COLORADO STATE UNIVERSITY

THE DYNAMICS OF POLICY CHANGE IN DOMINANT SUBSYSTEMS: COLORADO, OREGON, AND THE POLITICS OF GROWTH

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WE HEREBY RECOMMEND THAT THE DISSERTATION PREPARED UNDER OUR SUPERVISION BY MARGARET CORWIN ENTITLED THE DYNAMICS OF POLICY CHANGE IN DOMINANT SUBSYSTEMS: COLORADO, OREGON, AND THE POLITICS OF GROWTH BE ACCEPTED AS FULFILLING IN PART REQUIREMENTS FOR THE DEGREE OF DOCTOR OF PHILOSOPHY.

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ABSTRACT OF DISSERTATION

THE DYNAMICS OF POLICY CHANGE IN DOMINANT SUBSYSTEMS: COLORADO. OREGON. AND THE POLITICS OF GROWTH

The dynamics of sudden and major change in the output of long-stable policy monopolies has been studied for several decades. A variety of political scientists have sought to identify the crucial dynamics involved when this type of change occurs (Bosso. 1987; Baumgartner and Jones. 1993; Sabatier and Jenkins-Smith. 1993; and Thurber. 1991). This cumulative body of research has identified the key variables and their dynamic interactions that are indicative of imminent major policy shifts.

This research builds on earlier works by elevating the policy entrepreneur to key variable status. The role of the policy entrepreneur in facilitating policy change has long been noted by political scientists (Kingdon. 1984: Mintrom and Vergari. 1996: Schneider. Teske and Mintrom. 1995). However. the relative importance of the entrepreneur in relation to the other key variables of policy change has not been systematically studied. This study draws from the work of Mintrom and Vergari. (1996) and Schneider. Teske and Mintrom (1995) who have crafted a model of public entrepreneurship modeled after the economic concept of the private entrepreneur.

In Oregon. major change occurred in the state's land use planning system in the early 1970s. while Colorado. with similar dynamics. has been unable to enact change in state land use laws. Oregon's state land use planning system has subsequently been the driving force behind change in the state's overall philosophy and approach to transportation planning. which emphasizes a broad-based. multi-modal approach to the movement of people and goods. Colorado has remained firmly committed to a highways-only approach as the centerpiece of state transportation planning. This thesis examines the key variables of major policy change by comparing and contrasting the policy change that occurred in Oregon, with the lack of policy change in Colorado, in an effort to identify the key independent variables and their dynamic interaction. Findings suggest that the key difference is the emergence of successful policy entrepreneurs in Oregon who successfully facilitated policy change. In Colorado, entrepreneurs were observed, but none were successful. From these findings, a suggested typology of entrepreneurial strategies linked to degree and scope of change desired is suggested as the focus for future research.

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DEDICATION

To

Michael

My husband and dearest friend.
He has patiently endured my academic angst for a very long time.

And to L.C. and Suzanne,
for having the sense to raise him right.

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THE POLITICS OF GROWTH AND POLICY CHANGE: HOW DID WE GET HERE FROM THERE?

Introduction

So, when is policy change not really policy change? More often than we would like to think, partially due to the federalist structure of the American government and the resulting dynamics of intergovernmental policy implementation. Our many layers of government come complete with their own sets of laws, jurisdictions, administrative agencies, bureaucrats, and diverse publics. This can produce jurisdictional rivalries, confusion, delay, and added complexity (Rosenbaum, 1991). Opportunities abound to thwart, ignore, and otherwise maintain the status quo, especially when mandates and directives for compliance do not accompany policy from above. Such is the case when dealing with the politics of growth at the state level, which brings not only economic benefit, but several attending problems as well. Two of the most difficult to address are those dealing with land use and transportation. Land use policy has traditionally been the purview of local governments, and in some rare cases, state government. Transportation policy in the states has the further element of heavy federal government involvement. This milieu of overlapping jurisdictions and intergovernmental relationships in these two different, yet interdependent policy arenas, poses special challenges to those trying to understand policy change, or its absence, when analyzing the politics of growth, the impetus for this research. Any analysis of this sort must begin by examining their political dynamics separately in order to understand the various policy outputs that can result by combining them.

For example, when then-President Bush signed new federal transportation policy into law in 1991, it was supposed to provide the opportunity to take America in a new direction for moving goods and people. Recognizing the negative impacts of the automobile in the form of air pollution, congestion and sprawl, this new law provided funding for states to tailor their transportation plans to meet local needs and problems. Yet, ten years later, most states are still pursuing "business as usual" in their transportation systems, which means "highways–only." The big question is, "what happened?" The answer to this question lies in not only examining state-level transportation policy, but in also understanding the dynamics of state-level land use policies, and how these two arenas interact to produce the political dynamics indigenous to growth politics in general.

Transportation and land use together are generally the focus of state-level political debates in those regions of the United States that have been experiencing rapid growth rates during the past two decades. This is not surprising, since research over the past 40 years has shown that land use patterns and the transportation systems that serve them are inextricably linked (Benfield, Raimi, and Chen, 1999; Downs, 1992; Kitsos, 1973; Leavitt, 1970). Therefore, before digging further into the dynamics of policy change in general, it is important to understand how land use and transportation have evolved over the years to arrive at the rather symbiotic relationship they exhibit today.

Land Use and Transportation – Twin Pillars of Urban Form

When discussing the relationship between land use and transportation in polite circles, most people immediately conjure images of high density served by public transit. While it is true that public transit works more efficiently in the heavier populated urban core, it is not a given that people in this urban core will use transit. There is ample evidence that higher densities don't necessarily result in significant decreases in automobile use (Downs, 1994; Guiliano, 1999).Whether it does or doesn't has been hotly debated in planning circles for years, and will most likely continue to be debated for some time. Yet, this focus on high density and its effect on mode choice describes only part of the complex dynamic that exists between the type and nature of transportation facilities and the type and nature of development that accompany them.

A good way to picture the more subtle dynamics of the relationship between transportation and land use is through the following example: Imagine a region with a rapidly growing population, which leads local officials to determine that a new school is needed. Since land is usually cheaper outside the urban core, the school district buys a large tract of rural land along a two-lane paved roadway that feeds into the urban area. The school is built. Many new homes spring up around the school. Traffic and congestion increase on this once-lonely two-lane road. Traffic engineers come out and decide the road must be widened. After the road is widened, businesses begin to eye the travel corridor, imagining all those customers traveling back and forth every day. They locate along the road, attracting customers from all over the urban area. The newly widened road is congested again, with customers, suburban residents trying to get into the urban center to jobs, and parents taking their kids to school and after-school activities. As this area becomes filled in and congested, developers eye land further out in the rural area, buy that land and build a subdivision, which eventually requires more schools, more sewers, more police, more fire protection, and on and on and on in a never-ending cycle commonly known as "sprawl."

To put it more formally, "The relationship between transportation facilities and development is well established. "New roadways are a major stimulant of new development" (Freilich and White, 1991). The converse can be true as well, as illustrated in the above example. New development occurs along already-established roadways, bringing more traffic to a facility not built to handle the increased volume of cars. In turn, that highway will have to be widened or improved in some way. Most people do not argue over whether or not this dynamic occurs – they acknowledge that it does. What is hotly debated is whether better integration of transportation and land use planning can break this cycle of sprawl, given people's apparent proclivity toward cars and suburbia. In addition, people do love their cars – it is a long-standing romance, nurtured by a combination of government and corporate policies in conjunction with individual choice.

Americans and the Automobile – A Match Made in Heaven!

Most Americans welcomed the automobile as an attractive alternative to horses. Widely considered safer and more environmentally sound, Flink writes:

> In New York City alone at the turn of the century, horses deposited an estimated 2.5 million pounds of manure and 60,000 gallons of urine on the streets every day. Traffic was often clogged by the carcasses of overworked dray horses that dropped in their tracks . . . or were destroyed after stumbling on slippery pavements and breaking their legs. On the average, New York City removed about 15,000 dead horses from its streets each year (Flink, 1975, p. 34).

The motorcar was also embraced for its safety and ease of handling, as compared to a horse-drawn carriage. Women, who often lacked the physical strength to handle a team of unruly horses, especially appreciated the motorcar. The motorcar was more maneuverable and was impervious to weather conditions and fatigue (Flink, 1975). In fact, "it was anticipated that urban traffic congestion and parking problems would disappear because automobiles were more flexible than streetcars running on fixed rails, and they took up only half the space of horse-drawn vehicles" (Flink, 1975, p. 35).

Very quickly, the automobile became the new American status symbol, inextricably intertwined with two of Americans' core values - individualism and mobility. Individualism can be defined as privatism, freedom of choice, and the opportunity to extend one's control over his physical and social environment" (Flink, 1975, p. 38). The automobile did this and more, gradually becoming an indispensable complement to these cherished notions of individuality and mobility. Hence, it is not surprising that road building soon rose in importance on both state and local government agendas, followed closely by the federal government. In 1916, the U.S. Congress passed the Federal Aid Road Act, which marked the beginning of federal involvement in building and improving post roads. As roads became the focal point for policymakers and the public, city railways and streetcar systems were quietly fading away.

Mass Transit Waves Goodbye!

Mass transit was abandoned as Americans embraced the motorcar. Prior to 1918, urban transit ridership was growing faster than the urban population, yet it was not very popular (Gordon, 1991, p. 10). Gordon writes,

> Streetcars and subways were run as private corporations, so company profits were inevitably a higher priority than public service. Many streetcar companies used their rail lines to promote their own suburban real-estate ventures and avoided building lines to other growing communities. Some streetcar companies used political pressure, economic favors, and bribery to gain influence over local elected officials and thereby improve their own financial position (Gordon, 1991, p. 10).

Transit companies began to run into trouble after 1914 and asked for public help. There was little sympathy for their plight from a public that perceived them as poorly managed and ill-serving their needs. As a result, one-third went bankrupt between 1916 and 1923 (Gordon, 1991, p. 10). They were aided in their demise by the collaborative effort of a consortium of car, rubber and oil interests, which included General Motors, Firestone, Standard Oil, Mack Truck and Phillips Petroleum. Together, they systematically bought up and dismantled inner-city rail and trolley lines across the United States, replacing them with buses (Alvord, 2000). Eventually, they converted or destroyed about a hundred electric rail systems in 45 cities from 1932 to 1956. Although found guilty of "ganging up to restrain a competitor" by a federal court in 1949, it made little difference by then, as the conversions were already done (Alvord, 2000).

Americans Move Outward

As the face of transportation continued changing, development and settlement patterns began shifting as well. Prior to World War II, urban development patterns produced cities where people lived and worked in the urban core. Jobs were located either near, or mixed in with, housing, as were goods and services. People could walk from place to place, or use public transit.

After WWII, suburbia became the dominant form of development, as a young generation came home from war in search of the American dream of home ownership and prosperity. To a large degree, these dreams were made possible by key government subsidies for both the automobile and homeowners. Just a few of these include the tax deduction for home mortgage loan interest, the Veterans Administration home loan program, and massive government road-building programs. Federal energy subsidies, such as the oil depletion allowance and support of nuclear and hydroelectric generation also helped by providing cheap energy to power the new suburban homes (Kelbaugh, 1993). New zoning laws that prohibited mixed-uses combined to produce vast housing tract suburbs separated from the urban core, forcing people to commute by automobile for jobs and services.

1956 and Beyond

In 1956, President Eisenhower signed the Federal Aid Highway Act into law, setting in motion the building of the federal interstate highway system. The growing concerns of state and local officials over the deterioration of the roads, increasing traffic congestion, and the inability to find enough funds and materials to bring existing highways up to standards and build new ones drove its passage. In 1945, there were 25 million automobiles registered in America. By 1950, that number had grown to 40 million (Leavitt, 1970, p. 26). Commuting became slower and slower as traffic snarls became the norm. Up until now, the clamor for new roads had gone largely unheeded because of a road construction industry hampered by rising costs, shortages due to the war, and more expensive standards for road construction (Rose, 1990, p. 31). Other mobility problems were caused by lack of coordination between the states when building interstate roads, often resulting in roads that ended at the state line.

The 1956 Act created a perpetual source of funding by establishing the Highway Trust Fund, which received revenues from gas and other user taxes. It also made building highways an attractive option for the states, as the funds were provided at a share ratio of 90 percent federal and 10 percent state. With no corresponding federal aid for urban mass transit, this increased the attractiveness of building interstates not only between large urban areas, but <u>within</u> cities as well, something that planners had warned would create horrible congestion in the inner city core.

The income for the trust fund was set to grow as the interstate system grew. This structure was justified by the need to provide a steady, uninterrupted flow of funds for what was intended to be a very long-term construction project (Taebel and Cornehls, 1977). Although this method of financing ensured continuity for a long-term project, it also made it rigid and unresponsive as national needs changed and environmental concerns began to come to the forefront in the 1960s, 70s and 80s.

<u>Growing Environmental Concerns – the Honeymoon is Over</u>

By the early 1970s, America's love affair with the car and suburbia was beginning to show signs of strain. More and more problems were linked to sprawl and its attending problems: traffic congestion, air pollution, lost open space, community isolation and the fiscal burden imposed on municipalities forced to provide infrastructure further and further from the urban core (Longman, 1998; Caldwell, 1999; Litman, 2001; GAO, 2001; Downs, 1992). Urban areas themselves had become so congested that commuters often spent hours trying to get to work, idling in traffic jams caused by accidents, stalled cars, and just too many cars trying to cram into too little road space. Currently, it is estimated that Americans collectively spend 8 billion hours per year stuck in traffic (Kay, 1997). Along with this congestion was the increasing concern over auto-related emissions linked to numerous health and environmental problems. For example, the automobile is the primary source of:

- Oxides of nitrogen (NOx) which increase susceptibility to respiratory illnesses, may cause emphysema, and contribute to the nitrogen deposition that can cause overgrowth of algae and deplete oxygen in bodies of water. Highway vehicles are the primary source of NOx pollution (Alvord, 2000).
- Volatile organic compounds (VOCs), which include benzene and polycyclic aromatic hydrocarbons (PAHs). These are carcinogenic and account for half of the air-pollution-caused cancer in California (Alvord, 2000).
- Carbon Monoxide (CO), the colorless, odorless gas emitted by automobiles that is so deadly in closed spaces. It is worse at intersections and along roads with heavy traffic. CO prevents oxygen from reaching the brain. Recent research indicates that levels of exposure typically found in rush hour traffic contribute significantly to misjudgments leading to crashes by causing impairment in time perception, vision, dexterity, and mental acuity (Alvord, 2000).
- Particulate matter, which comes from tailpipes and road dust. PM-10 and PM-2.5 can go deep into the lungs, causing numerous respiratory problems and disease. In the 1990s, the EPA estimated that particulate pollution killed 60,000 people per year in cities, more than from gun use or car crashes (Alvord, 2000).

In addition to air pollution and congestion, there was growing concern over the land use implications of auto-generated sprawl, and the sheer number of roads and parking lots built to accommodate these increasing numbers of cars. Homes had grown ever larger to satisfy the desire for 2- and 3-car garages, and were built further and further from the urban core, gobbling up open space and fertile farmland (Alvord, 2000). Even America's wilderness has felt the impact of the automobile. As of 1994, Yellowstone National Park had 12,000 parking spaces and Yosemite had 350 road miles in it along with 7,000 parking slots (Alvord, 2000). By 1998, our national forests had over 440,000 miles of roads, nearly 10 times the length of the entire interstate system (Alvord, 2000).

ISTEA and TEA-21 – New Directions?

These concerns, coupled with the scheduled completion of the interstate highway system, combined to pave the way for change in federal transportation policy. In 1991, President George Bush signed into law the Intermodal Surface Transportation Efficiency Act (ISTEA). ISTEA was heralded as a significant departure from the direction of federal transportation policy of the previous 35 years. It de-emphasized the singular focus on highway building, and authorized funding for virtually any transportation mode: highway, transit, commuter rail, car and vanpools, etc. (Roberts, 1992). It assaulted the previously sacrosanct highway users trust fund by allowing monies earmarked for highways-only to be "flexed" to other modes. In addition, new categories of expenditure were created, most notably the Congestion Mitigation and Air Quality (CMAQ) funds, which could only be spent in urban areas in non-attainment with the National Ambient Air Quality Standards (NAAQS) outlined in the Clean Air Act Amendments of 1990 (CAAA-90). CMAQ dollars could be spent on any form of transportation that would significantly lower automotive vehicle miles traveled (VMT) or reduce tailpipe emissions. However, using CMAQ money to widen roads or provide other capacity enhancements was specifically prohibited.

ISTEA also mandated significant changes in the transportation planning process at the state level. It enhanced the role that state and local officials and the public would play in formulating both short- and long-range transportation plans. In addition, new elements such as land use, intermodal connectivity, and methods to enhance transit service now had to be evaluated during the planning process for their impact on mobility in a region (Department of Transportation, 1992). Metropolitan Planning Organizations (MPOs) were given equal planning responsibility with state Departments of Transportation (DOTs) to formulate long-range transportation plans that incorporated a broad range of social, economic, mobility and environmental factors.[1] Public input was mandated at various stages in the planning process, allowing for comment, review and revision. These planning and funding elements were left largely intact when ISTEA was re-authorized in 1998, by the Transportation Equity Act for the 21st Century, or TEA-21.

From Policy Formation to Implementation – Wrinkles in the Road

With all the fanfare that ushered in this "new era" of transportation policy, one would expect to see major shifts in our transportation system beginning to take shape in the various states, especially since it has been a decade since the new era began. However, the initial hope that ISTEA would be the harbinger of fundamental changes in the way we move goods and people has not happened in most states. Evaluations and assessments of ISTEA's impact have been on-going since its passage, and the reports are glum. One recently released report analyzed ten years of data from the U.S. Department of Transportation's Fiscal Management System as well as reports from the Federal

[1] MPOs are voluntary associations of governments in a given geographic region that work together on transboundary issues such as air and water quality and to develop regional transportation and land use plans.

Transit Administration. These reporting systems include more than 360,000 individual transportation projects that were undertaken with federal funds over the past decade (McCann, Kienitz and DeLille, 2000). General findings are:

- Few state DOTs are taking advantage of the funding flexibility, using the money instead on roadways.
- Even though polls from around the country demonstrate that people want more travel choices, many transportation officials are still trying to address congestion by pursuing a 'highways-only' approach.
- Of the almost $50 billion in flexible funds given to state DOTs during the past decade, nearly 87 percent went to highway and bridge projects. Less than 7 percent went to providing more transportation choices.

The report ranks 28 of the 50 states as behind the times or offering few options. Their DOTs are,

> . .generally acting as if the Department of Transportation is still the Highway Department, and are failing to step creatively into the future (McCann, Kienitz and DeLille, 2000, p. 32).

Although ISTEA and TEA-21 were not specifically targeted at shifting land use patterns, both acknowledged the link between highways and sprawl. Inefficient land use patterns cannot be reigned in without a de-emphasis on road construction. When states continue with the traditional "highways only" transportation policy, combined with an absence of state land use laws to regulate zoning and mandate urban growth boundaries, empirical evidence shows there is little likelihood of shifting land use patterns of new development. There were attempts to pass federal legislation requiring states to enact land use regulation in the 1970s, which failed. Many state attempts at that time failed as well.

Given the shift in federal transportation policy in 1991, why haven't we seen more change in transportation policy at the state level, and perhaps more attention to the role of land use in transportation patterns that was envisioned under ISTEA and TEA-21?

Some explanation can be found in the formation of the federal policy, most notably the absence of mandates, the lack of full funding, and the changes in the planning process. When ISTEA was debated in Congress, it was thought that a federally-mandated "one size fits all" approach was not appropriate, as states and regions all have differing needs regarding movement of people and goods. Although there probably is no clear way to mandate any set level of expenditures on alternative modes, leaving this provision optional has resulted in very little substantive change. The federal legislation also failed to authorize full funding for ISTEA. This forced transportation planners and elected officials at the state and regional level to choose between road improvements and other modes. When dollars are scarce, highways take priority in allocation and funding decisions in most states, as evidenced by the lack of change found by McCann, Kienitz, and DeLille (2000).

The changes in the planning process that required joint decision making between the MPOs and DOTs created tension between some of them as DOTs were forced to share planning authority in areas where they previously could make unilateral decisions. Their emphasis had always been focused primarily on increasing capacity as the way to improve mobility. When MPOs want to spend money on other options, they frequently are refused the necessary state funding. Most state DOTs were once the Department of Highways. Even after the name on the door was changed, policy often remained the same. DOTs in some states still believe they have full discretion on how to use state-allocated ISTEA dollars and their traditional emphasis on road building remains unchanged (Transportation Research Board, 1996).

Research Focus

Thus, 'business as usual' seems to be the dominant theme in most states in the arena of transportation policy and its twin, land use. The status quo of building and widening roads prevails, even in the face of growing public clamor for more choice and increasing evidence of the negative environmental impacts of over-dependence on the single-occupant vehicle (SOV). Research shows that building and widening roads does not alleviate congestion in the long-term, and instead is a major contributor to sprawl development. Can we expect policy change in a policy area so resistant to any deviation from the status quo? And if so, what does that look like? We turn now to a discussion of the policy literature, which provides some clues.

American Public Policy – Incrementalism by Design

Understanding policy change requires first understanding the larger context in which policymaking occurs. The fragmented nature of the American intergovernmental system combined with separation of powers often forces political actors to work harder to forge coalitions across the different levels of government that may not be necessary in other countries with more unitary systems (Sabatier and Jenkins-Smith, 1998). Public policy in general can be characterized as "a course of governmental action or inaction in response to social problems" (Kraft and Vig, 1994, p. 5). It is interesting to note that inaction on the part of government is often a type of public policy.

This tendency for public policy to evolve slowly has been more commonly referred to by political scientists as "incrementalism," described by Lindblom as:

> . . . decision-making through small or incremental moves on particular problems rather than through a comprehensive reform program. It is also endless; it takes the form of an indefinite sequence of policy moves. Moreover, it is exploratory in that the goals of policy-making continue to change as new experience with policy throws new light on what is possible and desirable. In this sense, it is also better described as moving away from known social ills rather than as moving toward a known and relatively stable goal. (Braybrooke and Lindblom, 1963, p. 71).

That the founders of our government feared rapid and major change and potential abuses of power is no secret. Driven by these fears, they codified a system of checks and balances and multiple layers of government which Richard Neustadt has described as "separated institutions sharing power" (1980, p. 26). This structure provides many avenues of access for organized public participation, yet conversely, makes it very difficult to change policies, or enact new ones, without widespread consensus among many actors at many different levels of government. Within this long-standing context, today's institutions and groups struggle in a dynamic process to shape and define policy outputs.

Systemic Influences

Although long recognized by scholars as critical parameters in American public policy, Sabatier and Jenkins-Smith (1998) have neatly listed and characterized two sets of exogenous variables that influence the nature and dynamics of the policy process and the resulting policy output. They label them the relatively stable parameters, which are more resistant to change, and external system events that can remain stable over a long period, but are subject to change.

The relatively stable parameters include; i) the basic attributes of the problem area; ii) the basic distribution of natural resources; iii) basic constitutional structure; iv) and fundamental sociocultural values and social structure. The basic attributes of a problem area include those aspects of it that are relatively straightforward and not in dispute. For example, whether it is a public, private, or mixed good, and how it is defined by things such as geography are included in this category (Marzotto,Burnor and Bonham, 2000). In the area of transportation policy, the basic problem is urban air quality and congestion. The cause is widely believed to be over-reliance on the SOV for travel. Although there is disagreement as to the best solutions to this problem, no one disagrees on this fundamental point.

The basic distribution of natural resources affects transportation policy from state to state. In Washington, for example, road building has finite limits set by the Canadian border on the northern boundary, and the seacoast on the west. The United States as a whole, though, is widespread, with a lot of empty space still available. This is not the case in some European countries, which have been forced for years to rely on high gas taxes and public transport to deal with transportation problems. Basic constitutional structure is also a constraint. Our system of laws and governing affect how policy decisions are made and sets limits on them. The national structure of federalism and separation of powers, as previously mentioned, makes it difficult to effect rapid policy change. In addition, many states have constitutional prohibitions on spending gas and user tax monies for modes other than highways.

Finally, our fundamental sociocultural values play a huge role in defining the limits of public policy. Wrapped around the transportation arena are American attitudes toward the automobile. Over the past half century, the car has come to symbolize two of our most cherished values – freedom of the individual and freedom of mobility. As a result, everything from suburbia to drive-through banks now depends on the continued dominance of the automobile.

The second category of external variables, labeled external system events, is more susceptible to change. Sabatier and Jenkins-Smith argue that one or more of these will have to change as a precursor to major shifts in deeply rooted public policy. These variables are; i) changes in socioeconomic conditions; ii) changes in public opinion; iii) public behavior (added by Marzotto, Burnor and Bonham, 2000); iv) changes in the systemic governing coalition; and v) policy decisions and impacts from other subsystems. Socioeconomic conditions determine how many cars people can own, how much they pay for a gallon of gas, and where they choose to live. With relatively inexpensive gas, federal tax subsidies for home ownership and a booming economy, people overwhelmingly choose the car as the cheapest, most convenient way to get from their homes in the suburbs to jobs and errands in the urban core.

Public opinion both constrains and prods elected officials along the policy path. When publics clamor for congestion relief, policymakers hear them, and often respond by authorizing more road construction as the fastest way to get immediate relief. Citizens are told by "experts" that this is the best solution. This ceases their clamor, allowing policy makers to turn their attention elsewhere.

Marzotto, Burnor and Bonham (2000) argue that behavior is fundamentally different from public opinion because people's opinions do not always mirror their behavior, at least in the arena of transportation policy. Opinions are easy to have – behavior change is something else entirely. In survey after survey, both at the national level, and at the state level, citizens claim they would like more choices and options for personal travel (Transportation Research Board, 1996). Yet when asked if they themselves use other options or alternatives, even occasionally, they typically have a long list of reasons for not doing so. In other words, it is always good to take the bus to work as long as someone else is doing the riding!

The systemic governing coalition is responsible for passing laws and appointing people to both administrative agencies and state boards and commissions. In turn, laws and agencies shape and define the parameters of the policy process. Who is in charge does matter, as they seek to enact laws and direct agencies that produce policy outcomes that mirror their own personal belief systems. Policy decisions and impacts from other subsystems also affect the shape and structure of both the actions and outputs of the policy subsystem. For example, transportation policy is impacted by decisions made in the overlapping areas of urban and air pollution policy (Marzotto, Burnor and Bonham, 2000). Thus, both the nature of our government and the external categories of constraint set the stage for the on-going policy drama. The stage is relatively permanent, but some of the supporting props can be changed. Policy making itself, with its various elements and outputs, provides us with some of these props.

American Public Policy: Patterns and Process

Critics would say that the degree of change in the transportation system that ISTEA intended has not materialized. Somewhere between the passage of the national legislation and its implementation in the various states, something got lost. The patterns and processes that occur in American public policy making help understand why this can happen. Policymaking is complex and those who study it have attempted a number of different ways to structure analysis of its dynamics. One of the most prominent is to think of policy making as occurring in distinct stages, each stage having its own set of activities. Known as the policy cycle model, it provides a clear beginning, a clear end, and a feedback loop to ensure constant adjustment. There are differing stages to the policy cycle, depending on the "level of detail desired or the interest of the analyst" (Marzotto, Burnor and Bonham, 2000, p. 6). These stages can vary in number, but most commonly are viewed as agenda setting, formulation, implementation, evaluation and change.

Agenda setting is the politics of moving issues onto a governmental agenda for serious consideration by policymakers. Issues don't just land on agendas, but instead are placed there through "windows of opportunity" which open when a crisis or focusing event commands widespread public attention (Kingdon, 1984). Groups and publics seize these opportunities of heightened attention to force government to "do something." Policy formulation involves clearly identifying the goals for solving the problem, and creates structure and statutory guidelines for implementing the policy (Rosenbaum, 1991). Implementation usually involves multiple actors at all levels of government, and is considered by many policy analysts to be the most important stage in the policy process.

It is here that statutory intent is either "implemented" or not. Evaluation is then used to assess the effectiveness of policy after it has been implemented, to identify remaining problems and successes, and areas for change, if any. More policy change and adjustment then occurs, if necessary, based on feedback from the evaluation process.

The cycle approach to public policy study has been criticized for its inability to explain how policy moves from one stage to the next. We are left to wonder why some policies actually get designed and carried out, while others languish at one stage or another in the cycle (Marzotto, Burnor and Bonham, 2000; Thomas, 1998; Redifer, 1994). Some also have faulted it for being "too neat, too logical, and too sequential" (Palumbo, 1988, Redifer, 1994). Direct observation highlights the fact that policymaking is a lot 'messier' than that. As Redifer argues, ". . . the intergovernmental policy process is not sequential. Rather the stages in the policy cycle occur simultaneously in four different institutional arenas of the intergovernmental policy process" (Redifer, 1994, p. vi). Redifer labels these institutional arenas national legislative and administrative, and state legislative and administrative. While he contends that the "steps in the traditional policy cycle" are "tasks occurring simultaneously in four different government areas" (p. 16), more often than not, state and local-level policy activity is shaped by the policy formation and output of the federal government as we have seen in the case of implementation of national transportation policy. Yet, Redifer's basic premise that once federal legislation is sent to the states the policy cycle begins anew, is supported by observation and experience. The policy cycle does not follow neatly ordered steps with clear beginnings and ends, nor are certain stages present at only the national or the state and local levels of government. Instead, it continues endlessly at all levels of government in a perpetual circuitous flow. This is especially true during implementation of public policy, to which we now turn.

Implementation: Where the Rubber Meets the Road

Implementation of federal policy at the state level provides ample opportunity for local actors to change and sculpt policy outputs (Elmore, 1979). Ingram and Schneider (1990) have suggested that federal policies with few mandates and loosely defined guidelines are highly susceptible to alteration at the state level. In these cases, the likelihood of change as reflected in federal statute will depend on a number of different dynamics that may not have been considered in the federal legislation, for a variety of reasons. Laws cannot always spell out details to allow for every contingency, and it is not hard for implementers at the state and local level who do not agree with the law to resist, or even sabotage it. Additionally, the horizontal and vertical layers of governmental cooperation that are required to implement policy provide many decision points, each providing opportunity to shape output. Finally, increasingly common in implementation of policy is the inclusion of the private sector in helping to deliver public programs, adding even more complexity and possibility for interaction (Marzotto, Burnor and Bonham, 2000).

Attempting to understand these dynamics has led scholars to try to identify the key variables that affect the implementation process, in an attempt to predict likelihood of success. In the 1970s and early 1980s, it was theorized that policy was formulated by the appropriate designees, and then sent out to the lower layers of government to be implemented according to statute. In other words, the decision was made, and then it was carried out. The dynamics of policy design at the 'top' were identified in a variety of ways by different scholars (Van Meter and Van Horn, 1975; Sabatier and Mazmanian, 1980; Edwards, 1980). As political scientists tested these models, it became apparent that numerous other factors at the "bottom" also had an impact, particularly the plethora of state, regional and local decision-makers that were involved (Elmore, 1979; Lipsky, 1971; Berman, 1978). Their observations indicated that policy is determined based on bargaining among these actors to shape policy outputs that reflect more localized needs (Lester, 1987). The top-down theorists were criticized for assuming "that the framers of the policy decision (e.g. the statute) are the key actors and that others are basically impediments. This, in turn, leads the top-downers to neglect strategic initiatives coming from the private sector, from street level bureaucrats or local implementing officials, and from other policy subsystems" (Sabatier, 1986, p. 30). Observations of these dynamics of implementation have fueled on-going attempts to synthesize the two approaches, recognizing the importance of decisions made at the top <u>and</u> at the bottom (Elmore, 1985; Sabatier, 1986, 1987; Goggin, et al. 1990).

Scholars contend that design of policy at the federal level is particularly important in affecting how policies will be carried out at the other levels of government, although there is disagreement over the design principles that produce successful implementation. Discussions of policy formation and its impact on the implementation process are threaded throughout the literature. Some would argue that implementation success is more likely if the federal statute is clear, leaving little room for discretion (Van Meter and Van Horn, 1975). Others contend that discretion in statutory frameworks is preferable, so that policies can be tailored to local needs (Berman, 1980). Ingram and Schneider (1990) have developed a typology of policy design that reflects levels and distribution of public support, the degree of uncertainty that exists regarding the problem, and the likelihood of cooperation between agents and targets to work for implementation of the policy.

These provide useful guidelines for understanding the likelihood of implementation success, yet Ingram and Schneider (1990) also stress that there is no one design that is more favorable to successful implementation than any other. Instead, policy design must match implementation context. When state motivation and capacity are weak, or when national consensus is strongly in favor of a policy while there is little state-level support, statutes which clearly outline goals and policy are the most likely to produce successful implementation (Ingram and Schneider, 1990). On the other hand, when state-level capacity and motivation are weak, or when state consensus for a policy is strong, while national consensus is weak, statutes which grant broad discretionary authority to state-level implementers are more likely to succeed (Ingram and Schneider, 1990).

While this typology is useful as a guideline, in the real world, it is sometimes difficult for those formulating policy at the national level to have clear insight into the opinions and levels of support for the policy at other levels of government. Further constraining policy formulating officials is the brokering and compromise that must often ensue in order to get a policy passed at all, regardless of how well the policy designers perceive and understand the dynamics of the other governmental arenas that will actually implement the policy. For example, ISTEA probably would not have been passed had the federal government mandated a prescribed modal mix for the states in their transportation plans. Yet, policymakers in states dominated by a highway subsystem have been able to take advantage of the lack of mandates and full funding of the legislation to avoid shifting the emphasis from highways-only.

As this discussion shows, the likelihood that policy will be implemented as its supporters intended depends on a number of causal factors, from the nature of implementers' belief systems to the legal and social constraints that surround the implementing process. Also crucial is the degree of entrenchment of the subsystem surrounding the policy to be changed, as has been observed in state-level implementation of federal transportation policy. Many contend that if the direction of transportation policy is to change at the state and local levels, the dominance of the "highways-only" group must be muted to allow more open participation and debate concerning the feasibility of alternatives. The keys to breaking this stranglehold and possibly facilitating major change in transportation policy direction can be found in a closer examination of the role of participation in American public policymaking.

How Does Change Happen? Participation in American Politics

America's diverse publics coalesce in a variety of ways to put pressure on the political system, some via membership in political parties, others by joining interest groups, and some belong to both. Political parties are useful at providing structure and organization for policymaking in legislative bodies and for framing the terms of national debate, but they do not promote much widespread political participation. They generally tend to be concerned with national issues and getting them onto the federal agenda. When an issue lands in this macro political arena, long-standing policies can be changed or new ones born (True, Jones and Baumgartner, 1999).

Once dominant, political parties have declined in their power to structure the political debate over the past half-century, due to reasons such as:

- The direct primary, which has eroded party control of candidate selection;
- An increasingly educated electorate which seeks its own information rather than relying on parties to structure issues;
- The civil service system, which reduces reliance on parties for jobs;
- Various reforms in campaign finance laws; and
- An increase in the availability of mass communication outlets for candidates to appeal directly to the electorate, bypassing the parties as a platform for public outreach.

Interest groups have filled the vacuum, proliferating in size and numbers during the past 30 years (Loomis & Cigler, 1995). The reality of American politics today is that the interaction of interest groups with actors and institutions in government has great potential to shape the specifics of public policy outputs. Yet, interest group proliferation is not due solely to the decline of political parties. Americans have always tended to group together, a phenomenon observed by DeTocqueville over 200 years ago. The United States is a large geographic space populated with many different cultures, races and immigrants. People form or join groups to further their own collective self-interest, taking advantage of the multiple avenues of access to government that the American system provides.

Interest groups can be defined as "any organization that seeks to influence public policy" (Wilson, 1992, p. 213). This definition encompasses everything from large, national, grassroots organizations, to local neighborhood associations. Groups vary widely in size, numbers of members and purpose. They all seek ways to interact with decision-makers and institutions in an attempt to influence policy output. Interested participants in a particular policy arena group together to form subsystems, defined as decision arenas characterized by " networks of actors, their substantive policy domain, and various modes of decision-making" (Thurber, 1991, p. 325). Members of a subsystem can include elected officials, administrative agencies and staff, members of appointed boards and commissions, and interested publics, including private citizens, journalists, academics and business interests (Marzotto, Burnor and Bonham, 2000). They work together to influence policy output in given policy arenas.

Subsystems surrounding policy in the 1950s and early 1960s tended to be dominated by "cozy little communities" dubbed iron triangles. These were characterized by a closed loop of participation among executive bureaus and agencies, legislative committees, and limited interest group clientele (Thurber, 1991). They were particularly prevalent in areas of policy that affected a narrowly defined clientele, such as in the regulatory arenas of tobacco or pesticides. Policy change in this type of milieu was rare due to the exclusionary nature of participation and the lack of high visibility of the policy itself. Iron triangles are less likely to occur in today's world of mass and instantaneous communication combined with the proliferation of interest groups and legislative committees since the 1970s and 80s. This does not mean that they cannot exist in certain areas of policy, but they represent the extreme depiction of closed participation that is hard to sustain in today's more dynamic and transparent decision arenas.

Alternatives to the rigidly closed system of iron triangles have been proffered in the literature, most prominently in Hugh Heclo's depiction of the more decentralized issue network, with many different participants flowing in and out (1978). These open systems of decision-making are more conducive to major policy change than iron triangles, but are highly unstable, which undermines their ability to affect policy outputs in a sustained manner for long periods. With many different publics moving in and out of the subsystem, the ability to control the flow of information and the nature of participants is uncertain. This uncertainty, combined with more opportunities to draw the attention and oversight of decision makers, provides fertile ground for change in policy direction but does not provide a solid foundation for consistent, long-term output.

Both iron triangles and issue networks provide clues regarding the nature and dynamics of policy change, but neither alone is sufficient to help us understand how and why policies change after long periods of stability. The closed system in the iron triangle precludes change other than at the margins, while the instability of the issue network fails to show how policies achieve long-term stability in the American polity. Political scientists have struggled for years to understand and predict the conditions that lead to shifts in public policy outputs. Toward this end, numerous models of policy change have been developed.[2]

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[2] Among these are the theory of Institutional Rational Choice (IRC) developed by Ostrom (1990) and the typology of change developed by Hogwood and Peters (1983). Ostrom contends that policies are firmly

One of the most widely used is the Advocacy Coalition Framework (ACF) developed by Sabatier and Jenkins-Smith (1998). The ACF is a dynamic model that emphasizes the role of groups and their interaction with the institutions that control policy. They label these groups 'advocacy coalitions' and define them as people from both the government and the private sector who "share a set of normative and causal beliefs and engage in a nontrivial degree of coordinated activity over time" (Sabatier and Jenkins-Smith, 1998, p.120). At least two advocacy coalitions, and sometimes as many as four, comprise what they term the 'subsystem' comprised of those actors concerned with policy output in a given policy arena (Sabatier and Jenkins-Smith, 1998). Within the subsystem, there is usually one advocacy coalition that dominates policy output. The other coalitions will seek to alter policy so that it more closely reflects their preferred outputs. This constant interaction among the advocacy coalitions of a given subsystem is the source of change in the ACF.

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rooted in institutions, which are a structure of rules and regulations that govern outputs. People try to change policy by altering the institutional arrangements to more closely reflect their individual preference ordering. The shape and type of policy outputs is bounded by i) the institutional arrangements (rules) that define what is permissible; ii) attributes of the physical world being acted upon; and iii) characteristics of the community within which action is proceeding. Ostrom's model poses some problems when trying to understand the 'messier' world of political activity. The IRC does not provide many clues to the ways in which individual belief systems translate into political action and subsequent policy output. Additionally, there is little acknowledgement of the role of groups and their activity. There is also the assumption that rational actors clearly understand their preferences and choices regarding public policy, which observation and experience tells us is not always the case. Public understandings of policy issues are often vague and easily manipulated by media and skilled rhetoric (Schlager and Blomquist, 1996).

Hogwood and Peters contend that all policy is policy change in one form or another, and have developed a typology to reflect this. Policy change occurs in 4 major ways: i) policy innovation; ii) policy maintenance; iii) policy succession; and iv) policy termination (Hogwood and Peters, 1983). Although useful as a typology of policy change, their work does not advance the theory of policy change because it does not provide a causal mechanism which serves to explain *how* and *why* policies change over time (Thomas, 1998, p. 13).

The dynamics of this interplay are shaped by the nature of the coalitions' belief systems, which are arranged in a hierarchical tripartite ordering by Sabatier and Jenkins-Smith (1998). At the broadest level are the deep core beliefs that reflect basic values such as individual freedom versus social equity (Sabatier and Jenkins-Smith, 1998). Policy core beliefs comprise the next level, and are the policy manifestation of the deep core beliefs. Preferred priorities in policy outputs such as economic development versus environmental protection can be directly linked to these basic beliefs. Because of their deep rootedness in fundamental values, these first two are hard to change. However, the secondary aspects of a coalition's belief system are not grounded in fundamental values, and are more readily changed. It is here that policy learning as espoused in the ACF can occur. Alterations in the secondary beliefs typically produce marginal policy change, such as in budgetary allocations, collective understanding of the relative seriousness of different facets of the problem, etc. Secondary beliefs are altered via the process of policy learning, which takes place over a period of a decade or more (Sabatier and Jenkins-Smith, 1998). As policy learning occurs, policy outputs are adjusted based on feedback that produces new data, new experience, or changing strategic considerations (Sabatier and Jenkins-Smith, 1998).

While the ACF does a good job of explaining incremental change over long periods, it is not useful as an explanatory tool when trying to understand the dynamics of major and sudden shifts in policy output. Major change is a result of changes in policy core beliefs. The ACF does a good job of identifying what constitutes minor and major change, but is weak when trying to provide understanding of "...the processes that determine when [major, i.e., policy core] policy change will actually take place" (Mintrom and Vergari, 1996, p. 425). As Mintrom and Vergari (1996) point out, not all exogenous shocks or instances of policy learning will translate into policy change. We are left wondering why certain major policy changes materialize, while others do not.

Baumgartner and Jones (1993) and True, Jones and Baumgartner (1998) argue that it is possible to explain both long-term stability and sudden major changes in policy. This long-lens reveals closed subsystems that more closely resemble the iron triangle described earlier. Yet, unlike the iron triangle, these policy monopolies provide both stability and the opportunity for change. This dynamic of change and stability is dependent upon the interaction between policy image and venue, to which we now turn for a closer look.

Policy Image and Venue – the Dynamic Duo!

The Punctuated Equilibrium Model. In the punctuated equilibrium model, a policy monopoly can remain stable and resistant to change for long periods, provided it is associated with a positive policy image. Conversely, if the policy image changes from positive to negative, the result is often the destruction of the policy monopoly, opening the door to substantive policy change. According to Baumgartner and Jones, a change in policy image can alter policy outputs by either (1) altering the number of participants or (2) providing the opportunity for venue shopping by those seeking change in an attempt to find institutions more in alignment with the new policy image. As long as a policy monopoly is associated with a positive policy image it can remain stable, with limited interference from participants "outside" the loop. This arrangement is efficient and useful, by allowing elected officials to delegate policy oversight while they continue with other pressing matters of government. The limited ability of governments to focus on more than a few pressing items at once gives rise to this tendency to "serially process" issues. Government elites formulate policy and then move on to the next item on the agenda (Simon, 1977, 1985). As attention turns elsewhere, policy monopolies stretch and settle in for the long haul. They can remain this way as long as policy output is viewed positively, which is usually easy to sustain in the absence of media attention or visibility by the general public or policy makers.

