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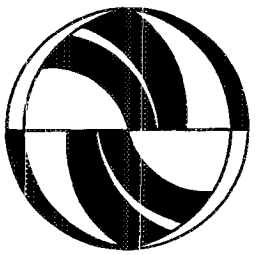

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The University of California
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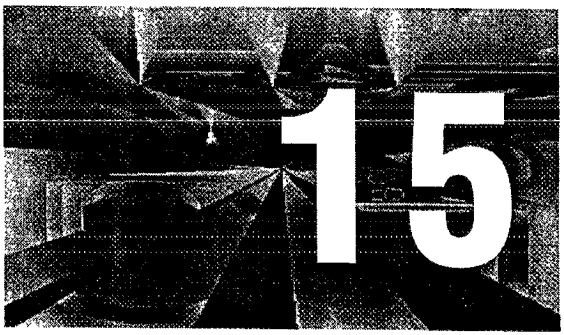

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Public Works, the Courts, and the Consent Decree

Environmental and Social Effects of the "Freeway With a Heart"

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INTRODUCTION

Transportation Planning's Brave New World

Transportation planning in the United States has undergone a revolution in the past two decades. As recently as the late 1960s, with little citizen participation apart from public hearings on specific routes (Rosener, 1975), technical experts laid out plans for major

transportation facilities, and their agency colleagues implemented those plans through standard routines. These routines often included noncontested condemnation and considerable alteration of the physical environment.

In 1970, the National Environmental Policy Act (NEPA) became law and required environmental impact assessment of every major federal action that might significantly affect the environment. Not fully understood at the time of its enactment, the NEPA began the transportation revolution: The act represented a major change in decision making, especially with regard to the amount, kind, and significance of project-specific information that would be made available to government officials. The NEPA's progeny, such as California's Environmental Quality Act (CEQA), took effect a little later. Transportation officials faced in quick succession the Uniform Relocation Assistance and Real Property Acquisition Act, numerous revisions to the Federal Aid Highway Act, the Clean Air Act, the Endangered Species Act, the Quiet Communities Act, the National Energy Act, and the Urban Mass Transportation Act's (UMTA) urban mass transportation major capital investment policy (Weiner, 1988). Empowered in part by these legal changes, private citizens, local officials, and the legal community became more vocal and more important to transportation and other public works decisions. Technical specialists and professionals continued to play major roles, of course, but their involvement was altered and, in many instances, severely lessened. State and federal agencies learned that business would no longer be as usual: The regulatory environment had experienced a major metamorphosis.

In combination, these regulatory changes provided for (a) increased options for citizens to obtain judicial review of administrative agency actions, (b) increased reach of state and federal environmental impact analysis requirements, (c) increased influence of the U.S. Environmental Protection Agency (EPA), especially in review of state air quality plans, (d) increased reach of state air quality agencies, (e) enhanced U.S. Department of Transportation (DOT) authority and responsibility to mitigate the impacts of transportation projects on housing, and (f) increased emphasis on affirmative action programs in state and federal projects.

Not everyone has understood or adjusted well to these sea changes in regulation and public policy. Some observers conclude that shifts have sacrificed efficiency for a vague notion of openness in decision

making or, worse, for a perversion of the role of government and the rule of law (e.g., see Horowitz, 1983). Other analysts, even those who theoretically approve of the changes, conclude that they are very costly. Highway engineers in particular were hostile toward and ill-prepared to accommodate the increasingly politicized and turbulent regulatory environment (Rose & Seely, 1990). Plans for new urban highways in Boston, New York City, Memphis, New Orleans, and San Francisco were scrapped during the "freeway revolt" of the 1960s and 1970s as the new regulation provided ample political and legal ammunition for those battling new freeway construction (for thorough discussions of these and other freeway controversies, see Baumbach & Borah, 1981; DiMento et al., 1991; Geiser, 1970; Jones, 1989; and Schwartz, 1976).

Child of the Revolution: The Freeway With a Heart

The Glenn M. Anderson Freeway-Transitway (to which we refer in this chapter as the Century Freeway or I-105) escaped being a casualty of the anti-freeway insurrection although it saw considerable action in the freeway revolt. According to then U.S. Secretary of Transportation Neil Goldschmidt, in 1979, when the dust finally (or so it seemed) settled on this particular freeway battleground, what had not killed the Century Freeway made it stronger: "From this project it may be said that we are building more than a freeway; we are building better neighborhoods and cities. Today we are witnessing the creation of a 'sensitive' freeway" (Emerson, 1980). The judge who presided over litigation that stopped the freeway for one decade and who guided its construction during the next put it most succinctly when he celebrated the freeway's ground breaking: As opposed to traditional freeways, the Century Freeway, he proclaimed, is a project "that has a heart."

I-105, a 17-mile facility that has cost approximately $3 billion, traverses nine cities and Los Angeles County. When the freeway opened to traffic in 1993, it was six lanes wide, with areas for high-occupancy vehicles (HOVs) and for rail transit. It was heavily landscaped and noise attenuated, surrounded by thousands of units of housing linked to its development, and built under an ambitious affirmative action program. The Century Freeway is a much different highway product from the one its planners in the 1960s envisioned.

The Consent Decree: New Tool for Resolving Public Works Disputes?

Many of the differences just mentioned are a result of the Century Freeway "consent decree," which establishes institutions and procedures that govern virtually all aspects of the freeway's design and construction. Most simply, a *consent decree* is an agreement formalized by the judiciary to settle a lawsuit according to principles agreed to by the parties. Such agreements have been part of U.S. case law and commentary since the 19th century, as indicated by century-old legal treatises that include consent decrees in lists of the kinds of judgments rendered by courts (Resnik, 1987).

Use of the consent decree to settle public works disputes in which a governmental agency is the defendant, however, is a relatively recent application. Since the 1960s, consent decrees have proved popular in settling a wide range of lawsuits that attempt to redress what plaintiffs and activists see as failures of the government to solve numerous serious public policy problems: Consent decrees have attempted to desegregate school systems, to provide more humane prison conditions, to improve conditions for institutionalized people with mental retardation, and to eliminate employment discrimination (see Wood, 1990, for detailed examples of other consent decree applications). These "institutional reform" decrees (one of which is the Century Freeway decree) require governmental bodies to reorganize themselves to comport with standards that the decrees announce and that the courts order, yet they require no determination by a court that the government has violated the law or that the relief embodied in the decree is legally warranted. The propriety and utility of institutional reform decrees is a subject of much debate among U.S. legal scholars (see DiMento & Hestermann, 1993, for an analysis of the legal issues raised by the Century Freeway decree).

