

# CITIZEN PARTICIPATION IN A RURAL STATE

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During the years I have found myself attending national meetings of one sort or another and defending and explaining the problems that exist in what I call the 35 rural states in this country. I have not had complete success in some of these efforts because most of our activities today in the transportation field seem to be tuned to the problems that exist in urban areas. I do not know whether I will have much success here in attempting to discuss some of the activities or lack of activities and problems in my rather small rural state.

First of all, some background: My state geographically speaking is fairly small although compared with other New England states it is fairly large. It is sparsely settled. We have fewer than 1 million people. We have 450 cities, towns, and plantations, and we have only 16 counties (thank the Lord for that!). The counties, of course, have little to do except to elect a sheriff, keep some records, and be politically active. Regarding transportation, we follow the New England type of government, downgrading of counties and upgrading of municipalities and local groups. Interestingly enough, a great section of my state is not organized at all so far as government is concerned. The counties there do act in the form of, or replace, the municipality.

We have two rather substantial urban areas: the Portland area and the Lewiston-Auburn area. We also have about half a dozen cities that are in the 20,000- to 25,000-population group. Most of our local groups and municipalities are in the 2,500-population group. We probably have no more than 10 active local planning groups, and only about half of those have any type of staff at all. Much of the planning has been done in the past by the State Highway Commission, which became the Department of Transportation on July 1, 1972. We now have a state planning office, but it is struggling to exist and is handicapped by lack of funds and a very narrow responsibility from the standpoint of the state statutes and also the governor's charge to that group.

I am giving this background so that others may understand something about a rural state. Many people are unaware that there are such states in this country. Maine also has one other distinction: It is attached to the remainder of the United States by one state only, New Hampshire. I believe that it is the only state in the country that has that distinction. We grab for those crumbs because there are not too many distinctions we can claim.

In this discussion of citizen participation, I am going to be immodest enough to relate the fact that I have been in local and state government for the past 40 years, and my remarks here will reflect some of that experience, I hope. Obviously, because we have so few planning groups (we have only about 3 regional planning groups in the state, all understaffed, underpaid, and underfinanced, of course), we do have some difficulty in using planning groups as a vehicle to secure citizen participation.

I might as well say at the outset that we have great difficulty in securing citizen participation; not that we do not want such participation, but the mechanics are rather difficult to establish. We have made efforts to do this. We have been coached diligently by representatives of the U. S. Department of Transportation as to how to achieve these things. We have had conferences in connection with the so-called Highway Action Plan.

I might also say at the outset I am a little amazed about this Highway Action Plan because I have had occasion to testify before committees of Congress once or twice; and from the testimony that we have given to Congress and from the actions of Congress, it has issued one short paragraph that relates to air pollution, water pollution, and of course citizen participation. But then we have 15 pages of requirements issued by the U. S. Department of Transportation. At the outset I would like to say I am not being critical of the transportation department. I have many friends there and frankly I was there during the conference seeking more money for my little state in connection with highways. But out of the department comes 15 pages of requirements based on one paragraph of the statute passed by Congress. We have to have 35 pages of procedural material in order to implement the 15 pages of requirements.

In Maine, we have some very real doubts as to whether the total of 40, 50, 60, or 100 more pages of procedural material is going to bring about citizen participation. Quite frankly, we feel frustrated when we try to influence a housewife to become terribly interested in highways or transportation when she is probably worrying about whether her son is going to pass the reading course in the fourth or fifth grade or whether she will wax the floor that day or the next day. We followed the advice of the folks that come in to tell us how to do these things and sent out letters to all the folks we could find who might be interested. Of the 1,400 letters we sent out, I think we got 60 replies. The replies we got did not indicate much interest in what we were trying to accomplish.

The other side of the coin, of course, is that we have not been as diligent as we should have been in these matters. But we are motivated by one fundamental fact (if you will pardon another personal reference based on 40 years experience in government): No procedure or no program involving government and governmental funds derived from taxation can succeed very long or continue to any great extent with any success at all without public acceptance. It is a very fundamental, elementary, basic fact.

