



# MEDIATION FOR BIKE PROJECTS

LEVERAGING COMMUNITY  
RELATIONSHIPS FOR SUCCESS

BICYCLE & PEDESTRIAN PLANNING

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A person is riding a bicycle on a city street at night. The person is wearing a light blue jacket, denim shorts, and blue sneakers. The background is blurred with city lights. A semi-transparent orange text box is overlaid on the center of the image, containing the text "THE PROBLEM: OPPOSITION TO BIKE PROJECTS". There are also several vertical and horizontal lime green bars on the right and bottom edges of the image.

# THE PROBLEM: OPPOSITION TO BIKE PROJECTS



# “WE’RE NOT ASKING FOR THAT”



Bikes, cafes, and metro station in Copenhagen.  
Photo by Kai Pilger on Unsplash.

Suspicion dogs some bicycle/pedestrian projects. Residents may see bike lanes as “gentrification lanes,” installed not to serve working class communities and communities of color, but rather relative newcomers who are wealthier.<sup>1</sup> Municipal leaders may tout infrastructure as a way to compete for “creative class” professionals. They may evoke the aesthetic appeal of northern European streetscapes, rather than local transportation needs.<sup>2</sup>

In response, community members often express ambivalence or opposition, feeling that projects aren’t meant to serve their most urgent needs. After residents have complained about speeding and dangerous roads for years, why propose improvements only now? Rather than addressing the longstanding harms of residents, why do improvements seem aimed at protecting new bike commuters? As an Oakland organizer noted of a slow streets program: “we’re not asking for that.”<sup>3</sup>



# WHY IT MATTERS FOR BIKE/PED



I-5 in Portland. Contract for widening has been awarded as of 2020.

Existing planning processes struggle to acknowledge or resolve this frustration. Planners face pressure to “stick to the agenda.” As a result, other structural problems remain unaddressed, and racism, dispossession, and over-policing loom behind bicycle projects. For example, the past trauma of highway construction and urban renewal lingers on. Where trauma lingers, community members may see even apparently unrelated projects as the continuation of painful history. The effects of this “root shock” reach across the years.<sup>4</sup> As one resident noted in a meeting about a Portland bike lane,

“first you took our businesses, then you took our homes, and now you want to take our street.”<sup>5</sup>

A localized “us versus them” dynamic can then develop. Safety improvements become another entry in a list of broken promises about representation in the planning process. Bicycle projects are not the sole reason for tension. Still, bicycle projects suffer when planning processes do not reckon with these dynamics. Papering over tension may seem easier, but it misses the opportunity to build trust and repair harm.



# EXAMPLE (PORTLAND, OR) (2011): NORTH WILLIAMS BIKEWAY



Illustration from final report<sup>8</sup>

In 2011, Portland’s North Williams Avenue was a popular bike route with 4000+ daily trips. It was only growing in popularity, but it also featured heavy car traffic and facilities unsuited to a high level of bike traffic. With the urging of bike advocates, Portland’s Bureau of Transportation targeted the route for improvement into a “world-class bikeway.”<sup>6</sup>

At public meetings, however, the project attracted some pushback. Reasons for opposition included church and business

parking concerns, as well as the potential replacement of a car travel lane to accommodate bike traffic.

The legacy of past exclusion from the transportation planning process also featured prominently. The government had condemned numerous businesses and homes during the construction of nearby Interstate 5. In the decades afterward, residents tried to call attention to dangerous traffic on North Williams, a historic main street for Portland’s Black community.<sup>7</sup> Their calls went unaddressed.



