February 2001, an 18-month formal Education and Visioning Phase was initiated. Four tools were used for this phase:

1. Brief technical papers on the core topics to use as a reference in acquiring a basic understanding of complex issues.
2. A panel of experts addressing key questions related to an issue that cuts through several of the core topics.
3. A visioning process using indicators. A working group selects indicators for measuring changes when land use and infrastructure scenarios are changed. Then they select scenarios and measure the change to indicators. For example, if denser development occurs around light rail stations, what happens to vehicle miles traveled?
4. Issues and Interest Statements—organizations or interest groups prepare a statement of what they need from the negotiation and why. A rigorous uncovering

of the interests allows participants to move beyond their positions to understanding their underlying interests. Well-defined interests can be turned into objective criteria for testing the robustness of agreements-in-principle, trial balloons, and then draft agreements.

The July plenary was a transition from the Education and Visioning phase to the Negotiation phase. The current work is harvesting “common understandings” and remaining data gaps from the 18-month Education and Visioning Phase Collaborative. Further education/research will be proposed to close the data gaps. The “Common Understandings” will provide a foundation for an agreement.

The Agreement

An agreement among the participants is not anticipated until late 2004.

The initial step is development of agreements-in-principle, a series of negotiated statements that, taken as a whole, represent the beginning of a conceptual outline for the agreement. For the Transportation Collaborative, agreements-in-principle could be organized around such major topics as transportation infrastructure and systems, transportation funding, and community and neighborhood design. Agreements-in-principle do not go into specific detail, but rather capture the broader landscape of a potential overall agreement.

Using the agreements-in-principle as a starting point, the negotiation teams flesh out the full details of the agreement. Agreements-in-detail consume the most time in any negotiated agreement, and lead over time to a draft agreement and then to the final agreement.

Assurances are mechanisms that ensure the details of an agreement will be honored. Assurances can be more or less certain. For example, a handshake is less of an assurance than a legal contract. Typically, different levels of assurances are developed for different portions of a final agreement. An assurance itself is also considered as a type of agreement.

A series of planned actions will provide for implementation of the final agreement. Along with action steps, implementation plans for agreements typically include provisions for monitoring the agreement as well as for modifying the agreement in the face of significant changed conditions.

A straw proposal, or trial balloon, will be developed to allow a group to review and revise an idea or potential agreement with the understanding that discussing the

proposal does not imply any kind of support or commitment. Trial balloons are usually revised or significantly altered multiple times until an agreement emerges.

OUTCOMES

The major outcomes at this early stage of the Collaborative include: development of common understandings of complex interrelated issues of transportation, air quality, relevant land use and economic vitality; building community capacity; and relationship building between interests within the community.

The Education & Visioning phase of the Collaborative provided a common technical basis from which the interest groups can launch their negotiations. The level and breadth of understanding of the group has increased significantly. Participants have been exposed to a broader view of community transportation needs of other jurisdictions, of people who provide or use a different transportation mode, people who are impacted by transportation projects, and people with different underlying interests.

Capacity building is another important outcome of the process. The participants are charged with sharing Collaborative information with their constituency and to elicit their input for issues and interests and in negotiations. The participants have done so in a number of creative ways. One city's local community participants developed a survey to obtain local input. The local Community Services District distributed and collected the survey.

The Community Interest Groups have established advisory boards. The African American Board—the most developed of these boards—has invited speakers to provide additional education on transportation and air quality topics of particular interest to the African American community, in preparation for the negotiations.

Relationship building among the different interest groups has also been a visible outcome of the process. Members of the Environmental and Business Interest Group jointly held a seminar for local builders and developers focusing on successful higher density housing. Architects from areas where denser housing is more commonplace spoke about the marketability of such products.

LESSONS LEARNED

✓ Many of the members/interest groups are engaged in other civic areas. **Trust and relationships that developed during the Collaborative** have had a positive impact in the other areas, and vice versa. The converse

is also true. Trust broken or relationships frayed at the Collaborative can have negative consequences that reverberate outside the Collaborative.

- ✓ **Significant resources (funding and time) are necessary for interest-based negotiation** around the complex issues of transportation, air quality, land use and economic vitality among the large broad based group of participants.
- ✓ **Support from the elected officials and from the executive officers** of the sponsoring government jurisdictions is critical to the success of the Collaborative. Funding depends on their support, and their approval of the final agreement will be required.
- ✓ The Collaborative staff is comprised of people with differing areas of expertise matched to the needs of the broad issues under consideration, as well as the diverse group of participants. **A mediator or facilitator skilled in interest-based negotiation** is essential to ensure all have a voice during the negotiations.
- ✓ The Collaborative is a six-year process addressing complex issues. **Participants must agree upon their purpose**, establish a common factual base to address issues of common concern, develop a thorough understanding not only of their own interests but also the interests of the other parties at the table, and negotiate satisfactory agreements that take into account the varied interests represented in the process.
- ✓ **Life outside the collaborative process does not stand still.** People will continue to do what they need to do on behalf of their interests outside and independent of the collaborative process. This sometimes includes pursuing options or activities that could have an impact on other interests at the table. It can be a challenge to reconcile activities taking place simultaneously in these two spheres.

This case was adapted from a report prepared by Cheryl Creson, with Sacramento County.