In this chapter, we set aside the legal debate and assess several social and environmental impacts of the consent decree and the Century Freeway project. Has this project lived up to its billing as the freeway "with a heart"? How does the freeway differ from the project that might have evolved had parties to the Century Freeway litigation not been able to resolve their differences? How do the agencies, groups, and individuals most involved in the freeway project view the costs and benefits of the consent decree? Finally, what does the case of the Century Freeway augur for additional use of the consent decree to resolve public works disputes? We provide context for this analysis by

first describing some of the important milestones in the history of the Century Freeway.

A NUTSHELL HISTORY OF THE CENTURY FREEWAY

Route Selection and Original Plans

In 1959, the California legislature created the California Freeway and Expressway System, authorizing a gridlike network of freeways overlaying the Los Angeles Basin. The goal of transportation planners at the time was that no Angeleno should ever be more than a few miles from a freeway. The resulting dense grid featured proposed projects that, as funds dried up and public opposition flared, would never be more than dotted lines on a planner's or engineer's map; such projects included the Beverly Hills, Pacific Coast, and Malibu freeways.

One freeway project that survived was the Century Freeway, a facility roughly paralleling Century Boulevard through southern Los Angeles County and running east-west to San Bernardino from the proposed Pacific Coast Freeway west of Los Angeles International Airport (LAX). Exact route location studies for the Century Freeway commenced in 1959, and the eastern 34 miles were soon deleted from the Century Freeway route. The route of the remaining portion of the freeway, a 17-mile stretch from the LAX area to the San Gabriel Freeway (I-605), was adopted in two stages. The western half of the route was adopted in 1965, the eastern half in 1968. The Century Freeway as contemplated in the late 1960s was a 10-lane facility with no provision for HOV lanes or ramp metering. More than 20 interchanges were planned to service local arterials in the 10 jurisdictions the freeway traversed. Construction was to begin in 1972, and the entire route was projected to open to traffic in 1977. Building the $500 million project would displace an estimated 21,000 persons living in approximately 7,000 dwelling units in the freeway right-of-way.

From its inception, the Century Freeway was controversial. Consider the adoption of its route. On the eastern end of the proposed facility, the city of Norwalk fought successfully for termination of the freeway at I-605, eliminating 1.5 miles of roadway east to the Santa Ana Freeway (I-5). A dispute on the western end of the route was equally heated. The city of Inglewood succeeded in having the western

portion of the freeway routed to its south, much to the displeasure of the city of Hawthorne, whose central business district would be bisected by the proposed route. Hawthorne officials refused to sign a freeway agreement for this route, which was later realigned to skirt the Hawthorne-Inglewood border.

Mounting Opposition and Litigation

The abandonment of San Francisco's Embarcadero Freeway (itself a casualty of the freeway revolt) in 1966 and its subsequent elimination from the federal interstate highway system freed federal highway funds to be reallocated to other California interstate links. Amendments to the Federal Highway Act in 1968 designated the Century Freeway as Interstate 105, and funds originally earmarked for the Embarcadero were directed toward the Century Freeway. As land acquisition for and design of the Century Freeway progressed, however, an organized opposition to the freeway also developed. The Freeway Fighters, a Hawthorne-based activist group, sponsored a referendum opposing the freeway; it passed by a margin of five to one. In addition, the city of Downey sought aesthetic and noise attenuation concessions from the state highway agency, now known as Caltrans, before its officials would approve the freeway. Meanwhile, state and federal authorities determined that the Century Freeway project was not subject to the formal environmental impact statement requirements mandated in both the federal NEPA and California's CEQA, arguing that a multidisciplinary design team (a recent Caltrans innovation; see Gruen Associates, 1970) had developed the project with satisfactory consideration of social, economic, and environmental factors.

On February 16, 1972, a recently formed public interest law firm —the Center for Law in the Public Interest (CLPI)—filed a federal class action lawsuit against the state and federal transportation agencies on behalf of Ralph and Esther Keith, as well as three other couples living within the proposed freeway right-of-way, and the National Association for the Advancement of Colored People (NAACP), the Sierra Club, the Environmental Defense Fund, and the Hawthorne Freeway Fighters. Hawthorne joined the lawsuit as a plaintiff in April 1972. The suit sought to prevent the state from acquiring property until environmental impact statements were approved. It also alleged inadequate relocation assistance, denial of equal protection to minority and poor residents of the corridor, inadequate public hearings, and violation of due process.

On July 17, 1972, Los Angeles district court Judge Harry Pregerson ordered the state to stop work on the Century Freeway. By that time, 55% of needed parcels had been acquired and 35% had been cleared. The preliminary injunction (*Keith v. Volpe,* 352 F. Supp. 1324 (1972)) called for preparation of a formal environmental impact statement, additional public hearings focusing on noise and air pollution concerns, further state studies on the availability of replacement housing for those displaced by the project, and specific assurance by the state that it could provide adequate relocation assistance and payments to displacees. The decision was upheld on appeal (*Keith v. Volpe,* 506 F.2d 696 [1974], *cert. denied,* 95 S.Ct 826 [1975]). Work on the Century Freeway would be halted for the next 7 years.

As the state prepared and then circulated the environmental impact statement between 1972 and 1977, the abandoned neighborhoods in the corridor deteriorated. The mélange of vacant land and deserted buildings became the scene of numerous assaults and episodes of vandalism. Pressure increased from corridor cities on Governor Jerry Brown to complete the freeway promptly. The governor suggested, in December 1975, that the proposed 10-lane facility be reduced to 4 lanes and indicated his opposition to construction of major new freeways in the Los Angeles area on the basis of air quality, energy, and funding considerations. Corridor cities insisted that the full 10-lane facility be constructed as originally proposed.

The state completed its environmental impact analysis in September 1977, and the statement then was submitted to the federal government. The impact statement called for an eight-lane freeway plus a bus/HOV transitway. The western portion of the freeway would be routed away from Hawthorne's central business district. Then, in March 1978, President Carter unveiled his national urban policy, which included transportation programs as part of a larger effort to promote urban revitalization. In October 1978, U.S. Secretary of Transportation Brock Adams announced his approval of the Century Freeway as proposed in the environmental impact statement. Almost simultaneously, attorneys representing plaintiffs and defendants in the class action lawsuit announced they had reached a tentative settlement. A year later, the terms of the tentative settlement were memorialized in a consent decree.

The Century Freeway Consent Decree

The agreement signed on October 11, 1979, explicitly dissolved the injunction enacted by Judge Pregerson in 1972 that had halted the project. Several provisions dealt with the freeway's design and operation: 8 lanes for general traffic; a 2-lane transitway (2 HOV lanes were expected to be constructed first, with possible future conversion to a light rail facility); 6 or more transit stations with park-and-ride lots; 17 interchanges with local streets; ramp metering and HOV bypass lanes; direct connection from the Century Freeway's transitway to a proposed bus or rail transit facility on the Harbor Freeway, an intersecting interstate (I-110) leading to downtown Los Angeles; priority access into LAX for Century Freeway transitway users; a promise by defendants to consider providing 2 of the 8 general-purpose lanes for additional HOV use prior to the Century Freeway's opening; and heavy landscaping and noise attenuation.

