The Politics of Implementation

The Corporatist Paradigm Applied to the Implementation of Oregon's Statewide Transportation Planning Rule

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This is a case study of the implementation of Oregon's groundbreaking Transportation Planning Rule (TPR) from its adoption in 1991 up through present amendments. The Rule emphasizes a reduction in the reliance on automobiles, with the original wording of the Rule—since amended, as will be discussed later—requiring a decrease in vehicle miles traveled by 20 percent and a decrease in parking spaces by 10 percent during 30 years.

This article does not seek to evaluate the actual impact of the Rule in terms of measurable outcomes. Rather, our analysis is an assessment of the process of how private and public sector investors grapple with the coproduction of the built environment under the constraints of a value system that emanates from the state, shepherded by litigious public interest groups. In this case, the value system is articulated in the Oregon administrative rule known as the TPR.

This article presents the results of research conducted since shortly after the Rule's adoption. Building on previous work (Bianco and Adler 1998; Adler and Bianco 1995; Adler 1994), this article will look at the status of the Rule today and the nature of the lessons that policy makers and planners might learn from an analysis of its implementation during the past decade. The focus will be on the negotiation process that has resulted in recent significant amendments to the Rule.

After an overview of the study's methodology and a consideration of the relevancy of this work to planning education and practice, this article will briefly describe the content of the Rule and the political contexts in which it and its precursor, the Transportation Goal, were born. We place the implementation of the Rule within the context of the corporatist paradigm—that is, policy making by three actors: a directive state, the private sector, and organized labor (Pahl 1977a, 1977b; Winkler 1975, 1977). This is corporatism with a twist, however: litigious public interest groups replace organized labor as the shepherds of the state's directives.

This article will then turn to a discussion of the challenges that have surfaced in implementing the Rule and how the recent amendments to the Rule reflect these challenges. We attempt to show how they and the resulting amendments illustrate the nature of the tensions between the three principal groups in the corporatist paradigm.

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Abstract

This article examines how the public and private sector negotiate implementation of a controversial public policy, Oregon's Transportation Planning Rule. The Rule, adopted in 1991, originally called for all localities to create plans in compliance with goals of a 20 percent decrease in vehicle miles traveled and a 10 percent decrease in parking spaces over a 30-year period, which has presented a challenge to policy actors. This article places the implementation process within the context of a modified corporatist paradigm involving three actors: a directive state, the private sector, and litigious public interest groups. The authors examine how recent amendments to the Rule illustrate tensions among these actors and conclude that three important factors account for the successes and failures in the Rule's implementation: persistent negotiation, threat of lawsuit, and a shared commitment among all involved to "do the right thing."

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Finally, we will identify important planning and policy implementation lessons to be learned from a case study of the TPR. We conclude that three important factors stand out as responsible for the successes and failures in the Rule's implementation: the importance of negotiation; the role of the litigious public interest group, 1000 Friends of Oregon; and shared commitment among planners to "do the right thing."

Methodology and Relevancy of Analysis

Oregon's TPR is unique. Indeed, much that characterizes the transportation planning and policy-making environment in Oregon is unique. The question arises of the extent to which a case study of transportation policy in Oregon might be relevant to policy and practice in other contexts, where support for a policy like the Rule would be far more tenuous. This question suggests a concern with two issues: the validity of case study methodology in general and the appropriateness of study of what many consider a unique case.

Our methodology for this research involved three types of data collection aimed at fleshing out this case study. Archival research revealed the records of meetings and hearings regarding the Rule, including letters and comments from key stakeholders. Attendance at meetings allowed us to observe the personal interactions of actors involved in the negotiation process. Finally, interviews with key informants shed light on programmatic details, personal reflections, and off-the-record issues that might otherwise not have come to light.

Our approach to this case study sheds light on important policy relationships and activities that characterize transportation policy making in Oregon. Understanding Oregon's experience with the TPR may be useful and relevant to planners in general and planning educators in particular because the Rule provides an example of unique state legislation regarding transportation, planning, and values. Perhaps more useful than understanding the unique legislation is understanding the manner in which the legislation came about and the manner in which stakeholders have negotiated compromise and consensus to maintain a policy that is not only unique but controversial.

Planners outside of Oregon may be tempted to downplay the significance of the Oregon case, dismissing its lessons as Oregon-specific and inapplicable to other states. This may be a mistake. Perhaps the greatest lesson that can be learned from the Oregon case is that the individual conditions in Oregon that brought the Rule into existence may not be unique to Oregon. These conditions may exist elsewhere. What may be unique to Oregon is the synergistic effect of these conditions being in one place at one time. Planners and policy makers interested in effecting the kinds of changes they see in Oregon may want to pay close attention to its recipe for success and avoid its pitfalls and weaknesses—not all of the Oregon case study is a success story. Still, much of what happens in Oregon is not a mere accident or happenstance—not just a coincidental coming together of key elements. The fact is that hard work, advocacy, commitment to shared values, and purposeful planning underlie what makes Oregon a model for planners around the country. Understanding how these factors work together may help others replicate the results elsewhere.

Description and Background of the TPR

In 1973, Oregon passed Senate Bill 100 (SB 100), its landmark land use planning bill. This bill required that local government plans be consistent with state land use planning goals. It also created the Department of Land Conservation and Development (DLCD) as the chief implementation body. By 1976, DLCD had adopted nineteen statewide land use planning goals to guide land use planning in Oregon. DLCD adopted Goal 12, the Transportation Goal, in 1974. To administer the Transportation Goal, the department adopted the TPR (OAR chap. 660-012) in 1991—seventeen years after it had adopted the original goal.

