

Transportation

Transportation systems determine where people live and work and how communities evolve. Because of these impacts, great controversy often exists around transportation policies and their implementation. Public officials are finding themselves in need of better ways to identify citizens' priorities and preferred approaches to solving transportation problems. They are increasingly using collaborative processes, like those outlined below, to bring diverse groups to the table to work on transportation problems.

The following case is an example of how consensus building can be used to work out both transportation policies and their implementation.

Negotiating Transportation Policy Rules In Oregon

Problem

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. Environmentalists worried that the state would be paved over. 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, while developing a workable plan for siting and building state highway entrances. After an unsuccessful attempt to develop these rules in the traditional way, ODOT decided to try a new approach.

Process

ODOT sought advice from the Oregon Commission on Dispute Resolution and began exploring 'negotiated rulemaking' as a way to develop the required rules. Negotiated rulemaking is a process by which a government agency works together with interested parties to develop agreement on a proposed rulemaking action. After discussing the process with the Oregon Transportation Commission, the body that would formally adopt the rules, ODOT hired a facilitator to guide the negotiated rulemaking.

More than 30 interest groups were likely to be affected by the rules. These 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.

ODOT convened an Access Management Advisory Committee (AMAC) that included representatives from each interest group. The broad-based AMAC committee's purpose was to work collaboratively to make written recommendations to the ODOT director on how to best implement access management.

AMAC began by adopting a set of ground rules to guide its process. Then, the committee shared relevant information to develop a full picture of the scope of the issue. Throughout the process,

AMAC also solicited public input regarding specific access management issues.

“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.”

The complete process involved 18 daylong meetings of the AMAC committee over a nine-month period. After five months, AMAC agreed to a set of draft rules and circulated them to all interested parties for comment. Following receipt of the comments, AMAC incorporated the necessary changes, agreed to a final draft of the rules, and sent them to the Transportation Commission for adoption.

Results

Because all the key interests were involved in developing the access management rule, the final draft generated little controversy, and the Oregon Transportation Commission formally adopted the rules.

Lessons Learned

- 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.

For more information on this case contact:

The Oregon Dispute Resolution Commission
www.odrc.state.or.us
(503) 378-2877

For a training video that highlights this case and provides details on how to run a collaborative process, contact PCI.



Karl Ohs
Lieutenant Governor of
Montana

“In the early 1990s, a cross-section of Montanans—including ranchers, farmers, environmental advocates, state legislators and federal officials—decided it was time to find a better way to make natural resource decisions. The Montana Consensus Council has stepped in and helped us resolve many controversial issues over the past six years. As a result of the Consensus Council's involvement, opportunities for citizens to be meaningfully involved in making public policy decisions have significantly increased.”