

Developing a Simple System for Public Involvement Conflict Management

Gary Barnes
Stephanie Erickson

Humphrey Institute of Public Affairs
University of Minnesota
301 19th Ave. S.
Minneapolis, MN 55455
Tel: 612 626 9865
Fax: 612 626 9833
gbarnes@hhh.umn.edu

Submitted July 27, 2005.

Revised version submitted November 14, 2005.

4,684 words + 1 table = 4,934 word equivalent

ABSTRACT

This paper describes a project to develop a simple system for managing conflict in transportation project public involvement. While commercially taught systems are effective, they can be costly and complex, and seem more appropriate for those who can use them frequently. This work, by contrast, was focused on finding simple methods for managing less challenging projects, and was aimed toward those who may do public involvement only occasionally.

The conflict management framework is derived from a distillation of expert opinion, based on discussions of specific projects by Minnesota transportation public involvement experts. They were interviewed using a standard set of questions about the project, the public involvement process, the reasons for conflict, how it was managed, what worked, and what didn't. The interviews encompassed a variety of project types and settings.

The framework is comprised of two components. First is a simple organizational scheme for categorizing conflict to assist in determining the appropriate management strategy. The second part is the management strategies themselves. The paper gives a basic overview of the key elements of these components.

INTRODUCTION

While there is considerable interest in ways to improve the process and outcomes of transportation project public involvement, formal guidance to date has focused mostly on what might be called the logistics; that is, ways to encourage the public to participate, techniques for soliciting input and discussion, and so on (1, 2). There has been little explicit recognition in these documents that conflict might arise, let alone guidance on what to do about it. This is problematic for those that would typically be expected to use these documents, that is, project engineers and others with little experience in public involvement.

There are some conflict management tools available. The Systematic Development of Informed Consent (SDIC) ® program (3) is widely regarded as very effective, but is costly to learn and complex to implement. Given this it may be more appropriate for those who would be able to use it frequently, and for projects where conflict is relatively certain and likely to be severe. However, for many smaller projects where public involvement might be managed by those with limited experience, it would be useful to have simple methods for preventing limited conflicts from becoming significant.

Outside of SDIC, formal advice on conflict management has been limited within the transportation field to a variety of case studies that have been published or presented at conferences (e.g. 4, 5, 6). These are valuable sources, but can be limited in their usefulness to non-experts for two reasons. First, the time needed to find and read them may not be justifiable to someone who does public involvement only occasionally. Second, it can be hard to know from such a limited data set what conflicts are common and what are the most effective methods for dealing with them. Case studies are sometimes interesting precisely because they are unusual.

In non-transportation fields such as labor relations or hazardous facility siting, a more extensive and general academic literature has arisen (e.g. 7, 8). However, while this literature may contain insights that are useful to transportation professionals, it is focused on different types of conflicts and on legal and institutional circumstances in which different types of management techniques are available and appropriate. It is also in many cases book-length and focused on a specific type of problem; thus still of limited use to someone who wants a short but comprehensive summary.

In response to this lack of simple advice for non-experts, the Minnesota Department of Transportation (Mn/DOT) decided to update their public involvement guidance, *Hear Every Voice* (2), to include a chapter on conflict management, based on the results of an earlier research study that they had sponsored (9, 10). The objective was to develop a very simple general theory of conflict types and management strategies that would be specific to transportation, accessible to non-experts, and based on a variety of expert knowledge and opinion. The earlier research had developed a prototype scheme for categorizing conflicts based on a limited number of case studies. These categories included:

- Size and distribution of local benefits and costs
- Disagreement about the nature and importance of local impacts

- Ability to accurately define and engage relevant stakeholders
- Perceived legitimacy of the project
- Degree of ideological issues.

The objectives of the new research were to greatly expand the number and types of case studies in order to refine the categories and develop more detailed ideas on management methods. The findings will eventually be developed into a chapter in *Hear Every Voice*. The conflict management framework is derived from discussions of specific projects by Minnesota transportation public involvement experts, and is comprised of two components. First is a simple organizational scheme for categorizing conflict to assist in determining the appropriate management strategy. The second part is the management strategies themselves. The paper gives a basic overview of the key elements of these components.