The purpose of the TPR is to guide jurisdictions in Oregon through meeting the broad objectives of the Transportation Goal, which are "to provide a safe, convenient and economic transportation system" while addressing the needs of the "transportation disadvantaged" (Chapman 1997). The Rule had as a specific objective that metropolitan areas reduce per capita vehicle miles traveled (VMT) by 10 percent during twenty years and by 20 percent during thirty years after a plan is adopted. It also required 10 percent reduction in parking spaces during thirty years.

The primary mechanism through which the TPR strives to accomplish its mission is the requirement that jurisdictions within a Metropolitan Planning Organization (MPO) area adopt a Transportation System Plan (TSP) that contains specific elements, including a public transportation plan, a bicycle and pedestrian plan, a parking plan, and a transportation financing program.[1]

The state has amended the TPR three times since its adoption—in 1993, 1995, and 1998. The 1993 and 1995 amendments extended jurisdictions' deadline beyond the original date for adopting their TSPs.[2] The 1998 amendments arose from a requirement contained in the Rule that it be reviewed every five years. The state commissioned its first formal review in 1996, contracting with the private consulting firm, Parsons Brinckerhoff Quade & Douglas, Inc., to carry out the task.

Parsons Brinckerhoff released its initial findings in February 1997. At that time, the state began conducting a series of public hearings to consider a number of substantive amendments to the Rule that Parsons Brinckerhoff proposed. In the fall of 1998, the state adopted amendments resulting from these proposals.

Before considering the actors in the implementation and amendment process, as well as the nature of the amendments themselves, it is instructive to consider the political and cultural circumstances that gave rise to the Transportation Goal in 1974 and the TPR seventeen years later.

The Transportation Goal was a product of the environmental and political progressivism that characterized Oregon in the 1970s (Adler 1994). There was a general atmosphere of consensus—rather than contentiousness—among policy actors during that period. The broad, nonspecific nature of the land use goals reflected a shared understanding of what many Oregonians wanted during this "don't Californicate Oregon" era.

In contrast, the TPR arose in an atmosphere of conflict and dissension during a period—and this must be stressed—nearly two decades after the formulation of the original goal. One of the immediate precursors to the adoption of the Rule was a 1987 lawsuit by 1000 Friends of Oregon, a land use watchdog group, alleging that one of the Portland area's suburban counties had violated the state's land use laws by attempting to build a freeway outside of the urban growth boundary. The county eventually abandoned the freeway plan, but the lawsuit made it clear to the state that some sort of administrative rule was necessary to guide the decision-making process about transportation planning in general and highway planning in particular. Within a few years, the TPR was born.

▶ Policy Actors and the Corporatist Paradigm

Pahl and Winkler developed the corporatist theory with respect to Britain in the 1970s (Pahl 1977a, 1977b; Winkler 1975, 1977). "Stripped to its essentials, corporatism is principally defined by . . . the shift from a supportive to a directive role for the state in the economy" (Winkler 1975, 103). Peter Saunders explains further that "corporatism replaces the anarchy of the free market with the order of the rational plan" (Saunders 1981, 126).

There are other models for explaining the process of policy making. Regime theory as articulated by Clarence Stone, for instance, posits a relationship between the public sector and the private sector, whose chief priority revolves around the attraction and investment of mobile capital (Stone 1989; Stoker 1995). A regime is a complex arrangement for the playing out of this relationship. Complexity is the key here, for it introduces uncertainty, fragmentation, and discord. Government becomes consumed with the task of mobilizing and coordinating fragmented resources and opinion.

According to regime theory, the state can impose its will and mediate among factions in disagreement. Its main function, however, becomes the mobilizing of resources and the building of coalitions to facilitate action and empowerment. These coalitions (called regimes) consist of governmental and nongovernmental actors "with access to institutional resources" (Stone 1989, 4) who work together in an informal network, drawing on and contributing their respective resources to the achievement of a common goal.

In the traditional corporatist model, on the other hand, there are three key actors: the state, which dictates policy; the capital-owning and capital-controlling private sector; and labor union leadership, the conduit through which state policy is transmitted to the rank-and-file constituency (Pahl 1977a, 1977b; Winkler 1975, 1977). Jessop (1978) clarifies the relationship as one of "negotiation and consultation between large capital, organized labour, and the state, . . . [which] enables the state . . . to mould its policies" (Saunders 1981, 263).

The role of the labor unions in the negotiation element of the corporatist paradigm is crucial, for it is here that some degree of consensus is reached between the state, with its overarching policy goals; the private sector, with its capital-accumulation goals; and the citizenry, who are the subject and the object of the state's and the private sector's actions. Without the unions' cooperation, the objectives of the state and the private sector are stymied, and the impasse is signaled in the form of labor strikes and class struggle. In comparison with regime theory, the state's role is much more directive, and the resources on which one of the key actors draws—labor's threat of strike—is a contentious catalyst for consensus rather than a resource in an informal, relatively cooperative network.

In a modified corporatist paradigm (which we first set forth in 1995 and reiterate here) there is no role for labor. The conduit for state policy is instead the litigious public interest group, which represents the rank-and-file constituency in much the same way as the labor union leadership does in the traditional model. The public interest group negotiates state policy and transmits it to the citizenry, bringing to the negotiating table the threat not of a labor strike, but of costly and time-consuming litigation.

In our case, the state policy (its rational plan) is the goal of reduced reliance on the automobile, as articulated in the TPR and the Transportation Goal. The goal of the private sector is economic competitiveness. As we noted in 1995, the goal of the public interest group (here, chiefly 1000 Friends of Oregon) is

to protect and shepherd state policy and to serve as a counter to the demands of the private sector.[3]

There are three primary groups: the state, the private sector, and the public interest group. In our analysis of the TPR, these groups are composed of individual players. It is interesting that there may be some internal conflict among the individual players within a group. The state, for example, consists of hierarchical layers both in terms of a constitutional-legislative relationship and in terms of economic relationships. At the top of the constitutional-legislative hierarchy is the DLCD, whose policies are directed in a top-down fashion toward metropolitan planning organizations, counties, and cities. At the top of the economic hierarchy is the state's largest city, Portland, whose interests weigh heavily in the state's plan and often compete with those of other urban areas.

