ASSESSING THE IMPACTS OF PROJECTS WHICH DISPLACE HOUSEHOLDS AND BUSINESSES

by

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In 1970, Mrs. M., an elderly widow, was living alone in a mobile park home adjacent to Route 1 in Peabody, Massachusetts. For a number of years she and her neighbors had suspected that they would be required to move for construction of Interstate 95. Early in 1970 official notice to vacate was sent by the state Department of Public Works. For over a year Mrs. M. and other mobile home residents sought replacement accommodations, but the restrictive policies of mobile home park operators prevented them from moving their dwellings, and their very low incomes made other choices prohibitive. Pressed by construction delays and numerous correspondence from the state Department of Community Affairs¹, officials of the Department of Public Works reluctantly agreed to let the mobile home dwellers move to unused state-owned maintenance depot property nearby. Mrs. M., unfamiliar with the details of such a move, requested assistance from the Department of Public Work's right-of-way agents.² The Assistant Director of Relocation for the Department of Public Works provided Mrs. M. the name of a contractor who, it was claimed, would level an appropriate piece of land, move her mobile home, and make all necessary utility connections (and who, incidentally, was and is a personal friend of the Assistant Supervisor of Relocation). Mrs. M. contacted the contractor and paid in advance the substantial sum requested for his services.

1. An agency whose legislative mandate required them to review all displacement programs carried out by state or local public agencies.

2. Such "Relocation Advisory Assistance", as well as the building of replacement housing, if necessary, was at the time, and is today, an explicit provision of Federal and state law and regulations.
Several months later officials of the Department of Community Affairs received copies of letters Mrs. M. had sent to the Department of Public Works, the Federal Highway Administration3, as well as local elected officials, complaining that she had not received adequate relocation assistance, despite numerous requests, and that the state-recommended contractor had failed to make her home livable in its replacement location. An on-site inspection by Community Affairs representatives substantiated the complaints. The land on which the mobile home was placed had never been leveled, and the dwelling was tilting 20 degrees. No utility connections had been made. Mrs. M., over 70 years old and crippled on one side by arthritis, provided her own light, cooking, and heat by candle. Water was being taken from a neighbor's garden hose. She had been defecating into plastic bags which she buried outside.

The details of Mrs. M's plight were again brought to the attention of responsible officials of the Department of Public Works and Federal Highway Administration, this time by letter from the Department of Community Affairs and several telephone calls. However, staff of the Department of Public Works were already well aware of the details, and the fact that the situation had gone unattended for several months. Their agents had been in constant contact with Mrs. M. The agency's official position, expressed repeatedly by the Assistant Director of Relocation and his superiors, was that Mrs. M's problem with the contractor "is none of our business." Federal Highway Administration officials agreed that the Department of Public Works had not done an adequate job of re-

3. The Federal Highway Administration must approve of, and monitor, all state Highway Agencies' relocation activities whenever Federal funds are involved.
location assistance. They were reluctant, however, to take any action that might jeopardize or delay construction of the highway, they said, or in any way cast the overall project in a bad light.

No one admonished the contractor on behalf of Mrs. M. No offers were made by agency officials for substitute contracting work. There was no change in Mrs. M's situation by the fall of 1971, months after her letters reached the responsible officials. Before the end of the year she was dead from pneumonia.

Although extreme by most measures of relocation casework, the story of Mrs. M. is not so rare and exceptional as we might hope. The fact that it occurred only recently in a State noted for liberal advocacy, political sensitivity and acumen, cannot be very reassuring to those who would like to believe that the disruptive, inhuman effects of forced relocation -- so well documented in congressional testimonies, planning and sociological reports of the 1960's -- are events of the past. The problem is underscored by noting that, without exception, the principals of the Federal and State highway agencies involved in the Mrs. M. case, hold the same or higher positions administering government relocation programs.4

Somehow the life of Mrs. M. fell between the cracks of social programs which, after three decades of efforts to establish protective laws and administrative procedures, was supposed to assure that "... persons shall not suffer disproportionate injury as a result of programs de-

4. The State Department of Community Affairs no longer monitors relocation activities of the highway agency. New staff effected legislative and policy changes that have placed them outside major displacing activities.
signed for the benefit of the public as a whole." 5 Unfortunately, the attitude of most displacing agency officials, and many planners and politicians as well, is quite the contrary -- namely, that public projects have some inevitable bad effects that must be borne by a few individuals. A belief that the individual citizen bears primary responsibility for the effects of government action, or inaction, is widely held. D.P. Moynihan, former Presidential advisor on urban affairs and U.N. Ambassador, expressed the generalized sentiment quite elegantly in a recent newspaper interview: "Well, the only reason Americans are starving is because they're idiots... it's a wholly individualized thing... What kind of people are we? We do not let people starve in this country." 6 Such attitudes, and the self-assuasive admissions of imperfection by responsible public officials, have obvious effects on the planning and administration of relocation programs. They are a part, but by no means all of the problem.

The thesis is divided into four chapters, which are intended to provide different contexts for viewing the relocation process, and different aspects of the problem. Each stands independent of the others as well as, hopefully, sustaining a sequential narrative for the whole. Chapter One (which could logically be placed at the end as much as the beginning) is an overview that covers many of the concerns elaborated

upon in other chapters. It focuses on patterns observed in the relocation experience that may be generalized to technical and political issues of broader interest. It's called "The Politics of Relocation". Chapter Two is "Federal Agencies and the Courts: the problem of litigation on behalf of relocatees". Its emphasis is on providing legal case references and a strategy for using the courts on behalf of relocatees. Limits for judicial intervention are suggested. The first part of Chapter Two is also the background discussion of issues in relocation planning and implementation that, in the author's judgement, are most crucial to present practice. Chapter Three, entitled "Participation and Effect: case studies of tactics to improve the relocation process", analyzes some political dynamics the author has experienced in various professional roles over the past six years. It is directed towards those who will participate as technical planners in public agencies, consultant firms, or in ad hoc advisory capacities. Chapter Four, "An Impact Assessment Methodology in Perspective", describes the efforts that were made over three years to introduce new relocation practices into the day to day operation of Massachusetts' major displacing agency, the Department of Public Works. It suggests a simple, rational methodology that planners and others may apply in working on Environmental Impact Statements, public agency programs, or any concerns of neighborhood housing and commercial market structure. Variables that affect the choice of analytic method, such as public participation and government bureaucracy, are discussed.
Acknowledgments

In the relocation game, there are too many examples like that of Mrs. M. to be able to remain neutral towards the people one gets to know. It has been a special privilege and inspiration to work with Dianne Tsitsos Wood, my colleague at the Boston Transportation Planning Review and the Department of Public Works; with Bill Richardson, Judy Hart, Don May, and Frank O'Connor, at the Department of Community Affairs (When they worked there -- none do now unfortunately -- that agency labored on behalf of relocatees); with Esther King and Allison Cooper Petersen (who, thankfully, are still doing their work with the Boston Redevelopment Authority); and with Ralph Gakenheimer, who has allowed the problem of relocation to be a significant part of his Transportation Planning course, and who has given me only encouragement and good advice in preparation of this thesis.
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CHAPTER ONE

THE POLITICS OF RELOCATION
THE POLITICS OF RELOCATION

Introduction

The term "politics" in this chapter, as elsewhere in the thesis, refers to the implicit power relations that shape behavior. Its usage is not limited to what we commonly call the political process, having to do with elected officials, public and private interest factions. And it reasons that technocrats and technical process, including what we often think of as objective analytic method, lie well within the influence of politics. Hopefully, the logic of this meaning will be made clear through the concrete examples which follow.

Massachusetts has been a particularly interesting State in which to observe, and participate in the politics of relocation. In 1965, Chapter 79A of the General Laws established the Bureau of Relocation, Department of Community Affairs, as the first State agency specifically legislated to review the relocation plans and programs of other agencies. Its involvement in renewal, highway, and other public projects during the years 1968-1973, when it carried a staff of dedicated, qualified professionals, provides a rich source of strategies for agency intervention on behalf of relocatees. Chapter Three discusses some of these in detail, while the interest here is in showing how such an organization fit into programs normally dominated by the more powerful displacing agencies.

In 1970, the Governor halted highway construction within the major metropolitan area, also a nationwide first, and part of the consideration was the expected impacts of displacing families and businesses. The forum which followed for review of transportation decisions was to
set precedents for public participatory, interagency, and intermodal planning that have had direct consequences to relocation programs, here and elsewhere. Capitalizing on the impetus for change provided by this Boston Transportation Planning Review (see Chapter Three), efforts were made to introduce new practices into the day to day operation of the State's major displacing agency and largest public bureaucracy, the Department of Public Works. A number of changes were made in organization and staffing, and new techniques set for program planning and implementation. These are analyzed in detail in Chapter Four from a perspective inside the displacing agency. The emphasis here is on evaluating the extent of Federal and State agency influence in the government system and on general concerns to the planner in applying analytic method to the impacts of dislocation.

I. The Rise and Fall of the Bureau of Relocation

It is not surprising that Massachusetts lawmakers made their State the first to have a Bureau of Relocation. By the mid 1960's there had been completed, or were underway, massive displacements of families and businesses for highway and/or renewal projects in Boston, Worcester, Springfield, Chicopee-Holyoke, and plans were underway for more large scale relocations in these municipalities and others, including Cambridge, Somerville, Lowell, Lawrence, New Bedford and Fall River. In each of these communities the experience had been much the same -- frustrated and bitter constituents were pressing their elected officials with demands for change. Newspaper and research accounts brought the problem to an audience much wider than those directly involved. Studies of Boston's ill-fated West End, for example, by Herbert Gans, Chester Hartman,
Marc Fried and others, had made the failures of that project a cause célèbre for anti-renewal forces throughout the country. To Massachusetts' elected officials it meant that their pet sources of patronage jobs (highway and renewal agencies) and campaign funding (highway and building contractors, real estate developers) were becoming a public embarrassment.

In 1965, the Massachusetts legislature appended to the State's eminent domain statute a chapter (79A, MCL) requiring minimum payments and advisory assistance to all households and businesses displaced by agencies with eminent domain powers. The legislation also established a Bureau of Relocation with authority to 1) forestall acquisition and relocation until a plan had been prepared showing adequate housing and commercial resources would be available for the households and businesses to be displaced, and 2) suspend relocation activities if the agencies were found to be violating provisions of the approved plan. Chapter 79A was hailed as landmark social legislation, at a time when no comparable Federal laws existed. (The story behind its passage is an interesting one, but beyond the scope of this discussion.) Finally, it was felt, relocatees would receive the protection they needed facing the displacing agencies limited objectives for clearance of acquired properties.


2. Chester Hartman, "The Housing of Relocated Families".

Unfortunately, the original staff of the Bureau of Relocation (BOR) proved unprepared for the inevitable confrontations with displacing agency power. Without exception, their previous experience had been in strict planning capacities. The wholly pragmatic, politically pressured world of the relocation caseworker and project administrator was unknown to them. Although motivated to upgrade the process on behalf of relocatees, the original BOR staff lacked the knowledge to be able to convince the displacing agencies that they really understood what was going on. They could not express their often well-founded suspicions of inadequate planning and administration of relocation programs effectively enough to challenge the opposition of the displacing agencies. In uncertainty they backed down, or were assuaged by project administrators into believing that the latter's well-stated intentions would be enough to solve the problem. When a strong position was taken, as in attempted suspension of the ERA's South End relocation, they misjudged support from above and had to withdraw without much effect.

In spite of these limitations, within two years the original BOR staff had made some important progress. Through on-site inspections of programs, they had made the BOR visible in the relocation game. And their response to the complaints of relocatees and advocate groups had shown displacing agencies that there was an entity, armed with potential legal sanction, that would intervene on behalf of relocatees. Finally, the BOR's review of relocation plans had upgraded the documentation required for housing and commercial market resources. In some cases they were able to gain relocatees precious lead-time in their search for replacement housing and business facilities. At the very least, displa-
cing agencies were aware that they would have to be more careful than in their unfettered past.

Dramatic changes in the BOR's methods were made following the appointment of E. William Richardson as its director in 1968. Richardson had been relocation program director for the Boston Redevelopment Authority on the Boston Rehabilitation Project in Roxbury, and for the Charlestown Urban Renewal Project. He was well-versed in administrative techniques, as well as the arts of political persuasion. Richardson re-staffed the BOR with seasoned relocation caseworkers -- Judy Hart, also a former BRA employee, and Frank O'Connor, a ten year veteran of relocation programs in several communities. Following a strategy of meticulous review of relocation plans and advisory assistance efforts, cemented by the considerable experience of its staff, the new BOR commanded respect from displacing agencies. Changes were made in their conduct of relocation programs.

The tactics of this BOR were subtle. Richardson knew that the statute was authoritatively worded, but potentially untestable. If it came to a showdown between the BOR and another State agency, like the highway department, the latter would likely win out. The Governor, after all, controlled both, and great political importance was vested in the construction projects. The problem would be less acute with the renewal agencies, which were municipally controlled, but even there a standoff could anger legislators or other interests closer to the Governor's support. These considerations, of course, had to be faced by the displacing agency heads as well. They would want to avoid bad publicity, delays in execution of their projects, or having to call on the Gover-
nor's intervention. Given this dynamic, it was clear that the BOR had to appear to be a paragon of reasonableness, while at the same time insisting on letter of the law application on behalf of relocatees. Somehow Richardson and his staff were able to accomplish this by painstakingly wording official correspondence to read, on the surface, like positive recommendations for improvements to agency practice, while implying that the full weight of the law could, and would, be brought to bear against non-compliance. Their personal styles complimented the written word -- outwardly patient, cooperative, and assuring, while communicating a resolve that the job called for would get done.

Following Richardson's promotion to Deputy Commissioner of Community Affairs, Judy Hart was appointed director of the relocation bureau. She continued the standards of professionalism and political acumen, adding a thoroughness for review of plans and casework performance that became exasperating to the opponents of continuous improvement in relocation programs. The BOR was conducting its own housing and commercial market studies, to test the validity of agency claims for relocation resources, and in certain instances was providing its staff to assist communities in developing effective casework techniques. In addition, the BOR was now involved in the earliest stages of renewal project development, and was able to promote provision of low cost replacement housing where necessary. These efforts were possible only because the BOR had fostered an image of competent, objective review of displacing agency programs, and an insistence to pursue its objectives using techniques like those described above. Their commitment culminated in a brilliant technical case against the Park Plaza Renewal proposal of
Mortimer Zuckerman and the BRA, described in detail in Chapter Three.

Unfortunately, Park Plaza presaged the end of the BOR as an effective force on behalf of relocatees and responsive renewal planning. Controversy over that project forced the resignation of Richardson, then Acting Commissioner of Community Affairs and one of three DCA Commissioners who would leave in protest over the Governor's insistence that Park Plaza go ahead (Miles Mahoney, Richardson's successor, and Leon Charkoudian, his predecessor, were the other two). Judy Hart soon followed suit. Ms. Hart's successor as relocation bureau director, Karen Falat, and her boss DCA Commissioner Lewis Crampton, did not believe that displacing agencies should be confronted in the ways their predecessors had developed. Park Plaza was approved. They took a more conciliatory approach in their review of other projects as well. Eventually, they were duped, mainly by the Department of Public Work's Right of Way Director John Sheehy, into changing Chapter 79A so that the statute no longer required the BOR to approve a relocation plan before a displacing agency could acquire property. Since Ms. Hart's departure, according to present staff, the BOR has not monitored the relocation casework of displacing agencies. They look at relocation plans, which are now submitted for "informational purposes", and make suggestions to the displacing agencies' search for replacement housing and business resources.

II. Impacts and Analytic Method

Impacts due to displacement differ vastly by the type of household, neighborhood, housing and commercial markets affected. These are discussed in detail in Chapters Two, Three, and Four. The following summarizes characteristic concerns:

1) Elderly, low income, female headed, ethnic or racial minority,
and large family households usually experience the greatest difficulties finding replacement accommodations or adjusting to change caused by the move. Their choices for relocation are limited by constraints in the supply of suitable replacement housing, or the restrictive practices of landlords. In the case of elderly or other long term occupants, altering the conditions of their residence can cause severe disruption, even trauma, that is seldom effectively offset. Various studies have shown that, especially for households that were unstable prior to relocation, the crises imposed by moving may a) increase rates of separation and divorce, b) lower measures of internal cohesion, such as feelings of cooperation between members, c) lower household income (partially a result of break-ups and reduction in family members living at home), d) lower satisfaction with neighbors and surroundings (though, conversely, increased satisfaction with the dwelling is often indicated) and e) lower the expected survival age of elderly displacees. In almost all cases, expenditures for housing take a higher proportion of household income after relocation. In most cases, there are fewer rooms and area of living space in the replacement dwelling. Those who rent typically score lower on all measures than those who purchase relocation housing.

2) Neighborhoods that comprise a relatively high proportion of long term residents, whether owners or renters, may experience population change, housing disinvestment, and absolute loss of residents in greater numbers than the actual displacements. Working class neighborhoods are especially susceptible to disruption from relocation. (See Chapter One Appendix).
Within neighborhoods that measure high in long term residents, and in working class communities generally, the supply of decent, low cost housing is infrequently available. Many units pass through word of mouth only, and those that change hands may be offered at much higher costs than the occupied ones. (See Chapter Four, Section III.D.) This is especially true of the rental market. In Massachusetts, apartments in two and three unit detached dwellings are usually considered the most desirable because of the relative privacy and space (including porches, walk-in pantries, private interior hallways, yards, etc.) they afford. Vacancies in such units that are in good condition are normally extremely scarce. As households are poured into the neighborhood housing market, which happens as soon as properties begin to be acquired by the displacing agency, their competition for units increases effective demand so that prices rise, and housing choices diminish for all community residents. Population loss due to dislocation, directly or indirectly, may deprive neighborhood businesses of established customers, or in general deprive the neighborhood of the disposable income needed to support certain types of commercial activity (notably retailers).

3) Impacts vary for each displaced commercial activity. Businesses with special location, service, zoning, license, or franchise restrictions may find the relocation to suitable replacement facilities difficult. (See Chapter Four) Those whose sales activity and volume are highly sensitive to interruptions in operation face losses and possible liquidation. Investment capital may not be readily available for the costs of re-establishing in a new location, particularly for smaller enterprises which may lack sufficient collateral to obtain loans (the
Small Business Administration has proved to be little help for neighborhood retailers. One of the chief impacts to displaced businesses has been delays in the processing of their claims for reimbursement of moving expenses (the only cost of dislocation now reimbursable under Federal and State laws). Most displacing agencies require receipt of itemized paid bills and lengthy documentation of moving procedures prior to their making payment. Businesses frequently acquire short term loans at very high rates of interest in order to accomplish their move. Among Massachusetts displacing agencies, the Department of Public Works has proved especially insensitive to the time value of a displaced business's money, and there are several examples of major firms having liquidated because their operating capital was lost on loan repayments (there is no reimbursement of interest costs).

While some have argued that the process of dislocation merely weeds out marginal businesses and those with weak financial structure, impacts to a neighborhood due to the loss of commercial activity are more far reaching than equity to an individual establishment. It may be difficult or impossible to replace jobs lost in certain areas (see Chapter Four, section III. B.). With the displacement of manufacturing especially, there may be multiplier effects that reduce volume or force shutdown of local dependent suppliers or distributors, causing further loss of jobs. To consumers as well as producers, change in accessibility to required goods may increase the costs of delivery and purchase. Tax yields may be lessened to a municipality. In an area undergoing extensive disruption because of property clearance or facility construction, there may be a negative investment psychology resulting in re-
duced rates of new business entry.

Impacts to households, businesses, and neighborhoods may also be categorized by timing in the life of a project. Here again, effects differ for certain groups. For example, the period following public hearings and prior to acquisition of properties is one of great uncertainty to potential relocatees and neighborhood residents as a whole. Some of the more mobile households, those with higher incomes, and particularly homeowners, may move during this time, even as it requires foregoing relocation payments. "Mobility" in this sense doesn't mean transiency. Elderly and long term occupants are frequently among the first to move because they may want to be sure to find a replacement dwelling nearby, and because, as their stable residency implies, they wish to avoid uncertainty. During this time home values may become depressed because of the rapid increase in available properties and uncertainty over effects of the project. By contrast, the rental market (in previously stable neighborhoods) tightens and prices may rise. An explanation for this seeming paradox is that many people are willing to remain in an uncertain situation as tenants, while the amount of investment required for home purchase discourages would-be owner households, particularly those with limited resources, from taking any risk.

Project phases relate to change in land value; move-outs by type, income, tenure, length of occupancy, and age of households; sales and rental market fluctuations, all of which have consequence to the social and economic structure of a neighborhood. Unlike for households, the uncertainty curve remains fairly constant for most businesses prior to relocation, as many expect to lose business during or after the move.
(including possible liquidation) and therefore tend to remain as long as possible (present losses count more). To my knowledge, there has been no research to present these sorts of effects (impacts by group through project phases) in any sort of schemata or functional model for use in project planning. Needless to say, there are those applying such knowledge for "speculative investment" purposes.

Further impacts due to displacement include those that accrue as a result of the planning or implementation of remedial programs, such as replacement housing. There may be issues such as trade-off in land resources, problems in agency staff and organization, or legal and legislative measures that attract broad participant interest, and which may be parlayed by pro- or anti-project forces into support for the larger decisions they advocate. These are discussed in detail in Chapter Three, section III. Remedial programs need to be examined in an open, critical planning process, but it frequently happens that the programs become too problematic because of political bantering and thus are difficult or impossible to develop at an early enough stage to assure successful implementation, even as they may become serious legal or administrative problems later on. (See Chapter Four).