CASE STUDY METHODOLOGY

The case studies were a type of Delphi technique. We started by identifying a list of local practitioners that we knew to have extensive experience in public involvement, and who were respected for their work in this field. These individuals then suggested others of similar experience or insight. We asked each person to choose a project that they had recently worked on, that they felt provided important lessons about conflict and how to manage it. We ended up with about 20 total interviews; some talked about more than one project, while in a couple of cases different people discussed the same project.

Our primary objective was to study the projects that the experts in the field considered to be the most interesting. We also hoped to hear about a reasonably representative set of projects in the sense of geographical diversity, size and type of project, type of conflict, and so on. As it turned out, the projects that the practitioners chose, when taken as a group, achieved this objective as well (Table 1). About half were in the Twin Cities metro, half elsewhere in the state, similar to the state population. Most projects were improvements of existing facilities; either widening, interchange or intersection improvements, or changes related to access and traffic flow. Both project size and the degree of conflict ranged from quite small to very large. The stage of the project ranged from exploratory discussions to the time of construction. The individuals interviewed also came from a range of backgrounds: state and local governments, private consultants and contractors, and both engineering and planning backgrounds.

Most interviews were done by telephone; a few were live. All were based on a fixed set of questions, although the interviewer could ask additional questions where appropriate for clarification or expansion of an interesting theme. The goal was to explore the prevalence and management of the previously identified conflict types, while not restricting the conversation to this predefined framework, so that it would be possible for new types to emerge if they existed. The types of questions included:

- Details about the project
- Details about the public involvement process
- Nature of the conflicts that were encountered (or avoided)
- Techniques for conflict management

The analysis was focused on two main issues. First, understanding the types of conflicts that were described in order to evaluate and refine the five-type framework that had emerged from the earlier project. Second, identifying the most generally useful conflict management strategies, either in response to a specific conflict type, or more general actions undertaken to prevent conflict from arising in the first place.

CONFLICT TYPES

The interviews confirmed the previously identified five conflict types in that they all were observed on multiple occasions. The additional examples also helped to provide context and clarity regarding how and why the conflict types might manifest themselves, their relative frequency, and the ways in which a conflict might appear to be one type on the surface when it is really a different type at its source. This helped us to better understand how to prioritize the discussion of the various types of conflict.

We heard about a variety of examples of all the conflict types that we had previously observed:

Size of Local Impacts: These were of course a concern in every case. The most common issues were property takings, loss of direct highway access, noise and other construction impacts, business losses during road closures, impacts on parks and other environmental concerns, and problems associated with increased traffic levels. This is probably a fairly comprehensive list of the types of local impacts that road projects typically create. In some cases the effects on specific properties, such as schools and hospitals, were of broader community interest.

Prediction of Local Impacts: This type of conflict differs from the first in that it is more about people not understanding or believing the agency's depiction of what the impacts will be. One example was people believing that it would be very hard to reach their properties after an access change. Another common scenario was when people who were opposed to a project, or wanted it to be implemented in a different way, continually questioned forecasts of noise levels or traffic flows.

While these situations appear similar, they seemed to arise for different reasons. Not understanding the impacts tended to be more innocuous and solvable with better information; while not believing them was more often a technique for opposing a project, and not necessarily solvable. We conclude that these are really two different types of conflict; the second is really a type of indirect project legitimacy conflict. Neither of them occurred too often in the projects discussed in our interviews, or at least did not usually persist long. Because of this, we felt that they could be better understood by being grouped as special cases of project impact conflict, rather than as unique types in their own right.

Stakeholder-Related Conflicts: In our original framework this type had to do with problems arising from failing to include all relevant stakeholders in the discussion; the importance of this was confirmed by our interviews here. However, in our present round of case studies stakeholder relations, in a much broader form, emerged as the dominant issue of successful public involvement. Not only did we identify two additional

types of stakeholder-related conflicts, but it also became apparent that the successful resolution of other conflict types often was more dependent on good stakeholder relations than on the actual proposed solution to the conflict. These issues are discussed at more length below.