Thus, there are at least two levels on which negotiation must occur: among the three parties in the corporate paradigm—the state, the private sector, and the public interest groups—and among localities striving to attract capital investment in their struggle for economic competitiveness. Our discussion of the challenges to implementing the TPR looks at the tensions present at both of these levels.

▶ Challenges to Implementing the TPR

During the 1993 and 1995 amendment periods, actors involved in the process of implementing the TPR expressed concern with three primary features: the deadline for adoption of TSPs, originally four years after the adoption of the Rule itself; building orientation mandates, requiring, for example, that firms orient building entrances toward transit stops; and connectivity mandates, requiring that there be a "reasonably direct route of travel between destinations" (1991 OAR chap. 660-12-055[1]; OAR chap. 660-12-045[4][b][A]; OAR chap. 660-12-045[3][d][B]).

As noted, the 1993 and 1995 amendment discussions resulted in an extension of jurisdictions' deadline to May 1996 (a deadline that few jurisdictions reached[4]) and also added detail to many provisions, such as the orientation and connectivity requirements. Stakeholders gave much attention to specific interpretations of wording. By 1995, the amended version of the Rule was at least twice as long as the original, with previously contentious concepts such as "pedestrian connection," "pedestrian scale," and "reasonably direct" spelled out in detail. Substantive amendment significantly modifying the Rule requirements was lacking, however, in both 1993 and 1995.

The original Rule contained a provision that the state conduct an evaluation every five years. This evaluation was to be much more substantive, focusing on the achievement of the VMT reduction goal and the overall goal of reducing reliance on the automobile. This latest review process revealed a number of key areas of contentiousness that eclipsed the earlier concerns with deadlines, connectivity, building orientation, and definitions. Out of the dozen or so proposed amendments, the four listed below illustrate the more substantive concerns:

1. Clarify the Rule's purpose statement as it relates to reducing reliance on the automobile.
2. Reduce the VMT standard for smaller metropolitan areas to 5 percent.
3. Allow individual metropolitan areas to adopt measures other than VMT reduction to accomplish the requirement for reduced automobile reliance.
4. Add an option for metropolitan areas to adopt parking management measures in place of the current requirement for a 10 percent reduction in parking spaces per capita.

As is apparent, the attention had now shifted to a focus on the fundamental goals of the Rule: a reduction in VMT and parking spaces. We now turn to a discussion of these four amendments in terms of implications for planners and policy actors and in terms of the three policy groups identified in our modified version of the corporatist paradigm. We will also note the extent to which economic competition among localities appears as a dominant force.

Discussion of Amendments

Of the most recently proposed amendments, those focusing on the overall goal, VMT, and parking are at the heart of most of the latest controversy surrounding the TPR. We now turn to a discussion of these amendments.

Clarification of Purpose Statement

Prior to amendment, the TPR's existing purpose statement stated:

> The purpose of this division is to implement Statewide Planning Goal 12 (Transportation). . . . Through measures designed to reduce reliance on the automobile, the rule is also intended to assure that the planned transportation system supports a pattern of travel and land use in urban areas which will avoid the air pollution, traffic and livability problems faced by other areas of the country. (1991 OAR chap. 660-012-000)

In its review of the Rule, the consulting firm Parsons Brinckerhoff found that a number of individual actors in the

policy process did not feel that the "fundamental objectives . . . are sufficiently clear" (Parsons Brinckerhoff 1997, B-6). The actors most likely to voice this concern were smaller MPOs, smaller cities, the Oregon Department of Transportation (ODOT), the Homebuilder's Association, and the Retail Task Force.

This problem points to weaknesses with respect to causal theory and to clarity and consistency of objectives. It also reveals a lack of consensus among the individual actors in the state arm of the corporatist paradigm: not all MPOs, cities, or even the state DOTs share the same policy goal as the chief policy-making entity here, the DLCD. The Retail Task Force and the Homebuilder's Association's concerns about goal clarity represent a disagreement in the private sector with the fundamental goal of the Rule. The Homebuilder's Association characterized the goals of the TPR as "dumb," and the Retail Task Force questioned whether there really "is a problem with automobile use today," labeling the TPR requirements "social engineering" (Parsons Brinckerhoff 1997, B-33, B-37).

Not all segments of the state had problems with the DLCD's overall policy goal. Those most likely to support it were the Department of Environmental Quality and the Office of Energy. Strongest support came from outside the government and from what the corporatist paradigm would predict to be the most likely source: 1000 Friends, the public interest group. As a result of cooperation between the supportive offices within the state and 1000 Friends, a proposed amendment to the Purpose Statement came to the negotiation table, adding the following language:

> Land use and transportation patterns that rely too heavily on automobile use have contributed to a diminished quality of life due to air pollution, traffic congestion, and other problems. This portion of the rule aims to improve the livability of urban areas by promoting changes in land use patterns and the transportation system that make it more convenient for people to walk, bicycle and use transit, and drive less to meet their daily needs. Changing land use and travel patterns will also complement state and local efforts to meet other objectives, including containing urban development, protecting farm and forest land, reducing air, water and noise pollution, conserving energy and reducing emissions of greenhouse gases that contribute to global warming.

This proposed language, under consideration in the summer of 1998, appeared only to compound the lack of clarity. The Oregon Building Industry Association, for example, asked, "What problem, exactly, is being fixed with this proposal? . . . What does it mean to 'contain' urban development? . . . Is it really necessary for DLCD to weigh in on the issue of global warming?" (Chandler 1998). 1000 Friends provided the counter to the private sector, commenting that they were "pleased to see the added language in the purpose section . . . tying the TPR to efforts to reduce greenhouse gas emissions" (Bartholomew 1998).

