

# Post-Intermodal Surface Transportation Efficiency Act Public Involvement

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The Intermodal Surface Transportation Efficiency Act (ISTEA) and subsequent final rules regarding metropolitan planning, statewide planning, and management and monitoring systems call for increased citizen participation in transportation planning and programming. The progress to date based on a survey of all 50 states and knowledge of over 100 metropolitan planning organizations (MPOs) is reviewed. Although some good examples of participatory planning can be found, many states and MPOs seem to be responding to the ISTEA requirements in a fairly perfunctory manner. Examples of good practice and suggestions for improvement are offered. The purpose of the research was fivefold: (a) to summarize the recent history of public involvement; (b) to gently prod those states and MPOs that are not embracing citizen participation wholeheartedly into doing so; (c) to communicate information about successful participation so practitioners might benefit; (d) to document the current state of practice for those who have interest; and (e) to identify courses of action for public involvement advocates.

Over the past three decades, the importance attributed to public involvement generally has tended to rise and fall significantly. In the 1960s and early 1970s, the major goal of citizen movements in transportation was to stop highway projects in urban areas, an effort that was highly successful overall. By 1973, proposed highway projects were being blocked by citizens in all but one of the 55 largest standard metropolitan statistical areas.

With the slowdown in urban highway construction, citizen attention turned to alternative means of addressing urban transportation problems and to process. Dramatic shifts in public sentiment led to public acquisition of bus companies in many areas, "new start" heavy—and later—light rail systems, and subsidization of transit service. There was also growing interest in transportation system management, paratransit, and, eventually, high-occupancy-vehicle (HOV) facilities. Transportation planning became more focused on the short term, and there was an increasing emphasis on community and environmental factors and a strengthening of the role of citizens.

The National Environmental Policy Act of 1969 was passed, ground-breaking studies such as the Boston Transportation Planning Review and Miami's highly participatory transit planning process were undertaken, FHWA public involvement training and research projects were initiated, and a Federal Department of Transportation (DOT) Policy on Citizen Participation was proposed. TRB citizen participation committee meetings and panel sessions were overflowing with interested professionals, and their 1978 Williamsburg citizen participation conference exceeded all expectations.

The election of a new administration in 1980 led to declining federal interest in both participatory planning and public concerns about transportation. The citizen participation policy was rescinded and the prevailing implicit message from the top was "just do the minimum required." The majority of states and project sponsors

readily complied, although a surprising number were mindful of the benefits of participatory planning from experiences in the 1970s, so they maintained their programs. In addition, project sponsors needing voter approval through referenda for local financing initiatives also often initiated participatory planning, frequently after back-room plans failed to win the necessary votes.

Then, 20 months ago, the Intermodal Surface Transportation Efficiency Act (ISTEA) was approved, calling for "new partnerships" at all levels of government and citizen participation in both metropolitan and state planning.

## GENERAL POST-ISTEA CONDITIONS

Before citizen participation under ISTEA is reviewed, it is useful to note some observations about post-ISTEA conditions generally because the broader political and operational context obviously affects the implementation of each of the bill's components.

- First, although ISTEA significantly increased authorized funding levels for both highways and transit, shortfalls in appropriations have jeopardized some coalition-building efforts.
- Second, experience to date with one of the bill's hallmark features, its flexibility provisions, has been mixed. On the one hand, over \$400 million in flexible funds has been transferred to transit, and considerably more is anticipated in subsequent years. On the other hand, there is still substantial resistance to the transfer of flexible funds in many places, and some states are pitted against metropolitan planning organizations (MPOs)—the entities charged by ISTEA with making flexible funding decisions). At the national level, there has been extraordinary cooperation at the highest levels of DOT modal agencies, but this spirit has not always filtered down, and FTA is still struggling to be an equal partner with FHWA. Many also advocate more active involvement from the Environmental Protection Administration and its local counterparts.
- Third, some MPOs are experiencing difficulty in achieving consensus and in getting their local jurisdictions to think in terms of the regional good.
- Finally, states and MPOs do not yet have good technical processes and tools in place to deal with the comprehensive ISTEA planning requirements, especially with respect to the coordination of transportation with air quality and land use planning.

## POST-ISTEA CITIZEN PARTICIPATION

Within this context, it is not surprising that the status and prospects of citizen participation are also mixed. Although the ISTEA legislation does call repeatedly for citizen participation and a number of examples of good, participatory planning can be found, to date,

many states and MPOs seem to be responding to the new requirements in a disappointingly perfunctory manner.