In addition to the novel transportation provisions, the consent decree contained elements that are more obvious examples of what some lambaste and some praise as "social engineering." It contained an ambitious affirmative action program, one component of which required contractors to hire high percentages of female and minority employees, based on demographic studies of the freeway corridor. That employment component also included apprenticeship programs for prospective construction employees. A second component required contractors to award high percentages of subcontracts to minority-owned business enterprises (MBEs) and women-owned business enterprises (WBEs); goals for MBE and WBE participation were to be set on a project-by-project basis. A third component required the use of contractors and employees who resided or had businesses in the corridor area. The decree created the Century Freeway Affirmative Action Committee (CFAAC) to monitor and enforce these requirements. The CFAAC was composed of representatives of community activist groups and parties to the consent decree and participated in project activities as diverse as MBE/WBE goal setting and contractor compliance oversight.

The consent decree also included unprecedented provisions regarding housing. For the first time, federal highway funds not only would assist those persons actually displaced by the freeway but also would restock the supply of housing in communities that lost housing in the right-of-way acquisition. The decree anticipated the construction and/or rehabilitation of 4,200 housing units in priority zones based on 6-mile intervals from the freeway route. The California Department of Housing and Community Development (HCD), which had not been a party to the lawsuit, was given lead agency status in implementing the massive housing program. The decree required phasing of freeway construction with progress on the housing program so that given percentages of housing units were available for occupancy when given percentages of freeway construction contracts had been awarded. In addition, housing contractors would have to comply with the decree's affirmative action provisions. The decree also established an independent "Office of the Advocate for Corridor Residents" to represent the interests of persons whom the freeway displaced.

The Consent Decree Revisited

The signing of the consent decree removed legal obstacles that had prevented Caltrans from proceeding with the project, and project redesign, land acquisition and clearance, and construction of several pilot housing projects immediately commenced. Early in 1981, however, it became clear to state officials that further progress on the Century Freeway was imperiled because of federal budgetary constraints. In April 1981, the federal government announced it would not finance replacement housing until the state determined how the entire freeway project would be financed. In May 1981, the federal government indicated it was undertaking a cost-effectiveness study of the Century Freeway project. A series of meetings among federal, state, and local officials over a period of several months resulted in a proposal to downscale many aspects of the Century Freeway project.

On September 22, 1981, parties to the lawsuit and the court approved an amended consent decree. The new decree modified both the freeway and other elements in the original settlement. The freeway itself would include just 6 lanes for general traffic and 2 HOV lanes; 10 transit stations and park-and-ride lots; a 64-ft median; and 10 local interchanges. The direct HOV connection to the Harbor Freeway was eliminated. The scope of the housing program was reduced from 4,200 units to 3,700 units. Provisions for affirmative action and the Office of the Advocate for Corridor Residents went essentially unchanged. In May 1982, ground finally was broken for the first Century Freeway construction project.

HOW BEST TO UNDERSTAND THE EFFECTS OF THE CONSENT DECREE

An Augmented Case Study Approach

In part, the historical changes in the Century Freeway are the product of settlement of a lawsuit whose plaintiffs would not have had much of a say in transportation matters a decade earlier; but they are also the product of numerous other demands on transportation agencies reflected in local, state, and federal laws and regulations. And the changes are linked to the required implementation of and compliance with these laws and policies, ensured through the consent decree. Thus, in assessing the impacts of the consent decree on the project, we need also to sort some of those other influences. To address the summary question (What was the impact of the consent decree on the planning and completion of the Century Freeway?), this study needed to address a fundamental preliminary question: With what should the actual scenario be compared?

An obvious initial response was "As compared with what would have been without court involvement." We considered several ways of creating a comparison scenario: (a) Pretend that the social, political, and regulatory environment of 1970-72 remained static and that the I-105 project was completed "as planned"; (b) use a California highway project comparable in time, place, scope, and social environment; or (c) use case studies from other states. We rejected each of these approaches. We could not use the first because it lacked credibility. We rejected the latter two comparison scenarios because of the absence of comparable characteristics. There are no cases of I-105's magnitude (linear miles through a heavily developed urban area) affecting so many jurisdictions (10); involving the complexity of environmental challenges (e.g., existence of allegedly hazardous waste dumps) and depth of housing challenge (7,000 affordable housing units to be displaced in one of the country's most expensive housing markets); and covering such a long period (more than 20 years) in which regulatory changes independent of the Century Freeway have been so dramatic.

A challenge in any analysis of a case as complex as the Century Freeway is that the boundaries between the case itself and the political, economic, and social changes in which the case is enmeshed are difficult to determine. Explicit acknowledgment that such boundaries

are blurred both defines and justifies traditional case study research, according to its advocates (e.g., see Yin, 1989). But other methodologists perceive the inability of case study research to make such distinctions as a major problem, one called generically the "many variables/small *N*" dilemma (Lijphart, 1971; see also Campbell, 1975). For example, one observer of the Century Freeway might ascribe its inclusion of HOV lanes to the consent decree, whereas another would point to the Clean Air Act Amendments of 1977 or to the NEPA as the impetus behind this provision. Unless the number of cases is greater than one, there is no way to control for effects of extraneous variables (variables "outside" the boundaries of the case itself). We have augmented a traditional case study approach by attempting to distinguish the effects of the consent decree from the effects of changes in the larger environment. We contrast the actual scenario (the planning and completion of the Century Freeway subsequent to the lawsuit and with the consent decree) with a comparison scenario we created by means of a survey of expert opinion. The technique mirrors a process known as *judgmental assessment* in the field of program evaluation (Rossi & Freeman, 1989).

Sources of Data

Primary data sources are in-depth interviews, a variety of archival materials, and two mailed questionnaires. We conducted 126 interviews with representatives of Caltrans, the Century Freeway Affirmative Action Committee (CFAAC), the Federal Highway Administration (FHA), the California Department of Housing and Community Development (HCD), the Center for Law in the Public Interest (CLPI), the Office of the Advocate for Corridor Residents, and local elected and appointed officials. Archival data are correspondence, progress reports, meeting notes, hearing transcripts, court orders, legal briefs, budgets, performance audits, and reports by outside consultants. We accessed the archives at the agencies involved in decree implementation.

The questionnaires served two purposes. With the first instrument, we assembled a plausible scenario for Century Freeway development in the absence of a consent decree. In the second, respondents were asked to evaluate the fiscal, environmental, social, administrative, and organizational impacts of this comparison scenario and the actual freeway under construction.