Baumgartner and Jones (1993) contend that a change in issue image can draw heightened attention, often resulting in major policy shifts. How does this happen? Sometimes, a major focusing event occurs, which raises the visibility of the issue, and focuses attention on different facets previously downplayed by immediate participants in the policy monopoly. Bosso (1987) illustrates how public perceptions of pesticide use began to change with the publication of Rachel Carson's <u>Silent Spring</u> in the early 1960s. Pesticides were transformed in the public mind from something benign that helped ensure high quality in the food supply, to a dangerous substance that threatened long-term public health. Crises can also alter public perceptions. The gasoline shortages in the late 1970s and early 1980s sparked a public conversation about the wisdom of over-reliance on foreign oil supplies. This led to implementation of conservation measures, including new fuel efficiency standards for automobiles, something the auto manufacturers had successfully fought for years.

Changes such as this in a policy's image can set off a chain reaction of events that leads to expanded participation, as new publics are drawn in seeking 'solutions' to this new understanding of policy. This heightens conflict within the policy arena as these new players bring new ideas about how policy should look; this challenges existing policy. The new participants then seek new venues of oversight that are more compatible with the new policy image. In this way, the subsystem moves from consensus to conflict that usually, but not always, leads to policy change. This dynamic is integral to the model of punctuated equilibrium, and was drawn from E.E. Schattschneider (1975), who observed that conflict within policy arenas could be expanded or kept in containment by changing the number of participants. The number of participants is likely to change depending on the manner in which issues are perceived. Thus, expansion of conflict is closely related to how issues are defined, and thus perceived.

Cobb and Elder (1983) developed a typology of issue definition which has become a standard blueprint for highlighting the ways in which issues must be defined if they are to appeal to large groups of people. When an issue is framed in such a way that it is easily understood, is directly relevant to personal well-being and may have long-lasting impact, then the potential for large-scale mobilization of publics is present. As issues are re-defined, the nature of the politics surrounding them changes, leading to shifts in participation and levels of conflict. This dynamic of 'policies determining politics' has been further refined by Lowi (1972) and Ripley and Franklin (1987).

Ripley and Franklin (1987) developed a classification scheme that categorizes policies according to visibility of issue and the nature and ubiquity of benefits conferred. Lowi's explanatory framework is similar (1972). He categorizes policy as redistributive, distributive, regulatory and constituent, but we will be concerned with only the first three. Redistributive policy, as the name suggests, results in the taking from one group and the giving to another. It is zero-sum politics, where someone wins and someone loses. These types of policies usually involve high levels of conflict among groups, highly visible issues, are likely to require some type of coercion or sanction to enact, and require very difficult political decisions.

Distributive policy confers benefits on one group without taking away from another group. Costs are so widely distributed that they usually engender little or no protest from the public. Bosso contends that pesticide policy was viewed this way in the 1940s (1987). Ripley and Franklin (1987) further categorize these types of issues as having low visibility and a stable policy environment dominated by key Congressional committees, groups who support the policy, and agency bureaucrats sympathetic to the policy.

Regulatory policies are characterized by a set of dynamics that confers benefits and costs on clearly delineated groups. Usually a broad range of interests will become involved, forming unstable, shifting coalitions that lobby legislative decision makers to ensure receipt of their share of the benefits. It is important to remember that policies can have several different facets, each with an attending relevant image (Baumgartner and Jones, 1993). Whichever one is emphasized successfully in the minds of publics or decision makers can determine whether a policy is viewed as distributive, redistributive or regulatory, thus shifting the dynamics of conflict within a given subsystem.

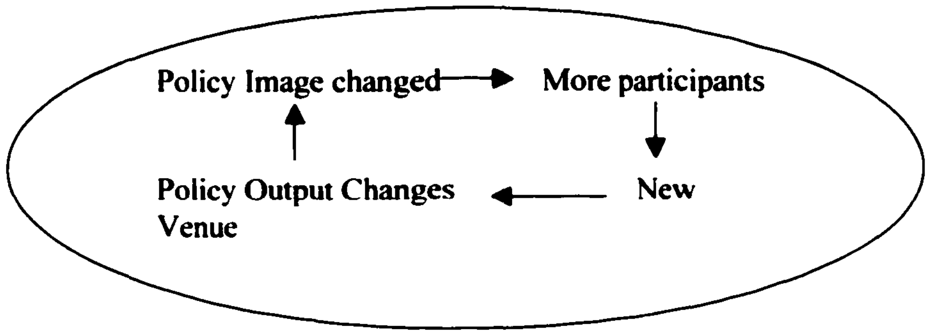
Heightened conflict does not always result in policy change. Vested interests in the current subsystem will fight hard to contain the conflict, through appeasement or other action to maintain the policy status quo. The same structure of bias that contributed to the development and maintenance of the policy monopoly will fight to preserve it. Although pluralists (Dahl, 1961; Latham, 1952; Truman, 1951) would argue that multiple groups always have the option to exercise their right to participate, others have observed over the years that widespread participation in public policy is rare, and biased in favor of those who are better organized and funded (Schattschneider, 1975; Olson, 1971). Participation of broader publics does occur, but is dependent on the costs and benefits of participation that flow from availability of resources, information, and relative ease of access to institutional venues.

New participants will seek alliances with new venues of oversight and responsibility. As Baumgartner and Jones point out, differing venues will have differing perceptions of a given policy, and propose differing solutions to the problem. "An agriculture committee in Congress is more likely to view pesticides as a way of increasing farmers' profits, while an environmental group is more likely to focus on the negative health effects of the same issue" (Baumgartner and Jones, 1993, p. 31). Thus, in their model, this interaction of policy image and venue is crucial if policy output is to change. When image changes, venue is likely to follow, whether through the creation of a new one, changing the mission of the existing one, or moving oversight of the issue to another which already exists.

It is important to note that issues are not suddenly shifted from one venue to another. They have to be considered on an agenda, defined by Kingdon as "the list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying some serious attention to at any given time" (1984, p. 3). Focusing events, crises and symbols draw in more publics, which garner more media attention to an issue, which commands the attention of policymakers, forcing items onto their agenda. When this occurs, the stage is set for a change in policy output.

Baumgartner and Jones also recognize that it is not always necessary to involve new groups and publics in order to force a shift in the institutional venue. Policy image is still crucial, but a changed policy image can be seized by a policy entrepreneur, who will then "shop" for a more favorable venue of oversight and responsibility (Baumgartner and Jones, 1993; True, Jones and Baumgartner, 1999). The multiple avenues of access into our federalist system make this possible. They also point out that even though this scenario occurs, it is rare that policy monopolies are broken up without a much larger group of potential players knocking on the door.

Thus, the punctuated equilibrium model can be depicted as an on-going cycle of interaction between policy image and venue, subject to constant feedback. In this cycle, we see periods of stability, followed by major change, followed by stability. This can be simplistically drawn in the following manner:



Yet, from looking at the above diagram, questions arise. How are issues redefined? How are focusing events and crises thrust forward onto agendas? Who facilitates the public mobilization and shops for the venues? Baumgartner and Jones refer to a policy entrepreneur concerning these activities, but nowhere is this individual or individuals given prominence in their model as a crucial element. One could argue that it is important to fill in the outlines of this shadowy figure if we are to understand the dynamics of major policy change.

<u>Policy Change and Policy Entrepreneurs</u>

For at least three decades, political scientists have recognized the role of the policy entrepreneur in promoting new ideas to publics and institutions (Baumgartner and Jones, 1993; Cobb and Elder, 1983; Kingdon, 1994; Polsby, 1984), to name but a few. However, some would argue that their role in agenda setting and policy change has not been closely studied in an attempt to identify clear linkages between their actions and policy innovation (Mintrom, 1997; Mintrom and Vergari, 1996).

Mintrom and Vergari (1996), Mintrom (1997) and Schneider, Teske and Mintrom (1995) represent recent attempts to quantify the role of policy entrepreneurs in the policy process. Policy entrepreneurs are defined by Mintrom and Vergari as those who, ". . seek to sell their policy ideas and, in so doing, to promote dynamic policy change" (1996, p.423). They are akin to economic entrepreneurs in the marketplace in that they assume the risks to promote their ideas and can effectively organize others to support them in these endeavors. They are skilled communicators, necessary in order to encourage the support and enthusiasm of others (Mintrom, 1997). Thus, we can argue that the entrepreneur's role is significant in that they "must discover or create opportunities, they must assume some risks in assembling the resources to develop and pursue alternatives to the status quo, and they must overcome collective action problems to achieve those alternatives" (Schneider, et al, 1995, p. 108).

Mintrom and Vergari (1996) describe the activities these policy entrepreneurs use to promote their ideas, which include:

- identifying problems;
- defining the issues;
- building coalitions;
- networking in policy circles; and
- shaping the terms of the policy debate.

Here then is the person, or persons, who seize crises and focusing events and uses them to portray problems in a new way through issue definition and seeking to rally more publics behind them in the policy battle. As the new publics are drawn in, the successful policy entrepreneur works to build coalitions between the various new participants in the process and the institutional venues, via networking in policy circles. The entrepreneur/s provides the missing link between these new publics and venues.

In their study of public entrepreneurs, Schneider, Teske and Mintrom (1995) found that the most successful are those that can frame issues in such a manner as to build coalitions capable of challenging the established policy monopoly. These individuals have to be skilled in public persuasion and rhetoric. They also spend a great deal of time networking among government officials to become familiar with how they think, so they can phrase issues in ways that command their attention. They serve as brokers, mediators, and facilitators, and are skilled in all three areas. They hold their coalitions together by emphasizing images such as solidarity, a vision of policy success and the feeling of being part of an important and cohesive team. Yet even highly skilled public entrepreneurs do not operate in a vacuum, magically conjuring up groups as needed. These individuals usually use a local neighborhood group, a business group, or some form of taxpayer group as their starting base. This minimizes the costs of collective action by providing a relatively low cost milieu from which the entrepreneur/s can launch their challenge to the status quo (Schneider, Teske and Mintrom, 1995).

Thus, as in the business world, the policy entrepreneur must be able to recognize and seize upon events outside their control when they happen. They must be innovators, seeing opportunity in areas that are not easily spotted by others. They take the risks to reputation, and invest the resources of both time and money. They identify and market new policy and understanding their role in the overall policy process is crucial if one is to analyze the dynamics of policy change.

Conclusion

As this discussion has illustrated, policy change can be elusive, particularly in the American political "stew." Even when change occurs at one level of government, there is no guarantee it will percolate down the intergovernmental ladder. Barriers abound, for a wide variety of reasons. This has certainly been the case with implementation of federal transportation policy at the state and local levels. Change has been even more elusive when trying to implement public policy that reflects the nexus of land use and transportation in the state arena of growth politics.

The Punctuated Equilibrium model of Baumgartner and Jones provides a solid analytical foundation for helping us understand the dynamics of both stability and change in the growth policy arena in the states to be compared and examined in this study. Their emphasis on the interaction between policy image and venue will be tested for its validity at both explaining how the policy monopolies developed and how they can be broken apart. However, their model lacks a clear emphasis on the agent of this interaction by neglecting to feature the policy entrepreneur as a key independent variable of change. Recent efforts to quantify the activities and characteristics of the policy entrepreneur in the policy process will be used in addition to the Punctuated Equilibrium Model. A grafting of the two will provide the most useful model to identify what must occur in order to facilitate major shifts in transportation policy. The role of the policy entrepreneur in facilitating the interaction between policy image and venue will be operationalized and empirically tested in an effort to fill some of the gaps in our current understanding of the entrepreneur's role in policy change.

CHAPTER 2

RESEARCH DESIGN AND METHODS

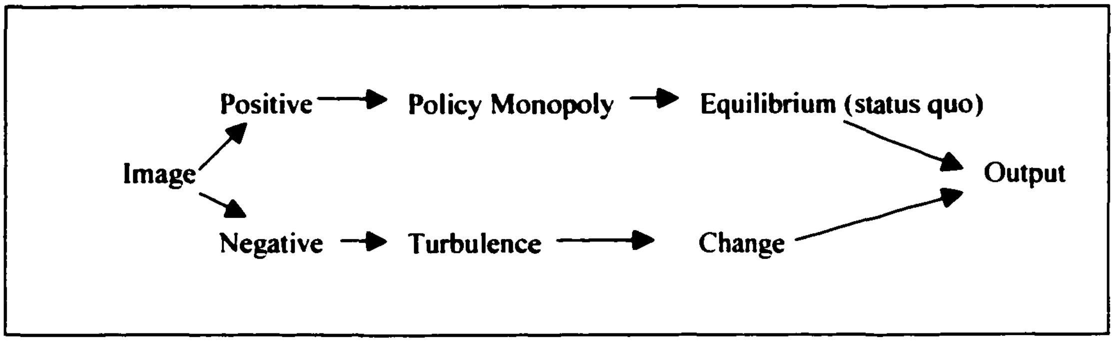
Introduction

As the discussion in the previous chapter indicates, there are many ways to approach the analysis of policy change, yet the ubiquity and complexity of current growth policy makes it difficult to analyze using any one model of policy change alone. The degree and depth of change that will be required to shift the current direction of transportation and land use policy necessitates an analytical framework like the one developed by Baumgartner and Jones combined with theories of the role of the policy entrepreneur in the policy process. A more detailed discussion of both follows.

Change and Stability – What do They Look Like?

Baumgartner and Jones (1993) argue that the seeds for both change and stability can be found by examining the interaction between policy image and venue. Policy image is defined by them as the manner in which a policy is "understood and discussed" (Baumgartner and Jones, 1993, p. 25). Policies are usually "understood" by broad publics in symbolic, simple-to-grasp terms. This is not to imply that publics are stupid, but that this manner of describing policies to the public is often necessary due to the complexity of most public policy issues. Baumgartner and Jones contend that there are both empirical and emotive aspects to public policy issues, the latter referred to as the tone of an issue, which is reflected in the positive or negative image of the policy (1993). A positive policy image can ensure the apathy of a satisfied public, leaving only the most interested groups, publics, bureaucrats, and elected officials to the task of policy development and implementation. The skillful use of horatory language is one method for doing this. It is a useful tool in creating policy image. It can provide "reassurance of a mass public so that directly involved groups may function more freely in the later policymaking stages" (Edelman, 1985, p. 149). Thus, image becomes the key to the development and maintenance of the policy monopoly.

However, it is not hard to see how this dynamic can work in the reverse manner. Rather than narrowing participation, skillful rhetoric can lead to negative images of a given policy among broad publics. As Baumgartner and Jones point out, policies usually have more than one image, yet only one is dominant in the publics' mind at any given time. For example, nuclear power always had safety and environmental components that could pose potential problems, but it was not until after the incident at Three Mile Island in 1979 that these images rose to prominence in the public's mind. When this type of event occurs, publics often become aroused, and demand policy solutions for this 'new' understanding of a problem. Public arousal, when loud and deep enough, then attracts the attention of elected officials, who try to respond. This typically leads to a different venue of oversight to address the new conceptions of the problem. Yet, this is not the only way to facilitate venue shifts. Another method of seeking venue change does not require the broad mobilization of mass publics. Instead, policy entrepreneurs, or other "strategically minded political actors" can shop around for a more sympathetic venue to address the new facets of the old policy (Baumgartner and Jones, 1993; True, Jones and Baumgartner, 1998). In either case, struggle ensues between those in the policy monopoly and those demanding entrance, causing turmoil and upheaval in the policy arena. The following diagram is a simple graphic depiction of this dynamic.



However, long-standing policy monopolies don't just shift into turbulence without help. Even the most skilled orator would be challenged to re-shape public understandings of policies in the absence of other factors. Drawing from Kingdon (1984) and his work on agenda-setting, Baumgartner and Jones stress the importance of "focusing events, chance occurrences, public-opinion campaigns by organized interests, and speeches by public officials" as crucial factors in causing issues to rise in importance on public agendas (Baumgartner and Jones, 1993, p. 10).

Agenda setting and its relationship to policy change is crucial. If policy outputs are to change, they must be considered on an institutional agenda. However, mere appearance on an agenda doesn't always guarantee change in policy output. Decision-makers can engage in symbolic acts to satisfy the clamor while leaving the substantive areas of policy untouched (Edelman, 1985). This is particularly true if the policy monopoly remains intact. On the other hand, policymakers can consider an issue, but opt not to change policy. Finally, the third option is to pass new policy. Only this can be defined as policy change (Baumgartner and Jones, 1993; Kurtz, 1999).

The role of the policy entrepreneur is embedded in these dynamics of interaction between policy image and venue. Baumgartner and Jones (1993) credit this actor with primary responsibility for issue definition and venue shopping, yet the policy entrepreneur remains a shadowy, elusive figure; not well defined nor examined to determine whether or not this is a crucial ingredient in policy change. Numerous others (Mintrom and Vergari, 1996; Mintrom, 1997; Kingdon, 1984; Schneider, Teske, and Mintrom, 1995) have identified the importance of policy entrepreneurs as those who seize the crises, focusing events, or other outside issues and use them to re-define issues in an attempt to shape public perception regarding policy images. They work to build coalitions, bring in new participants and seek to get issues placed on agendas in new institutional venues. Although they are not solely responsible for an issue achieving a high agenda status, they are central figures in the drama (Kingdon, 1984). Other external factors such as the ones described in the preceding chapter will often combine to bring issues to the forefront of public and/or policymakers' concerns. Nonetheless, they need someone who is alert to the policy opportunities the can provide to frame them in a manner that sets in motion the changing conceptions of policy image and the resulting search for new venues. This individual is the policy entrepreneur.

Model for Analysis

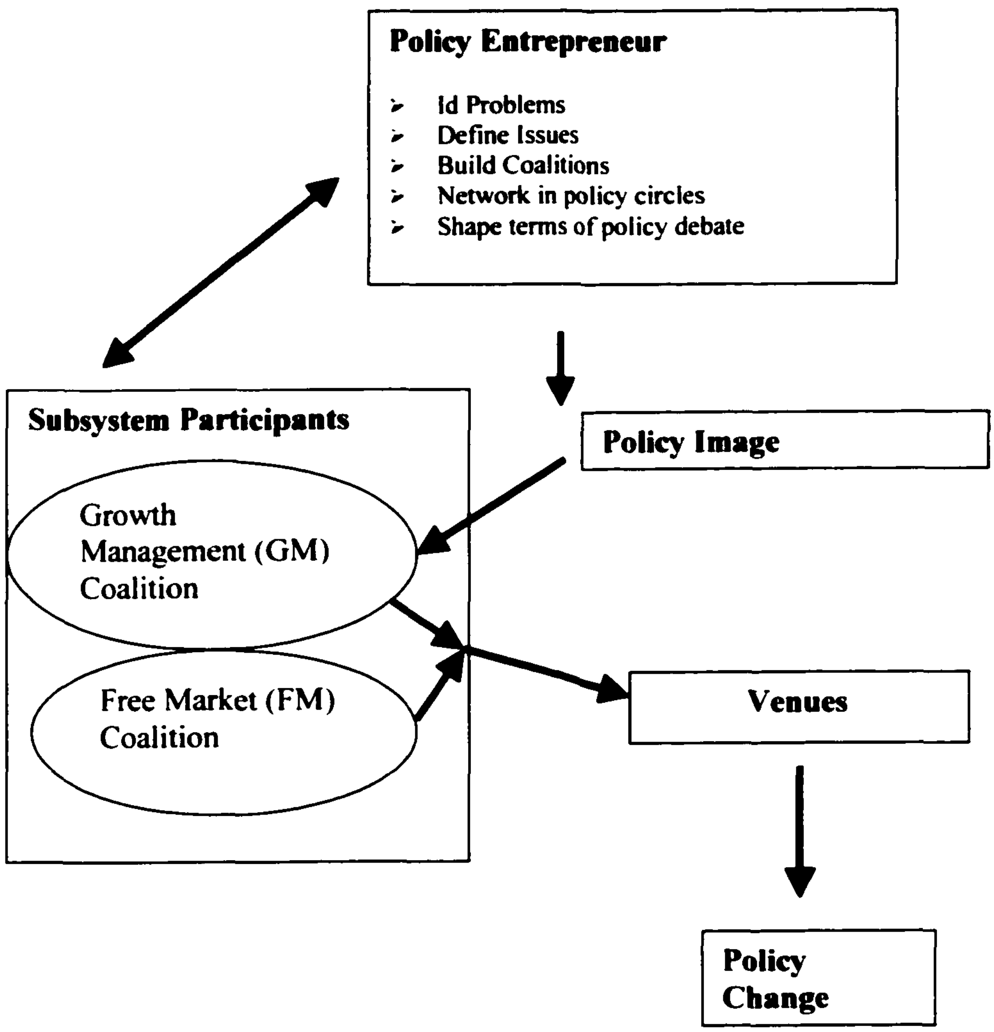
Policy Entrepreneur

Figure 2.1 is a schematic depiction of a policy change model that integrates a variation of the Punctuated Equilibrium Model of Baumgartner and Jones with the policy entrepreneur. As indicated in Figure 1, the policy entrepreneur (PE) plays the key role in this model of major policy change. Theories of the PE are drawn from the disciplines of political science and institutional economics. Unlike the neoclassical school of thought, institutional economics acknowledges the role of institutions and recognizes that dynamic preferences and transaction costs must be considered in the calculus of economic activity. Moreover, like the entrepreneur of economic theory, the policy entrepreneur is motivated by consideration of the costs of his/her activities versus the potential perceived benefits.

Schneider, Teske, and Mintrom (1995) found that the policy entrepreneurs (labeled public entrepreneurs by them) in their studies were motivated to act by political rewards, such as "power, the ability to influence policy, prestige, and community service" (p. 215). Costs of participation are created by the structure of institutions, bureaucracies and rules and regulations that define the limits of their participation and likelihood of success (Schneider, Teske and Mintrom, 1995). Added to these are the exogenous factors described in chapter one, such as attitudes, behavioral tendencies, economic conditions and the partisan composition of legislative institutions. In order to minimize these costs, entrepreneurs can employ a number of strategies, such as skillful use of rhetoric, seeking out the most favorable venues to pursue their ideas, and creative and dynamic leadership (Schneider, Teske and Mintrom, 1995). Thus, while this model will assign crucial variable status to the entrepreneur, it also recognizes that the entrepreneur will often be constrained in his/her actions by external events and systemic characteristics. Often, the

Figure 2.1

Policy Change Model



entrepreneur can use the right combination of strategies to scale these walls, but occasionally, they will not succeed. By elevating the entrepreneur to the key role, this model does not suggest that other systemic and institutional barriers become irrelevant, but that it is not likely these impediments to major change could be overcome without the actions of the entrepreneur as described in this research.

Impediments to Entrepreneurial Success

Institutional and systemic conditions can provide numerous hurdles to entrepreneurial success, particularly in the arena of growth politics. For example, if the entrepreneur seeks change via the legislative venue, the partisan composition of this body can either hinder or help him/her in their quest. Economic conditions in a state can also impact success if the desire is major change in state approaches to the regulation of land use. A statewide recession and the accompanying slowdown in growth make it harder to convince publics and policymakers that more regulation is needed.

Access to citizens is another hurdle to overcome, and it can be formidable. If the policy entrepreneur is to get his/her ideas in front of large numbers of people and policymakers, the distribution network for ideas, (increasingly the media) must be accessible. In the arena of state-level growth politics, no one can command the broad bully pulpit like the Governor, simply because everything he/she does is news. We can speculate that success is more likely if the entrepreneur has easy access to large audiences that typically accompany high state office.

Policy entrepreneurs are more likely to emerge and be successful when demand is high. Demand is created by change in socio-economic conditions, governing coalitions, public opinion or any of the other external parameters discussed in the first chapter. For example when society is in flux with changing socio-economic conditions such as the recent stock slide in the U.S. markets, opportunities abound for policy entrepreneurs to ply their ideas. They must be alert to opportunity, and ready to exploit the 'windows of opportunity' documented so well by Kingdon (1984).

There are no guarantees that entrepreneurs will succeed, as these few examples illustrate. Yet, if these hurdles to major change exist, in the absence of a skilled policy entrepreneur, status quo is likely to prevail. We must also be careful to draw a clear distinction between the policy entrepreneur and the policy advocate. The advocate is not an innovator – they are more akin to foot soldiers who pursue policy change once the policy entrepreneur has started the momentum. Mintrom and Vergari (1996) characterize the policy advocate as one who merely pushes for change at the margins of current policy settings. By contrast, the policy entrepreneur is devoted to major policy change, which has greater costs, and more potential benefit. The policy advocate is more analogous to the interest group lobbyist (Mintrom and Vergari, 1996). They will assume certain risks and costs, but not to the degree and level of commitment found in the policy entrepreneur. By definition, the entrepreneur is seeking to invent new discussions and institutional frameworks surrounding policy outputs. The policy advocate seeks new things, but within existing frameworks of already-established norms and ideas.

Evidence of the existence of a policy entrepreneur and the climate surrounding him/her will be operationalized as follows:

Frequent mention of an individual or individuals by persons during interviews. Factors that will identify this person or persons as an entrepreneur are; i) evidence of observed activities such as organizing publics and groups; ii) framing the issues in new ways that have broad appeal combined with the ability to sell these ideas as demonstrated by access to the media; and iii) working to promote their ideas in new venues, or restructured existing venues.

Subsystem Participants

Identifying the key participants in the policy subsystem is important in determining whether or not a policy monopoly and its attending equilibrium is present, or whether the subsystem is in turbulence, providing the possibility for change. Equilibrium is characterized by the dominance of one subsystem of publics that interact with a clearly identifiable institutional structure that dominates policymaking, combined with a positive policy image to buttress support and discourage opposition (True, Jones and Baumgartner, 1999; Baumgartner and Jones, 1993). By contrast, turbulence is characterized by the entry of new publics who are brought into the policy arena when the attending image changes from positive to negative. These new publics, or new realignments of existing coalitions, will seek new venues of oversight more aligned with the different policy image (Baumgartner and Jones, 1993).

Two primary subsystems operate within the growth policy arena. They are comprised of those who advocate a more active role for government in growth management, and those who would let the free market determine the location and type of growth that occurs.

Thus, those in the growth management (GM) subsystem would support any or all of the following:

- mandated comprehensive plans with clearly defined urban growth boundaries;
- channeling new development to areas that already have the services to support it;
- higher density and urban in-fill before expanding outward;
- mixed-use development, or "New Urbanism"
- more multi-modal transportation facilities;
- greater public investments in alternative modes of transportation combined with less emphasis on enhancing roadway capacity.

Those in the free market (FM) subsystem oppose government intervention that determines where and how new growth occurs. They typically oppose mandated urban growth boundaries, higher density development, and support a heavy investment in highway capacity enhancements. Overall, those in the growth management subsystem typically support more integrated planning, while those in the free market camp do not.[3]

Establishing the presence of the coalitions will be done by documenting the existence of each in the following manner:

1. Groups and individuals that support increasing the supply of roads to the exclusion of other modes, who oppose diversion of highway funds to other modes and who are opposed to government mandates on the types and location of new development will be classed as members of the free market (FM) coalition.
2. Groups and individuals that support reducing the demand for roads by diverting a portion of highway dollars to other modes, and who support one or more aspects of

[3] Integrating transportation, land use and air quality can include a wide variety of strategies and solutions, all of which fall under the rubric of 'integrated planning'.These include; i)development codes that force developers to provide sidewalks of minimum width to accommodate pedestrians; ii) orienting buildings with parking in the rear, leaving the front accessible to transit users, pedestrians and bicyclists; and iii) building parking structures that permit van access, to name but a few of the many types of integrated planning strategies (DRCOG, nd). Additionally, integrated planning advocates often support limits on growth through the establishment of urban growth boundaries. They support mixed-use development, allowing commercial and residential development to occur in the same geographic space and higher density development. Integrated planning can include zoning ordinances that prohibit cul-de-sac street design and force garages to be located behind houses in the alleyways, rather than in front. Integrated planning advocates support planning at a regional or statewide level to encourage uniform development codes and encourage the provision of public transit and other alternatives to the single-occupant vehicle as the dominant transportation mode (State of Colorado, 1997).

integrated planning will be classed as members of the growth management (GM) coalition.

Policy Image

How a policy is understood and discussed is its policy image (Baumgartner and Jones, 1993). The construction and maintenance of a positive policy image is crucial to ensuring the stability of a policy monopoly. As long as publics are satisfied with the policy image, they remain satisfied and content to let 'experts' shape policy output (Baumgartner and Jones, 1993). Those who oppose state-regulated growth management, for example, will try to paint images of policy using terms that appeal to the fundamental values of most Americans, such as patriotism, fairness, individual freedom and freedom of choice. This evaluative appeal is referred to as the tone of an issue (Baumgartner and Jones, 1993). For example, nuclear power was once positively associated with economic progress by most publics. Today, it is more likely associated with the negative images of danger and environmental degradation (Baumgartner and Jones, 1993). Most public policy issues are like nuclear power in their multiple policy implications with associated positive and negative images. This provides opportunity to emphasize certain evaluative components over others at any given time. This makes policy image susceptible to change in the hands of skillful rhetoricians.

Growth policy is a good example of this dynamic. The free market adherents will frequently argue that they are merely responding to the consumer demand for suburban homes on large acreage lots. When these new suburbs are built, they must be accompanied by adequate infrastructure and services, most important of which is having an adequate supply of highways and road infrastructure (Marzotto, Burnor and Bonham, 2000; Giuliano, 1999). They stress the 'right' to live and work where one pleases, which is made possible by free movement of automobiles. By contrast, the growth management subsystem stresses the negative impact of automobiles on the common good caused by deteriorating air quality, and lost open space and agricultural land (Marzotto, Burnor, and Bonham, 2000). They point to other deleterious effects of sprawl, such as lack of community, inefficient energy usage, high costs to local governments to provide services such as electricity, water and waste treatment, loss of affordable housing and increased groundwater pollution due to runoff from roads, parking lots and rooftops (Downs, 1998). If the growth management subsystem could associate its preferred policy output with individual freedom, and find ways to personalize the "common good," it is expected they would be more successful in garnering large amounts of public support, successfully mobilizing the previously disinterested (Baumgartner and Jones, 1993).

Policy image will be operationalized in the following manner:

1. A pro-FM tone is one that mentions 'economic growth' 'freedom of mobility' 'individual choice' and any reference that advocates less government involvement. If government is involved, it should be left to local communities to decide where and how growth is located and designed.
2. A pro-GM tone is one that stresses the negative environmental effects of unregulated growth, refers to the 'common good' and supports integration of land-use with transportation planning, and/or providing more alternative modes programs and/or infrastructure.

<u>Venues</u>

Venues are the institutional locations where authoritative decisions are made concerning a given issue (Baumgartner and Jones, 1993). Venue assignment is closely linked to policy image. For example, transportation has traditionally been viewed as an "asphalt and concrete" policy of building and maintaining infrastructure (TRB, 1996). The environmental impact of too many cars has not been part of the overall transportation concern until recently. Thus, state DOTs, rather than state Departments of Health and Environment, have traditionally had oversight in this policy arena. In many states, policy monopolies have developed between DOTs, transportation commissions, legislatures and other interested publics who benefit from current highway policy.

Local governments have traditionally been considered the appropriate level of decision making for land use and zoning policy output. The argument is that those closest to the problem are the best to make the decisions. Yet critics maintain that local governments are too susceptible to influence by powerful local business interests and the need to constantly find new and more sources of revenue. They contend that state standards are needed to provide guidelines that prevent communities from competing with one another to attract new growth and development without regard to regional impact.

Baumgartner and Jones (1993) highlight the importance of stability and equilibrium in the policy arena in order to maintain this relationship. As long as policy image is positive, these policy monopolies can control the nature of policy output with little interference from those 'outside' the arena (Baumgartner and Jones, 1993; True, Jones and Baumgartner, 1999). When policy images begin to change, new participants are typically drawn in, creating instability in the long-standing relationships that have developed around the policy. These new participants will try to have their understanding of the policy problem placed on agendas in different venues, to reflect changing policy image (Baumgartner and Jones, 1993).

A change in policy image can also produce "venue shopping by strategically-minded political actors" a tactic that doesn't require the broad mobilization of new groups and interested publics (Baumgartner and Jones, 1993, p. 36). Instead, it can involve as few as one or more people who seek to define the issue in such as manner as to appeal to those who control the agenda in different venues (Baumgartner and Jones, 1993). Thus, the skilled entrepreneur doesn't always need to bring new participants into the subsystem, but can strategically craft a policy image in such a way that other venues are receptive to considering these new dimensions of an issue on their agenda.

Shifts in venue must precede changes in policy output. An actual change in venue will be indicated by <u>both</u> increased attention to either land use and/or transportation issues in state legislative hearings, <u>and</u> actual re-assignment of policy oversight operationalized in one of the following ways:

1) A change in agency assignment from one existing agency to another existing agency.
2) Creation of a new agency for oversight.
3) Policy responsibility remains with the existing agency of oversight, but there is an expansion of powers of policy oversight to incorporate new facets of the policy image.
4) Change in the level of government with primary responsibility for policy oversight. For example, from the local level to the state.

<u>Policy Change</u>

Policy change is the dependent variable and can appear in several different forms, each with its own characteristics and dynamics. No change, or equilibrium, occurs when the policy monopoly has successfully retained control of policy making in the policy arena. Symbolic change and incremental change represent two versions of successful resistance to major change by the existing policy monopoly. Major change occurs when the policy entrepreneur and the opposing subsystem have successfully challenged the dominance of the policy monopoly. The policy entrepreneur in this coalition will always have major change as a goal. Anything less would not produce enough benefits to justify the costs the entrepreneur incurs.

In the arena of transportation policy, state allocation of funding for alternative modes as a percentage of overall state transportation spending is a useful indicator of change. State use of federal Congestion Mitigation and Air Quality (CMAQ) funds and Enhancement dollars is another. CMAQ monies can be spent on programs such as traffic signal timing and emissions programs that alleviate air quality problems in the short-term, but do nothing to reduce long-term dependence on the SOV (McCann, Kienitz and DeLille, 2000). Enhancement funds are available to provide better integration of the highway system with communities. Eligible uses include bicycle paths, pedestrian improvements, purchase of scenic easements along highway corridors, and other related activities (McCann, Kienitz and DeLille, 2000). However, many states are using this money to plant flowers along highway corridors and fund highway rest stop improvements, to name but two of the more highway-related uses. These types of projects have typically been funded with highway monies. Thus, it is just not overall spending patterns that reveal change, but how the dollars have been spent in specific categories as well. In the land use arena, state mandates for local governments to develop comprehensive plans that contain elements of integrated planning, accompanied by enforcement capabilities, are an indicator of change.

Policy change is operationalized as follows:

1) No change, or equilibrium – policy outputs remain unchanged. Proportional allocations of spending remain the same in the state transportation budget. CMAQ and Enhancement funds are spent on road-related projects. No state-mandated guidelines for local growth controls.
2) Symbolic change – Symbolism is commonly found in statutes that contain no mandates, no method of distribution of the good contained within its language, and/or no method of oversight and follow-up (Edelman, 1985). For example, revenues for alternative modes will typically be allocated from funding sources such as CMAQ or Enhancement monies, that cannot be used for road improvements anyway, or state land use statutes may be passed, but without mandates or enforcement authority.
3) Incremental change – policy that changes at the margins while leaving the substantive thrust of the policy output unchanged. This can include adding programs, for example, while continuing with all of the old programs in their current form. State spending patterns are the same as those for symbolic change.
4) Major change – this is found in statutes that create new enforceable policy and provide adequate resources to implement the policy (Ingram and Mann, 1983). Accompanying the statutory action will be new programs and agency responsibilities, or the creation of entirely new administrative entities (Lester and Stewart, 1996). There will be a significant shift in monies allocated to alternative modes versus road building and improvements. Additionally, CMAQ and Enhancement funds will be spent on projects that reduce long-term dependency on the SOV, rather than auto-related uses such as emissions testing or traffic signal timing.

<u>Propositions</u>

The model suggests an expected pattern between the independent variables that will affect the likelihood and degree of change. The policy entrepreneur plays a key role and will work overcome the systemic and institutional barriers to facilitate policy change. The policy entrepreneur will actively seek to re-define the policy image, from positive to negative. The policy entrepreneur seeking change will use these altered perceptions of the policy image to shift the relative power relationships between subsystems in the policy arena. This can include bringing in new groups and interested publics. They can be integrated with the already-existing groups and publics and together, they can attempt to provide effective opposition to the policy monopoly.

It is proposed that major policy change is more likely to occur when there is a policy entrepreneur who.

1. attempts to change policy image;
2. mobilizes new publics to participate in the opposition subsystem and coordinates activities of existing participants in this subsystem who want policy change;
3. works with these groups and publics to seek new venues that will be receptive to policy change.

Policy is more likely to be symbolic or incremental when actors within the policy monopoly successfully resist change by:

4. co-opting the policy image to appease the opposing subsystem;
5. retaining policy control within current venues.

Policy is more likely to remain status quo, with no change when a policy entrepreneur:

6. fails to alter the current policy image;
7. fails to engage new participants in the subsystem;
8. fails to shift existing policy to new venues.

Research Design

This research seeks to find out why changes in state-level growth policies are so elusive in Colorado, even in the face of federal transportation policy and public concerns that seem to provide opportunities for major shifts in direction. Given these questions, I have chosen to use the qualitative, comparative case study method as the best research vehicle to explain and document events in the transportation policy arena (Yin, 1989; Marshall and Rossman, 1989).

This method is most appropriate since the intent of this research is to trace linkages of cause-and-effect in policy change over a period spanning 30 years (1970-2000), in both the Oregon and Colorado case study. The goal is to explain how and why policy change has occurred in one case and not in the other, which requires that it be bounded in an historical texture not available in the simple experimental design, which deliberately seeks to divorce phenomenon from context (Yin, 1989). I have also chosen to analyze change in two cases, Oregon and Colorado, as they provide a comparative basis to examine changes in one, and lack of change in the other. This use of two cases lends richness to the research that could not be achieved by analyzing change, or lack thereof, in one state alone.

Numerous criticisms have been made of the case study approach, primarily that they permit too much subjectivity in analysis, undermining the objective rigor necessary to prevent bias from creeping into the study. There are also concerns that case studies are not generalizable to other cases (Yin, 1989). This second objection is one of the most common concerns of social scientists. However, generalizability is only a concern if we are trying to claim that what happens in our case will happen in others like it, as is the case with statistical generalization (Yin, 1989). This is not the goal of this research. Instead, we are seeking to test a model of policy change to see if the dynamics proposed in the model can be empirically documented in our study. This type of generalization from case study to theory is appropriate for the case study method (Yin, 1989). If we confine ourselves to this type of generalization, we have met the test of external validity.

The first objection, lack of rigor, is not as easily dismissed. It must be diligently avoided by careful attention during the research design to the research questions, their suspected cause and effect, data sources and methods of analysis used, and how well everything is documented for others to follow (Yin, 1989; Marshall and Rossman, 1989). Bias can creep into any research, even scientific experiments. It is the responsibility of the researcher to take care to avoid this by ensuring construct validity, internal validity, external validity and reliability in the case study (Yin, 1989; Marshall and Rossman, 1989). The following is a discussion of each and the ways in which this research project will meet each test.

Construct Validity

Construct validity is necessary in order to avoid bias in the case study design. The research is said to meet this test if there is a clear and logical connection between what is to be studied, and how it will be measured (Yin, 1989). Stating the operational measures used in the research is the minimum necessary to achieve construct validity. Using multiple sources of evidence and establishing a clear chain of evidence further enhances it.

Using multiple sources of evidence is crucial, particularly when doing case studies. Multiple data sources provide more than one source of corroboration for the research findings. If all data sources point to the same conclusions, then the validity of the research is strengthened (Yin, 1989, p. 96-97). For this research, the following data sources were used:

1. open-ended interviews; and
2. archival records.

1. Open-ended interviews were conducted with select representatives from the following groups/organizations/venues:

   - High-ranking staff of the state Departments of Transportation;
   - Current and former members of relevant state boards and commissions.
   - Staff and/or elected council members from a designated planning council located within the major corridors of study in each state;
   - Members/lobbyists for interest groups from both coalitions.[4]

2. Archival records

   - Newspaper articles in the states' major newspaper;
   - Select state transportation plans;
   - State laws and statutes
   - Other relevant state reports and documents
   - Survey data from selected state surveys that highlight public attitudes toward growth issues in the states studied;
   - Maps and census data from both states to provide background comparative setting;
   - Public testimony submitted at select hearings of the Oregon Land Conservation and Development Commission.

Establishing a clear chain of evidence is also crucial in ensuring construct validity. There must be logical links between the concepts, measurement of the concepts, propositions linking the variables and the conclusions of the study. This chain ensures that the research findings are related to what the researcher really wants to study. In this chapter, the concepts presented in the model are defined, operationalized and then linked

[4] A complete listing of interviewees by state can be found in Appendix A.

to each other through propositions that describe expected relationships among the concepts.

Reliability

The need to ensure reliability is closely related to the data-gathering process and adds strength to the construct validity of the research. Reliability ensures that others may reproduce the study and arrive at the same conclusions (Yin. 1989. p. 102). This requires that the researcher provide ample documentation of all data collected and the manner in which it was collected. This documentation, called the case study data base, will include:

1. Copies of interview questions, time and date of interviews, who was interviewed, and coding of responses.
2. Complete listing of all archival records examined, methods used to code, and results of the coding.

Internal Validity

Internal validity needs to be established to avoid the frequent criticism that the case study method is not able to establish that certain conditions lead to other conditions (Yin, 1989). In this study, it is necessary to show that the presence and goals of a policy entrepreneur, subsystems, policy image and venues either maintain the status quo or produce change. How the data analysis is conducted is thus crucial in ensuring that explanations among variables are well-documented and have close relation to the theoretical propositions upon which the study is based. The pattern-matching method described in Yin (1989) will be used to establish internal validity by comparing the expected patterns (i.e., propositions discussed on page 57 that reflect the relationships shown in Figure 1) to the case study data. Congruence of the data and propositions will indicate the proposed model of policy change describes transportation policy in Oregon and Colorado. Conversely, incongruence or partial congruence will raise questions about the utility of the model. Care will be taken to examine the possibility that alternative relationships occurred instead.

Case Study Selection and Framework

I have chosen Colorado and Oregon as states illustrative of the dynamics of policy change, for three key reasons. First, and most crucial, is that one is illustrative of major change in state land use policies, followed by more minor shifts in transportation policy, and the other represents status quo, or equilibrium, in both policy arenas. In order to answer questions of why change has *not* occurred, it is important to be able to demonstrate what it looks like where it *has* occurred. Secondly, even though several other states have demonstrated shifts in their approach to growth management in both land use and transportation, Oregon was chosen as a comparative study because of its similarity to Colorado in terms of population, per capita income, and geography of the region to be studied. The Front Range in Colorado and the Willamette Valley in Oregon bear striking similarities in terms of their growth patterns and ratio of urban to rural farmland. Finally, these two states were chosen because the problems faced in Oregon in the 1970s – growing congestion, increasing air pollution, and rapid growth destroying open space – are all similar to the ones currently facing Colorado.

Colorado

In Colorado, attempts were made in 1974 to change state policy regarding land use. HB 1041 was passed, but no substantive change ever occurred. The legislation was stripped of state enforcement authority before passage, and further eroded during the brief implementation process that followed. Similarly, transportation policy has remained largely unchanged since the passage of ISTEA 10 years ago, even in the face of growing congestion and air quality problems. These problems have multiple sources, but are primarily driven by a population growth of over 30 percent during the past decade, most of it concentrated in the Front Range corridor along Interstate 25 (Hartman and Hubbard, 2001). Compounding the problem of too much traffic is the sprawl-like character of new housing developments that have sprung up to accommodate these new residents and the services they require. Colorado recently attempted to set state standards for local land use and zoning decisions, both via a ballot initiative in 2000, and during the 2001 legislative session. Both efforts failed to produce any substantive change.