So, it behooves everyone involved in governmental programs, at least at state and local levels, to attempt to bring about that kind of acceptance. We think we have it in my state. We have periodic tests (this again will indicate to you how poor we are) in that under our constitution we have to go to the people every time we have a bond issue approved by the legislature to finance capital improvements at the state level. Unfortunately, we have had to go every 2 years in connection with our highway program. During the long period of years that we have been going to the people with referenda, we have had only one failure. That was when the legislature got chicken, so to speak, and put 13 bond issues on one ballot. Unfortunately the public mixed them all up, and half of them passed and half of them did not. The highway program was in the half that did not pass. We went out within a matter of 4 months after that with one issue on the ballot, highways, and it passed by 2 to 1. We did this by communicating. We talked to people. We explained what was going on. We got a vote of confidence as the result. We have been getting them ever since.

That in some small way conveys to us at least the public acceptance of our program. Whether or not that is citizen participation, I do not know. We choose to think it is a form of citizen participation.

Let me say something about typical situations involving transportation in my state. First, one has to remember that we have no passenger train service in Maine except one train that goes across the state during the night on the Canadian Pacific Railroad.

We do have rails for freight, of course. Our air service is at best somewhat inadequate. Right now I am trying to convince the Civil Aeronautics Board that it is inadequate but not having much success because we are, of course, in the northeastern part of this country and somewhat isolated. Fundamentally, the principal mode of transportation in my state is and will be highways. We are trying to tell people about highways in order to bring about formalization of citizen participation.

What we are attempting to do in organizing citizen participation is probably doomed to failure because of our sparsely settled areas but, more particularly, because of the nature of my problems as the commissioner of transportation since July 1, 1972. Those problems relate not to citizens' objections to highways or to determining what modes of transportation will suit a particular corridor but citizens pounding the desk and demanding why I do not build more highways.

We do have groups that are interested in curtailing highway construction activities; we have environmental groups, and we try to work with them. I think we have some degree of understanding between each other. We have some folks who would like us to build no more highways under any circumstances, but they are a very, very small minority.

Consequently, our concern in regard to citizen participation perhaps is twofold: One, we do not have it, and we do not know exactly how to get it to the extent that we ought to have it; and, second, we are concerned that, as a result of recent legislation, there are going to be too many federal requirements that will be placed on us as a rural state—requirements that are unnecessary, are undesirable, and will lead to confusion rather than understanding.

I admit that some of these requirements and formal procedures are perhaps necessary for urban states. But the typical highway project in my state perhaps encompasses reconstructing a 2-mile segment of an existing highway along which there are possibly 4 or 5 improved properties including farm property that is probably not farmed too successfully. The public hearing is attended by 15 or 20 individuals, half of whom will be interested in the property that is involved next to the highway. Woe unto us if we try to hold 2 public hearings on that situation because the first one on location, if we are successful at all, will degenerate into a design hearing where everybody there will want to know what will happen to their shade trees or their wells or barn entrances. So we usually have one hearing. But public hearings, as far as I am concerned and based on presiding at several hundred of them in the past few years, are nothing more than documentary evidence that such a hearing has been held.

The folks who get to these hearings are those who have a sincere concern about the effect on their property and probably a few who see no need for such a project at all.

We have taken recognition of this, and we are now doing all of our constructive work (this may be a form of citizen participation) in what we call pre-public-hearing information meetings. We have had a great deal of success from these meetings. We think this is where we do our most valuable work with people. In my state, somehow a formal public hearing with a recorder and notices in newspapers and charts and formalized procedures in which people have to go to microphones to ask questions turns people off. We have more success in sending our right-of-way people and design engineers out to gather around a table informally, explain everything about the project, and chat with the people. Here is where we get the real thoughts of the people who are concerned with this project, and we have changed our designs many times on the basis of those meetings. By the time of the public hearing, the project is well formalized.