A proper evaluation of impacts thus includes taking into account the feasibility of remedial programs under present constraints, the steps that must be taken to effect necessary changes towards implementation, and a final evaluation of the practicability of making change in the time allowed to complete the project. Although logically obvious, this is a crucial point to note because such a view is seldom taken in planning practice. It is the single most important variable distinguishing the analytical methods that have been applied. Moreover,
the reality of public project decision-making often warrants such consideration above all else. An overriding concern of the decision-maker is whether or not there are legal or administrative hang-ups that could forestall project implementation. Politicians and agency officials appear most foolish when the programs they support cannot be carried out. To them, the real "impacts" of a project, in addition to maintaining or gaining the support of needed constituencies, are in managing the requirements of office. An analytic method that can inform, and rationalize, decisions along these lines has far greater influence than a mere categorization of effects on households, businesses, and neighborhoods.

In summary, the analyst must first develop an appropriate schema that will represent the range of effects due to displacement and their extent of impact by project phase based on the location, design, construction, and use characteristics of a particular project (and its alternatives). Secondly, the analyst must evaluate these impacts in terms appropriate to the existing legal and administrative framework for compensatory and remedial programs, developing possible new measures to minimize harm consistent with the realities of implementation. Finally, the analyst's work must show the consequences of choice among alternatives (including the feasibility of implementing remedial programs), in terms that are real to decision-makers and public participants.

The following diagrams steps in this analytical method:
A problem to some analysts in working through such a methodology is the fact that seldom, if ever, are there opportunities to exhibit the logic of this approach in a single format. Pieces must be presented as dictated by the context for decision-making, which will differ for each project and which depends on the role in the process held by the analyst. Chapters Three and Four discuss, from different perspectives, how an identical impact assessment methodology as that described was applied in the Boston Transportation Planning Review, and in the day to day operations of the Massachusetts Department of Public Works.

One issue which the methodology we have developed thus far does not explicitly treat is the quantification of displacement impacts in terms susceptible to cost-benefit analysis, a common technical method of evaluating overall project effects (but seldom relied upon by highway and renewal project decision-makers). Past research has not helped much in this regard. Most social impacts have been considered outside conventional project evaluations because benefits and costs were not determin-
able at conventional market prices; or because barriers have existed
to the flow of funds and resources to ameliorate certain impacts; or
because certain effects, which have produced economies to some and dis-
economies to others, have been considered external to the public in-
vestment. (See Morris Hill, "Planning for Multiple Objectives: An Ap-
proach to the Evaluation of Transportation Plans," Regional Science
Research Institute, Monograph Series, Number 5, 1973). One approach
to develop measures of what are now considered "nonmarket" impacts, so
that they may be internalized in project cost-benefit evaluations, would
be to apply an assumption that the social disbenefits of a particular
project will require amelioration with other types of public invest-
ment. For example, if a highway project is expected to result in some
housing stock's requiring rehabilitation or replacement, or in in-
creased welfare or unemployment compensation in a neighborhood that
would lose jobs, or in lost private investment or tax yield, then a
dollar value could be assigned to these social impacts based on the
presumed welfare cost. Such an approach could be applied even where
public compensatory programs do not now exist by evaluating the equity
investment required to assure the status quo ante of the impacted groups.
Another way of assigning monetary values to certain effects of projects
not normally quantified would be to consider the additional costs of a
project resulting from delays in construction. Construction costs es-
calation is a major factor in overall project costs, and when compared
to the expense of providing remedial or compensatory measures that
would speed building, may show that such measures actually reduce the
overall project tab. We have used this latter technique, an exten-
sion of the displacement impacts assessment methodology described, to evaluate the cost-effectiveness of relocation and replacement housing plans for the Massachusetts Department of Public Works, but it has thus far been ignored by the Federal Highway Administration officials in their review of proposed programs (see detailed discussion in Chapter Four). Proposals for "Valuing the Nonmarket Elements of Highway Impacts" have recently (May, 1976) been requested by the research branch of the Federal Highway Administration (no connection to project reviews). This is a promising line of research, but may be some time in influencing highway project decisions.

Cost-benefit analyses need different frames of reference in order to specify impacts in terms appropriate to the various affected groups. For example, an objective function could be to analyze impacted neighborhood services by comparing inflows and outflows to the neighborhood economy. If population were projected to be lost or gained within the neighborhood as a consequence of project implementation, the analysis would show change in disposable income to have particular consequences for local businesses and prospects for growth and new investment in the neighborhood. This type of impact is masked in a more aggregate analysis, but is crucial to understanding cohesion and disruption as experienced by local residents. Similarly, an analysis of impacts from the perspective of displaced households and businesses yields a very different valuation for project effects than the conventional comparison of, in highway projects, user travel time savings against construction, maintenance, acquisition and compensable relocation costs.

The fact that techniques for cost-benefit appraisals of public pro-
jects have been so inflexible in the past, leaving many of the significant social impacts as externalities, underscores the problem facing analysts who would see impacts due to displacement more effectively managed. Political motivations are more transparent. Except where their interests may be expressed through class action litigation (see Chapter Two), relocatees are generally unorganized, and therefore fail to promote their concerns as effectively as environmental, construction, or other advocates (see Chapter Three). The problem thus falls heavily on the technician or planner to assure that impacts due to displacement receive balanced weight in decision-making.

III. Change and the Power of Public Agencies

Prior to the Boston Transportation Planning Review (1970-1972), relocation planning was not performed by the Department of Public Works, an agency which has accounted for over sixty per cent of displacements in Massachusetts. Highway engineers described displacement solely in terms of estimated acquisition and relocation payment costs, without regard for the types of households, businesses, or neighborhoods affected. Their choices of route location and design caused far more impact to households, businesses, and the social and economic structure of neighborhoods than would have seemed prudent, even then. In renewal planning as well, no "relocation plans" ever showed housing or commercial market resources to be deficient, though the experience of relocation programs proved far different. Conclusions would have been warranted. This in spite of the fact that, throughout the history of the Interstate Highway Program, and since the Housing (Urban Renewal) Act of 1949, federal agencies have been required to review the proposed dis-
placements of state agencies to assure "sufficient suitable resources" would be available for relocation.

Displaced households and businesses have not been the only victims of the irresponsible planning and implementation of relocation programs. Costs in public funds have been far greater to projects delayed by shortages in housing and business resources, as lead times to construction drag on. The overwhelmingly bad image that has accumulated throughout highway and renewal project history now means that attempts to carry out beneficial and needed projects meet greater resistance than may be warranted. Many extraordinarily disruptive and unbuildable projects have been carried on the docket of highway and renewal agencies for years, and still are today. The result is a further waste of public funds in agency expenditures, as well as foregone efforts on other projects.

The remainder of this thesis is about attempts to improve the practices of public agencies in their planning and implementation of relocation programs, and in their overall decision-making about projects. The dynamic has been a complex one, overly complex for effective summary in this chapter. One hopes that some change for the better has been made on behalf of relocatees. However, the present state of relocation in Massachusetts suggests that the lessons of the past, however dramatic, and the possibilities for improvement provoked by the Boston Transportation Planning Review and established (over three years, at least) in subsequent agency practice, have not been enough to assure the continuous improvement of relocation programs. The last major relocation plan prepared by this author and staff of the
Relocation Planning Section, Department of Public Works, was altered by the Right of Way Bureau Director to show non-existent housing resources, and submitted to the Federal Highway Administration. There was no documentation to support his changes. Implications were that certain households would be deprived of adequate relocation assistance. Last Resort Replacement Housing, proved necessary in the original analysis, was eliminated as a requirement of the plan. Attempts were made to counter these misstatements by contact with the Commissioner of Public Works, the Secretary of Transportation, Federal Highway Administration officials and the state Bureau of Relocation. No correction resulted. The project at the time was a high priority of the incumbent administration about to face elections.
THE WORKING CLASS NEIGHBORHOOD

While the definition of a "working class" household and community has differed among various authors, the following objective characteristics are most frequently cited as distinguishing working class persons from the larger proportion of society (the so called middle class): lower income; blue collar occupation; lower average level of school years completed; greater proportion of social interaction devoted to persons who live physically nearby. On the latter point most researchers have found a relatively high proportion of relatives concentrated in working class communities, and that these extended kin networks and the neighborhood social milieu overall are much more important to working class households (over a range of ethnicities) than for middle class families. In a review of a substantial body of the literature, one author summarizes as follows:

"The longstandingness of the 'traditional' working class communities and the physical proximity of kin and neighbors within them, it is claimed, have combined to produce an intermeshing of social bonds which give formidable power to the social controls of community life, and these in turn, have served to strengthen and conserve the norms and values of 'traditional' working class life... (In contrast, middle class communities) tend to lack these kinship bonds and therefore have developed a more 'home-centered' pattern of life focused upon the nuclear family, in which the material affluence of the home is an object of greater concern. Associated with this material affluence has been noted a more individualistic form of status seeking which contrasts with the attitudes towards relations with other people to be found in the (working class) areas." 1

A number of authors have measured the frequency of emotional and instrumental ties with relatives in working class communities. In

one such study, Sussman noted that 70 percent of working class subjects compared with 45 percent of middle class subjects had relatives living in their neighborhood. Ninety-two percent of those with relatives nearby were assisted by them during illness and other crises. ²

Adams ³ determined that contact between relatives is influenced by social class position. Social and geographical mobility are crucially important determinates of the extensiveness of kin ties, according to Adams, and changes in social or geographic positions weaken existing patterns of relationships with relatives. Adams implies that ties with relatives are based upon their potential for equal exchange.

Changes in social or geographic position weaken contacts because of inability to offer help and satisfy requests. Fulfillment of prior obligations becomes delayed and less immediately rewarding.

Patterns of social contacts between nearby friends and neighbors, as well as relatives, have been found by a number of researchers to be important linkages between working class households. Boston's West End revealed the tight social network characteristic of cohesive lower class communities. Fried and Gleicher ⁴ found that 75 percent of their respondents liked the area and only 10 percent did not. Despite the apparent physical deterioration and congestion most impres-

sive to outsiders, identification with and attachment to the area was "all-pervasive" for most West End residents. The strength of the social relationships within the area is shown by the finding that 60 percent of respondents reported that 5 relatives and 5 friends they felt closest to all resided within the West End. Given the strong social structure, residents overlooked the disreputable physical features. According to these researchers, the proximity of important social relationships transformed the West End into a world almost complete in itself. "The density of the networks of social ties within a fixed space made the area unusually cohesive and socially rewarding."

In a classic study of that same community, Gans suggested that the West End's Urban Renewal Relocation Program was ineffective because... "... it was developed by middle class professionals assuming self sufficiency of the nuclear family... (whereas) many of the physically individual households are tied to those of their extended families (and neighbors) by strong bonds..." In fact, the overwhelming evidence from numerous studies of relocation programs carried out in working class communities is that the social environment is most responsible for post-move dissatisfaction and loneliness. Another example is the study by Morris and Mogey of the consequences of relocating a number of households from different areas into a new English housing estate:

"Physical housing was the same for all, yet there were definite variations in satisfaction after relocation. Within


neighborhood groupings, households expressed the same level of satisfaction; between neighborhood groupings, there were differences in levels of satisfaction. The neighborhood group subjectively defined the adequacy of rehousing situations. Neighbors were a powerful source of social definition; they generated attitudes and definitions of reality for the component households."

Rainwater reports that social class position influences the meaning of housing. The lower (income) class person views his home and neighborhood as a place of security providing basic needs of shelter and protection. The house and its environs fulfills an essential service, and any threat to that security (real or imagined) impinges on households' perceived control over social forces. Rainwater suggests, by contrast, that the middle class household is less upset by stress such as relocation since the house is seen more as a repository of success symbols which are readily transported and re-assembled.

CHAPTER TWO

FEDERAL AGENCIES AND THE COURTS:

THE PROBLEM OF LITIGATION ON BEHALF OF RELOCATEES
FEDERAL AGENCIES AND THE COURTS: THE PROBLEM OF LITIGATION ON BEHALF OF RELOCATEES

Introduction

An estimated 100,000 persons annually are displaced from their homes as a result of federal or federally aided programs. The urban renewal program, which accounts for only about one-third of all governmental displacements, is reputed to have uprooted 4 million families since its inception in 1949, while the Interstate Highway Program displaced over 1 million families in urban areas during the 1960's alone. The relocation of families thus ranks among the nation's most important housing problems.

The principle difficulty faced by displaced households is securing adequate replacement housing at affordable prices. Interpretation of what constitutes adequate replacement housing, affordable prices, as well as the process by which agencies determine the availability of housing and relocate families, has been the subject of an extensive body of complex litigation, particularly over the past seven years. The primary reference for recent relocation litigation has been provisions of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (commonly referred to as the Uniform Relocation Act, herein the URA). This comprehensive legislation was passed by Congress as Senate Bill 1 (sponsored by Edmund Muskie, the


2. The Interest in Rootedness: Family Relocation and Approach to Full Indemnity, 21 Stan. L. Rev. 801, 802 n. 7 (1969)
then Vice Presidential candidate), after 9 years of debate and thousands of pages of testimony from agency officials, community, labor, and business interest groups, as well as experienced and potential litigants.

The purpose of this portion of the thesis will be to review the court's role in interpreting certain provisions of the URA and agency regulations promulgated in furtherance of the statute, which are relevant to the issues of adequate, affordable replacement housing. The final part of this section will suggest strategies for future litigation based upon the judicial doctrines observed to have developed thus far. Some discussion of cases prior to the URA will also be undertaken, particularly as the cases relate to questions of standing, timing, and scope of judicial review.

Background

Chief among the issues debated on relocation law and administrative regulations is what constitutes adequate replacement housing. The Uniform Relocation Act requires that there be available, "within a reasonable time prior to displacement", dwellings for relocation that are:

"...in areas not generally less desirable in regard to public utilities and public and commercial facilities and prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, as defined by such federal agency head, equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment..." (sec. 205 (c) (3))

The Act also requires that "comparable replacement sale or rental housing" be available for each household prior to relocation, and that, if necessary, such housing is to be provided through the use of project funds. (Sec. 206 (a)) The term "comparable replacement housing"
is not further defined in the statute.

Each Federal Agency has promulgated regulations (as called for in the statute) that provide detailed guidelines (primarily aimed at state implementing agencies, such as highway and renewal authorities) for carrying out the Uniform Relocation Act. In the case of federally-aided programs, compliance to the regulations is required by state authorities before the federal agency will approve certain segments of a project or provide reimbursement.

Federal Highway Administration regulations\(^3\) state that "within a reasonable period of time prior to displacement comparable replacement dwellings will be available or provided (built if necessary) for each displaced person." (ppm 81-1; par. 7. b. (1)) The regulations define a comparable replacement dwelling as one which is:

"(1) Decent, safe, and sanitary...(as defined elsewhere in the regulations. Where local codes are different from the specified standards, the more stringent applies)

(2) Functionally equivalent and substantially the same as the acquired dwelling with respect to: (a) number of rooms, (b) area of living space, (c) type of construction, (d) age, (e) state of repair.

(3) Fair housing is open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of 42 U.S.C. 3601-3619 and 3631.

(4) In areas not generally less desirable than the acquired dwelling in regard to: (a) public utilities, (b) public and commercial services and facilities.

(5) Reasonably accessible to the relocatees place of employment.

3. Federal Highway Administration Regulations are selected for discussion. The regulations of other federal agencies are substantially similar, although FHWA has gone farther in detailing aspects of "comparable replacement dwellings"
(6) Adequate to accommodate the relocatee.

(7) In an equal or better neighborhood.

(8) Available on the market to the displaced person.

(9) Within the financial means of the displaced family or individual."

(PPM 81-1, par. 4g)

Some of these technical points are the subject of furious debate on interpretation, within state agencies, between the states and the Federal agency, as well as in litigation. Before turning to the form this debate has taken in the courts, it will be useful to give some examples of discussion that takes place in the day to day operation of the relocation programs, and the consequences different interpretations have had for displaced households.

There are no criteria in Federal Highway Administration (FHWA) regulations for determining what families can afford to pay for replacement housing, although housing "within financial means" is an explicit guarantee of both the Uniform Relocation Act (URA) and the regulations. For years, HUD has used in its relocation programs the standard that gross housing costs are not to exceed 25 percent of gross family income. Some argue that this is a questionable guideline when applied to large families of low income, and overall when considering that the average American family pays less than 15 percent of its income for housing. On the other hand, highway officials have resisted this or any other general standard, arguing that the realities of

4. US Census Reports, 1970. Comparison is made between gross income and gross housing costs (heat, electricity, etc.). The mean for households with incomes below $5,000 per year, however, is over 35%.
housing supply require that lower income families spend a higher proportion of their income for housing, and that in any case, affordable housing expense must be determined on an individual basis.\(^5\) Indeed, the experience of relocation programs has been that most families spend considerably more for the replacement dwelling than they had spent prior to relocation.\(^6\)

Higher costs for housing and other necessary services is the most frequently cited cause of relocation hardship, and the most obvious burden public actions have placed upon displaced households.\(^7\) As a measure of relief, the Uniform Act provided that up to $4,000 could be paid to displaced tenants to cover increased housing costs, and up to $15,000 to homeowners over and above payment of fair market value for the acquired dwelling. A very serious concern is whether these "replacement housing payments" are to be considered an income supplement in determining financial means. The problem is most acute for elderly, low income homeowners, who frequently find that the

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5. There are no cases of which I am familiar, or to which FHWA has referred, in which families have been determined to be able to afford less than 25 percent. The tangible result of FHWA policy is that lower income households, especially the elderly, spend more (in some cases over 60 per cent of income) for replacement housing.

6. Hartman, "Relocation: Illusory Promises and No Relief", 57 Va. L. Rev. No. 5 (1971). Hartman provides a comparison of studies in several states (p. 781f). Also, John Mogey et. al Social Effects of Eminent Domain, Mass DPW, 1972. Mogey notes that families displaced for Boston's Southwest Expressway paid, on the average, 28 per cent of income for housing after moving, compared to 21 per cent before. Median rents rose from $106 per month pre-relocation to $143 per month post relocation. Fifty-five per cent of households spent more than 25 per cent of their income for replacement accommodations.

increased taxes on a higher valued home (the up to $15,000 is provided as the difference between the purchase price of a replacement dwelling and the FMV acquisition price) are unaffordable on a limited, fixed budget. Similarly, low income tenants who must use the replacement housing payment to achieve financial means are left with apartments costing more than they can afford once the payment runs out, and must then undertake a second move to cheaper quarters. This latter circumstance can be seen to defeat many of the objectives of a relocation assistance program, as households may revert to slum housing and must make the second move without reimbursement for moving costs.

An alternative interpretation is that the replacement housing payments should not be considered an income supplement, and that determinations of financial means should reflect the real and permanent costs of a replacement dwelling. Justification for this view is that the payments were meant to compensate displaced homeowners and tenants for the loss of favorable housing cost situations, imposed by a public action which reduces the low cost housing supply and forces higher costs for remaining dwellings by increasing effective demand. If adopted, this interpretation would mean that displacing agencies replace, through new construction or long-term rental subsidies, more of the low cost housing supply than is now their practice. The overwhelming body of congressional testimony for passage of the Uniform Act seems to

8. Consider the not untypical case of a family that can afford less than $100 per month, based on the 25 per cent of income standard. The supplemental payment could add up to $85 per month to their "Affordable" housing expense, more than doubling the rent to income ratio after the payment runs out (the statute specifies the payment to be computed over a 4 year period).
Locational criteria for replacement dwellings are another set of statutory and regulatory provisions subject to important differences in interpretation. For example, does the requirement that replacement dwellings be "...in areas not generally less desirable... in regard to public utilities, public and commercial facilities" mean that shopping, medical, and other services be as handy to the relocatee in the replacement home as they were prior to relocation? Within walking distance of the new home if such was the case prior to displacement? If public transportation was available prior to relocation, must it also be available if needed in post-relocation housing? How far is "reasonably accessible to place of employment" - twenty miles? Two miles? A commute equivalent to that required before relocation?

Does the requirement that replacement dwellings be "adequate to accommodate the relocatee" mean that families must be allowed to relocate in the same neighborhood, or the same community? Should such choice be a "right" of the relocatee, or should it be a parameter of the relocation program only under specified circumstances? For example, would a necessary condition of adequate relocation include keeping children in the same school system if the family, or school officials (or other public and private authorities like psychiatrists or physicians) consider that remaining in the same school system is endemic to a child's well being? Would replacement housing be

9. See, for example, Hearings Before the Committee on Public Works, House of Representatives Dec. 2,4, 1969; Feb 18,19,25; Mar. 3,4,5,10,11,12,17,18,19 1970 (1118 pages)
"adequate to accommodate the relocatee" if long-term residents, particularly the elderly, are required to leave a neighborhood and break established relationships, at the cost of severe disorientation and possible psychological or physical trauma?10

As any relocation worker will attest, such problems are the day to day substance of relocation programs. While agencies may, in theory, be disposed towards a resolve favorable to relocatees, there are many many instances where choices and services important to the displaced household, and seemingly granted in the legislation or regulations, are not provided. And such failure cannot always be related to what the displacing agencies, or the general public, may regard as an overriding concern to implement the renewal or highway improvements. Lacking more explicit standards for performance, the implementing agencies are often arbitrary and capricious in their carrying out of relocation programs, changing and substituting interpretations of their own regulations that are expedient or defensive of the case at hand.11

A final set of controversies, which need to be introduced as background to discussion of court actions, focus on the notions of "comparable dwellings" and "equal or better" neighborhoods. (see page 4 display of regulatory provisions) These requirements are among those most hotly debated by agency officials and community advocates,

10. There are many examples of just such problems documented in the literature. See especially Ellen Fitzgerald et al. "Mental Health Services During the Relocation Crisis", NIMH Grant No. m h 15086-03 (unpublished)

11. Review of FHWA audits of their own Regional and Area offices performance, and of state agencies, are most revealing. Some examples are discussed in Chapter Four.
because they are specially susceptible to evaluation during the planning stages of a project, and can be seen to effect build/no-build project decisions. For example, FHWA regulations require that replacement dwellings be comparable to the acquired homes with respect to "area of living space" and "type of construction". Does this mean that tenant families living in one, two, or three unit detached dwellings cannot be required to move to high-rise apartments? One can easily imagine instances where such interpretation, applied in a congested urban area, might make a large scale relocation program infeasible. Similarly, with regard to the "equal or better neighborhood" provision, one can ask for example whether low income families living in tightly-knit, stable neighborhoods, should be required to accept accommodations in public housing located in a high crime area, or experiencing high turnover or abandonment? If a family were accustomed to, and

12. The Governor of Massachusetts said no in dismissing the Inner Belt through Cambridge-Somerville, arguing that a humane relocation program meeting federal relocation requirements was not possible. The road would have displaced 1700 families, almost all occupants of 2-3 family houses. With almost nothing available through vacancies in existing private and publicly-assisted housing in the two communities, and very little vacant land, replacement housing would have had to be built on air rights over the highway. That solution was dismissed for several reasons, including that construction of comparable structures would be costly and dangerous (due to fumes). Neighborhood disruption was a critical concern as well. (See also Chapter Three discussion of the Boston Transportation Planning Review.)