Based on this, one might assume that there has been no desire among the general publics, or any of the planning regions, to change the way growth policy is conducted in Colorado. However, this is not the case. Poll after poll indicates that Coloradoans are very concerned about the negative impacts of rapid growth, and would like to see a stronger state role in regulation. In addition, some planning regions have tried to implement changes in transportation policy that reflect regional desires for more multi-modal systems.

One example of this is the planning council for the urbanized areas of Northern Colorado, the North Front Range Transportation and Air Quality Planning Council

(NFRT&AQPC). In 1994, during development of their first 20-year plan since the passage of ISTEA, the local government representatives on the council decided to take a different approach. They made the conscious decision to build a more diverse, multi-modal transportation system in Northern Colorado. Their attempts to do this were stymied by state policy that prohibits the spending of any flexible federal highway dollars for any mode other than highways. Since Colorado is one of only five states that does not spend any <u>state</u> money on alternative modes of transportation, the only other source of revenues remaining are local funds, which are not enough to fund the plethora of projects needed to breathe life into this multi-modal vision. These projects languish in the plan, while road building and capacity enhancements continue unabated. Colorado is classed along with South Carolina, Arizona, Tennessee, Texas, Wisconsin, Arkansas, Georgia, Idaho, Iowa, Louisiana, Mississippi and Nevada as failing to take advantage of the opportunities provided in federal legislation to "step creatively into the future" in their transportation systems (McCann, Kienitz and DeLille, 2000, p. 32).

<u>Oregon</u>

By contrast, Oregon's efforts to enact and implement state land use legislation in the 1970s were more successful. The problems of the Willamette Valley of the time were similar to the problems of the Front Range - uncontrolled urban development gobbling up rural farmland. In the 1960s, farmland in the valley declined by 34 percent (DeGrove, 1984). The general attitude among residents was that "...Portland will ultimately merge with Salem, and Salem with Eugene to make one continuous conurbation, a nightmare of tract houses, clogged highways, factories, and commercial strips" (Little, 1974, p. 13).

In Oregon, two prominent policy entrepreneurs shared these concerns, and emerged to champion new statewide land use laws. One, Republican Governor Tom McCall, posed the problem and the challenges in a 1973 address to the Oregon state legislature:

> There is a shameless threat to our environment. . .and to the whole quality of life- sagebrush subdivisions, coastal 'condomania' and the ravenous rampage of suburbia in the Willamette Valley. . We are in dire need of a state land use policy, new subdivision laws, and new standards for planning and zoning by cities and counties (quoted in Little, 1974, p. 7).

Also instrumental in getting state land use law passed was Hector Macpherson, elected to the state legislature in 1971. Macpherson was a farmer and a local government official with experience in the planning field who had become increasingly concerned that something had to be done in Oregon to protect the state's prime agricultural land. However, his vision was not limited to protecting only agricultural land, but went beyond that to protecting the state's land in all its aspects (DeGrove, 1984).

In October 1973, SB 100 was passed by the Oregon legislature. This land use bill authorized the establishment of a Land Conservation and Development Commission, comprised of seven members appointed by the Governor and confirmed by the Senate. The law was characterized as more of a 'state-local partnership' than a 'state-dominated system'. With passage of this law, Oregon began its attempts to comprehensively deal with the problems of congestion and air quality by specifically linking them to a land use component.

Framework and Parameters for Analysis

The Oregon example provides a good case study in policy change to compare with Colorado. The issues then were largely the same as those found in Colorado today. In both states, the period for analysis will be 1970-2000. This will provide some background on conditions and attitudes prior to their respective attempts at passing land use legislation in the early 1970s. The study area in Colorado will be the Front Range corridor that runs along I-25, bounded on the West by Highway 287 and on the East by US-85, and running from the Colorado-Wyoming border to the Colorado-New Mexico border. In Oregon, the Willamette Valley is the region of study. It lies between the coastal region on the west and the Cascade Mountain Range in the east, along the north-south corridor of Interstate 5 between Washington and California. We begin with Oregon and the politics of the passage of SB 100 in 1973.

CHAPTER 3

OREGON: LESSONS IN CHANGE AND POLICY TURBULENCE

Introduction

Oregon of the late 1960s and early 1970s was beset with the problems of rapid growth and development. Homes and businesses were springing up everywhere and the Willamette River had become a dumping ground for much of the effluent waste of the pulp and paper industry. As the state's attention turned to growth and what to do about it, it was but one of many others during that era grappling with these issues against the backdrop of a national environmental movement sweeping the nation. During this time, many states enacted land use reforms. Yet, Oregon's are considered the most sweeping in their implications and impacts in the decades that followed. For this reason, it provides a good case study to use as we search for policy change and its attending dynamics, the focus of this research.

Policy Image and Policy Change – The Politics of Growth Before 1973

The Hatfield Administration – In Pursuit of Economic Development

Oregon's official state policies of the late 1950s and early 1960s reflects the dynamics of the policy monopoly as described by Baumgartner and Jones (1993) and outlined in the hybrid policy change model used here. During these decades, the state actively pursued growth and development as an economic 'good', as evidenced by the policies of the Mark Hatfield administration.

Hatfield was elected Governor in 1958, promising to make Oregon's economy and a diversified job base his highest priority. However, he also inherited the twin problems of a Willamette River considered one of the most polluted in the nation, and prime farmland that was disappearing at an alarming rate. Even so, his administration often seemed reluctant to force industry compliance with wastewater discharge standards, as reflected in the comments of one long-time state official of the Sanitary Authority, B.A. "Barney" McPhillips, a former authority member who has been quoted as saying of Gov. Hatfield, ". .he never showed all that much interest in what we were doing" (Walth, 1998, p. 160). Governor Hatfield's budgets for the Authority seemed to confirm this assertion. His administration provided only $2,000 per year for its ten scientists to fight legal battles against polluters (Walth, 1998).

Attempts to manage growth at the local level were rebuffed as well. Although some counties tried to grapple with growth problems by passing zoning and land use regulations, the result was usually recall of the elected officials by the voters, or an outright repeal of the regulations by the electorate (Penhollow, 2001). This is not that unusual, given that local government officials are often subjected to more pressure from citizens and businesses that stand to lose control of uses on private property. It is often one of the reasons cited by those who advocate state standards for local land use and zoning, thus removing the option for local officials to act unilaterally. This tendency of local governments to be more susceptible to "capture" by dominant business and private interests has also been well-documented by scholars (Baumgartner and Jones, 1993; Stone, 1980). Additionally, pressures for new sources of revenue can greatly influence the decision making of local officials. As Walth writes, "Local officials could not resist the lure of short-term jobs that followed new homes and shopping malls. Even well-intentioned local governments in the 1950s and 1960s often felt pressured for development for which they were ill-prepared" (1998, p. 243).

By the early 1970s, the impacts of two decades of development and immigration could no longer be ignored. The state Health Division found 34 instances of raw sewage flowing from coastal towns onto ocean beaches (Little, 1974). Growth was occurring at such a rapid pace that communities could not build facilities fast enough to handle it. Of even greater concern was the rampant loss of farmland and open space in the Willamette Valley, which had declined by some 34 percent during the 1960s (DeGrove, 1984).

In 1962, soon-to-be-governor Tom McCall, then a news reporter for KGW-TV in Portland, produced and aired a documentary called "Pollution in Paradise" which detailed the negative environmental impacts of immigration and industrial pollution on the state's fragile resources. The documentary pointed to the pulp and paper industry as the worst polluters. They were also Oregon's largest industry. He referred to their effluent waste as ". . .an oxygen-gulping, slime-making scourge." (Walth, 1998, p. 145). At the time, Oregon also had the nation's highest hepatitis rate, which state health officials linked to the polluted Willamette River (Walth, 1998).

In addition to the beaches and Willamette Valley, eastern Oregon was experiencing development problems. In 1972, Oregon's Department of Revenue reported that 160,000 acres of the state's dry rangeland deserts and plains lying east of the Cascade Mountain range had been subdivided into some 43,000 lots (DeGrove, 1984). Many of these developments were get-rich-quick schemes that falsely promised abundant water and access to the potential buyer where none existed (Walth, 1998).

There were signs of a growing awareness among state and local officials, the media, and the public that growth was causing problems. Yet, with a state administration more concerned with economic development, and lack of coordination among local governments trying to exert some control, changes in policy output seemed unlikely. All the indicators point to a clear policy monopoly in Oregon at the time. Furthermore, this arrangement was successful at producing favorable policy outputs, which had strong political support (Baumgartner and Jones, 1993; True, Jones and Baumgartner, 1999). Residents in the Willamette Valley, confronted daily with these various problems knew that "something" needed to change. Yet, no one had emerged who could successfully articulate this growing unease into a problem statement with potential solutions. This changed when Tom McCall was elected governor in 1966.

Growing Concerns and Policy Entrepreneurs – Rattling the Status Quo

Although McCall had been a life-long member of the Republican Party, he was not welcomed with open arms by his fellow party members. Many of the party leaders felt he was a loose cannon, too liberal and too unfamiliar with business concerns. Many business leaders viewed him as a threat, pointing to his documentary, "Pollution in Paradise" which had spared nothing in its criticism of the powerful timber industry (Walth, 1998). McCall was a Republican in the conservationist tradition of Theodore Roosevelt, campaigning on the themes of "livability" and conserving Oregon's environmental resources so they could be used to enhance the quality of life for all Oregonians, as well as provide a sustainable economic base. He felt that economic development and environmentalism were not mutually exclusive, believing that both could be had, if ". . we don't get too greedy and lock it all up, don't get greedy and lose it all" (McCall, quoted in Little, 1974, p. 35). Thus, he promised both economic growth and protection of Oregon's land, water and air. This was a far different characterization of the image of growth of the Hatfield administration. McCall became a very visible and vocal symbol who deliberately set about the task of re-shaping growth's image in terms of its implications for Oregon's long-term sustainability. He was elected governor in 1966, campaigning on the themes of "livability" for Oregonians, and handily re-elected in 1970. Now he had the platform as governor from which to pursue his cause, and he set about in earnest articulating to the public his vision for Oregon's future.

The Battle for the Beaches – Drawing a Line in the Sand

As Governor, McCall's early environmental battles centered on a flurry of legislative proposals that became known as the "B" bills. In 1971, the legislature passed the Bottle Bill, which mandated a minimum deposit on beverage containers, and banned containers using pull-tabs, and a bicycle law that mandated a one percent set aside of highway revenues to be used for bike paths. In 1969, the state issued bonds for pollution abatement measures. These legislative victories were hard fought as evidenced by the fact that the bottle bill failed the first time it was introduced in the legislature. The battle over ownership of the beaches highlights McCall's skill as a policy entrepreneur, and set the stage for the tone of his administration.

In 1967, state policymakers discovered that Oregon's beaches were not as protected as they had thought. For over 50 years, Oregonians had enjoyed unrestricted public access to their beaches. This was due to former Democratic Governor Oswald West, who, back in 1913, had come up with a plan to keep the Oregon coastline free from development. He feared that Oregon's pristine 320-mile coastline would fall prey to the same type of development and speculation he had witnessed in California and New Jersey. Constantly at loggerheads with a Republican-controlled legislature, he knew any bill that proposed keeping the beaches as public lands would be dead on arrival. He also worried that approaching the issue openly would set off a spree of private speculation of the beach lands. Therefore, he came up with the following idea:

> I drafted a simple short bill declaring the seashore from the Washington line to the California line a public highway. I pointed out that thus we would come into miles and miles of highway without cost to the taxpayer (West, quoted in Walth, 1998, p. 186).

Over time, the notion of using the shoreline as a highway was forgotten, and the beaches became ingrained in Oregon's mystique as public property (Walth, 1998). Without warning, this tradition of public access was violated in 1967 when a private hotel operator fenced off the beach at the high-tide line, declaring it private use for his customers only. Concerned, the highway department scoured the West bill and found a technicality that indeed allowed the hotel owner to do this. Up until now, everyone thought the state owned the beach land to the line of vegetation, yet the language in the bill actually only granted ownership to the high water line (Walth, 1998).

Highway department officials attempted to remedy this by introducing House Bill 1601in the 1967 legislature. Thought to be a non-controversial technical adjustment, opponents of the bill soon found out about it and voiced their vehement opposition. They were mainly private-property rights advocates, some of whom were planning beachside developments that would be endangered should the bill pass. Meanwhile, a reporter for the Capitol press corps got the story, and began covering it in the newspaper. (Walth, 1998).

At this point McCall, already watching the battle, got personally involved. The newspapers published his speeches and comments on the issue, which alerted the public. They in turn began calling and writing letters to the legislature, jamming the capitol switchboard and flooding the mailroom with correspondence (Walth,1998). House Speaker, F.F. "Monte" Montgomery was outraged, and stormed McCall's office, demanding to know why he had taken his case to the media without talking to him first. Montgomery recalls that McCall calmly said, "If you don't give me this bill I will go straight to the press and the people" (McCall, quoted in Walth, 1998, p. 189). Montgomery later said, "I learned then that his power over the press and the public ran deeper than I thought" (Montgomery, quoted in Walth, 1998, p. 189).

McCall kept up the media pressure and the Republican-controlled House ignored his threats, attempting to outlast the enormous daily outpouring of public calls and letters. Finally, one bright, clear day in May, he flew in a helicopter to the beach and leaped out with flourish, newspaper and television reporters in tow. Surveyors followed him out and began pounding stakes and marking the sand where public ownership should go – not to the high water mark, but to the line of vegetation. The next day, Oregonians awoke to a Sunday paper with front-page pictures of their governor literally drawing a line in the sands of the beach for public ownership. It was a powerful image, deliberately orchestrated by the media-savvy McCall. Shortly thereafter, the bill was reported out of committee to the full House, which passed it fifty-seven to three. McCall signed it into law on July 6, 1967 (Walth, 1998).

McCall as Policy Entrepreneur

This is but one of many examples of McCall's skill with rhetoric and media manipulation. It was a common tactic with him when the legislature balked. It illustrates the power of the media in setting the political agenda and the equal importance of the policy entrepreneur at knowing just the right tone and symbolism to project to the publics he/she is trying to reach. This commanding use of rhetoric is one of the most important strategies of the policy entrepreneur (Schneider, Teske and Mintrom, 1995).

McCall also meets the other criteria for policy entrepreneurship as outlined in the hybrid policy model. He was skilled at identifying problems, building coalitions, shaping the terms of the policy debate, defining the issues and networking in policy circles. He was gifted at rhetoric, coordination and manipulation, which he effectively used to "...change the preferences of political actors and tap the "latent demand" that others do not even sense" (Schneider, Teske and Mintrom, 1995).

The policy entrepreneur must also understand the nature of the publics he/she is trying to reach. McCall knew that the tradition of public access to Oregon's coast was deeply rooted in the public's mind. This knowledge gave him the power to persuade a recalcitrant legislature to do his bidding, by bringing pressure to bear from a public mobilized by the media. His background in television reporting had honed his skills in public communication and rhetoric. These attributes, combined with his ascendancy to the Governor's office, gave him the tools to use as a policy entrepreneur when trying to push his vision of Oregon's future. He would use these same strategies in the coming battle over state land use regulation, where he would be joined by others with their own special complementary skills in entrepreneurship.

SB 10 – Rumblings of Turbulence and A Preview of Coming Attractions

Baumgartner and Jones (1993) predict that turbulence in a policy monopoly precedes major change in policy output. Often, the seeds of turbulence are sown by changes in external system events that set off a chain reaction in the public policy arena (Sabatier and Jenkins-Smith, 1999). Among these external system events is a change in the systemic governing coalition, which took place when Tom McCall was elected governor. He then used rhetoric and skillful media manipulation to focus public attention on the negative aspects of growth. In 1969, the first attempts were made to codify a change in Oregon's growth policy with the passage of Senate Bill 10.

Early Efforts to Legislate Change

The Oregon legislature convenes every other year. During the interim year between sessions, various committees often examine and craft legislation for consideration during the regular session. McCall worked with the Interim Committee on Agriculture for a year to develop a package of legislation for consideration in the 1969 legislative session. Of the four bills developed, the most prominent was Senate Bill 10. SB 10 contained a set of nine land-use goals crafted to protect prime farmland, and channel growth toward those areas where there was already growth, which could be easily serviced with water and sewer (Walth, 1998). Local governments were required to develop comprehensive growth plans within two years, or risk having the state step in and take over the process. The bill passed, but without clearly defined standards for evaluating the plans, with no designated political body responsible for coordinating plans between contiguous localities, and with no monies for local governments to offset the costs associated with developing comprehensive plans (Little, 1974). "The stick was there, but not the carrot" (Little, 1974, p. 10).

Even in this milder form, the legislation was opposed by the timber industry, led by Georgia-Pacific, and by other industry lobbying groups, under the umbrella of Associated Oregon Industries, all of whom disliked the perceived governmental intrusion (Walth, 1998). Local cities and counties also opposed the bill, wanting to retain local control over land use planning. Other individuals came forth during the legislative hearings and accused the state of entering into a Soviet land use planning style (Walth, 1998).

It was a hard sell to the public as well – they had difficulty grasping the complexities of zoning and land use and it was hard to make the issue exciting enough to grab their attention. Public support was not as easy to get as it was for things like the "B" bills, most of which didn't impose on the public in an onerous way. Land use planning was different – here, the stakes were personal, and struck at the heart of the cherished American right of private property. This legislation had clear winners and losers and, not surprisingly, those who stood to lose unencumbered use of their private property fought the hardest. After the bill was passed and signed into law by McCall, a group of conservative activists launched a recall drive against him (Walth, 1998). The drive failed miserably, with only 5,000 signatures out of the 146,000 that would be needed to put the measure to a vote (Walth, 1998). Yet, this was a harbinger of the public opposition that would resurface in 1973, and continue to dog state land use planning for much of the next 30 years.

Senate Bill 100 – Land-Use Planning, Part Two

Four years after the passage of SB 10, little had changed. Even though the law required all 277 local governments to complete their zoning plans within two years, the 1971 deadline had come and gone, with few having complied. Local officials complained that the law was too vague, and that promised state funds to help offset the costs had never materialized (Walth, 1998). In the meantime, rapid development continued, most of it centered in the Willamette Valley, which lost an additional 15,000 acres of farmland in the ensuing years (Walth, 1998).

This supports the early generation of top-down implementation theorists who suggested that a lack of funding for policy implementation could undermine implementation according to the framers' intent (Sabatier and Mazmanian, 1980; Van Meter and Van

Horn, 1975) and the contention of Ingram and Schneider (1990) who suggest that weak local support can undermine statutes that aren't clearly defined in terms of their goals and policy.

Soon, other players began joining the land use fight. One who would be key in the legislative battles was Hector Macpherson, who is widely considered the father of land-use planning in Oregon. Macpherson was a dairy farmer from rural Linn County, near Corvallis. For years, he had observed the development crowding his farm (Walth, 1998). In 1963, he founded a county planning commission, one of the few in the state. He was an eloquent proponent of state land use planning:

> Visualize the alternative, a valley where neighbor encroaches upon neighbor, a land unproductive agriculturally where hunger and want must surely follow, a land defiled and unsightly, a monument to man's greed and shortsightedness (Macpherson, quoted in Walth, 1998, p. 353).

And there were others who played key roles as well. Macpherson credits a little-known extension agent from Oregon State University, Ted Sidor, with providing the spark for later development of the Oregon state planning system. Sidor was a passionate supporter of land use planning and zoning. Although based in Union County, which was largely rural, he nonetheless set about convincing the county commissioners that coordinated land use planning was absolutely necessary. He developed a slide show that he showed everywhere, pointing the finger at sprawl as the enemy. He convinced the county commissioners to appoint a planning commission, and ended up heading and staffing it himself. In 1964, Union County became the first county in Oregon to be zoned completely (Abbott and Howe, 1993).

Shortly after this, Sidor was transferred to Corvallis to become an extension development specialist. His job was to travel around, trying to sell the concept of land use planning and zoning in other places. In this capacity, he ended up in McPherson's office while McPherson was chairman of the Linn County Planning Commission. The two men developed a bond of mutual interest that solidified when they met again in 1967 at a conference sponsored by the Willamette Valley Chamber of Commerce to discuss the role of land use in the Willamette Valley. McPherson refers to this conference as "the pebble thrown in the pool that started an awful lot of things happening" (Abbott and Howe, 1993).

And, things did begin to happen. Macpherson ran for, and won, a seat in the state Senate in 1970, where he found a cool reception for his interest in state land use planning. The senate president at the time, John Burns, initially refused Macpherson's request to draft a land use bill during the interim session. Macpherson persisted, threatening to go over Burns' head and do it on his own. Burns finally allowed him to oversee an interim land-use study, but without any staff or financial resources. Macpherson characterizes their conversation as "very unpleasant" (Abbott and Howe, 1993, p. 12).

Absent staff and resources, Macpherson turned to the governor's office and found a sympathetic ear in Robert Logan, head of Governor McCall's Local Government Relations Division of the state Executive Department. Working with Logan and others in the Governor's office, Macpherson set up a "Land Use Policy Action Group," comprised of volunteers drawn from the ranks of local government planners, economists, agriculture specialists, businessmen and environmentalists (Little, 1974). Macpherson assigned half the committee to study the issues of statewide land-use planning, and the other half to examine the issue of protection of rural land. Logan provided staff to help, and Oregon State University's extension service provided professional assistance. Both committees took hours of testimony and studied land use issues from other states. By 1972, they had formed the core of the ideas that would later emerge in SB 100 (Little, 1974).

Given his previous experience with SB 10, Governor McCall understood the tremendous controversy this legislation would generate, and in 1972, his office launched a public relations campaign centered on land-use concerns (Walth, 1998). Meanwhile, Macpherson's task force was designing the legislation that would later become SB 100. During this same period, the Willamette Valley Futures study was completed. This study had been commissioned to examine growth patterns in the valley. Among its findings were projections of two different scenarios for growth – one without land-use planning and the other with land-use planning. The one without portrayed "...a valley clogged with traffic, stripped of farmland and hemmed in by housing tracts" (Walth, 1998, p. 355). The one with land-use planning showed "Land ...set aside for development, other land stood free for forestry and farming, and highways and mass transit worked together" (Walth, 1998, p. 355). From the study, a presentation was developed to graphically show these contrasting futures, and was trotted out to 275 civic groups and town hall meetings around the state (Walth, 1998). Meanwhile, Governor McCall himself launched a tour of public speeches in support of the concept. He emphasized the need to conserve the state's resources for future use and to channel growth and business in an orderly fashion, rather than letting it occur just anywhere. Typical of his rhetoric is the following:

> The phrase "land-use planning" is well understood by speculators, and that's why they don't want any of it. There are those who want our money so badly they will break the spirit of our laws...Their interest is

> in their pocketbook and they intend to rule by misdirection. They have rewritten the Golden Rule to say that he who has the gold makes the rules . . .Oregon should not be a haven to the buffalo hunter mentality . . .We must stop those so interested in money they rape the land and worship the dollar (McCall, quoted in Walth, 1998, p. 356).

By the time the legislature convened in 1973, these efforts had generated a lot of public support for the concept of state land-use planning (Walth, 1998).

The Legislature Balks

Even so, the legislature was hostile. Macpherson found few willing to sign on to SB 100, which became known as the 'Macpherson Bill'. It differed from the old SB 10 in a number of ways that sought to correct the perceived shortcomings of the earlier legislation. Gone was the rather loose approach to planning. SB 100 called for the establishment of 14 planning districts that would coordinate and oversee the regional planning processes. In this manner, contiguous and overlapping areas of concern could have uniform planning across the region. Areas of "state significance" would be identified and the state would have absolute control over land use in those regions. Oversight would be provided by a state Department of Land Conservation and Development, together with a citizen board, appointed by the Governor, called the Land Conservation and Development Commission. In the legislature, the Joint Legislative Committee on Land Use would be established to provide oversight for the program (Little, 1974).

Macpherson, a Republican, found his chief ally in Ted Hallock, a Democratic senator from Portland. Hallock was a strong proponent of land use planning, and agreed to take up SB 100 in his Senate Environment and Land Use Committee (Walth, 1998). However, the Senate President at the time, Jason Boe, was a conservative Democrat who hated the idea. He named Mike Thorne, Jack Ripper, Victor Atiyeh, John Burns, George Wingard, Hector Macpherson and Ted Hallock to the committee to consider the bill. According to Hallock, this was a deliberate move to ensure the legislation never got out of committee (Abbott and Howe, 1993).

The members of the committee had varied backgrounds. Mike Thorne was a rural legislator from Pendleton, in Northeastern Oregon, home of lumberjack shirts and the famed Pendleton Roundup (Little, 1974). The strongest opposition to state land use planning had typically come from these rural communities in the outlying areas. It was expected he would oppose the bill, and he did. John Burns was the 1971 Senate President who had denied McPherson's request for an interim committee and staff to write the bill. He was an attorney and Portland Democrat, strongly supportive of economic development in the state (Little, 1974). He also opposed the bill. Victor Atiyeh was a solid conservative Republican businessman, and was an assumed 'no' vote. Jack Ripper represented a coastal area strongly suspicious of state-level intrusion, so his support was doubtful. This left Macpherson, Hallock, and George Wingard, a builder from Eugene, to support the bill. Burns was viewed as someone who might eventually be persuaded, and Jack Ripper was considered the swing vote that had to be convinced (Abbott and Howe, 1993; Little, 1974).

Numerous hearings were held, always to a packed audience. Environmentalists and some concerned farming groups were supportive, while they faced the formidable opposition of lumber giants like Georgia-Pacific and Weyerhaeuser; the private utilities, such as Portland General Electric and Pacific Power & Light; the Oregon Home Builders

Association; and Associated Oregon Industries (Walth, 1998). Cities and counties opposed the bill's provision for regional planning districts, fearing the loss of local control. Rural landowners rallied, and formed the Oregon Rural Landowners Association to fight the bill.

Most opposition to the legislation was focused on two key provisions in the bill. One was the mandatory formation of the 14 planning districts, which would serve as Councils of Government (COGs). This raised the specter of a third layer of government comprised of unelected officials making decisions with huge impacts on local governments. Also problematic was the provision to establish state authority over "areas of state concern." For example, this provision would have brought all land within a half-mile of freeway interchanges under state control. Local leaders were quick to denounce this, fearing the loss of control over prime commercial development along the highway corridor. These two provisions alone had generated so much opposition that it seemed the bill was doomed.

SB 100 languished in committee, almost dead, in spite of a renewed public relations effort by McCall to rally public support. It was a particularly tough sell. The bill was controversial, sweeping in its reforms, and hard to understand. In addition, it was opposed by some of the most powerful political and economic forces in the state. Some legislators suggested that it be tabled for two years, until the next legislative session. But Governor McCall, facing term-limited retirement, didn't want it to wait. And, Sen. Hallock, refusing to give up, set up a special committee to write a compromise bill.

L.B. Day was appointed to run this special committee. In his early career, Day had worked for the Teamsters, and became known for his honesty and unwavering opposition to what was perceived at the time as the crooked leadership of the Teamsters. He rose from union organizer to secretary-treasurer of the local (Walth, 1998). He went on to serve six years in the Oregon House, converting from Democrat to Republican in mid-stream. Known for his honesty and integrity, he was also known for his fiery temper, and blunt rhetoric. One observer characterized him as a "bully" who would often berate witnesses who came to testify at committee hearings (Walth, 1998). Eventually, McCall appointed him to head the state Department of Environmental Quality, and "ordered him to exert his will over the state's polluters" (Walth, 1998, p. 326). In this capacity, Day went head-to-head with the Boise Cascade Corporation, ordering it shut down until it brought its waste discharges into compliance with state environmental laws (Walth, 1998). The business community hated him, and complained loudly to McCall, who never wavered in his support (Walth, 1998). Given his past history, combined with the need to hammer out a delicate compromise with many disparate and divided groups, including the business community, he seems a rather curious choice to head this committee.

Day boldly set up the membership of the committee with representatives from every group opposed to the bill, as well as its supporters. Members of the committee included Ward Armstrong, a Weyerhaeuser Company lobbyist; Fred Van Natta, an Oregon Home Builders Association lobbyist; Multnomah County Commissioner, Mel Gordon, representing the Association of Oregon Counties; Dean Brice, of Associated Oregon Industries; and Martin Davis of the Oregon Environmental Council (Oregonian, 14 February 1973). It is reported that the first thing Day did was close the door and chew out those on the committee that would put personal greed above the public good (Walth, 1998). Within ten days, this group had hammered out a compromise bill that looked as if it had a chance of being passed out of the Senate committee (Little, 1974).

The compromise bill that emerged was somewhat weaker than environmentalists and other supporters had wanted, but it still had substantial teeth. The hated provision to mandate the establishment of Councils of Governments was gone. In its place, the county governments had been designated as the lead planning agency at the local level. The cities were still opposed to this, and they never supported the bill, either in its earlier form, or in the revised form (DeGrove, 1984). The language designating areas of 'critical state concern' had been removed. In its place was a provision to allow the Land Conservation and Development Commission (LCDC) to propose these areas to the legislature as they emerged from the process of fleshing out the definitions of the "goals and guidelines" (Little, 1974, p. 19). The "activities of state concern" involving the siting of public facilities, remained although the siting of nuclear power plants was exempted from land-use decisions (Walth, 1998; Little, 1974). The backup plan to have the Governor take over if plans weren't completed in a timely manner was eliminated. In its place, the LCDC was inserted as the final enforcer (Little, 1974). And finally, an important element was added – a provision for active citizen involvement in developing the specifics of the guidelines and goals. Citizens would work closely with the counties, which would have 90 days in which to submit plans for citizen participation, including the appointment of citizen advisory committees to work with officials in preparing the comprehensive plans (Little, 1974).

The power companies dropped their opposition to the bill once the nuclear power plants were exempted from land use decisions. The Association of Oregon Counties dropped theirs once the COG provision was removed. Other powerful opposition fell by the wayside after the ad hoc committee hammered out the compromise bill. The strategy to include on the committee some of the bill's most powerful and outspoken opponents was described by DeGrove (1984) as "brilliant." He goes on to point out that it:

> . .had the remarkable advantage of committing some of the strongest lobbyists in Oregon to support land use legislation. Once representatives of the Oregon Association of Industries, Weyerhauser, and the Oregon State Homebuilders Association agreed to serve on the ad hoc committee, they were caught up in the process and subsequently stood by their own work to support the legislation in the fight for adoption" (DeGrove, 1984, p. 243).

The compromise bill was sent back to the full committee, and voted out to the full Senate for consideration by a vote of 6-1, with Sen. Burns casting the only dissenting vote. The bill passed the full Senate by a vote of 18-10. The only major challenge was an effort to remove the mandated goals and guidelines provisions, which was defeated. The House, at the urging of Sen. Hallock, passed the bill without changing a word. During an interview with Abbott and Howe in 1993, Ted Hallock refers to Representative Nancie Fadeley, of the House Environment Committee, as another unsung hero of SB 100. He says:

> I went over to Nancie Fadeley's house environment committee, and in an open meeting said, "Atiyeh's about ready to kill this bill on concurrence. And with the assistance of our friendly president, he'll succeed. They'll work something out, and they'll kill it. If you change one comma, or if the house changes one comma, we're sunk" (Quoted in Abbott and Howe, 1993, p. 15).

In the final tallies, it is interesting to note the positions of the various lobbying groups. The Association of Oregon Industries never liked the legislation, concerned that it placed too much power in state hands, and that it was being peddled as the solution to all the state's growth problems (DeGrove, 1984). In the end, they dropped their opposition to it because they didn't feel they could beat it. The Oregon State Homebuilders supported the legislation originally as a means of coping with the no-growth advocates up and down the Willamette Valley. The association was especially supportive of the mandates under the housing provisions of the act to provide public services to support needed development, and the development of an open planning process. By contrast, the Oregon Rural Landowners Association, formed during the bill's debate, never wavered in their opposition. Their arguments are alive and well today, echoed by groups like Oregonians in Action, who would during the ensuing decades, advocate repeal of SB 100 via initiative on an ongoing basis. Overall, the opposition forces to the bill diminished after the compromise bill was crafted, and those that remained were so outspoken, violent and extreme in their stand that they undermined their own effectiveness and the effectiveness of others (DeGrove, 1984).

Immediately after SB 100's passage, the Oregon Rural Landowners Association, working with the Taxpayer's Protective Association of Oregon, Inc, launched a petition drive to have the measure placed on the ballot, to allow voters to decide whether SB 100 should become law (Oregonian, 12 June 1973; 8 August 1973). Other opposition groups that participated in this effort were the Oregon State Grange, the Oregon Legislative and Research Committee and various county Zoning Adjustment Modification Organizations (ZAMOs) (Oregonian, 30 September 1973). They failed to obtain enough signatures to put the measure to a vote, and SB 100 became law.

The Legislature Speaks – How Policymakers Voted

In the end, how a legislator voted on SB 100 was more a function of geography than political party. In the Senate, the vote was 18-10, and in the House, 40-20. Little (1974) notes that the vote was more complex than the traditional rural/urban split. There was much stronger support for the legislation in both the rural and urban portions of the Willamette Valley than in either the urban or rural areas of the state's more remote areas. Of the 60 legislators from the Willamette Valley, 49 voted for SB 100, and only nine against. Of the 30 legislators from the other regions of the state, only nine voted in favor, while 21 voted against. The Willamette Valley is home to much of the state's prime farmland, and loss of farmland was one of the key issues driving the push for state land use standards. It was also the region of the state that contained most of the population, and was feeling the greatest negative impacts of rapid growth. The coastal regions, mountains, and the eastern part of the state depended on tourism and contained large tracts of rangeland and wheat farms. These folks were far from the concerns of the Willamette Valley, remote and often suspicious of government involvement in local affairs (Little, 1974).

Land Use Policy and the Dynamics of Change

It can be argued that government regulation of land use has the potential to be one of the most contentious issues in American politics. Indeed, the following comments by William Ruckelhaus, former administrator of the Environmental Protection Agency, deftly describe the heart of the problem when it comes to the politics of growth:

> The problem facing environmentalists concerned about land use is that government restrictions go against the American grain. Land use planning,.perhaps the most critical of the remaining environmental

issues. .will probably require the most fundamental changes in national habits and values. . . we prize our freedom in this country, and. . .nothing seems less compatible with the American 'credo' than telling a man what he can or cannot do with his land" (quoted in Zachary, 1978, p. 141).

It would seem, then, that changes in regulations governing land use would be nearly impossible to achieve. Even in a moralistic culture such as Oregon's,[5] classed as one concerned with developing a balance between community need and individual rights, the fight was long and bitter and the legislation came close to failing. Yet, the hybrid policy change model provided a useful framework and accurately predicted the dynamics crucial to fostering change. In particular, the model's emphasis on the policy entrepreneur as the primary facilitator of change was observed in the politics and passage of SB 100.

Issue Image and Entrepreneurs

Both interviewees and scholars point to Tom McCall and Hector McPherson as the two people most responsible for the passage of SB 100 (DeGrove, 1984; Little, 1974; Knaap and Nelson, 1992; Abbott, Howe and Adler, 1994). Both recognized the opportunity for change, pulled together all the disparate participants and convinced them to support the bill. Simultaneously, McCall articulated the issue to the general public in a manner they could understand. Together and individually, they are the embodiment of the entrepreneur of our model, crucial to identifying problems, defining issues, building coalitions, networking in policy circles and shaping the terms of the policy debate. They were aided in these strategies and activities by their unique personalities, ability to

[5] Elazar's (1972) typology of political culture includes three large categories – moralistic, individualistic, and traditionalistic. These refer to the ways in which citizens think about their government and the manner in which the political system operates. In the moralistic culture, the aim of politics is to further the common good. Active citizen participation is expected and encouraged.

recognize and tap into the perceived demand, and their skill at articulating their vision into a policy that others would support.

Policy entrepreneurs are also leaders, and in the lexicon of leadership, there must always be reasons why others will want to follow. As leaders, they must have a legitimate claim to be heard, either because they are experts, they head powerful interest groups, or hold elected office (Kingdon, 1984). They are often known for their political connections or negotiating skill, and are persistent and tenacious in their attempts to enact a public policy vision (Kingdon, 1984). They must be able to "achieve by emotional appeals what appeals to narrow self-interest cannot" (Wilson, 1992, p. 617). The policy entrepreneur of Schneider, Teske, and Mintrom (1995) reflects the leadership traits articulated by this earlier group of scholars and studies. There is no doubt that McCall and Macpherson were formidable, each bringing their own style, political skills, and command of influence to the process of facilitating this difficult policy change.

Tom McCall

Tom McCall's position as governor gave him a platform that automatically commanded the attention of the media, the legislature, and the public. He has been described as charismatic, media-savvy, and eloquent, as his speeches indicate (Little, 1974; Walth, 1998). His years as a reporter in television news helped him develop his rhetorical style and build relationships with his media colleagues. His successes with the "B" bills proved his capability at persuading the public, the legislature, and some interest groups to do his bidding by skillfully using rhetoric and symbolism. The trip to the beach during the fight over the beach bill is the best example of this. Here, he deliberately orchestrated a symbolic media event to implant a powerful image in the publics' mind of himself as the dogged defender of their rights to a free and open beach against a reluctant legislature more concerned with appeasing powerful economic interests.

His opening speech to the Oregon legislature in 1973 further demonstrates this ability to evoke powerful images through the use of rhetoric. He makes reference to the "grasping wastrels of the land" and the "ravenous rampage of suburbia" which threaten the "quality of life" for all Oregonians. This draws the policy battle lines in a clear "us" vs. "them", with "them" as anyone opposed to his vision, labeling them more interested in short-term greed than the quality of life for all Oregonians. From the beginning, he set the terms of the debate, portraying all who would oppose him as selfish and greedy.

Yet, images don't just change overnight, no matter how skilled the entrepreneur is at using rhetoric and symbolism. Instead, the policy entrepreneur, like the business entrepreneur, knows when the time is right to push for innovation (Schneider, Teske and Mintrom, 1995). The seeds for change were being planted in the Willamette Valley for at least a decade prior to SB 100. The highly visible polluted Willamette River and the equally visible subdivisions resulting from the influx of new residents created a general sense that a problem existed. Policy outputs during this era reflected a growing awareness among legislators that something needed to be done. However, these changes proved inadequate in their attempts to slow the leapfrog development occurring around the larger cities in the Willamette Valley. Still, the legislature seemed unwilling to go so far as to grant the state an oversight role in what had traditionally been considered the responsibility of local governments.

Tom McCall was astute enough to recognize that the people wanted something done about the growth issue, they just weren't certain what. He was able to articulate a vision that brought clarity and definition to their unease and dissatisfaction with current policy. The presentation of two visions for the Willamette Valley, one good and one bad reflect his sense of timing and skill at crafting the issue image. This approach ". .proved uniquely provocative in raising the environmental consciousness of those the program reached"(Leonard, 1983, p. 8). The report did not resort to environmental scare tactics, predicting dire consequences without land use reform, but instead objectively laid out what the impact of present trends would be by the year 2002 (Leonard. 1983). It had the immediate effect of ". . generating widespread Valley support for statewide land use planning legislation" (Logan, quoted in Leonard, 1983, p. 8). This visual depiction of the problem, combined with his numerous speeches around the state, defined and shaped the issue image. In turn, he was able, with the help of others, to lead the way in transforming the political debate and the subsequent policy arrangements, one of the key functions of the entrepreneur in facilitating policy change through public perceptions of issues (Schneider, Teske and Mintrom, 1995).

Hector Macpherson

Policy entrepreneurs are motivated by a number of potential political rewards – power, prestige, the ability to influence policy, or community service (Schneider, Teske and Mintrom, 1995). Macpherson does not deny that his involvement in this issue was primarily motivated by his concern for the perceived threats to his livelihood as a dairy farmer. He states that he was ". . . terribly concerned with what was happening around me, because of the houses moving in around me out there" (quoted in Abbott and Howe, 1993, p. 10).

When first elected to the legislature, he recognized that his status as a freshman senator did not give him much political influence, and he immediately set about enlisting those with clout to come to his aid. In addition, Macpherson himself was a powerful symbol of "everyman", the farmer trying to preserve his land from encroachment by developers and unchanneled growth. This resonated well with the public, who understood farming and what loss of farmland entailed.

Macpherson's role as legislator allowed him to broker and build the necessary coalitions to accomplish his goal. He was also eloquent. His references to unregulated growth creating 'hunger' and 'want', and leaving land 'defiled' and 'unsightly' for reasons of 'greed' and 'shortsightedness' demonstrated his skill at employing rhetoric to shape the image of growth in the publics' mind, even though he did not command as wide a public audience as McCall. Last, but not least, he had experience and expertise in land use law, derived from his former position as head of one of the few planning commissions in the state. These qualities made him an excellent legislative complement to McCall.

Policy Advocates and Policy Change

Ted Sidor and L.B. Day

Both these men played lesser roles in promoting policy change, but both were essential. Macpherson credits Ted Sidor as being the one who brought the issue of land use planning to his attention. Sidor's job as a county extension agent gave him a reason to be knocking on Macpherson's door. In turn, Macpherson listened to him because he was an expert in land use planning by education and experience as head of the Union County Planning commission (Macpherson, in Abbott and Howe, 1993). This, combined with his quiet passion for coordinated land use planning caught Macpherson's attention, setting in motion the chain of events which eventually led to passage of SB100 (Abbott and Howe, 1993). It also highlights the oft-forgotten fact that flamboyance and command of the political stage are not the only means of influencing the arena of policy change.

L.B. Day played the crucial role of broker and dealer to produce a compromise bill that could be passed. His reputation for honesty, forthrightness, and his experience with the Teamsters and as head of a state agency, garnered him the deference to at least be heard, even by the opposition. His political instinct told him that success was more likely if he could co-opt the opposition by convincing them to become stakeholders in the process and final product. He was not afraid of the tough battles, and was able to get down into the political trenches in a manner that McCall and Macpherson were not.

<u>Summary</u>

Macpherson and McCall brought a combined skill set of rhetoric, organization, expertise, and good political instincts to this issue. Together, they embody the entrepreneurial attributes discussed by Schneider, Teske and Mintrom (1995). Sidor and Day played lesser roles, and are more akin to the policy advocate (Mintrom and Vergari, 1996). The hybrid policy change model, which elevates the policy entrepreneur to a prominent role in facilitating change, accurately reflects the dynamics of the politics surrounding the passage of SB 100. The seminal studies of the bill's passage (Little, 1974; DeGrove, 1984; Leonard, 1983) all credit Tom McCall and Hector Macpherson as the two men who were the *most* responsible for pushing this issue until it became law. Every person interviewed for this research also named them as the key actors in this drama. Given this, it is safe to conclude that, at least in the case of land use law in Oregon, the policy entrepreneur was the crucial ingredient necessary for change.

The Interaction of Subsystems and Venues

The model suggests that the entrepreneur will characterize the issue in a manner that alters public perceptions of policy, from positive to negative. This in turn will change the dynamics of the relationships among the participants in the current subsystem. New participants and alignments will then force changes in venue, leading to shifts in policy outputs. The politics surrounding land use law in Oregon support this dynamic sequence and reinforce the expected prominence of the role of the policy entrepreneur. In Oregon at the time (and most states today), the politics of land use decisions was primarily a local concern. Along came McCall, who made land use a concern for all Oregonians by presenting it as an environmental and economic issue that affected the quality of life of everyone in the state. He convinced the various publics that this issue was too sweeping in its impact to be left to local decision makers, who were often susceptible to the pressures of local economic interests. McCall made this issue a state concern, and as he did so, the dynamics and nature of the players and image shifted as well. No longer confined to the local arena of individual interest groups and business interests, statewide groups and organizations became involved, along with state legislators and state policy officials.