## States

A telephone survey of all 50 states was conducted in the spring of 1993 to ascertain how people were responding to ISTEA's public involvement requirements. The survey focused specifically on state participation with respect to the development of long-range plans, state transportation improvement plans (TIPs), and management and monitoring plans and did not cover project-related activities.

The responses may not be completely accurate because only one person from each state was typically contacted—the public involvement specialist listed in TRB's Directory of State Transportation Agency Environmental Officials—and this individual was not always completely familiar with what was going on or planned. (Where such specialists were not listed, an individual in a closely related category was selected.) In addition, when opinions were solicited, some of the respondents qualified their answers as personal views, not necessarily reflecting the official positions of their agencies. Finally, the information provided was occasionally supplemented on an ad hoc basis with the author's personal knowledge, and subjective judgments were made about what activities were really "meaningful." Nevertheless, the results do give a general indication of post-ISTEA public involvement activities. A summary of the responses is shown in Table 1.

Each state was classified according to one of four overall characterizations: outstanding/very good; doing or planning to do something above minimum requirements; doing the minimum; and possibly not even meeting minimum requirements. One state representing 2 percent of the total was judged to be in the top category (outstanding/very good). Twenty (40 percent) reported doing or planning to do something above minimum standards. Of these, at least six seemed to have potential for approaching meaningful participation that could be outstanding, but their programs were still in early stages. Fifteen, or 30 percent, hovered around the minimum and fourteen (28 percent) fell into the lowest category. Together, the two bottom classifications—doing the minimum or less—totaled 58 percent of the states surveyed.

The following specific survey findings show how these astonishing judgments were made:

- The first question probed what new citizen participation activities had been added, or were contemplated, in response to ISTEA. The majority, twenty-three states (46 percent), reported new activity, but for five states, this activity was limited to programs geared only to either the enhancements program (of the surface transportation program) or Native Americans. Others reported insignificant procedural changes such as providing court reporters at hearings for people who did not want to make a presentation. About half appeared to have made changes that were broadly substantive. Another six (12 percent) were considering or planning to increase their citizen participation activity, but were not yet able to provide specifics. Twenty-one states (42 percent) reported that no changes had been made or were contemplated. Several indicated that they had sufficient programs in place before ISTEA.

- Second, states were asked whether (and how) they were incorporating citizen participation into their long-range plans, management plans, and TIP development. Eighteen states (36 percent) indicated that there was currently no citizen input in any of the three

programs; several indicated that there might or would be some in the future. Six (12 percent) justified their lack of programs on the grounds that such public involvement was the sole responsibility of the MPOs. Thirteen (26 percent) replied affirmatively to all three categories, although there is reason for skepticism about at least six of the responses. Another nineteen (38 percent) reported citizen input into one or two of these three activities, usually the long-range plans.

- The third survey question asked whether additional state funding had been allocated to citizen participation as a result of ISTEA. Money is not always an indication of effective programs, but given current levels of state activity, it is hard to see how many could meet the spirit of their ISTEA citizen participation responsibilities without increased expenditures. Disappointingly, 34 states (68 percent) said no additional funding was provided or contemplated. A total of 16 states (32 percent) indicated that funding had increased. Only New Jersey was truly impressive: it has allocated 50 percent of a million-dollar statewide planning study to public involvement.

- Fourth, states were asked whether any aspects of ISTEA had been controversial. A total of 32 states (64 percent) said no, but 18 states (36 percent) said yes. The following areas of controversy in descending order of importance were reported:

- The enhancement program (fourteen states),
- Comprehending and interpreting ISTEA (eleven states),
- Bureaucratic problems (ten states),
- Flexibility provisions (seven states),
- The need for more public education (five states),
- Friction with MPOs (five states),
- Suballocation of funds (four states),
- The CMAQ Program (three states),
- Financial constraints including appropriations shortfalls (three states),
- The percent of recyclable rubber tires required to be used as a part of the asphalt program (two states), and
- TIP development, FTA relations, vague citizen participation requirements, the management systems, matching funds, the project selection process, unrealistic public expectations of ISTEA, the timing of ISTEA, National Highway System design standards, Clean Air Act amendments, highway demonstration earmarks, and helmet regulations (one state each).

It is surprising that long-range planning was not mentioned at all and that issues related to TIP development and the management systems were not generally higher on the list.

- States were then specifically asked whether any aspects of flexible funding had been controversial. In contrast to the seven states that had previously identified flexibility as a problem, nineteen (38 percent) now agreed it was an issue in their states. Thirty (60 percent) reported it was not, and one state declined to respond.