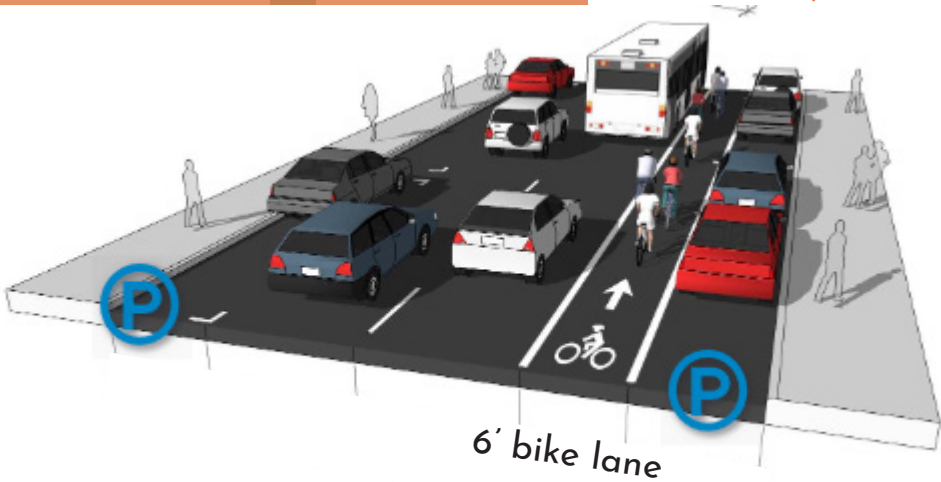
# NORTH WILLIAMS BIKE TRAFFIC



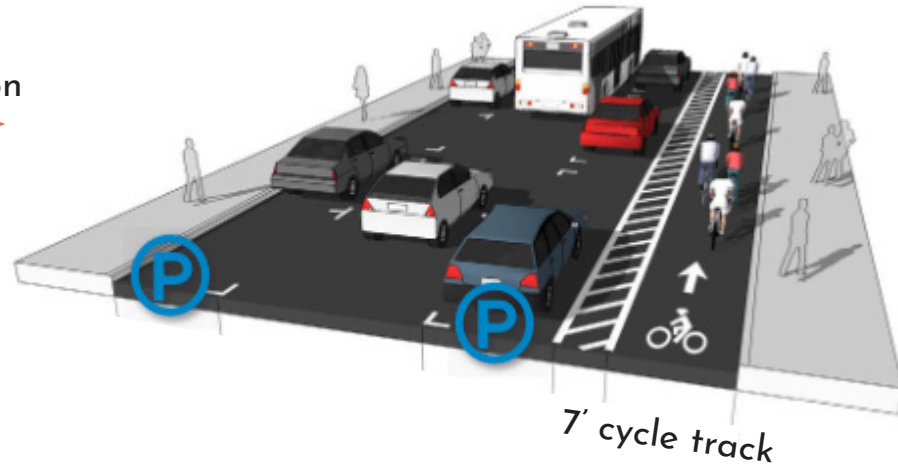


# INITIAL NORTH WILLIAMS DESIGN OPTIONS

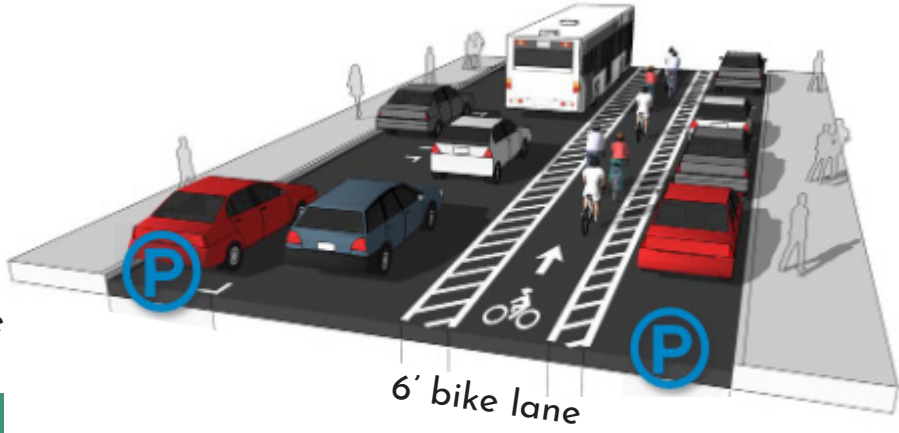
Existing conditions:



Cycle track option



Buffered bike lane option





# I-5 AND NORTH WILLIAMS



Illustration from North Williams project final report<sup>10</sup>

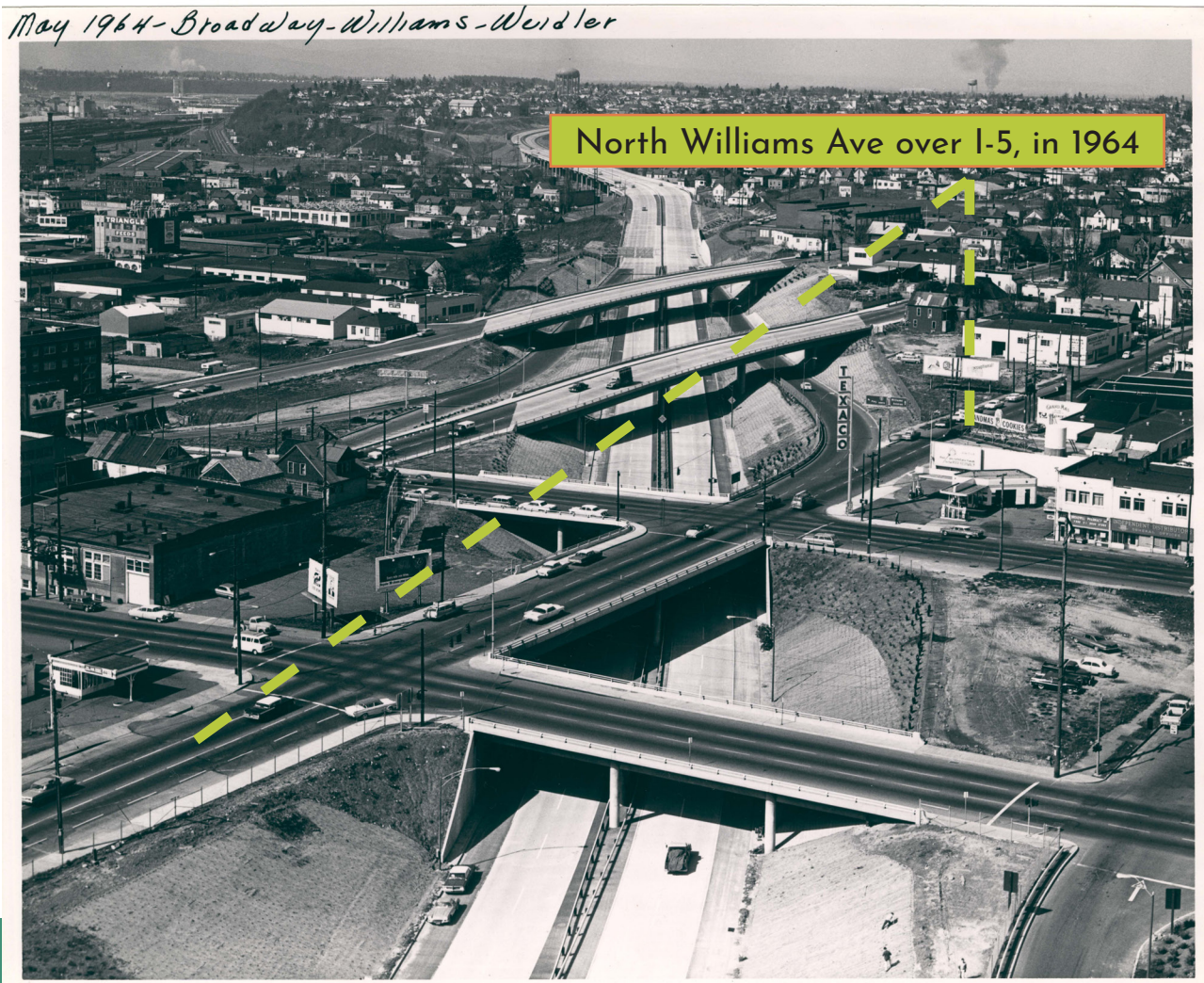
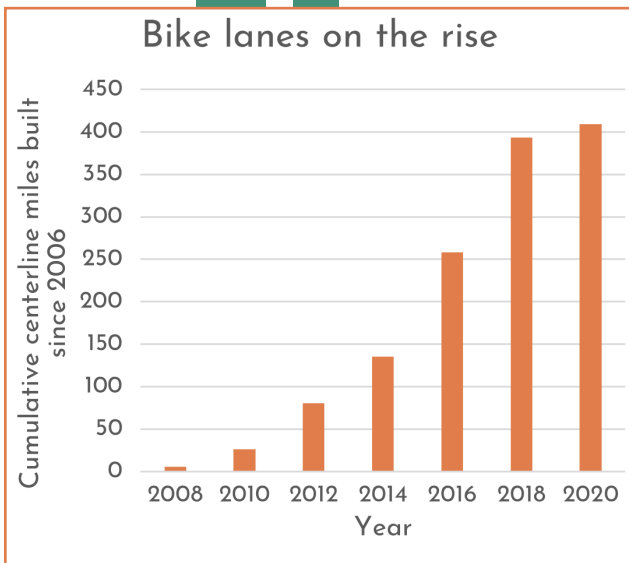