Shifting the venue from the local level to the state proved to be a significant piece of the political dynamic. It brought in new interest groups, mobilized citizens, and galvanized the large economic organizations to become actively involved. Once the relatively low-key consensual local-level subsystem surrounding these politics reached this wider venue, turbulence marked by conflict and increased participation became its characteristics, as suggested by the model of Baumgartner and Jones (1993).

The earlier attempts and failures of local governments to facilitate and enact land use reform at the local level further emphasizes this point. The structure of bias of group influence at this local level was such that groups and irate citizens could successfully stymie attempts at change, quietly operating below the radar of state scrutiny and media attention. The politics of the land use subsystem at the local level more closely resembled "mutual noninterference" (Bachrach and Baratz, 1962). As the issue rose in prominence on the state institutional agenda, the previous groups and participants in land use politics found it harder and harder to control the process and hang onto their policy monopoly (Schattschneider, 1975).

So, What Next?

Oregon remains today one of only a handful of states that have passed substantive state land use legislation. As such, it offers an opportunity to consider the dynamics of the subsystem as it has evolved over the last 30 years. Questions for consideration include, Were the policy entrepreneurs involved in passage of the bill also active in oversight of the bill's implementation? Who are the various members of the subsystem now, and what is their relative position of power and influence? How long did it take before the new subsystem found equilibrium? This latter is a particularly interesting question. Baumgartner and Jones (1993) predict that turbulence in a policy subsystem will subside as new participant relationships realign and the new policy becomes part of the established institutional arrangement. What they don't specifically address are the dynamics that can occur after policy change of this magnitude and how that can effect the length of time before the "settling in" process results in a new, stable policy monopoly. This implies that the politics eventually becomes less controversial and stability in the policy arena will follow.

Change and Turbulence: The Nine Lives of SB 100

The ensuing political dynamics surrounding the implementation of SB 100 can be grouped into three distinct periods. The first dozen years after the bill was passed can be labeled the "acknowledgement" period. From 1974 until 1986, local governments were developing comprehensive plans and submitting them to the LCDC for review and "acknowledgement" of their conformity with state goals and guidelines. During this time, the subsystem of the land use policy arena was marked by turbulence, as goals were defined via court decisions, administrative rulings and legislative tinkering. Additionally, opposition from rural landowners continued unabated, and they challenged the law several times via statewide ballot initiative, which always failed. They were joined periodically in this quest by some of the interest groups that had only given half-hearted support to the original legislation.

The second period of implementation spans the years from 1986 to approximately the late 1990s, during which time SB 100's goals were institutionalized in Oregon government. There was a quieting of the organized opposition to the law and the land use planning system seemed to be settling into all the characteristics of a policy monopoly. The third phase, marked by resurgence of the opposition, began in the late 1990s and continues to present day. Opposition to the law from property rights proponents, combined with a growing citizen backlash against the perceived inflexibility of the DLCD and LCDC threatens to undermine the viability of the land planning system. What follows is a narrative and analysis of some of the key issues and problems that have surrounded the implementation of SB 100 since its passage. Perhaps some lessons can be learned from Oregon, and provide guidance to those states that might be considering similar legislation either now, or in the future.

1973-1986 – The Period of Acknowledgement

In 1986, more than ten years after the 14 planning goals became effective on January 1, 1975, the last local plan was acknowledged. In the interim, SB 100 survived numerous political challenges and a major state recession. That the turbulence continued so long after SB 100 was passed may have been partially due to the nature of the legislation itself. The ambiguity in SB 100 probably hindered the implementation process. Implementation scholars have pointed out that without clear detail, statutes leave themselves open to ongoing change as the implementers struggle to fill in the blanks (Van Meter and Van Horn, 1975).

This was true with implementation of SB 100. After their appointment and confirmation, the first members of the Land Conservation and Development Commission were left to define and give substance to Oregon's new land use goals. This was far more difficult and complex than the bill-crafters had anticipated. As Knaap and Nelson write, "Urban growth boundaries had to be drawn, but nobody knew where. Farmland had to be protected, but nobody knew how. The economy had to be developed, but nobody knew when. And housing had to be provided, but nobody knew for whom" (Knaap and Nelson, 1992, p. 198).

SB 100 could also be considered a radical restriction of private property rights, and was viewed as such by a large group of rural landowners. The sanctity of private property rights is one of the most deeply held beliefs of the American public. As Sabatier and Jenkins-Smith (1998) have pointed out, these deep core beliefs that derive from commonly shared basic American values are the hardest of all to change. They speculate that policy change is unlikely if it involves widespread alteration of these types of beliefs, which seldom occurs, except over long periods of time.

Policy Advocates and Implementation – Mapping the Way!

With vague legislation, policy formation continues even during the implementation phase at all levels of government (Redifer, 1994). Here, the policy advocate as described by Mintrom and Vergari (1996) can play a key role in ensuring that the new policies are implemented according to intent. These 'foot soldiers' who are part of the new dominant subsystem cannot be classed as entrepreneurs as defined in this study, but they do push for new policy within these newly defined parameters to ensure that statutes are implemented. Without the involvement of these advocates during the implementation process, SB 100 might not have had much more substantive impact than its predecessor, SB 10. L.B. Day is one such advocate. As the first chair of the LCDC, he used his tough style and determination to push the acknowledgment process forward and keep it moving during its crucial first year. He never minced words, and set the tone for his tenure with these remarks on his opinions of the willingness of local governments to do serious land-use planning:

> We've had some problems with them and had to whip them into line. In his view, counties had been helpful but a lot of cities "would settle for a shithouse in the middle of the street for ten dollars" (quoted in DeGrove, 1984, p. 249-250).

This attitude and his unwillingness to tolerate unnecessary delays and foot-dragging from local governments established momentum for the early acknowledgement process. Day signaled that there would be no tolerance for attempted bargaining by local governments to soften the rules and guidelines for local plans, a strategy often employed by half-hearted implementers who wish to slow the implementation process and reshape the policy (Lowi, 1979). It is also evidence that the need for oversight and advocacy doesn't always end when the bill is signed.

<u>Groups and Publics in the Implementation Process</u>

During the first 18 months after passage of SB 100, the new Land Conservation and Development Commission (LCDC) spent much time soliciting input from the public concerning the type and content of the state planning goals. Meetings were held in nearly every community in the state. "About 10,000 people participated in workshops, hearings, and other meetings, and 17 advisory committees of technical specialists assisted in the goals and guidelines effort" (DeGrove, 1984, p. 251). Out of this process came 14 planning goals, adopted by the Commission on December 27, 1974. Ten were a more precise wording of those found in SB 10, and four new ones were added. In December 1997, an additional goal on the Willamette River Greenway was added, and four goals focusing on coastal zone issues were added in December 1976. [6] This hands-on involvement by large groups of publics allowed them to become stakeholders in the new policy. Moreover, much like stockholders in the economic world, public policy stakeholders also have a vested interest in the policy's success.

Public Opposition Continues

Opposition to the new legislation remained strong during these first years after SB 100 was passed. The property-rights advocates and rural landowners were dogged in their determination to overturn the legislation. This led to four ballot initiative challenges, one immediately after the legislation was passed, to stop its taking effect, and again in 1976, 1978, and 1982. Most of the interviewees indicated that about 1/3 of the publics have always opposed the bill, and that this sentiment has never changed.

Each challenge caused delays in implementation, as local governments put their planning process on hold to await the outcome of the election. Those disgruntled publics who had always opposed the policy found a means to launch ongoing challenges in a state political system that allows generous use of the ballot initiative process as a method of citizen access and participation. This provided yet another avenue of access, one of the hallmarks of the American federal system, which offers many opportunities for change via a plethora of access points. Yet, it can also offer equal opportunity for those who wish to thwart change as well (Baumgartner and Jones, 1993).

[6] A complete listing and brief description of the 19 goals can be found in Appendix B.

Recession and Policy Stability – Exploiting New Windows of Opportunity

The 1976 ballot initiative was defeated by a margin of 57 percent to 43 percent. In 1978, the initiative was defeated by 61 percent to 39 percent. Urban residents supported state land-use planning more than rural residents; Willamette Valley residents supported it more than residents on the coast or in the eastern plains region, and those in the trades, service and communications industries supported it more than those who worked in the resource industries (Knaap, 1994). Since the vast majority of residents lived in the urban areas of the Willamette Valley, it seemed their support would always be sufficient to stave off these ballot challenges.

The 1982 referendum was different, and shook this assumption to its foundations. Oregon was deep in the throes of recession, with unemployment at nine percent in 1980, 12 percent in 1983, and hovering above nine percent until early 1985 (Knaap and Nelson, 1992). Jobs and people left the state in droves, with a net out migration of 86,000 people between 1980 and 1986 (Abbott, Howe and Adler, 1994). People began pointing to the state's land use laws as the culprit, claiming they had driven away new business and industry.

Yet, the recession only exacerbated an already-growing dissatisfaction with the state's planning system. By March, 1982, nearly nine years after SB 100 was passed, only 134 (about half) of the local plans had been acknowledged (DeGrove, 1984). Another 84 plans had been reviewed, and 30 local governments had submitted no plans at all

(DeGrove, 1984). Local governments felt the state was far too picky in reviewing and approving plans, while 1,000 Friends of Oregon[7] kept constant pressure on LCDC to enforce the state's goals in the acknowledgement process (Walth, 1998). Opponents of the law highlighted the numerous court cases and appeals that had sprung from enforcement of the legislation, characterizing it as an "unworkable nightmare" (Walth, 1998, p. 453). They recognized their best opportunity to date to garner enough public support to overturn it, by tapping into the citizen unease generated by recession, and simultaneously pointing to the cumbersome state bureaucracy as the one responsible. Preserving the environment began to move lower in priority, replaced by cries for economic growth. This changing image of state land use planning from positive to negative was reflected in early polls taken in 1982 which showed Oregonians in favor of abolishing the LCDC and the planning laws by a margin of two-to-one (Walth, 1998).

The citizen opponents of SB 100 now found allies in those powerful economic players who had originally opposed the legislation, then gave up that opposition and settled into resigned support when it became obvious it was going to be passed. Measure 6, as it was known, was placed on the ballot in 1982 with the financial backing of Associated Oregon Industries, Oregon's largest business lobby; Associated General Contractors, the state's largest development group; and the paper and pulp industry, including Georgia-Pacific, Weyerhaeuser, Louisiana-Pacific, Publishers Paper, and Boise Cascade (Walth, 1998).

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[7] 1,000 Friends of Oregon was formed shortly after the passage of SB 100. A young attorney named Henry Richmond had approached Gov. McCall, and asked for his help in forming, "a statewide, full-time, professionally staffed citizen organization whose sole purpose is to urge state and local bodies of government to make good land use planning decisions" (from 1,000 Friends web site, "About 1,000 Friends of Oregon: History, 2001). Since it was incorporated in 1975, 1,000 Friends has served as the watchdog group monitoring local government compliance with state land use goals.

However. other major businesses opposed the measure. the most prominent of which was the new generation of Oregon high-tech industry. including Hewlett-Packard. Tektronix and Nike (Walth. 1998).

Land use advocates in the policy arena who had become rather complacent due to the wide margins of defeat of the earlier initiatives now found themselves on the defensive. Bringing these new players into the opposing subsystem had widened the door of opportunity for destruction of the current subsystem. Galvanized to action. 1.000 Friends of Oregon worked tirelessly to defeat Measure 6. providing documented evidence that the land use laws had not hurt the state's economy and that the few problems with the laws could be fine-tuned in a manner that would enhance the state's economic health.

Adding to this dynamic was the current governor, Victor Atiyeh. one of the early opponents of SB 100 when it was being considered in the Oregon legislature in 1973. Although he eventually voted in favor of the bill. he was never considered a strong advocate of state land-use planning. Nevertheless. he did not immediately join those who wanted to repeal it. Instead. he commissioned a blue ribbon panel to study the effects of SB 100 on the state's economy. to see if there was evidence for the claims that it was even partially responsible for the state's economic woes. Specifically. opponents had argued that the laws restricted the supply of industrial land. raised industrial land prices. and constrained development (Knaap and Nelson. 1992). The report found nothing to substantiate these claims. instead finding that planning actually "encouraged economic development. by requiring the designation of industrial land. stimulating tourism. and allowing large corporations to make plans for the long term" (Abbott, Howe and Adler, 1994, p. xvi). Although the overall planning system was absolved, the report did uncover areas that could be streamlined in the state planning review process.

Nevertheless, voter sentiment still leaned in support of Measure 6, as indicated by a poll conducted shortly thereafter in which fifty-one percent said they would vote to abolish the planning laws. During this same poll, for whatever reason, pollsters also asked respondents the following question, "Whom would you trust the most to talk about land-use planning?" Overwhelmingly, the response was "Tom McCall."

Tom McCall Rides Again

In 1982, the former governor was dying of cancer. Nevertheless, he could not keep away from the fight to preserve what he considered his most important legacy – Oregon's land-use planning system. In October 1982, in front of sixty supporters and a reporter for the Oregonian, McCall announced that he was dying. He chastised those who were veering from the land-use course laid out by his administration:

> I do resent the decline in Oregon's self-esteem and the scapegoating of the McCall years as somehow to blame eight years later. It would be a poorer nation and world if people no longer have Oregon to rely on for the pioneering of imaginative ideas (quoted in Walth, 1998, p. 459).

He continued:

> There is no brighter jewel in the Oregon diadem of innovations than [land-use planning]. If you really want to signal to one and all that Oregon is down - that we can't even agree on what we are doing, that we are ready to quit - just pass Measure 6 and totally repudiate the Oregon mystique. This activist loves Oregon more than he loves life. I know I can't have both very long. But if the legacy we helped give

> Oregon and which made it twinkle from afar—if it goes, then I guess I wouldn't want to live in Oregon anyhow (quoted in Walth, 1998, p. 460).

Few in the room were dry-eyed when he finished. The next day, the *Oregonian* ran the words of the dying Tom McCall on the front page. Papers picked up the story across the state and the nation. The *Salem Statesman-Journal* wrote:

> Oregon owes Tom McCall something better than the repudiation of his dream for the state. To throw this all away with passage of Measure 6 would be to blind ourselves to the vision of Oregon's great future which motivated - and motivates - a Tom McCall (quoted in Walth, 1998, p. 460).

A poll commissioned shortly after this showed support for Measure 6 declining. On election day, the measure was defeated by a margin of 55-45 percent. It was the costliest ballot measure fight in the state's history to that time. Supporters of the measure outspent the opposition by almost 2-1. In the end, most agreed that the combination of Tom McCall, Gov. Atiyeh's task force report, and the massive education campaign by 1,000 Friends of Oregon had turned the tide of public opinion.

Even though repeal was avoided, a closer examination of the results reveal dark clouds forming for the state's planning system. In 1978, the ballot initiative to end state planning was defeated in 31 of 36 Oregon counties (Knaap and Nelson, 1992). In 1982, Measure 6 was defeated in only 15 of 36 counties (Knaap and Nelson, 1992). The counties voting for Measure 6 (to repeal the land use laws) contained over two-thirds of the state's land area. The counties voting against Measure 6 contained over two-thirds of the state's population, most of which was centered in the Willamette Valley region. The cracks in support were becoming more pronounced.

The Policy Advocate in Subsystem Politics

Policy advocacy can be credited with turning the tide in this ballot fight and in staving off the challenges of the opposition. Governor Atiyeh, 1,000 Friends of Oregon, and Tom McCall all acted as policy advocates to prevent the policy from being overturned. McCall, once the agent of change, is now in the role of advocate inside the dominant policy monopoly fighting to prevent change. These dynamics illustrate the crucial role the advocate can play during the sometimes turbulent process of implementing major change of this degree and depth, and as broad in its impacts.

1,000 Friends of Oregon provides a good example of groups as policy advocate. Over the years, they have provided information and technical expertise regarding to small local governments in the more remote locations of the state. They have also attended hundreds of planning and zoning hearings of local governments, both large and small, in an effort to monitor and oversee the implementation of the state's land use planning system. Today, a small professional staff based in Portland provides direction for the activities of hundreds of volunteers scattered throughout the state. Then, as now, they count many elected members of local governments and boards among their membership, as well as representation on the state Land Conservation and Development Commission (LCDC). The role of 1,000 Friends in providing information, education and oversight in Oregon's many local communities was cited by many interviewees as instrumental in preventing the gradual whittling away of the land use laws during the local implementation process.

Entrepreneurs and Opposition in Subsystem Politics

On the other hand, it is important to note the entrepreneurial activity of groups such as the Oregon Rural Landowner's Association, the Taxpayer's Protective Association, and later, Oregonians in Action. The on-going opposition of these pro-FM groups has prevented the GM coalition from becoming too bureaucratically entrenched, or enjoying any period of long quiescence in the subsystem. They continually question the rules and regulations that define most Oregonian's lives, and provide a constant watchdog presence to ensure that private property rights are not completely eroded. They reflect the role of the entrepreneur as defined in the policy model and are classed as such in this research, along with those who represented the pro-GM coalition in the early fight for change which led to the passage of SB 100.

1983-early 1990s - Fine Tuning the Laws

Governor Atiyeh's task force report contained several recommendations for reform drawn from the many public comments received during the hearings process. Many expressed frustration with the plan approval process and the ease with which individuals or small groups could hold up approval of a comprehensive plan through appeals. The LCDC was viewed as inflexible and autocratic, and there was a sense from the more remote regions of Oregon that "we are being controlled and zoned by people in the Willamette Valley" (Oregonian, 20 July 1982). In response to these concerns, the task force report recommended:

1. Shortening the appeals process;
2. Facilitating the acknowledgment process by allowing acknowledgment for "substantial compliance";

3. Replacing the Land Use Board of Appeals (LUBA) with a new land use court;
4. Requiring all plans to be submitted by January 1, 1984; and
5. Encouraging all local governments to place more emphasis on economic development and public facilities planning. (Knaap and Nelson, 1992, p. 180).

Most of these reforms were enacted in statute by the 1983 legislature. They included; (1) accelerating the acknowledgement process; (2) streamlining the permit process; (3) requiring that policies be defined to show how they encourage economic development; and (4) requiring a more equitable balancing of rural land use interests (Knaap and Nelson, 1992). The LUBA, however, remained.

These reforms effectively whittled away the opposition's platform, which could no longer make the case that no one was listening or responding. The LCDC acknowledged the final comprehensive plan in 1986, and soon afterward, the state began to emerge from recession. Organized opposition faded away and attention now turned to the actual work of implementing the newly developed comprehensive plans.

Turbulence, Groups, Policy Entrepreneurs, and Advocates – Lessons Learned

Local government foot-dragging, the ubiquitous oversight of 1,000 Friends, a major downturn in socioeconomic conditions, and a dogged opposition from a minority of landowners who never gave up trying to abolish the law punctuated these first dozen years of implementation of SB 100. Yet, many citizens were willing to give the new system a chance to succeed and the flamboyant and often uncompromising leadership of men like L.B. Day and Tom McCall counterbalanced these problems. Overall, what lessons can be gleaned from the dynamics of these early years of implementation?

First, it is clear from the Oregon experience that turbulence in a given policy arena can last quite a while after major and rapid policy change. The length of this turbulence may be linked to the nature of the issue itself. In the politics of who wins and who loses, those who stand to lose the most will fight the longest and the loudest to prevent change. Rural landowners who lost the long-anticipated economic reward from future subdividing and development of their property lost the most when SB 100 was passed. Given this, their tenacity is not surprising. The Oregon experience suggests that opposition of this sort must be appeased in some way early on if equilibrium is to prevail in the new subsystem. Trying to implement policy in this type of on-going turbulence can be expensive, time consuming and fraught with numerous other problems.

The recession of the early 1980s provided the opposition with a perfect opportunity to highlight the issue in a different manner, in an effort to create more support for repeal among a larger group of publics. Opponents attempted to blame the state's planning system for Oregon's economic woes, and the image of state land use planning began to shift from positive to negative. Consistent with what the model suggests (Baumgartner and Jones, 1993), this shift in issue image provided the best opportunity yet for the opposition to garner support for repeal of the land use laws. They were helped by the shifting political winds as well. Victor Atiyeh was now governor, a man never as passionately supportive of the legislation as his predecessors. Yet, even as victory for Measure 6 appeared certain, Tom McCall was able to rally the publics one more time, and act as spoiler for those who would roll back the legislation. Thus, as these early years illustrate, on-going policy advocacy, and appeasement of deeply entrenched opposition are key in the turbulence that can linger long after major policy change occurs.

1986-late 1990s - Institutionalization of Policy

The years after the defeat of Measure 6 and completion of the initial acknowledgement process were followed by a period of relative quiescence in the state policy arena. Here, also, is when the real work of implementing the local plans was taking place, and the political focus shifted from the state level back down to the local governments responsible for the implementing process. 1,000 Friends continued in its role of oversight and advocacy. Its many volunteers and members were present at hundreds of local planning meetings and hearings of local governments around the state. This was, and continues to be, an important role.

The Shifting Image – What the Data Reveal

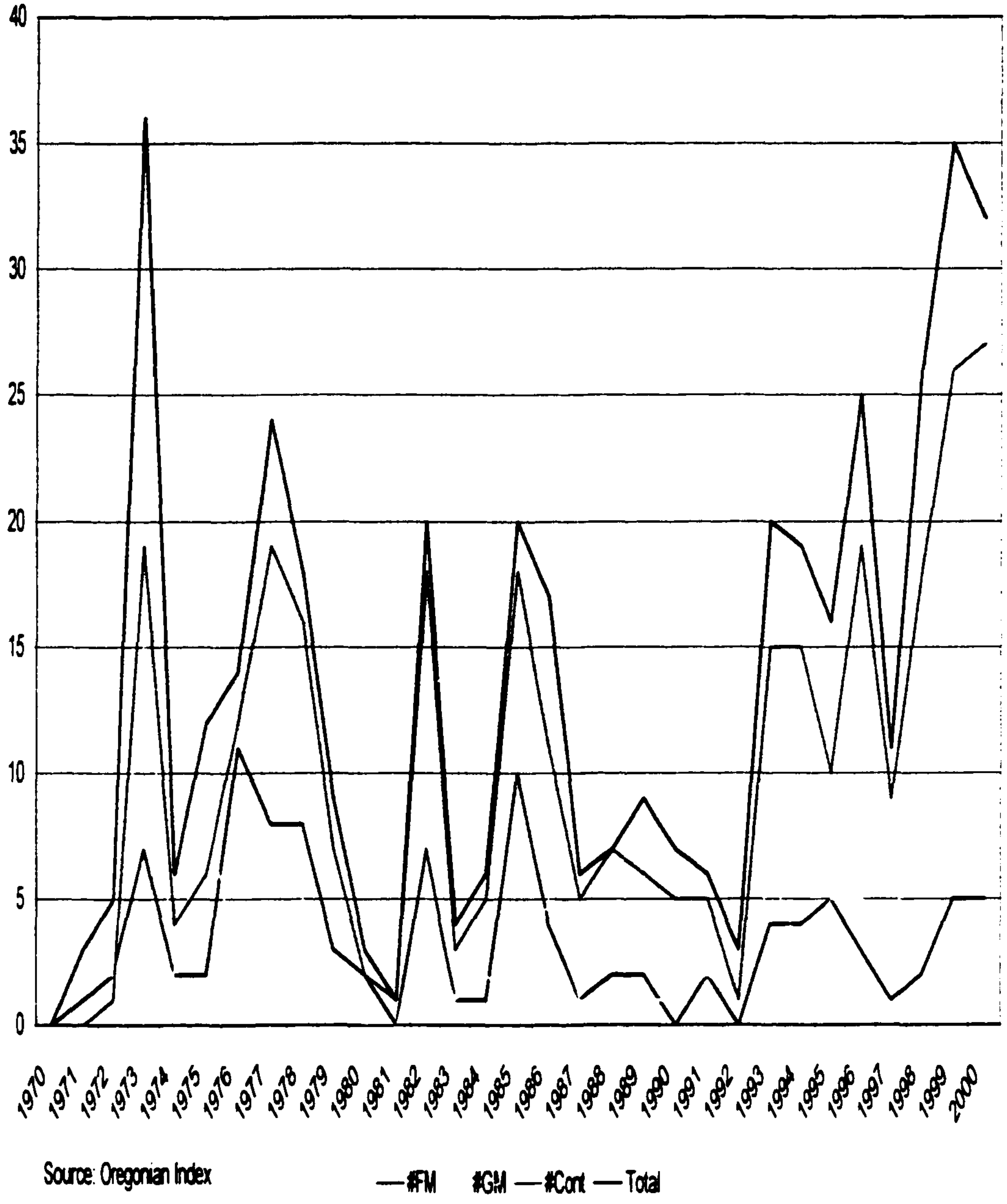
Before turning to a discussion of transportation policy in Oregon, it is important to examine the results of the data coding of issue image to see how closely the changing image was mirrored by actual events. Figure 3.1 illustrates the results of the data coding of the Oregonian indices from 1970-2000 on the subject of land use in Oregon. The headlines of the indices were coded for actual number of articles per year, the amount of controversy surrounding the issue reported, and whether a pro-GM or pro-FM tone was predominant. [8]

First, there are clear spikes in the total number of articles during several crucial periods of time over the 30 years examined. The first occurs from 1972-1974. This coincides with the period in which SB 100 was being debated and passed in the Oregon legislature, and

[8] A more detailed description of the coding criteria and definitions is found in Appendix A.

Figure 3.1

Land Use Image, Oregon 1970-2000



the year following its passage during which the goals and guidelines were being developed. The period from 1976-1979 also shows a significant increase in the sheer number of articles on this issue. Recall that in 1976, and again in 1978, there was a ballot initiative to repeal the land use law. In 1982, there is another spike in newspaper coverage, as evidenced by numbers of articles. This was during the time when SB 100 faced its most significant challenge in the form of ballot Measure 6, when Oregon was deep in the throes of recession. After Measure 6 was defeated, the number of articles declines, peaking again in 1985 and 1986. These latter two years mark the end of the acknowledgement phase, and the beginning of the local implementation phase, which was often quite contentious. Many articles during this time report challenges and controversies relating to the newly-adopted local plans as implementation began. In the early 1990s, renewed economic growth began to strain the land use planning system, culminating in 2000, with the success of ballot Measure 7. We see the numbers of articles beginning to increase in 1992, and peaking at their highest level in 30 years, when Measure 7 is passed. The number of articles coincides with the ebb and flow of turbulence and quiescence in the policy arena over this 30-year span, lending support to Baumgartner and Jones (1993) who suggest that turbulence will be accompanied by heightened media attention to an issue.

Even though there are clear peaks and valleys, it is interesting to note that there have been no *lengthy* periods of time since SB 100 was passed that were free of turbulence. Since its passage, Oregon's land use law seems to have been continually challenged by those who have always opposed it, raising a cautionary flag for those who might consider attempts at change in this policy arena elsewhere. The property rights proponents in Oregon have maintained a 30-year opposition to SB 100 that has prevented the subsystem from reaching stability for any great length of time.

Second, and not surprising, the level of conflict parallels total stories. Journalists use controversy as a means to catch their readers' interest, so this is expected, and was confirmed by the data coding process. The news stories were also coded for tone, whether they were reporting on pro-FM, or pro-GM activities. From 1972-1976, pro-GM stories predominated. This is during the time that SB 100 was passed, and Oregon's land use planning goals were being developed. During 1976, there is a spike in the number of pro-FM articles, which coincides with the ballot initiative challenge to SB 100 during that year. Pro-FM articles begin to decline somewhat after this, but remain fairly high through the 1978 ballot challenge as well.

In 1982, when the land use laws were under greatest attack, the number of pro-GM and pro-FM stories remains roughly equal, reflecting the relative strength of the two competing coalitions in the subsystem. In 1985, there is a huge spike in the number of pro-FM articles compared to the pro-GM articles, reflecting the renewed resistance to the land use laws as local governments set about actually implementing their newly-acknowledged plans. From 1988-2000, the number of pro-FM and pro-GM activity remains fairly equal, relative to one another. This reinforces the rest of the research findings, which show renewed competition between the coalitions during this time frame.

In general, the data coding show that land use has remained on the agenda consistently since SB 100 was passed. The rural landowners and other private property rights people who initially opposed the law have never relented in their attempts to overturn it. In Chapter Two it was suggested that private property rights are one of the most cherished values in the American culture. As the Oregon case illustrates, even if change in this policy arena is achieved, long-term stability may remain elusive.

Transportation Lags Behind

During the early 1990s, a coordinated effort was begun to integrate transportation systems with land use plans. This was driven by several different factors, one of which was the resurgence in economic growth and population that began overwhelming transportation facilities in and around major growth centers. Combined with this were changes in the State Department of Transportation brought about by changes in personnel, as well as structural and budget constraints. The agency began to shift its emphasis from road building to maintenance and upgrade of the existing system (Fraser, 2001). Yet, even with these shifting external conditions, the state's focus on integration of land use and transportation might have taken longer to arrive had it not been for the fight over the Western Bypass around Portland. This battle set in motion an extensive administrative rule-making process that resulted in the development and adoption of the Transportation Planning Rule (TPR) in 1993.

The Western Bypass

The fight over the western bypass was long and protracted, and in the end, the freeway was not built. However, the battle highlighted the lack of state guidelines in Goal 12 of the state's land use planning system that dealt with transportation, and illustrated the need to more closely examine the relationship between transportation planning and land use planning in the Oregon system. Goal 12 states that local land use and transportation plans should be constructed so as to "avoid principal reliance upon any one mode of transportation." While this directive seems clear-cut, how to best do this can be contentious due to the complexity of the land use-transportation link. Some alternative transportation advocates argue that higher densities and mixed-use development will lead to decreases in Vehicle Miles Traveled (VMT) (Leavitt, 1970; Benfield, Kaid and Raimi, 1999). Others disagree, suggesting that alternative transportation is unlikely to succeed because the American public are remarkably steadfast in their attachment to automobiles and suburbia. (Guiliano,1999; Downs, 1998). Yet, beyond the mixed-use/density debate is also the attending argument of whether new development forces increased highway investment, or whether highway construction and improvements encourage more development.

The debate over these differing perspectives came to a head during the fight over the Western Bypass. The new bypass was sited to run through Washington County, near the Portland Metropolitan area. It was officially sanctioned following a study by the Metropolitan Services District (Metro), the designated planning agency for the Portland Metropolitan Region (Adler, 1994). The Oregon Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD) both signed off on its inclusion in the Regional Transportation Plan. However, as a condition for approval, these agencies required that studies be done to ensure its construction would not encourage urbanization outside the designated Urban Growth Boundaries (UGBs).

Political leaders in Washington County and many in Portland supported the bypass. The approval of both the DLCD and ODOT gave the project further sanction and it appeared to be a done deal.

However, in 1989, a group of citizens in Washington County formed an activist group call Sensible Transportation Options for People (STOP) and teamed with 1,000 Friends of Oregon to oppose the road. They argued that the impacts of the new bypass on the state's land use goals should be considered at the system-level of planning, not at the specific project level. In other words, the bypass should not have been the only transportation option considered for the region in the first place. They argued that once a project is approved, even on a contingency basis and included in a Regional Transportation Plan (RTP), it is very difficult to stop the train of events that are set in motion by inclusion in a regional plan.

STOP and 1,000 Friends appealed the decision to build the bypass to the Land Use Board of Appeals (LUBA), which agreed with their procedural issue arguments (Adler, 1994). Meanwhile, ODOT and Washington County sought guidance from DLCD regarding the integration of land use and transportation planning. Lacking clear guidelines, DLCD and ODOT initiated a rule-making process that would provide clarification in this area (Adler, 1994).

Public testimony was solicited and numerous hearings were held. Four key categories of issues surfaced:

- How much local discretion should be allowed?
- When would the integration of land use and transportation be included in local plans?
- How would desired mode split be defined and quantified?
- Which agency, DLCD or ODOT, would be the lead planning agency in this matter?

- Would all cities, regardless of size, be required to do this?

1,000 Friends, STOP, DLCD and ODOT wanted to limit local discretion. They showed evidence that local governments often succumb to local pressures from economic development interests. While state land use laws mandate boundaries on development around communities, development within those communities is often business as usual, with auto-dependent strip malls, segmented uses, and generous parking (Adler, 1994). This was contrary to language in Goal 12 which required consideration of all modes when planning transportation systems. They pushed hard for clear, specific state standards and guidelines in order to limit local discretion. (Adler, 1994). They submitted a long list of facilities and improvements that would be allowed under current state land use rules, a list of those that would be allowed under certain conditions, and a list of those that were not allowed and would require that "exceptions" be granted by the state. By mandating state review for exceptions, they hoped to push the local planning process up closer to state scrutiny and remove it from some of the pressures brought to bear on local governments from economic development interests.

Local governments were concerned over when and how these transportation system plans were to be integrated into their land use plans. The acknowledgement process had been lengthy and politically difficult, and was barely finished. In the end, cities and counties with already-acknowledged plans did not have to start their whole planning process over again to incorporate the new rules of the TPR. They were required, however, to develop Transportation System Plans (TSPs) and make them compatible with currently approved land use plans. Towns with populations fewer than 10,000 and counties with less than

25,000, were allowed to apply for exemption from having to develop transportation system plans at all (Oregon Administrative Rules, 660-012-0000).

The final TPR was adopted in 1991. In 1993, ODOT and DLCD set up a joint program, the Transportation and Growth Management Program (TGM) to provide grant and staff assistance to local governments. The program's stated mission is:

> "...to enhance Oregon's livability by fostering integrated land use and transportation planning and development that results in compact, pedestrian-, bicycle-, and transit-friendly communities" (Oregon Department of Transportation and Oregon Department of Land Conservation and Development, 2001).

The TGM program provides direct grant monies to local governments to offset costs incurred in developing Transportation System Plans (TSPs). During the FY 1999-2001 biennium, the TGM program awarded $6.2 million to local governments for 76 planning projects throughout the state (Oregon Department of Transportation and Oregon Department of Land Conservation and Development, 2001). A major component of developing TSPs is to coordinate the design and development of local arterial and collector streets with ODOTs overall planning for state highways. In addition, the TGM program provides direct staff assistance to local governments to help them identify zoning and development codes that pose barriers to alternative mode development and use. They also provide staff to conduct educational workshops on "smart" development concepts that better integrate transportation and land use. They help local communities respond quickly when development proposals need to be approved in a timely manner in accordance with the goals of the developer, the community, and the state's overall transportation system planning goals (Oregon Department of Transportation and Oregon

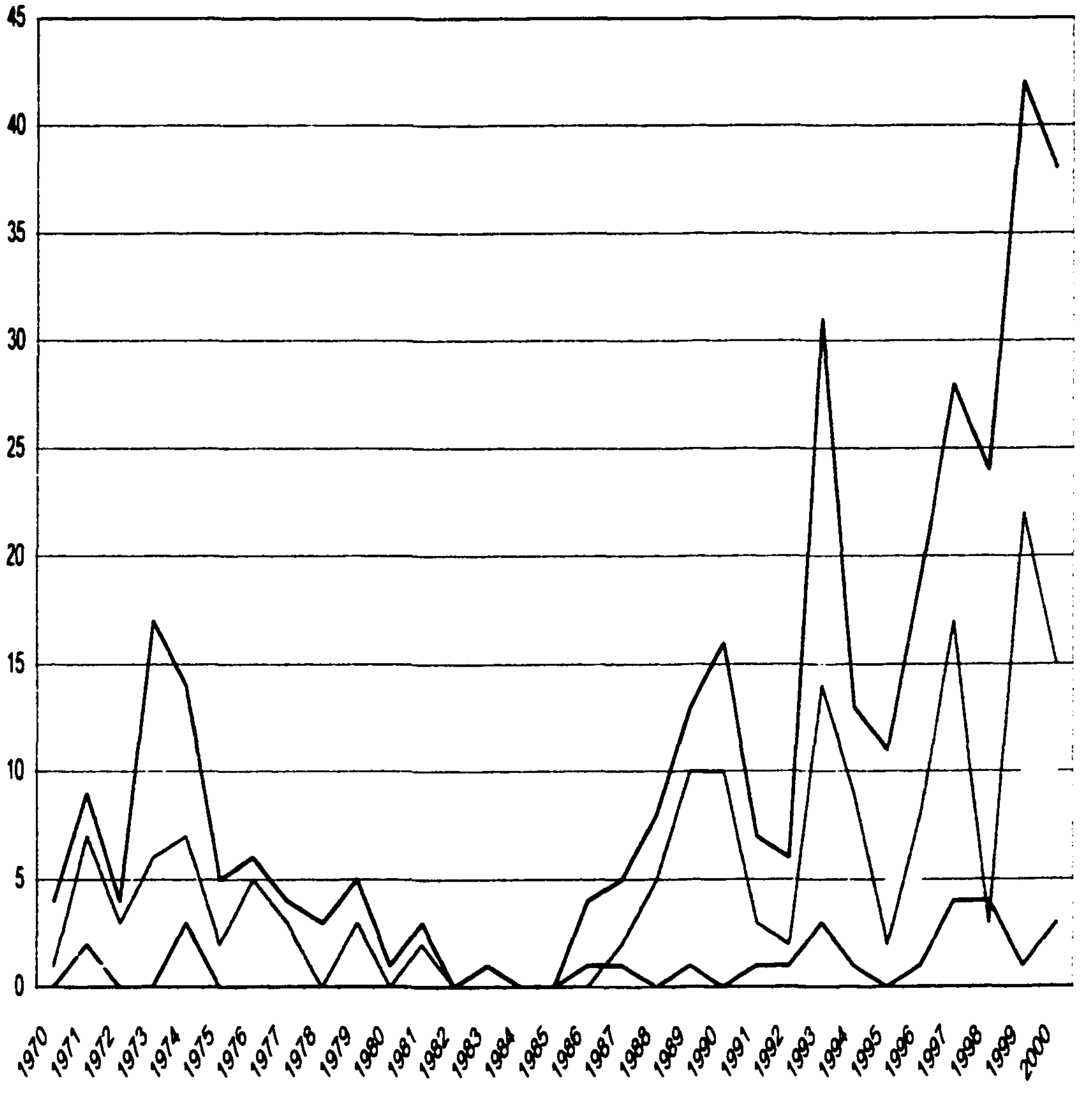
Department of Land Conservation and Development, 2001). These resources are provided to help mitigate the costs to local governments in developing these plans, and help to overcome their reluctance to begin the planning process again. As the implementation literature suggests, this can be a useful strategy in increasing the likelihood of local compliance with state goals (Van Meter and Van Horn, 1975; Ingram and Schneider, 1990).

Although ODOT and DLCD appeared to have forged a good working relationship during this period, tensions between the agencies still exist. Staff at ODOT trace the tension to the differing paradigms of engineers and planners. Engineers think in terms of product – of building the facilities to serve local land use plans. Planners think in more abstract, conceptually based terms (Fraser, 2001; Fox, 2001). ODOT is still comprised primarily of engineers, while DLCD is staffed with planners. These differing agency paradigms make it difficult when the two agencies are asked to share jurisdiction. The Transportation Planning Rule grants ODOT jurisdiction in ensuring that all local transportation system plans are consistent with the statewide transportation plan. On the other hand, ODOT's transportation plans must be compatible with acknowledged local comprehensive land use plans. Thus, the two agencies are forced into an alliance that is still perceived as uneasy by some at both agencies (Fraser, 2001; Fox, 2001).

<u>Transportation Policy and Issue Image</u>

Data coding of the *Oregonian* and the case study reveal that transportation was not as prominent on the agenda as was land use (see Figure 3.2). During the early 1970s, from

Figure 3.2
Transportation Image, Oregon, 1970-2000



Source: Oregonian Index

1972-1976, there was quite a bit of media coverage, which coincides with the time frame for development of the state's land use planning system. However, the key issues reported in the media surrounding transportation at the time were largely unrelated to the statewide debate over land use. Instead, media coverage centered on some mass transit legislation in the Oregon legislature, as well as some local government officials' calls for more spending on mass transit.

Following this era, transportation fell off the agenda, as land use took the center stage of Oregon public policy concerns. Transportation rose in prominence as a statewide concern during 1988-1992, when the controversy over the Western Bypass began to command attention, accompanied by the development of the Transportation Planning Rule. The culmination of this controversy was the creation of the Transportation and Growth Management unit at both the Oregon Department of Transportation and the Department of Land Conservation and Development. Another spike in levels of coverage is seen beginning in 1999, and continues throughout 2000. This coincides with increasing levels of congestion across the state, and the search for new revenue sources to fund both more mass transit and to repair and expand crumbling and crowded roads.

The number of total articles and articles indicating conflict follow one another in a consistent pattern. They move in tandem, up and down. This is not surprising, for the reasons mentioned earlier. Overall, the pro-GM articles usually outnumber the pro-FM articles, which suggests strong support in Oregon for a multi-modal transportation system. However, there isn't much empirical evidence of multimodalism outside the

Portland Metropolitan region, which reinforces the difficulty of overcoming the emphasis on highways in the transportation policy arena.

Implementation and Policy Learning

Although close coordination of agency goals has been problematic, the integration of land use planning with transportation policy at the state level is a good example of the policy learning that can occur which facilitates minor changes in a policy arena. Policy learning has been described as the process of gathering and incorporating new information that is used to alter or tailor policy outputs in new ways within the existing policy framework (Sabatier and Jenkins-Smith, 1998, p. 123). Other examples of this in Oregon are the changes and refinements in the process of plan development and acknowledgement incorporated into state law after the failed 1982 initiative, as well as the various minor adjustments made over the years via the legislature and the courts.

What was somewhat surprising was the fact that Oregon's shift toward integrated planning between its transportation and land use policies was not driven by passage of the federal Intermodal Surface Transportation Efficiency Act (ISTEA), as had been expected. An official at the DLCD stated that Oregon's policies were being developed in parallel with ISTEA, but were not driven by it in any way. Instead, he credits the state's land use laws as the driving factor in forcing a reconsideration of the relationship between highways and sprawl. (Cortright, 2001). Mr. Cortright did acknowledge that the new categories of money, and the flexibility of ISTEA highway monies helped to provide funding for the newly-created TGM unit and allowed it to expand its role and influence on policy output in this arena.

It remains to be seen what substantive impact the TGM program will have on Oregon's geography and travel modes. To date, with the exception of the Portland Metro region, development and travel patterns within the urban growth boundaries does not differ significantly from those found elsewhere in metropolitan regions around the United States. Highways still predominate, as does the use of single-occupant vehicles. Bicycle and pedestrian access is sketchy, and strip-development still dominates in sections of Eugene and Salem, as well as the smaller, outlying communities and suburbs. There is no inter-urban commuter transit service offered along the I-5 corridor of the Willamette Valley between the major metropolitan areas of Eugene, Salem and Portland. Transit is available within these cities, but in Salem and Eugene, levels of service make it unable to compete with the personal automobile. Even with traffic congestion, it is usually faster to drive. According to an official at the DLCD, it will take at least a decade for the effects of implementation of the TPR to begin to be felt (Cortright, 2001). In addition, ODOT still seems uneasy in its role as a growth management agency. A combination of executive directives, legislative budget cuts, and state policies from other agencies seem to be the driving force behind the agency's commitment to integrated planning, rather than a heartfelt belief in its efficacy and desirability (Fox, 2001).

1998-Present - Renewed Turbulence in the Subsystem

From the mid-1980s to the early 1990s, Oregon's planning program enjoyed a relative period of quiet, and began to take on the characteristics of the policy monopoly described by Baumgartner and Jones (1993). The interviewees for this research noted that the LCDC, the DLCD and 1,000 Friends of Oregon dominated the nature and direction of policy output regarding land use decisions. The issue of state planning appeared to be widely supported by various publics and policymakers, viewed as necessary to preserve the quality of life for residents across the state.