QUESTIONNAIRE 1: GETTING A CONSENSUS

The goal of the first questionnaire was to assemble a consensus, a plausible scenario for Century Freeway development in the absence of the consent decree, but accounting for the changes in law, society, and the economic environment referred to earlier. The first questionnaire asked elite respondents to perform two major tasks. First, respondents were asked to describe the Century Freeway had the freeway never been litigated. Second, respondents were asked to describe the freeway had the original litigation not resulted in the current consent decree. Characteristics of the freeway were the number of lanes, provision for mass transit, routing details, opening date, provision for those displaced, and other important project features. Through the interviews, we identified 36 key figures in the history of the freeway's development. These people either possessed a particularly high degree of knowledge concerning the Century Freeway or had a significant impact on the course the project has taken. The group included heads of Caltrans; Caltrans district directors; I-105 project directors; other senior Caltrans administrators, attorneys, and engineers; FHA officials; and plaintiffs' attorneys. The first questionnaire was pilot-tested and then mailed to this elite group.

Only 22 of the 36 questionnaires were completed and returned (a response rate of 61%). And only one plaintiff's attorney included in this phase of the study responded to the questionnaire. The moderate response rate was not altogether unexpected because of the complexity of the task faced by respondents and their busy schedules. Nonetheless, the questionnaires that were returned were sufficient for the research team to develop an alternative freeway development scenario (which we call in this chapter the "Comparison Project").

Respondents were asked to indicate which of the two scenarios they thought was more plausible. Because an overwhelming majority of respondents (71%) thought the second scenario was the more plausible, we used responses to the "litigation-no consent decree" scenario to develop the Comparison Project. We generally took the modal response for each item in developing the Comparison Project. Where responses were multimodal, we chose the median response. Obviously, evaluations of the Comparison Project (described below) are sensitive to the design of the Comparison Project. Because we used data from a relatively small number of elite subjects, it was not unusual for the most frequent response to be mentioned only slightly more often than the second most frequent response. Fortunately, our use of modal

responses (with the one exception mentioned above) permitted construction of an internally consistent, plausible, alternative freeway development scenario.

QUESTIONNAIRE 2: EVALUATING THE OPTIONS

The second questionnaire presented respondents with two freeway development scenarios: (a) the actual scenario for freeway development based on the consent decree and (b) the Comparison Project. Respondents to the second questionnaire were asked to evaluate both the actual freeway and the Comparison Project in terms of monetary, environmental, social, administrative, and organizational impacts. This questionnaire was pilot-tested and then mailed to 356 potential respondents, including the 126 persons whom the team had interviewed; additional representatives of corridor cities; and additional personnel in Caltrans, HCD, and CFAAC. Only 156 persons returned the second questionnaire (response rate of 44%). Respondents had been involved with the Century Freeway project an average of 9.5 years; roughly half of the respondents worked in the freeway corridor, and one third indicated they resided in one of the corridor cities.

MAJOR FINDINGS

Questionnaire 1

The Comparison Project developed from responses to Questionnaire 1 provides an initial appreciation of how the consent decree affects various transportation- and nontransportation-related components of the Century Freeway. Highlights of the Comparison Project versus the actual Century Freeway include the following:

- Ground breaking for the freeway would have occurred 4 years earlier under the Comparison Project.
- The Comparison Project would not have required nor been affected by ongoing supervision by the court. Judicial scrutiny of the construction of the Comparison Project would be identical to that extended to a typical freeway construction project.
- The entire route of the Comparison Project would have been opened 6 years prior to the projected opening of the actual Century Freeway (1987 versus 1993). The duration of construction would have been 9 years for the Comparison Project, as contrasted with a projected 11 years for the actual Century Freeway.

— The routing of the Comparison Project is the same as the actual project, but the Comparison Project features some significant design differences. The Comparison Project would contain one additional lane in each direction but would be missing the light rail line provided by the actual Century Freeway.

— The scope of the housing construction program in the Comparison Project is significantly smaller than that of the actual Century Freeway. Only 500 units would have been constructed under the administration of Caltrans in the Comparison Project, whereas the actual Century Freeway anticipates about 3,000 units implemented with HCD as the lead agency.

— The Comparison Project would not have involved an Office of the Advocate for Corridor Residents to represent those displaced by the freeway.

— Affirmative action programs in the Comparison Project would be similar in kind and amount to those routinely implemented by Caltrans. Goals for minority and women subcontracting and employment would have been set and enforced by the Caltrans Civil Rights Unit in Sacramento. Goals would have been the same as those required under extant federal regulations for federal aid highway projects. An independent monitoring and enforcement body such as CFAAC would not have been involved in the Comparison Project, nor would Caltrans have included in its local organization the District 7 Civil Rights Branch. No special provisions requiring participation by corridor businesses and residents would have been operative under the Comparison Project. Table 15.1 provides additional information on the Comparison Project versus the actual Century Freeway.

Questionnaire 2

A major result of the analysis of Questionnaire 2 is a consistent difference in impact perception between transportation agency and local city affiliates, a finding reminiscent of the differences in values and concerns across transportation that decision makers detected before the regulatory revolution (Oglesby, Bishop, & Willeke, 1970). We present here responses by both Caltrans officials and local elected and administrative officials to questionnaire items addressing the overall environmental and social impacts of the actual Century Freeway and the Comparison Project, as well as assessments of more specific impact criteria. For both types of items and for both the actual freeway and the Comparison Project, Caltrans officials are more positive than local officials in their impact assessments. Additional analyses suggest that not only do local officials and Caltrans officials

TABLE 15.1 Comparison Project Versus Actual Century Freeway

	Actual Century Freeway	*Comparison Project*
Freeway Construction Process		
a. Additional public hearings would have been held after issuance of the 1972 injunction	yes	yes
b. Formal environmental impact statement (EIS) would be prepared	yes	yes
c. Ground breaking would have occurred in	1982	1979
d. Ongoing oversight of project by the court	yes	no
e. Number of separate construction projects	more than 80	about 20
f. Freeway opened to traffic	only after entire route completed	as segments are completed
g. Entire route opens in	1993	1987
Freeway Design		
a. Route features bell-shaped curve around Hawthorne	yes	yes
b. Number of lanes for mixed-flow traffic	6	8
c. Number of high-occupancy vehicle (HOV) lanes	2	2
d. Mass transit	rail built concurrent with freeway	median permits future rail/busway
e. Number of local interchanges	10	16
Housing		
a. Number of replacement units constructed	about 1,000	about 500
b. Number of additional units constructed to replenish housing stock in affected communities	about 2,000	none
c. Lead agency for implementation of housing program	HCD	Caltrans
d. Federal highway trust funds used for replacement housing	yes	yes

(continued)

TABLE 15.1 Continued

	Actual Century Freeway	*Comparison Project*
e. Federal highway trust funds used for replenishment housing	yes	not applicable
f. Establishment of a separate agency to represent the interests of Century Freeway displacees	yes	no
Training/Employment/Affirmative Action Issues		
a. Establishment of preapprenticeship training programs for potential construction workers	yes	yes
b. Project requires contractors to use corridor businesses and residents	yes	no
c. Establishment of a center for Century Freeway employment	yes	no
d. Establishment of technical assistance programs for minority- and women-owned businesses	yes	yes
e. Establishment of a separate agency to provide an outreach program for potential female construction workers	yes	no
f. Establishment of a separate agency to monitor and enforce compliance with affirmative action procedures for Century Freeway construction and employment	yes	no
g. Goals for women and minority subcontracting and employment would exceed existing federal goals	yes	no
h. Establishment of a local Caltrans civil rights office to monitor affirmative action compliance	yes	no

differ in their quantitative estimates of the effects of the freeway projects, but they also differ in the types of information that factor into these estimates.