Project Legitimacy: Significant questions about the need for the project arose in a few cases, but less often than we expected. Part of this is probably because some of the larger projects had been through earlier public involvement phases where many of these types of issues had been resolved. In some cases individuals who felt they would suffer major impacts initiated disputes about project legitimacy in an effort to defend their interests by stopping the project. Better clarifying the nature of the impacts or offering appropriate mitigation or compensation could sometimes manage these types of objections. In other cases the dispute was more ideological. As a general point, serious disputes about project legitimacy are probably beyond the scope of the simple conflict management tools that we are developing, and would be best referred to a public involvement expert.

Ideology: Ideological statements were relatively common, however, in many cases they were simply initial tactics adopted to introduce concerns about direct impacts. Truly persistent disputes arising out of ideologies such as general opposition to highway expansion, or desire for more transit, or to avoid facilitating sprawl, happened rarely, and only in the Twin Cities area, in the projects that we studied. Although they may be relatively uncommon, these types of conflicts can be among the hardest to successfully manage. Ideological conflict is ultimately a particular way of disputing the legitimacy of a project; thus we decided it would be better grouped as a special case of project legitimacy conflict, rather than as a unique type in its own right.

In addition to confirming the five types we had already identified, the case studies also revealed two additional subtypes related to stakeholder relations. One was preexisting conflict among stakeholders spilling over into a new project. This made public involvement difficult in a way that was to a large extent independent of the project itself, because the parties did not trust each other to start with. This distrust sometimes had nothing to do with transportation, for example neighboring municipalities being at odds, or citizens mistrusting their local governments. In these cases there was a considerable public involvement challenge that had to be addressed before the project itself could even be meaningfully discussed.

A second new conflict subtype involved the stakeholders not trusting the transportation agency. In some cases this was a preexisting problem, due to poorly resolved public involvement problems on previous transportation projects. In other cases it seemed to be just general mistrust of “the state” seen in opposition to local interests. Looking back, this type of conflict is also apparent in a couple of our original case studies as well, but its significance as a primary conflict source was less clear at that time.

While this seems similar to the other new subtype, we consider it to be distinct because different management techniques are available: an agency can do things to help build trust in itself, but it is hard to get other people to trust each other, especially when there is a longstanding conflict. Indeed, actions that were primarily aimed at building

trust of the transportation agency were among the most-cited conflict management methods. We discuss this critical point at greater length in the next section.

Given all these findings, we felt that the various types of conflicts could be better explained by grouping them into three broad categories: stakeholder-related, impact-related, and project legitimacy. We define these as follows:

Stakeholder-related conflicts are those that primarily arise from stakeholders' feelings about the transportation agency or about each other. These seem to derive primarily from three reasons: preexisting animosities, resentment at feeling marginalized or disrespected, and major points of view not being represented in the discussion. These types of conflict may manifest themselves in a clear way, or they may take the form of intractable opposition to a particular solution without any compelling reason being offered.

Impact-related conflicts are situations where the complaint is not posed in the form of opposition to the project per se, but rather as a desire that a particular impact be eliminated or minimized, or better explained, or better predicted. This type of conflict can reasonably be managed, at least given design and budget constraints. Often in cases where impacts cannot be further reduced, affected parties can be persuaded to accept them if stakeholder relations have been properly managed.

Project legitimacy conflicts are any complaint in which the actual need for the project, or for a particular implementation, is brought into question. These can arise for a variety of reasons. Probably the best case is opposition that arises early because people believe that they will be significantly impacted, but where they can be convinced that they will not be, or that the impacts can be mitigated. In cases like this the opposition to the project can be reduced to simpler discussions of specific impacts. There are also more difficult cases, such as preference for a different implementation (e.g. a bypass versus an improved route through town), significant and unavoidable impacts on some people, or ideological opposition to a project. These latter types are more difficult to manage and to some extent are outside the scope of the guidelines that we are developing.