In the end, most of the proposed amendment language with respect to the Rule's purpose statement was retained in the amendments DLCD adopted in September 1998. Presumably as a concession to detractors demurring on the scientific validity of the concept of global warming, that phrase was replaced with "global climate change" (1998 OAR chap. 6610-12-0000).

The private sector's concerns about the basic goals of the TPR (as articulated in the purpose statement), as well as its complaints regarding specific requirements, lie behind its sense of having been left out of the decision-making process. This is evidenced in repeated requests during the purpose statement debate for an advisory committee—presumably consisting of representatives from the business community—to be more involved in the policy-making process, particularly in terms of overseeing some sort of fiscal impacts analysis. This complaint also serves as an illustration of a key feature of corporatism that has the state, not the private sector, being the chief promulgator and director of policy, with a third arm (in this case, 1000 Friends) being the chief promoter of the policy. The role of the private sector, in this model, is diminished.

Comments by a transportation planning engineer with one of the smaller counties aptly illustrates the decisive role that the litigious 1000 Friends played (and continues to play) in this policy arena. With respect to clarity of objectives and language regarding road improvements, for example, this engineer writes: "The meaning of these terms is in the eye of the beholder, who is probably an attorney, and increases the likelihood of [Land Use Board of Appeals] or court battles" (Stinchfield 1998). He was clearly referring to 1000 Friends of Oregon, whose membership consists in large part of attorneys committed to waging battle in the state's Land Use Board of Appeals.

The private sector's requests regarding an advisory committee, as well as the implied fear of litigation on the part of the transportation planning engineer quoted above, suggest weaknesses with respect to perceived access by outsiders, public support, and support by and commitment from leaders and implementing officials. Although DLCD has encouraged public input and participation, it has not gone as far as to appoint a committee that represents the business community—a fact that has left many in the private sector feeling that they have been shut out of the process. The limited public involvement is a feature of another element in Pahl's corporatist paradigm: the concept of urban managerialism, wherein unfettered democratic participation is restrained and the expert judgment of experts and officials reigns (Saunders 1981, 126).

In addition, the fact that not all public employees (such as the transportation planning engineer cited above) fully embrace the TPR also reflects the top-down nature of the decision making in this matter and a weakness in the support by frontline implementers.

Reduction of the VMT Standard

Undoubtedly the single most contentious element in the TPR was the requirement that jurisdictions within MPOs reduce VMT by 10 percent within twenty years of adoption and 20 percent within thirty years. The original Rule (1991 OAR chap. 660-012-35[4]) stated:

> In MPO areas, regional and local TSPs shall be designed to achieve the following objectives for reducing automobile vehicle miles travelled (VMT) per capita for the MPO area:
> (a) No increase within ten years of adoption of a plan as required by OAR 660-012-0055(1);
> (b) A 10% reduction within 20 years of adoption of a plan as required by OAR 660-012-0055(1); and
> (c) Through subsequent planning efforts, a 20 percent reduction within 30 years of adoption of a plan as required by OAR 660-012-0055(1).

Activism chiefly on the part of Oregon's smaller MPOs resulted in an amendment proposal that would require only a 5 percent reduction in VMT in the Salem, Eugene, and Medford metropolitan areas.

The tensions around the VMT standard suggest implementation weaknesses in a number of areas. One is, again, possible problems with an adequate causal theory—that is, some questioned whether a reduction in VMT in fact signifies a reduced reliance on the automobile. Another implementation weakness is a problem with resources, with most jurisdictions complaining of a lack of resources for undertaking any aspect of the TPR—especially technical ones. Finally, there are significant political feasibility questions. Most of those involved in the TPR amendment process insisted that the extent of behavioral change required was simply too great, that the VMT target was "unrealistic" given current travel habits.

The chief transportation modeler at Metro, the Portland area's regional government and MPO, maintained that the correct way to estimate VMT is through panel surveying techniques, which none of the jurisdictions use (Parsons Brinckerhoff 1997, B-1). This concern, combined with ODOT data that Parsons Brinckerhoff cites indicating that per capita VMT grew in Oregon by more than 40 percent between 1975 and 1994, underscores the difficulties in the VMT standard (Parsons Brinckerhoff 1997, 27). The result was a lowering of the required reduction for smaller MPOs, while retaining VMT as the standard.

The backing away from the original reduction requirement is not surprising given the intensity of opposition against it. "We are unlikely to achieve even the 5% reduction," reported one of the smaller MPOs (Schwetz 1998). Another MPO endorsed a goal but not a requirement of a 5 percent reduction. Even the Portland area's Metro expressed concern with the percentage reduction, claiming in formal comments to the DLCD that even with Metro's sophisticated planning tools, "About a 10 to 15 per cent reduction in per capita VMT may be about the maximum achievable" (Kvistad, Washington, and Hammerstad 1998). In a less formal interview, Metro's chief modelers admitted that the existing VMT standard "cannot be met without extreme pricing" and that "it is psychic pain to deal with something that is impossible, and not politically feasible" (Parsons Brinckerhoff 1997, B-1).

Not everyone agreed with the skeptics of the VMT standard. One jurisdiction in particular, the city of Gresham, remained strongly supportive of the higher standards. "Let's not give up on these areas [the smaller MPOs] until we have made efforts to give them all the necessary tools to achieve change." Since the original Rule's adoption, Gresham has been at the forefront in embracing and championing the TPR and the general spirit behind the Transportation Goal. In large part, this has been due to the efforts of the city's progressive mayor, Gussie McRobert, and also to the fact that Gresham was the first Portland suburb to realize any benefits from light rail development.