- Next, states were asked to nominate MPOs under their jurisdiction which had made especially good efforts to promote effective citizen participation. Only 29 states (58 percent) offered one or more nominations. This could indicate that many MPOs do not yet have good programs in place; it may also be that some states are not fully aware of what their MPOs are doing. A total of 50 MPOs were identified by states as having good citizen participation programs.

- Finally, states were asked what role they thought citizen participation had in their ISTEA development. Forty-two states, or 84 percent, characterized the role of the public as "important" or "major." Only two state respondents thought it was unimportant and

TABLE 1 Summary of Survey Results

QUESTION	# STATES	%
<b>OVERALL CP CHARACTERIZATION</b>		
• Outstanding/very good	1	2
• Doing or planning CP	20	40
• Minimum efforts	15	30
• Below minimum	14	28
<b>CONTEMPLATING NEW CP ACTIVITIES IN RESPONSE TO ISTEAA?</b>		
• Yes	23	46
• No	21	42
• No response	6	12
<b>CP IN LONG-RANGE PLANS, MANAGEMENT PLANS, &amp; TIPS?</b>		
• Some in all	13	26
• Some in 1 or 2	19	38
• None in any	18	36
<b>ADDITIONAL CP FUNDING?</b>		
• Yes	16	32
• No	32	68
<b>ISTEA - CONTROVERSIAL?</b>		
• Yes	18	36
• No	32	64
<b>FLEXIBLE FUNDING - CONTROVERSIAL?</b>		
• Yes	19	38
• No	30	60
• No comment	1	2
<b>NOMINATIONS OF GOOD CP PROGRAMS</b>		
• 1 or more	29	58
• None	21	42
<b>ROLE OF CP</b>		
• Important	42	84
• Unimportant	3	6
• Not sure	5	10

one said it was important only in some areas; four were not sure and one did not reply. This strong show of support contrasted with the paucity of effective programs is a curious incongruity.

A number of the survey states did, however, report some interesting approaches being used. Oregon employed an impressive combination of multiple techniques in their long-range plan development: 49 hearings, a citizen commission, five policy advisory committees, newsletters, and surveys. Alaska seems off to a superb start with extensive training for all of their top management and technical people who deal with the public, a citizen participation handbook for public officials, reliance on state convention and tourist bureaus to identify open house participants in connection with a scenic enhancement travel program, and other planned mechanisms. Although not ISTEAA related, Maine's 60-group consensus-building process, culminating in a recently adopted Sensible Transportation Act and the creation of regional transportation advisory

committees throughout the state, may serve as a useful model for some. Vermont and New Hampshire seem to have good processes to allow citizens to nominate projects for their TIPS. Minnesota sponsored 150 meetings on the nature of the transportation planning process and the role of citizen participation.

A few places have established blue ribbon committees, including Georgia. Connecticut and Pennsylvania have citizen participation manuals. Mississippi very nicely uses newspaper advertisements to obtain citizen input for their TIPS, has developed a brochure, and addresses all public input not included in their statewide plan in an appendix to the report. New Jersey, Washington, and Missouri will be using focus groups along with other techniques. Washington has also created kits for business and civic organizations that include a video, a survey, and brochures. Finally, a number of states are experimenting with more informal approaches to public hearings, meetings, and open houses; many are creating citizen advisory committees, subcommittees, and task forces; and some are sponsoring surveys.

Since last spring when the survey was conducted, a number of states have initiated the preparation of long-range intermodal plans. The consultant's request for proposals for all of these call for public involvement, and several indicate that they are seeking unusually ambitious programs. This suggests that the prospects for increased participatory state planning may be more optimistic than was initially indicated and that, in some places, there has simply been a delayed response to ISTEA.

## MPOs

It was not possible to conduct a comprehensive survey of all MPO citizen participation practices so the assessment in this section is much more subjective. It is based on information provided by the states in the survey discussed above, a review of post-ISTEA literature and internal documents in FHWA files (about 60 sources altogether), ongoing FHWA research about citizen participation in metropolitan transportation planning, and the author's personal knowledge.

As indicated earlier, state public involvement specialists nominated 50 MPOs thought to have good participation programs. Telephone interviews with officials in each of FHWA and FTA's regional offices produced another 40 nominations, and literature reviews and personal knowledge produced another dozen or so. Most of these were duplicative, however, and on scrutiny, many were judged to be less effective than was originally anticipated. On the basis of this information, it would appear that between three and five dozen MPOs may currently have effective public involvement programs.