13. In the Southwest Expressway program (Mogey, op.cit.), although 49 per cent of households were initially determined eligible for public housing, only 9 per cent expressed preference for relocating to public housing. Only 15 per cent of all households eventually accepted accommodations in public or publicly-assisted housing, and of these 73 per cent moved into leased units in new 221 (d)(3) projects. It is frequently reported, and confirmed by these figures that few displaced families with any viable alternative would choose the conventional public housing available to them (continued next page)
perhaps dependent upon, having relatives and friends nearby, would
displacement to far off or unfamiliar surroundings qualify as being
"in an equal or better neighborhood" for that family?14 Are rural
households expected to move from their ten acre homes to one-quarter
acre lots in a suburban subdivision?15

Debate on the statutory and regulatory provisions discussed in this
brief background is heated because the interpretations determine
whether or not replacement housing must be built to the needs of
displaced households. Examples where whole projects might be declared
infeasible, because of interpretations granting remedy to the relocatees,
are extremely rare, and in highway cases appear only in projects which
tend to show a plethora of additional negative environmental and social

13. continued: in Boston. The Boston Housing Authority has a long
standing policy to grant relocatees admittance only to projects with
the greatest number of vacancies - by definition, the worst neighbor-
hoods. See also Chapter Three.

14. Dependancy is not the only measure of a neighborhood's impor-
tance. A certain neighborhood may simply be a "very good place to live",
because it is well-serviced, convenient, safe, hospitable, diverse,
providing inexpensive housing, or whatever. Judgments are also
reflecting of household characteristics, such as age and number of
children, sex of household head, etc. Some relocatees place a premium
on particular neighborhood qualities, others are satisfied to move to
any of several neighborhoods. However, disruption of extended kinship,
as well as less formal ties to a familiar and desired area, is consis-
tently shown to be among the worst burdens of relocation programs. (See
Hartman; Mogey; Fitzgerald op.cit. and Chapter Four.

15. This precise concern was voiced in a recent public meeting on
pending new highway alternatives in Gill, Massachusetts. Potential
relocatees were most fearful of losing land that could not be replaced.
Most of the land in the community is not developed, is not farmed, but
it is also not available for purchase because residents prize it as it is.
Taxes are low, and some holdings go back several generations. Most
of the affected families have very modest incomes, so that purchase in
more expensive areas would be infeasible.
impacts all of which mitigate heavily against construction of the road. The real problem is agency reluctance to undertake replacement housing programs, and their propensity to consider relocation an unfortunate, essentially unrectifiable, by-product of an otherwise beneficial public action. Study of the agencies' systemic characteristics, particularly reward structures and functional organizations, would support this assertion (See Chapter Four) as does the discussion of litigation which follows. It would seem that the agencies have yet to accept the strong policy declaration of Congress in the Uniform Act that "(displaced) persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole", while the courts, reluctantly involved in complex administrative matters, struggle for a proper role in the face of the overwhelmingly bad performance of many public relocation programs.

Relevant Court Actions: Developing Doctrines for Judicial Review

There are several cases key to the future of litigation based on relocation law and administrative regulations. They set precedents for standing to sue and timing of judicial review of administrative action, the extent to which the courts may be involved in interpretation of administrative requirements, and the extent to which the court may require and enforce action to comply with its rulings on statutory and regulatory requirements.

Prior to the Federal Aid Highway Act of 1968, highway displacees

were considered to have no legal right to dispute state and federal agency action. Although neither the 1968 Highway Act nor its successor, the Uniform Relocation Act of 1970, contain provisions for judicial review, since their passage Federal courts have consistently found that plaintiff displacees have standing to question administrative action. 17

In Triangle Improvement Council v. Ritchie (314 F. Supp. 20 (S.D.W. Va. 1969)) the court held that the proper test for standing is to determine at the outset whether the statute precludes judicial review. If not, said the court, then p. 702 of the Administrative Procedure Act provides that any person "aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof". (5 U.S.C. par. 702 (1970) The court noted in Triangle, "... the relevant statute involved here, which is the Federal Highway Act of 1968 (now embodied in the Uniform Relocation Act of 1970), particularly the relocation assistance provisions contained therein, clearly was intended to protect persons such as the plaintiffs in this matter." (314 F. Supp. at 27)

A critical question is when in the highway project process relocatees are allowed to question the action of administering agencies. Clearly, if persons are already displaced, and especially if work is already underway on construction, then the courts remedies would have damages to undo rather than prevent, and their actions might involve other

interests that had matured to a point where conflicting hardships would need to be weighed. The courts have thus been reluctant to get involved late in the process. In Concerned Citizens for the Preservation of Clarksville v. Volpe, the Fifth Circuit Court of Appeals in Texas noted:

"Many factors, including existing contractual commitments, work completed, the extreme difficulty or impossibility of now relocating the right of way or altering the design, the public's need for rapid and safe transportation, as well as the impossibility of returning the appellants to the status quo ante even if a hearing were ordered, all mitigate heavily against the intervention of equity, if it were warranted at an earlier stage in the project." (445 F. 2d. 485 (5th Cir. 1971))

Contrasting its involvement in relocation ex post, in recent cases the courts have acted decisively to protect the rights of relocatees during the planning process. In La Raza Unida v. Volpe (337 F. Supp. 221 (N.D. Cal. 1971)), the U.S. District Court of California issued a preliminary injunction restraining the State from acquiring property for the highway and restraining the Federal government from granting project approvals or providing funds until a satisfactory relocation program was devised. Plaintiffs had shown that if the project continued, harm to the relocatees would be irreparable due to the State's inadequate relocation program and failure to comply with federal relocation

18. Roberts, op. cit.

19. For relocation, the most important points in the highway planning process are as follows: location approval, in which the preferred route is selected; design approval, following which acquisition and relocation may begin; and final design or construction approval, which can be granted only after all relocation and right of way clearance (meeting federal standards) is complete. (See Chapter Four)
standards and regulations. The court was impressed by the strong policy statements of both the Federal Aid Highway Act of 1968 and the Uniform Relocation Act, and commented on Congress' concern with the problems of highway displacement: "The main thrust and purpose of the 1968 and 1970 Acts was to protect the displaced persons even before construction." (337 F. Supp. at 229)

In Lathan v. Volpe (445 F. 2d. 1111 (9th. Cir. 1971)) the Ninth Circuit Court of Appeal in Washington reversed a district court's denial of injunctive relief for displacees of I-190 in Seattle, and ordered the State to implement a proper relocation program before doing any further work on the highway. In this case, formal acquisition had not begun, although a number of properties had been bought, at owners' request, under provisions for advance taking due to hardship. In requiring the State to comply with federal relocation requirements, the court made two important findings:

"This is one of those comparatively rare cases in which, unless the plaintiffs receive now whatever relief they are entitled to, there is danger that it will be of little or no value to them when finally obtained." (Id. at 1117)

"If the purpose of the statute is to be accomplished, it must be fully implemented not later than the approval of the corridor or route of the highway...At that point, all the pressure leading to displacement comes into play. Unless the State is then in a position to give the statutory

20. The state highway agency claimed to be exempt from Federal relocation requirements because federal monies had not yet been expended on the project (although federal-aid programming had been received and location approval sought and granted). The court felt otherwise: "By their very wording, the statutes and regulations in question seem to apply to federal aid projects before money has been appropriated and as early as location approval." (337 F. Supp. at 233)
assurances as defined by the Secretary, there is danger that displacements will proceed without anyone's knowing whether the requirements of the statute can be fully met."

(Id. at 1119)

These comments were crucial cites in cases following Lathan (particularly Keith v. Volpe, discussed below), and have obvious implications for relocation planning.21

Given standing to sue, and opportunity to bring a case to court prior to property acquisition or relocation (and/or prior to its being completed), the principle issue for relocatees in litigation involves the scope of judicial review. How far will the courts go in interpreting administrative standards, and to what detail will remedies be prescribed?

The early cases involving judicial analysis of administrative performance bore mixed results for the relocatees claims, and were characterized by the court's ambivalence in substituting its judgment for that expressed by agency officials.

"Many of these cases seem to be based on the premise that the administrative agency possesses so much expertise that a court cannot hope even to analyze the facts, much less order means of compliance. The argument seems to be that, even if the rights of the people involved are disregarded, the courts should not serve as administrators because they lack necessary skills."22

In Clarksville v. Volpe (op. cit.), for example, a district court was faced with a situation where indigent blacks were being displaced by an urban freeway near Austin, Texas. The State had submitted assurances that relocation housing would be available, pursuant to 21. Unless the state highway agency performs adequate relocation planning in the first instance, plaintiffs may question the right of a highway to proceed.

22. Roberts, op. cit. p. 67
the federal regulation, but had not documented the actual number of available units nor correlated available supply with the actual numbers and needs of the displacees, as required in the regulations. In effect, the State had declared its compliance with the relocation statute and regulations without submitting any data to support its declaration. The plaintiff displacees sought to enjoin the process until documentation was provided. The district court granted the highway department summary judgment. On appeal, the Fifth Circuit, almost a year after the district court decision, was faced with a fait accompli - there were no displacees left to protect. The appellate court could only dismiss the action (see cite p. 11). In so doing, however, it noted "that there must come a point in time when even the most grievous wrong is sadly beyond the power of equity to rectify." (445 F. 2d. at 495)

Courts followed a similar restraint in deciding the extent of judicial review of relocatees' rights in the early urban renewal litigation. In Norwalk CORE v. Norwalk Redevelopment Authority (395 F. 2d. 920 (2d. Cir. 1968)), litigated under section 105 (c) of the National Housing Act prior to passage of the URA, it was stated:

"...courts will evaluate agency efforts and success at relocation with a realistic awareness of the problems facing urban renewal programs. Objections by individual displacees based on ... too literal an interpretation of the Act's standards could unnecessarily interfere with programs of benefit to the entire community."

However, it should be noted that the Norwalk court's caution was limited only to plaintiff relocatees claims that would question the overall urban renewal project, and indeed showed none of the deference to administrative action implicit in the Clarksville
district court decision. The Norwalk court believed that Congress had made clear in section 105 (c) of the National Housing Act of 1968 a view that adequate relocation was also in the public interest, holding that the court may review the "...possibility that an administrative agency, charged with enforcing a requirement established by Congress in the public interest, will not adequately perform the task." The Norwalk case was also significant in that the court allowed plaintiff Negro and Puerto Rican displacees to claim denial of equal protection in violation of the fourteenth amendment:

"Where the relocation standard set by Congress is met for those who have access to any housing in the community which they can afford, but not for those who by reason of their race are denied free access to housing they can afford and must pay more for what they can get, the State action affirms the discrimination in the housing market. This is not 'equal protection of the law'."

Western Addition Community Organization (WACO) v. Weaver (294 F. Supp. 433 (D.C.N.D. Cal. 1968)) was the first case in which a court enjoined an entire urban renewal project and halted further displacement. The WACO court found it proper to review the adequacy of a relocation plan, and framed its inquiry as follows:

"...whether (the agency HUD's) determination of satisfactoriness has such a basis in fact as to make it a legally supportable exercise of the discretion vested in the Secretary or whether, as contended by plaintiff, his ... determination of 'satisfactoriness' has been made without any basis in fact as to be unreasonable as an exercise of the Secretary's discretion or as a compliance with the statute." (294 F. Supp. at 437)

In characterizing the relief it had granted, based on its finding that the initial relocation plan was inadequate, the court defined a narrow role for itself, allowing the Secretary (HUD) broad

23. Roberts, op. cit. p. 67
discretion for his ultimate determination of satisfactoriness.

"This injunction relief does not mean that this court is presumptuously attempting to administer the complexities of urban development. That is not the function of the court nor is the court administratively equipped to do so. Nor does it mean that this court is attempting to substitute its judgment for that of the Secretary concerning the 'satisfactoriness' of the local agency's relocation plan.

Our decision simply means that the court can and should see to it that the Secretary complies with the requirements of the federal statute, and his own regulations, not merely in form but in substance, and that the administrative discretion vested in him by law is not arbitrarily abused, as in this case, but is reasonably exercised with some substantial basis in fact to support it. Such is the traditional function of the court upon review of administrative action of the kind here involved." (Id. at 441)

Thereafter, the Secretary reviewed and approved a relocation plan for the project, and, in its subsequent decision to dissolve the injunction despite plaintiffs' objections that the plan was still inadequate, the WACO court reiterated its limited role:

"Since the statute vests the function and responsibility squarely upon the Secretary, the judicial function is narrowly limited to ascertaining whether the Secretary has made the determination required of him by law, and if so, whether he has acted in apparent good faith, reasonably rather than arbitrarily and with some factual basis for his decision. If so, judicial review can go no further. The court may not, and should not, substitute its judgment for that of the Secretary - even if the court might believe that the Secretary could have made a different decision concerning the satisfactoriness of the local agency's relocation plan and assurances." (WACO v. Romney, 320 F. Supp. 308, 312 (1969))

More than one legal scholar has looked with dismay on contradictions apparent in the WACO decisions. LaFrance et. al. (Law of the Poor) note (p. 195) that "... the court overlooked (in WACO v. Romney) its insight in WACO v. Weaver, namely that weight must be given to the legitimate claims of those the statute was designed to protect."
While accepting a concept of limited judicial review similar to 
WACO v. Romney, the court in Tenants and Owners in Opposition to 
Redevelopment (TOOR) v. HUD (No. C-69 324 (N.D. Cal. April 30, 1970)) 
probed considerably more deeply into the substance of agency regu-
lations. Judge Weigel of the Northern District of California 
enjoined the $385 million Yerba Buena Center Redevelopment Project for 
falling to provide adequate relocation arrangements for persons to be 
displaced from the project area. Plaintiffs major contention was that 
the relocation plan approved by the Secretary of HUD failed to meet the 
requirements of section 105 (c) (1) & (2) and that, therefore, federal 
financing of the project violated the National Housing Act. The court 
held plaintiffs entitled to review and set the scope of its inquiry as 
follows:

"The statute commits substantial powers of complex decision 
making to an executive department which is or should be 
staffed by highly trained personnel. Because of this and 
based on the reasoning in WACO, the court concludes that 
judicial review is limited to the legal question of whether 
or not there was any basis in fact for the Secretary's 
decisions. However, the fact that judicial review is limited 
cannot absolve this court from the duty of thorough examination 
of the record. (emphasis added) (Id. at 12)

The court ruled that the approval of relocation plans is not a decision 
committed to agency discretion and exempted from judicial scrutiny, and, 
in further deliniating its proper standard for review, said:

24. Plaintiffs four other claims were (1) "that they have been denied 
due process of law because they were not accorded adequate hearings 
prior to approval of the redevelopment and relocation plans"; (2) 
"that the project denies them equal protection of the laws"; (3) "that 
defendants violated the HUD regulation requiring consultation with 
minority groups"; (4) "that the redevelopment plan includes a luxury 
hotel in violation of 42 U.S.C. par. 1546 (g)" (TOOR v. HUD 
324 N.D. Cal. 1970)
"This court concludes that the court in WACO consistently limited review to a determination of "arbitrariness". The phrase "substantial basis in fact" in the first WACO opinion means only that a court should fully explore the record on the question of arbitrariness. It does not mean that a court should overturn a non-arbitrary decision by the Secretary because, in the court's view, the decision was not supported by substantial evidence." (Id. at 12)

Regarding the criteria by which relocation plans were to be judged, the court elaborated the provisions of the statute:

"The substantive requirements of par. 1455 (c)(1) can be divided into two parts. First, the statute requires that there be relocation dwellings 'equal in number to the number of and available to such displaced individuals and families...' In other words, there have to be at least as many available vacant dwellings as the number of dwellings to be destroyed by the redevelopment. Second, these dwellings have to meet certain standards: (a) they must be 'not generally less desirable in regard to public utilities and public and commercial facilities... and reasonably accessible to their places of employment'; (b) they have to be at rents and prices within the financial means of the individuals and families displaced'; and (c) they have to be 'decent, safe, and sanitary'." (Id. at 15)

Plaintiffs' claims were examined by the court in light of these criteria. A preliminary injunction was issued when the court found that "there are serious questions concerning the validity of the Agency's calculations of existing vacancies available for Yerba Buena residents". In making this finding the court relied on HUD regulations prohibiting the use of turnover estimates. (see discussion in Keith v. Volpe, below) The court also found that the relocation plan failed to show that housing would be available within the financial means of relocatees, and that there was no evidence to indicate that the relocation housing would be decent, safe, and sanitary.

The court in TOOR thus exceeded the limited scope of the second WACO review, in practice if not in theory, by careful examination
of the evidence and insistence that HUD observe statutory and regulatory requirements. In relating its findings to the explicit existing agency and legislative standards, the TOOR court could maintain that it had not, in fact, substituted its judgment for that of HUD, and had simply ruled on the "arbitrariness" of the Secretary's decision approving the relocation plan.

"The lesson from TOOR v. HUD seems clear and wholly sound. Where a relevant statute prescribes precise standards for an administering agency, it is proper for courts to require adherence to such standards. Where the statute provides room for discretionary administrative action, such action is to be upheld unless arbitrary. But content for the standards of permissible agency action in such cases may be found from the agency's own rules and regulations." (The Federal Courts and Urban Renewal, 69 Colum. L. Rev., 472)

The TOOR's logic for judicial review was given more rigorous extension into administrative practices in Keith v. Volpe (352 F. Supp. 1324 (1972)), which involves the relocation of 6,000 families to be displaced by the Century Freeway in Los Angeles. The court found that the state relocation agency and Federal Highway Administration had failed to properly compute the availability of adequate replacement housing, and issued a preliminary injunction ordering the California Division of Highways "to conduct additional housing availability studies (with) further work on the freeway (to) be enjoined until completion of those studies." As in Lathan v. Volpe the court did not use the usual test of likelihood of success on the merits of plaintiffs' claim, and indeed stated that "plaintiffs had failed to show that the relocation services provided were insufficient", but issued the injunction because it believed that any delay in relief would undermine rights claimed by the relocatees. The overall language of the decision
is significant in that the court explicitly recognizes the rights of relocatees to the benefits and services provided by the Uniform Relocation Act, and makes it incumbent upon the agencies to demonstrate the accuracy of their stated assurances that sufficient suitable housing would be available.

In ruling that the state had failed to show that sufficient suitable replacement housing would be available, the court referred to provisions of Federal Highway Administration regulations (IM 80-1-68, later IM 80-1-71, then PPM 81-1), requiring a comprehensive study of available housing, discussion of the "methods and procedures by which the needs of every individual to be displaced would be evaluated and correlated with available decent, safe, and sanitary housing", and an analysis of the inventory of replacement housing that was available. Although the regulations do not specify techniques to be used in computing the availability of housing suitable to the needs of relocatees, the court admitted considerable evidence on techniques of housing market analysis and based its decision largely on plaintiffs' case that the methods used by the state were an inadequate measure of housing availability. For example, the court ruled that the state's use of turnover rates, multiplied by the number of occupied residences in the area, was not an acceptable method to compute the amount of housing expected to be available, since it ignored competition from others besides displacees seeking housing in the area and ignored the effect of demolition of housing for the highway. The court cited HUD's Relocation Handbook, which states (Chpt. 4, p. 4):

"The use of turnover for relocation is not permissible. Turnover is a process, not a resource. It is the dynamic
operation by which occupancy changes occur within a standing
inventory over a period of time and theoretically could occur
in the complete absence of vacancies, on a person to
person basis."

The state had also failed to consider the number of rooms in the
rental housing reported as available, and the number of those
available which were decent, safe, and sanitary. In the words of the
court, "all of this information is crucial to a complete picture of
the available supply of adequate replacement rental housing."

The Keith court obviously believed that, to achieve proper balance
in the equity interests before it, the weight of judicial review
should be extended on behalf of the relocatees. The court was even
less constrained by a WACO v. Romney concept (limiting the scope of
judicial review) than in TOORS, and in some instances prescribed
standards for the relocation program that are not explicitly provided
in the statute or FHWA regulations, for example the following:

"In order for the California Division of Highways to
defeat a displaced person's challenge to the adequacy of
his relocation payments, the Division must point to three
(emphasis added) comparable decent, safe, and sanitary
homes that are available to that person at a price that
is no more than the sum of the compensation that he received
from the state for his old home plus his supplemental
relocation payments."