Let me emphasize that we have had some success in getting and continuing to get public acceptance for our programs. We do think that we should have communication with people. We are communicating, we think, but not as well as we should perhaps. We are concerned by the extreme formalized procedures and requirements that are now coming from our federal friends regarding how we should prepare documents and shuffle papers in order to get public participation. We think perhaps we are going to spend too much money in that kind of procedure, money that we would like to see placed under the wheels of motorists rather than in developing paperwork.

I walked through the office of our project scheduling group the other day; it has the responsibility for setting up the Highway Action Plan. The person in charge of this

work said, "Do you realize we are going to have to have 144,000 sheets of paper produced in our department in order to implement the action plan?" To me, that seems to be a little bit unnecessary. It seems to me that we can achieve public participation without that kind of documentation. I am sure that there are many who refute that statement, but I persist in thinking that I speak unofficially at least for the 35 rural states in this country who have similar problems to mine.

## INFORMAL DISCUSSION

TAYLOR: Although I do live in the city now, I am from a predominantly rural state and I did grow up in a rural area myself. You have pretty much dismissed the environmental movement out of hand as being of any importance in your state. Are you aware that in many rural states, including mine, the majority of highway controversies are over rural roads?

STEVENS: I am aware of the fact that any highway project is controversial. I come back to the statement I made previously that we attempt to—and I think rather successfully—take care of those controversies in what we call our pre-public-hearing informational meetings. I did state in my remarks that we have our environmental groups, and I also stated we have I think a fairly good relation with those groups. I think they understand what we are attempting to accomplish, and we certainly understand what they have in the way of concerns. We are communicating.

WASHBURN: I come from Massachusetts, only two states away from you. I would like to preface my questions with a short statement. I think I can say that our experience in Massachusetts indicates that transportation controversies are not a phenomenon bound to urban areas. It was in fact in the extreme western part of Massachusetts, the part that borders Vermont and New Hampshire, that citizens did haul the Department of Public Works into court. Rural controversies can reach a degree of polarization that is wasteful and should be made unnecessary by a proper process. I certainly would agree with you that whatever federal suggestions about process are made ought to be flexible enough to recognize that one form of communication is appropriate in communities of one population level and that television and other mass forms of communication are suitable in communities of another population level like New York City.

I am concerned that people who do not have formal statements of the possibilities for involvement in a transportation planning process will not adequately define their interests. What level of involvement do you have in Maine in having citizens help you to define where roads are needed? Certainly citizen groups can be helpful in pushing roads to completion. As you pointed out, people see you and argue for both rail and highway construction. How do you find out which groups you should invite to these informal pre-public-hearing information meetings?

STEVENS: I indicated that we had not been as successful as we would like to be in bringing citizens into the planning process. Frankly, I have to say about the first time we have been able to generate interest on the part of citizen groups was the time we reached the so-called pre-public-hearing information meeting. We also have the problems of our geographical area, sparsely settled areas, and the disinterest of individuals until such time as the project is announced and then their concern about their properties.

Knowing which groups to invite to the meetings is not too difficult because the population in the various communities is usually no more than 2,500 to 5,000. We tell them we are coming on a certain date or whenever it is convenient and ask them to invite the folks from the conservation commission, the planning board, the board of industry, and the chamber of commerce and the folks who own property along the road. So they spread the word around. We issue a news release with a notice that we will be there. The press is sometimes present, sometimes not.

CLARK: I would like to make an observation and then ask a question. The observation is this: I would not be too concerned about your trouble in achieving citizen participation. If you really want it, just propose a road right through the middle of Bangor

or through some fragile ecosystem and you will get it. I think the situation in Maine describes very well that, where there is satisfaction among citizens and where they have trust and confidence in their public officials, then what the officials are doing is acceptable. But if citizens think that their public officials are not giving proper recognition to social or environmental problems caused by highway improvements, then it really does not matter whether there is a system or organization for citizen participation because the officials will hear from the citizens. So if you really want it, just propose those kinds of roads. What I think is important is to allow it when citizens want to participate but not to induce it. If you try to induce it when there is no need for it, it makes people mad. Far more important, I think, is for public officials to adopt the frame of mind that permits them to begin to examine what citizens are saying. In fact, if I were to name this conference I would call it agency participation or responsiveness on the part of agencies to what citizens are saying. Citizens have been speaking for years; their messages have not been heard. We know what they are saying; we are not responding. That is the observation.