CONFLICT MANAGEMENT AND STAKEHOLDER RELATIONS

In addition to testing and refining the conflict categories, the other major objective of the case studies was to gain additional insight on conflict management techniques. We expected management techniques to be roughly aligned with the conflict types, while anticipating that some techniques might be aimed more at averting conflict rather than managing it after it manifested itself. Early on, we were surprised in some cases that the projects that our experts had chosen to talk about didn't seem to have any significant degree of conflict. However, on further examination, it became apparent that this lack of conflict was due to how the public involvement was managed; this was the point that our experts were implicitly making. As we accumulated more interviews, we were struck by the prevalence of conflict avoidance rather than management; and even more so by the dominance of stakeholder relations as the central issue in this. As we worked to understand this, an important logic emerged.

Ultimately, there is only so much that can be done to respond to conflict after it arises. When problems arise with regard to project impacts, for example, mitigation is often possible, but in many cases this cannot solve the problem completely, or at all. Impacts such as property takings, or access restrictions, or increased local traffic, are often inherent in the project; in these cases public involvement consists less of discussing mitigation than of persuading people to accept an undesirable outcome. Similarly with conflicts about impact forecasts; there is only so much information that can be provided, and eventually people will believe it or they won't.

In these cases successful public involvement cannot depend entirely on the direct response to the problem; it must also involve a substantial element of trust and respect between the stakeholders and the transportation agency. And these feelings cannot easily be instilled after the fact; to try to build trust and respect only after problems arise just appears self-interested and hence not credible. Thus the importance of good up-front conflict avoidance practices is not just because problems are easier to deal with when they are small, but because doing the right things before problems even emerge helps to convince stakeholders that the agency respects them and can be trusted.

Building the right kind of atmosphere for successful public involvement appears to be possible by observing a relatively short list of guidelines. All of them address the issue of building stakeholder trust and respect; some of them are relevant to the management of other conflict types as well.

Inclusion. The first step is identifying and including all relevant stakeholders, including potential opponents. This had been identified as a key point in the earlier research in the context of ensuring that a single point of view would not dominate the discussion, and other benefits emerged in the present round of interviews. One important benefit was avoiding potential feelings of exclusion, which could lead to general ill will or suspicions that the agency is trying to hide something; that is, there are trust-building benefits. It can also simplify impact mitigation in that potential problems can be identified sooner if all the relevant parties are at the table from the beginning. A particularly important stakeholder set in this regard is government agencies who may need to grant permits or who may be in a position to block the project, such as watershed districts, park services, or other natural environment-based agencies. Several experts also noted the importance of including potential project skeptics, to bring them into the process rather than letting them attack it from outside.

Support from trusted locals. In some cases a widely trusted local person played an important role in building support for the project, and especially in the context of creating a sense of trust of the transportation agency and its motives. This happened more in the parts of the state outside of the Twin Cities, probably because it is easier for individuals to become widely known and trusted in smaller communities. Larger metropolitan areas tend to be more politically fragmented, and thus less likely to have leaders who will be known to a substantial portion of stakeholders.

Acknowledging impacts. One type of method for averting potential conflict involved the immediate acknowledgement of negative impacts and good faith efforts to discuss them openly rather than waiting for complaints to be made, and possibly distrust to form. In some cases locals could point out impacts that the transportation agency had

not thought of; again it was important to take these seriously, determine if they were valid, and either respectfully offer reasons for discounting them, or ideas for mitigation.

Clarity. A key point, and one that could lead to disastrous outcomes if not observed, is to be very clear about why the project is necessary and hence what characteristics it needs to have. In some cases these parameters may be flexible; still it is critical to be clear about what aspects of the project are open to debate and which are not.

Flexibility. Aspects of the project that are not fixed by engineering or budget constraints should be left to local stakeholders to influence. In some cases there was sufficient flexibility in the project that it was possible for the agency to simply describe the problem and then let the stakeholders figure out their preferred solution given the necessary constraints. A significant example where this worked was a situation in which a road widening would have impacted a known Native American burial area. Another case involved an access upgrade, where locals were asked to choose from a variety of options for placement of interchanges and other access issues.