The determination of the court in Keith v. Volpe is all the more
striking in view of the fact that the California Division of Highways
was undertaking the moving of acquired structures and renovating them
for replacement housing, and was also constructing 139 multi-family
units. The court found that, even with these measures underway, no one
could be sure, on the basis of the studies, that sufficient adequate
housing would be available. The time to determine whether the short-
comings of the housing studies was significant, said the court, was before anyone else was relocated. The court did not specify techniques that might be allowed for the required housing studies, but ruled that all pertinent factors were to be considered. This district court decision has been appealed by the defendant federal and state agencies, while the injunction remains in effect. 25

As in Keith v. Volpe, a U.S. District Court in Michigan placed on defendant agencies the burden of proving that their relocation program was adequate. Sarah Sims Garrett, et al. v. City of Hamtramck (357 F. Supp. 925 (1973)) is the most far reaching judicial prescription to date applied to relocation programs. The plaintiffs were a group of black families being displaced by an urban renewal project, code enforcement, an expressway, and industrial expansion activities. The court, in granting plaintiffs motions for relief, ordered a detailed program of relocation services and replacement housing to be provided by the city, with support of the relevant state and federal agencies.

The court determined that black residents of three neighborhoods in Hamtramck were being displaced by an urban renewal project with the deliberate attempt to force them out of the city. It found that due to an extremely low vacancy rate (not specified) and a racially discriminatory and closed housing market in Hamtramck, the replacement housing needed could not be obtained from the existing private market. The court ruled, therefore, that the city (local displacing agency) would have to build replacement housing in conjunction with an aggressive assistance program ensuring maximum utilization of vacancies.

in other housing. Moreover, not only was the city responsible for residents currently being displaced, but it would also be required to assume responsibility for those who had been displaced, were living in substandard units and who expressed a desire to relocate again but could not find suitable housing in the city. Specifically, the court ordered amendments in the urban renewal plan to provide new housing for those who have been and are to be displaced by urban renewal and other public actions in Hamtramck. The court went on to detail the number, type, cost, size and location (same neighborhood where physically feasible; as a minimum, within the same community) of new units to be constructed; the procedures under which relocatees were to be guaranteed priority admission to new units and vacancies in existing units (and, the procedures under which these units are to be inspected and referred to relocatees); and the present administrative procedures that were to be waived, if necessary, to ensure implementation of the court's other directives. As example of the extent to which the court moved on the latter point, the following is noted:

"...if any quotas, or administrative guidelines with regard to the demographic make-up of tenants eligible for publicly-assisted housing programs conflict with the maximum use of Wyandotte (site of court ordered new construction) for displacees, the city and HUD will adjust or waive them..."

"to the extent the (court ordered) plan may conflict with zoning ordinances, the ordinances will be deemed inapplicable..."

A minimum of 430 units were ordered to be constructed, and the
city was further enjoined from taking any action in the affected areas (such as changing zoning, to non-residential use, granting demolition permits, etc.) which would reduce the areas residential resources, until the re-housing needs of all displaced households were met.

The court above appears to have relied primarily in this decision on provisions of the Uniform Relocation Act, notably section 206 (a) and (b) which provide that project funds may be used, if necessary, to assure adequate replacement housing for each household. This court was less constrained by debate on the provisions of agency regulations, finding the statute itself a clear enough warrent for its intervention. Moreover, in granting the plaintiffs original motion for injunctive relief, the court in Garrett v. Hamtramck (Civ. No. 32004, E.D. Mich. March 7, 1969) was also unequivocal in its position that the relocatees' needs for housing, as questioned, required a showing by the agency that the relocation program would be adequate:

"defendants have failed to convince the court that this housing now in existence will provide adequate low-cost rental units to meet the needs of those individuals who face displacement as shown in the comprehensive renewal program." (Id. at 7)

In this most far reaching remedy, the court has again shown little reluctance to place the full burden of proof in relocation programs on defendant displacing agencies. Significantly, Garrett is the first court action granting extensive relief, in the form of replacement housing, to households already displaced. Another important aspect of the Garrett decision is the fact that, unlike
in TOOR v. HUD and Keith v. Volpe, the court seems not to have relied on detailed agency regulations as much as statutory provisions.

Keith, TOOR, and Garrett, all litigated since passage of the Uniform Relocation Act in 1970, represent the furthest judicial sentiment for applying meticulous standards in review of relocation agency performance.

In Keith v. Volpe, the court applied a careful review of agency performance in light of applicable regulations. The court allowed plaintiffs to question the basis for the agency's assertions that sufficient adequate replacement housing would be available, and concluded that the agency had not considered all pertinent factors in reaching its conclusion. The court has thus opened the technical planning work of agency officials to judicial scrutiny, and has established that it is incumbent upon the agencies to support the findings required by statute and regulations with valid technical analysis.

In TOOR v. HUD and Garrett v. Hamtramck the courts not only granted injunctive relief to prevent families harm from an inadequate relocation program, but also provided explicit instructions to the displacing agencies for actions to be carried out that would assure relocatees full benefit of applicable statutes and regulations. In sharp contrast to WACO v. Romney, where the court in 1968 disclaimed any attempt to administer the "complexities of urban development," the TOOR and Garrett decisions find the courts directing aspects of urban development. It is apparent, to the courts in TOOR and Garrett anyway, that provisions of the Uniform Relocation Act of 1970 and
related agency regulations have necessitated a fundamental change in the court's role on behalf of relocatees. In the eyes of the court, the realities of displacing agencies' performance at times make the extremes of judicial scrutiny and relief necessary to further the objective of Congress that displaced persons shall not suffer disproportionate injury as a result of programs undertaken for the overall public good.

Outline of Litigation Strategies

The courts rulings in the cases reviewed suggest some general guidelines for future litigation on behalf of relocatees.

The issue of standing, which had plagued the earliest attempts of relocatees seeking judicial relief, appears to have been firmly resolved. Since Norwalk CORE v. Norwalk Redevelopment Authority, and Triangle Improvement Council v. Ritchie, the courts have consistently held that renewal and highway displacees have the right to judicial review of agency action.

Standards for the timing of litigation also appear well established. It appears that only in the most exceptional cases will the courts consider granting relief to relocatees claims post facto, and in the litigation thus far only claims of constitutional stature, such as the fourteenth amendment violations cited by the court in Sara Sims Garrett et al v. Hamtramck, have qualified. Strong pronouncements by the courts in La Raza Unida v. Volpe, Lathan v. Volpe, TOOR v. HUD, and Keith v. Volpe indicate that the time to seek judicial remedy is prior to relocation, or at least before many people have moved.
Although certain courts have, as a practical matter, extended the scope of judicial review beyond that held valid in WACO v. Romney and others, the theory that there are limits to judicial intervention in decisions statutorily prescribed to agency officials remains a concern of the courts. Even in Keith v. Volpe, where a most extensive scrutiny of agency findings was carried out, the court was very careful in its language to avoid implication that a judicial judgment had been substituted for the reasonable exercise of agency discretion. It would seem prudent, therefore, to construct arguments in litigation around notions that the agency actions are "arbitrary" and "without any reasonable basis in fact."

The courts have been impressed by what is considered the "Strong policy declaration" of the Uniform Relocation Act, and appear increasingly disposed toward providing relocatees in litigation the benefit of doubt (at least temporarily), as against more stringent agency review. A potentially promising line of reasoning might follow where relocatees had been shown to suffer "disproportionate injury" in violation of the statutory intent. For example, although the courts have thus far not ruled on many of the problems of interpretation discussed in the first part of this chapter, one can speculate that a court might be favorably disposed to hear such arguments where, in a detailed factual situation, the plight of plaintiff relocatees was shown to contrast Congressional sentiment explicit in the history and development of legislation. William O. Douglas used an analogous form of reasoning in his dissenting opinion in Dandridge v. Williams (397 U.S. Sup. Ct. (1969)), a case
involving a State's regulation of AFDC benefits. In his brief, Justice Douglas outlined the history of social security legislation, amplifying applicable judicial maxims with testimony from Congressional committees, statutory declarations of purpose, agency memoranda and policy statements, and legislative hearing transcripts. From similar sources, which contain a substantial body of information on relocation problems, some persuasive references might be added to a case having sound judicial arguments and clear factual circumstances.
CHAPTER THREE

PARTICIPATION AND EFFECT: CASE STUDIES

OF TACTICS TO IMPROVE THE RELOCATION PROCESS
PARTICIPATION AND EFFECT: CASE STUDIES OF TACTICS TO IMPROVE THE RELOCATION PROCESS

Introduction

Each project requiring decisions on displacement will have a unique context, demanding knowledge of the particular families and businesses affected, local political dynamics, and operating capabilities of the agencies that will plan and carry out relocation. The four cases described in this chapter were selected for the range of tactical considerations involved in efforts to upgrade the process on behalf of relocatees. The perspective is that of someone outside the formal structure of the displacing agency, while Chapter Four is the view from within. In all cases the particular objectives pursued have been 1) to get people who might be displaced more say in project decisions, directly through their involvement or indirectly through the effective application of laws, regulations, and other persuasion on their behalf, and 2) to get people who are being displaced more sympathetic treatment from those who administer relocation programs. Success or failure of the tactics applied should be measured at least on these grounds.

The cases appear in chronological sequence. Case III, the Boston Transportation Planning Review, is the most fully developed. Comments in that section, and in the final pages, on the "technician's" place in the political process may be most relevant to planners, especially those involved in projects having a broad spectrum of public participants. Careful positioning of the personal role is a difficult task in writing, but a most useful effort for the demands of responsible professionalism and citizenry.
I. Woburn Downtown Renewal

A renewal project in downtown Woburn, Massachusetts, was slated to displace about 150 Spanish speaking (mostly Puerto Rican) families. The state Department of Community Affairs (DCA), with which I was employed as a housing and relocation specialist, had legal responsibility to approve a plan for relocation of the families. The federal Department of Housing and Urban Development (HUD) had already given its endorsement, and the project was to go ahead contingent upon DCA approval.

The Woburn Redevelopment Authority (WRA) had submitted a plan to DCA and HUD for relocation of the 150 families, stating that housing meeting federal and state requirements would be available for all households within 18 months. Their plan showed most families having income in the $8-10,000 and up annual range (1969), which would have been necessary for them to afford the over $200 per month apartments anticipated to be available. As DCA was to discover, many families had no income whatsoever. Furthermore, it was extremely unlikely that 150 Spanish-speaking families could be absorbed into the local housing market at any price. The Redevelopment Authority intended that their displacees would move to Boston (20 miles), Lowell (20 miles), or Puerto Rico (2000 miles?), contrary to state regulations assuring housing within the same community. The tactical situation called for data to dispute WRA's submission.

With an interpreter carefully selected for her sympathy towards Puerto Rican immigrants, interviews were conducted with most of the would-be displaced households. Redevelopment Authority staff had refused to accompany us (raising all the more suspicions about where the original information had come from), stating that tensions were high in
the Spanish community and that we would be refused entry and possibly harassed. All doors were open, and all families spoke, though hesitatingly at first out of expressed fear of reprisals. It seemed that almost all were very recent immigrants, many drawn to Woburn by advertisements in San Juan papers guaranteeing jobs and places to live. The jobs, for the few who got them, were $1.75 per hour greenhouse laboring, seasonally available. The living quarters were $200 per month, 3-5 room rat infested four story walk-ups (vintage 1890), with holes in the walls, cracks in the ceilings, missing windows, errant heat and water. Most families signed one-year leases before they moved in. Almost all families had color television sets and stereos which had been sold to them on credit the day of their arrival. Some families had no income at all, having been refused welfare by the local office, and several were planning imminent returns to Puerto Rico. Most dreamed openly of a single family home in the suburbs, with a vegetable garden and friendly English speaking neighbors.

The agent for these shattered illusions was the city's leading real estate holder, who owned most of the property to be acquired by urban renewal, and who was reputed to be a close friend of the chairman of the Redevelopment Authority board.

Armed with this depressing but solid data, DCA staff began a series of well-documented exchanges with the Redevelopment Authority--telephone calls, memoranda, formal and informal conversations aimed at drawing out further misrepresentations from the WRA staff, and all justified by acceptable bureaucratic practice.\footnote{Ultimately, DCA was to probe the entire WRA operation and assist the Globe's spotlight team in an investigation. The paper's reports on illegal real estate transfers led to indictments and defeat from office for the mayor and several members of the WRA board.} The WRA executive director ( a for-
mer Army colonel who openly disliked poor people in particular and minorities—he described the affected Spanish-speaking families as "dirty," "noisy," and "immoral"—backed up by the mayor, responded by charging to the governor and anyone who would listen, that DCA's Deputy Commissioner, a black man, hated white people and was trying to destroy their project.

DCA staff continued their bureaucratic machinations, demanding more and more data on the families to be displaced and on housing resources in Woburn. Eventually, the WRA bargained for a few more low cost housing units in the renewal plan, but it wasn't enough. Finally a confrontation with the city council, mayor, redevelopment authority board and staff developed—the mayor had called a meeting, wanting to know how the project could be moved ahead. Judy Hart, Director of the Bureau of Relocation, and I, were DCA's representatives.

The Redevelopment Authority staff was totally unprepared for the documented case we brought to that meeting. One by one, their statements of "fact," allegations and insinuations of DCA's blockings and the Puerto Rican families' wealth, were refuted by quotations from their own memorandum and telephone conversations (carefully recorded by date, time, and word for word recollection), and from our own interviews with the families. After a particularly illuminating exchange, the mayor requested that the chairman of the Redevelopment Authority consider replacing his executive director. The mayor's outrage was a ploy, of course, and the director was never replaced, but the effect of our exchanges was devastating. No more complaints to the governor. Complete submission to DCA's requirements for amendments to the renewal plan.

Unfortunately, the renewal plan never did go ahead as hoped for, as
the Redevelopment Authority was not really interested in providing new housing for residents within the Spanish community. The same deplorable conditions remain for the households we interviewed or their successors. Improvements have been made by the few Spanish owners in the area who rehabilitated some rental units with low interest renewal loans. Hopefully, the community was better organized internally by their involvement in the unexpected victory over wholesale displacement, which they applauded, although few leaders were in evidence. The tactical lesson learned was that of applying cold, bureaucratic documentation when your opposition has unwittingly supplied all that's needed.
II. The Cape Cod Housing Crisis

In the spring of 1970 a well publicized protest of low income tenants was underway throughout Cape Cod, engineered by the local Community Action Program (CAP) and legal services agencies. For years (since the late '50s tourist boom), low income residents of Cape Cod had been accustomed to eviction from their winter rentals for three summer months, when the properties they occupied increased in value five-fold. During this time they lived from the trunks of automobiles, illegally camped in the woods, or crowded in with more fortunate friends and relatives. Many of the households were female-headed and AFDC recipients. About 100 of the estimated 700-1000 families in such circumstances had risen in protest this particular spring on the exhortations of CAP staff who promised forestalled evictions and year-round leases through the state's (Department of Community Affairs) Chapter 707 low income leasing program.2

By the time of my involvement as one of DCA's agents to obtain leases for these families through the local housing authorities (who normally administer the 707 program, though DCA can supercede them), CAP staff and tenants had picketed the governor's office and, supported by a sympathetic press, obtained from him a public promise that DCA would do all possible to help the tenants. The tenants had been unsuccessful gaining leases through conventional channels and charged the local housing authorities with foot-dragging stemming from bigotry towards the poor. DCA,

2The 707 leasing program provides to a private landlord on behalf of a low income tenant the difference between fair market rent and the family's ability to pay (25% of income defined). Leases are signed for 12-18 months (renewable) with the state guaranteeing full payment if the tenant should default and payment for all damages incurred during occupancy.
who had authority over funding and board appointments within local housing authorities, was to exercise their influence and get leases signed. Privately, the governor (Frank Sargent) passed the word that he was not very pleased by the circumstances and that he personally thought low income people should not occupy year-round "homes that provide modest income working families a great Cape Cod vacation they couldn't afford in hotels." 3

Skillful tactician that he was, the governor's chief aide (Al Kramer) pleased his boss but made sure that all blame publicly fell upon the DCA Commissioner (Leon Charkoudian), who was a holdover from the Volpe administration and who, in Kramer's words, generally "didn't bleed enough for the poor." The chief mechanism by which this was accomplished was failure to come up with funds for the 707 leases. The program was already fully committed through the fiscal year (which was about to end) and that year's legislature gave no indication of extending authorization for the upcoming fiscal year beyond leases already in effect. DCA feared that overextension would cause leasing defaults statewide, which in addition to forcing the eviction of existing tenants, would weaken the tenacious bond housing authorities had with private landlords (late payments by tenants and the state were commonplace) and result in no future leases. These fears were realized in several instances, although the more responsible housing authorities (on DCA's urging) made good on leases temporarily with other revenues.

Unfortunately, legislators were also unsympathetic to the Cape Cod

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3 Sargent is from Orleans on Cape Cod. Whether the sentiment was deeply felt or not, he no doubt was feeling pressure from conservative allies there.
tenants and cited them, as well as DCA's bad management, as factors that should limit additional leasing authorization. Complicating this was an attempt that year by the legislature's self-appointed housing specialist, David Liederman (now secretary to Governor Dukakis), to appendix the request for 707 leasing revenues to his omnibus community development corporation bill. A last minute plea from several housing advocate groups released 707 from Liederman's deadweight proposal (not passed since). Altogether, the entire 707 leased housing program (which had over 2000 leases in execution throughout the state) was nearly washed down the drain, and barely survived through the next fiscal year with a last minute deficiency budget appropriation.

Not knowing that their fate had been largely sealed by a "conciliatory" Governor Sargent and an unsympathetic legislature, the tenants continued to press the issue. Al Kramer's genius kept the Governor off the hook, as the DCA Commissioner looked meaner and meaner for his failure to sign leases. Frustrated, CAP and the tenants committed some terrible tactical blunders, among them the following:

(1) Picketing the home of a bank president, one day after DCA staff had pleaded, cajoled, and weasled a commitment from him to lease 14 of the homes he owned to low income tenants. CAP had known of this meeting but failed to check the results. The banker immediately withdrew the offer, and advised his friends who together managed substantial holdings, not to cooperate.

(2) Picketing of the Bourne Bridge during Memorial Day traffic, holding up the Cape's lifeblood for several hours. CAP had trapped themselves by asserting that unless a certain number of leases had been signed by Memorial Day, this tactic would be employed. Whatever warm corpuscles of
sympathy might have run in the veins of Cape Cod capitalists were permanently frozen by this maneuver. Many times, after agonizing efforts to convince landlords that long term leases offered financial as well as humanitarian rewards, DCA staff were told that "the money doesn't matter; we aren't going to patronize those disruptors."

(3) Continued antagonism of DCA staff by the CAP agency and the tenant leaders. By the middle of the summer DCA staff was working very long days in a very frustrating effort to obtain leases. No amount of explanation could convince CAP and the tenants that honest effort was being put forth, largely because several CAP staff had goaded the tenants into believing that DCA was not contacting willing landlords. Some even produced names of landlords that proved non-existent. This was necessary, I think, to defend their tactical failures. To be sure, DCA management was hesitant to sign any leases for reasons already described, but the staff had tracked down every conceivable lead. With no support at either end, such harried effort was debilitating at best. Many nights I longed for the relative peace of my cheap Dorchester apartment, and more than once wondered whether the conservative position, that the tenants' demands were unreasonable, did indeed have some merit.

(4) Continued harassment of uncooperative housing authority members, at their homes and businesses. While several housing authority executive directors and board members actively fought the leased housing program,

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4It is axiomatic that some housing authority officials, on Cape Cod and elsewhere, take their position in order to keep low income housing out of the community, rather than see its implementation. The Yarmouth and Barnstable directors were the worst in this regard I've ever experienced.
CAP's harassment gave them a cause, a justification for their recalcitrance, that might have otherwise been lacking. Some housing authority members even received sympathetic endorsements they had not presumed to exist, from offended fellow citizens. Some redoubled their efforts.

These points barely scratch the surface of the complex, myriad tactical ploys in evidence during this first and biggest year of the Cape Cod housing crisis. The view is limited, but as a sympathetic and active supporter of the tenants' cause, I believe the criticisms are justified. Less than 30 leases were executed out of a need estimated to be over 700 families. In the end, the only leases signed were with landlords in deep financial difficulty, because of their unsuccessful speculation in new construction or as a result of the successful efforts of legal services lawyers to quash eviction proceedings on technicalities. The legal services people maintained a low profile throughout, and won respect from Cape Codders (who did not like them) as competent, hard-working lawyers. Unfortunately, landlords eventually learned the lawyers' game as well, and the following year saw landlords more careful in the legalities of eviction.

The lawyers' tactics, however, were not intended to be permanent, as they were part of a larger strategy to gain tenants early, decisive victories that summer. One could argue that the tenants, and CAP, did the best they could under the circumstances, as most Cape Codders' beliefs about civil responsibilities lie rooted in their seventeenth century heritage of "self-reliance." (Emerson would be impressed). They are an extremely conservative lot, and not supporting low income tenants was no violation of legal civil rights. The landlords are also ardent cap-
italists, whose tastes remained sweetened by yearly increases in their vacation revenues. At the very least, attention was drawn to a problem long overlooked. But the tactics were ineffective. The original following of tenants substantially diminished over time, as did the support of others. Those who received leases were the hard core activists, and too few additional families have profited since. The architects of the tenants' resistance failed to understand crucial local phenomenology,5 and applied tactics which, while successful in urban welfare rights organizing, were inappropriately extended in the particular situation.