Now the question. It is very interesting to compare the populations of Maine and the Washington, D. C., area. If everyone in Maine wanted to get out on your roads, you would have one-third as many people, and the situation would probably be manageable. If everybody in the Washington, D.C., area wanted to get out on our roads, that would be quite another situation. That is just an attempt to illustrate the difference between a rural and a metropolitan area. What position should your rural state have with regard to the position that urban areas are now trying to promote? We want freedom for expenditure of money. Such freedom may not be important to you because you do not consider the need for a large, expensive public transportation system to ever really occur in Maine for the foreseeable future. What is your position with regard to urban areas outside of your state? Do you think you should have any position on that, and do you think that freedom should be given to another state?

STEVENS: What Mr. Clark is speaking about is a possibility of diverting money from the Highway Trust Fund in urban states for use on transit and more specifically on rail commuter transit. I have every sympathy for the Greater Boston area, the Philadelphia area, and all areas where they have commuter rail transit problems. But I also have a very real need to complete the Interstate Highway System in my little state and do it as expeditiously as possible. I also have real problems in my little state with primary and secondary roads that have been sadly neglected in the past 10 years because we concentrated on the Interstate Highway construction. As far as I am concerned, I want that money out of the Highway Trust Fund in my state for highway purposes and furthermore and fundamentally I do not want anything done to the Highway Trust Fund in connection with urban states that jeopardizes the receipt of money in my state for highway purposes.

Now those who advocate diversion of money in the urban states from the Highway Trust Fund for rail transit say to me this will not occur because this is permissive only. But in the next breath they talk about an amendment that will allow those sections of the Interstate System that are highly controversial to be omitted from the system and the money that would normally be used for construction of those controversial sections to be used in turn for rail transit.

Now it does not take me too long, having had 40 years of experience in government, to recognize that during a period of years the needs for urban rail commuter transit will be such that the muscle in Congress will be limited to the point where my state will suffer from the standpoint of the money we will have for highways. I am entirely sympathetic with the need for federal money for urban commuter traffic. As a matter of fact, before both houses of Congress, we recognized this need and advocated money to be appropriated from the federal treasury for this purpose but not from the Highway Trust Fund.

PARSONS: The U. S. Department of Transportation has jurisdiction over sea transportation in Penobscot Bay where there has been a good deal of controversy about tankers coming in to load and unload at refineries that would be built on the mainland. Do you anticipate that there will be considerable citizen participation with respect to that matter?

STEVENS: Yes, and I would like to elaborate. Maine, to my mind and I am prejudiced of course, is a beautiful state. We have many, many things about our state that I personally want to see retained: open spaces, woodlands, mountains, lakes. I am a native of the state of Maine, and the only time I ever departed the state was when I worked 3 years in New York City, which was a very, very bad mistake for me and probably was not too beneficial for New York City.

I believe that in our state we can regulate industry and can retain those things that we cherish. I recognize it has to be done through governmental action, and the state legislature has taken that kind of action. In fact, I think we probably have as many and as far-reaching laws to protect our environment on our statute books as any other state in the country today. Sometimes this gets to be a little annoying to me personally as an administrator because we have to actually get approval from another state agency in order to put some of our projects into effect.

One of the real controversial points, of course, has been oil. We do have probably the best deep water port potential, if they can be developed, of any other place along the Atlantic Coast. But we have some militant environmentalists who think their development is a very horrible thing. Unfortunately, Canada does not take that position. We are right across the bay from Nova Scotia. Several refineries are active today in Nova Scotia and one is now being considered for Eastport right next to Canada. The Canadian people are doing what I would do if I were there: They are finding reasons why they cannot let the tankers through but are at the same time holding out their other hand for that particular refinery. Yes, there will be citizen participation. There has been already in that respect. I think it is good, healthy, and desirable. I do not know whether we will have the good judgment to try to balance our industrial aspirations with our aspirations to retain our environmental "goodies," so to speak. I hope we will have.