

Los Angeles Century Transitway-Innovative Solutions To Social Problems

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Interstate Route 105, commonly referred to as the Century Freeway was conceived to provide a highway link across south central Los Angeles from the International Airport to the eastern edge of the metropolitan area. At the time of conception, more than 20 years ago, the project was visualized as nothing more complex than a 10-lane access restricted highway integrated into Los Angeles' sophisticated network of privately owned automobile oriented freeways.

The early planners gave consideration to but did not include any provisions for mass transportation, rail lines, high occupancy vehicle lanes, preferential access for car pools, ramp metering, or other traffic systems management (TSM) actions. Nor was reduction of capacity to improve environmental quality through reduced travel studied. The normal acquisition process of providing owners fair market value payments for their property was assumed to be adequate to meet the problems created by the purchase of about 5,000-6,000 residential units as well as numerous businesses, schools, churches, hospitals, parks, etc. The project was intended to be designed by State forces and constructed by private contractors through the low bid process. No substantial affirmative action requirement was intended to be placed upon the private contractors involved.

After several years of detailed staff work, the first public hearings were held in 1958 and from then until 1972, initial planning and right-of-way activities continued much as they would for any urban freeway. In July, 1972, the Federal Court in Los Angeles enjoined the State and Federal governments from proceeding with any further project-related activities due to alleged noncompliances with State and Federal environmental and relocation laws. The injunction remained in effect until October, 1979. Today's project, which is now no longer a freeway but a transitway, that evolved during the seven-year litigation period, is astoundingly different from that which was originally conceived.

So different, in fact, that many of the agencies and individuals involved are still in a state of cultural shock.

How can one approximately 17-mile long urban freeway project so dramatically change the basic concepts which have surrounded transportation facility construction for literally hundreds of years in such a short period of time? To answer this question, a historical perspective is required. Centuries passed between the earliest paved roads, such as the Appian Way to Rome, and the beginning of a "modern" macadamized highway system which followed the invention of the automobile. During these centuries, there was little change in the roadway network. Characteristically they are:

- Two lanes or less
- Paved with cobblestone or corduroy—if paved at all
- Followed contour of ground with virtually no cuts or fills and only a few bridges or tunnels
- Went along field or property boundaries or followed the course of least resistance
- Property owners were seldom compensated
- The only social or environmental consideration was whether the individuals or government desired to build a road

After the invention of the automobile, a highway system developed over the 100 years between the mid-1800s and World War II which was characterized by:

- Two or more lanes
- Gravel, blacktop and some concrete paving
- Engineered to reduce grades with bridges and tunnels to overcome significant obstacles.
- Still frequently followed property and section lines or the most desirable contour of the ground
- Right-of-way was generally donated—the emphasis was on farmer to market roads "and getting the farmer out of the mud"

However, the legal aspects of acquiring

property and need to pay for some of it during this era led to the founding of the International (then American) Right of Way Association in Los Angeles in 1934. A harbinger of the complex acquisitions that were yet to come:

- Economic considerations still overrode virtually any concerns of social and/or environmental consequences.

In the second half of this century progress accelerated. The grandparent of the modern freeway system, the Pasadena Freeway, was opened in Los Angeles in December, 1940, and within the next 30 years there developed a network of freeways which now connect a vast majority of the communities. The freeway is typified by:

- Multiple lanes—up to 10 or 12 with access restrictions
- All paved roadbeds
- Detailed engineering with massive bridges, cuts, fills, and tunnels
- Generally follows the most direct route from point to point regardless of physical or community barriers
- Virtually all of the right-of-way is paid for and acquisition costs of a million dollars a mile are now common on urban freeways.

The massive impact of the freeway system would lead to the beginning of consideration of community impacts and while the controversy that ensued generated considerable discussion and political rhetoric, basically, there were still no direct payments in mitigation of adverse impacts except for land, improvements, and damages to affected properties.

The theory, both in the courts and legislature, was that individual sacrifice or inconvenience was still expected to meet the needs of the "greatest common good." This brings us back to the Century Transitway, which as noted earlier, was in the planning process as a "standard" type of urban freeway from 1958 to 1972 with right-of-way acquisition of some 8,000 parcels about half completed and

construction scheduled to start in the mid 1970s.

The Court, in granting the 1972 injunction, took into account recently enacted environmental legislation and the Uniform Relocation Assistance and Real Property Acquisition Act. The Act stated in part that those constructing public projects were required to "... provide assistance so that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

None of us realized back in July, 1972, the magnitude of the problems confronting us in complying with the requirements which the Court would impose before we could proceed with the project. I remember promising my superiors that my staff would complete the environmental document in about six months; a task which was subsequently accomplished by others about seven years later. What we didn't realize was that in the interim we would have to deal with some 26 major laws or regulations in the environmental area, ranging from the National Environmental Policy Act (NEPA) and its California counterpart through the preservation of parklands, wetlands, coastal lands, historical buildings, places and things to endangered species as well as those laws covering water, noise, and air pollution. Those readers who spent the 1970s in public right-of-way acquisition are also familiar with the rapid expansion of the Relocation Assistance Program and its emphasis upon the provision of replacement housing.

What then makes the Century Transitway so different? The Consent Decree, entered into the Federal Court in October, 1979, provides that the project as a minimum will include the following:

- Exclusive bus lanes which must be engineered so as to be convertible to rail mass transit
- High occupancy vehicle (HOV) lanes, reserved for the preferential use of car pools, van pools, etc.
- Bus stations, placed in or on the right-of-way itself with adequate provisions for connection to community transit systems
- Park and ride lots, with immediate access to the bus stations or HOV lanes with consideration now being given to peripheral facilities such as day care centers.

In the area of relocation, emphasis includes:

- One-for-one replacement housing; i.e., units must be developed adjacent to the freeway corridor to replace each unit of low to moderate income housing which was removed by the transitway project. Heretofore, relocation regulations required that replacement housing only be found for the individuals displaced by the project and that existing market vacancies could be used for this purpose.
- Requires that 4,200 replacement housing units be developed and that of these units:
 - 5 percent be available for very, very low income households
 - 25 percent to very low income households
 - 25 percent to low income households
 - 25 percent to moderate income households
- It is the State and FHWA's responsibility to provide payments from the project funds to insure that this housing is constructed and that it is made affordable to low to moderate income households by further use of project funds to reduce the cost.
- Gives eligibility for relocation assistance moving payments to tenants who rented properties from the State after the State's acquisition if they were in occupancy at time of the Consent Decree.
- Establishes the Office of the Advocate to be staffed by persons appointed by the plaintiffs in the suit to insure that each and every individual be provided all of the benefits to which they may be entitled under State and Federal regulations. The costs of the Office of the Advocate are to be borne as a project cost.
- Establishes a special independent affirmative action committee to insure that special affirmative action requirements relating to minority, business enterprises, women and residents of the corridor are adhered to.
- Establishes a 60-member Housing Advisory Committee to assist in the development and implementation of the program to provide the 4,200 residential units.

The magnitude of the project has grown to the point that it is now estimated to create employment for 18,000 individuals directly and approximately another 27,000 indirectly. The cost of the project estimated in 1979 dollars is more than \$1.4 billion. Our increasing inflation rate is said to be increasing these costs by several million dollars monthly.

Hopefully, this brief analysis of the Century Freeway, now Transitway project, will provide a preview for right-of-way professionals of what may be anticipated in any major urban public acquisition project in the future.

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