However, by the late 1990s, storm clouds were gathering. The out migration of residents was long over, and like many other western states, Oregon was enjoying a renewed influx of growth. Between 1990 and 2000, Oregon's population increased by 20% (U.S. Census Bureau, 2001). The development that accompanied these new residents began pushing up against the urban growth boundaries of many metropolitan areas, particularly in the Willamette Valley. Another interest group, Oregonians in Action (OIA), began gaining strength, emerging to challenge the policy positions espoused by 1,000 Friends and the land use planning agencies. Oriented toward protecting private property rights, they oppose many of the provisions of the state's land use laws. They can often find a receptive audience in many of Oregon's new residents, who were not around when the state's land use planning goals were developed during the 1970s. Their preferred strategy is the ballot initiative, and in 1998, OIA succeeded in getting ballot Measure 56 passed, which required notification of property owners before zoning was changed in a neighborhood.

These gathering clouds of discontent burst into a full-blown storm in 1999, when DLCD staff decided to take on the task of revising and clarifying the guidelines in Goal 14 regarding Urban Growth Boundaries (UGBs). During the initial acknowledgement process of the 1970s and early 1980s, cities and counties were told to develop their comprehensive plans and establish UGBs that contained a 20-year supply of buildable land. Because of the growth pressures of the 1990s, by the end of the decade, many communities were beginning to develop up against these UGBs, and asked the state to clarify the procedures and criteria for changing and expanding these boundaries outward.

Staff at the Department of Land Conservation and Development (DLCD) initiated a round of public rulemaking hearings to solicit input on the criteria for Goal 14. Yet, after months of testimony, the rulemaking process was halted due to the contentious nature of the issue and the inability to reach consensus on a set of guidelines for determining when and how the UGB should be expanded. Written testimony submitted during the hearings process highlights the fragile nature of public support for the state's planning system, and reveal some of the enormous political challenges facing the state's land use planning policy arena today.

The Politics of Goal 14

The purpose of Goal 14 is, "To provide for an orderly and efficient transition from rural to urban land use" (OAR 660-015-0000(14). Prior to the start of the public hearings and solicitation of public input, the DLCD staff proposed rule changes to accomplish two main objectives:

- Clarify the process and standards for changing a UGB; and
- Set out clear but flexible requirements for local governments on how to plan for efficient development inside the UGBs (Oregon Department of Land Use and Conservation, 2000, emphasis added).

These two objectives are clearly inter-related. The intent is to ensure that efficient use of land within the UGBs has occurred before expanding outward. This usually means ensuring that unused land within the UGB is "filled in" before the boundaries are expanded. The emphasis on in-fill development is intended to prevent the urban sprawl so prevalent in other major metropolitan areas around the country. Seemingly an innocuous goal, things turned very controversial from the beginning. Efficient is a difficult term to agree upon. Players at the state level, and those at the local level in Oregon often have two very differing interpretations of what constitutes 'efficient' use of land. Additionally, determining what development criteria apply to land that falls inside newly-expanded UGBs can be contentious.

DLCD staff suggested the following criteria for decision-making: coordinating with nearby communities that would be affected; using standardized forecasts for population and employment; conducting a thorough inventory of usable land still within the boundary; showing viable plans to develop the urban land within the UGB efficiently; and using this information to decide when and where to expand the boundaries. The result is intended to be a 20-year supply of developable land that can provide adequately for housing, jobs, public facilities and open space (DLCD, 2000).

The term "efficient" became the rallying cry for battle. State land use laws encourage communities to promote more mixed-use areas and remove any regulatory barriers to these that currently exist in zoning codes. Local governments are supposed to consider building new housing or businesses on existing undeveloped lots within the UGB, and limit commercial development along highway corridors outside downtown and other designated commercial areas. Yet, testimony submitted during the hearings revealed four major areas of unhappiness with the following:

1. The proposals for higher density within the UGBs;
2. Limiting the commercial development along state highways;
3. Density of development on the "rural residential" lands, which are defined as "lands not within an urban growth boundary, that are planned and zoned primarily for residential uses" and are not suitable for forestry or agriculture; and
4. Mandating 20-year supply of land in drawing UGBs for every town, and allowing Portland to increase its current UGB.

The opposition to increased densities within the UGB was vehement in much of the public testimony. Most who submitted testimony expressed their support of the concept of UGBs, and the state's land use planning program in general. Yet, no one wanted the higher density in his or her neighborhood. City governments that offered testimony echoed this sentiment. For example, the City of Newburg wrote in their testimony:

> The proposed amendments will require local governments to deliver an agenda that many citizens do not support today, but, in time, given sufficient local debate and support from the state, may be acceptable. . . The state is over-stepping the boundaries of providing policy guidance into local zoning decisions.

Most of the cities and counties that submitted testimony agreed with Newburg, objecting to mandatory planning rules for development within the boundaries. Their concerns reflected resentment toward perceived loss of local control, and of being forced into very unpopular high-density development stances. The League of Cities wanted to separate defining the UGBs from the rules on community development patterns, which they also did not want to see mandated by DLCD and the LCDC. Other testimony, such as that from the Commercial Realty Advisors and the Commercial Real Estate Economic Coalition, objected to the proposed limits on strip development along state highways.

Offering support for the proposed rules were 1,000 Friends of Oregon, the Central Oregon Environment Center, the City of St. Paul, the City of Medford, the Bicycle Transportation Alliance, and dozens of private citizens from all over the state. The hearings dragged on for months before the rulemaking activity was suspended without any resolution on the main points of dispute. A citizen assessment of 25 years of Oregon's land use planning, written in 1998, articulates the problems reflected in the Goal 14 hearings testimony:

> . . .folks are all for land use planning and what not so long as and to the extent that it doesn't affect them. We haven't had to confront this problem, but it is now upon us. . . the citizens are to some degree or another unwilling to do that which will be necessary to keep boundaries tight. At the same time, they are unwilling to see the boundaries moved. This stalemate has the potential for totally undermining the system, and we don't have any good answers as to how to resolve it. It is human nature: density in your neighborhood is good planning; density in my neighborhood is destruction of my quality of life (Chandler, 1998).

Oregonians today seem unable to reach a shared wide-spread consensus. There are no entrepreneurs of the ilk of a Tom McCall to articulate the issue, broker agreement and pull them together. This could leave their state land use-planning program in serious jeopardy.

In addition, the old issue of state versus local control has resurfaced. This further reinforces the need to resolve major issues such as this during the policy formation phase.

If not, it is likely they will not disappear, but merely hover just beneath the surface, emerging again at a later date when weaknesses and discontent leave a program vulnerable to those skilled at exploiting and highlighting these soft spots. The opportunity to reassert local control over development patterns was brought to a head during the Goal 14 hearings, allowing local governments an opportunity to try and seize control again.

<u>Measure 7</u>

Into the midst of turbulence generated by the Goal 14 hearings came Measure 7, placed on the ballot in November 2000 through the combined efforts of Oregonians in Action and Oregon Taxpayers United (George, 2001). Measure 7 requires landowners to be compensated when government regulations diminish the value of their property. Most state newspapers, labor leaders, political officials, the Governor's Office and environmental organizations opposed the measure, and pleaded with the public not to support it. Even though opponents of the measure outspent supporters by 5:1, voters in November, 2000 passed it by a margin of 53% - 46%.

The passage of Measure 7 in the midst of the contentious rulemaking on Goal 14 was another reason the rulemaking was suspended (Cortright, 2001). A lawsuit was filed in the Marion County Court immediately after its passage. This court declared it unconstitutional due to ballot language that did not fairly present the measure to the voters (1,000 Friends, 2001). Thus, the measure has not yet taken effect, pending a decision by the state Supreme Court. The 2001 legislative session tried to intervene by attempting to rewrite the measure, however, the bill failed due to disagreements over how to raise money to pay for compensation to land owners (Oregonian, 5 July 2001).

The effects of Measure 7 have already begun rippling through the state's planning system. Cities and counties are uncertain what to do regarding enforcement of current zoning laws in the face of potential compensation claims. Some cities immediately enacted new ordinances that waive land-use regulations. 1,000 Friends of Oregon promptly sued them (Oregonian, 22 December 2000). 1,000 Friends has listed some of the pending compensation claims that have been filed by property owners, or are under consideration for filing. A sampling of these follows:

- A primarily Canadian mining company is seeking $50 million from Jacksonville and Jackson County for denying a permit to mine.
- A developer is seeking $691,000 from the City of Hood River (more than the City's annual budget) for limits on business development.
- Applicants of a twice-rejected subdivision in Eugene are discussing a Measure 7 claim to force payment or approval of development in sensitive headwater areas that could damage a creek in Eugene.
- A truck stop in Baker City is claiming a 30% loss in business since an anti-smoking ordinance went into effect, and is considering a Measure 7 claim. (1,000 Friends, Understanding Ballot Measure 7, 2001).

Everyone interviewed for this research was asked why they thought Measure 7 passed. Almost everyone was convinced that the voters did not understand what the ballot measure meant, that there was so much else on the ballot they didn't really focus much on it, and that the opposition to Measure 7 was occupied fighting another ballot measure, and didn't really gear up to fight it until it was too late. However, Larry George, of Oregonians in Action, disagreed with these reasons. He is convinced that Oregonians are tired of what they perceive as a heavy-handed state bureaucracy that doesn't care very much for individuals' concerns. He cited one scenario to illustrate what upsets many Oregonians:

> Imagine a community that has had a neighborhood school for many years. The population of the neighborhood has remained stable. Suddenly, with the city growing up against the UGB(urban growth boundary), they decide it is time to start in-fill development. They put a high-rise apartment complex in the neighborhood. Suddenly, the neighborhood school is overcrowded, and the traffic on the local streets is horrible. The infrastructure, including the transportation system, has been planned around the lower density. People begin to feel a loss of 'livability' (George, 2001).

When asked where he thinks Oregon is headed, he replied:

> The whole system is shaky – the folks at Metro are afraid of open debate of their ideas – they are afraid too much debate will bring them down. They won't recognize that there are problems and try to address them in public forums. They are arrogant and think the public is "dumb." Their arrogance will be their undoing (George, 2001).

It might be easy to dismiss this criticism as an extreme example since it comes from the director of the state's leading opposition interest group, OIA, and the force behind Measure 7. However, others share this view. An early supporter of SB 100, Kelly Ross of the Oregon Homebuilders Association of Portland, points out in an editorial that, "During the last two decades, more and more people have been touched—or know someone who had—by a multi-level body of land use laws that have grown increasingly more burdensome, arbitrary and unfair." He cites as examples:

> From the Columbia Gorge Commission's bullying assault on one family's dreams for a home, to the Oregon state rules forcing farmland owners to commute to their property for up to three years and proving annual incomes of at least $80,000 before they can actually live on the land. From Metro's 50-200 foot streamside no-touch zones to the City of Portland's anti-garage dictates. The sum total is regulation run amok, without regard for the emotional and financial costs that it imposes (Oregonian, 20 November 2000).

However, not everyone would agree with this characterization of the Oregon planning system. Robert Liberty, Executive Director of 1,000 Friends of Oregon, wrote in an op-ed to the Oregonian:

> Without Senate Bill 100, the pear orchards of the Rogue Valley, Sauvie Island and the vineyards of Yamhill County would be covered with rural ranchettes. A subdivision would sit along the Wallowa Lake moraine, land high up on Steens Mountain would have been zoned for tourism development and a massive resort would dominate the upper Hood River Valley. A new highway under construction through central Washington County would use state taxpayers' dollars to open up rich farm and forest lands for more sprawl (Oregonian, 29 May 1998).

Observations from the Edge

Most interviewees claim Measure 7 was about 'takings' – what is fair compensation for use of land lost via government regulation. They don't feel Oregonians were voting on their land use laws, or had any real idea of the implications that Measure 7's compensation requirements could have in terms of fiscal impact on local governments. Perhaps they are right. In the absence of a state poll of voters asking that very question, policymakers can't be certain what voters meant. Yet the Goal 14 hearings and testimony submitted, along with the vote on Measure 7, indicate that trouble may be looming for Oregon's land use policies. There are signs of renewed turbulence in the subsystem, which may indicate major change is coming to Oregon's 30-year old land use planning program. As Baumgartner and Jones (1993) write, "Stability may be maintained over long periods of time by two major devices: the existing structure of political institutions and the definition of the ideas processed by those institutions" (p. 15). Stability of the policy monopoly is threatened when new images of policy bring new groups into the process that will seek new venues more receptive to their view of policy.

Several interviewees revealed that policy officials are aware that frustrations exist and that changes must be made in public perceptions' of the planning system. None felt the program to be seriously threatened, yet when their observations are viewed within the context of the policy model of this research, the current turbulence in the subsystem is likely to increase.

One harbinger of coming change could lie in the influx of new residents. Today, fully 1/3 of Oregon's residents have lived there 10 years or less. Only 46% are native Oregonians (Oregon Office of Economic Analysis, 2001). Some expressed concern that these new residents have no stake in the land use laws. They weren't part of their development, and they don't understand them. One interviewee said that one of the reasons the planning program was so widely supported in the early days is because the state goals were drafted by citizen input (Fox, 2001). As Abbott writes, "...the workshop process of 1974 built a wide constituency of voters with a personal stake in the success of the program" (Abbott, 1994, p. 211). Others interviewed said that the new residents moving to Oregon move there because of the quality of life that Oregon's land use laws have provided, but they don't like the property restrictions. They don't understand the link between the two. These interviewees think that a major public education campaign needs to be done, similar to the one back in 1973 that educated the voters on the original SB 100 proposals (Penhollow, 2001; Watt, 2001).

Groups such as Oregonians in Action seem to be finding a receptive audience in these new residents when they portray the state's land use planning system as a heavy-handed bureaucracy that threatens private property rights. OIA is behaving like the entrepreneur of our research model by crafting the message in such a manner that new groups and participants are drawn into the policy arena. They are also bringing these new residents together with those that have never supported the law in a powerful coalition of opposition. OIA has gained enough clout that it now provides a counterbalance to the influence of 1,000 Friends of Oregon. Several interviewees mentioned the growing polarization between these two groups, which were cited by everyone as two of the most influential in the state.

Almost every interviewee also mentioned the term-limited legislature as a concern to them. When the next legislative session begins, there will be no one left who was involved with SB 100 or its early years of implementation. This loss of institutional memory may leave the legislative venue more receptive to the message of OIA and its supporters. Many also mentioned the growing polarization in the legislature between urban and rural lawmakers. Specifically, they are concerned that this polarization comes from the tendency to think parochially rather than invoking the common good under a rubric of overall civic responsibility.

Given these shifting dynamics, the planning system appears to be experiencing increasing turbulence, which Baumgartner and Jones (1993) contend is a necessary condition for major and sudden change. As Abbott writes:

> The bureaucratic strategy has worked in Oregon because planning institutions have been used to implement explicitly political decisions that involved widespread public participation and clear actions by representative bodies. Conversely, the Oregon approach can falter seriously when new, unresolved issues appear or when a substantial majority of rational people cannot agree on the common good (Abbott, 1994, p. 219).

The influx of new residents with no stake in the land use planning rules and regulations is coupled with a bureaucracy that is perceived as rigid and uncaring. Staff at the DLCD and the LCDC are aware that there is discontent afoot with the planning system, but seem confident that it is not serious. It appears inconceivable to them that the citizens would actually repeal the state's land use laws. Yet, evidence from the fractious Goal 14 hearings, the recent vote on Measure 7, and the state legislature's failed attempt to pass legislation that would resolve the dissatisfactions reflected in passage of Measure 7, indicate that Oregon's public planning consensus may be crumbling.

Concluding Observations

This is What Change Looks Like

The Oregon study reveals major policy change, characterized by the creation of new, enforceable statutes embodied in SB 100. The legislation mandated comprehensive planning for local governments which included designating clearly-defined urban growth boundaries which contained a 20-year supply of buildable land. This was accompanied by new venues of administrative oversight in the creation of the DLCD and the LCDC. In the transportation policy arena, the changes can be characterized as more incremental, as defined in chapter two as "policy which changes at the margins while leaving the substantive thrust of the policy output unchanged" (p. 56). Our model suggests that the policy entrepreneur will play the dominant role in facilitating change, and these expectations were met in the Oregon case study. Tom McCall can be characterized as the most publicly visible driving force in facilitating change in Oregon's land use laws. He was adept at organizing publics and groups, framing the issue in broad terms of appeal, combined with the ability to sell these ideas to the media and command media attention. Thus, he meets the criteria specified on p. 48 of this thesis.

How Did It Happen?

Entrepreneurs

In addition, the research findings lend strength to the argument that change would likely not have occurred without the combined efforts of two entrepreneurs, Tom McCall and Hector Macpherson. McCall's strategies of entrepreneurship closely resembled the heresthetic[9] type of entrepreneurial activity that allowed him to successfully re-define the nature of the policy debate and shift the focus of the parameters of land use planning from the local to the state level. Macpherson was the perfect complement to McCall, taking the vision of state land use planning into the legislature and exhibiting the entrepreneurial leadership necessary to see the vision enacted in statute.

Venues

There is also evidence of the predicted venue shopping in the attempts at passage of state land use planning laws. When the relatively toothless SB 10 was passed in 1969, it was housed in the Senate Committee on Agriculture. When SB 100 was proposed in 1973 as a

[9] The term "heresthetic" was coined by William Riker, in "The Art of Political Manipulation" (1986). It involves creative uses of rhetoric that go beyond mere persuasion within the existing parameters of the policy debate to injecting new ideas and alternatives into the debate, and then convincing others to join you. Or as he puts it, "structuring the world so you can win" (1986, p. ix).

much stronger version of SB 10, it was heard in the friendlier Senate Environment and Land Use Committee, which imbued the legislation with mandatory, enforceable provisions, and established agencies of oversight. This is consistent with the definition of venue shopping by "strategically-minded actors" referred to in Baumgartner and Jones (1993) and on p. 54 of this research that doesn't require broad mobilization of publics.

The other form of venue shopping which requires the broad-based mobilization of large publics was also observed in Oregon. Groups such as the Oregon Rural Landowners Association, the Taxpayer's Protective Association, and more recently, Oregonians in Action, have availed themselves of the ballot initiative process to continue their effort to change the established land use laws. This is consistent with Baumgartner and Jones (1993), who contend that both types of venue shopping can occur, albeit with slightly differing dynamics and groups of publics. The policy model used in this research suggests that either, or both, types of venue shopping can occur to produce policy change. Both did, confirming the expectations put forth in chapter two.

Groups and Coalitions

As suggested by the model, there were two clearly identifiable coalitions in the growth management arena who can be classed as either part of the free market (FM) coalition or the growth management (GM) coalition. Those originally opposed to the legislation were groups and individuals that supported unrestricted private property rights and local control vs. state control. Those supportive were groups and individuals that placed a high value on the environment and preservation of farmland, and felt that state standards were necessary to do this. These coalition belief systems were defined in chapter two, and the findings in the Oregon case confirm those suppositions.

Issue Image

Coding helps explain the role of the issue image in the dynamic interplay between these two coalitions, as well as their relative strength regarding the institutions in the subsystem, is not clearly indicated by the data coding of *The Oregonian* articles. Coding *does* show, however, that during the early 1970s, when SB 100 was passed, there are far more articles reporting the activities of the pro-GM coalition than those reporting on the FM coalition. This suggests more general support than opposition for the land use law. This is buttressed by the numerous studies of the dynamics of the passage of SB 100. Most publics supported it, as did many high-ranking state officials. For those against the bill, specific concessions were offered to neutralize their initial opposition. In the late 1970s, the data coding show the number of FM articles rapidly increasing, and again in the early to mid-1980s. Both these periods were characterized by growing discontent with implementation of the land use planning program, as reported in the earlier narrative of this chapter.

The data coding lends strength to the proposed heightened role of the policy entrepreneur in facilitating change. The heightened activity of the two coalitions at various times coincides with heightened entrepreneurial activity during the same period. In the early 1970s, the pro-GM coalition gained in relative strength in influencing policy output, leading to the passage of SB 100. Their strength was such that they were able to overcome strong opposition from some extremely motivated businesses and rural property owners. During the late 1970s and early 1980s, entrepreneurial groups from the pro-FM coalitions were able to exploit growing public dissatisfaction with the land use planning system to place initiatives on the ballot, one of which nearly overturned the system.

The numerous pro-GM articles in the early 1970s along with the passage of SB 100, are consistent with the dynamics of major policy change suggested by Baumgartner and Jones (1993). However, Baumgartner and Jones (1993) also suggest that once major change occurs, the policy arena will settle into a period of relative stability, as different coalitions begin to dominate policy output. In the case of Oregon, this dynamic did not occur. From 1976 to present, there have been two competing coalitions that have struggled to dominate policy output. Although 1,000 Friends, and the supporting state institutions, the DLCD and LCDC, have had the upper hand in controlling the direction of policy output, the strength and tenacity of the opposition has been unrelenting. They now appear to be gaining some ground in their efforts to shape the output of Oregon's land use planning policy arena, as evidenced by their success with Measure 7.

As scholars have observed, the media play a prominent role in setting the agenda (Iyengar and Kinder, 1987) yet they are often only reporting public sentiment, which is susceptible to manipulation by skilled actors who can craft policy arguments that will resonate with uncertain publics. The depth and breadth of public conviction regarding a public policy issue will define the degree of difficulty any policy entrepreneur will have in changing that conviction. It is beyond the scope of this study to delve deeply into the complex dynamic of the media, agenda-setting and public opinion. Nonetheless, the research here suggests a prominent role for the policy entrepreneur in this mix.

Other Loose Ends

And finally, it is important to note the effect that change in the land use planning policy arena eventually had on another closely related policy arena, that of state transportation planning. The change in this arena does not appear from the research to be as deep or as ubiquitous as that in state land use planning, yet the state DOT has been forced to consider transportation's impact on land use in its own policy decisions. Several interviewees indicated that the change is driven more by expediency than philosophy, citing the fiscal constraints on funding road building and improvements that have contributed to the more accommodating attitude of the DOT in regard to the state's land use planning system. Should the department suddenly find itself awash in money, it remains to be seen how deep the commitment runs for integrated planning.

Research findings indicate that the current policy monopoly is entering a period of renewed turbulence. New groups, such as Oregonians in Action, are demanding a voice in shaping policy output, and doing so by mobilizing new publics in search of new venues, as the Punctuated Equilibrium model predicts. They have been given this opportunity by a large group of new publics moving into the state, who lack the history and understanding of the state's planning program. The state's initiative process has given them an alternative venue of access, and they appear to be exposing some cracks in the widespread public consensus that has long formed the foundation for the state's planning arena.

Thus, the Oregon experience with land use planning provides a good test of the hybrid policy model. What is made clear by this case study is the overwhelming importance of the policy entrepreneur in facilitating the major changes in state policy found in SB 100. Without Tom McCall, this legislation probably would never have been passed. Likewise, without the actions of both McCall, Macpherson and the policy advocacy of Governor Atiyeh and 1,000 Friends, it might never have been successfully implemented. This was mentioned over and over again by interviewees, and is found in all the scholarly histories of the legislation. The very nature of the policy, which strikes at deep core beliefs, makes it likely that the efforts of strong policy entrepreneurs will always be needed to facilitate change in this type of policy arena. This relationship of the entrepreneur to policy type is an area for further investigation. Before doing so, we turn now to a look at the dynamics of this same policy arena in Colorado.

CHAPTER 4

COLORADO AND THE POLITICS OF GROWTH: STILL SEEKING CHANGE

Introduction

Like Oregon, Colorado grew at a healthy clip during the 1960s and early 1970s. During the decade of the 1960s alone, Colorado's population skyrocketed, growing over 25 percent, almost twice the national average (Kitsos, 1973). Over 80 percent of this new growth was concentrated along the border region between the plains and the mountains known as the Front Range. Also like Oregon, the state's political climate reflected a long tradition of local control over land use and zoning issues, combined with a rural-dominated legislature that saw no reason to change this.

Although residents enjoyed the economic prosperity brought by new business and industry, they were beginning to feel the effects of the negative impacts of unmanaged growth. Air pollution was worsening, traffic congestion was on the rise, and leapfrog subdivisions were eating up rural open space at an alarming rate. There was a growing concern among citizens and the legislature that something needed to be done. In 1970, urged on by Republican Governor John Love, the Colorado General Assembly passed the Colorado Land Use Act, stating that:

> The general assembly finds and declares that the rapid growth and development of the state and the resulting demands on its land resources make new and innovative measures necessary to encourage planned and orderly land use development. . .The general assembly further finds and

> declares that there is an increasing mutuality of interest and responsibility between the various levels of government in the State which calls for coordinated and unified policies in planning for growth and development in the interests of order and economy, and that the most effective means of attaining the objects set forth in this article is the adoption of the statewide system of land use (CRS, Ch. 106, Art.4$1).

This legislation called for the creation of a nine-member land use commission appointed to study the problem and provide a report with recommendations to the General Assembly. Three years later, in 1973, the report was issued. It began with an overview of the problem:

> Highways are crowded, the cities sprawl, fields become subdivisions and mountain meadows turn into ranch estates, the air is becoming dirty even in mountain valleys, and it all seems too fast and too big to control (Colorado Land Use Commission, 1973, p. 5).

The report went on to outline a set of goals and policies that the state might adopt to address these problems, identified a potential set of regulatory tools the state could use, and provided a tentative outline of organizational structure for coordination, implementation, oversight and enforcement. Elements of the report were eventually incorporated into legislation introduced during the 1974 legislative session.

Yet, those who thought Colorado would enact strong state regulations governing land use were to be disappointed. Although some minor land use provisions were passed during the early 1970s, the most substantive of these, HB 1041, was whittled away during the legislative process to nothing more than:

> . . .a local government planning enabling act. There was no mandated authority as was desired originally. All authority to identify, designate and administer matters of state interest resided with local government. They could act if they wanted to (Fisher, 1975, p. 41).

The 1974 legislative session marked Colorado's last significant effort to pass state land use regulations until the 2001 legislative session. This recent push for state land use regulations has been spurred by a growing concern over the same negative consequences of growth felt in the 1970s. Indeed, today's news articles and those of 30 years ago could be easily interchanged as far as their discussion of the problems and issues facing Colorado as a result of its intensive economic growth. Then, as now, the clarion call of opposition to state land use planning regulations is that the local governments are best suited to make land use decisions. Yet, the effects of continued local control are highlighted by these few examples:

- The Denver Metro area regularly makes any organization's top ten list of most sprawling cities in the United States. For example, in 1998, a Sierra Club Report ranked it the sixth worst in sprawl. From 1990-1996, there was a 15% increase in population and a corresponding increase of 66% in developed land (Sierra Club, 1998).
- In the decade from 1984-1994, Larimer County, one of the fastest-growing counties on the Front Range, lost 108,000 acres of agricultural land to development, an average of 8,000 acres per year (Sierra Club, Poudre Canyon Group, 2000).
- Affordable housing is rapidly disappearing – From 1991 to 1999, Denver's median home price increased 49 percent to $162,474. Overall, home prices have increased 101 percent and rents have increased by 88 percent during the past decade, while wages have increased only 56 percent (Livingston and Klowden, 2001).
- Colorado's transportation infrastructure is crumbling. In 1999, only 52 percent of the state highway system was rated in "good" or "fair" condition. $2.6 billion is needed to raise this to the state Transportation Commission's goal of 60 percent in good or fair condition. Only $2.3 billion will be available over the next 20 years for the state's surface program, leaving a shortfall of $300 million in this one category alone (CDOT, 2000).
- It is estimated that lost productivity due to traffic congestion in the Denver Metro area costs the state's economy over $1 billion annually (2001 TTI Urban Mobility Report).
- Survey after survey of Colorado's citizens rank growth and traffic congestion as their top concerns.

In short, yesterday's problems are today's problems, only now they are worse. Mirroring its approach to land use policy, Colorado's approach to transportation policy has also remained unchanged, even in the face of federal transportation legislation passed in 1991 and re-authorized in 1998, which was designed to foster change in the traditional emphasis on building highways as the primary mode of transportation. In Colorado, transit and bicycling have always been, and still are, considered matters of local concern while the bulk of Colorado's state transportation funding is allocated toward road and highway projects. In fact, Colorado remains one of only five states in America today that provide no dedicated state funding for alternative modes of transportation (Martens and Nordini, 2000). Where Oregon represents a good case study of policy change, Colorado offers an excellent opportunity to observe the dynamics of a policy monopoly that has successfully resisted substantive change for nearly 30 years.

Colorado – Land of Plenty and Natural Beauty

Colorado has always attracted immigrants seeking to prosper from the state's abundant natural resources. They stayed to enjoy the open spaces, tall mountain ranges, pristine air, blue sky, and over 300 days a year of sunshine. The state's economic base has historically derived from its abundant natural resources, characterized by numerous boom-and-bust cycles always centered around a particular resource or industry. At the end of the 19th century, gold and silver mining brought people to the state by the thousands. By the beginning of the 20th century, agriculture was king. During the 1940s, the defense industry attracted people through Lowry Air Force Base, Fitzsimons Army Medical Center, and later, Fort Carson and the Air Force Academy in Colorado Springs.

In the 1950s, Gates Rubber and Martin Marietta became huge employers. The Colorado oil and gas industry expanded as people began to drive more and more. In the decade of the 50s alone, the population of Colorado grew 32 percent (Wright, 1993). In the 1960s and 1970s, high tech industries such as IBM, Kodak and Hewlett-Packard moved in along with Beech Aircraft and numerous federal agencies (Wright, 1993; Pierce and Hagstrom, 1983).

New residents followed the new industries to the state and all these newcomers needed homes and roads to drive on. As the state's rural areas rapidly disappeared beneath housing developments and highways, citizens and elected officials were increasingly concerned. They were spurred on by a very active environmental movement in the state, riding the wave of national concern for the environment that marked much of the 1960s and 1970s. Other states had already jumped on the land use bandwagon, with Hawaii, Oregon, Florida, Vermont, Maine, Washington and California all passing some form of state regulation of land use during the early 1970s (Colorado Land Use Commission, 1973). In addition, the federal government was considering national legislation in the guise of The Land Use Policy and Planning Assistance Act (S.268) passed by the U.S. Senate in June, 1973. Although never enacted into law, many states, Colorado included, thought it would pass and wanted to enact their own legislation before the federal government began telling them how to do it. Thus, the timing seemed right for passage of state land use regulations in Colorado.

Colorado in the 1970s – Land Use Tops the Agenda

Colorado legislators began trying to deal with the negative impacts of rapid growth as early as the late 1960s. In 1966, Colorado adopted air and water pollution control statutes (DeGrove, 1984). In 1967, the state planning office was established under the auspices of the Governor's Office, followed by the creation of the state Land Use Commission in 1970. During the 1973 legislative session, lawmakers grappled with their first substantive effort to enact state land use regulation. SB 377, as it was known, was closely modeled after Florida legislation passed during the same period, and also incorporated many of the recommendations of the state Land Use Commission study. The legislation would have given the state a strong role in local land use decision-making, but partisan infighting over the proper role of the state in these matters killed the bill during the conference committee. Lessons learned from this attempt were that any land use legislation would have to have a broad coalition of support, must strike a good balance between state and local authority, and must not be too comprehensive in nature (Fisher, 1975).

HB 1041 – The Land Use Legislation that Wasn't

After the failure of SB 377, land use proponents quickly reorganized and formed a bipartisan interim committee chaired by Republican Representative Betty Ann Dittemore, accompanied by a citizen's advisory committee. This latter was established to identify key issues and recommend compromises that could be passed by both houses of the legislature. The citizen's committee was comprised of a broad cross-section of publics, including oil interests, cattlemen, realtors, environmental groups, and others (DeGrove, 1984). The work of this committee produced many of the recommendations found in HB

1041. Of particular note was the recommendation for a strong state role that included the creation of a state land appeals board with the power to designate areas and activities of state interest for final approval by the governor (DeGrove, 1984, p. 297). The land appeals board would also be given the authority to hear appeals of local government decisions granting or denying permits for development. It would have additional powers involving guidelines for administration by local governments, giving it a strong role in local land use decisions (DeGrove, 1984). However, local governments would still retain control over determining how land would be used after its designation (Fisher, 1974).

Rep. Richard Lamm, the leading Democratic contender for Governor, was a member of the interim committee, and a strong proponent of state land use regulation in Colorado. His key Republican opponent was Governor John Vanderhoof, who had stepped into the state's executive office when Governor Love resigned after almost a decade to take on the role of President Nixon's first energy czar. Governor Vanderhoof was determined not to give his opponent in the coming gubernatorial race any ammunition that could be used to portray Republicans as opposed to growth legislation (DeGrove, 1984). Thus, he made passage of land use legislation his priority for the 1974 legislative session.

The bill was introduced into the Colorado House on January 3, 1974, and assigned to the House Local Government Committee, chaired by Rep. Dittemore, a prime sponsor of the legislation. All but one of the members on the Local Government Committee had also served on the interim committee to draft the legislation. Thus, most supposed it would have smooth sailing in the House. The primary concern was the Senate, which was controlled by Republicans with a long tradition of hostility toward any state role in local land use decisions (DeGrove, 1984).

Many were surprised when the bill ran into trouble almost immediately in the House committee. A representative of the Colorado State Association of County Commissioners appeared before the committee to oppose provisions for a state land appeals board. He argued that local government is the best at determining local land use decisions. His concerns could not be easily dismissed. During this era in Colorado, county commissioners wielded great influence over the legislators back home, and were ignored at one's political peril. In an attempt to appease them, Rep.Michael Strang, Republican, proposed an amendment that would shift the responsibility for identifying and designating matters of state concern to local governments rather than the state land appeals board, and to shift review functions to the Department of Local Affairs (DeGrove, 1984).

This represented a major change in the balance between state and local power, throwing most decision-making back into the arena of local governments. Rep. Richard Lamm accused Strang of conspiring with the Association of County Commissioners in proposing the amendment at such a late date (Fisher, 1975). The Democrats on the committee voted against the amendment and the Republicans voted for it. Thus, the bi-partisanship that had been sought crumbled before the bill was even out of committee. Nonetheless, the Democratic leadership in the House felt that the bill was still sufficiently strong, and rallied its members to pass the legislation, 50-12 (DeGrove, 1984).

Given the House experience, many felt the bill had no chance in the Senate committee without strong Republican support. In an attempt to garner this support, Strang and Dittemore set about getting approval for 18 pages of amendments that they thought would make the bill more acceptable to Senate Republicans. Two key Senators in particular, Joseph Schieffelin and Joe Shoemaker, were interested in further decreasing the state's role and responsibility in land use matters. They sided with the Association of County Commissioners, the Colorado Association for Housing and Building and the Rocky Mountain Developers Association, who also opposed a strong state role (DeGrove, 1984).

Many of the proposed amendments had substantive impact on the bill, most notably the removal of the mandated provisions. Words like *shall* were replaced with *may* for those actions that were identified for local governments to take. By this time, "They had literally stripped the bill of all remaining state authority" (Fisher, 1975, p.35). Key portions of the bill that were changed included:

1. Deletion of the mandate to local governments to identify and designate matters of state interest;
2. Deletion of the mandate to the Department of Local Affairs to propose areas and activities of state interest and recommend guidelines to the State Board;
3. Deletion of the mandate to other state agencies to provide recommendations and technical assistance to local governments; and
4. Deletion of the reference to regional planning commissions (Fisher, 1975).

This list of deletions is not all-inclusive, but provides a good example of the various ways in which the bill was rendered useless as a state land use planning tool. Although these changes alienated most of the members of the House coalition, they satisfied most of the concerns of the Senate Committee.

The final assault came from the Senate Appropriations Committee, chaired by Senator Shoemaker. Here, the last vestiges of state control were stripped away when the whole state land appeals board section of the bill was deleted and the state role was confined to the existing land use commission. The commissioner's temporary emergency powers were retained, to be used in extreme cases where the state interest was at stake. Other than these emergency powers, the role of the state was reduced to one of providing technical information and assistance and financial help (DeGrove, 1984). Representative Strang summed it up when he said:

> One individual came out of the west like Lochinvar, holding some 20 appropriations bills in his tight little fist and clobbered a bill. One individual. And, he brought the Senate to a heel. He brought them right to their knees. . (Strang, quoted in Fisher, 1975, p.40).

All vestiges of bipartisanship were gone. Democrats were furious with the amendments and wanted the bill defeated so they could come back and try again. Many Republicans were unhappy with the bill as well, but felt the Governor needed it in order to further his political chances at reelection. The legislation passed, and Republicans put the best face on it they could muster. The bill passed the House by a vote of 31 to 29. Governor Vanderhoof and the Republicans could at least say they had produced a land use bill when campaigning in the next elections. Republican Senator John Bermingham said a few years later that while Republicans were nervous about their political future in 1973 and 1974 and felt the necessity of passing land use legislation, after 1974, they no longer felt like they had to "go along and support anything in the environmental protection and land use area in order to hang onto office" (Bermingham, quoted in DeGrove, p. 302). The fleeting moment had passed and local control over land use in Colorado would continue without serious challenge for most of the ensuing two and one half decades.

Of Policy Entrepreneurs, Publics and Venues – What Happened?

The Missing Entrepreneur

Baumgartner and Jones (1993) contend that major, rapid change is more likely to occur if the dynamics of interaction among the key players outlined in their model all come together in ways that are conducive to producing changes in policy output. In the case of Colorado and its attempts to enact substantive state land use legislation, this did not happen.

The most important element, the successful policy entrepreneur, was missing. Schneider, Teske and Mintrom define the entrepreneur as one who is alert to opportunities, willing to take risks, and *can coordinate the actions of others to fulfill their goals* (1995, p. 8, emphasis added). former Governor Richard Lamm meets the criteria for the policy entrepreneur in this battle, yet in the end, he was unable to successfully mobilize large groups of people to push for change. It isn't enough to merely determine which way the political winds are blowing – the *successful* entrepreneur has to be able to shift their direction (Schneider, Teske and Mintrom, 1995).

Why did Lamm fail as an entrepreneur? One reason may be that, as a legislator, Lamm did not command the same influence as Hector MacPherson in Oregon. MacPherson was a native Oregonian, a Republican, and a farmer. When he and Portland Democrat Ted Hallock joined together to push for SB 100 in Oregon, a symbolic and substantive union of bipartisanship was created. The primary divisions that remained after that were between those legislators from the Willamette Valley and everyone else. By contrast, Richard Lamm was a relatively recent immigrant to the state (he moved here permanently in the early 1960s), was a liberal Democrat, an attorney and an early member of the fledgling environmental movement in Colorado. These combined to relegate him to a position of marginal influence in a state legislature dominated by conservative rural interests.

Colorado also lacked a Governor like Tom McCall to rally the publics in support of substantive legislative change. Governor Vanderhoof had recently replaced Governor Love, who resigned to accept a position in Nixon's cabinet. Interviewees and the historical record indicate that his support of HB 1041 was more a matter of political expediency than a substantive conviction that the legislation was necessary. Unlike McCall in Oregon, Vanderhoof did not lead the fight for land use reform, taking more of an attitude of benign acceptance rather than a leadership role.

Quiescent Publics

The role of the public in Colorado was significantly less hands-on than in Oregon as well. Recall from the previous chapter that the graphic results of a Willamette Valley Futures study was not only developed with mass public input, but was trotted out across the state to hundreds of civic organizations and groups to educate them on the issue and solicit their support. In Colorado, a similar type of study was conducted of the Front Range corridor in 1968. Initiated by Governor Love, it was intended to be a comprehensive look at land use and transportation needs for the Front Range Corridor from Trinidad to Fort Collins. When completed, it identified strategies and plans that could be implemented over a number of years. Individual study groups were formed for each region along the corridor, with citizens' groups providing the design and development of the plans for their region (Schmuck, 2001).

After completion of the overall plan, the report was given to the legislature for its consideration and discussion. A copy was placed on every legislator's desk on the opening day of the session. In it was language that proved to be highly objectionable to the delegation from the Trinidad/Pueblo area, and according to one person, these delegates "went up in smoke" (Schmuck, 2001). The offending language had to be removed, and Governor Love ordered all the copies returned. The report was never re-introduced to the legislature, and today, few people other than those directly involved even recall the plan's existence (Schmuck, 2001). Unlike Oregon, there doesn't appear to have been any serious attempt on the part of state leaders or staff to involve and educate broader publics regarding this first plan.

Groups and Venues – Hanging On To Power

Key interest groups that were mentioned as very influential during the passage of HB 1041 are the Association of County Commissioners, the Rocky Mountain Developers Association and the Colorado Association for Housing and Building (DeGrove, 1984; Fisher, 1975). These same groups are cited over and over again by every interviewee as the ones that still wield the most influence over the legislature regarding the issue of land use and transportation in Colorado today. And, the County Commissioners are regarded as the most powerful of these groups. Recall that it was the insistence of the lobbyist for them during the early committee hearings that instigated the first round of amendments.

Accounts of the political fighting over HB 1041 in the legislature indicate that extreme partisanship and rural domination of the process worked in tandem with these lobbying groups. After Shoemaker's amendments removed all vestiges of state control, the result was a rather chaotic situation described by Fisher:

> The effect of the amendment was monumental politically. The new version completely disregarded the findings of the Interim Committee on Land Use. The non-partisan coalition lost all foundation of support. Those promoting the continuation of autonomous local power on land use decisions had reasserted those values as dominant. The Senate was at odds with the House, the Democrats with the Republicans, the ruralites with the urbanites, the conservatives with the liberals" (1975, p. 40).

From 1974 to 1980, feeble efforts were made to implement the law, but by 1980, even these efforts were largely gone. By then, the legislature had all but eliminated funding for local government aid programs begun under HB 1041, the Division of State Planning

Office was dissolved, and state management and coordination of growth in Colorado fell off the agenda.

HB 1041 – The Change That Wasn't

Among the many reasons that Colorado's early experiment with state land use legislation can now be safely labeled a resounding failure, statutory design was probably one of the most important. The language was often vague and contradictory, leaving much to interpretation. For example, the terms "guidelines" and "regulations" are used interchangeably, when they are distinctly different legal terms (Jensen, 1977). In other places, certain things are either required or excused where "appropriate," leaving the interpretation of what constitutes "appropriate" to the whims of he or she doing the defining (Jensen, 1977). There was so much compromise built in that it appears the writers of the statutes were trying to cover every contingency while offending no one. The result was that certain sections of the statute were almost incomprehensible, even to seasoned land use attorneys (Jensen, 1977).

As Ingram and Schneider (1990) point out, ambiguity of statute design doesn't necessarily spell doom for implementation given certain political dynamics, especially if the implementing entities are supportive of the act and can also be forced to comply in some manner or another. Yet, in the case of HB 1041, the ambiguity was combined with the absence of mandates, leaving the success or failure of implementation to rest with those governmental entities that had shown unremitting hostility toward it from the start – the county and municipal governments.

Further troubles can be traced to the fragmentation of roles and responsibilities between numerous state agencies. The Land Use Commission was housed in the Governor's Office, while control of the monies for local government grants under the statute was given to the Department of Local Affairs (DOLA). The relationship between these entities was rocky almost from the start, and has been well-documented by DeGrove (1984) in his seminal work on state land use legislation. The bureaucratic in-fighting was spurred on by differences in the agencies' philosophies regarding the proper role of the state in local land use decisions, combined with a jealous guarding of turf. A former staff member of the land use commission had this to say about the relationship between the two agencies:

> . . .there was a natural desire of each agency to defend its own territory. Furthermore, there was honest confusion over what the law meant. Finally, efforts to educate local government had been weak, partly because the state was not clear itself on what the bill meant (Fisher, 1977).

A former head of the LUC had complained that the relations between the DOLA, particularly the division of planning within it, were complicated by the fact that there was a veteran bureaucrat who was opposed to interfering in any way with local government affairs (Bermingham, 1977). The director of the division of planning at the time of its demise commented that, "there was all this in-fighting between our division and the land use commission.. .it did a disfavor to the state in creating that kind of competition that wasn't very productive" (Schmuck, 2001). Thus, the implementation of the statute was plagued by the decision to separate the authority and oversight between these very different agencies, each of which was driven to act by different missions and goals.