The voices in opposition to the standard eclipsed the few votes of confidence, such as that from Gresham. One might have expected the standard to be eliminated altogether, given the nearly unanimous opposition—except for one factor: 1000 Friends of Oregon. This guardian of the Rule remained stalwartly opposed to any reduction in the VMT requirement: "We continue to believe that this recommendation [to lower the requirement for smaller MPOs] is premature. . . . Land use planning changes can significantly reduce VMT per person. Until those measures have been tried and adopted, we believe that the current VMT standard should remain in place" (Bartholomew 1998).

Encouraged by 1000 Friends' support, as well as that of the two state environmental agencies, the Department of Environmental Quality and the Office of Energy, DLCD retained a VMT reduction requirement, although at reduced levels. The amended Rule now requires only a 5 percent reduction within twenty years of adoption of a plan for MPO areas with a population less than one million. In MPO areas with a population greater than one million, a 10 percent reduction is required

within twenty years of adoption and then an additional 5 percent within thirty years. This is down 5 percent from the total of 20 percent originally required for the larger MPO areas (1998 OAR chap. 660-012-0035[4][a-c]).

Optional Adoption of Measures Other than VMT Reduction

As suggested above, a number of jurisdictions objected to the VMT requirement because they did not believe they could meet it and/or they did not have the technical resources to carry it out (specifically in terms of estimating VMT). MPOs in particular have expressed a desire to use methods other than VMT to reflect their progress toward reducing reliance on the automobile. As a result, the DLCD considered an amendment that would allow jurisdictions to use alternative standards.

The amendment language is lengthy and involved, but the key phrase is as follows:

> The Commission may authorize metropolitan areas to use alternative standards in place of the VMT reduction standard . . . to demonstrate progress towards achieving reduced automobile reliance as provided for in this section. (1998 OAR chap. 660-012-0035[5])

This amendment speaks to two crucial elements in the TPR's implementation hurdles: discretion and locational competitiveness. The dissension among jurisdictions' implementing officials has often been tied to (1) their belief that the TPR is an unusually inflexible, rigid, and top-down rule; and (2) their sense that it is directed at the needs and capacity of the Portland metropolitan area (and the city of Portland in particular) while ignoring the circumstances of other jurisdictions. Both of these factors threaten many officials' already lukewarm endorsement of the Rule.

Frustration with the top-down approach to the policy making behind the TPR is illustrated by one MPO's referring to the DLCD as "author, judge, jury, and executioner" (Parsons Brinckerhoff 1997, B-6). This same official's desire that the state recognize "where we are" and that all areas are different illustrates the frustration with what some feel is a Portland-centric policy (Parsons Brinckerhoff 1997, B-7). Another MPO representative complained that jurisdictions that had a history of progressive transportation planning were not getting any credit and in fact were being "penalized" by having uniform statewide standards imposed on them (Parsons Brinckerhoff 1997, B-12). A planning official from Eugene, Oregon's second largest city, summarized the attitude toward Portland best in saying that some of the amendments "seem to be written to address issues in the Portland Metropolitan Area. . . . While the revisions may 'work' for the Portland Metropolitan Area, the other MPOs in the state are very different" from the Portland region (Childs 1998).

In terms of flexibility, Metro officials acknowledge that "the most frustrating thing about the TPR is its precise rules," noting that "it would be better to have principles" (Parsons Brinckerhoff 1997, B-4). Metro considered the optional-alternatives amendment as the "key to the region's ability to submit a transportation system plan that complies with the TPR" (Kvistad, Washington, and Hammerstad 1998). Even the Land Conservation and Development Commission (LCDC), the policy arm of DLCD, recognized that there has been a sense that the department is "too rigid, too doctrinaire, and coming in too late in the planning process, and that we push beyond what is realistic" (Parsons Brinckerhoff 1997, B-17).

Option to Replace the Requirement to Reduce Parking by 10 Percent

Section 45 of the Rule, "Implementation of the Transportation System Plan," contains most of the provisions with respect to land use, such as connectivity and building orientation. It also contained the controversial requirement that jurisdictions in MPO areas implement a parking plan that

> achieves a 10% reduction in the number of parking spaces per capita in the MPO area over the planning period. This may be accomplished through a combination of restrictions on development of new parking spaces and requirements that existing spaces be developed to other uses. (OAR chap. 660-12-045[4])

As with the VMT reduction requirement, implementation of the parking requirement has been difficult because of questions about the causal relationship of parking with reliance on automobiles, technical and resource constraints, and political feasibility problems. DLCD considered an amendment that would add an option for metropolitan areas to adopt parking management measures instead of the 10 percent reduction requirement. These alternative parking management measures might include reducing off-street minimum parking requirements or adopting off-street parking maximums.

The 10 percent parking reduction requirements had proven to be difficult to implement because a per capita reduction of any amount requires that MPOs inventory all parking spaces in their region to establish a baseline figure. This is a difficult and expensive undertaking. If all spaces could be inventoried, most planners and policy makers agree that the 10 percent reduction could be achieved, although not everyone agrees that the number of parking spaces is necessarily correlated with automobile reliance.

Most, however, eagerly embraced the proposed amendment—even jurisdictions such as Portland and Gresham that had already taken inventories or implemented reduction strategies. Reducing parking minimums and establishing parking maximums seemed to strike most policy makers as reasonable techniques for managing parking. The fact that this amendment was to provide jurisdictions with the option (i.e., flexibility) to implement a range of parking management measures was particularly appealing. As one small-city mayor noted, "The recommendation allows local governments to choose the parking reduction methods best suited to its [*sic*] unique circumstances and local parking needs" (Faber 1998).