SUMMARY INDICATORS

Although local officials find the Comparison Project to be socially and environmentally superior to the actual Century Freeway, they

TABLE 15.2 Summary Impact Assessments by Group

	Overall Environmental Impacts		*Overall Social Impacts*	
Group	*Actual Freeway*	*Comparison Project*	*Actual Freeway*	*Comparison Project*
Local officials ($N = 45$)	−0.64	−0.39	−0.55	−0.31
Caltrans officials ($N = 64$)	0.42	0.15	0.55	0.31

NOTE: Impact assessments based on 5-point semantic differential scales on which −2 equals "very harmful" and +2 equals "very beneficial."

associate both projects with net negative environmental and social effects (see Table 15.2). Caltrans officials, however, associate both projects with net positive environmental and social effects. They find the Comparison Project to be inferior to the actual Century Freeway on both the overall social and environmental effects scales. In fact, all the groups surveyed except local officials perceive the actual Century Freeway as socially and environmentally inferior to the Comparison Project.

SPECIFIC IMPACT CRITERIA

Surprisingly, the pattern of results observed for the local/Caltrans officials' assessments of overall impacts is repeated for only a few of the more specific impact categories. In many impact categories, both groups think the actual freeway is better than the Comparison Project. These assessments are presented in Table 15.3.

Respondents tend to assess both projects' impacts as net positives for these impact categories. Local officials generally perceive both projects as less beneficial than do Caltrans officials. With few exceptions, these impact categories track directly on the special provisions in the consent decree for affirmative action in hiring and subcontracting. Both groups of respondents, then, acknowledge the benefits of the consent decree in these areas.

In other impact categories, both groups prefer the Comparison Project to the actual freeway. These assessments are presented in Table 15.4.

Responses here are mixed. Some assessments find the Comparison Project more beneficial than the actual freeway; others, that the Comparison Project is merely less harmful than the actual freeway. Local officials here are generally less positive in their assessments of both projects than their Caltrans counterparts. Notable is the prepon-

TABLE 15.3 Specific Impact Assessments Where Actual Freeway Is Superior to Comparison Project

Impact Category	Local Officials (N = 45)		Caltrans Officials (N = 64)	
	Actual Freeway	Comparison Project	Actual Freeway	Comparison Project
Local business use in construction	0.24	−0.10	0.98	0.27
Local resident employment in construction	0.24	0.10	1.05	0.35
MBE use in construction	0.21	−0.05	1.26	0.53
WBE use in construction	0.26	−0.12	1.13	0.42
Minority construction employment	0.54	0.02	1.24	0.56
Women construction employment	0.61	−0.02	1.15	0.47
Displacee relocation assistance	0.63	0.21	0.84	0.36
Regional air quality	−0.39	−0.50	0.12	−0.02
Mass transit availability	0.89	0.41	1.39	0.71
Freeway aesthetics	0.07	−0.02	0.72	0.50
Prosperity of local businesses that worked on project	0.59	0.39	1.05	0.70
Prosperity of local residents who worked on project	0.46	0.39	1.02	0.73
MBE prosperity generally	0.37	0.22	0.72	0.54
Prosperity of MBEs that worked on project	0.67	0.31	1.16	0.80
WBE prosperity generally	0.49	0.12	0.87	0.56
Prosperity of WBEs that worked on project	0.76	0.19	1.15	0.83
Prosperity of minorities generally	0.27	0.15	0.64	0.42
Prosperity of minorities who worked on project	0.62	0.40	1.11	0.72
Prosperity of women generally	0.51	0.12	0.59	0.33
Prosperity of women who worked on project	0.79	0.40	1.13	0.70
Affordable housing supply	−0.10	−0.31	0.53	−0.27

NOTE: Impact assessments based on 5-point semantic differential scales on which −2 equals "very harmful" and +2 equals "very beneficial."

derance of the impact categories relating to transportation effects. Only "Mass transit availability" fares better in the actual freeway than in the Comparison Project among the transportation variables. Although the actual project fares better than the Comparison Project in the economic impact categories related to the consent decree's affirm-

TABLE 15.4 Specific Impact Assessments Where Comparison Project Is Superior to Actual Freeway

Impact Category	Local Officials (N = 45)		Caltrans Officials (N = 64)	
	Actual Freeway	Comparison Project	Actual Freeway	Comparison Project
Crime rate	1.34	−0.37	−0.91	−0.31
Access to police and fire protection	−0.85	−0.11	−0.20	0.00
Local property maintenance	−1.28	−0.26	−0.55	−0.05
Community planning efforts	−0.82	0.13	−0.33	0.44
Congestion on parallel arterial roads	−0.41	0.00	0.64	0.96
Congestion on other surface streets	−0.47	−0.12	0.46	0.70
Overall movement of goods and people	0.07	0.52	1.16	1.38
Regional freeway congestion	−0.07	0.55	0.74	0.98
Prosperity of local businesses generally	0.10	0.31	0.73	0.76
Prosperity of local residents generally	−0.44	0.00	0.44	0.49
Residential and neighborhood isolation	−0.95	−0.54	−0.30	−0.28
Sales tax revenues	0.07	0.46	0.49	0.51

NOTE: Impact assessments based on 5-point semantic differential scales on which −2 equals "very harmful" and +2 equals "very beneficial."

ative action provisions (see Table 15.3), "General local resident prosperity" and "General local business prosperity" suffer because of the consent decree, particularly in the minds of local officials.

For a few impact categories, we found no consensus pattern of one group favoring the Comparison Project and the other favoring the actual freeway. These results are presented in Table 15.5.

This last set of impact categories includes the only assessments of specific impacts ("Local school quality" and "Local aesthetics") that mirror Caltrans/local officials' assessments of overall environmental and social impacts (where Caltrans finds the actual better than the Comparison and both assessments are positive; and where local officials find the Comparison better than the actual, with both assessments negative). Local officials rate the actual freeway worse than the Comparison Project in all impact categories in this last set, however, and Caltrans officials rank the actual freeway higher than the Comparison Project in this set of impact categories.