Photo of I-5, looking north, from City of Portland Archives<sup>11</sup>



# MAKING IT SAFE FOR EVERYBODY



Data from People for Bikes inventory<sup>13</sup>

The North Williams project exemplified an “us versus them” dynamic: “us,” the community, against “them,” the bicyclists. The issue could not be tabled, because it had not been addressed and was closely tied to transportation infrastructure. One resident contextualized the conflict at a community meeting: “You say you want it ‘safe’ for everybody, [but] how come it wasn’t safe 10 years ago? That’s part of the whole racism thing... we wanted safe

streets back then; but now that the bicyclists want to have safe streets then it’s all about the bicyclists getting safe streets.”<sup>12</sup>

Bike projects continue to grow around the country, and conflicts like the one around the North Williams project will grow with them. Mediation could help. With the help of a neutral intervener, people can share their needs, heal relationships between residents and the government, and find solutions together.





# A SOLUTION: MEDIATION



# WHAT IS MEDIATION?

“Mediation is a procedure for resolving controversies.”

# WHAT IS MEDIATION?

## HISTORICALLY COMMON CASES



- + Union Collective Bargaining
- + In-house Workplace Tension
- + “Not in my Backyard” Controversies
- + Police & Community Disputes



# WHAT IS MEDIATION?

A neutral intervener supports 2+ parties to:

1. **Identify matters of concern**
2. **Develop a better understanding of their situation**
3. **Craft mutually acceptable proposal(s) to resolve the concerns**

# MEDIATION GOALS

## #1 IDENTIFY MATTERS OF CONCERN

### Example Questions

What parties are involved in the conflict?



What is causing conflict?



Who was not included in planning?



### Portland Case

City of Portland, local residents, bicycling advocacy groups

Disagreement on bicycling benefits

Longtime residents



# MEDIATION GOALS

## #2 DEVELOP A BETTER UNDERSTANDING OF THEIR SITUATION

### Example Questions

How long-standing is this conflict?

What perspectives do each party hold about the conflict?

What does each party not know about the conflict?

### Portland Case

Potentially years

Development would improve economic development

Development impact on residents



# MEDIATION GOALS

## #3 CRAFT MUTUALLY ACCEPTABLE PROPOSAL(S) TO RESOLVE THE CONCERNS

### Example Questions

What are our shared goals?

How can development achieve our shared interests?

### Portland Case

Yet to be Answered...