The private sector's attitude toward the parking requirements has been less enthusiastic than the public sector's. The Commercial Real Estate Economic Coalition (CREEC) was so concerned with the original wording in the Rule that it didn't even bother to express an opinion about the amendment:

> How a jurisdiction can impose a requirement on how and possibly when, existing parking spaces are to be redeveloped is beyond reason. This goes beyond any requirements currently in the [local regional plan] and is not supported by market or reality. Existing uses will, or will not, redevelop to "other uses" based on market forces. To require otherwise exceeds the parameters of reasonableness. (White 1998)

Although the private sector's strident opposition to the parking requirements might have made it difficult for businesses to articulate a position one way or another on the proposed amendment, 1000 Friends, on the opposite side of the table, voiced strong support for the revision. 1000 Friends' support was not as tied to the flexibility of the proposed amendment as to the fact that the public interest group supported the specific alternative parking management measures the amendment suggested, such as parking maximums. Lowering parking minimums is something that has widespread agreement even among private business, which, despite its claim that "parking is our lifeblood" (Parsons Brinckerhoff 1997, B-38), may see itself as benefiting from a reduction in the obligation to provide a certain amount of parking.

In the end, this amendment, too, was adopted. The new Rule language explicitly states that "as an alternative to [the 10 percent per capita reduction requirement] local governments in an MPO may instead revise ordinance requirements for parking as follows"—and then goes on to enumerate six parking management approaches, such as reduction of minimum off-street parking requirements (1998 OAR chap. 660-012-0045[5][d][A-F]). The operative words here, employed in few other places in the Rule, are *alternative* and *may instead*, illustrating the Rule's nod to flexibility in this particular amendment.

Amendment Adoption

On September 18, 1998, the state adopted amendments to the TPR, including those discussed above. DLCD notes that "a major purpose of the proposed amendments was to revise the TPR to clarify and improve portions of the rule that require metropolitan areas to plan for reduced reliance on the automobile" (1998, 1). This underscores the focus of the amendment process on substantive issues related to VMT and purpose statement language, as opposed to implementation details such as definitions of connectivity.

▶ Lessons from the Implementation of the TPR

This case study has attempted to shed light on the process of policy making with respect to the TPR. We have found that those involved with the implementation of the Rule have become more concerned over time with its fundamental goals—VMT and parking space reduction—and less concerned about specific details such as building orientation and street connectivity. In part, this concern with more fundamental goals may be due to the opportunity to call those goals into question that the required five-year review provided. In fact, the stated purpose of the review was to focus on the Rule's requirement for reduced automobile reliance. The concern with fundamental goals may also be due to the fact that individual plan provisions, such as requiring that new establishments be oriented primarily toward transit stops, are what implementing agencies come up against on an immediate daily basis as they grant building permits or try to create their transportation plans. The immediacy of these implementation issues may account for their having been the subject of earlier amendments.

The larger goal of reducing reliance on the automobile and the specific objectives of percentage per capita reductions in VMT and parking spaces seem to be considered more as guiding principles—however precise—whose achievement is not to be judged on an ongoing basis. Again, though, when the opportunity arose for evaluating these larger goals and objectives, the door was opened for those involved in the policy process to set aside their concerns with what in comparison were minor issues—street connectivity, for instance—and focus on the fundamental spirit behind the Rule.

Three significant lessons emerge from a review of this process: the fact that the amended Rule comes as the result of an arduous process of negotiation among a number of individual actors in the corporatist paradigm; the fact that the role of 1000 Friends as the litigious public interest group has been

crucial in counteracting tendencies by the Rule's opponents to eliminate or severely weaken elements in the Rule; and the fact that despite a great deal of contentiousness, most parties involved agree that, in the final analysis, implementation of the TPR is the right thing to do. Despite the various challenges to implementation, there remains a genuine reluctance to back away from the objectives—however vague—of the Rule. This general commitment on the part of most involved in the policy process—which has been apparent since the Rule's inception—lessens the impact of less-than-enthusiastic support from a number of implementing officials.

The Importance of Negotiation

The Rule contains the following language requiring that DLCD's LCDC review the Rule every five years:

> The Commission shall, at five year intervals from the adoption of this rule, evaluate the results of efforts to achieve the reduction in VMT and the effectiveness of the standard in achieving the objective of reducing reliance on the automobile. This shall include evaluating the requirements for parking plans and a reduction in the number of parking spaces per capita. (OAR chap. 660-012-0035[7])

The Rule does not require that LCDC contract with a private consulting firm to undertake the review, but this is what the Commission did. Parsons Brinckerhoff Quade & Douglas, Inc., the contracted firm, carried out the review with the assistance of ECONorthwest, an economic analysis consulting firm. The state and the consultants agreed that the analysis should emphasize an interview of key stakeholders. Parsons Brinckerhoff interviewed representatives and officials from Oregon's four MPOs; state agencies, including LCDC, ODOT, the Department of Environmental Quality, and the governor's office; transit agencies; and interest groups such as 1000 Friends of Oregon, the Bicycle Transportation Alliance, the Homebuilder's Association, and the Retail Task Force. Parsons Brinckerhoff also examined literature and data regarding VMT. The consultant then made recommendations to the state regarding amendments, which reflected the input from the stakeholders, as well as the factual data. From the beginning of the review, the approach was one of stakeholder assessment, negotiation, and compromise.

The state proceeded through a series of hearings and working meetings to review the consultant's recommendations. Most agencies involved, such as the MPOs, set up their own task force to work on the amendment recommendations. The private sector participated, as did 1000 Friends. LCDC's Transportation Subcommittee, which included representatives from these stakeholder groups, worked on the amendments, incorporating the input from interest groups and the public for a period of more than a year and a half.

The process has been remarkable. Despite individual stakeholders' own interests, a culture of dialogue has dominated, with all parties apparently understanding the importance of representing a particular interest while at the same time recognizing the validity of opposing interests and acknowledging the necessity of compromise. The result has been that what was initially an admittedly ambitious (or, to some observers, unrealistic) Rule has been modified into something that represents compromise while continuing to challenge jurisdictions to rise to a standard that is higher than that found in other areas of the country.