Another administrative hurdle arose from the fact that county governments were given primary responsibility for implementing the statute, yet they had a long-standing animosity toward anything that smacked of state interference in local land use decisions. To complicate matters, the cities had never been mandated to participate in the subdivision regulations required by an earlier piece of legislation, SB 35, as were the counties.[10] Developers ended up playing city officials against county officials, and the resulting animosity between counties and cities, and between the local and state governments, seemed to doom any attempts at successful intergovernmental cooperation.

The LUC itself was placed in the rather awkward situation of both providing technical assistance to local governments and acting as the enforcer. As one LUC commissioner commented, "It's been very hard for an agency such as the land use commission to be both a good guy and a bad guy at the same time"(Fred Saunderman, quoted in DeGrove, 1984, p. 314). By combining these two functions in the commission, while simultaneously giving control of the purse strings to the DOLA, it would seem that the crafters of the legislation made the significant error of establishing an agency structure that inappropriately combined duties that should not be combined, and segmenting those that should.

[10] SB 35, the state subdivision law, was passed by the Colorado General Assembly in 1972. It requires counties to make provision in their subdivision regulations for adequate domestic water and septic disposal; mitigation of soil and geologic problems; dedication of land or money for future park and school sites; and bonding of public improvements (Wickersham, 1977). There are two major loopholes in the law: 1) it exempts all subdivisions of land in parcels of thirty-five acres or larger, and 2) it gives the counties the authority to exempt certain other subdivisions altogether (Heavin, 1998).

Summary

Hindsight reveals many warning signs that HB 1041 was headed for trouble. The legislative language was vague and contradictory, largely due to partisan bickering. Oversight was fragmented, without clear lines of responsibility and authority concentrated in the appropriate sections of state government. The local governments resisted state control in local land use decision-making and to put the final nail in the coffin, were never mandated to comply with the provisions of the act. Thus, if we apply the criteria stated for operationalization of policy change in the model used for this research, HB 1041 can be classed as 'incremental change', rather than major change. Recall that incremental change is characterized in our model as policy that changes at the margins while leaving the substantive thrust of the policy output unchanged. Local control over land use decisions remained intact, while the state was given a very limited role in special cases only. The state role was more a symbolic player, than a true decision making authority that had the power to shift the direction and nature of local land use decisions. Eventually, even this limited role was whittled away during the early years following passage of HB 1041.

Before moving beyond this discussion, it is important to note that HB 1041 was not a total failure. The commission developed model guidelines for zoning and permitting that discouraged sprawl-type development. These were in turn used by some local governments to pattern their own. Large sums of money were channeled to local governments for a while, which helped to raise the level of expertise in local planning by hiring professional planners, or using consultants. And finally, the controversies that swirled around the designation disputes raised public awareness of potential and on-going problem areas in the state (DeGrove, 1984). In the end, DeGrove provides one of the best summary assessments of the whole affair:

> The politics of land and growth management in Colorado is more clearly a partisan political party matter than in any other state analyzed in this study. Since the early 1970's, the division has been sharply along Republican-Democratic lines, with Republicans being generally hostile to a strong state role in any land use effort, and Democrats supporting as strong a state role as they feel can be defended (1984, 331-332).

The Politics of Growth, Part 2 – Transportation Policy

The Late 1970s – I-470 and Clashing Wills

The land use fight was only half the battle surrounding the politics of growth in Colorado in the late 1970s. The other battles were fought in the transportation policy arena. Colorado, like most states during this period, was focused on completing the federal interstate system. Even as road construction continued throughout the United States, there was mounting evidence that these new roads actually encouraged sprawl and did nothing to alleviate congestion in the long-run (Downs, 1992; Benfield, Raimi and Chen, 1999; Flink, 1975; Gordon, 1991). Over time, congestion usually worsens on new and improved roads, due to their tendency to attract new development accompanied by the phenomenon known as "induced demand." This is the tendency for new highways to quickly become as congested as the old due to travel moving back to peak time to take advantage of the added capacity, travel switching from other roads to the new road, and travel switching from transit to the new road (Downs, 1992). Despite mounting evidence that building more roadway capacity will not solve the congestion problem in urban areas, many states, Colorado among them, continue to emphasize increasing capacity over all other forms of travel when it comes to allocation of transportation dollars.

Governor Lamm was a high-ranking elected official who also happened to share this philosophy. When he entered office in 1974, one of his first pronouncements was that the long-planned interstate beltway around Denver, I-470, would not be built, promising to "drive a silver stake" through its heart. This set in motion a raging clash of wills between the executive and legislative branches of Colorado's government that defined the tenor of the rest of Lamm's first term as governor. Following on the heels of the state land use battle, this fight further illustrates the extreme partisan nature of the politics of growth in Colorado and demonstrates the deep entrenchment of the policy monopoly that controls the politics in this policy arena to the present day.

I-470

I-470 was born of a 1958 report issued by the Inter-County Regional Planning Commission, now known as the Denver Regional Council of Governments (DRCOG) that recommended a southwest circumferential route be built in the metro area. In 1968, the Colorado Department of Highways requested that I-470 be included as part of the federal interstate system and the mileage was officially added to Colorado's interstate total in 1969 (Wiley, 1976). Developers, interested citizens, local government officials and state legislators immediately lined up on either side of the issue, some opposing the road, others favoring it (Wiley, 1976). In 1975, during his first year as Governor, Lamm started the process to make good his threat to kill the project. He asked the state Highway

Department to contact the federal Department of Transportation and request that the mileage be removed from the federal interstate system and the monies allocated for its construction transferred to other projects in the state, some of which were for mass transit.

At this point, the legislature and the Highway Commission[11] exploded. The legislature attempted to pass legislation that would make I-470 a toll road, but the bill died in the waning days of the session (Wiley, 1976). The Highway Commission then stepped in and ordered the Chief Engineer for the Colorado Department of Highways to continue with the necessary steps to keep the road in the federal interstate system. The Chief Engineer pointed out that he was caught between conflicting orders of the Governor and the Highway Commission. The Highway Commission then petitioned the Colorado Supreme Court to affirm its authority over the chief engineer, rather than the Governor's authority. The Supreme Court sided with the Highway Commission and the Chief Engineer submitted the plans to the federal government to keep I-470 alive (Wright, 1976).

Throughout 1975, the battle raged and was widely reported in the press. Lamm's refusal to budge and the legislative failure to bypass his authority by creating a toll road left the

[11] The state Highway Commission was created in 1953 as part of the Highway reorganization Act passed by the General Assembly in 1952. This new Commission had eight members appointed by the Governor on a geographical basis. The number of Commissioners was raised to nine in 1968 to include one representative at large. In 1991, the Colorado General Assembly passed legislation creating a state Department of Transportation out of the old Department of Highways, and the Highway Commission was changed to the Transportation Commission. The Commission today is comprised of eleven members, each representing a specific district. The Commission, along with CDOT, formulates general policy regarding the management, construction and maintenance of state highways and transportation systems, advises and makes transportation policy recommendations to the Governor and the General Assembly, and allocates the budget for spending on transportation programs across the state (Wiley, 1976; CDOT Annual Report, 2000).

situation in stalemate. By 1976, things had cooled somewhat, and at the request of supporters of the road, Lamm agreed to appoint a group to study the proposed beltway, to "learn what the people want. . .to investigate the conflicting facts," and study the alternatives (Wright, 1976). The ad hoc committee contained a broad cross-section of citizens comprised of two mayors, four county commissioners, the Democratic state chairman, the chairman of the State Highway Commission, a city councilman, a chamber of commerce member, two members of ad hoc groups favoring the route and one member of a group not in favor (Wright, 1976). The study group looked at the environmental, social and economic impacts of the proposed I-470 as well as considering several other alternative proposals. It was also asked to address the deficiencies in the original I-470 environmental impact statement, which had previously been rejected by the Federal Highway Administration (FHWA), adding yet another layer of complexity to the issue (Wright, 1976).

Late in 1976, the ad hoc commission finished its work and recommended that I-470 not be built. Instead, they recommended the construction of a four-lane parkway, built along the same route as that proposed for I-470. The Parkway would have a 300-foot right of way instead of the typical 100-feet so that it could accommodate pedestrians, bike paths and bus turn outs, as well as have landscaping and allow for possible future expansion to 6 lanes if necessary (Brimberg, 1976). In early 1977, Governor Lamm signed the I-470 Withdrawal-Substitution proposal, which was subsequently approved by all the federal agencies involved. Numerous public hearings for the new parkway were held and the planning process continued. Building the road formally began in 1984, and C-470, also known as the "Centennial Parkway," was finally completed in 1990, minus many of the multimodal amenities that were originally proposed by the ad hoc committee.

In addition to the fight over I-470, the newly-elected Governor Lamm quickly became embroiled in a dispute with the Colorado Senate over their refusal to confirm his five new appointees to the Highway Commission,[12] all of whom were opposed to building I-470. Lamm sued, and the case ended up in the Colorado Supreme Court, which ruled 6-0 that Lamm's appointees to the Highway Commission could not take office until confirmed by the State Senate and that until that time, the pre-Lamm incumbents on the Highway Commission would have authority. However, the Court did warn that failure of the Senate to act in the future on nominees would not mean the incumbents could stay in office (Wright, 1976).

Status Quo Prevails

The fight over I-470 and the squabbles over Lamm's highway commission appointees highlight the entrenchment of the dominant highway monopoly in Colorado. Lamm wished to shift the prevailing policy of building roads only to a more comprehensive multi-modal approach. The Highway Commission, the Highway Department and the

[12]The state Highway Commission was created in 1953 as part of the Highway reorganization Act passed by the General Assembly in 1952. This new Commission had eight members appointed by the Governor on a geographical basis. The number of Commissioners was raised to nine in 1968 to include one representative at large. In 1991, the Colorado General Assembly passed legislation creating a state Department of Transportation out of the old Department of Highways, and the Highway Commission was changed to the Transportation Commission. The Commission today is comprised of eleven members, each representing a specific district. The Commission, along with CDOT, formulates general policy regarding the management, construction and maintenance of state highways and transportation systems, advises and makes transportation policy recommendations to the Governor and the General Assembly, and allocates the budget for spending on transportation programs across the state (Wiley, 1976; CDOT Annual Report, 2000).

legislature were so strongly opposed to this that they were willing to pursue their demands in the state Supreme Court rather than capitulate. When the gauntlet was thrown down soon after Lamm took office, relations between the Executive and Legislative branches of Colorado's government became immediately hostile, and would remain so for much of the rest of Lamm's term in office. By 1980, relations had sunk so low that a Denver Post editorial called for an end to this:

> pettish clash of powers. . .at the core of the problems Colorado has been experiencing lately. For too long, a fractious element in the General Assembly has challenged practically everything the governor has wanted to do, and Lamm has responded too often with equally ill-considered attacks on the Legislature (Denver Post Editorial, 6 March 1980).

Meanwhile, Colorado added another 600,000 people between 1970 and 1980, growing from approximately 2.2 million in 1970 to almost 2.9 million in 1980 (U.S. Bureau of the Census, 1995). These new residents moved into new subdivisions that were springing up everywhere. They, along with the older residents, drove more and more miles on the state's roadways, which were now beginning to crumble from decades of maintenance and repair neglect. With these problems building, Colorado entered the decade of the 1980s.

Lamm Keeps Pushing for Change

Governor Lamm continued his efforts to encourage officials around the state to develop a more long-range vision for the future of Colorado. To this end, he directed staff in the Department of Local Affairs' planning division to develop a set of policies that could be used as guidelines for accommodation of the rapid growth that was continuing to occur.

By 1979, these policies were ready and Lamm put them into effect via executive order. Then, in what had to be the public relations blunder of the decade, staff gave these policies the Orwellian label, "The Human Settlement Policies."

No one took much note of the policies until early 1980, when local government officials began complaining to legislators that the policies "were being used by Lamm's office in its recommendations on federal funding of local projects" (Sherman,1980). Lamm's administration denied this, maintaining that there were always more local requests for money than was available, and that the policies merely provided a set of objective criteria for distribution of funds. Some Democratic legislators supported him in this, arguing that, "decisions by state agencies regarding local requests for money in the past have been haphazard and arbitrary, and often political" (Sherman, 1980).

The policies encouraged clustered, compact development in or near existing communities in order to discourage the low-density, strip and leapfrog development so prevalent in the state. They sought to foster off-season employment in communities with seasonal economic peaks, to promote more mixed economies in single industry areas and economic growth in areas with significant unemployment. Growth was encouraged in communities that already had the infrastructure and facilities to absorb it, and was discouraged where it would jeopardize air- and water-quality standards, wildlife habitats or scenic, historic, archeologic and natural areas. Policies were also included to keep new growth from clogging up the already large Denver metro area by encouraging regional growth centers throughout the state (Denver Post Editorial, 25 February 80).

Lamm's critics accused him of trying to achieve via executive order what he had been unable to achieve during his tenure in the legislature. To them, this was just a back-door way to force a state role in local land use decisions. Typical of comments were the following, made by Sen. Ralph Cole, R-Littleton:

> This is the greatest power grab in the history of Colorado. These policies will be law unless they specifically conflict with an existing law. The Governor will have one big say where the growth goes in Colorado (Parmenter, 1980).

And those of Sen. Bill Hughes, R-Colorado Springs:

> What's really going on is that people (local governments) are being nailed for not dancing to a tune set by an executive order (Engdahl, 1980).

In retaliation, the 1980 legislature passed a formal resolution asking the governor to rescind the policies. "Proviso language" was attached to a number of appropriations bills stating that the human settlement policies were not to have an impact on the spending of appropriated dollars (DeGrove, 1984). By December 1980, the dispute had become so heated that Governor Lamm finally acquiesced to legislative demands to drop the Human Settlement Policies. However, as DeGrove observed, "The legislature's objection to the policies seemed to focus more on availing itself of an opportunity to attack the governor than on substantive objections to the policies themselves" (1984, p. 328).

Nevertheless, Lamm persisted in his efforts. In November 1979, he created a study group headed by John Welles, to examine:

> . . .how Coloradans can accommodate the expected growth of 1.25 million people in the 13 Front Range counties[by the year 2000] while maintaining and enhancing our quality of life? (State of Colorado, 1981).

The members were comprised of a broad cross-section of public officials, private business representatives, environmental groups and citizens. Over 600 volunteers worked to look at different areas of Colorado that were affected by the rapid growth, broken down into the areas of Energy and Minerals, Housing, Land Use Planning and Process, Mountain Areas, Open Space and Agricultural Lands, roles of Government, Transportation and Water (State of Colorado, 1981). Many public hearings and workshops were held up and down the Front Range, where 1500 citizens provided their responses and ideas during the first year of the study (State of Colorado, 1981).

At the end of this first year, the recommendations of the report were outlined in an article to the Denver Post written by Governor Lamm. (16 November 1980). Some general recommendations from the first year report were:

- A more multi modal transportation system;
- That local governments develop and coordinate comprehensive plans;
- The establishment of a program to acquire open space;
- The creation of a state Department of Transportation;
- That planning for a new airport or airport expansion begin; and
- That alternative sources of energy and fuels be developed to reduce Coloradans' reliance on oil and gas.

The second year was spent identifying constructive solutions to the problems and priorities identified during the first year, including tying funding sources to priorities, and proposing new and changed roles for government, both at the state and local level.

By spring of 1982, the project study was completed. A number of non-legislative accomplishments were touted. These were:

- The formation of the Mortgage Corporation of Colorado to develop innovative ways of financing homes;
- Forming Colorado Open Lands, an organization to explore ways of preserving open space along the Front Range;
- Formation of a regional alliance of the nearby mountain communities of Clear Creek, Gilpin, Park and Teller Counties to coordinate growth planning; and
- Production of a report on how to streamline the development process, for use by homebuilders (Welles,1982).

The report was ignored by the legislature and after its initial release, almost no mention of it could be found in the media. There seemed to be no attempt to present the findings to larger publics as there was in Oregon, and over time, it became one of a long procession of long-range studies and reports that would emerge from the executive office throughout the 80s and 90s, create a brief moment of public interest, and then be forgotten in the flurry of business as usual. This, too, demonstrates the tenacity of a policy monopoly that could successfully resist change. No one emerged as entrepreneur to present the reports to the broad public in an attempt to garner more support.

Recession and a Changing Agenda

Like much of the nation, Colorado's economy fell into recession in the early 1980s. Combined with this was a growing public backlash against the perceived interference and inefficiency of government at all levels. A new, far more conservative era had arrived. Colorado's legislature shifted even further to the right with the election of a group of extremely conservative Reagan-type Republicans, dubbed the "House Crazies" by pundits and press alike. They would dominate state politics at the capitol in Denver for the next decade.

Environmental concerns were replaced with concerns over energy shortages, spiraling inflation, rising unemployment and widespread recession, and the emphasis shifted to promoting economic growth. The moment for change seemed to have passed. The last designation request from the land use commission was in 1982, regarding the plowing of grasslands in Weld County. The Human Settlement Policies were forgotten, and the state division of planning was dissolved and wrapped into the overall Department of Local Affairs.

The slowing economy and the political immobility of the legislature appear to have moderated Lamm's stance. As he began his third and final term in 1983, his State of the State speech was characterized by the Denver Post as one to which "Republicans in the legislature could relate" (Miller,1983). In it, Governor Lamm expressed concern over the deepening recession and the need for state investment in public projects to get the economy moving again. Typical of the tone was the following:

> The second and longer part of that economic agenda is to build the economy of tomorrow. Colorado cannot be complacent in the matter of jobs. . . .businesses are looking to Colorado as possessing the right mix of environment, resources and services for their enterprises. We must furnish these companies more than our high quality of life. Colorado must recognize and prepare for the economy of tomorrow. And we must start today (Denver Post, *Lamm's Address to 54th General Assembly,* 1983).

Transportation was considered one of the most crucial public projects to foster economic development in the state. Maintaining the roads and building new ones began to occupy the attention of the legislative sessions and the business community. Many began to push yet again for a beltway around Denver, considered key to bringing economic development to the suburbs. Yet, amidst the growing clamor for new roads, Colorado's existing roadway system was in trouble, and it was expected to get worse. In a 1981 report released by the transportation task force of Lamm's Front Range Futures project, the forecast was grim:

> Some 1 ½ million people expected in Colorado's Front Range in the next twenty years will plunk themselves in a transportation context which still rests on the assumption of cheap energy. [Colorado needs] . . .a coherent transportation planning process to keep industry and commerce moving goods and people at least cost in money and energy by suitable, integrated modes. No such process now exists in this state (Colorado Front Range Project, p.4).

In 1979, the Annual Colorado Highway Report revealed that a little over 50 percent of the state's rural roads, and approximately 38 percent of its urban roads were rated as excellent or good. The rest fell into the category of fair, unsatisfactory, or critical (Colorado Department of Highways, 1979). The report warned of increasing financial difficulties for the state's highway system, as expenses continued to grow much faster than revenues. The "high rate of inflation, the uncertain energy situation, and the lack of adequate sources of new funds" were cited as reasons for the growing financial crisis (Colorado Department of Highways, 1979).

Part of the state's funding crisis for road construction and maintenance was due to the legislature's reluctance to raise the state's gas tax, combined with public unwillingness to pay higher taxes. In 1969, the state gas tax had been raised to seven cents/gallon, where it remained for the next 12 years. To provide some additional revenue, the legislature passed the Noble Bill in 1979, allocating six percent of the net revenues from sales taxes collected on the sale of automobile-related items, such as batteries, tires, parts and accessories, to highway projects (Colorado Department of Highways, 1979).

Nonetheless, by 1980, the Department of Highways was predicting a $2.4 billion shortfall between highway revenues and needs in the coming decade. (Denver Post Editorial, 17 March 1980).

In 1981, the General Assembly raised the gas tax to 9 cents/gallon. A Denver Post poll taken at the time revealed that 71% of state residents were opposed to raising the gas tax, even though nearly half of those polled rated the roads as in fair or poor condition (Lane, 1981). This trend in public opinion would continue, with people rating the roads poorer and poorer, but unwilling to pay the additional monies needed to fund repairs. In spite of public ambivalence, the gas tax was raised again three times in the 1980s. These increases did not come easily. In particular, the legislative battles during the 1986 and 1989 sessions were two of the most heated years. They are also indicative of the type of politics that has surrounded transportation finance for the past three decades, and as such, deserve a closer look.

Transportation Funding, Colorado Style

By 1986, the state Highway Department was again predicting disaster for the state's transportation network if something weren't done to provide more revenue, along with a more long-range planning perspective. Joe Dolan, the state Highway Department Director, was quoted as saying the state would fall $5.5 billion short of anticipated needs over the next 15 years if something were not done (Udevitz, 1986). During that year, proposed legislation to increase the gas tax bogged down in partisan disagreements over raising the diesel tax. Lamm wanted a diesel tax significantly higher than the gas tax, and threatened to veto any legislation that did not include this differential. Lamm, and some Democratic legislators, felt that large trucks weren't paying their fair share of taxes for road maintenance and repair, claiming they cause far more damage proportionally than automobiles. However, most of the Republican-dominated legislature were opposed to the diesel differential.

Other lawmakers were opposed to more transportation funding simply because they didn't want to give the Highway Department any more money. There was a long-standing perception that too much was spent on administration and not enough on roads. According to a former Highway Department official, the legislature had long resented the fact that they could only approve the Highway Department's overall budget, and had no input into where or how the dollars were spent (Vaad, 2001). Instead, the appointed state Highway Commission determined the allocation of dollars and the ranking of projects.

Other legislators questioned whether the department's estimates of revenue shortfalls were accurate, citing their impression that road conditions weren't that bad. Sen. Steve Durham, R-Colorado Springs, was quoted as saying, "My observation of the roads is generally they are in pretty good condition" (Fulcher, 1986). Sen. Jim Lee, R-Lakewood, opposed raising taxes to fund road repairs, saying, "As far as I know, nothing we do in the area of highways makes sense. Nothing. We don't prioritize. We don't spend proportionally. We don't have accountability. We don't have a plan" (Roberts, 1986). He wanted to see a 20-year, statewide plan developed detailing how traffic would be moved through Colorado.

After numerous near-death experiences, the legislation was finally passed and signed by Governor Lamm. The final form of the bill contained a compromise on the diesel tax. Rather than the 3-cent differential the Governor wanted, it was half that. By the time the smoke cleared, the state's gas tax had been raised by 6 cents/gallon, and the diesel tax by 7.5 cents/gallon, bringing the totals to 20 and 20.5 cents, respectively. The projected annual revenues that would be raised from this tax were $104 million, far short of the $750 million per year the Department of Highways was predicting would be needed (Fulcher, 1986).

A New Governor Takes Over

Roy Romer took office as Colorado's newly-elected democratic Governor in January, 1987. When Romer was sworn in, unemployment was 7.7%, housing permits had declined from the previous year by over 40 percent, and non-residential construction was down by over 20 percent (Colorado Legislative Council, 2000). Colorado's economic downturn had begun with the drop in oil prices in the early 80s. When prices fell, the planned massive development of Western Slope oil shale reserves was abandoned, and the oil layoffs rippled through the economy. Mining and the construction trades were particularly hard-hit. Frontier Airlines floundered and was taken over by Continental in 1986, and bankruptcies skyrocketed, reaching 18,000 in 1988 and another 17,000 in 1989. The City of Denver had been greatly overbuilt during the booming 70s and early 80s, and by 1985, downtown office vacancy rates were at an all-time high, even though job growth was a still-respectable 3.7 percent annually (Wright, 1993). One interviewee drew the following picture of Colorado in the late 1980s:

> When I came in with Romer, in 1986, 1987, we were in such a downturn that nobody was thinking anything but economic development. We would have pressured any small town or big town in the state to rezone any 40 acres for any 100 jobs because we were that desperate. Romer used to joke that you couldn't even get a U-Haul trailer in this state because they had all left going somewhere else (Kallenberger, 2001).

Romer felt that the state's highway system was crucial to improving Colorado's economy, not only for greater ease of movement of goods and services, but to provide access that would attract new businesses and development. Thus, one of his first priorities was securing more funding for roads. His funding proposal, dubbed the Regional Mobility Plan, was introduced for legislative consideration during his first year in office. In it, he proposed raising the state's vehicle registration fee for cars and trucks by $20, and $40 for larger trucks. The money would be earmarked to pay back $540 million borrowed from Colorado's general fund to be used to jump start certain road-building projects.[13] In addition, a couple of projects were proposed for both Colorado Springs and Fort Collins. However, with the exception of the carpool and vanpool lanes

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[13] Romer's proposal would have accelerated the following high-priority highway projects:

- I-25 interchanges at 6th Avenue, 20th Avenue, I-70, 58th Ave. and I-76;
- Widening I-270 to eight lanes between I-76 and I-70;
- Widening I-70 to 10 lanes from I-270 to I-225;
- Widening I-225 to six or eight lanes from I-70 to I-25;
- Widening Co. 83 to four or six lanes from I-225 to Hilltop;
- Widening I-25 to 10 lanes from I-225 to C-470;
- Widening U.S. 85 to six lanes from Evans Ave. to C-470, including car and vanpool lanes;
- Widening U.S. 285 to six lanes between Santa Fe and Wadsworth Blvd.;
- Completion of last leg of C-470;
- Adding a four-land freeway extension of C-470 in Golden;
- Widening I-70 to eight lanes, from C-470 to I-76;
- I-76, four-lane freeway from Sheridan Boulevard to I-25.

on U.S. 85, there was no mention of funding transit or rail of any sort out of the increases (Westergaard, 1987).

SB 220, as it was called, squeaked through several Senate committees and was passed by the full Senate. It then stalled in the House appropriations committee when Chairman Elwood Gillis, Republican from Lamar, refused to allow hearings on the bill. Many Democrats opposed the bill as well, claiming that a flat fee of $20 would be inequitable. They wanted a formula that would base the fees on either the weight or the value of a vehicle.

Thus, Romer retreated and returned in 1988 with a revamped proposal. This one would raise vehicle registration fees by an average of $25, with a scale determined by the age or price of the vehicle. Registration fees on heavy trucks would be raised $70 a year and trailers $27 a year. Finally, he proposed raising the state sales tax by ¼ cent, the gas tax by 2 ½ - cents-per-gallon, and adding a sales tax on automobile repairs. This funding package would have generated nearly $200 million a year for highways, according to Romer (Roberts, 1988). This time, the bill got caught in the crossfire between rural and urban legislators who were fighting over the allocation of the state Highway Users Tax Fund (HUTF).

<u>Rural versus Urban – Dividing the Pie</u>

For years, rural and urban lawmakers had quarreled over the appropriate distribution of dollars from the HUTF, most of which were collected in the heavily-populated Front

Range region but distributed rather evenly between rural and urban districts. Under this distribution formula, rural areas received more money from the HUTF than they paid in. In 1988, legislation was introduced by Denver area legislators that would have changed the distribution formula to an allocation based on lane miles, rather than miles of roadway. This would have shifted millions of dollars to Front Range counties. Many legislators refused to vote for additional highway funding until the issue of allocation was settled. This time it was a rural legislator and chair of the Senate Transportation Committee, Dave Wattenberg, R-Walden, who cut off discussion and refused to allow hearings on the bill.

The Fight for Funding Continues

After Romer's proposal was defeated, Sen. Wattenberg and Rep. Bud Hover of Parker introduced a highway funding bill that would have raised $575 million over six years, rather than the Romer plan of $719 million over six years. Unwilling to give up, Romer countered again with another plan, introduced late in the session. The new Romer proposal contained many of the same elements, but added an increase in the corporate and personal income tax and would have increased permit fees for trucks weighing more than 80,000 pounds. The gas tax increase was scaled back to 2-cents-per-gallon.

The House Finance Committee amended the Romer bill by removing the increases in the income and gas tax, which effectively reduced the revenue projections by half. It was then sent to the House Appropriations Committee, which killed the bill on an 8-4 party line vote. The Chairman of the Appropriations Committee, Elwood Gillis, opposed the bill because it "favored the Front Range over rural areas of the state" (Roberts, 1988). Other committee members voted against it because they were leery of raising taxes in an election year.

After this second defeat, Governor Romer convened a group of both public and private citizens to evaluate the state's transportation problems and come up with a package of funding recommendations and projects for the 1989 General Assembly. Dubbed the Colorado Transportation Roundtable, they met for four months and then presented their recommendations and findings to the Highway Legislative Review Committee. Among them were state needs of $100 million a year for the metro area alone; $157 million per year for the rest of the state; and creation of a metro-area transportation agency that could oversee and coordinate the various transportation needs of the Denver region. They suggested that revenues be raised through a combination of higher sales taxes, higher driver's license and registration fees and higher gas taxes (Kliewer, 1988).

The Roundtable's recommendations were fashioned into HB 1213, The Surface Transportation Act, and introduced into the 1989 legislature. Almost immediately, Rep. Elwood Gillis, vice-chairman of the Joint Budget Committee, introduced his own legislation. His was a less expensive proposal that would not raise taxes and would limit all highway spending for three years to maintenance and repair of the existing system. The Gillis proposal would have lowered the diesel tax by 6 ½ cents and held the state gas tax constant at 18 cents (Roberts, 1989). In April, the House Appropriations Committee killed HB 1213, and replaced it with a substitute bill introduced by House Speaker Bev

Bledsoe that would generate about half as much money. Bledsoe's bill was defeated as well, in a move by fifteen GOP representatives who joined with 25 Democrats to kill it on the House floor. The Democrats opposed it because there was no increase in the corporate income tax to help fund road improvements.

The failure to pass a new highway funding package this time led to a special session, convened by Governor Romer later that year. During this session, the General Assembly passed a funding package projected to generate $67 million in the first year, and $97 million every year thereafter. This was far below the $167 annual amount that would have been generated by the earlier Surface Transportation Act. The bill raised the gas tax by 2 cents, temporarily lowered the diesel tax and increased vehicle registration fees and driver's license fees. Thus, after three years, one study group, and several bloody partisan battles, Colorado had another highway funding bill.

Highways on Hold

This scenario would repeat itself throughout the remainder of Romer's term. Even though most legislators and much of the public supported building more roads and repairing existing ones, they were unwilling to pay for adequate improvements. The reluctance to raise taxes and allocate monies from the state for public programs has long prevailed in Colorado politics. One reason may be attributed to its system of nominating candidates, which seems to result in both Democratic and Republican nominees who are more ideologically extreme than the average voter.[14] Given this, the implications for future funding of more multimodal projects are not promising.

Transit – On The Outside Looking In

Indeed, transit has never been considered the purview of state government, and as such, has always been noticeably absent from state funding allocations. Deep hostility toward transit as a state responsibility has always prevailed in both the highway commission and the state highway department. One former highway commissioner of the late 1960s said that Charles Shumate, the director of the highway department from 1963-1975, took him aside one day after the Commission had been discussing the possibility of forming an RTD in Denver, and said, "Mass transit is a communist plot to destroy the free enterprise system" (Melcher, 2001). Another interviewee put it more mildly, but told me that many conservatives in state government view transit as a public subsidy for the poor (Vidal, 2001). Given the attitudes of state officials, local governments were left to develop pockets of transit across the state in response to local demand and conditions. The largest transit system, the Denver RTD, was formed in 1969. It was always difficult to obtain funding for transit, most of which had to come from the federal government. This, along with the attitudes portrayed above, further illustrates the nature of the entrenched highways-only policy monopoly of Colorado.

Yet, even while transit and rail were ignored by state elected officials and staff, there were growing concerns among both public and private citizens, particularly in the Denver

[14] Colorado uses a caucus system for nominations which gives greater influence to party activists who tend to be more ideologically extreme than average voters.

metro area, that the region was beginning to suffer from the same type of traffic congestion and air pollution as Los Angeles. Business leaders began calling for a more diversified transportation network for the Denver metropolitan region. Among them was George Wallace, a businessman and developer, who in 1987 announced his intentions to privately finance and build a light rail line that would run from south Denver to Lower Downtown (Westergaard, 1987). Dubbed "Wallyrail," Wallace claimed he could build the $850 million project by taxing the businesses along the proposed route. In 1987, the legislature passed a bill creating a Transportation Construction Authority (TCA) that could seek financing to build the line. This scheme eventually failed due to lack of funding from the businesses along the corridor and squabbles with the RTD over federal transit monies.

Round 2 – The Metropolitan Transportation Development Commission

In a second attempt to plan and coordinate the various metro transportation needs, the 1989 legislature created a Metropolitan Transportation Development Commission (MTDC) charged with developing an overall 20-year plan for transportation improvements in the Denver metro region. After several months of public hearings and study, the MTDC presented its 20-year, $3.1 billion transportation plan to the legislature, first in 1990 and again in 1991. The legislature had to authorize any ballot proposals for tax increases before the MTDC could take the overall taxing plan to the voters. In both years, the legislature scuttled the plan and in 1991, the MTDC admitted defeat and shut its doors. The MTDC plan had broad support from both the public and some legislators, as more than half the $3.1 billion would have gone for road projects and improvements in the metro area, with a little less than half for a variety of transit projects. Even so, the legislature killed the bill while simultaneously echoing the sentiments of then-Senator (now Governor) Bill Owens, R-Aurora, who stated, "This is a $3.1 billion tax package that we simply can't afford. And if we send this package to the voters, it goes with our blessings" (George, 1991).

The Policy Monopoly Reigns

Here again is evidence of the power and entrenchment of Colorado's highway policy monopoly. There is a general philosophy that the state is not responsible for funding and coordination of any mode other than highways. When asked why he felt so many state officials were opposed to alternative modes of transportation, one interviewee replied:

> One of the things that goes deep in the core of Colorado political culture is the libertarian ideology of legislators, and I don't specifically mean the libertarian party. By ideology, there truly are a vast number of elected officials who promote highways as a means of personal choice and private sector involvement, and they have historically seen alternative modes as a form of more government involvement (Mclintock, 2001).

The resulting lack of state-level coordination for a comprehensive transportation system has resulted in ad hoc planning, endless studies, and squabbles over funding that mirrors the state's approach to land use planning. Further evidence of this was the resistance of the state policymakers to creating a state Department of Transportation (DOT) long after most other states had recognized the need for one. A Department of Transportation can serve as an umbrella planning and implementation agency for all a state's transportation needs, to plan and coordinate between the different modes. As far back as 1975, Governor Lamm had pushed for creation of a state DOT and lobbied hard for a bill introduced in the 1975 legislature that would have done so. It passed the House of

Representatives, but was eventually killed in the Senate Transportation Committee. Another one was introduced in 1981, which also died in the legislature. During an interview with a 31-year veteran of the State Highway Department, he pointed out that:

> There was always an element at the state legislature that was just sure if they sent all this money to a DOT, there would not only be a diminished amount, they wouldn't spend <u>any</u> money on highways, that they would start doing all these flaky things they knew we were already doing. Some, but not all, understood that we had to do things like planning and environmental impact studies because of federal law. That element thought it was a travesty that we spent all this money on planning when we should have been filling potholes, building highways and paving dirt roads (Vaad, 2001).

This sentiment was echoed by state Sen. Al Meikeljohn, R-Arvada, who, when referring to 1991 legislation to create a state Department of Transportation, said he opposed it because he felt "we would start seeing monies intended for highways going into other projects. I would deplore to see those efforts diluted by rail schemes and light rail and those types of things" (George, 1991). In the same article, the head of the state highway commission, George Hall, made clear the commission's attitude:

> We have mixed emotions about it. People have to understand that the automobile is our main form of transportation in this state. . .As long as they don't get any wild ideas about building rail all over the place, it might be OK.

By 1991, Colorado, Alabama, Nebraska and Montana were the only states remaining that hadn't converted from a DOH to DOT (George, 1991). But, the time had come. This was the year the federal government passed the Intermodal Surface Transportation Efficiency Act (ISTEA) that allocated money specifically for alternative transportation and allowed some federal highway dollars to be "flexed" by states to other modes. There was a new federal emphasis on planning for all modes, at both the state and regional level. This type of comprehensive approach required more than a Department of Highways to handle implementation of the new federal policy. Anticipating this shift in federal policy emphasis, state lawmakers finally converted Colorado's DOH to a DOT.[15] According to a long-time employee of the agency, staff inside the state Department of Highways knew the legislation was coming from the federal government, knew what form it was likely to take and had already begun drafting the planning elements and requirements for the state. Thus, by the time the federal legislation was signed by then President George Bush in December 1991, the state had already enacted its own planning legislation that closely mirrored that of the federal government (Vaad,2001).

<u>The Name May Change, But The Players Remain the Same</u>

Although Colorado's DOH is now a DOT, critics contend that nothing has changed. Indeed, they appear to be correct. McCann, Kienitz and DeLille (2000) point to Colorado as one of a handful of states whose emphasis on building highways to the exclusion of other modes never changed. The State Transportation Commission remains hostile to funding modes other than highways out of federal highway dollars. In the 10 years since passage of ISTEA, they have rarely allocated any flexible highway funds for any mode other than roads. They have even sought to gain control over allocation and use of the Congestion Mitigation and Air Quality (CMAQ) funds that are prohibited from being used for any type of capacity enhancements. Even though CMAQ dollars cannot be used for road improvements, there is an entire set of uses for CMAQ funds that are considered auto-oriented, most important of which is traffic signal timing. The Denver Regional

[15] When the state created the DOT from the DOH, the Highway Commission was re-named as well, and is known as the Transportation Commission today.

Council of Governments has often used the bulk of its CMAQ monies in the past for traffic signalization programs in the Denver Metropolitan Region. While they can produce evidence from models that improved signal timing reduces air pollutants from auto emissions, critics contend that this does nothing to reduce reliance on the single-occupant vehicle, the original intent behind creation of the CMAQ funding category.

The Colorado Transportation Commission has also decided to sunset the one pot of funding being used in Northern Colorado for alternative transportation needs, the Small Urban fund dollars. Furthermore, although federal law gives planning authority for regional transportation networks to regional councils of government or planning councils, the state Transportation Commission has twice refused to honor the funding requests of the North Front Range Transportation and Air Quality Planning Council for local roadway and other transportation projects that link to the state highway system. Reasons cited are that state and federal funding pots are mixed when they are received by the state, ostensibly all becoming state funds. The Transportation Commission then states they have sole authority over state funds, which they have decided cannot be used for any "off-system" roads or other projects.

Institutional constraints on discretionary funding are found primarily in the state's constitution, which prohibits state monies from being used for anything other than highways. They cannot even be used as matching funds for federal non-highway projects. Hence, by declaring all federal dollars part of the state funding pot, even the flexible federal funds are rendered inflexible, from a strictly legal perspective. These decisions, and many more too numerous to list, reflect the "highways-only" funding policy of the state's Transportation Commission.

The state DOT did not change much in substance either. Although the department was restructured and a greater emphasis was placed on planning for other modes, none of the other modal plans have ever been implemented. They have been developed, but sit on a shelf awaiting the extra money to fund their implementation. The attitude among officials at the DOT is that there are so many highway needs that the rest will have to wait until the state finishes rebuilding, repairing and building out the highway system. Alternative modes, such as transit and rail, are viewed as luxuries that will have to wait for more money. This attitude permeates the current DOT, and reflects the long-standing bureaucratic culture of the institution, which makes it unthinkable that any mode would take precedence over building highways (Harding, 2001; Norton, 2001).

This observation was confirmed by Bill Vidal, Colorado's DOT Director from 1994-1998. His perception of transportation policy in Colorado is that the emphasis now and during his tenure at the agency, was clearly roads and highways. Even the appearance of doing planning for other modes was scrapped, according to him, after the passage of TEA-21, which removed the ISTEA mandates for other modal plans. One of the reasons he cited is that the CDOT is predominately comprised of engineers, whose concern is how to get people from point A to point B.

> In particular, they ask how to get people in <u>cars</u> from point A to point B. Thus, the emphasis remains on roads. The mentality at CDOT is very much we have to get the projects out, we have to spend this money, and

> the money is all allocated for highways. . .and so the whole focus is getting this money out and building projects (Vidal, 2001).

According to Vidal (2001) the state DOT wields enormous clout with local governments because it controls much of the money for their local transportation projects. Local officials have no incentive to turn down highway money from the state government, even if they do support a more multi modal approach. The reality is, that when running for re-election, it would be political suicide to have your opponent point out that you refused money from the state to improve the local transportation system just because of philosophical differences over which modes should be built.

<u>Problems With Growth Resurface</u>

During the 1990s, Colorado came out of its recession, and enjoyed a decade of unprecedented economic and population growth. A large portion of this growth was spurred by huge public investment projects, primarily in the Denver region, which included a new airport, a new baseball stadium and a new convention center. Unemployment continued to decline, and by 1999, was at an historic low of 2.9 percent. Colorado's population increased by 30 percent during the 1990s, going from approximately 3.3 million in 1990 to 4.3 million in 2000 (U.S. Bureau of the Census, 2001). During this period of rampant growth, the state still had not developed any long-term vision for land use or transportation. One example of this lack of planning was evident when the new Denver International Airport opened in 1994 without major access roads for travelers from northern Colorado, and no rail connecting it with downtown Denver.

By the end of the decade, the quality of life was deteriorating so much for so many Coloradoans that state land use planning was again rising to the top of the agenda. The addition of more than a million people greatly increased the demand for land. The value of agricultural land skyrocketed, making it far more profitable to sell for development, rather than to keep in cultivation. Between 1987 and 1997, Colorado lost 1.4 million acres of farmland (U.S. Bureau of the Census, 1997). Colorado is currently losing 250 acres per day in farmland (American Farmland Trust, 2002). Congestion continued to worsen, and frustrated commuters, particularly in the Denver region, spent more and more time commuting to work. A Texas A&M University study released in 2001 ranked Denver's traffic congestion 11th in a ranking of 39 major cities classed as large or very large (Urban Mobility Report, 2001). According to this study, this congestion cost Denver residents $780 per person, per year in lost time and fuel consumption, ranking the city 8th on the list of per person congestion costs (Schrank and Lomax, 2001). In 1998, the Sierra Club listed Denver as the sixth-worst city in the nation when it comes to sprawl. According to the Sierra Club report, Denver's population grew by 15 percent between 1990 and 1996, but its urban area had expanded by 66 percent (Carman, 1998). By 2000, a Fannie Mae Foundation report listed Denver as the fourth-worst sprawling city in America, ranked only behind Atlanta, Miami and Detroit (Raabe and Colden, 2000).

This trend toward sprawl and increasing traffic congestion was not confined to the Denver region. North of Denver, along the I-25 corridor, municipalities were engaged in a frenzy of annexation. From Denver through Fort Collins, every mile is now within some communities' urban growth boundary (Denver Post, /22 April 20/01). Fort Collins, Berthoud, Timnath, Loveland, Windsor, Mead, Dacono, Frederick, Firestone, Erie and Broomfield have all reached out to annex some portion of the Interstate corridor. Johnstown reached the furthest, with a flagpole annexation that took it 9 miles northwest and six miles southwest of its town hall.[16]

This rush to annex the interstate corridor is fueled by the desire to reap the sales tax revenue of new businesses. Over 70 percent of most municipalities' revenue in Colorado comes from sales taxes. Any time a new road or beltway is proposed, communities look toward the new corridor to annex and permit new commercial development. However, the recent spate of annexations along the I-25 corridor threatens to overwhelm the Interstate, already filled to capacity each day. I-25 was designed for optimal traffic flow at 20,000 vehicles per lane. In the Denver region, capacity often exceeds 40,000 vehicles per day. The result is 12-13 hours per day of stop-and-go traffic (Olinger, 2001).