Personal interaction. Several experts noted a preference, where possible, for small working meetings, focused on a particular issue, rather than large open public forums. In smaller meetings stakeholders are more likely to feel that their ideas are being heard and acted upon. Others emphasized the importance of personal interaction such as responding promptly to complaints, and even visiting people in their homes to talk about their concerns. As one put it: "People will be floored that someone from the government actually calls them." Another idea that was cited several times was breaking large projects into smaller components, to reduce group sizes and so that people could focus on the issues that they cared most about.

CONCLUSION

The objective of this research was to better understand transportation project public involvement conflicts, with the aim of developing simple guidelines that could be used by non-experts to better manage their projects. The research started from a system of five independent conflict types, of which each was presumed to have its own unique management strategies. These types were confirmed as important and in some cases further subdivided. To a certain extent, type-specific conflict management strategies also were supported by the research findings. However, an unexpected result was the dominant role played by well-managed stakeholder relations, both in averting problems in the first place, and also in resolving them once they arose. This was the case regardless of the type of conflict.

Ultimately, given the study findings, it seemed to add clarity to the system to reorganize the five original conflict types and their subdivisions to a more hierarchical three: stakeholder-related, project legitimacy, and impact-related. These three categories and their subtypes are useful in helping public involvement professionals to understand the range of problems that can arise and how they might relate to each other. The fact that there seems to be such a small number of distinct types of conflict gives reason for optimism that simple conflict management tools can have a significant impact on the success of public involvement processes.

However, the strategies that were suggested for managing conflict did not correspond particularly closely to the conflict types. Indeed, the most notable feature of the case studies done in this project was the prevalence of strategies related to stakeholder relations, and their applicability to all types of conflict. The second most notable feature was the fact that these strategies were almost always applied prior to the manifestation of any actual conflict. There is a critically important logic that explains this finding.

While in some cases problems can be mitigated, or impacted parties can be compensated, in other situations the impacts are inherent in the project. In these cases successful public involvement consists of persuading people to accept a personally undesirable outcome for the sake of the larger public good. Accomplishing this is not a matter of information or logic; it is a matter of the emotions of the affected parties. First they must believe that there is in fact a significant public benefit to justify their sacrifice, and this belief is largely a function of the trust they place in the transportation agency's information. Second, they must be sufficiently satisfied with how they have been treated that they are not left with any desire for retribution. Both of these outcomes are primarily influenced by the degree of trust and respect between the transportation agency and the affected parties.

Feelings of trust and respect cannot easily be instilled after problems arise; to attempt to do so appears self-interested and hence not credible. Thus the importance of good up-front stakeholder relations and conflict avoidance practices is not just because problems are easier to deal with when they are small, but because doing the right things before problems even emerge helps to convince stakeholders that the agency respects them and can be trusted. Because of this, the guidelines on conflict management practices that we develop based on this research will focus more on preventative actions and stakeholder relations, and less on reactive practices derived from specific conflict types.

A second step of this research will involve asking public involvement professionals to evaluate the framework described in this paper, in particular the conflict categories and the key management strategies, to determine if this method of organization is consistent with the experience of experts. The conflict management guidelines that will then result from this will cover the findings described in this paper in more detail, and using more examples to illustrate the specific connections between problems and solutions. While this paper is aimed at giving a broad overview of the major results, the guidelines will focus more on specific actions that can be taken before and during public involvement processes to avert and manage conflict of various types.

While the conflict management framework described here is simple, a key skill of public involvement experts is experience and intuition about how to implement the principles. Not everyone is equally blessed with this ability. In this sense there could be limitations on how much a simple system such as this can help. But as a practical matter much public involvement is done by non-experts, so this approach seems worth pursuing farther.