This does not mean that there is no bitterness and that all parties involved consider themselves colleagues. One member of the Retail Task Force characterized the group's position as one of "hostility, frustration, cynicism, and mistrust" in response to what they considered "manipulation, exaggeration, and distortion" by the government (Parsons Brinckerhoff 1997, B-39). Yet when this group's representative met with the rest of LCDC's Transportation Subcommittee, we observed that civility and, indeed, commitment to the negotiation process and to the Rule's overall goals appeared to dominate.

The Role of 1000 Friends of Oregon

1000 Friends of Oregon is a public interest group that has dedicated itself to the enforcement and protection of Oregon's land use laws since the 1970s. Although 1000 Friends bills its membership as including "wine producers and woodlot owners, office builders and orchardists, farmers, environmentalists, ranchers, teachers, computer software engineers" (1000 Friends of Oregon 1998), this group's most important members are perhaps its attorneys. Staff attorney Keith Bartholomew, in particular, was at the forefront in fighting for the cause of transportation alternatives and land use controls.

The Parsons Brinckerhoff report paraphrases Bartholomew's position with respect to the TPR and suggested amendments:

> We should not change the rule. It is important to reduce reliance on the automobile. Without implementing the rule, VMT will continue to grow. We need to protect livability and the transportation investments that have already been made. We need to wisely spend the shrinking transportation funds. *The credibility of LCDC depends upon us maintaining the rule* [italics added]. (1997, B-35)

The concerns about LCDC's "credibility" reflect 1000 Friends' position in the corporatist paradigm as the protector of the state's objectives. Unlike other sympathetic interest

groups, such as the Portland Bike Alliance, 1000 Friends is not committed just to the principles of the Rule, but to the agency behind the Rule.

This protection is important to the Rule and to the state. It is important because 1000 Friends has a powerful weapon: the threat of lawsuits against any entity, be it private or public, that violates the sanctity of the land use laws. And it is not just the threat of lawsuit that makes 1000 Friends so powerful, but the fact that it has a successful record of winning land use law cases in the state. It is clear that the state relies on the support of 1000 Friends in the implementation of its policy.

"Do the Right Thing"

What is truly remarkable is that, on at least some level, nearly everyone involved in the TPR process agrees that the overall goal of reducing reliance on the automobile is the "right thing to do." People seem to agree with the principles behind the Rule, even if they complain that those principles are not quite clear. A common theme is that the Rule serves as a catalyst for planners to do the kind of planning that they consider on some fundamental level to be "good planning":

> The TPR is an excellent document, or an excellent rule, to get us moving and keep us moving, kind of kicking us in the rear to keep moving. But it is not like it took the TPR to wake us up to these things. We already knew that we wanted to make bicycles more convenient and get more double sidewalks. We already knew we wanted to do that. (Becktel 1998)

In some cases, however, we found that implementing officials did not necessarily have a preconceived notion of good planning. In this regard, the implementation of the TPR has played an educational role. This seems to be particularly the case with smaller jurisdictions, where one person is responsible for virtually all planning activities. One such planner, for example, commented with respect to the TPR's VMT requirement, "I think that is a very, very good goal, but I don't really know that much about it" (Drought 1998).

The commitment to the TPR as the right thing to do does not appear to be related to officials' belief that the requirements of the TPR are actually attainable. In fact, as we have shown, some jurisdictions are not particularly committed to the Rule, although they too seem compelled to implement it for reasons beyond its being the law. The ambivalence toward the Rule is illustrated in the comments of a City of Portland planner:

> Some don't believe in the TPR, but are going along with it. Others are a little "starry eyed" and unrealistic. Some are afraid and exaggerate the possible outcomes. The goals are lofty, but this is okay as long as the jurisdictions aren't held to them. For example, the City has long had a goal of 75 percent transit use in the downtown area. No one thinks they will ever achieve it, but keeping [the goal] has made things happen that otherwise might not have occurred. (Dotterer 1998)

The same may well be said of the Rule itself: it has made things happen that otherwise might not have occurred.

At the same time, however, the Rule has engendered enmity and anger. In conservative Clackamas County, for instance, elections are being won and lost on the TPR issue. Like other administrative rules, the TPR is a regulatory policy that emanates from the top down. It centers around two of the most volatile social issues: mobility and freedom. Conservative public officials and some among the business community express outright hatred of the Rule. Among these actors in the process it is politically dangerous to support the Rule. "The general opinion is that they will implement the plan, but won't be happy about it" (Wyman 1998).

▶ Conclusion

This analysis of Oregon's TPR since 1991 has revealed that the context in which implementation is occurring is dynamic and politically and emotionally charged. Although the original Transportation Goal was formulated during a time of relative harmony among policy makers, the Rule itself emerged out of controversy and has remained embroiled in controversy ever since.

From the time of its inception, the Rule has had its detractors, particularly smaller jurisdictions and the private sector. Initially, much of the opposition centered around specific planning requirements, such as building orientation and street connectivity. Once the Rule was opened up for a more critical examination at the time of its required five-year review, actors in the policy process called into question the fundamental goals of the Rule—specifically those related to VMT and parking reduction.

This study has revealed that the implementation of the TPR continues to occur within a corporatist framework, with the litigious public interest group, 1000 Friends of Oregon, playing the role of protector and chief advocate of a directive state's value system as articulated in the Rule. The role of 1000 Friends as a counterweight to the interests of private business has been crucial in maintaining the integrity of the Rule's original goals.

As important as the role played by 1000 Friends is the process of negotiation and consensus building that occurred

during implementation, particularly in the review stage. The result of this negotiation is a softening of the Rule's requirements to what many feel is a more realistic level while at the same time retaining the overall goal of reduced reliance on the automobile.

Implementation of the Rule has encountered several difficulties due to a number of weaknesses in the policy process. These include the lack of a clear causal link between requirements and goals, lack of resources, inconsistent levels of support among implementing officials, unclear and vague objectives, inflexibility and lack of discretion among implementers, technological constraints, political infeasibility, and a Portland-centered approach.