TABLE 15.5 Specific Impact Assessments Where There Is No Consensus Superior Alternative

	Local Officials (N = 45)		*Caltrans Officials (N = 64)*	
Impact Category	*Actual Freeway*	*Comparison Project*	*Actual Freeway*	*Comparison Project*
Residential displacement	1.02	−0.74	−0.32	−0.38
Local air quality	−0.67	−0.61	−0.27	−0.32
Noise adjacent to freeway	−0.86	−0.70	−0.59	−0.81
Local aesthetics	−0.24	−0.20	0.37	0.18
Community redevelopment efforts	0.22	0.39	0.79	0.71
Local housing supply	−0.40	−0.40	0.36	−0.37
Local school quality	−0.44	−0.15	0.13	0.10
Local property tax base	−0.24	0.12	0.24	0.14

NOTE: Impact assessments based on 5-point semantic differential scales on which −2 equals "very harmful" and +2 equals "very beneficial."

DIMENSIONS OF ENVIRONMENTAL AND SOCIAL IMPACT ASSESSMENT

These individual item analyses provide one level of comparative analysis. To identify the dimensions that underlie respondents' assessments of the freeway's effects, however, we performed a factor analysis using data from all respondents ($N = 156$). After eliminating individual items that loaded on multiple factors or that failed to adequately load on any factor, a resulting 5-factor matrix explained 64.6% of the variance among responses on the remaining 29 variables. The factors are Long-Term Group Prosperity, Short-Term Group Prosperity, Transportation Effects, Community Impacts, and Pollution Impacts. These results, including reliability measures of each scale, are presented in Table 15.6.

Scores were computed on each scale, and further analyses were performed to determine any differences in means between Caltrans respondents and local officials on the scales (see Table 15.7). Because Caltrans officials' scores on the individual items almost uniformly exceeded local officials' scores, we were not surprised to find that scores of Caltrans officials on each of the scales were significantly higher than those of local officials. Caltrans and local officials agree that Long- and Short-Term Group Prosperities are enhanced by the freeway and also agree that Community Impacts are negative. They

TABLE 15.6 Items Used to Define the Five Factors

Factor	*Items*	*Factor Loadings*	*% Variance Explained per Factor*	*Cronbach's Alpha*
Long-Term Group Prosperity Impacts	Prosperity of WBEs generally	.794		
	Prosperity of minorities who worked on project	.788		
	Prosperity of MBEs that worked on project	.779		
	Prosperity of WBEs that worked on project	.767		
	Prosperity of minorities generally	.746		
	Prosperity of MBEs generally	.717		
	Prosperity of women generally	.680		
	Prosperity of local businesses that worked on project	.659		
	Prosperity of women who worked on project	.641		
	Prosperity of local residents generally	.617	32.3	.92
Short-Term Group Prosperity Impacts	WBE use in construction	.856		
	Local resident employment in construction	.805		
	WBE use in construction	.794		
	Women construction employment	.792		
	Minority construction employment	.761		
	Local business use in construction	.705	10.1	.91
Transportation Impacts	Congestion on other surface streets	.819		
	Congestion on parallel arterials	.790		
	Overall movement of goods and people	.785		
	Regional freeway congestion	.717	8.7	.89
Community Impacts	Residential and neighborhood property maintenance	.817		
	Community planning efforts	.777		
	Access to police and fire protection	.752		
	Crime rate	.751	7.1	.82
Pollution Impacts	Local air quality	.811		
	Regional air quality	.723		
	Local aesthetics	.633		
	Freeway aesthetics	.583		
	Noise adjacent to freeway	.480	6.4	.73
Total Variance Explained		64.6%		

NOTE: The above factors were obtained with principle component analysis using SPSS. Orthogonal varimax rotations were performed on the data for the factor loadings. Only those items among the original 39 variables that loaded beyond .40 were retained and used to define the five factors.

TABLE 15.7 Scores on the Five Scales by Group

Scale Measures	Caltrans		Local Officials		t Value
	Mean	SD	Mean	SD	
Long-Term Group Prosperity	.948	.59	.540	.58	3.29*
Short-Term Group Prosperity	1.158	.66	.338	.89	5.28*
Transportation Impacts	.721	.79	−.238	1.02	5.04*
Community Impacts	−.456	.66	−1.083	.77	4.07*
Pollution Impacts	.054	.53	−.445	.79	3.39*

NOTE: Scores were added for each scale and divided by the number of items contained in each scale. Hence, the scales' scores could range from −2 = "very harmful" to +2 = "very beneficial."
*$p < .001$.

disagree over the direction of both Transportation and Pollution Impacts.

Finally, correlation matrices were prepared for Caltrans and local officials, showing the relationships between scores on the scales and the scores on the Overall Environmental Impact and Overall Social Impact (Actual Project) items. This analysis offers a comparative glimpse of the underlying factors the different groups use in their calculi of the overall effects of the freeway. Tables 15.8 and 15.9 display the matrices for Caltrans respondents and local officials, respectively.

The data show significant differences in the factors associated with the two groups' assessments of the Environmental and Social Impacts of the freeway. On the one hand, Caltrans officials are much more prone than local officials to associate the Group Prosperity indicators with Overall Environmental and Social Impacts. Local officials' assessments of the Overall Environmental and Social Impacts of the freeway, on the other hand, relate most strongly to the Community and Transportation Impacts indicators. Of particular note is the wide discrepancy in the correlations between scores on the Community Impacts scale and scores on the Overall Social Impacts item by Caltrans respondents and local officials (.069 vs. .593).

DISCUSSION

Considerable gaps exist between analyses of siting of regionally significant facilities by local observers and regional proponents of a facility or project. This dichotomy may be understood as a "not in my

TABLE 15.8 Correlation Matrix, Caltrans Respondents

	Overall Environmental Impacts	Overall Social Impacts	Long-Term Group Prosperity	Short-Term Group Prosperity	Transportation Impacts	Communication Impacts	Pollution Impacts
Overall Environmental Impacts	1.000						
Overall Social Impacts	.602**	1.000					
Long-Term Group Prosperity	.450**	.354*	1.000				
Short-Term Group Prosperity	.167	.444**	.420**	1.000			
Transportation Impacts	.093	.287*	.236	.279*	1.000		
Community Impacts	.225	.069	.177	.165	−.192	1.000	
Pollution Impacts	.470**	.261	.300	−.045	.034	−.057	1.000

NOTE: *Significance level .05; **significance level .01.