REFERENCES

1. Howard/Stein-Hudson Associates Inc. and Parsons Brinckerhoff Quade and Douglas. *Public Involvement Techniques for Transportation Decision-Making*. (Publication No. FHWA-PD-96-031. Federal Highway Administration, Federal Transit Administration, 1996.)
2. Minnesota Department of Transportation. *Hear Every Voice: A Guide to Public Involvement at Mn/DOT*, 1999.
3. Bleiker, H. and A. Bleiker. *Systematic Development of Informed Consent* ©. Institute for Participatory Management and Planning. www.consentbuilding.com. Accessed July 21, 2005.
4. Bates, T. and D. Wahl. We Can't Hear You! San Diego's Techniques for Getting Balanced Community Input in Major Investment Studies. Presented at 76th Annual Meeting of the Transportation Research Board, Washington, D.C., 1997.
5. Keever, D. and G. Frankoski. In the Possibilities are the Solutions: Assessment and Implications of the Public Involvement Process During the Environmental Impact Study of the Woodrow Wilson Bridge. Presented at 78th Annual Meeting of the Transportation Research Board, Washington, D.C., 1999.
6. Hale, D. Creating a Successful Public Involvement Program for Major Investment Studies. Presented at Transportation Research Board Mid-Year Meeting, 2000.
7. Kweit, M. and R. Kweit. *Implementing Citizen Participation in a Bureaucratic Society*. Praeger Publishers, New York, 1981.
8. Ury, W., J. Brett, and S. Goldberg. *Getting Disputes Resolved: Designing Systems to Reduce the Costs of Conflict*. Jossey-Bass Publishers, San Francisco, 1988.
9. Barnes, G. and P. Langworthy. Understanding and Managing Conflict in Transportation Project Public Involvement. In *Transportation Research Record: Journal of the Transportation Research Board No. 1895*, TRB, National Research Council, 2004, pp. 102-107.
10. Barnes, G. and P. Langworthy. Increasing the Value of Public Involvement in Transportation Project Planning. Minnesota Department of Transportation, Report 2004-20, 2004.

TABLE 1 Case Study Projects

Project	Project Stage	Location	Main Conflict Issues	Degree of Conflict
TH 38 Grand Rapids-Effie	Advanced planning	Rural	Chippewa National Forest, environmental	Low
I35W--downtown to 46th	Advanced planning	Minneapolis	Neighborhood traffic	High
Hiawatha upgrade	Construction and just prior	Minneapolis	environmental, park impacts, ideology	Extreme
US 52 upgrade, Rochester	Construction and just prior	Small metro	business impacts, right of way, construction impacts	Medium
Highway 8, Taylor's Falls	Exploratory	Small town	environmental, pedestrian safety, historic town, park	Medium
Highway 280, Lauderdale/Roseville	Advanced planning	Twin cities inner suburb	residential takings, business access points	Medium
Highway 65 Blaine	Advanced planning	Twin cities outer suburb	business access	High
Highway 10 Anoka County	Exploratory	Twin Cities outer suburb	Identifying priorities, property impacts	Low
Maumee River Bridge, Toledo, Ohio	Construction and just prior	small city (Non-MN)	Neighborhood impacts	Medium
Townhouse development	Construction and just prior	Twin cities suburban	construction impacts, traffic, neighborhood	Low
TH 36 Stillwater-Oak Park Heights	Exploratory	Small city	Previous conflict, loss of intersections, bridge	High
US 52 upgrade Orinoco to Pine Island	Advanced planning	Rural and small town	local access points on highway, takings	Low
10/32 interchange Hawley	Construction and just prior	Rural	Takings, access	Low
Housing development	Construction and just prior	Twin cities exurban	Local impacts, environment	Medium
TH60 Worthington to Iowa border	Advanced planning	Rural, small town	Desirability of bypass	High
I35E/694 reconstruction	Advanced planning	Twin cities suburban	Local impacts, aesthetics	High
St. Croix River crossing, Stillwater	Advanced planning	Small city	Environment, local impacts, ideological	Extreme
US 212 southwest metro	Construction and just prior	Twin cities suburban	Local impacts, access, construction impacts	High
TH100 west metro	Construction and just prior	Twin cities suburban	Takings, school, environment, construction	Medium
Several small projects	Construction and just prior	Rural & small town	Takings, environment, Native American	Low
Crosstown commons	Advanced planning	Twin cities suburban	Takings, access, traffic, ideology	Medium