Despite these admittedly significant weaknesses, the Rule has not been abandoned and most implementing officials continue to work toward compliance. The persistence of 1000 Friends and the atmosphere of negotiation and compromise have been important factors in the progress that is being made. Even more important, though, is the sense that many have that the goals of the Rule constitute good planning and that implementing the Rule is the right thing to do. The Rule, if nothing else, serves as a catalyst to keep planners and policy makers moving in what many of them feel is the right direction—even if they remain skeptical that the ultimate goals of specific VMT or parking space reduction will ever be reached.

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► Notes

1. Some elements of the Transportation Planning Rule (TPR) are required only for certain urban or rural areas or specific levels of government. For instance, only metropolitan planning organizations are required to adopt parking plans. Counties with populations of less than 25,000 may apply for exemption from the requirement of having to adopt a Transportation System Plan (TSP).

2. Jurisdictions originally had four years from the date of adoption of the TPR to complete their TSPs. The deadline was extended to May 1996.

3. We do not argue with regime theory's premise that the overarching goal of the state is to attract mobile investment capital. We agree, but feel that in the case at hand, the state sees the TPR as a means of achieving this goal.

4. Although the TPR requires individual jurisdictions to create a TSP, only a minority had done so by the time of the present review. For example, a recent survey of counties revealed that as of early 1998, only five of Oregon's thirty-six counties had adopted a TSP, and another six counties were just starting to put theirs together (Schilling 1998).

► References

Adler, Sy. 1994. The Oregon approach to integrating transportation and land use planning. In *Planning the Oregon way: A twenty-year evaluation*, edited by Carl Abbott, Deborah Howe, and Sy Adler, 121-46. Corvallis: Oregon State University Press.

Adler, Sy, and Martha J. Bianco. 1995. Implementing Oregon's statewide Transportation Planning Rule: The dynamics of conflict and cooperation within the community of planners. Paper presented at the Association of Collegiate Schools of Planning Conference, Tempe, AZ.

Bartholomew, Keith. 1998. Letter to Bob Cortright, Department of Land Conservation and Development, Salem, OR, 24 April.

Becktel, Mark. 1998. Interview by Joshua Thomas. Salem, OR, 20 May.

Bianco, Martha J., and Sy Adler. 1998. The politics of implementation: Oregon's statewide Transportation Planning Rule—what's been accomplished and how. Paper presented at the Association of Collegiate Schools of Planning, Pasadena, CA.

Chandler, Jon. 1998. Letter to Bill Blosser, chair, Land Conservation and Development Commission, Department of Land Conservation and Development, Salem, OR, 28 May.

Chapman, Lloyd. 1997. Summary of Oregon statewide goals [Online]. Available: http://www.lcd.state.or.us/backinfo/goals.htm

Childs, Jan. 1998. Letter to Chair Blosser and members of the Land Conservation and Development Commission, Department of Land Conservation and Development, Salem, OR, 28 May.

Department of Land Conservation and Development. 1998. Highlights of September 1998 TPR amendments, Salem, OR.

Dotterer, Steve. 1998. Interview by Susan Lee. Portland, OR, 29 May.

Drought, Amy. 1998. Interview by Joshua Thomas. Keizer, OR, 20 May.

Faber, Gordon. 1998. Letter to William Blosser, chair, and members, Oregon Land Conservation and Development Commission, Salem, OR, 30 April.

Jessop, Bob. 1978. Capitalism and democracy: The best possible political shell? In *Power and the state*, edited by Gary Littlejohn et al. London: Croom Helm.

Kvistad, Jon, Ed Washington, and Judie Hammerstad. 1998. Letter to William Blosser, chair, Land Conservation and Development Commission, Department of Land Conservation and Development, Salem, OR, 8 May.

1000 Friends of Oregon [Online]. 1998. Available: http://www.teleport.com/~friends/intro.html

Pahl, Raymond. 1977a. Collective consumption and the state in capitalist and state socialist societies. In *Industrial society: Class, cleavage and control*, edited by Richard Scase. London: Tavistock.

———. 1977b. Stratification, the relation between states and urban and regional development. *International Journal of Urban and Regional Research* 1:6-17.

Parsons Brinckerhoff Quade & Douglas, Inc., with ECONorthwest. 1997. *Transportation Planning Rule evaluation, draft report.* Portland, OR. February.

Saunders, Peter. 1981. *Social theory and the urban question.* New York: Holmes & Meier.

Schilling, Karen. 1998. Implementation of public policy: The Transportation Planning Rule. MPA capstone paper. Portland State University, Portland, OR.

Schwetz, Tom. 1998. Letter to Bob Cortright, Department of Land Conservation and Development, Salem, OR, 8 May.

Stinchfield, Thomas. 1998. Letter to William Blosser, chair, Land Conservation and Development Commission, Department of Land Conservation and Development, Salem, OR, 28 May.

Stoker, Gary. 1995. Regime theory and urban politics. In *Theories of urban politics*, edited by David Judge, Gerry Stoker, and Harold Wolman, 54-71. Thousand Oaks, CA: Sage.

Stone, Clarence. 1989. *Regime politics: Governing Atlanta, 1946-1988*. Lawrence: University Press of Kansas.

White, R. 1998. Letter to Bob Cortright, Transportation Planning Coordinator, Department of Land Conservation and Development, Department of Land Conservation and Development, Salem, OR, 28 April.

Winkler, J. 1975. Corporatism. *European Journal of Sociology* 17:100-36.

———. 1977. The corporate economy: Theory and administration. In *Industrial society: Class, cleavage and control*, edited by Richard Scase. London: Tavistock.

Wyman, R. 1998. Interview by Susan Lee. Milwaukie, OR, 19 May.