The Cape Cod housing crisis was not the result of a public agency's displacing activities. But it is extremely revealing of the sensitive dynamic that exists between public and private advocates for housing and the landlords who must be relied upon to supply resources. All relocation assistance efforts depend upon the good relations between casework staff and the market suppliers. Although the housing market is usually characterized by a number of independent owners, some or many may be effectively controlled by a single real estate broker (see Chapter Four) and most will be influenced by others in the community knowledgeable of the relocation program. In smaller communities particularly, they may be very sensitive to the image conveyed by staff and others connected with the project. If relations sour, for whatever reasons, displaced households (and businesses) may find their choices in the private market to be limited or non-existent.

5. Most CAP staff were out of staters, though I believe that personalities, rather than geographic origins, were what most got in their way.
III. The Boston Transportation Planning Review

The Boston Transportation Planning Review (BTPR) was a precedent shattering forum for decision making on highway and transit projects. The Governor had temporarily halted normal work of the transportation agencies on I-95 in Boston and the North Shore, and on I-695, the Inner Belt, in Cambridge, Somerville, and Boston, while a group of largely outside professionals and concerned local citizens reviewed the technical and political wisdom of proceedings to that point. For the first time in American planning history the implicit relations within and impinging upon formal government bureaucracy in realizing highway and transit projects were made visible and accountable (somewhat) to the concerned public. An "open planning process" was introduced which, in the minds of most who played it out, left elected officials better informed (though more shaky) about their decisions; which left professional engineers and planners more embarrassed than ever (though ironically richer then and now) about the state of their knowledge; and which in the end, seemed to favor not building highways and providing more public transportation. The wisdom of the decision and fairness of the process will be debated for some time. BTPR was, at the very least, a unique opportunity to observe the fuller political machinery in motion, and for more participants than usual to play a part in it normally made impossible by the machine's obscurantism.

6 Forces which shaped the Governor's decision to hold this review are discussed in A. Lupo et. al., Rites of Way.
Note on the "technicians" role...

I served as a member of BTPR's technical staff of planners, architects, lawyers, community liason people, and engineers whose job was to advise (not recommend) the Governor on so-called technical matters pertinent to his decisions.

While it was fashionable to call ourselves "mere technicians," I was to learn of the controversial role such professionals play in the social system, to wit, they are political actors not duly elected and not accountable to the public as are the more visibly labeled "politicians." The same of course is true of government agency personnel. This means that although the actions of certain technocrats, individually or in a formal organization, have enormous political implications, their political philosophy is not open to question, well hidden as it is behind neutral sounding technical jargon. Professional behavior, however, indeed the jargon itself, often manifests deeply held political prejudices.

Some will argue that a technicians role is not political because work follows standards and client relationships openly established in professional practices and contracts (or job descriptions) for the service provided. But the public understands neither technical standards, professional mores, job descriptions, nor contract relationships, so their political effect is masked. Also, the mere

7 Which is not to say that politicians' thinking is any more "visible" because of their public exposure -- but politicians do have to provide the public some justification for the outcomes of their effort, and are "hired" on this basis.
fact that technocrats affect people makes them political -- they direct and apply relations based upon relative power in the social system. Therefore, I believe, any technocrat has to answer for the effect of his or her work in a political context. Striving solely for "good professionalism" is not enough, and in fact frequently masks self-serving escapism. Moreover, those who deny political effect may become unwitting tools of the more politically astute. The responsibility demands close analysis of the effect of one's work on the public.

It is from this perspective, of an involved technician, that tactics will be discussed. Some further notes on the subject are offered in the last pages of this chapter.

a. Hiring status -- By the summer of 1971 (the Governor had declared his moratorium in February, 1970), BTPR began hiring professional staff. A requirement of the interagency agreement which created BTPR was to enroll several persons from the Department of Community Affairs, where I worked. One issue in this hiring was whether agency personnel would become employees of a particular consulting firm, or be retained on a personal services contract as self-employed consulting entities reporting to the study management. The personal services contract was chosen for former state agency employees, for

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8 Alan M. Voorhees (AMV) was prime contractor and responsible for technical management. Subcontractors included Skidmore, Owings and Merrill and David A. Crane Associates; (architects and urban designers); F.R. Harris (engineering); Wallace, Floyd and Ellenzweig, and Jason A. Cortell Associates (natural environment); Real Estate Research Corporation (social and economic environment).
a number of reasons. Chief among them, I think, was the study
director's belief that interests could be balanced better by
allegiance to the BTPR entity rather than a firm. Those on personal
services contract were presumed to be returning to their former
agencies when BTPR ended, although expected to disenroll from their
agency's activities until then. In my case, the arrangement was to
allow greater freedom within BTPR as well as an implicit continued
relationship to the Department of Community Affairs. Both were to
prove tactical advantages, as will be shown.

b. Contract and budget -- It was understood by the agency which
"released" me and by BTPR management that my work would focus on
topics germane to the Department of Community Affairs, especially
family and business relocation. "Family Relocation and Replacement
Housing" and "Business Relocation and Employment" comprised two of
BTPR's 12 discrete study elements. Contract budget for the two
exceeded $350,000, or roughly 10 percent of BTPR's $3.5 million funds.
Overall, I would estimate that less than $30,000 was spent by BTPR
on these concerns. Principal reasons for this and their tactical
implications are as follows: 1) It quickly became evident that BTPR's
budget for "Impacts on the Natural Environment" was inadequate for
the work demanded by pressure groups in that area. Notably, the

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9Jack Wofford, a long standing figure in the moratorium debate and
one of the principle architects of the Planning Review. He reported
directly to the Governor and was jointly responsible with Walt
Hansen (AMV), study manager, for conduct of the review.

10Even accepting BTPR management's extremely liberal interpretation
of relocation tasks, at most $60,000, or one-sixth of the budgeted
amount was spent. Much of this amount had little to do with sub-
stantive relocation problems, or even with the contract.
Sierra Club, the Environmental Coalition, the Greater Boston Committee on the Transportation Crisis, and a number of very vocal private citizens lobbied effectively for resource inventories and analyses not anticipated in the original contract. In contrast, no one outside of technical staff (and that only myself) fought for relocation studies. As a result, the relocation budget was spent largely on environmental inventories. 2) The budget problem was symptomatic of a larger concern for the relocation effort overall, namely, lack of support from BTPR participants. Pro-highway forces, including the funding agencies, did not wish to see the relocation problem probed too deeply and, indeed, insisted that there was no problem which their existing programs could not effectively manage. Anti-highway forces wanted the potential impacts of displacement to be exposed, but would not support efforts to plan improved relocation programs and procedures (the largest part of the work) so long as the possibilities for no-build remained. Tactical response to these positions, which were each untenable from the standpoint of persons who might be displaced, is discussed as appropriate in subsequent sections.

Unfortunately efforts to organize potential relocatees to effectively oppose highway displacement had been unsuccessful. The highway's peculiar spatial requirements are partly responsible. Only a relatively small section of any particular neighborhood was affected, as the highway stretched ribbonlike along an already established rail corridor in the case of the Southwest Expressway in Boston. The diverse neighborhoods affected like Roxbury and Hyde Park, had little in common. Groups of people who knew each other were smaller still,
and overall the population of relocatees contained many household
types, incomes, ethnicity, tenure, stage in life cycle, and length
of residence. The only variable to link a substantial number of
people was the displacement itself, which for the most part, contrary
to popular myth, is an insufficient rallying point (see Chapter Four).
Once the initial shock wears off, as it had in Boston years before,
most people accept relocation as part of their social responsibility,
especially when they're told about present day payments for fair
market value and increased homeownership and rental costs. Moreover,
the average person is intimidated by government and finds resistance
or complaint difficult. This is especially true of older people, who
can be most traumatized by the loss of familiar surroundings, and
most aggrieved financially because of low fixed incomes (see also
Chapters Two and Four).

By the time relocatees realize how difficult and costly it is to
find a replacement home, and how much the old neighborhood really
meant to them, the project may be well underway. At this point their
protests appear feeble, and are usually unanswered, as the political
ducks become committed in some way to the construction project
(patronage jobs, etc.). Such had been the case in Boston for I-95
(over 900 families had been displaced prior to the moratorium), and
most potentially displaced families were resigned to their presumed
fate. 3) Although lack of resources was a constant source of
frustration (convincing arguments often need data which can be
expensive to obtain. The environmentalists knew this when they
successfully pressed for more money), and although the potential
for support from participants was low, tactical implications were not so grim. For example, penetration, scope, and attention to the relocation effort would be less than hoped for, but control over the technical product was potentially greater. At some point a position would be required from BTPR on matters of relocation, and at that time participants might be focused by a carefully prepared technical product, in a way that would serve the objectives for change better than a weightier, but compromising document.

c. Control of the technical product -- As noted, BTPR staff was comprised of a number of consulting firms supplemented by agency and other people for particular expertise. Essentially, each firm was assigned responsibility for entire study elements. The firms reported to the technical manager (Walt Hansen of AMV) who had overall responsibility for the contract and budget. (The firms were subcontractors of AMV. My personal services contract was with the entity, BTPR). Real Estate Research Corporation (of which Tony Downs is chief honcho, though called in only on special occasions during BTPR) was assigned the social and economic impacts elements (family relocation, business relocation, effects on the local and regional economy, and neighborhood cohesion).

Real Estate Research (RERC) sought to concentrate its entire resources producing reports on the overall local and regional economic effects, partially because of participant pressure but also because of their staff skills. They exhibited no expertise whatsoever in relocation matters. The first three months of my employment with BTPR, working under RERC, was spent manipulating census data
which I wrote into discussion of overall population and housing trends in the communities and regions under study. RERC's chief concern was the production of massive pro forma reports, traditional in transportation planning, that would focus on an area much too broad for understanding of localized relocation phenomena. Planners who failed to recognize this in other transportation studies had made relocation concerns negligible in project decisions.

My experience in relocation to that time had also convinced me that there would be no response from agency officials, and thus no chance to influence program implementation, and no chance for possible remedy through judicial action, unless relocation analyses were explicitly related to the legal and regulatory requirements then in effect. (See Chapter Two) I therefore set out to assure that BTPR's work would follow along these lines.

RERC was unconvinced that relocation was so localized a phenomenon (not surprisingly, since they had no experience in it and that notion fit their larger scheme for things), and study management did not buy arguments that contract requirements were not being met. I then went to my colleagues at the Department of Community Affairs, who tactfully maintained that it would be best to raise the issues over some published material of BTPR that they could formally review.

The next public meeting handout mentioned the problem of family relocation but alluded only to general trends in community population and housing in describing its parameters. (I had suggested that relocation needed to be discussed in this handout, but judiciously avoided comment on the product.) Department of Community Affairs
"experts" took umbrage with the BTPR publication, arguing it to be irrelevant and misleading as a relocation effort. Judy Hart, Director of the Bureau of Relocation and my former supervisor, went so far as to suggest that RERC couldn't handle the job of relocation planning (she had additional documentation for this conclusion - several conversations with RERC's principal agent). Ms. Hart was backed up by the DCA Commissioner who had been carefully briefed in advance. BTPR management, being as sensitive as it was to image with the public and state agencies, responded by questioning RERC on its intentions to overcome DCA's objections. RERC had no response and surrendered authority over the relocation product when a work program was produced for relocation studies, sanctioned by Community Affairs.

The net gain, for what it took to accomplish, was not very impressive on the surface. RERC lost one technician and some prestige, while BTPR gained support from the Department of Community Affairs and could be more wary of DCA's input in the future. All future tactical leverage, however, rested on control of the technical product. From a larger political perspective, key elements here were a) an agency (DCA) concerned with some degree of social change (improved relocation) and capable of expressing that concern (through an articulate representative, backed at the top), and b) a process (BTPR) which could respond to different technical disciplines and which was committed to a high degree of political consensus for its work.

d. Timing of reports -- Having established a position of some leverage within BTPR's structure, chief tactical concerns became the content, timing, and distribution of technical reports. In my experience I have
never observed an audience more thirsting for written material than the BTPR participants. Every proposed work effort, every tentative finding, every speculated conclusion that could be distributed in memorandum form or public meeting handout was scrutinized by technicians, private citizens and others involved in the day to day BTPR effort. Those of potential import to the larger pro or anti-highway or transit positions were widely distributed to community leaders, elected officials, and advocate interest groups. The Boston Globe ran front page and editorial accounts of BTPR's technical work and public meetings during the latter months of the study, while local television and radio programs several times held forums which included BTPR staff and public participants. (Study management had decided in the beginning to maintain an open file on all staff memoranda, although it is likely they would have been forced into this position anyway.)

With such scrutiny of his or her work, a staff person's primary concern should have been to maintain credible technical effort. Those who got too sloppy were effectively neutralized. Short memos were better than long ones, and simple language was more effective than jargon (although certain buzz words appeared again and again). Supportable numbers, especially in clearly presented statistical analyses, and any "new" facts were most impressive. Editorializing was anathema.

Timing was as important as content in this fast paced production effort, and opportunities could be lost forever. One's ear had to be everywhere to know when answers were being called for.

One of the most fortuitous situations for the relocation effort
occurred following an encounter with another staff member, who was preparing a report on the Inner Belt. Half way through BTPR, the Governor had promised some "Phase I" decisions and when the time arrived it was generally conceded that he would formally kill the highly unpopular Inner Belt, which would have displaced 1700 families in Cambridge and Somerville in addition to uprooting the Fenway and other parts of Back Bay. This maneuver would free resources for application to more feasible projects and might be seen as a concession to the anti-highway forces who clearly held the upper hand at that point.

Spurned to action by my colleague, I wrote a quick memorandum arguing (with supportable housing market and neighborhood studies and appropriate citations from federal and state law and regulations) that "the Brookline-Elm alignment of the Inner Belt presents such severe relocation problems in Cambridge and Somerville that a humane relocation program meeting existing legal and administrative standards is not possible."12

It would be misleading to suggest that the Governor decided not to build the Inner Belt because he believed relocation could not be legally accomplished, or even if he did, that under other circumstances

11. It is interesting to note that much of the impact of this road could have been avoided by a routing through the town of Brookline when the project was first conceived. But Brookline is rich and well-connected politically, and the original highway builders did not think the poor and working class families to be displaced (and their Harvard MIT advocates) would hold it up as long as they did.

relocation should have been sufficient cause not to proceed. However, precisely that notion became a large part of the official position. In fact, BTPR had been searching for "analytical findings" to support dropping the Inner Belt, indeed to justify its own efforts, and relocation fit the bill perfectly. The Governor had a supportable, technical conclusion to back up his decision. Most important for the relocation effort, a precedent was set for the serious application of relocation standards in project decisions, and for certain interpretations of statutes and agency regulations that underlay the judgment. These were to be crucial in future, less certain outcomes.

Another example of particularly good timing, from a tactical standpoint, was distribution of the first "working paper" on family displacement for the Southwest Expressway (I-95 in Roxbury, Jamaica Plain, Roslindale, Hyde Park, Milton and Dedham). Working papers, in BTPR parlance, were the catch-all to describe work in progress, their chief tactical advantage being the timing by which issues were surfaced.

The Southwest Expressway was the most controversial of all projects under study. Many families and businesses had already been relocated, and much of the land was cleared for the would-be road in Roxbury and Jamaica Plain. It was the project pro-highway forces felt had the best chance of being built, and the one anti-highway forces believed would most test credibility of the "open planning" process. Roxbury advocates, led by Chuck Turner of Operation Stop, fought vociferously for control of the cleared land, arguing that industrial, commercial, and housing were better uses for the community than a suburban oriented freeway. Environmentalists, led by Herbert Meyer, Arthur Katz,
Susan Clippenger and others of the Greater Boston Committee on the Transportation Crisis and the Environmental Coalition, lobbied to save the Fowl Meadow Reservation in Milton, a vast marsh with untapped drinking water stored beneath and a unique waterfowl habitation which would be bifurcated by the original highway alignment. The Jamaica Plain Citizens Committee and their counterparts in Dedham wanted trucks off local residential streets, citing accident and nuisance factors, and the highway solved this problem. Hyde Park and Roslindale businessmen wanted improved accessibility, which they felt would bolster the fading economies of Cleary and Roslindale Squares, and were supported in questing for the road by their umbrella Greater Boston Chamber of Commerce. The Mayor of Boston, through his transportation expert Fred Salvucci (now Secretary of Transportation for Massachusetts, having replaced Alan Altshuler), argued against the project for its impact on Central Artery Traffic congestion and limited downtown parking. Transit and commuter rail advocates saw the highway defeating ridership potential, particularly at proposed suburban terminals along Route 128. Construction workers, represented by John Carroll of MATCO (now Commissioner of Mass. Public Works Department), cited depressing employment figures in their support of the build decision.

Into the breach of the Southwest Expressway controversy, a working paper on residential relocation was thrust at a time in which, by coincidence, no other staff memoranda were being circulated. Furthermore, no significant new issues had been raised on the Southwest Expressway for months prior to this paper. These two conditions, consciously realized, would have made release of the report a tactical
maneuver bordering on genius. Realistically, it was luck on my part. The effect was the same nevertheless.

It seemed that everyone read the paper (myself and others saw that it got wide distribution initially), and the status of relocation as an issue in the Southwest Expressway changed overnight. The report had analyzed relocation of families to date, arguing that housing had been available by the coincidence of a number of new construction projects being completed in the final stages of citywide urban renewal and rehabilitation programs. No such resources could be anticipated in the future. The report further critiques performance of the state Department of Public Works, showing that households had significantly increased expenditures for smaller homes in poorer neighborhoods and, relying on other studies (chiefly one by Dr. Ellen Fitzgerald done under an NIMH grant with the Boston University Division of Psychiatry), that households were generally dissatisfied and internally disrupted by the experience. Moreover, perhaps most significantly to the highway issue as seen by participants, the report showed that a much larger number of families than had ever previously reen reported remained to be displaced, particularly in the most cohesive neighborhoods and tight housing markets of Roslindale and Hyde Park.13

Relocation impacts became another cause celebre for the anti-highway forces in the Southwest Corridor. In addition, because of particular design problems, it was shown that a Southwest Expressway facility of more than four highway lanes in width would have displaced almost twice as many families, a factor which contributed to the Governor’s limiting

of all highway proposals to four lanes or less, which in turn diminished the traffic services (and travel time savings) benefits of an ultimate build decision.

Another tactical lesson learned was that where controversial findings are to be revealed, it is best to broach the issues early and build on the initial reactions. The tone for subsequent memoranda, some more controversial, particularly with respect to agency operations and the necessity for building replacement housing, was better set by knowledge of key actors' reactions to the issues raised in this working paper.

e. The Southwest Corridor Final Report -- It was by no means certain until days before he announced it, how the Governor would decide the Southwest Expressway. Over 400 families could remain to be displaced and, since only so much gore could be presented to justify no displacement, a positive relocation program was absolutely essential to provide protection to these families. The objectives were threefold:

1) Provide the decision makers a relocation program they would be committed to publicly, in the event the road were to be built.

2) Express the program in such a way that the no build argument would not be weakened, and could thus have support of the anti-highway forces as well.

3) Provide material for a litigants case, that could be carried independently by relocatee advocates, that would serve families to be displaced and the 100 plus households who would remain in state-owned property (acquired but not
yet relocated) in the event the road were not built.

I think I worked the hardest, and longest hours in my life that summer to produce a report meeting these objectives. The effort was immeasurably aided, indeed would have not been possible, without the tireless, unpaid work of a recent Tufts political science graduate, Dianne Wood, who would later become a colleague at the Department of Public Works. Most of the work was hard core data aggregation and analysis, dryly written in a format that precisely followed legal and regulatory requirements for assurance that housing would be available for all families to be displaced. (See Chapter Two) In fact, the requirements could not be met by action of the existing housing market, and this was documented to the extent that any attempts to undo the work would have required as much effort as we put into it - a not very likely occurrence under forseen circumstances. It is perhaps most telling of the illusory nature of such legal and regulatory provisions that, to my knowledge, prior to BTFR, no official relocation plan in the history of urban renewal or highway displacement (relocation plans had been required in all federally aided projects for at least 8 years previous) had ever shown anticipated housing resources to be deficient.

In addition to documentation of the housing market, the report contained a detailed inventory, and analysis, of sites in the affected neighborhoods on which replacement housing could be built. Existing and innovative means to construct, finance, manage or dispose of the housing were proposed. A cost benefit analysis was done which showed the total cost of replacement housing (subsidized 40 years for low income households) would be, at most, less than two per cent of gross
project costs and probably would save money on the overall project tab by recapture of escalation costs in construction because the families would be moved sooner than otherwise possible. (See Chapter Four)

While the report on its merits was a satisfying technical accomplishment and one which, I think, would have been useful in a litigants case, there remained some interpersonal tactics to assure that the objectives would be met. They were, briefly, as follows:

1) Repeated emphasis, persuasion, whatever, to BTPR staff that the reports findings and proposals for replacement housing were to be discussed at all public and agency meetings. In this way the conclusions were circulated wider and in more simple form than the full written report, which had, of necessity, become quite specific and technical.

I also delayed submitting the written report, or any summary version, to BTPR management until last minute production of their overall document, so there would be no time to edit or delete any portions.

2) Predictably, the anti-highway forces reacted by denouncing the Replacement Housing Program as infeasible. The proposal was unprecedented in scope, and light years beyond the administrative capacity of the Department of Public Works (an argument developed in other reports). Advocates were urged, particularly through the broad sensibilities of Chuck Turner and Fred Salvucci, to appendix to their remarks some statement that, in spite of its difficulty, the Replacement Housing Program was the minimum that would be required under federal law. They

14. In public meetings, Salvucci had used the issue of low cost housing being built in Hyde Park and Roslindale to parlay residents of those neighborhoods against the road.
agreed, and the issue largely became that the practical limitations (incompetence) of the Department of Public Works made replacement housing infeasible, but that the program was otherwise correct and necessary.