In an effort to prevent this type of scenario from happening in the corridor north of Denver, the communities along the Northern Front Range banded together to develop a corridor plan that would accommodate the projected increase in traffic that is expected to accompany the new development. They produced the I-25 Corridor Plan, which envisions a series of rail lines and bike lanes and 4-lane arterials on either side of the Interstate to accommodate the overflow traffic. When interviewed, local officials tout this plan as a

[16] Flagpole annexation occurs when communities use roads and other narrow strips of land to establish a linkage to an area to be annexed. It allows communities to develop land far from their city boundaries, and allows development to occur that otherwise would not be approved by the county.

proactive, creative solution to the problem. Their attitude is, "the growth is coming – now how do we deal with it?"

Yet this plan, viewed so favorably by the local government officials and planners who developed it, has been described as "...exactly the types of sprawling, auto-dependent and expensive developments that will lead to the same financial and traffic problems that many Denver area communities are now experiencing" (Gavrell and Livingston, 2001). The plan earned a place on CoPIRG's 4th Annual Sprawl of Shame list primarily because:

> ...the road element of the plan already has a regional transportation tax funding mechanism in mind, the "land-use" elements (open lands, clustered development, alternative transportation, agricultural preservation) remain only non-binding vision statements that even now developments and actions like those of the McWhinneys threaten to render irrelevant within only a few years (Gavrell and Livingston, 2001).

<u>Romer's Blue Ribbon Panel – More Studies and Few Results</u>

As the sprawl continued unabated throughout the 1990s in Colorado, the state's transportation funding crisis also continued to worsen. In 1995, Governor Romer appointed a group of private and public citizens to a Blue Ribbon Panel on Transportation. For six months, this group convened in an effort to identify transportation needs and priorities statewide, methods of funding these needs, and what actions to take to secure the identified funding (Blue Ribbon Panel on Transportation, 1996). When the report was issued in May 1996, it identified a $13 billion shortfall between needs and revenues over the next 20 years (Blue Ribbon Panel on Transportation, 1996).

This $13 billion became the rallying cry for attempts to garner more funding from the legislature. But, as with the funding fights of the 1980s, there were those who claimed that the needs were overstated and/or there was adequate funding to cover it all in projected state budget surpluses. Instead, the legislature diverted money from the general fund to build and repair highways - $105 million in 1996, $128 million in 1997, and another $839 million that same year. Meanwhile, funding for 28 "strategic projects" has also been allocated out of general fund monies, which will divert over $1 billion over the next decade, in addition to the other monies.

The Political Winds Shift Again – Republicans Win the Governor's Office

Even these amounts have been insufficient to fund all of Colorado's growing highway needs, and by 1998, transportation needs were so dire that they became a major issue in the gubernatorial race. Former state treasurer and Republican candidate Bill Owens made funding for roads and highways part of his platform in his race against Gail Schoettler. He was elected governor by a margin of 8000 votes, or 49 percent of total, in a race that was one of the closest in state history.

One of Owens first highway funding proposals was a suggestion to borrow the money from future federal highway revenues to complete certain high priority projects, primarily the southeast corridor in Denver. Since this violated the state constitution prohibiting state indebtedness, it was put to the voters in the form of a ballot initiative, called TRANS, short for Transportation Anticipation Notes. The initiative passed handily, and construction began on the massive project, dubbed T-Rex, in late 2001. Several people interviewed for this research pointed out that bonding is more fiscally sound if a new revenue stream is found to pay off the bonds. TRANS bonds will be paid from future revenues from the federal government, rather than by raising taxes. When the bonds are due in 10 years, some contend Colorado will be forced to cut back drastically on its spending for roads and highways in order to pay them off, unless another source of additional revenue is found. Already this plan is running into trouble, as the federal government has announced potential cutbacks in transportation dollars going back to the states during the next budget cycle. The war on terrorism and decreased revenues because of the recession have been cited as the cause.

Growth Management Returns to the State Agenda

Meanwhile, traffic congestion and sprawl continued unabated and the citizens were restive. Poll after poll indicated that the voters' main concerns were growth and its attending problems. A 1997 poll conducted by CDOT is indicative of the types of responses. Thirty-eight percent of those polled felt that growth was the main problem facing Colorado. In 1992, only six percent cited growth as the main problem (CDOT, 1997). In this same poll, 73 percent felt that it had become more difficult to "get where you need to go" (CDOT, 1997). When asked what would make travel easier, 44 percent said more investment in public transportation, while only 24 percent said highway improvements (CDOT, 1997). These public attitudes remained largely unchanged in a 2000 CDOT survey that indicated that urban sprawl and transportation were the two categories of issues that most concerned Coloradoans (URS Greiner Woodward Clyde, 2000). And, while 51 percent in this survey favored adding lanes to highways, a sizeable

44 percent wanted to see facilities added to serve other modes, such as transit, bicycles and pedestrians (URS Greiner Woodward Clyde, 2000).

Other polls delved into the public's preferred solutions to the growth problem. In 2000, a poll released by the University of Colorado's Institute for Public Policy showed that 83 percent of Coloradoans were concerned about growth and 73 percent said the region in which they live is growing too fast (Brown, 2000). It is important to note that these respondents were not advocating "no growth," but that growth should be managed, not reduced or limited. Eighty-three percent wanted the state to require local governments to develop comprehensive plans and 91 percent wanted the state to force local governments to approve development proposals in a timely manner (University of Colorado at Denver, 2000). Eighty-six percent wanted city and county plans to balance residential and commercial development, 77 percent wanted requirements that plans in neighboring jurisdictions be compatible, 72 percent wanted urban service areas where development can occur to be designated and an overwhelming 90 percent felt that zoning regulations should be consistent with comprehensive plans (Brown, 2000). Interestingly enough, these were the elements contained in numerous bills introduced into the legislature in 1999, 2000 and 2001, all of which were ultimately defeated.

Yet, growth can be a complex issue, and public attitudes are sometimes fraught with contradictions. While the polls cited here show the public concerned about growth, there is no clear consensus as to what the problems <u>are</u> surrounding the growth issue. Furthermore, behavior doesn't always mirror poll responses. Poll respondents cite traffic congestion and open space as issues that someone needs to do something about, yet people continue to drive alone and clamor for more roads to take them to their suburban lot on 2.5 acres. I asked every interviewee to give me their perceptions of the public mind, and all answered in a similar vein. Typical of comments were:

> You can ask ten people in Colorado if we have a growth problem, and they would all say 'yes' and then you would ask them to define the problem and they would give you 10 different answers. Everybody thinks we have a problem, but we have no consensus on solutions (Frickey, 2001).

> The public wants progress and investment in things like roads, but they don't want to pay for it (Kallenberger, 2001).

Growth Tops the Legislative Agenda Again

Although the grumbling over growth's problems began early in the 1990s, it wasn't until 1999 that the General Assembly once again began grappling with a succession of growth bills. As one interviewee put it, "The issue [of growth] was smoldering in the late 80s and early 90s, but it really emerged on the public's radar screen in 1994, when Roy Romer made Smart Growth a campaign issue" (McClintock, 2001). In 1998, Sen. Bryant Sullivant, R-Breckinridge, took on the issue of growth and worked with an interim committee to craft legislation that could be introduced in the 1999 legislative session. His bills in 1999 and again in 2000 failed to pass the legislature.

The same political dynamics that had whittled away at HB 1041 almost 30 years earlier were still present during these most recent legislative battles, most prominent, the issue of local versus state control. And, just like 30 years prior, counties, municipalities, environmentalists and homebuilders found themselves at loggerheads. According to one interviewee, "there are four legs to the stool – counties, municipalities, homebuilder/developers and environmentalists. It takes a coalition of at least three out of the four to win. We've never been able to do that in recent history" (Kallenberger, 2001).

However, with public opinion apparently in favor of doing something about the problems of growth, and the legislature's apparent inability to pass substantive legislation, the state's environmental groups worked to get a growth-management initiative on the fall 2000 ballot. Many felt it would easily pass. Instead, Amendment 24, as it was called, was handily defeated by the voters of the state. Some groups, such as the Colorado Municipal League, opposed the initiative because it would have amended the state constitution, which they felt was not the appropriate mechanism. Others claimed the absence of strong business support for the initiative led to its demise. This may have been a contributing factor, as most of the business community specifically opposed the legislation. Some of the largest contributors to the campaign to defeat the initiative were the homebuilders and developers. In the end, the opposition ran a savvy, $6 million campaign touting the slogan, "Too Extreme for Colorado" and the initiative lost.

The chief proponents of Amendment 24 were the environmental groups and transit advocates. Yet, they were unable to effectively shape the image of the issue of growth in the public mind, and many interviewees felt they did not conduct a very effective public relations campaign. Given the apparent levels of public frustration with legislative inactivity and the turbulence that would imply for the subsystem, the apparent weakness of the environmental coalitions in Colorado in influencing the direction of policy output is highlighted by this loss at the ballot.

Reasons for this lack of clout are numerous. First, there appears to be an overall lack of coordination among the numerous environmental organizations in the state, few of which appear to be working together in a cohesive manner. The two most frequently mentioned by interviewees are the Colorado Public Interest Research Group (CoPIRG) and the Colorado Environmental Coalition (CEC). Occasionally, there is reference to the Colorado Chapter of the Sierra Club. Rather than pooling resources and working together, they often seem to be pursuing their own policy agenda, which sometimes overlaps with the others, but often does not. In addition, groups that should logically be working together to promote change, are not. When asked if they worked with the groups pushing for Amendment 24, Kelly Nordini of the Transit Alliance replied, "The Transit Alliance doesn't get involved in the growth issues – the consensus we have among our constituency is fragile enough around transit – we have no consensus on the growth issues" (Nordini, 2001).

Lack of coordination is not the only problem. The environmental groups also seem particularly naive in their understanding of public attitudes and how to educate the broader public. The feeling is that if they just appeal to the publics' better nature, and make the case that state land use planning and alternative modes will improve quality of life, logical people will agree with them.

As one interviewee put it,

> They are not politically pragmatic and are politically naive in what they think will sway the public. They tend to take the moral high ground, and think these arguments will be enough to muster public support (Kallenberger, 2001).

Another phrased it this way:

> One of the weaknesses of the environmentalists, are those who think that all we have to do is say we need growth control and the public will envision it and it's done. They need more political pragmatism to marry to their passion. The Sierra Club is perceived by many as uncompromising and extreme in their stance and views (Melcher, 2001).

Support for this assessment can be found in the following example. During an interview with a lobbyist for COPIRG, she stated that education was the key to getting the publics motivated and rallied behind growth management policies. When asked how they planned to do that, she showed me the group's Growth Management Toolkit, a very nice publication put together by CoPIRG that clearly and simply explains the growth issues and possible solutions to them. Their intent was to get the word out about growth issues and distribute this tool kit at a series of town meetings around Colorado, to which "everyone" would be invited. I asked if she really felt anyone would come who wasn't already very interested and aware of the issue, and she replied 'yes'(Livingston, 2001). I later interviewed a local Fort Collins realtor and former highway commissioner who had been invited to appear at the northern Colorado town meeting as a panel participant. I asked him about the meeting. He said there were approximately 200 people there, all passionately committed to the issue of growth management (Neal, 2001). There were no rural farmers or other residents, local elected officials or county commissioners, the very groups that must be convinced to support growth management if it is ever to be enacted as state policy in Colorado. This is a good example of how the intent and motivation of the environmental groups is not matched with a clear understanding of what is required to educate the public.

For these reasons, elected officials and other policymakers don't see the environmental community as a coalition with much clout, and the research supports this perception. Their activities are largely uncoordinated and they have not successfully broadened their base to include transit, affordable housing advocates, and the business community, to name but a few that should be allies. They appear to lack a clear understanding of the most effective ways to educate the public, how to engage the active participation of broad publics through their outreach efforts, and the types of arguments to make that will resonate with the public.

The Legislative Debates Continues

Even though Amendment 24 was defeated, legislators sat up and took notice, and began the 2001 session determined to pass laws dealing with the growth issue. After a rancorous regular session, followed by two special sessions, they ultimately emerged with four very mild pieces of legislation that contained none of the provisions Coloradoans claimed they wanted to see – mandates, enforceability, and some substantive methods of dispute resolution. Instead HB 1006 was passed, which made master plans mandatory for certain Colorado communities, but contained no provisions for enforcement should communities choose to grant "variances" to developers. HB 1020 mandated dispute resolution between communities, but left no alternative other than the courts as arbiter if agreements could not be reached. Another measure, HB 1001, laid out provisions and guidelines that would allow landowners adjacent to flagpoles to request annexation. It did not, however, prohibit flagpole annexation. Since most of the land along the I-25 corridor has already been annexed by the communities along it, much of it via flagpole annexations, this latter will probably have almost no impact on slowing the rate of sprawl development. And finally, one measure passed that some contend will do more harm than good. Although SB 15 extended the ability to impose impact fees to counties and statutory cities, the language applies to "home rule" cities as well, and severely restricts their ability to impose certain types of impact fees that are already in use. Taken together, the results of the last special session of 2001 will have almost no effect on seriously managing the problems of growth in Colorado.

Colorado's Public – Attitudes Equal Change? Or Maybe Not

Given the stack of polling data that seems to indicate a huge public demand for change, it seems curious that the legislature was able to pass legislation that seems to contradict what the public says it wants. Yet, the policy change model used here offers some explanation. In the model, it is suggested that the policy entrepreneur will use a media strategy designed to communicate his/her message in a manner that can clearly convey the policy image and the desired change to the publics. According to everyone interviewed for this research in Colorado, this did not happen. When asked if they thought the media did a good job portraying the issues and educating the public, no one responded positively. Instead, respondents felt that the issues were too complex for the rather simplistic format and limited coverage available to the media. Some contend that even when the newspapers took the time and space to devote to "feature" articles regarding the nature of land use and transportation problems, very few people read them. The general feeling among those interviewed during this research is that people are too busy with their daily lives to become very well-informed on issues of this complexity. By way of example, one interviewee described media coverage of the 2001 legislative battle over growth this way:

> During the 2001 legislative session, Colorado was faced with a true choice between good land use legislation and bad land use legislation in SB 148 and HB 1225. There was a fundamental contrast between those bills for any policy person, regardless of their views. First, the media downplayed those differences, portraying it to the public as mere political squabbling over details, as opposed to clear differences over large choices. That was a disservice to the public, who were not educated as to what those differences were. The public doesn't seem to care, unless the differences are major. When the stalemate occurred, the media portrayed it as petty partisan politics. So, first, the media minimized the differences, and when people stood their ground criticized them as obstacles to progress (McCLintock, 2001).

Missing from this dynamic in Colorado is a successful policy entrepreneur to clearly articulate the issue to the publics via the media. It appears that public attitudes are vaguely formed, without clear definition and understanding of the impact of the proposed legislation.

<u>Where Does Colorado Go From Here?</u>

This largely symbolic spate of bills seems to have quieted the clamor for state land use regulation. When asked if Colorado would ever pass substantive state land use laws, one interviewee replied,

> If you had asked me that six months ago, I would have said it's inevitable. Now, I think we are a completely different state than we were six month ago. The downturn in the economy and the terrorist attacks changed the growth debate. I think it will be a very long time

> before the growth debate is ever at the point it was in May. The attitude now is that there are far bigger issues out there (Frickey, 2001).

Others echoed this sentiment, only they felt land use and transportation change would come in Colorado, but from the bottom-up with citizens and local governments working together in various places to enact reforms. Indeed, there are numerous examples of local action to preserve open space and implement innovative programs that deal with not only land use, but transportation as well. Yet in the end, without some type of state standards to level the playing field, it does not seem likely that local communities will be able to significantly affect the overall direction and nature of growth in the state. And so, Colorado's story ends here, in 2002, as it began in 1970. Citizens are concerned over how to manage the rapid pace of growth and development, the state continues to fund and build highways to the exclusion of all other modes, and partisanship and the influence of homebuilders and highway interests still dominant the legislative debates on the subject of state intervention.

Policy Change in Colorado – Elusive and Unlikely

The research findings show that major change did not occur in Colorado. Our hybrid policy model of change offers some clues to help answer the question asked earlier – why not? Why is change so elusive in Colorado where public opinion and circumstance seem to demand some redirection of transportation policy, and a more substantive state role in land use? A comparison of Colorado to Oregon reveals that Colorado is lacking what Oregon had in 1973 – a strong policy entrepreneur, a broad coalition of public support and active public involvement, a legislature willing to transcend partisan ideology, new institutions of oversight to accompany the passage of land use legislation, and a public who seems unable or unwilling to reconcile its wants and wishes with the reality of what it will take to achieve them. We now examine each of these in turn.

The Elusive Policy Entrepreneur

The model used for this research suggests that the policy entrepreneur is the key figure at facilitating policy change. The entrepreneur is characterized by skillful use of rhetoric in order to convey their message to the public via the media in a manner that garners widespread support for their policy ideas (Schneider, Teske and Mintrom, 1995). In addition, they strategically shop for new venues receptive to their ideas. It is clear that Richard Lamm meets the criteria, and as such, is the key policy entrepreneur of this study. Equally evident is the fact that he was not successful in this role.

Although he was a skillful rhetorician, he was never able to control the public debate surrounding the issue of state land use regulation via use of the state's media. Opponents to state land use reform were deft in their ability to continually deflect the substance of the debate to other areas, such as the public conversation that occurred over the Human Settlement Policies. Here, the media coverage centered on the issue of grants to local governments and the perceived power grab of the Executive Office in its attempt to administratively legislate local land use decisions, rather than the merits of the policies themselves. In the case of the I-470 debate, the issues were about the power struggle between the Governor and the Highway Commission to determine state transportation policy, rather than the effects the proposed beltway may one day have on sprawl in the south Metro Region of Denver. As the model suggests, the key dynamic is portraying issues in a clear and concise manner in order to garner the support of publics in the struggle for change. This dynamic was noticeably absent in Colorado.

Even though Lamm did not succeed as a policy entrepreneur, no others emerged either. The groups and individuals that comprised the existing policy monopoly dug in and resisted Lamm's attempts to facilitate change. The fact that they successfully prevented change in the face of the on-going efforts of his administration for 12 years is a testament to their strength, ubiquity and tenacity. Even the most recent push for state land use reform lacked an entrepreneur. Instead, two loosely-organized coalitions of interest groups, one for the Amendment and one opposed, fought it out to election day via advertising campaigns. No single spokesperson emerged, either for or against Amendment 24, that could have roused large publics to get involved. Instead, the vast majority of voters were left to base their decision on advertising sound bites, rather than substantive debate of the merits of the Amendment. Also absent from the ensuing legislative battles over growth was the legislative champion or private citizen who could push for statutory change. And, unlike Oregon, which had a popular Governor pushing hard for legislative change, during the most recent legislative battles over growth in Colorado, the current Governor has gone on record numerous times to state his opposition to state-mandated growth controls.

The Subsystem Participants

Interest Groups

Evidence of a policy monopoly is found when one subsystem of publics dominates policymaking via interaction with a definable institutional structure that controls policy outputs combined with a positive policy image to buttress support and discourage opposition (Baumgartner and Jones, 1993). This suggests it is not enough to merely identify who the key players are, but to ascertain their relative influence over policy output. Furthermore, *how* the policy image is viewed in by those key players, as well as the general public, is equally important.

The research revealed four key groups heavily involved in attempting to influence policy output in the state growth arena. The highway coalition and the homebuilders and realtors, frequently cited as two of the most powerful, can be placed squarely in the free-market (FM) camp. They are opposed to state control over local land use and zoning decisions, and want the bulk of state transportation dollars invested in building and maintenance of the highway and road system.

The local government lobbies involved consist primarily of the Colorado Municipal League and the Colorado Counties, Inc. Overall, the CML is more supportive of state land use control, depending on how much and what type. CML did not support Amendment 24, and also does not support state restrictions on the types and amounts of impact fees that can be levied on developers by home rule cities. They would however, welcome some state standards that would level the playing field and provide mechanisms for local communities to cooperate, rather than compete with one another for revenue via development. Colorado Counties, Inc., also mentioned frequently as very influential, typically is opposed to any state-mandated growth control legislation. They can be placed squarely in the FM camp as well.

The environmental groups comprise the bulk of the growth management (GM) coalition, yet all evidence indicates that they carry little clout with policymakers regarding the nature and direction of policy outputs. They remain disorganized, unable to find the right message to resonate with large groups of publics, and hampered by the fact that they have no one individual who can bring them all together and lead the fight for more influence over policy direction. The potential organizational strength and base of support is there, indicating that an effective policy entrepreneur could parlay these groups into a powerful group of players in the policy arena, should one show up.

Baumgartner and Jones (1993) maintain that shifts in policy output can occur when the key players in the subsystem realign in different camps of opposition or support, or when new players are brought into the mix. In the Colorado case study, evidence indicates that this will need to happen if change is to be realized at the state policy output level. It is unlikely that the highway lobbying groups or the counties will shift their support to the GM camp. Real potential for shifts in alignment do seem to exist with the homebuilders, and possibly the cities. Recall that in Oregon, the homebuilders' groups finally supported SB 100 when they realized the benefits of having standardized development codes across the various towns and communities of the state. This removed the uncertainty of the development process which can be quite costly in an environment where standards and codes are subject to change at the later stages of a development proposal due to opposition of citizens' groups or other stumbling blocks that can develop.

Publics and Policy Image-Land Use in Colorado

Nearly 35 years of Denver Post articles on the subject of land use, growth and transportation in Colorado were examined in the course of this research. Of interesting note is the sheer number of articles about land use that appeared in the 1970s. The indices from that era contain pages and pages of article abstracts. By the time Colorado entered the 1980s, the citations in the Post index sometimes covered only one-half to one page. This corresponds with the disappearance of state land use planning from both the institutional and public agenda, as the Punctuated Equilibrium model, and our hybrid model suggest. As the issue rose again in prominence during the 1990s, so did the number of citations in the Post indices.

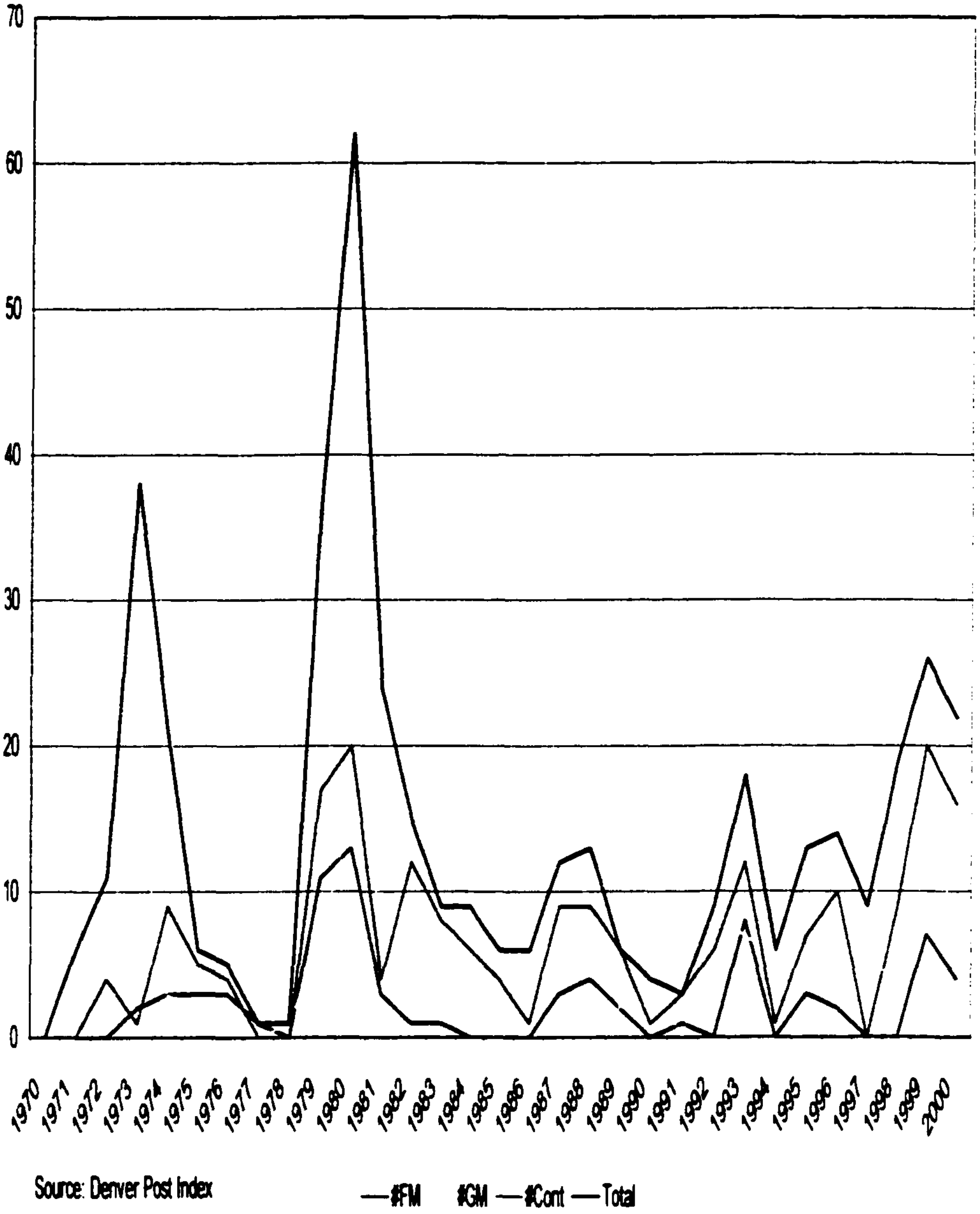
Tied to this is the "tone" of issue coverage, which is also important in understanding the media and its relationship to agenda setting and shifts in venue. As Baumgartner and Jones (1993) write, "When attention increases following a change in tone, rapid change is almost certain" (p. 51). Their assertion cannot be confirmed or denied based on the data coding evidence from the *Denver Post*. Whether attention increases following a change in tone, or both occur simultaneously, is impossible to determine from the research here.

Data coding for Colorado do show a similar dynamic as that in Oregon, however (see Figure 4.1). In the early 1970s, when attempts were made at land use reform in Colorado, the coding show a marked increase in the number and tone of articles, most of which were pro-GM. In the late 1970s and early 1980s, during the controversy over Lamm's Human Settlement Policies, there is another noticeable spike. Here, the number of pro-GM and pro-FM articles is about even, but the amount of controversy is high. Throughout the 1990s, the number of pro-GM articles remains slightly higher than pro-FM articles, and spikes again in the late 1990s in favor of the pro-GM coalition. This coincides with the time that growth issues were again rising to the top of the public's agenda, as indicated by numerous polls.

In Oregon, the level of attention to the land use planning system has remained relatively constant over the 30 years since the legislation was passed. The *Oregonian* data coding indicate constant spikes throughout the time period studied. In Colorado, there have been a couple of major spikes in attention, most noticeably in the early 1970s, during the consideration of HB 1041 and later during the early 1980s, with the proposed Human Settlement Policies. Since the early 1980s, however, the issue of land use planning has remained low on the agenda, as evidenced by the low levels of media coverage. When the issue does arise, the pro-GM articles outnumber the pro-FM articles, but only slightly. The pro-FM coalition seems to always be able to stave off attempts at major change by the opposing coalition, although the pro-GM group seemed to be gaining in strength during the 1998-2000 time frame. Yet the passage of several largely symbolic bills in the

Figure 4.1

Land Use Image, Colorado, 1970-2000



Source: Denver Post Index

Colorado General Assembly during 2001 seems to have quieted the opposition in the policy arena again, at least for a time.

Publics and Policy Image-Transportation in Colorado

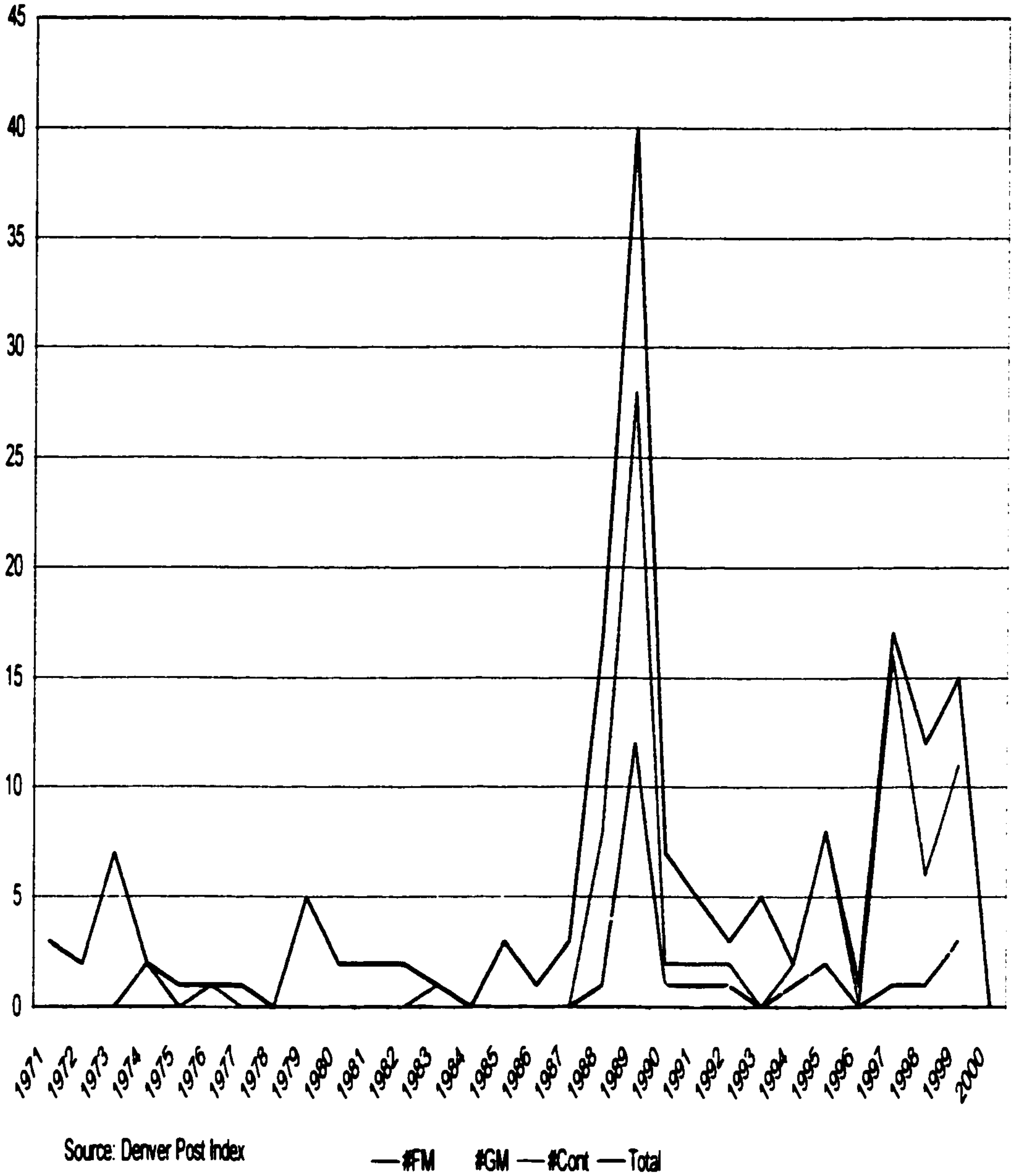
Transportation as a topic in the *Denver Post* index is noticeably absent (see Figure 4.2). Listed under transportation are articles about mass transit, specifically RTD in the Denver metro region, explaining the small number of articles coded. Most discussion of transportation in Colorado can be found in the *Denver Post* index under the heading, 'highways, colorado'.

Transportation issues rose to prominence in the late 1980s in Colorado, as indicated by the data coding. Recall that the time period from 1987-1990 was when Governor Romer and the General Assembly were embroiled in the funding fights over how to finance repairs and improvements to Colorado's transportation system. Even during this period of heightened attention, most of the debate centered on improvement to Colorado's roads and highways, with little mass transit discussion outside the Denver metro region.

During the 1997-2000 period, transportation was again a topic highlighted by the media. During this time there was heated debate over how to best fund improvements to an increasingly-congested I-25 near the Denver metro area. Controversy over which modes to stress (highways or some form of transit) as well as how to fund projects, was high, as reflected in the data coding of *Denver Post* articles. Ultimately, the election of Bill Owens as Governor and the passage of the ballot initiative to fund the improvements via bonding, quieted the controversy.

Figure 4.2

Transportation Image, Colorado, 1970-2000



Source: Denver Post Index

Poll Data as Reflection of Issue Image

The poll data in Colorado seems to indicate that the public is fed up and wants something done about the negative effects of growth, yet policy outputs seem to consistently favor the pro-FM position, in both transportation and land use issues. This suggests a disconnect between elite attitudes, and those of the general public. Yet this disconnect poses another layer of complexity in Colorado that was not found in Oregon. Research indicates that there is no clear understanding or agreement in the public mind as to what the problem of growth is. For some, it is traffic congestion. For others, it is crowded schools. For yet others, it is rapidly disappearing open space and farmland.

In the absence of a clear public consensus on the problem, and no entrepreneur to articulate the issue more clearly, the elite publics who control policy output can continue to dominate the policy arena. The symbolic legislation passed in 2001 is a good example of elite appeasement in the absence of clear public consensus.

Additionally, the situation in Oregon in the early 1970s differs from that in Colorado today. There, the issues at the time were straightforward, concerned with preservation of farmland and open space. In Colorado, the public seems to sense that there is a problem, but with no clear understanding of the possible solutions and their implications in terms of individual lifestyle. One can speculate that this type of swirling milieu of public opinion provides fertile ground for the aspiring entrepreneur, who could articulate and define the public's discontent into a set of simple issues and policy solutions. The current reality is that the wide array of public attitudes concerning growth, coupled with the absence of a policy entrepreneur to simplify the issue in the public mind, makes it easy for the current policy monopoly to consistently muster effective counter arguments to any proposed change in the policy output.

Venues

Baumgartner and Jones (1993) contend that shifts in venue must precede shifts in policy output. In the research model outlined in Chapter Two, venue shifts are defined as changes in agency oversight, creation of a new agency, or agencies of oversight, and/or broadening the duties of an existing agency to oversee the new policy. When HB 1041 was passed, a new agency of oversight was created, the Land Use Commission. However, most of its enforcement powers had been stripped away during the legislative process. The newly created Land Use Commission (LUC) was housed in the Governor's office, while control of the monies for local government grants under that statute was given to the Department of Local Affairs (DOLA). Even though the circumstances meet the criteria set forth in the expectations of the model for analysis regarding venue change, the LUC never had sufficient enforcement power to ensure that actual change occurred. Thus, while Baumgartner and Jones (1993) and the model for analysis used in this study identify venue change as a prerequisite for policy change, the case of Colorado illustrates that it is not a sufficient condition in and of itself to produce substantive change in policy outputs. It must also be accompanied by strong enforcement and oversight powers, as was the case in the Oregon study. The Punctuated Equilibrium Model is thus useful at laying out the conditions that must be present regarding policy venues if change is to occur, but in a policy arena such as state growth politics, this is not enough without accompanying enforcement powers. It is here that the lines between policy change and implementation begin to blur, as the likelihood of policy change *after* statutory change seems to lie in how successfully the implementation process can be carried out.

This is true as well for Colorado's transportation policy. After the passage of ISTEA in 1991, the mission of the Colorado Department of Transportation and the state Transportation Commission were ostensibly expanded to include planning and funding for *all* modes. Yet, ISTEA contained no mandates for any state to actually shift its policy regarding its chosen modal emphasis. Thus, even though the agency's mission was expanded, nothing changed, as there was no mandate or enforcement. The long-standing policy monopoly between the highway lobbies and interests, coupled with a sympathetic legislature and state agencies, retained control over policy output. Everyone interviewed was asked who had the most influence with the Transportation Commission in its decision making process, and all replied that it was the highway lobby, primarily the Colorado Contractors, who carry the most clout.

<u>Other State Policies as Impediments to Change</u>

The policy arena of growth is complex. Much of what drives state growth policies and land use decisions at the local level are a product of policies formed in other areas of state government. In order to effectively address the growth issue, <u>all</u> areas of influence on its nature and direction must be understood and recognized. In the case of Colorado, a primary impediment to major change in land use control lies in the state's tax policies.

Almost every person interviewed cited the local sales tax as the driving force behind the state's development patterns. Most municipalities in Colorado are dependent on sales tax revenue for over half their annual income. Because of this, they constantly vie with one another to attract large commercial developments. In this type of policy milieu, it is rational for them to pursue things such as flagpole annexations along the interstate corridor. Even those communities with comprehensive plans that have clearly defined urban growth boundaries find it difficult to adhere to them in the face of the temptation to attract a revenue source that can generate millions of dollars per year for city coffers. Growth caps and boundary limits suddenly become flexible when the lure of revenue is dangled in front of a community. Thus, it is not enough to merely impose state regulations that force local communities to adhere to community-approved urban growth boundaries, without a thorough discussion of the role that state and local tax policies play in the growth policy arena.

Conclusion

Colorado provides an excellent study of the tenacity of a dominant policy monopoly in the absence of the elements defined in the hybrid policy change model used in this research. All evidence supports the conclusion that substantive policy change did not occur, either in 1973, with the passage of HB 1041, nor most recently with the legislative session in 2001. The legislation passed in 1973 and in 2001 instead falls under the rubric of *symbolic* change described as statutes passed without mandates or enforcement authority. State transportation policy remains unchanged as well, as gauged by state spending on alternative transportation.

The model was useful at analyzing the politics of Colorado's growth policy arena. The successful policy entrepreneur was absent, as were all the things that would flow from that, specifically the interaction of entrepreneur and media to shape issue image in order to draw in more publics. Although new venues were created, they lacked substantial powers of enforcement and authority, a variable associated with implementation that is not addressed by the Punctuated Equilibrium model. The efficacy of the model overall will be discussed in greater detail in the last chapter. However, we turn our attention next to a comparative analysis of Colorado and Oregon in the context of the policy model used here.

CHAPTER 5

COLORADO AND OREGON: A STUDY IN CONTRASTS

Introduction

Colorado and Oregon are quite similar. Geographically, they are both blessed with pristine beauty, and as such, have always beckoned newcomers. This same natural beauty has also attracted those seeking to profit from their natural resources, leading to cycles of boom-and-bust. Both have struggled with rapid population growth and development, causing concerns over growth's negative impacts. They are similar in demographics, land area, income and education, yet the similarities end when examining the politics of policy output in the arena of growth.

In the 1970s, when both states were facing massive loss of open space and rural lands, Oregon took a pro-active stance and established a state land use planning system that has successfully contained growth within mandatory urban growth boundaries, and preserved much of its open space and agricultural base. Although the state's land use planning system in not without its problems, even its critics agree that it has done a good job of managing growth. By contrast, in Colorado, similar attempts to be proactive in dealing with the negative impacts of growth have failed repeatedly. In this chapter, we examine these states in the context of the Policy Change Model used in this research to search for answers to the questions posed in the beginning. First in importance is an examination of the efficacy of the model – how well does it work as an explanatory mechanism for major and sudden policy change? And second, why is change so elusive in Colorado?

The Hybrid Policy Change Model – A Roadmap for Change? Or Not?

Recall from chapter two that the policy entrepreneur, the subsystem participants, policy image and venues are the independent variables of our model. However, the policy entrepreneur was elevated to a role of crucial importance, as the catalyst, who sets in motion the chain of events that lead to policy change, the dependent variable. The policy entrepreneur defines problems and issues in such a manner as to cause a change in the relative strength of policy influence of the various subsystems operating in the policy arena, with the goal of radically altering the current way of doing things (Mintrom and Vergari). According to Baumgartner and Jones (1993) this latter occurs when new actors are brought into the policy milieu. They, in turn, seek new and friendlier venues to ply their cause, which results in policy change. We begin the analysis by examining each of these variables in turn, to determine just how well the proposed model works at explaining the dynamics of major and sudden policy change, starting with the most crucial independent variable, the policy entrepreneur.

The Policy Entrepreneur

Research findings in these two cases support the hybrid model's supposition that the policy entrepreneur is crucial in facilitating policy change. In Oregon, major policy change occurred. In Colorado, it has not, and the primary differences are the actions and strategies used by the policy entrepreneurs in both states.

In Oregon, numerous policy entrepreneurs emerged and were successful in their goal of policy change. The most visible of these was Tom McCall. In Colorado, some tried, but none succeeded, although many tried. Dick Lamm was often mentioned in news reports and interviews as a crucial figure in leading the fight for change in Colorado in the 1970s, and into the decade of the 1980s. Yet, for all his efforts, he never successfully defined the issue in a manner that motivated large groups of publics to support him, or to cause shifts in the alignment of the existing groups in the subsystem. By contrast, Tom McCall has been described as a master at using rhetoric to pull large publics to his aid, both in the initial fight for passage of state land use legislation, and in the subsequent fight to stave off the law's repeal.

This research first suggests that Oregon clearly had a successful policy entrepreneur while Colorado did not, and further, that the change that occurred in Oregon is not likely to have occurred without the actions of the policy entrepreneur. While Baumgartner and Jones (1993) do mention the fact that major change can occur without the mobilization of large publics via venue shopping, the degree and depth of change required when establishing state control of land use render change unlikely without this mobilization of large publics via the organizing activities and rhetoric of the entrepreneur.

Change in the growth management arena is particularly difficult because state land use laws require that citizens accept terms and conditions that limit the use of their private property. Restrictions on private property are a direct assault on one of the most cherished of American values, held even more sacred than the right to drive a car anywhere, anytime. To portray limits on these as a public good from which everyone can ultimately benefit requires extraordinary entrepreneurial skills deliberately targeted at arousing the support of mass publics.

In this sense, the entrepreneurship of Tom McCall represents the most innovative form of public entrepreneurship, as described by Schneider, Teske and Mintrom (1995). In their research, they pose a continuum of entrepreneurial strategies ranging from innovation , the most radical in terms of seeking change, to adaptation, which seeks change within existing policy frameworks by altering policy output to conform to changing conditions and public attitudes (Schneider, Teske and Mintrom, 1995, p. 48).

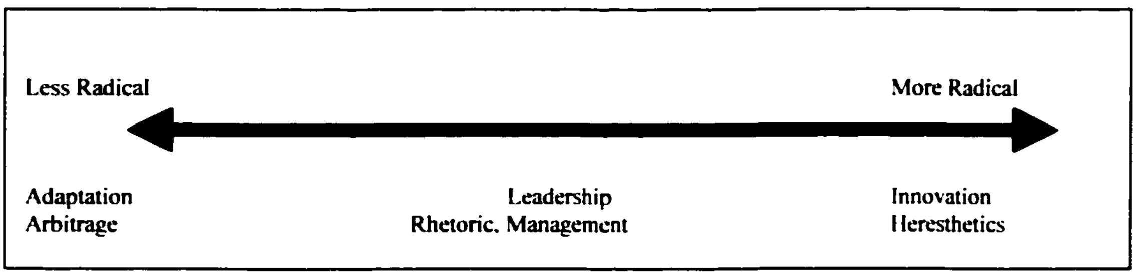


Fig. 5.1 The Range of Entrepreneurial Actions
(Schneider, Teske and Mintrom, 1995, p. 44)

The above schematic is taken from Schneider, Teske and Mintrom's (1995) work on public entrepreneurs. They have created a continuum of entrepreneurial strategies that range from those aimed at producing the most radical change (innovation) to those aimed at recombining old ideas in new ways. Although varying in their degree of change, all strive to effect major change by creating new frameworks for policy understandings. Each of these is associated with a different set of strategies, which range from the use of heresthetics to arbitrage. Heresthetics, as defined by Schneider, Teske and Mintrom (1995) involves using rhetoric in a manner that completely redefines the terms of the debate. As they describe it, the heresthetician adds new dimensions to the policy debate by, "...developing a new idea or policy and [using] these innovations to challenge existing institutional arrangements and the terms of ongoing debates" (p. 45). Much like the private entrepreneur who looks into the future, sees a need, and invents a product to fill the anticipated demand, the innovation of the public entrepreneur will seek totally new institutional arrangements to accommodate radical shifts in policy.