TABLE 15.9 Correlation Matrix, Local Officials

	Overall Environmental Impacts	Overall Social Impacts	Long-Term Group Prosperity	Short-Term Group Prosperity	Transportation Impacts	Communication Impacts	Pollution Impacts
Overall Environmental Impacts	1.000						
Overall Social Impacts	.744**	1.000					
Long-Term Group Prosperity	.235	.241	1.000				
Short-Term Group Prosperity	.115	.130	.346*	1.000			
Transportation Impacts	.486**	.543*	.484**	.355*	1.000		
Community Impacts	.544**	.593**	.116	.098	.373*	1.000	
Pollution Impacts	.350*	.386*	.314	.270	.340*	.327*	1.000

NOTE: *Significance level .05; **significance level .01.

backyard" (NIMBY) phenomenon, wherein local opposition is manifested to facilities when those facilities purportedly have regional benefits (DiMento & Graymer, 1991). Clearly, urban freeways have been subject to this response. Alternative dispute resolution mechanisms, such as arbitration and mediation, that were successful in siting other public works projects during the 1980s (Bacow & Wheeler, 1984; Susskind & Weinstein, 1982) were unavailable in the United States when the Century Freeway dispute was originally litigated. Even had they been available, these strategies may not have resolved this particular dispute. Our data show that because of the differences in how various stakeholders calculate the impacts of a freeway, the efficacy of the consent decree approach to creating a consensus "sensitive freeway"—indeed, any attempt to create such a freeway—is inherently problematic.

The data also disaggregate the concerns of those who have been dismissed as NIMBY reactionists. By helping lay out the effects of facilities of regional benefit about which local respondents are most concerned, the results suggest areas for further research. For example, the differences in perceptions of transportation effects merit greater attention to locals' understanding of the effects of traffic and congestion on their cities' neighborhoods. As Oglesby et al. (1970) noted more than two decades ago, greater appreciation of these diverging views can be the basis of public policy changes, such as new approaches to communication of information on transportation effects.

We incorporate interview and archival data where appropriate to supplement and help interpret the questionnaire results regarding the effects of the consent decree in three major areas: transportation, affirmative action, and housing.

Transportation

The results indicate general dissatisfaction with the consent decree's transportation effects for both local officials and Caltrans officials. Congestion on parallel arterials, other area freeways, other surface streets, and the overall movement of goods and people through the corridor are all ranked worse under the actual project. Most Caltrans interviewees, though they disapproved of the downscaling in the number of lanes and the number of local interchanges, still perceived the construction of the freeway per the consent decree to be good public policy because the decree allowed construction of the freeway—or any freeway—to proceed. Caltrans officials predicted

an inadequacy of service associated with downscaling the freeway, but as one Caltrans interviewee proffered, "Six lanes are better than nothing." Local officials expressed the opinion that the relatively small number of local interchanges limits opportunities for economic growth associated with business "nucleation" typically found near interchanges.

In Caltrans' in-house analyses of I-105, we found virtually no analysis of the transportation outcomes related to the consent decree. Defendants recounted that they were not concerned about whether the Century Freeway under the consent decree would meet its transportation objectives. They indicated that at the time the consent decree was being negotiated, the freeway had already been scaled to a smaller size than what transportation studies recommended. For example,

> I think it became clear as growth continued in Southern California and as people did not enlighten themselves or even foster the opportunity for alternatives in terms of transit and so on that no amount of capacity on the Century Freeway was going to be adequate.

Both Caltrans and local officials noted improvements in mass transit availability under the actual Century Freeway, most likely related to concurrent construction of a light rail line in the freeway median. In interviews, both groups recognized that the Los Angeles metropolitan area needs to develop a multimodal system to supplement the limited capacity of its freeway system although they admitted reservations about the overall transportation utility of this particular light rail line. Highway officials indicated that the inclusion of light rail is "revolutionary" and "the most positive part of the project." Local officials cited economic benefits to their communities that the light rail would confer. The same adamant belief in light rail as the solution to the area's traffic woes despite significant questions concerning its cost-effectiveness and transportation value has been uncovered by other students of the Los Angeles transportation system (Richmond, 1991; Wachs, 1989). We note here the persistence of the phenomenon in officials motivated by either regional or local welfare concerns.

As to the physical construction of the freeway, interviewees indicated nothing extraordinary: The Century Freeway is a project of standard design and geometric and aesthetic standards. Caltrans and non-Caltrans interviewees did indicate that the magnitude of design/engineering and construction logistics challenges would have been less

on the Comparison Project than on the actual Century Freeway. The primary reason cited is that the higher number of individual contracts on the project—an attempt to increase the chances that minority- and women-owned firms could submit successful bids—made construction logistics and coordination more challenging.

We were somewhat surprised at the low correlations between Caltrans' scores on the Transportation Impacts scale and the Overall Social and Overall Environmental Impact items (.09 and .29, respectively). The data could be interpreted to suggest that transportation agency officials have failed to recognize the existence of an admittedly complex constellation of direct and indirect social and environmental implications of the transportation components of the projects they construct. The spread of Caltrans' scores on this scale (SD = .79) is greater than that for any of the other scales, however. This finding suggests that the lack of association between global evaluations of the freeways effects and scores on this scale might be explained by disagreement among transportation officials about the amount of transportation benefits the Century Freeway confers on the region.

Affirmative Action

Analyses of Caltrans and local officials' scores on the individual questionnaire items pertaining to the decree's affirmative action provisions confirm that the groups are unanimous in acknowledging the positive impacts of the consent decree across categories of the provisions' intended beneficiaries. We noted earlier, however, that both groups perceive "general local resident prosperity" and "general local business prosperity," arguably the two most inclusive local socioeconomic indicators in the questionnaire, as suffering under the consent decree relative to the Comparison Project.

This result is especially intriguing in the light of generally high correlations between Caltrans' scores on the Long-Term and Short-Term Group Prosperity scales and the Overall Social and Environmental Impact items, and the generally low correlations for local respondents' scores on the same items. It may be that Caltrans officials came to favor the affirmative action program as a legitimate mitigation measure for the project, which was the plaintiffs' original justification for the program: "Our goal was to ensure that these people, who live in communities which have been bisected by the freeway's path and which will endure the disruption caused by its construction for the next decade, secure some of the benefits from the freeway as well as

its most negative impacts" (Declaration of John R. Phillips and Jan G. Levine Re: Benefits Established by the Final Consent Decree, No. Civ. 72-355-HP, November 13, 1979). A rival explanation for the Caltrans result is that agency officials may simply perceive the inclusion of the affirmative action program as a necessary concession to the plaintiffs; the concession "allowed" the agency to proceed with freeway construction. Local elected officials, who in interviews did not object to the inclusion of the affirmative action program into the overall project and who admitted that the program has had benefits, nevertheless minimize the program's importance in crafting a purportedly comprehensive plan to create a better freeway. We suspect that the findings for the "general local business prosperity" and "general local resident prosperity" items relate less to an opinion that the affirmative action programs were unfair than to a widespread perception that the complexity of freeway construction under the decree caused significant delays in the project.

The opinions of Caltrans and local officials regarding benefits of the affirmative action program, though uniformly positive, may in fact be tempered by opinions regarding some of the program's unintended consequences that interviewees described. A theme that consistently emerged was the great discord between Caltrans and CFAAC, the organization created by the decree to monitor and enforce the program's components. This Caltrans perspective on CFAAC is representative:

> It creates a level of bureaucracy that has led to all kinds of bitterness and dissension. It has generated turf wars. It has been abused. It has been terribly expensive, a duplication of effort, an impediment to success. It has been a disaster. I could probably wax on more.