3) Briefed on the complexities of administering a build decision, and aware of the criticism leveled against their agency, the Secretary of Transportation and Commissioner of Public Works proposed legislation to assure their legal authority to effectuate a replacement housing program. The legislation was adopted. In addition, they promised to create new positions within the Department of Public Works to assure that staff skills would be present to carry out a complex relocation and replacement housing program.

The Governor eventually decided not to build the Southwest Expressway. Indeed, none of the unfinished highways in metro-Boston would continue. He stated in a live, dramatic television broadcast that "quality of life in Boston" was the basis for his decision, citing factors such as loss of environmental resources, air, noise, traffic and parking congestion, and disruption of families and neighborhoods. In subsequent conversation Secretary of Transportation Alan Altshuler, who had favored building the Southwest Expressway, noted these issues and others, including the problem of an extremely difficult replacement housing program. The dynamic surrounding this decision was a complex and fascinating one, and I have touched on it from a limited perspective only.15

Working in BTPR provided opportunity for tactical lessons of the first order. The influence that the process, and its decisions, have had on

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15. For a very thorough discussion, see Ralph Gakenheimer's *Transportation Planning as Response to Controversy: The Boston Case*, MIT Spring 1976
transportation planning locally and nationally are vast, especially regarding the reality of a no-build highway decision. Several books and many journal articles were written about it, and a number of careers considerably advanced. Gains for objectives to change the politics of relocation planning have been noted, chief among them the precedents set for interpretation of legal and regulatory provisions, and the weighting of impacts due to displacement among the components of a project decision. The new positions proposed within the Department of Public Works were created, and I was hired to direct relocation planning efforts on other projects.

On the negative side, the rationality of BTPR's efforts towards political consensus decision making, open discussion of issues, and positive problem solving have not continued as smoothly or widespread as hoped for, neither within Massachusetts transportation agencies, nor even within metropolitan Boston. The problem of 100 families in poorly maintained state owned property in the Southwest Corridor, remains yet unresolved. The careers of former BTPR staff who remained in Massachusetts, in contrast to the smooth rise of most consultants who departed, have been uneven. Reprisals in the form of contract payment delays, etc. from the frustrated highway builders were not uncommon. The symbolic effect had been devastating. (As one disgruntled Public Works official put it: "Once you've been a pickle, you can never be a cucumber again.")

16. The appointment of me, Dianne Wood, and two others to the newly created DPW positions was opposed by a petition of 900 employees, and attempted litigation by the employees union.
IV. The Park Plaza Renewal Controversy

After Frank Sargent's Acting Commissioner of Community Affairs, William Richardson, had completed a brilliant technical analysis to defeat developer Mortimer Zuckerman and the Boston Redevelopment Authority's proposed $260 million Park Plaza Renewal Plan, he was replaced by Miles Mahoney, former Philadelphia Housing Authority Director. When Mahoney actually did veto the plan, using Richardson's case, the Governor was marched upon by irate construction workers. Supported by the Chamber of Commerce and others they cited Park Plaza and no-highway decisions as antithetical to their interests. The Mayor was also outraged, as the state had never before turned down a Boston Renewal project. Under pressure from Sargent's aides, Mahoney quit after disapproving the plan a second time, and the more conciliatory Lewis Crampton took over. Crampton eventually approved Park Plaza, subject to completion of environmental impact studies, which is essentially where it stands now.

Zuckerman and his Urban Associates claimed to have a plan that would redevelop Boston's Combat Zone, as well as the entire Park Square area, with wholly private funds (proposed hotel, office space, luxury apartments, specialty commercial, and a possible department store). To accomplish this, the Boston Redevelopment Authority (BRA) would have to displace, over a several year period, over 300 businesses and 200 families; provide guaranteed municipal bond financing of $150 million;

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17. The former Deputy Commissioner who, in the Woburn Redevelopment Authority story, had been branded the hater of white folk. He had succeeded Leon Charkoudian.
re-align streets and upgrade existing infrastructure; and sign agreements for limited taxation over the initial years of the development. Two of a number of Urban Associates minor conditions included final say over the "independently" determined appraisals for value of property to be acquired, and payment of less than 70 per cent fair market value pro tanto to properties acquired by eminent domain. (Federally aided projects must pay 100 per cent of value pro tanto, which is the payment legally required to be available shortly after the eminent domain taking, and which can be drawn without prejudice to possible additional amounts from equity litigation. Less than 100 per cent payment pro tanto is de facto coercion to accept the acquiring agency's payment as final, since the property is cleared under either condition.)

Although all but the last two provisions, and the amount of municipal bond financing, are standard provisions to private developers of government backed urban renewal, Zuckerman's plan had a more important twist: his proposed agreement with the city did not bind him to developing the Combat Zone, which as the only truly "blighted" area was justification under state law for takings by eminent domain throughout the project area. Instead, the city was to provide the rich, but undeveloped portion of Park Square along Boylston Street (fronting the Public Garden) between Arlington and Tremont Streets into Urban Associates hand (essentially Zuckerman's personal holdings) as the first stage effort and to finance the development with below market rate, guaranteed municipal bonds. If this succeeded, Urban's agreement said they would bid on development of the Combat Zone.

As can be gathered from this brief description, the issues were
extremely complex, complicated by monumentally obtuse legal jargon in Urban's proposed agreement with the city. Few, and hopefully none of the BRA staff, initially understood the negative implications of Zuckerman's plan. And he played his hand perfectly, garnering support from the Mayor, the Director of the BRA, downtown merchants, construction unions, architects, and lovers of downtown development, before anyone knew what was going on. The architecture was exciting, highlighted by a giant glassed pedestrian mall. Only a few environmental types, concerned with shadows that would be cast on the Garden by the three 600 foot towers originally proposed (since scaled down), and those who would be displaced, objected initially. These latter were considered selfish "vested interests". The Globe ran an editorial endorsement of this heroic private enterprise, "at a time when federal renewal funds are no longer available."

The Department of Community Affairs veto, highly visible but confusingly reported like all else on Park Plaza, had initiated the critical examination which has continued, unresolved, since. For weeks after DCA's action, the Globe would not print private citizen's letters supporting the veto, and buried protesting organizations like the Back Bay Civic Association and others' paid statements in unnoticeable ad spaces. Coverage eventually leveled off, as the impacts of the project began to surface.

My part in the Park Plaza controversy came as member of an ad hoc committee of the Boston Society of Architects to review Park Plaza, assembled by Peter Roudebush, former BTPR staffer and an architect genuinely concerned with the shape of his city. This review occurred
about nine months after DCA's initial veto. Roudebush's connections were impressive, including the Mayor and the BRA director, and with their qualified endorsement in advance of the Society's review, put together a working committee comprised of (besides my humble self), a landscape architect; the president of the Architects Collaborative; the head of the Boston Municipal Research Bureau; a senior partner in Hale and Dorr; and K. Dunn Gifford, vice president and financial analyst for Cabot, Cabot, and Forbes (and close friend of Ted Kennedy). Gifford's part was to be the most controversial.

A final report, which elaborated on the issues mentioned and several others (essentially corroborating DCA's findings), all carefully presented in positive recommendations for change, was released simultaneously to the BRA, DCA, and the Globe, a few days before DCA Commissioner Crampton had been scheduled to decide on the revised BRA submission we reviewed. Crampton put off his decision, and the Globe printed the recommendations on page two. Later the Globe added thumbnail biographies and printed the Mayor's critical assessment of potential interests each member of the committee and the firms they worked for had in the project.

The Mayor described the architects on the committee as rivals of the selected architects for Park Plaza (a New York firm), and charged that they were responding out of jealousy for not being involved in the development. But the worst was reserved for Gifford. Undoubtedly the heaviest hitter in the group, Gifford's financial review showed that Zuckerman's development was getting $70 million in subsidized interest over the life of the low rate municipal bonds, and that the
city would be liable for the developer's as well as their own failures on account of this city backed financing. Gifford wondered why other developers hadn't objected, since Zuckerman's favorable financing and land costs would allow him to undercut the luxury housing and commercial space markets.

In response, the Mayor showed the kind of tactics he can employ to handle political enemies. First he noted that Gifford's firm, Cabot, Cabot, and Forbes had been an unsuccessful bidder for Park Plaza renewal, implying vindictiveness and conflict of interest. Privately, he also suggested that Gifford may have been used by Ted Kennedy, hardly the Mayor's best friend, to publicly embarrass him. When Gifford wouldn't back down from his analysis or admit to conflict of interest, White ordered the BRA to hold up zoning approval of Cabot, Cabot, and Forbes' 60 State Street office building, presuming, I guess, that the company would relent and apologize for or fire Gifford. The stalemate continued over a year, until White allowed 60 State Street to go ahead on the urging of local merchants, construction workers, and his tax assessor, and close friend, Ted Anzalone.

This sort of tactical situation is quite different from the others described, and beyond my normal experience. I offer it as contrast to the kind of discussion which occurred in the comparatively open BTPR forum, and to the thinly masked intentions of bureaucratic semantics in everyday agency practice. Park Plaza seems destined to go ahead,

17. Earlier in the game, the Mayor had threatened to revoke the East Boston liquor license of a DCA staff person's father. He had also had his tax assessor revalue the properties of several businesses in Park Square objecting to their displacement.
but the precedents it may set for privately financed renewal will
less closely parallel the greed, irrationality, and back room politics
of earlier government backed efforts, thanks to the initial objections
of a small number of skillful and ardent skeptics. A number of public
hearings and reams of public and private debate have ensued.

Although some concessions have been made in the content of the plan,
the basic profits and political structure, unfortunately, remain
unchanged. Arguments that the displacement of Combat Zone entertainment
facilities would only spread the problem into the Chinese community,
Kenmore Square, and North Station, have not been considered significant.
Attempts to assure continuation of the existing retail businesses by
affording them special loans and favored occupancy in new construction,
or through self-initiated rehabilitation efforts, have not succeeded.
The net cost of the proposed construction to the city remains questionable
considering the enormous investment required in supportive infrastructure
as well as the revenues foregone through favored municipal financing.

The Park Plaza controversy has also been an opportunity to observe
some high level integrity amongst certain government officials and
private citizens professionally concerned about public issues. I have
discussed only a few cases, there are many more involved. Whatever the
motivation, these were admirable to behold.
Comment on Participation and Effect

A few general observations which hopefully flow from the case discussions...

1) Throughout, implicit emphasis has been given to the "objective". It can be argued that no one would (or should) be in the social change business without objectives, but a clear objective has practical advantages as well as providing moral justification. A clear objective focuses cause and effect, and, like the control variable in a scientific experiment, allows behavior to be measured. This measuring of behavior, of one's effort and effect, is part of the way events, internal and external, need to be structured in order to be grasped. This structuring can take more and more precise form as the objective is more clearly delineated. Although the best political (and socially responsible) thinking re-examines objectives as well as all other variables, those with particular objectives for their tasks have, at the very least, analytical advantage for effecting some social change.

2) The perspective of an involved technician, professional or whatever, has underlaid the discussion. This was the one I have had and continue to maintain. By focusing on tactics from this point of view, I hope to have made some incremental dent in the mythology (or self protective exclusion) many planners and other professionals maintain about their a-political stature. However technical one's position may seem to be, it must also be realized for its political effect.

Far too little attention is paid by most professionals to their social responsibilities, at least in terms of tactical potential in a particular situation. By denying a direct role in the political
process they who dissent become moot actors with unimportant vagaries, or tools of the more politically astute.

For technicians who would practice tactics for change, knowledge of one's limits and potentialities in a particular role at a particular point in time is crucial. This can only be obtained by continually re-examining political effects of the knowledge applied. Few professionals evaluate their work in this way.

3) One must be careful to distinguish personal gain. The system has self-corrective features for those identified with social change, which serves to limit the opportunities to effect change in a particular area. Anonymity is best. Identification brings notoriety which in turn allows opposition to focus and become more refined with the experience of the encounter. When the opposition outnumbers out, odds build up on the other side. It seems best, therefore, to play oneself down following gains made at the other side's expense, and it may be far more effective for someone else to take credit for your best work. Part of the task is always to add supporters, even in spite of themselves.

18. Aristotle had a basic fear of personal political power, especially among professionals. He also argued that majorities always need to see things in equilibrium.
CHAPTER FOUR

AN IMPACT ASSESSMENT METHODOLOGY

IN PERSPECTIVE
Introduction

An analytic method, whose goal is to make the planning and implementation of public projects more rational and responsive to those affected, must first of all find a place in the decision-making process. The Methodology described in this chapter has been used by the Massachusetts Department of Public Works since January, 1973, during which time it has been applied on over 60 separate projects involving the displacement of families and businesses. Many of the household, business, neighborhood and housing market evaluation techniques were developed and tested in the broadly participant Boston Transportation Planning Review (BTPR), which the author was involved in between August, 1971, and October, 1972. The BTPR reports mentioned in the previous chapter were prepared using methods substantially similar to these about to be discussed. The methodology was continuously refined through the fall of 1975, when myself and co-author Dianne Wood left employ of the Public Works Department. The most major changes we made were in efforts to improve the participation of affected households and businesses, while bureaucratic factors account for several minor revisions.

A major difficulty of public project decision-making has been the misapplication of vague generalizations about impacts. All too often technical views of a problem rest on the judgment of persons whose deliberations are unobservable and hence unscrutinizable. Common bases for evaluation are avoided so that decisions can seem technically correct, notwithstanding the wholly unanalytical and programmed opinions of public officials and their hired "experts". As a result, many
wasteful public projects have gone ahead, while even the worthwhile ones have produced unnecessarily bad effects. The problem of openness in decision-making is especially acute where there are possible adverse effects on relatively powerless interests. By requiring adherence to rational analytic method that will show, to those affected, the real impacts of the project, an impact assessment methodology would hope to make the deliberations of public officials more accountable, and the projects better serving of their constituents.

I. Background

A. Purpose

A methodology for assessing the impacts of public actions which displace households and businesses has been applied in the form of guidelines for public agency staff or consultants charged with preparing environmental impact and related statements. A written product for use in the Environmental Impact Statement (EIS) is required as well as adherence to a method of work that includes public and agency contacts and technical applications beyond the written report. (section II.D.) Although the guidelines specifically refer to highway projects, the techniques used are applicable to any project involving displacement.

Review of past environmental impact statements had revealed that vague, unsubstantiated generalizations were being provided as "analysis of impacts due to displacement". No attempts had been made to investigate characteristics of the particular households and businesses potentially displaced, nor the behavior of local housing and commercial markets. Even the numbers of displacement were rough estimates, sometimes garnered from outdated photogrametric surveys.
Most often conclusions were drawn that "relocation poses no significant problem". Surely displacement impacts were not a factor in the choice of design or location alternatives, except in tendencies to sometimes reduce numbers and to acquire cheaper properties in lieu of more expensive ones. The amount of lead time necessary to carry out relocation programs was not calculated in the setting of construction timetables. Construction costs tended to be underestimated, and hence benefit-cost ratios appeared disproportionately high.

The implicit, as well as explicit, requirements of an EIS were not being met. There were not contacts attempted with potentially displaced households and businesses and thus little opportunity to learn of possible relocation difficulties through the public participation mechanism. (section III. F.) In summary, the chief implications of failure to examine impacts due to displacement through public involvement and/or technical analysis, were a) that potential relocatees were denied consideration in project decisions, and b) that problems, which might have been avoided entirely or for which remedial measures could have been programmed early, would surface at a time late in the process when construction was being pressed. Delays at this point could mean, in addition to unanticipated construction costs escalation, failure of the state to meet contract clearance dates and thus expensive litigation from contractors, and worst of all, extreme pressure being applied to force households and businesses to move as quickly as possible.

Guidelines for work on environmental impact statements, prepared and administered by a newly created Relocation Planning Section within the Massachusetts Department of Public Works, were introduced to
resolve some of these problems. Specific objectives were stated as follows:

To assure consideration of relocation problems in location and design work, so that changes in alignments may be effected in early stages of project development when it appears severe relocation impacts or problems could be avoided by such modifications.

To assure that impacts due to relocation will be presented for each alternate being considered in Location and Environmental Impact Studies, and that such impacts will be a factor in deciding final alternatives.

To assure that potential relocation problems will be identified as early as possible, so that more adequate lead time will be allowed the Right of Way Bureau to resolve problems requiring special action. The development of possible solutions must begin early in the process, particularly where replacement housing measures may be necessary.¹

B. Scope of Technical Analysis

The methodology includes analysis of the following categories of impact:

1) On households to be displaced, by type of household. Effects on minorities, the elderly, large families, female-headed, and low income households are considered to be especially critical. (Section III.B.)

2) On housing, by type, cost, size, and location. Difficulties in replacing particular kinds of housing in particular areas, and effects of the loss of housing resources. (Section III.D.)

3) On businesses, by type of business. Difficulties in finding suitable and affordable replacement locations, disruption causing loss of business, and effects on the local economy, especially jobs. (Sec-

¹Memo from F. Mahady, Supervisor of Relocation Planning to Right of Way Bureau Director, Mass. DPW, June 6, 1973. The guidelines were written by myself and Dianne T. Wood, Relocation Specialist, Mass. DPW.
4) On neighborhoods, in which displacement occurs and to which relocation may be made. Evaluation of neighborhood characteristics which appear important to the needs and preferences of households and businesses to be displaced. Divisive and disruptive effects of the facility itself, and the process leading to its realization. (Section III.C.)

5) On remedial programs and project timing. A description and evaluation of actions to remedy insufficient relocation resources, including, if necessary, replacement housing of last resort, and an estimate of the amount of lead time required to relocate all occupants. (Section III.E.)

The analysis of impacts is done for each alternative carried in the EIS. Where an alternative is dismissed in the EIS for reasons of compelling impact in other areas, such as excessive ecological disruption, inadequate travel time savings or other cost inefficiencies, etc., the treatment of relocation impacts may be less detailed than in "live" options.

A series of contacts with affected businesses, realtors, local officials, agencies, and community groups are essential provisions of the methodology. A meeting with all households and businesses potentially displaced by the alternatives under consideration is required to be held prior to formal public hearings. This meeting, which is in addition to general public informational meetings held during EIS preparation, is a forum to answer questions about the process and to exchange information about the project's impacts. It is considered as well an invitation to more effective participation on the part of potential reloca-
tees and a test of the technical findings. (Section III.F)

C. Criteria for Evaluation

Section II is a discussion of constraints experienced in the development and implementation of an impact assessment methodology. The principal critique implicit here is whether the restrictions have been properly addressed. Has the methodology been an effective response? If not, have the best tactics been used to overcome limitations?

Section III is an examination of techniques applied to the measurement, evaluation, and presentation of impacts. The methods applied must answer questions such as: are the measurements the proper indicator of impacts? Are factors correlated to express the problem in clear terms, susceptible to application in decisions about project alternatives and the design of remedial programs? Does the information indeed have an influence on the project—how do final program decisions result from the analysis performed and what effect is had on eventual program implementation?

The methodology must be tested with strict evaluation by the above criteria. To aid the task something of a running critique is provided where, in the author's judgment, particular difficulties are apparent. Examples of the techniques in practice are offered throughout. Experience in relocation teaches a language of housing markets whose semantics often appear different from those in traditional economic theories. The section is not a critique of current economists' explanations nor does it present comparative hypotheses, but perhaps some issues will be raised that demand more systematic investigation along appropriate theoretical lines.
II. Constraints to an Impact Assessment Methodology

A. Legal and Administrative Requirements

The principal impetus for a methodology to assess the impacts of a public project on persons to be displaced has been the Federal Uniform Relocation Assistance and Land Acquisition Policies Act of 1970. The statute provides that comparable decent, safe, and sanitary replacement housing must be available within the financial means of households to be displaced by a federally-aided project. If sufficient suitable housing cannot be made available through existing resources, then housing must be built as necessary. Massachusetts state law contains provisions identical to the Uniform Act. Federal courts have determined that appropriate steps must be taken in the planning stages of a project to assure that relocation programs fulfill the intentions of the statute. (see Chapter Two).

The Uniform Act also stipulates that the heads of federal agencies prescribe regulations to define "comparable replacement housing" and other provisions of the statute. Unfortunately, regulatory standards differ among the various federal agencies, on such crucial items as dwelling and neighborhood comparability and financial means, etc., in spite of efforts to resolve them within Joint Regional Councils throughout the country and central committees in Washington. Moreover, even where apparently clear criteria are provided in a particular federal agency's regulations, there are often vast differences of interpretation among state implementing agencies, and the local, regional, and Washington offices of the federal funding agencies. (see Section II.E) One hoped-for objective of our methodology, therefore, is that
it not be susceptible to changing interpretations and that, although structured in terms of existing legal and regulatory requirements, it be able to stand on its own as adequate technical analysis.

In addition to laws and regulations particular to relocation, provisions of Title 23, U.S. Code, regarding the preparation of environmental impact and related statements (part 771), require discussion of impacts due to displacement. These provisions are largely an outline of Massachusetts guidelines, which had been in effect and were submitted to the federal Department of Transportation prior to promulgation of its revised regulations. The new federal regulations have greatly increased former requirements of the EIS on relocation matters. Although the national EIS guidelines only list factors to be considered and do not expand upon techniques for application, this step, in its implications for the work of other states, has been one of the more satisfying extensions of the methodology to date.

B. Costs

The methodology is included in the Standard Provisions for Consultant Services on all Massachusetts DPW EIS contracts. Costs have ranged from $5-25,000 (labor plus overhead and expenses) thus far, depending upon the type and magnitude of relocation contemplated in a particular project and the number of alternatives to be considered. With environmental impact statements typically costing in the range of $150,000 to $500,000 overall, the cost of the relocation studies has been insignificant. And this for an impact to which the public may be especially sensitive.