# WHY IT WORKS

#1 Participants Establish  
Agenda

#2 Inclusive Process:  
Intervener Sets Norms to  
Follow

#3 Participants Find the  
Solutions

#4 Enhances Participant  
Compliance with Solutions

#5 Harmless Process with  
Minimal Cost

# WHY IT WORKS

**#1 Participants Establish Agenda**

*The issues important to all parties can be on the agenda, so that all parties feel seen and valued.*

**#2 Inclusive Process: Intervener Sets Norms to Follow**

*All participants must follow the norms established in the mediation process. In this way, all parties have equal norms and expectations.*

**#3 Participants Find the Solutions**

*Participants must collaborate with all parties to find their agreed upon solutions.*

*All participants and the community are more likely to comply with mediation outcomes since they created them.*

**#4 Enhances Solution Compliance**

*Mediation participation does not produce consequences; the main, minimal cost is to cover the mediator fee.*

**#5 Harmless Process with Minimal Cost**



# “PRINCIPLED NEGOTIATION” FOCUS

- + Concentrate on interests instead of positions:
  - Participants do not have opposing sides; they have related interests to prioritize
- + Focus on options for mutual gain:
  - Through discussing all parties' interests, parties can find shared ground
- + Separates the people from the problem
  - More fruitful dialogue is possible through seeing discussing interests as interests
- + Use objective criteria
  - Dialogue is based on respect and feasible actions
- + No “winners and losers”
  - All parties have their values integrated into the solution

# NO AGREEMENT?

What happens if  
the parties can  
not negotiate  
an agreement?



# “BATNA”

## BEST ALTERNATIVE TO NEGOTIATED AGREEMENT

- + Bargaining tool to encourage agreement
- + Participants are aware of this alternative to ensure they do not concede for unfavorable outcomes
- + e.g., using another job offer to bargain a higher salary (i.e., other job offer is BATNA)

# WHAT IS BICYCLING DEVELOPMENT'S BATNA?

- + Each Party has its own BATNA
- + Potential Examples:
  - **Residents:**
    - » Force the scrapping of bike projects
    - » Protest all bicycling development
    - » Seek lawsuits against city for development
  - **Local Government:**
    - » Bicycling development continues
    - » Real estate and other financial gains from development
    - » Contract with reputable design firm for future development



# STRIDES IN PLANNING



Mediation Cases in Planning  
Related Conflicts



# TOM LEE PARK (MEMPHIS, TN) (2020)<sup>14</sup>



## Challenge

- + Memphis River Parks Partnership (MRPP) & Memphis Organizers Clash on \$60M Park Redevelopment
- + Renderings Remove Local Events Infrastructure

City of Memphis Orders  
Mediation



# TOM LEE PARK (MEMPHIS, TN) (2020)<sup>15</sup>

## Mediation Process

MRPP &  
Memphis Organizers  
Reach Agreement in  
8-9 Months

“It gave us time  
to think about  
things we had  
not fully thought  
about.”





# TOM LEE PARK (MEMPHIS, TN) (2020)<sup>16</sup>



## Closed Door Mediation Outcomes:

- 1) New Design Features that Advance Community Engagement Capacities
- 2) Committee will Oversee Future Development

# LIVABLE OAK HILL (AUSTIN, TX) (2020)<sup>17</sup>

Challenge  
Environmental  
Groups & Texas  
Department of  
Transportation over  
\$450+M Oak Hill  
Parkway  
Federal Judge  
Orders 4-Month  
Deadline  
Mediation





# MEDIATION BEST PRACTICES





# POTENTIAL STAKEHOLDERS

- + Local & State Governments (e.g., planning, housing, transportation, economic development, transit, etc.)
- + Local Bicycling Organizations
- + Community Leaders (e.g., Business Owners, Church Leaders, and Organizers)



# LOGISTICAL & EQUITY CONSIDERATIONS

## Time & Place

- + Ensure that meetings convene at a date/time that works for participants (i.e., potentially non-business hours)
- + Choose a location accessible by transport (i.e., accessible for residents who may not have access to a car)

## Participant Representation

- + Strive to achieve racial, ethnic, gender, socioeconomic, etc. representation of traditionally under-represented groups (i.e., participants should reflect local demographics)



# LOGISTICAL & EQUITY CONSIDERATIONS

## The Mediator

- + Access offices or online databases to find a certified mediator (e.g., Oregon Judicial Department, the National Academy of Distinguished Neutrals, etc.)
- + Collaborate with parties to choose mediator

## Funding

- + Cover full payment for mediation (i.e., mediator fee and services paid by government office)



**THANK YOU!**

Contact us for questions and further discussion.

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