Leadership involves the skillful use of rhetoric, to produce change less radical than true innovation, but still transform the terms of the policy debate (Schneider, Teske and Mintrom, 1995). This type of entrepreneurial activity can shape the sometimes vaguely-held preferences of publics or other key players in the policy arena, mobilizing new actors to participate. The entrepreneurial leader will skillfully use rhetoric to change the preferences of others by molding and manipulating attitudes and preferences of the targeted actors. Baumgartner and Jones (1993) describe this as the process of transforming debates and policy arrangements in order to facilitate policy change.

And finally, there is the third category of entrepreneurial action, arbitrage/adaptation. These are less radical than true innovation. Arbitrage involves linking previously separate "streams" of policy ideas within existing frameworks to produce new versions of old policy (Schneider, Teske and Mintrom, 1995). Adaptation borrows ideas from somewhere else and adapts them to a new setting In this manner, ideas are recycled, transformed, and adapted to fit the changing preferences of the electorate (Schneider, Teske and Mintrom, 1995).

Entrepreneurs and Their Actions – 1970-Present

Oregon

Tom McCall's actions during the early 1970s in Oregon clearly fall under the rubric of innovation, effectively employing the use of heresthetics and exploiting his media access. He pushed for widespread dissemination of the Willamette Valley Futures Study to the broader publics, in an attempt to graphically illustrate the contrasts between state land use planning, and business as usual. His intent was to garner support for the soon-to-be-proposed legislation. However, he was not alone in his entrepreneurial efforts during this time. The initial policy ideas that were planted by Ted Sidor fall on the arbitrage side of the entrepreneurial spectrum. Hector MacPherson carried these ideas into the Oregon legislature, where his leadership skills proved the perfect complement to the more outspoken McCall.

By the time the 1990s arrived in Oregon, other entrepreneurial activity was afoot in the form of the opposition group, Oregonians in Action (OIA). They successfully whittled away at the substance of SB 100 via the recently-passed Measure 7. Ostensibly about takings and just compensation for property devaluation that results from governmental zoning decisions, the effect was to halt local governments' willingness to enact zoning laws. They are tapping into the current public discontent with the perceived inflexibility of the state's land use bureaucracy, portraying it as the destroyer of the quality of life for

Oregonians today, as the state pushes for higher densities in order to avoid expanding existing urban growth boundaries. Their activities most closely resemble the leadership category on the entrepreneurial continuum, as they are attempting to effect change less radical than a complete overturn of the land use system, but are clearly seeking to drastically alter the terms and conditions under which the law is administered.[17]

Colorado

In the 1970s, Richard Lamm made several attempts to facilitate major changes in the state's growth management policies, first as a legislator, and later as governor. Both attempts were unsuccessful. As a legislator, Lamm did not appear to command the same degree of legislative influence Macpherson managed to muster. Both were junior legislators, but Macpherson enlisted the aid of people like Ted Hallock, the Democratic Senator from Portland and was also able to draw on staff in Governor McCall's office to help him study the issue. Lamm as legislator was unable to create a similar political dynamic. Neither did he enjoy the outward support of a Governor as passionate as Tom McCall. Vanderhoof, who was filling in the remainder of Love's term, was thought to support state land use legislation more for political expediency, than from deep, heartfelt commitment. Further complicating matters was the fact that Lamm was the chief Democratic contender for Governor, in opposition to Vanderhoof.

Neither did Colorado have a Governor as entrepreneur during the early 1970s. Governor Love, while generally supportive of environmental issues, did not push for state land use

[17] The discussion of policy entrepreneurs in Oregon is confined to those in the land use policy arena. None were observed in transportation policy, as it was driven more by state land use policy, than individual actions.

legislation with the same intensity as Governor McCall in Oregon. When the *Front Range Futures Study* was completed, it was scuttled because of political objections from some legislators regarding language that had nothing to do with growth management. The study was never presented to broader publics to educate them on the potential benefits of state growth management, as was done in Oregon with the *Willamette Valley Futures Study*. When Lamm was elected Governor, he continued his push for a state role in local planning and zoning decisions. Often as flamboyant and outspoken as McCall in his rhetoric, he was never able to find the right message to engage new publics in the fight for change, or to shift the alliances of existing groups within the subsystem.

Until the 1990s, entrepreneurial activity in the policy arena of growth management was largely absent. Then, in 1999 and again in 2000, Sen. Bryant Sullivant, R-Breckinridge, took up state land use planning by sponsoring a number of bills introduced into the Colorado General Assembly, all of which failed to pass. After these failures, a loose coalition of environmental groups and concerned citizens pushed to have Amendment 24 placed on the Colorado ballot in 2000, which also failed. The most prominent spokesman for this coalition was John Fielder, a Colorado nature photographer, unknown to many in the state. The message was overshadowed by a savvy media campaign funded by opposition groups such as the homebuilders and developers.

Governor Bill Owens in Colorado succeeded where former Governor Roy Romer failed at breaking the transportation funding stalemate that had long plagued the state. He used strategies of arbitrage to craft new solutions to the long-standing problem of transportation finance. He built coalitions of support by coupling the concerns of metro Denver residents and businesses, both of whom had long lobbied for more transit in the region and the concerns of those who wanted to widen I-25 in the most congested areas of south Denver. The result was the TRANS Plan initiative, which he marketed heavily to the state's voters. The initiative passed handily, and represents a significant change in long-standing policies toward funding of large transportation projects.

Policy Advocates

During the early 1980s, when the land use planning program seemed most threatened, McCall acted in an advocacy role by rallying the publics again, even though it meant exploiting his own imminent death. Again, he was not alone in his efforts. Governor Victor Atiyeh provided support by commissioning a study to examine the impacts of the state's planning system on the economy. When the report indicated SB 100 had actually had a positive impact on the state's business climate, he made these results known to the press and the public. He highlighted the state's achievements in land use planning, while acknowledging the problems with some procedural aspects of the policy's administration. By working with the legislature to correct these problems, the opposition was effectively quieted for the next decade. This type of advocacy has been crucial in Oregon to prevent the land use program from being eroded. 1,000 Friends of Oregon have also acted as advocates by providing oversight of local government implementation during the years since SB 100 was enacted.

Issue Image

The stability of a policy monopoly depends on how favorably an issue is viewed by large publics (Baumgartner and Jones, 1993). If it is viewed positively, publics are usually content to leave policymaking to members of the policy subsystem. (Baumgartner and Jones, 1993). This study of growth and its attending image among large publics in both Colorado and Oregon highlight some interesting aspects of issue image. Growth, as public opinion data in Colorado indicate, means many different things to different people. As an issue, it is tough to define clearly and simply in a manner large publics can agree upon. Thus, while polls may indicate that citizens are concerned over growth, for some that means they lament the loss of open space. For others it means crowded schools or roads. The list can be lengthy. Further complicating the debate are those who oppose restrictions on land use and driving who attempt to portray the issue as a dichotomy of no-growth vs. growth. Those who support land use and driving restrictions will attempt to counter this image by pointing out that they advocate managed growth, which is not the same as no-growth. Yet, these many facets of the growth debate understandably leave the mass publics confused, and pose a challenge to the entrepreneur who would attempt to shape this issue in a manner that can garner large publics to support his/her policy proposals.

Here again, the entrepreneur plays the key role in framing issues. This is particularly true in the complex and emotionally-volatile growth policy arena. The successful entrepreneur must find ways to present the issue simply and in a manner that large publics can relate to and support. The entrepreneur must work to "redefine political situations to gain majority support for his or her most preferred alternative" (Schneider, Teske and Mintrom, 1995, p. 43). The ability of the policy entrepreneur to successfully shape issue image is crucial. The entrepreneur and the issue image are interdependent and inseparable independent variables that affect the likelihood that change will occur.

The research supports this expected dynamic. In Oregon, it was the entrepreneurs who defined and controlled the terms of the debate surrounding the growth issue. Tom McCall, in particular, was the acknowledged master of rhetoric. He first tapped into public discontent by highlighting the negative impacts of rapid and uncontrolled growth and suggested that unmanaged growth was more a "bad" than a "good." As his most famous speeches reflect, he linked growth with the greed and short-sightedness of a few at the expense of the many. One of the most famous of these is his "grasping wastrels" speech, where he pleaded for Oregonians to realize the need for state land use planning so that:

> The interests of Oregon for today and in the future must be protection from the grasping wastrels of the land (quoted in Little, 1974, p. 7).

As illustrated in excerpts from his speeches in chapter three, McCall always sought to remind the public of his belief that restricting growth and development and forcing more orderly development patterns would benefit them all. As governor, he had the platform to command media attention, providing the opportunity to get his message in front of the varied and disparate publics. He defined the issue simply, as this except from his first inaugural speech in 1967 illustrates:

> Health, economic strength, recreation. . .are tied inseparably to environment. Water, air, land and scenic pollution threaten these and other values in Oregon. . .The overriding challenge. ... is quality – quality of life in Oregon (quoted in Walth, 1998, p. 181).

This ability to keep the issue simple and broad is useful when trying to convey complex issues to the public in order to garner their support.

In Colorado, Governor Lamm was constantly fending off attacks from his critics, rather than leading public opinion in a manner that facilitates major change. His promise to "drive a silver stake" through the heart of I-470 ignited a firestorm in the legislature. He spent a good deal of political capital in his early years as Governor fighting with the legislature and the Highway Commission over this issue. Later, his administration's efforts at growth management via executive fiat were undermined by the Orwellian name they were given, the "Human Settlement" policies. Labeled such, they provided an easy target for an already-hostile legislature that portrayed him as a "no-growth" advocate who threatened private property rights. As hard as he tried, he never managed to control the terms of the issue debate in the public mind as Tom McCall did.

To date, no person or group seeking change in the policy output of Colorado's growth politics has successfully been able to do this, even in the face of poll data which indicates widespread public dissatisfaction with current state policy regarding growth. Polls indicate that the issue is developing an increasingly negative image in the public's mind, but the key ingredient, the policy entrepreneur that can successfully use that public discontent to shift policy output, has yet to emerge. The data coding indicate that, in Colorado, pro-GM and pro-FM attitudes are evenly mixed, even though pro-FM attitudes control the policy outputs in this arena. With the public mind in this apparent state of flux, conditions seem favorable for the aspiring policy entrepreneur to emerge, to tap into public attitudes and mold them into an effective tool for policy change.

Subsystem Participants

According to Baumgartner and Jones (1993) changing the dynamics of policy positions of groups in the subsystem is crucial to policy change. This occurs when new participants begin to actively participate in the subsystem, or when the alignments among existing groups in the subsystem shift from support of one type of policy output to another. The new players, and/or new alignments of players, then seek new, more favorable venues to pursue their policy goals (Baumgartner and Jones, 1993).

In Oregon, the dynamics of the growth policy arena changed significantly when Hector Macpherson was elected to the senate. His stated goals were to enact some sort of state land use regulation in order to protect the state's prime farmland from development. He doggedly pursued these goals, enlisting others to his aid when necessary. Tom McCall as governor aided him by championing the issue to the public and policymakers at every opportunity. The combined efforts of McCall and Macpherson, as well as policy advocates like Ted Hallock and L.B. Day, produced the shifting group alignments necessary to produce policy change. Recall from chapter three that the homebuilders and realtors, counties and the timber industry initially opposed SB 100. Eventually, they came to support it, or to at least drop their active opposition. Thus, in Oregon, a combination of new participants and changing alignments within the existing subsystem provided the opportunity for change, as the research model suggests.

In Colorado, this same dynamic did not happen. Richard Lamm as Governor strongly supported passage of state land use legislation. Yet, he did not have a Hector MacPherson to aid him in the legislature, as did Tom McCall. Additionally, there was no realignment of groups in the Colorado land use subsystem as there were in Oregon. The counties, contractors, homebuilders and realtors have never supported passage of state land use laws, while the cities have alternated between partial support, depending on the particular issue, to outright opposition. The environmental groups are the only participants in the subsystem who have consistently lobbied for policy change. Yet, as the research indicates, they carry little clout with policy makers. Without a major realignment of these groups, or the influx of new participants into the policy arena, change is not likely to be forthcoming in the politics of growth in Colorado.

<u>Venues</u>

As stated in the model for this research, policy change must be preceded by change in venue. Change is only evident if there has been both increased legislative attention <u>and</u> actual reassignment of policy oversight either through a change from one existing agency to another, creation of new agencies, or an expansion of powers within an existing agency. This dynamic was observed in Oregon. Land use rose to the top of the legislative agenda, both in 1969 and 1973, although the 1969 legislation, SB 10, could be characterized as more symbolic change than substantive. Recall that symbolic change is defined as statutory change with few enforceable mandates. SB 10 mandated comprehensive plans, but without accompanying agency oversight or means of enforcement. Thus, four years after its passage, it was not too surprising that few local governments had developed plans. SB 100 added mandates, enforcement authority, a new state agency, a new state commission, and later, a state land use board of appeals.

In Colorado, this dynamic did not occur. HB 1041 contained no mandates, no way of enforcing the suggestions contained within it, and no changes in agency oversight. A state land use commission was created, but with almost no authority and no enforcement powers. Administration of funding for the state program was housed in an existing agency, the Department of Local Affairs, whose mission of support for local control clashed with a program designed to emphasize a state role in local land use decisions. Within a few years of the passage of HB 1041, land use issues faded from the legislative agenda. They remained such for nearly 25 years, until the issues of growth and its negative effects began rising on the legislative agenda. In 1999, and in two subsequent years, a slew of growth management legislation was debated in the Colorado General Assembly. After two special sessions in 2001, several minor bills were passed that can be classed as symbolic change. None of the bills passed in the 2001 special session had any mandates or agencies of enforcement and/or oversight. The bills that *did* pass seem to be more of an attempt to appease the opposition through symbolism than any real substantive change.

Transportation Policy in Oregon and Colorado

Oregon's state transportation policy more closely resembles the model's definition of incremental change described as "policy which changes at the margins while leaving the substantive thrust of the policy output unchanged." The creation of the Transportation Growth Management divisions in both the state Department of Transportation and the State Department of Land Conservation and Development in 1993 has been widely hailed as a major step toward integration of land use and transportation at the state level. Yet, this program has been added in both agencies while all other programs remain unchanged. It is unclear whether the Oregon Department of Transportation is supportive of more multimodalism because of agency philosophy, or because there is no money available for new road construction. Several interviewees indicated it was more the latter (Fraser, 2001; Fox, 2001). Therefore, it remains to be seen how committed ODOT is to integrated planning if they suddenly find new streams of revenue for highway construction.

In Colorado, the research findings point to a clear policy monopoly in the transportation policy arena. The homebuilders, highway coalitions, and local governments clearly have a receptive ear at the state legislature and the state transportation commission. All efforts to shift this dynamic have failed, as Colorado continues to pursue a state transportation policy of "highways-only."

Colorado and Oregon – Where Are They Now?

Currently, both seem to be experiencing turbulence in their respective policy monopolies. In Oregon, it appears that the rural landowners and private property rights advocates may find opportunity to challenge the current planning system. These are the residents who have never supported the state's land use laws, and are members of the contingent that has repeatedly tried to force repeal of the policy over the years via the ballot initiative. The Oregon case illustrates the importance of appeasing the minority opposition when major change occurs. This is particularly true when policy change is as widespread in its impacts as state land use reform, and which challenges some of the most fundamental beliefs in the American system. If their concerns are not met, the tenacity of this type of opposition may undermine the long-term stability of the policy arena. As Oregon's experience with implementation of SB 100 illustrates, turbulence has dogged the state's growth management system for much of the 30 years since SB 100 was passed.

Another potential threat to the land use laws seems to lie in the legislative-executive dynamic in Oregon. Over the years, the rural-dominated legislature has introduced hundreds of bills that would have effectively killed the state planning system, and these either did not pass, or were vetoed by Governors supportive of state land use planning. Current Gov. Kitzhaber has vetoed dozens of such bills and these vetoes have always been sustained. Many interviewees mentioned that strong, supportive executives over the years have protected SB 100 from legislative encroachment. This is Kitzhaber's last year in office, and given past experience, if the new Governor is not a strong supporter of land use legislation, and/or if the legislative composition changes drastically, the dominance of Oregon's planning system may be seriously threatened.

In Colorado, conditions seem favorable for change if a policy entrepreneur of the stripe of a Tom McCall appears. In the absence of someone like him who can tap into public discontent in the state, it is likely that the dominant policy monopoly will successfully fight off any attempts at substantive shifts in policy direction. Without a high-profile entrepreneur, Colorado will probably see more incremental legislation such as that passed in 2001, a continued emphasis on highway capacity improvements, with some token transit investment when public clamor can no longer be ignored, and continued local control of most major land use decisions. Many of those interviewed in Colorado felt that change in state policy was unlikely. Most noted that the change is occurring at present, but from the bottom-up – from local communities determined to do something about growth's negative impacts. There are dozens of examples today all over the state where regions and towns have pursued innovative land use and/or transportation policies that address needs specific to them.[18]

[18] For example, the City of Fort Collins developed its model land use code, dubbed 'City Plan', which was adopted in 1998. The plan incorporated the principals of comprehensive planning, new urbanism and community sustainability as its criteria. After adoption of the plan, all property was re-zoned and new design standards were developed. Another example of regional planning efforts can be found in the partnership of Eagle, Garfield, and Pitkin counties, who have developed a regional plan that includes plans to construct a 45-mile light rail line from Aspen Airport to Glenwood Springs, creation of a regional transportation authority, and efforts to preserve the East Mesa, just east of Carbondale, from rural and residential sprawl. These and dozens of other examples can be found in various reports at the Colorado Department of Local Affairs.

Summary

Colorado and Oregon have provided an interesting study in contrasts for this case study. The findings reinforce the usefulness of the Punctuated Equilibrium Model in explaining the dynamics of major and sudden policy change. The research also supports the supposition of the hybrid model that the entrepreneur plays a key role in facilitating change. Both states had a similar dynamic of events in the early 1970s, and both attempted change in the growth management arena. The research shows that Oregon succeeded where Colorado failed, and the only major difference is the presence of successful policy entrepreneurs in Oregon who facilitated policy change.

The resulting dynamics of change also occurred as suggested by the research model. The policy entrepreneurs in Oregon skillfully highlighted the long-term negative consequences of unmanaged growth, recasting its image with both publics and policymakers. This brought new participants in the subsystem, and a shifting of alignments among existing coalitions, which in turn produced new legislation, new venues of oversight, and major change in state policy. This same dynamic did not occur in Colorado.

The research model does not, however, address the problem and dynamics of long-term turbulence in the policy subsystem after change has occurred. Baumgartner and Jones (1993) explain the dynamics of major change, yet the Punctuated Equilibrium Model does not explain the period of turbulence that followed passage of SB 100 in Oregon, although there are implications for the policy formation stage that occurs during major change. The Oregon experience highlights the need to appease minority opposition when major change occurs in order to avoid long-term instability in the policy arena during the implementation process. The model also does not address the different types of entrepreneurs that can emerge under different policy circumstances. In the next, and final chapter, we conclude by suggesting a refinement of the typology of the policy entrepreneur and highlighting the gaps in the research model that may be significant, as well as suggesting areas for further research.

CHAPTER 6

LOOSE ENDS, CLOSING THOUGHTS, AND FUTURE RESEARCH

Efficacy of the Research Model

The purpose of this study was to examine why policy change in the arena of growth politics has been so elusive in Colorado. The Punctuated Equilibrium Model of Baumgartner and Jones (1993) was used to guide and direct this study. It is an elegant framework to use in evaluating the various dynamics that allow the social scientist to explain change based on certain stated conditions. The basic dynamic of interaction between issue image and venue stated in the model allows one to evaluate the likelihood of change, and its impediments when change is elusive. What it lacks is an elevated role for the policy entrepreneur/s, key to determining the likelihood of policy change based on their skills at defining and portraying the issue in such a manner that large publics are motivated to participate in the previously-closed policy arena. To remedy this omission, the hybrid model used in this thesis includes a policy entrepreneur assigned the key role of building support for policy change, adding a further dimension of richness to the model.

The variables in the hybrid model were very useful at understanding the dynamics of change in Oregon, and understanding why it has been so elusive in Colorado. Research findings indicate that policy change in Oregon did occur, but most likely would not have happened without the efforts of the various entrepreneurs. Conversely, policy change did not occur in Colorado. Entrepreneurs were active, but none successfully used the strategies necessary to mobilize large publics in an attempt to shift the balance of power within the dominant subsystem.

The model was also a good explanatory mechanism of the conditions necessary for, and leading up to, major change in long-entrenched, dominant policy monopolies. What it does not do is provide a contextual framework for the dynamics of what comes after the change in venue and statute. Here, things become somewhat murky, leaving the researcher to wonder how change in practical application really looks. Is change in venue and statute sufficient criteria, or is it defined by successful implementation of the statutory change, and the ability to sustain that for a certain period of time? This is where the line blurs between the different stages of policy, as described in the beginning chapters of this study.

For example, as we saw from the Oregon case study, the statutory and venue change that accompanied the passage of SB 100 was but the beginning of a decade of turbulence as the new policy subsystem sought to implement the land use law. It took ten years for the final comprehensive plans to be acknowledged by the state, and then the dominant policy monopoly experienced a brief few years of relative quiescence before turbulence began again. This turbulence highlights the difficulty of successfully implementing major change when there are clear winners and losers, particularly when the losers in the policy battle have as much at stake as those in Oregon. The rural landowners who lost unencumbered use of their private property have provided the bulk of the unrelenting opposition to the land use law. This dynamic is not addressed by the hybrid model used here, but could be corrected by incorporating a tripartite hierarchy of values such as that used by Sabatier and Jenkins-Smith (1998).

In their Advocacy Coalition Framework (ACF), Sabatier and Jenkins-Smith (1998) acknowledge the importance of values and belief systems in policy change. Deep Core beliefs that strike at the heart of fundamental American values are areas of potential resistance that pose the greatest challenge to successful policy change. State land use is one such policy. The usual arguments made in support of state regulation of land use are that some must relinquish portions of their private property rights so that others might benefit. As previously discussed, private property rights are one of the most deeply held beliefs in American society. Thus, by adding belief systems to their model, Baumgartner and Jones (1993) could provide a more useful tool for those attempting to develop a strategy for major policy change.

For example, policies that require accommodation in deep core beliefs, such as land use regulation, suggest that the entrepreneur/s leading the fight for change must be exceptionally skilled, employing the heresthetic tactics previously described. If successful, and change *does* occur, the policy maker will also be aware that any remaining opposition must be appeased in some manner. As Oregon shows us, the 1/3 of rural residents in Oregon who never supported the state's land use laws have continued in their efforts to overturn SB 100 for 30 years, always searching for a new venue in which to pursue their cause. If longevity and stability of major policy change is the goal, and we assume it is, then awareness of the degree and depth of the opposition is crucial to success. By incorporating a hierarchical system of values in the Punctuated Equilibrium Model, it becomes possible to predict the degree and depth of opposition that is likely to occur.

The Oregon case also suggests a more complementary relationship between what are currently two competing theories of change in the policy literature. The Punctuated Equilibrium model illustrates the dynamics of rapid and sudden change, but it does not adequately address what may transpire *after* statutes are passed and new venues created. The ACF does a good job of explaining how change occurs over time, usually a decade or more, via the process of policy learning. Sabatier and Jenkins-Smith refer to policy learning as those alterations in the secondary belief systems of coalitions in the subsystem that produce minor changes (1998). Policy learning occurs when policy outputs are adjusted based on feedback that produces new data, new experience, or changing strategic considerations (Sabatier and Jenkins-Smith, 1998). The ACF, however, does not provide insight into the sudden and major change that sometimes occurs in American public policy outputs. Grafting these two models together provides a richer understanding of the overall dynamic of policy change.

To illustrate this point, in Oregon, after the passage of SB 100, the legislature continually made minor alterations in the law. The most significant of these occurred during the 1983 legislative session, after the failed ballot initiative in 1982. As the Oregon case suggests, change can occur in stages, beginning with sudden and major shifts, followed by long periods of policy learning, during which the other coalitions in the subsystem seek to alter policy output to reflect their preferences more closely. Together, these two policy change models provide a more complete explanation of the dynamics of policy change than either does by itself.

Future Research

A subject for future research is the role of the policy entrepreneur in policy change, which needs further refinement and development. Research indicates that there is a more interdependent relationship between the entrepreneur and policy image than the model indicates. The manner of defining an issue depends on the strategies used by the entrepreneur, which can range from adaptation/arbitrage to innovation. Which one is used depends on the degree of change required, defined by value systems, and how large the target population to be affected. Any of these strategies can produce major change, but some change, such as state control of land use, is clearly more radical than others. The research of this thesis suggests that using heresthetics in an attempt to garner the support of large publics is necessary to facilitate change in the growth policy arena.

Both the hybrid and punctuated equilibrium models are lacking in their ability to distinguish among entrepreneurial strategies needed based on degree and type of change desired. One could argue, based on the findings of this research and other studies of policy change, that major, widespread change regarding state land use and transportation policies is different from things such as nuclear power, pesticides, and urban unrest, to name but a few studied within the context of the Punctuated Equilibrium Model (Baumgartner and Jones, 1993; Bosso, 1987). In other words, all policy change is not equal, with distinctions based on the degree of change required in individual behavior as defined by value systems, and the size of the target population being asked to change. Using Bosso's (1987) study of change in pesticides policy as an example, those asked to change were primarily chemical manufacturers and agribusinesses. The battles that ensued during the shifts in pesticides policy were mainly confined to a narrow arena of interest groups and Congressional committees. The larger publics were not actively involved, nor would one expect them to be. There were no major public health hazards being experienced by large groups of people, and the change sought did not require any shifts in individual behavior or lifestyle in order to accrue the benefits of the changed policy. In other words, this was not a type of policy change that affected large numbers of individuals personally in terms of lifestyle and beliefs.

Growth and its twin issues, land use and transportation, are the types of issues that do affect large numbers of people, first and foremost those whose property rights are restricted by state-imposed terms of use, such as property owners and developers. Secondly, urban growth boundaries can impact others, particularly those who wish to live in lower-densities outside the urban growth boundaries. These people can find their options limited because of restrictions on nature and type of development that is allowed outside these boundaries, forcing them to live in high-density urban settings.

The same can be said of transportation policy – people cherish the freedom and mobility of the personal automobile, and most do not want to relinquish that right. Yet, hard choices have to be made when allocating the resources of the transportation pie, which never grows bigger, but seems to continuously have more hands clamoring for a piece of it. When scarce dollars are diverted into transit and other modes, congestion is inevitably going to worsen for all, at least in the short-term. Citizens then scream for elected officials to "do something" about it, and the most rational response from elected officials is to increase highway capacity, something very visible that satisfies large groups of people.

These brief examples are used to illustrate that not all policy change is alike – some types will be more difficult to realize than others will. Thus, different types of entrepreneurial strategies are needed, depending upon the circumstances. This is depicted in the proposed typology of policy type, entrepreneurial strategies, and degree of change desired in Figure 6.1.

The proposed typology is derived from the range of continuum of entrepreneurial strategies outlined by Schneider, Teske, and Mintrom (1995). It illustrates the linkages to type of policy change desired as defined by numbers of publics affected and whether or not the behavior change desired requires reconciling the change with core or secondary values. [19]

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[19]Although the study of values in political outcomes is not unique to them, the classification of beliefs as deep core or secondary is derived from Sabatier and Jenkins-Smith (1998) as outlined in the Advocacy Coalition Framework. For the typology here, I have simplified their tripartite hierarchical structure into

Figure 6.1

Degree of Policy Change

Targeted Belief Systems	Size of Target Audience: Wide	Size of Target Audience: Narrow
Core	Radical (a) (heresthetics)(b)	Major (leadership/heresthetics)
Secondary	Moderate (leadership)	Recombinant (arbitrage/adaptation)

a – degree of policy change
b – entrepreneurial strategy

Thus, we have suggested four distinct types of change that may be desired – radical (core/wide) major (core/narrow), moderate (secondary/wide) and recombinant (secondary/narrow). If the *type* of change and the *degree* of change are known based on policy type, then the likelihood of change occurring can be linked to the type of entrepreneurial strategies required for each circumstance.

This links the entrepreneur depicted by Schneider, Teske and Mintrom (1995) with our policy change model in a manner that suggests the likelihood of the entrepreneur/s success or failure by observing the strategies that are used. For example, change that affects large numbers of people that also requires shifts in behavior linked to core beliefs is labeled r*adica*l change, and requires the use of heresthetics to bring it about. If the entrepreneur is using a strategy of adaptation or arbitrage, the typology would suggest

deep core beliefs that emanate from fundamental belief systems, and secondary, which represent beliefs emanating from the deep core which can change without requiring an alteration in the basic belief systems.

that he/she will not succeed. If the entrepreneur thus has a clear understanding of the depth of shifting of the targeted publics' belief systems, strategy can be tailored accordingly. In other words, the proposed typology suggests a strategic road map to guide the entrepreneur in his/her quest for policy change.

Recall from Chapter 5 that heresthetics involves using rhetoric in a manner that totally transforms the terms of the policy debate. In the case of state land use laws, the goal is "developing a new idea or policy and [using] these innovations to challenge existing institutional arrangements and the terms of ongoing debates" (Schneider, Teske and Mintrom, 1995, p. 45). Anything less than this will probably be insufficient to produce the desired change.

The other type of change that must come from shifts in core values is *major* change. It may require heresthetics, but leadership strategies may also work as well. An example of major change, narrow in its impact, but affecting core values, is policy that requires polluting industries to pay for the pollution they emit. In this instance, leadership as an entrepreneurial strategy would likely be sufficient. Leadership involves the use of rhetoric to produce change less radical than true innovation, but still transforms the terms of the policy debate (Schneider, Teske and Mintrom, 1995). Leadership will also be adequate to facilitate *moderate* change in policy arenas where the change affects large numbers of people, but only requires change in secondary beliefs. An example of this might be a regionally mandated recycling or water conservation program.

Finally, *recombinant* change, characterized by narrow impact in secondary values, can be achieved using arbitrage, which involves linking previously separate "streams" of policy ideas within existing frameworks to produce new versions of old policy (Schneider, Teske and Mintrom, 1995). A policy of this type might include local government incentives to encourage voluntary ridesharing at large employment sites. It changes policy *within* the existing institutional framework, by drawing solutions from other policy arenas other than the highway subsystem, to address a problem of congestion.

The usefulness of this typology is its ability to explain situations when only heresthetics will get the job done, if major change is the desired goal. The Oregon case reinforces this point well. The research suggests that SB 100 would have failed without the high-profile heresthetics of Tom McCall. Conversely, in Colorado, this type of entrepreneurial activity has not been successfully utilized. However, further research is needed to test this suggested typology, to more thoroughly evaluate its efficacy at predicting different strategies of entrepreneurship needed for different circumstances surrounding a desired policy change.

Final Observations

It is not possible to always be aware of, and understand, when major and sudden policy change is likely to occur. The hybrid model used in this research provides a useful tool for explaining the likelihood of major change based on the likelihood of the emergence of a policy entrepreneur, and how effectively that entrepreneur can convince others to join his/her cause. It is lacking in its ability to explain the turbulence that followed the passage of SB 100 in Oregon. By grafting the values hierarchy and policy learning of the ACF, these explanatory gaps are filled in. Further refinement of the typology of entrepreneurial strategies permits a more accurate understanding of the success or failure that entrepreneurs encounter when trying to affect policy change. Yet, both these latter suppositions need further research for confirmation. Few studies have been done to gauge the dynamics of policy change in the growth policy arena, to see how it differs from other types of change, such as that in the nuclear power or pesticides arena. More research is needed on the role of the entrepreneur in policy change before political scientists can hope to better understand the entrepreneur's role in policy change.

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APPENDIX A

DATA SET

List of Interviewees in Oregon

Name	Title
Jacob Brostoff	Transportation Advocate, 1,000 Friends of Oregon
Bob Cortright	Transportation Planning Coordinator, DLCD
Betsy Earls	Legislative Representative, Associated Oregon Industries
Alan Fox	Project Leader, ODOT Region 2
Barbara Fraser	Manager, Planning Group, ODOT
Larry George	Executive Director, Oregonians in Action
Tom Kloster	Senior Transportation Program Supervisor, Portland
Metro Lou Ogden	Mayor, Tualatin
Bill Penhollow	Assistant Executive Director, Association of Oregon Counties
Steven Pfeiffer	Chairman, LCDC
Authur Schlack	Policy Manager, Association of Oregon Counties
Tom Schwetz	Transportation Program Manager, LCOG
Peter Watt	Planner, Lane Council of Governments
Jerry Weitz	Planning and Development Consultant
Rob Zako	Friends of Eugene

List of Interviewees in Colorado

Nancy Brigden	Former Transportation Commissioner
Jim Disney	Former Larimer County Commissioner
Jeani Frickey	Director, State Affairs, Colorado Farm Bureau
Kathy Gilliland	Mayor, City of Loveland
Karla Harding	Director, Region IV, CDOT
Gina Janett	Former City Council member, City of Fort Collins
Larry Kallenberger	Director, Colorado Counties, Inc.
Richard Lamm	Governor of Colorado, 1975-1987
Ann Livingston	Land Use Attorney, CoPirg
Albert Melcher	Former Highway Commissioner
Betty McCarty	Administrative Officer, DRCOG
Rich McClintock	Former director, CoPirg
Bill Neal	Realtor and former Highway Commissioner

Kelly Nordini	Director, Transit Alliance
Tom Norton	Executive Director, CDOT

Ron Phillips	Director, Transportation Services, City of Fort Collins
Dennis Polhill	Senior Fellow, Independence Institute
Phil Schmuck	Former Director of State Planning Office
Eldon Strong	Director, Highway and Transportaton Services, Colorado Contractors Association
Charles Unseld	Director, Office of Smart Growth
Glen Vaad	Weld County Commissioner
Bill Vidal	Executive Director, DRCG, Former Executive Director, CDOT

Generic Interview Questions

[Note: these questions were tailored to each interviewee, depending on whether or not they worked with an agency, board or commission, were members of interest groups, or were elected officials.]

Purpose of Interview

I am writing my doctoral thesis on the politics of growth, specifically land use and transportation policy. I am using Oregon and Colorado in a comparative case study to compare and contrast the dynamics of these policies in both states in order to study the key elements found in policy change.

With that in mind, I have prepared a tentative list of questions we can begin with. Please feel free to add anything you wish. Unless you give me permission, I will not associate your name with any of your comments. Do you have any questions before we begin?

Questions:

1. Could you give me some background on how you got involved in these issues?

2. Over the years since, what groups and individuals have you seen emerge as key players in these issues in the state, whether elected, agency staff, or private citizen/groups?

3. What groups or individuals seem to have the most influence over the final policy decisions?

4. What is your assessment of public attitudes towards these issues? Have there been any major surveys of the public in this area?

5. What was your perception of the agency attitudes at CDOT, the Commission and the Legislature? (Ask whichever, if any of the above, are appropriate).

6. What is your perception of the policy preferences of local/county elected officials and the staff?

7. What is the general public's attitude toward these issues? What do they seem to want?

8. How do you feel these issues [land use/transportation] are generally portrayed in the media?

9. Do you think Colorado/Oregon has a balanced approach to transportation, or does it seem to be heavily weighted toward one mode over others?

10. Do you think there needs to be a greater emphasis on the integration of land use and transportation policy in this state? If so, what does that look like? If not, why not?

For Colorado Interviewees only:

11. Do you think Colorado will ever pass land use legislation that provides a strong state role?

For Oregon Interviewees only:

12. Where do you think Oregon's land use planning program is headed?

Do you have any closing thoughts/comments?

Newspapers Consulted and Data Coding Procedures

Denver Post Indices
Portland Oregonian Indices

Searched 30 year span of both indices, from 1970-2000. Coded all relevant articles under the headings 'land use, colorado' and 'transportation, colorado' in the Denver Post, and all relevant articles under the headings 'land use, oregon' and 'transportation, oregon' in the Portland Oregonian.

Headlines were coded for tone of article, whether pro-GM, or pro-FM; whether or not controversy surrounding the issue was indicated. If this could not be determined from the headline, the article was coded 'neutral'; subject of article and groups/individuals/government officials mentioned were also noted; total numbers of articles coded in each year were counted.

Table A.1 Summary of Newspaper Coding

Topic	Pro-FM	Pro-GM	Neutral	Total Articles
Land Use, Colorado	75	187	169	431
Land Use, Oregon	105	110	205	420
Transportation, Oregon	27	111	200	337
Transportation, Colorado	27	42	99	168

Miscellaneous Other Data Sources

Colorado

Department of Local Affairs

1. Best Practices in Land Use Planning and Growth Management.
2. Analyzing Financial Trends and Assessing the Impacts of Growth.
3. Presentation on Growth in Colorado.
4. Smart Growth and Development – Interregional Council Recommendations for the State of Colorado.

Colorado Department of Transportation

1. Rules and Regulations for the Statewide Transportation Planning Process and Transportation Planning Regions.
2. General Rules of Practice and Procedure, State Highway Commission of Colorado.
3. Annual and financial reports, 1975-2000.
4. Statewide Resident Survey: Final Report of Results of an Opinion Survey on Transportation Issues in Colorado, April 2000.
5. Modal Transportation Survey, October 1997.
6. The 2020 Statewide Transportation Plan, November 2000.

Colorado Land Use Commission

1. Colorado's Open Space: A Study in Achievement, Neglect and Opportunity, October 1986.
2. A Land Use Program for Colorado, 1973.
3. A Citizen's View of Land Use in Colorado: A Report to the Governor and People of Colorado – 1976.
4. Interim Land Use Plan, Volume 1, December 1972.
5. Local Government Progress Under HB 1041: Report to the Colorado General Assembly, January 1975.
6. Colorado Land Use Commission: Commission Recommendations to the Governor and General Assembly, December 1970.

Office of the Governor

1. Front Range Futures: Program to the Year 2000, October 1981.
2. Colorado: Investing in the Future – 1981-2001. The Final Report of the Governor's Blue Ribbon Panel, July 1981.
3. Front Range Futures, Conference Report, September 1980.
4. Colorado Front Range Project, 1981.
5. Critical Issues for Front Range Transportation, The Colorado Front Range Project, October 1981.

6. A Report to the Governor, The Legislature and the Citizens of Colorado: Meeting Colorado's Long-Term Transportation Needs. Blue Ribbon Panel on Transportation, May 1996.

Other Miscellaneous Colorado Documents

1. Agenda for the 90s and Beyond: Loveland's Strategic Plan, May 1992.
2. North Front Range 2025 Regional Transportation Plan, July 2001.
3. Blueprint Denver, Draft, Chapter 1, Introduction, December 2001.
4. North Front Range Transportation Alternatives Feasibility Study.
5. Coalition for Mobility and Air Quality: Transportation Balance Sheet. Finance Committee Report on Transportation Needs in Colorado.
6. North Front Range Transportation Improvement Program, 2001-2006.
7. Transportation Needs in the Denver-Metro Area: Report of Survey Results. Prepared for the Transit Alliance, RTD and CDOT, July 2001.

Oregon

Department of Land Conservation and Development Agency Documents and Data

1. Written public testimony submitted in 2000 in response to the Goal 14 rulemaking hearings.
2. Written public testimony submitted during original land use goal development hearings in 1974.
3. Written public comment on development of the TPR, 1990-1991.
4. "The Principles of a Balanced Transportation Network: Implementing the Oregon Transportation Planning Rule."
5. Understanding the New Periodic Review Process: Senate Bill 543. August 1999.

Portland Metro Agency Documents and Data

1. Report on Public Involvement, Commentary, and Survey Design, Summer, 1995, regarding the proposed 2040 Long Range Plan.
2. Overview of the Regional Transportation Plan, 1999.
3. "Region 2040 – Concepts for Growth." Report to Council, June 1994
4. 1999 Regional Transportation Plan, Public Comment Report. Summary of comments received between October 1, 1999 – December 16, 1999.

Oregon Department of Transportation

1. 1999 Oregon Highway Plan.
2. Overview of Oregon's Transportation and Growth Management Program.

3. State Transportation Fiscal and Statistical Data for 1998.Program Budget 2001-2003 Biennium.
4. Summary of Transportation Economic & Revenue Forecast, January 2002.
5. Transportation System Planning Guidelines, 2001.
6. Comprehensive Annual Financial Report and Statement of Operations, Fiscal Year 1999.

Public testimony on the following legislative hearings and bills obtained from the Oregon State Archives

1. HB 3661, 1993. A bill to allow more flexibility in developing secondary lands.
2. SB 237, 1983. A bill to clarify criteria surrounding 'marginal lands'.
3. SB 100, 1973. Oregon's land use planning bill.

Office of the Governor

1. Growth and Its Impacts in Oregon, January 1999.

APPENDIX B

A Summary of Oregon's Statewide Planning Goals

GOAL 1 - CITIZEN INVOLVEMENT

Calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

GOAL 2 – LAND USE PLANNING

Outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

GOAL 3 – AGRICULTURAL LANDS

Defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

GOAL 4 – FOREST LANDS

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

This goal covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventories and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

GOAL 6 – AIR, WATER AND LAND RESOURCES QUALITY

Requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

GOAL 8 – RECREATION NEEDS

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

GOAL 9 – ECONOMY OF THE STATE

Calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

GOAL 10 – HOUSING

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

Calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

GOAL 12 – TRANSPORTATION

This goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

GOAL 13 – ENERGY

Declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

GOAL 14 – URBANIZATION

This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

GOAL 15 – WILLAMETTE GREENWAY

Sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

GOAL 16 – ESTUARINE RESOURCES

Requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

GOAL 17 – COASTAL SHORELANDS

Defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

GOAL 18 – BEACHES AND DUNES

Sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

GOAL 19 – OCEAN RESOURCES

Aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

Appendix C

Demographic and Geographic Comparison of Colorado and Oregon

Oregon

	2000	1970
Population	3.421.399	2.091.385
Per Capita Income	$27.660	$3.940
Land Area - 95.997 square miles		

Colorado

	2000	1970
Population	4.301.261	2.207.259
Per Capita Income	$32.434	$4.055
Land Area - 103.718 square miles		

Source: U.S. Census Bureau; Stateline.org.; U.S. Department of Commerce. Bureau of Economic Analysis

LIST OF ABBREVIATIONS

ACF	Advocacy Coalition Framework
CAAA	Clean Air Act Amendments of 1990
CDOT	Colorado Department of Transportation
CMAQ	Congestion Mitigation and Air Quality
CoPIRG	Colorado Public Interest Research Group
DLCD	Department of Land Conservation and Development
DOT	Department of Transportation
DRCOG	Denver Regional Council of Governments
EFU	Exclusive Farm Use
HUTF (federal)	Highway Users Trust Fund
HUTF (state)	Highway User Tax Fund
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
LCDC	Land Conservation and Development Commission
LUBA	Land Use Board of Appeals
MPO	Metropolitan Planning Organization
NAAQS	National Ambient Air Quality Standards
NFRT&AQPC	North Front Range Transportation & Air Quality Planning Coun
ODOT	Oregon Department of Transportation
OIA	Oregonians in Action
RTP	Regional Transportation Plan
SOV	Single-Occupant Vehicle
STOP	Sensible Transportation Options for People
TC	Transportation Commission
TEA-21	Transportation Equity Act for the 21st Century
TGM	Transportation and Growth Management
TIP	Transportation Improvement Program
TPR	Transportation Planning Region
TSP	Transportation System Plan
UGB	Urban Growth Boundary
VMT	Vehicle Miles Traveled