The efficiency of the methodology can be measured in ways other than by comparison to the total EIS budget. When compared to expenditures
required for acquisition and relocation payments should a project go ahead, for example, planning costs appear especially marginal. The supplemental relocation payment to one homeowner may easily be $15,000, which is in addition to fair market value paid for the dwelling. One such relocation saved by more careful planning more than makes up the cost of an entire study (in relocation accounting terms). There have been a number of examples of this. Moreover, if the planning reveals problems which could have caused delays in implementing the project, and if the problems can be avoided by an alternative which does not cause such delay or solved prior to the critical time, then savings will be realized in construction costs due to escalation. On a $6,000,0000 project, construction costs are estimated to be $1600 more each day the job is not completed. The state was charged $25,000 per week for construction cost overruns on a major project in 1974, when a badly planned business move (planning for the project had been done several years ago) was not completed in accordance with right of way clearance agreements. There have been many other examples. 2

One final note on costs: even the most glamorous relocation programs will usually be a small proportion of total project costs. A good example is a replacement housing program planned for the now defunct Southwest Expressway in Boston. The program called for 250-300 units of

2 It is also obvious that the computed cost/benefit ratios on some past projects have been unrealistically high, because in failing to account for delays, such as those due to poor relocation planning, capital costs were estimated too low and benefits too high. This is not an academic point—justification must be provided over a specific period (10-25 years depending on type of project) and highway cost/benefit analysis is highly sensitive to time. Travel time savings (the chief measure of benefits) diminish as a road becomes more congested (which can happen rapidly). Service benefits today may not exist two years from now.
new single family and duplex homes to be constructed on scattered sites in the affected neighborhoods. For over half of these units lifetime subsidies were calculated on behalf of low income households, (a benefit not possible under current FHWA administrative policy) many of whom could afford less than one-fifth of market capital and carrying costs. Cost to the government (entirely from highway user tax revenues) of this most ambitious replacement housing program would have been less than 3 per cent of the capital outlay required for an eleven mile stretch of four lane urban freeway.3 The calculation did not include possible savings in construction costs escalation, even though the families could not have been moved without replacement housing. It is likely that on most urban highways, a well-planned and executed relocation and replacement housing program will actually save in overall project costs.

C. Timing

In order to effect project choices, findings on relocation impacts must be available while alternatives are still being developed. This means that the relocation analysis cannot lag behind other impact assessments. As engineering becomes more refined, it is progressively harder to change.

Some have seen something of a dilemma here, arguing that impacts are not known until precise engineering is completed. In actuality, this is the exception rather than the rule. A 200’ scale engineering plan, which

is developed for each alternative very early, shows displacements which vary only slightly on more refined scales. Moreover, as soon as a line is drawn, impacts can be measured and described in accordance with the precision of the line. Where there is uncertainty as to the number of or particular displacements that may occur, or as to the physical configuration of the facility, impacts can be stated as a range and can be based on the possible design alternatives. This is an analytical parameter for all impact assessments, relocation is no exception and presents, to the careful technician, no more difficulties than in any other impact area. Unfortunately, there is a tendency among highway builders to want to play down displacement impacts, particularly numbers, as they are seen to agitate public opposition. But in a process increasingly open to public participation, a much more serious concern is credibility, and impacts that were seen to increase over time would be anathema. Furthermore, nothing is gained when impacts which might have been avoided become a problem later on. The straightforward and best answer is to show the public engineering to whatever level of detail it is developed, and to discuss impacts accordingly. This is an explicit requirement of Massachusetts guidelines, and it has indeed aided projects' credibility as well as fulfilling objectives to surface possible relocation problems early.

The guidelines also provide that consultants maintain continuous contact with the Relocation Planning Section of DPW, so that their application of relocation findings to project engineering may be monitored.

D. Consultant Skills and Objectives

It is not in the nature of most consultants to raise problems to the
agency which hires them (except about payment). The substance of an EIS is quickly forgotten once a project is approved, while the process lingers for agency officials through impressions of cooperation, conciliation, and the overall smoothness by which the product was achieved. Since highway agencies which pay the consultant to produce an EIS are, by and large, dominated by a mentality that would play down impacts, consultants have a tendency to rush to the conclusion that there are no problems — in spite of efforts to convince them through explicit statements in the guidelines and personal exhortations that such tendencies in relocation matters anyway are counterproductive. There are numerous examples of conclusions drawn in consultant submissions which are contradictory to the technical analysis developed. Another reason for this is that when problems are acknowledged, additional work is required, for example in finding possible sites for replacement housing. When a consultant has poorly timed the work effort, and is pressured by other factions within the agency to produce a draft EIS as quickly as possible (almost always the case), then additional efforts on an item of relocation may be problematic. Many transportation planning consultants, accustomed to regional scale perspectives, have been found to lack experience in the localized kind of analysis called for in relocation planning.

As a result of these problems, the guidelines require that the consultant submit a draft relocation report to the Relocation Planning Section prior to submission of an overall preliminary draft EIS to the agency. The Relocation Planning Section also retains responsibility for conclusions that will be presented in the EIS, and is responsible for
preparing a Summary Findings of the consultant's report for inclusion in the EIS. Submission of a Conceptual Stage Relocation Program Plan is also required by federal regulations (PPM 81-1, par. 12) to be made under separate cover from the EIS, prior to Corridor Public Hearings. Requirements of the Conceptual Stage Plan are met by the guidelines, and the product is the same as the EIS except that more confidential information may be included. (Any potentially confidential information such as values estimated for particular homes, estimated occupations and incomes of particular households, etc., are deleted from the EIS)

While the above procedure is not foolproof, it does allow agency staff to hold consultants responsible for the timing of their submission.

E. Bureaucratic Factors

A number of limitations to implementation of the methodology which appeared over time, are generalizable as inherent constraints within the involved agencies:

1) Agency officials may become fixed in their orientation to a problem. Planning of the kind called for in the guidelines was a revolutionary concept to some, who in past right-of-way clearance and relocation programs made no input to the development of a project. They had become accustomed to respond to crises at a much later stage in the process, and when such crises are largely imposed externally. Problems raised from within, and on paper, didn't seem quite real.

2) Agency officials may also become fixed in their orientation to a job, such that any change or innovation is opposed. Unlike factor 1), which may be said to be caused by lack of breadth in experience, this generalized resistence occurs largely out of feared loss of control.
Familiarity with particular forms of control breeds contentment out of one's ability to do the "required" job. When requirements of the job threaten to change, or change too rapidly, the equilibrium is upset, and initial reaction is to try re-setting to the former requirements. This tendency is likely to continue for some time. Indeed, in spite of repeated success over three years, the methodology is still not accepted by some officials of the state Department of Public Works and Federal Highway Administration. Some have repeatedly attempted to eliminate certain provisions of the guidelines (by insisting that they are not "required" by regulations) which, if lacking, would make the whole illogical. It may be said that they simply do not understand what the guidelines are about, or else have purposely attempted to render them unworkable. In contrast, some more ambitious officials have picked up on the new wave and are stumping relocation planning as their own innovation. This latter type of behavior is to be encouraged, and tactics to do so are continually applied. Pride in authorship is counterproductive.

3) Agency officials have applied too general or too restrictive interpretations of statutory and regulatory provisions, to the extent that overall objectives of the program may be frustrated. This occurs partly because responsibilities are structured along purely functional lines, within Federal and State highway agencies. Right-of-Way personnel are not concerned with design or engineering problems and vice versa. There is little incentive to achieve "horizontal" integration, or the meshing of goals and objectives between disciplines. As a result, practices which may be beneficial, for example, to the agency's general
public image and to expeditious completion of a project, may be opposed by officials within the discipline because of reactions similar to 1) or 2) above, or because they perceive implications that would be difficult to manage as a general rule. Particular projects become hamstrung in this way. A recent example of this phenomenon occurred in a high priority Interstate project in Massachusetts. Right of Way officials in the Federal Highway Administration opposed the state's plan to provide last resort replacement housing to a displaced tenant family because it provided them homeownership, which they felt would set a bad precedent. This in spite of the state's case that homeownership was permitted under statute and regulations (never disputed, nor even responded to), and that the state had no other legal recourse (they did not dispute this but asked for a ruling of the Attorney General who at the time was an active political opponent of the incumbent Governor), and, most significantly, delayed approval in spite of the wholehearted support of the state's Chief Engineer and the local FHWA Division Engineer who agreed it to be the best solution for the overall project. The bureaucrats did not relent until the state provided documentation that the proposed plan was the most economical one, in right-of-way accounting terms. Meanwhile, the cost of the overall project had risen due to escalation in construction, the incremental dollar amount being six times that of the cost of the proposed last resort housing program. Two months prior to this debacle, personnel from Washington FHWA had urged the state to "be innovative" in their application of last resort housing, and stated unequivocally that they would approve any plan that complied with the regulations. In effect, they invented new regulations
to attempt to thwart the state's plan.

Another reason for regressive bureaucratic practice may be the lack of public contact that most federal agency officials maintain, although shoddy practices by state agents in the field suggest this may not be an overwhelming factor. Certain bureaucrats' view of the problem is a paper one only, and they may be insensitive to aspects of relocation (even the highway program overall) that become poignant only by contact with the people involved.

In many instances, regulations are not taken seriously by the state or federal reviewing agencies, and relocatees may be denied the full protections provided. I remember several instances where the Federal Highway Administration Division Realty Officer suggested that the state delete references in their relocation plan to a need for last resort housing, lest "we become committed to something we're not sure we need." This in spite of unrefuted technical analysis supporting the need for housing. On one major project, false and misleading information was encouraged by this same FHWA official and submitted by the state's Right of Way Bureau Director as the relocation plan (over the Relocation Planning Section's vociferous protestations and questions in support of the objections by the state's Chief Engineer). Unfortunately, there have been many relocation plans in the history of highway and renewal projects that were nothing more than trumped-up displays of non-existent housing resources, encouraged by the supposedly protective federal review bureaucracies as well as state implementing ones. In addition to subverting the law, such actions in the long run intimidate further an already suspicious public. The clamor of opposition to many highway
and renewal projects, and delays in executing approved projects, is largely a consequence of this kind of shortsighted malpractice.

4) The guidelines for assessing impacts due to displacement provide for explicit technical analysis to be carried out in a prescribed manner of work. Both these aspects are lacking in almost all other areas of impact assessment, particularly in the social and economic areas. For this reason alone, namely that the methodology is somehow out of synch, some administrators of the EIS process have objected to the guidelines on such grounds as "too detailed", "too complicated", "unnecessarily precise". It's hard to respond to this kind of argument, (without a lot of shouting and screaming), except to point out that, in fact, the work is being done smoothly, cheaply, and is passing required reviews.

There are many other bureaucratic factors, some more than minor technicalities, and all to be faced on a day to day basis. Those described above deserve much more detailed elaboration than is possible here, and indeed are better described by others in lengthy systemic evaluations.4

One final note, and one which may not be peculiar to government bureaucracies and which is difficult to reconcile under any circumstances. Personal recriminations, whether or not imposed by the structure, are an effective device to thwart change. Anyone wishing to carry ideas into the machinery of agency practice, or government generally, must be

prepared to accept, without paranoia or self-rebuke, personal affronts and much scheming to protect the most minor power relations that might be altered. One advantage of a methodology such as the one developed for relocation planning is that it has an established format requiring written products. The rule of bureaucracy is that written products need other written products to be challenged. The worst arguments, common in oral discussion, are usually kept out of use this way. And when irrational points are committed to writing, one can at least respond to particulars.

F. Readability

Reports prepared as a simple, clear narrative, digestible by the general public have several advantages. For one, they are easier to read and thus have greater potential to influence decisions. A logic which is clear, and well documented, works best. Short reports are generally better than long ones. Another benefit of simplified writing is that it forces the technician to re-examine his or her own use of jargon, and thus test the clarity of underlying assumptions. Technical analysis can become sloppy and innovation numbed by slipping into too many shorthand notations.

III. Techniques for Impact Analysis

The following discusses provisions for the technical analysis of impacts. The appendix to this paper is a reproduction of the guidelines and contains the data requirements. Beginning on page 3 of the guidelines, subject headings are the same as those in this section. Please refer to the appropriate section of the guidelines before proceeding with the narrative, which will focus on the usefulness of the data and provide
some examples of application.

A. Inventory of structures, dwelling units, commercial establishments and farms

While an inventory of affected structures, households, and businesses seems obvious, even this amount of information was not being obtained prior to the guidelines. As noted in the Background section, outdated aerial photogrametric surveys had frequently been used, with the result that structures were missed or incorrectly identified to be residential or business. Moreover, households and businesses would not know whether or not they were affected, and thus could be excluded from effective participation in the EIS review. An example of how crucial application of this simple information can be occurred in study of the now defunct Southwest Expressway (I-95) in Boston. Detailed inventory revealed a much larger number of families to be displaced than had ever previously been reported. This information, together with analysis of household characteristics and housing market resources, helped swing eventual decisions not to build the road. On the same project, mistabulated business displacements caused considerable reaction from public and agency participants who felt that the analysts were purposely misleading them.

B. Description of households and businesses affected, preliminary identification of relocation needs and resources

At present, the description of households must be gathered almost entirely from secondary sources. Federal officials frown on household interviews at this stage of the process, arguing that they would cause unnecessary disruption (see III. F.). Consultants could not be adequately
trained in the relatively short period of their EIS involvement to conduct proper interviews, while agency staff resources are limited. However, the secondary sources described in the guidelines have thus far provided excellent information, which when properly abstracted produces a picture of households that is largely verified in the personal interviews conducted later in the process.

Census rents and home values need to be adjusted to current rates. Incomes, particularly in older urban areas, are remarkably stable, as are the proportions of elderly, female-headed, large family, and individual households estimated to be present. Even in areas with fairly rapid turnover, the new residents appear characteristically similar to the old when this preliminary information is checked against subsequent interviews.

Exceptions to these rules occur in neighborhoods undergoing racial change, and within the right of way itself when a project has been long delayed. Predictably, change under such circumstances is in the direction of more female-headed, large family, individual, and low income households. The elderly are generally last to leave a neighborhood (although the first to relocate after public acquisition), so that in areas of increasing vacancies, proportions of elderly households may actually rise. Also, there are more tenants of single family homes within the right of way, by a large proportion compared to community averages (often, such single family homes are owned by large real estate interests who speculate that the state will pay more than it cost them to buy from an uncertain, or desperate owner occupant). Rents in these single family homes tend to be substantially lower than rents for
comparable dwellings elsewhere, although apartment rentals may not be depressed in a family or ethnically knit neighborhood or where overall housing resources are scarce.

Since landlords generally are reluctant to rent to minorities, female-headed households and to large families, and since affordable resources are scarce for elderly and other low income households, special attention is paid to these categories of affected occupants. Lengths of residence and proportions of owner occupants in multiple unit structures are commonly indicators of attachment to the particular home, and usually to the particular neighborhood. Likewise, the presence of related households, the incidence of paid-off mortgages, and number of persons within walking distance to work, and the number of households without automobiles indicate, when proportions are higher than community averages, that the affected residents and the neighborhood overall may be especially disrupted by acquisition and relocation. (see following section)

Arguments on relocation difficulties derived from analysis of household characteristics have been effectively used to demolish, in Massachusetts anyway, the former mythology of highway designers that acquisition of low valued homes (which correlates highly with problem households) was the best, and cheapest course to pursue. Even some of the most conservative engineers and planners now would prefer to see their highway line through a $45,000 home than risk displacing the low income tenants of a less expensive dwelling. The latter is a scarcer resource. Although not advocated as such, and although federal officials and some state ones still prefer to see relocation as a chance to "upgrade"
families (by forcing them into higher cost and more homogeneous neighborhoods), the taking of more expensive dwellings can be a cost effective approach (fewer delays, lower replacement costs) as well as the one that will cause less disruption. Most higher income households have more choices, appear in general to be less attached to a particular neighborhood (part of their success may in fact be due to willingness to move for example in changing jobs), and although they may raise the most political eyebrows against their displacement, have an easier time with relocation than most poorer households. Part of this is their ability, on account of education, political connections, or legal resources, to deal more effectively with the bureaucracy.

Similarly, it may be wisest to avoid displacing poorer business establishments. The taking of a marginally operative business may result in its going out of business entirely due to the higher costs of operation in a new location, or from loss of business due to relocation. Some may be looking for reasons to close down, and displacement by public action may be the perfect excuse that also saves face in the community. Westinghouse Sturdyvent Division in Hyde Park, an employer of 3,000 persons, would have been an example of this if the Southwest Expressway had been built. Once lost, such businesses, and jobs, may never be regained, particularly in the inner city with declining rates of entry.

Architects and engineers seem to have a bias for taking ugly structures, which is frequently the description of urban low overhead business operations, and the result on many occasions has been absolute loss of jobs in a community and reduction of multipliers within segments
of the local economy. One example may illustrate the concern: 3,000 jobs (many of the higher paying manufacturing variety) were displaced from Roxbury and Jamaica Plain by the initial takings for the Southwest Expressway-Inner Belt. A relatively high proportion of the jobs were held by minority community residents. In three years of attempts, the Roxbury CDC replaced (tentatively) a total of 24 jobs (half to minorities) in the same area.

Job loss, of course, is not the only adverse effect of unsuccessful business relocation, or dislocation from the community. Tax revenues to the municipality are foregone. Where the business has linkages to local suppliers, distributors, or retailers, displacement of one may mean reduced volume for others, with attendant additional loss of jobs, disposable income for other expenditures, and tax yields. (Population loss from residential displacement has similar effects, particularly on retail trade.) The Roxbury Crossing area of Boston's Southwest Expressway corridor had been a regional center for the hardware industry. Displacement of key manufacturers prompted many related businesses to leave the city as well. As noted, replacement of inner city businesses may be extremely difficult, or impossible. And the relatively high cost of land, infrastructure, and other services, as well as the negative investment psychology prevailing in a depressed environment, discourages new enterprises from locating in areas cleared of their original occupants. The enormous difficulties encountered in attracting business to the cleared land in the Southwest Corridor, despite public land and tax subsidies, are testament to the concern.

An example of more rational planning for business relocation has been
taking place in Peabody and Salem for a proposed connector road there (see Mass. D.P.W., Peabody/Salem Task B, EIS, June 1975). A number of firms with special location, service, and utility requirements are affected. Staff and consultants to the Mass. D.P.W., together with local officials and all the impacted business-persons, have developed an elaborate scheme involving land trades, access road construction, and partial replacement of structures, to avoid the loss of business and jobs in those communities. Unfortunately, Federal law and regulations now only explicitly provide public expenditures for the actual costs of a business move (loss of business, goodwill, etc. are not compensable), and does not guarantee, as for families, that a suitable replacement location must be found. Analysis of the plan shows that the cost in public funds to implement this business-saving program would be less than payments for relocation, not to mention retention in the local communities of jobs and tax revenues. Moreover, legal briefs have been prepared showing that the contemplated actions violate no provisions of state and federal law or regulations. However, the proposal is sharply opposed by officials of the Federal Highway Administration (see previous discussion of Bureaucratic Factors, II. E.).

C. Neighborhood Characteristics

In addition to those variables discussed under household descriptions, other neighborhood characteristics are important indicators of impact. Relocation to "an equal or better neighborhood" is required by federal regulations, although no social criteria (comparability in public and commercial services and facilities is explicitly required) are offered for determining what is equal or better. There is also a strong
resistance among agency officials to allow any further definition, as most are sensitive only to physical characteristics of neighborhoods, such as density and condition of structures. (see Chapter Two) Arguments that a particular neighborhood offers social advantages to its residents usually fell on deaf ears. There have also been no court actions that have set precedents for the general consideration of neighborhood characteristics. Nevertheless, there have been cases where for example public housing is ruled out as a potential resource because crime rates and social conditions overall are perceived to be worse than in the affected neighborhoods. Moreover, structure comparability is strictly adhered to, so that residents of a neighborhood with two and three family dwellings would not be expected to move to a neighborhood of high rise multiple unit structures.

Striking demographic distinctions, and the presence of particular resources such as regional recreation facilities, etc., may then be used to bolster the more accepted arguments in showing that only certain neighborhoods will be acceptable for relocation. Unfortunately, household preferences are not considered by the Federal Highway Administration as adequate justification for rating neighborhoods equal or better. They insist that "we provide for needs, not desires." This notion necessitates an objective methodology for evaluating neighborhoods. The situation is ironic since almost all households will move to their particular neighborhood of preference (in urban areas, usually the one lived in or an adjacent one further away from the inner city), unless choices there are lacking.

An example of the guidelines being applied to a neighborhood with
particularly distinct physical and social characteristics, was a study of proposed new off-ramps from the Tobin Bridge in Charlestown. The potentially affected residents occupied homes that were more spacious and less costly than anything comparable available, in Charlestown or elsewhere. Federalist period brownstones had been purchased and maintained (due to low assessments) by owner occupants at one-sixth the cost of comparable structures in Beacon Hill or the South End. Median rents were 20 per cent lower than in Boston overall, and 100 per cent lower than those in comparable structures. In the neighborhood comprising the proposed takings, 34 per cent of households with income below the poverty level owned their own home, compared to 5 per cent in Boston overall. Thirty five per cent of households with incomes below $5,000 per year paid 25 per cent or less of their income for housing, compared to only 10 per cent of overall Boston households in the same income category paying less than 25 per cent. Only a minute proportion of units lacked plumbing facilities, less than in overall Boston, while inspectors rated general housing condition as excellent. The average length of residence in Charlestown was thirty per cent longer than Boston residents overall, and longer than any other Boston neighborhood. Fewer households move every two years or less than in other Boston neighborhoods (thirty per cent fewer than Boston overall), and proportionally more persons have lived in the same house 20 years or more (40 per cent more than in overall Boston). Charlestown was the only Boston neighborhood affected by urban renewal that did not suffer a drop in the proportion of owner occupants remaining. In terms of inexpensive cost, desirable structure type, and neighborhood stability, Charlestown
was unmatched by other Boston neighborhoods.\textsuperscript{5}

A conclusion was drawn that Charlestown, and particularly that section where the affected occupants lived, offered advantages not found in other Boston neighborhoods, and therefore residents would have to be relocated within their own neighborhood to meet "equal or better neighborhood" requirements. However, housing resources and vacant land on which to build were inadequate. The technical case was immeasurably aided (indeed, dwarfed) by a petition of 10,000 Charlestown residents protesting any displacement, and the proposed ramps were dropped from consideration.