Similar to the state experience, some exceptional programs are being implemented that could serve as role models and sources of inspiration. The leading program in terms of sheer statistics must be the follow-up transportation planning to Seattle's Vision 2020 undertaking, which tied together growth management and transportation. Over 700 public meetings were held over a 2-year period, and a large number of other techniques were employed, including public forums and hearings, a citizen's summit attended by 500 people, an extensive mass media campaign, an electronic town meeting, and five different surveys that reached over 15,000 voters.

Another impressive program, on a smaller scale, is Albany's. The MPO there sent over 200 surveys to area groups and individuals soliciting input about the structure of the public participation program. The results favored a mix of strategies, rather than overdependence on one method, and led to the creation of nine task-oriented working groups, brainstorming that identified over 500 stakeholders, planned sponsorship of three public conferences scheduled before major decision points, one-on-one meetings, inclusion of existing organizations, and possible use of community meetings/open houses, surveys, and media stories.

A third noteworthy process is being sponsored by the Atlanta Regional Commission. After a highly participatory vision process, this region is now developing a corresponding comprehensive regional transportation plan using a broad range of public involvement techniques.

Other MPOs report successful experience with specific approaches that may benefit others. Portland, Seattle, and St. Louis held conferences combining presentations with workshops. The New Orleans MPO sponsors conferences and seminars with key transportation people as speakers. Pittsburgh has a blue ribbon committee that secured private funding to hold a retreat; San Francisco

also has one and is becoming increasingly interested in the long-range plan update. A number of MPOs, including San Francisco's, are establishing citizen committees to deal with the enhancements program. The MPO in Los Angeles (Southern California Association of Governments) has public involvement guidelines that establish a minimum dollar expenditure (10 percent of the total planning budget), require the individual responsible for citizen participation to be a lead staff person knowledgeable about the entire planning process, and stress staff training. Charleston, West Virginia, uses charrettes. Portland, Maine's, MPO ran a description of its proposed projects in a full newspaper advertisement.

Various cities also have sponsored public involvement efforts that are incorporated into MPO activities. Tucson, Arizona, has institutionalized citizen participation to an unusual degree: there is an administrative directive that calls for citizen participation in any major effort the city undertakes, a citizen participation office, a neighborhood protection ordinance that requires neighborhood approval for new limited access highways, and a citizens transportation advisory council. The MPO respects and works within and with these regulations and institutions. Phoenix sponsored a 2015 Futures Forum that was attended by 3,500 citizens; many of the results are reportedly now being incorporated into the MPO's long-range plan.

## CONCLUSIONS AND RECOMMENDATIONS

A former FHWA administrator noted that ISTEA implicitly calls for a major "sea change" in the way one plans for transportation. With a growing roster of notable exceptions, there is not yet, however, widespread enthusiastic support for public involvement at either state or MPO levels—a movement characterized by full commitment to do whatever it takes to achieve effective participatory planning. In many states and MPOs it still appears to be "business as usual."

It is clear that the time has come for new approaches and action. It is appropriate and necessary to redefine what effective citizen participation really is and to think much more creatively and big in developing programs. Planners should not be afraid to experiment on a trial-and-error basis and need not feel constrained by lack of funds. (There are many sources of assistance for such activities, including any or all of the following: current budgets, flexible funding programs, private foundations and businesses, or citizen volunteers.)

Because every community is different and every planning process has its unique variations, a single "best practice" public involvement process cannot be recommended. However, some characteristics are common to the most effective programs, including the following:

- Involvement of citizens from the very beginning,
- Carefully thought-out methodology plans,
- Inclusion of a broad mix of strategies and techniques that build on existing citizen participation mechanisms as much as possible,
- Assignment of meaningful roles for citizens,
- Focusing technical attention on issues of substantial public interest, and
- Attitudes of objectivity, fairness, and responsiveness on the part of process sponsors and decision makers.

Additional recommendations include the need for greater professionalism in state and local efforts to elicit public involvement. Every MPO and state should have at least one citizen participation

specialist on their staffs; larger ones should have more. A body of literature exists in this field. Practitioners should be encouraged to build on the state of the art and the lessons learned from the past. More research, information exchange, and training are also needed. It is hoped that federal officials will monitor public involvement efforts and include effectiveness assessments in their certification criteria.

Finally, all believers in participatory planning must work more vigorously to educate decision makers and other governmental officials about the many benefits of public involvement. When participatory planning is absent from or deficient in an ISTEA planning process, it is the obligation of those in the profession to communicate any objections. As with most of the good things in ISTEA, par-

ticipation advocates are going to have to work hard to make public involvement a reality, but the mission is not an impossible one.

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