CFAAC officials countered with claims that Caltrans officials, at best, were incompetent when dealing with civil rights issues and, at worst, engaged in foot dragging and outright obstruction of the decree's affirmative action program. Rancor that was clearly evidenced in CFAAC-Caltrans interactions in the first 5 or 6 years of decree implementation has more recently evolved into a begrudging acceptance of the additional public hearings, bid conferences, informational requests, and coordinating activities that characterize decree implementation.

MBE/WBE participation in Century Freeway contracts, though lagging behind goals established by parties to the decree, exceeds other benchmarks. For Century Freeway contracts completed as of

September 30, 1991, the cumulative goal for MBE/WBE participation in highway contracts was 31%, with an actual attainment of 28%; for housing contracts, the goal was 46%, with actual attainment of 39% (California Business, Transportation, and Housing Agency, 1991). These figures compare favorably with statewide attainment ranging from 14.9% to 21.6% in fiscal years 1984-87 and with nationwide attainment ranging from 12.5% to 15% for the same period (U.S. General Accounting Office [GAO], 1988).

Reliable data on achievement of the decree's employment goals are unavailable. The CFAAC's monitoring strategy focused on MBE/WBE goal attainment almost exclusively until 1988, and data were simply not gathered on employment. The CFAAC only recently began encouraging contractors to volunteer information on equal employment and corridor residency participation on contracts in order to rectify this problem, but contractor participation has been sluggish and the reliability of the data that have been volunteered is highly dubious.

Housing

Responses of local officials to the two questionnaire items regarding housing impacts show that they regard the actual freeway's housing program as the lesser of two evils. They associate both projects with net negative impacts on both affordable housing supply and local housing supply, as if neither project adequately mitigates the loss of the 7,000 housing units caused by freeway right-of-way acquisition. They do not, however, distinguish between actual freeway and Comparison Project impacts on local housing supply. Caltrans officials perceive the actual freeway as positively affecting local housing supply and local affordable housing supply and view the Comparison Project as having negative effects on the same variables.

Several explanations for local officials' negative appraisals of both replacement housing programs flowed from the interviews. First, local officials (and others involved with the program) criticized what they perceived as an arbitrary awarding of housing benefits to persons not directly harmed by the freeway. Exact numbers are unavailable, but most observers agree that because of the 7-year injunction and actual housing production that consistently lagged behind schedule, few actual displacees occupy housing units created by the decree. Second, local officials thought the structure of the program precluded their playing meaningful roles in program formulation and implementation. Although a housing advisory committee that helped draft a

plan for the program included representatives of corridor cities, the committee itself was short-lived and local officials thought its abandonment may have exacerbated difficulties that the housing program experienced in persuading local jurisdictions to accept decree-mandated, low-income housing projects. Third, there was a perception that the housing plan produced by the advisory committee, with its concentric target zones for units, was divorced from the real-life contingencies of housing production and therefore ill-suited to efficient housing production. One local official described the housing plan as "just like some of the thinking that came of out of the Chicago school of economics in the '30s, so idealistic and so sad."

Interviews with Caltrans officials uncovered a set of perceptions of the housing program similar to perceptions of the affirmative action program: Caltrans interviewees had no qualms with the decree's attempt to compensate for the loss of housing in the corridor, but they did object to institutional arrangements for housing production that the decree established. Officials were extremely critical of the decision to assign HCD, Caltrans's sister agency, as lead agency for the program. They viewed the assignment as politically driven, rather than based on objective assessments of the agencies' track records in housing production. A full one third of Caltrans officials whom we interviewed called HCD an "opponent" in consent decree implementation. Caltrans officials criticized perceived cost overruns, an absence of competent personnel, and a lack of professional operating standards. HCD's progress toward meeting consent decree housing production goals was indeed fitful. In 1988, because lagging housing production raised fears that the highway program would have to be slowed down, the court eliminated the consent decree requirement of phasing between highway and housing production. By June 1990, 2,003 housing units had been produced at a total cost of $175 million. However, a restructured housing program that includes a public/private partnership component promises housing production that may eventually exceed consent decree goals (California Business, Transportation, and Housing Agency, 1991). As of this writing, the Century Freeway Housing Program is still active.

Conclusions

Our data suggest important differences in both local officials' and lead agency officials' evaluations of the impacts of a public works project and of the effects of judicial intervention on the project. The study also illustrates differences in the types of information used by agency and local officials as the basis for their evaluations. The data therefore shed light on the motivations of local citizens who oppose what outside observers might regard as regionally attractive transportation facilities. Rather than a rigid NIMBY response driven by strictly parochial concerns, opposition may reflect a qualitatively different calculus for weighing information about which there is, in fact, agreement between project proponents and opponents. We see evidence for such a phenomenon in Caltrans and local officials' consensus on specific impact items in our questionnaire, but widely divergent overall opinions on the Century Freeway's overall social and environmental effects. The whole, in fact, is much different from the sum of its parts.

The interview data are helpful in understanding various aspects of these differing responses. On the one hand, Caltrans officials, many of whom viewed the consent decree as a threat to the department's autonomy, appear to have internalized the values the decree promoted although they may originally have questioned the legitimacy of the settlement. Local officials, on the other hand, perhaps because they were neither official parties to the lawsuit nor active participants in crafting the decree, rejected the efficacy of the consent decree as the much ballyhooed key to the "freeway with a heart."

The interview data also illustrate that consent decrees are hardly magic wands; although a judge orders defendants to comply with their terms, consent decrees are not self-executing. The implementation of the Century Freeway decree, like implementation of other consent decrees that seek to effect complex organizational change, depends on the interplay of a host of forces often beyond the reach of even the most activist members of the judiciary. The story of the Century Freeway decree is therefore a cautionary tale for those who may consider its use in other complex public works disputes.

Another of the Century Freeway's monikers, the "last urban freeway," may be a misnomer. With the signing of a $151 billion surface transportation bill (*Urban Transport News*, 1991), the United States has embarked on a new era of highway and other transportation facility construction. But plans for new facilities and improvements to existing facilities are likely to encounter potentially paralyzing opposition unless project proponents recognize the need to tailor facilities to satisfy local environmental and social concerns while still maintaining the facilities' transportation integrity. Mediator-assisted negotiation has been shown to be useful in resolving location and

design issues for at least some small-scale transportation improvements (Salamone, 1990). Complicating the equation, though, is the fact that liberalized citizen access to courts and the U.S. political system, which encourages adversarial modes of decision making (Kagan, 1990), requires proposed transportation projects to also withstand challenges from far-away plaintiffs whose goals in litigation may diverge with those of the local community or even be inimical to local concerns. Additional scholarly analyses of what these interests are and how they may be reconciled are needed to better inform what are likely to be contentious debates on the new generation of U.S. transportation facilities.

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