Planning researchers have spent considerable energies in recent years trying to categorize urban neighborhoods. There seems to be particular fascination for determining "neighborhood cohesiveness", and to define it in terms of certain social interactions, such as contact with neighbors, friends, relatives, community groups, etc. Those neighborhoods which exhibit such characteristics are presumed to be the most ideal, and thus to be avoided by public actions which may disrupt such relationships.

Surely socially interactive neighborhoods should not be imposed upon, but classifications along these lines may be misleading, or too narrow an interpretation of neighborhood quality. Our experience in relocation has shown that the way residents use, perceive, and attach value to their

\textsuperscript{5} In addition to the obvious conclusion that Charlestown residents may have practical economic reasons to remain in their community, and must know (or at least recognize) a great many of their neighbors, researchers have shown in multivariate analyses that certain indicators, such as average lengths of residence and low rates of moving within two years, can be used as proxies for use of local facilities, participation in local affairs, expressed satisfaction, etc. Jon Burkhardt, especially, has several useful articles on this.
surroundings is a much more subtle matter, and that social interaction of the kind usually emphasized may not be present in neighborhoods that are otherwise highly prized by their residents. Some people, for example, value not having to relate to neighbors, except perhaps in times of emergency.\(^6\) This is a complex issue which cannot be resolved here. For now, we argue that single indicators of neighborhood quality, strength, desirability, or whatever, are not adequate. "Social cohesiveness" may prove to be one more middle-class myth of the optimal community that will eventually retire to a lesser place in the planner's lexicon.

D. Housing Market Characteristics

Housing market characteristics are the most susceptible to analysis, as there are many readily obtainable sources of information. However, more confusion seems to arise in this area than in any other. Part of the problem is that individual sources are rarely complete in the terms required, and conclusions must be inferred from comparison of much data. Conclusions about future resources are almost always based upon experienced judgment, with numbers providing a lead rather than definitive projections. Reliable, strict quantitative methods are lacking, and, even if they existed, would probably prove too complex for general applications.

In the past, standard agency practice had been to compile daily newspapers or realtor listings until enough units within the cost and size requirements were shown to have been advertised. No account was taken of competition for available units, the presumption being that each one listed could be obtained by a relocatee. Seasonal variations

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\(^6\) Suzanne Keller has provided some good examples of this: *The Urban Neighborhood* (Random House, 1968)
each one listed could be obtained by a relocatee. Seasonal variations
and other demand fluctuations were not considered. What had been listed
in the recent past was presumed to be what would be listed in the
future. No relocation plans ever showed housing resources to be
deficient.

The guidelines are quite explicit, and the logic of the methodology
should be self-explanatory. All of the items have been applied on
numerous projects, and the results of housing market projections have
been repeatedly tested against actual relocation experience. The problem
has not been lack of data, and the projections have proven accurate
except where there have been substantial changes in local demand.
Examples of factors whose influence has been extremely difficult to
predict include shifts in mortgage availability and interest rates, or
city-wide revaluations. Under these conditions, which recently occurred
in Worcester, rentals in desirable neighborhoods became scarcer than
anticipated, while the market for sales was more favorable to the buyer
than expected, (due largely to high tax increases on single family homes.)

Some general observations about housing markets, from relocation
experience, may be worth noting:
1) Rental costs for units of similar size, physical condition, public
and commercial amenities, clearly differ between neighborhoods, and
may also differ within neighborhoods by household type and length of
residence. The differences between neighborhoods may be due to crime
rates, assessment differences, quality of schools, general accessibility,
quiet v. noisy streets, etc., but may also be largely due to the social
preferences of landlords. Many landlords in older, stable urban
neighborhoods are quite willing to trade less rent for what they consider to be a desirable tenant. They may also charge more to an incoming tenant than an existing one, and may further differentiate by type of household, some charging female-headed households, large families, or young couples more than husband headed, smaller, or older households. The particular nature of the differentiation largely depends upon the individual landlord, but the general practice is widespread. It may not be observed in the initial rent-up, but is clearly observable in rental structure over time (different increases, for example) and cannot be explained by any one variable (such as length of residence). Housing market segmentation, or discrimination, is a reality some households experience by price as well as geography. The implication for relocation is that it might be much more costly, and difficult, for certain households to replace what they have than overly broad or static views of the market would indicate.

2) Realtors (in addition to being the best source of information to the analyst on competition, length of time units are available, and demand characteristics in particular areas) exert an enormous influence on housing markets in certain neighborhoods, even when they are not involved in actually selling or renting a property. Landlords will frequently call a realtor, or observe realtor listings, for advice on how much to advertise for rent. The landlord may list a property with a realtor, as well as advertise on his or her own. Realtors handle a larger number of properties directly in white, urban neighborhoods with a rising vacancy rate, as landlords must rely on their cleverness to exclude "undesirables". Such is the case in Roslindale and Hyde Park.
now, as families are allegedly fleeing the busing crisis. In areas where there is a great deal of competition, and units rent rapidly, landlords can easily substitute prospective tenants and thus have a ready-made excuse that would be difficult to refute. The result of realtor involvement, directly or indirectly, is that in spite of highly fragmented ownership, prices may not be so competitively based, as realtors capitalize on control over a larger segment of the market, and manage their advice accordingly. In some cases, entire neighborhoods are dominated by a single realtor. Collusion between realtors is also not uncommon. (Multiple listings are a perfect example of potential oligopoly not dependent upon actual ownership.)

3) The low cost rentals of two and three family dwellings in stable urban neighborhoods are the hardest to replace. Since vacancy rates are a de facto indicator of stability and attractiveness, it has become axiomatic that households displaced from the desirable urban neighborhoods will have few, if any, choices to replace what they had. They will almost always pay more for the same or less than what they had prior to displacement. Relocation programs implicitly recognize this by providing payment for increased rental costs, but only over a four year period. Arguments that households displaced from such neighborhoods have "upgraded" themselves because they occupy a higher cost dwelling are therefore completely shallow. Planning which analyzes available housing by type, cost, size, and location will point out, at least, these and other relationships between acquired and available homes. A study of housing in Worcester, for example, showed available units to be clustered in poorer, less stable neighborhoods, in higher density
wellings, costing more by size and for the few available in comparable neighborhoods, and located in higher proportion along busily traveled streets than the homes to be acquired.

E. Analysis and Correlation of Data

The next step in the technical analysis is to correlate household relocation needs with the housing market resources anticipated in comparable neighborhoods. Where deficiencies in the required relocation housing are apparent, then additional work must be done to ascertain the number of, and suitability of sites to which acquired structures may be moved or new ones built if necessary. Even when last resort replacement housing is not eventually required, this latter exercise may be useful to the relocation program as it will provide the location of vacant, residentially zoned properties to which homeowners might voluntarily move their dwellings. Housemoving is often an economically as well as socially desirable solution, when possible. Displaced households may remain in their familiar area and typically pay only 60-70 per cent of the acquired value of their home to accomplish land purchase, structure move, reinstallation and replacement of infrastructure, and landscaping.

This section of the guidelines also calls for investigation of development possibilities for displaced businesses and institutional facilities.

F. Community Participation

In addition to personal contact with each affected businessperson, local agency and elected officials, realtors and others knowledgeable of local housing and business conditions, a special
meeting has been held with relocatees during the course of EIS development. Each household and business potentially displaced (under all considered alternatives) is informed by letter of the purpose, date, time and location of the meeting. Objectives of the meeting have been as follows:
1) To inform households and businesses of potential impacts, and to invite comments on the overall project as well as their particular concerns.
2) To encourage households and businesses to review the draft EIS and to submit written comments they may think appropriate. All written comments on the draft must be responded to in the Final EIS.
3) To describe the relocation laws and regulations, and to respond to questions of concern, in the hope that potential relocatees will a) not be bilked by speculators or others who would take advantage of their uncertainty, b) not move precipitously and forfeit relocation payments, c) not neglect property or fail to make needed or desired improvements, since if the project goes ahead full fair market value is paid for acquired property and this amount would be diminished by neglect, and d) carry on business as usual until the time of their acquisition, since adequate lead time is allowed for relocation from that point.

To my knowledge, Massachusetts is the only state which holds a meeting specifically for households and businesses potentially displaced. Initially, the opponents of such a meeting, or any early contact, had taken the position (formerly embodied in federal regulations) that potential relocatees should not be disturbed until a final design is determined. It was argued that early contact would unnecessarily
frighten families, arousing a premature opposition to the project and obstructing rational evaluation of alternatives. Some others suggested that the general public meeting schedule already required in EIS preparation provided adequate opportunity for such households to participate.

In response to the former position, staff of the relocation planning section conducted a study of requests to the Department of Public Works for early acquisition because of hardship from residents in a number of communities affected by pending facilities. In only one of the six communities studied—Chicopee—had individual household interviews and a detailed survey of relocation needs been completed at the time. In the path of the other proposed highways, most families had not been officially contacted. Controlling for type of neighborhood (urban-rural, stable-declining), lengths of residence, tenure, and household type, the analysis showed Chicopee households to be less anxious to resolve their situation through the early acquisition process. There had been proportionately fewer hardship requests in Chicopee overall, and in those submitted there were fewer references than in other communities to psychological stress caused by uncertainty. Neighborhood deterioration was cited less in Chicopee than in the other communities as a factor contributing to the request for taking. The study concluded:

"These findings indicate that early individual contacts (over two years previous) do not increase apprehension nor lead to neighborhood neglect. In fact, such contacts may reduce anxiety by informing people of the relocation process and benefits and demonstrate that problems of displacement are being considered."

In counter to the second position, that public participation mechanisms were already adequate, the Relocation Planning Section argued
that potential relocatees were not representing themselves at public meetings. Informed discussion of relocation impacts rarely entered the public record. Few potential relocatees were participating and those who did were not well informed of the relocation process, either with respect to its impacts or benefits.

When relocatee meetings were finally held, these arguments were substantiated by survey of the households who attended. On the average, less than one-half to one-third of potential relocatees ever attend a public meeting prior to the special relocatee session. Almost none have any prior knowledge of relocation programs, and many were not even aware of the project which affected them. Their response to having the meetings has been overwhelmingly favorable, although they are not always happy with what's said and are especially disappointed that definitive dates for the progress of the project are never able to be given. On protracted projects, some state they have waited years to hear some straight talk on what might happen to them, or to know whether they might be affected at all.

Thus far, Massachusetts D.P.W. has supported the meetings and they are now a formal requirement of the agency's federally approved procedures for public participation (the "Action Plan"). Part of the support, no doubt, derives from the fact that the agency wishes to avoid embarrassment from speakers at formal public hearings, and from local elected officials. In the past it was charged that affected persons had not been aware of the project and that the agency was trying to subvert opposition in this way. While it may be argued that the participation of potential relocatees is not as "effective" as it might be, the first
steps toward accountability to them in public have been taken.

IV Comment on Methodologies for Planning Practice

There is clearly a need for explicit methodologies to assess the impacts of proposed public actions. Public agency staff and consultants caught in the perplexities of ever changing criteria for environmental impact statements, lack a systematic approach and clear technical methods for their work. The general quality of analyses, particularly in economic and social impacts, is unfortunate testament to the problem. Decision makers and the public overall regard conclusions with suspicion, if they regard them at all, as technical views may be masked by the closed rationale of "expert" judgment or are simply not responsive to the impacts.

In Massachusetts, guidelines for a method of work and techniques for analysis have been applied to one area of impact assessment. In spite of initial resistance, due largely to the legacy of softer practices in the past, consultants under contract to the state have applauded the guidelines for providing clear direction to their work, which has allowed more rational budgeting and concrete expectations for the product. Agency staff, other than those involved in bureaucratic infighting within the functional discipline, have been in unanimous support of the guidelines, although like consultants they had objected in the beginning.

The guidelines have resulted in reports, interdisciplinary applications, and public participation that has, in our judgment, significantly increased the influence of relocation matters in project decisions and allowed more effective preparation for the inevitable
relocation programs. With consultants providing technical data on anticipated impacts, staff of the Relocation Planning Section have been able to apply more informed judgment and to concentrate on developing means to more effectively assist displaced persons, such as through last resort replacement housing, structure moving, etc. (these efforts have not been discussed, but they comprise the largest share of staff working time).

Unfortunately, not all the technical methods have been developed and applied with equal clarity. Particularly in the area of housing market analysis, there appears to be at present no substitute for experienced judgment to synthesize and draw conclusions from the data, although the information base is fairly complete and open to scrutiny.

In spite of the guidelines apparent success, there seems to be no end to the attempts to alter their contents in a way that would render the methodology ineffectual. It may be necessary in other states, and perhaps in Massachusetts, to have a Relocation Planning function outside of Right of Way, within overall environmental and project development disciplines. This implies an extremely unfortunate trade-off. The main advantage of the present structuring is that planning and implementation concerns are undifferentiable. Planning methods are constantly tested in practical application, while involvement in the implementation of relocation programs breeds new and refined planning techniques. Unfortunately, there appear to be very few administrators, particularly within the Federal Highway Administration, who wish to manage the problem in such a wholistic fashion. Perhaps too there aren't many persons with planning backgrounds who want to tackle the problems
of bureaucratic infighting, which confront attempts to put new analytic methods into day to day agency practice.
GUIDELINES FOR CONSULTANT WORK IN PREPARING
PRELIMINARY REPORT ON RELOCATION NEEDS AND RESOURCES

Francis X. Mahady
Dianne T. Wood
METHOD OF WORK

The following guidelines have been prepared by the Massachusetts Department of Public Works to be used by consultants in the preparation of Environmental Impact Statements and other required studies. The purpose of this study of relocation needs and resources is to influence location and design work at the earliest stage of the planning process. The findings of relocation analyses will be presented as "impacts due to displacement" for each alternative being considered. In applying these guidelines, level of detail will depend upon the magnitude and type of relocation involved. For example, on projects involving few relocations, a detailed neighborhood evaluation may not be required. (see section III).

A submission of the Preliminary Report on Relocation Needs and Resources will be made to the Relocation Planning Section, Right of Way Bureau, under separate cover, prior to submission of the Preliminary Draft EIS/Location Study. This timing will allow the consultant to perform additional work as required, and will allow the Department sufficient time to prepare the final Conceptual State Relocation Program Plan and Analysis of Impacts Due to Displacement prior to public hearings.

The Relocation Planning Section will review consultant proposals and participate in contract negotiations. After a contract has been negotiated and signed, work will proceed as follows:

Consultant develops with Relocation Planning Section detailed work program for relocation and neighborhood impact studies.

Consultant maintains continuing contact with Relocation Planning Section which provides assistance in conduct of studies; Relocation Planning Section monitors technical work, application of study findings to engineering work.

Consultant submits data inventory, draft report on relocation needs and resources, for review by Relocation Planning Section which directs consultant to perform additional work as required.

Relocation Planning Section prepares, from consultant draft Preliminary Report on Relocation Needs and Resources plus additional analysis, final Conceptual Stage Relocation Program Plan for submission to FHWA, inclusion in EIS.

The analysis of relocation problems and proposed solutions to be developed by the Department is based on the legal requirements for relocation. Standards are provided in the Federal Uniform Relocation and Real Property Acquisition Policies Act of 1970, FHWA PPM 81-1 and 81-1.5. (Last Resort Replacement Housing). These requirements are summarized in Appendix I.
I. Inventory of structures, dwelling units, commercial establishments and farms

A. A complete inventory of structures potentially taken under each alternative (as used in contract or EIS), including structures affected by interchanges, widening or modification of existing streets, as well as takings for the main facility, showing: structure type, description, approximate value, estimated condition, location (community, neighborhood, street).

B. An estimate of the number of dwelling units and tenure of households, including: number of dwelling units in each residential structure affected (estimate number vacant); estimated tenure (own or rent) or occupants in each residential unit.

C. An accounting of the number of businesses (include farms) and name of each business, including: number of businesses in each commercial structure, location (community, neighborhood, street).

Plans showing right of way limits, indentifying each structure tabulated in the inventory, are to be included (200' scale), as well as photographs of affected structures.

II. Description of households and businesses affected, preliminary identification of relocation needs

A. A general description of household characteristics -- from census tract and block data and from other secondary sources. The compilation should show the proportion which affected households represent within each tract and block population. Tract and block data encompassing affected households should be compiled by neighborhood and community and compared with tract and block data aggregated for the political subdivision and county (or SMSA). As a minimum, complete census block information should be compiled and computations done where necessary. From census block and selected tract information, estimates are to be made of the number of one person, female headed, elderly, and large family households affected and the probable range of their incomes. Estimates are to be made of the number of minority households, non-English speaking households and significant presence of ethnic groups.

Individual owners' lengths of residence can be obtained from date of last sale in the Registry of Deeds, as well as information on mortgage amounts and discharge. Lists of Polls are maintained by most cities and towns, provid-
ing the number of persons of voting age at each residence and in some cases, ages and occupations. City Directories may also provide age and occupations of residents, and this information would be of particular importance in identifying those affected who may be retired or in low paying jobs. A list of the names and addresses of affected occupants shall be compiled and presented with the information available from the above sources. (See sample graphics Appendix I).

B. A general description of business characteristics -- from available sources such as census of business, chamber of commerce, industrial commission, regional planning, other publications and reports of local agencies. The description will include when available, the following for each business:

-- type of business (retail, manufacturing, service, wholesale) include SIC code

-- tenure (own/rent) and estimated length of residence

-- approximate floor area

-- estimated number of employees; employment composition (include number of minority employees)

-- general location, utility, service requirements

-- estimated rental or tax rate and land values

The above information should be obtained from individual contacts with affected business people, when the business people are willing to meet with consultants and give information. If they are not, the above-mentioned secondary sources must be used.

Anticipated problems with location, utilities, zoning, services (such as truck access, drainage agreements, special casements, etc.), franchises, or licenses should be identified. Existing and projected market conditions for similar businesses in the area are to be discussed, focusing on trade area, business rate of entry, vacancies in existing structures, and available land suitable for development.

C. The impact on potentially displaced schools, churches, other public and private institutional facilities, as well as their possible plans for relocation, are to be discussed on an individual basis with representatives of the affected facility and Department of Public Works officials. Possi-
bilities for functional replacement of public facilities are to be noted.

D. Other sources -- In addition to the above sources, the knowledge of local representatives, planning agencies, community groups, and area residents participating in the planning process should be utilized to expand and refine descriptions gathered from secondary sources.

III. Neighborhood characteristics

Important in accessing relocation needs are relationships external to the households; for example, the way residents use, perceive, and attach value to their immediate surroundings, and their preferences for locating in particular areas. These relationships are difficult to measure without comprehensive surveys. However, through local contacts and the use of indicators of neighborhood characteristics, a reasonable analysis of the affected neighborhood and a comparison to other areas of the community can be made. Census data must be obtained and computations done so that such analysis may be made. Appendix II is a partial list of census information, to be applied as appropriate to particular projects.

All of the material suggested in Appendix II may be obtained from census publications. The Department, through the Bureau of Transportation Planning and Development, may provide additional census material for analysis, when available (e.g. Fourth Count Housing Tapes). Data should be compiled by tract and compared to community and SMSA totals. Indicators of neighborhood stability and attractiveness should be discussed (mapped where appropriate) to the extent information is available, including census data; crime rates; street traffic (children's crossings); proximity to shopping and public transportation, churches, health facilities, playgrounds, open space and recreation facilities; quality of schools and housing.

Although certain plans will require compiling a substantial volume of censys and other available information, consultants, in cooperation with the Relocation Planning Section, will concentrate on developing data most relevant to the particular project. For example, on smaller projects, much of the census material would be of limited value, while detailed field observations of neighborhoods will be more feasible.

IV. Housing Market Characteristics

The survey of housing market characteristics is to focus on housing available in the private market which is of structure
type, cost (or rent), size, and in a neighborhood comparable to structures to be acquired. Resources in public and publicly-assisted housing are to be documented through contacts with the local housing authority and managers of individual projects. Contacts with realtors and others knowledgeable of local housing are to be documented by name and time of contact.

Wherever available, the housing market survey is to include as a minimum the following:

1. Sample newspaper and periodical listings of homes for sale and rent by structure type, cost, size and location. The sample should be selected over at least a one-year period to allow for seasonal variations and daily or weekly listings spaced far enough apart to eliminate repetition. A coded plotting of available units on a map of the community is essential and should show the proportion of identifiable locations to total listings. Length of time units available should be ascertained from comparison of continuous listings.

2. Detailed information on new construction: building permits issued by structure type (at least over the past five years); planned new construction (contact area builders, building inspectors, local planning officials, developers, public housing officials, HUD, MHFA).

3. Comments from area realtors and compilation of multiple listings (if available). A number of realtors should be contacted to obtain as complete a picture as possible of area housing market conditions, with discussion focusing on volume of recent past sales and rental turnover by type, cost, size and location; present availability by type, cost, size and location; competition for available units by type, cost, size and location (including length of time units are available); high demand areas and special circumstances which may affect relocation. If possible, the local Real Estate Transfer Directory should be obtained and sales over the previous complete year and recent months plotted by type, cost, size and location.

4. Information from local banks, utility companies, etc., for mortgage and other housing cost information. Information from community assessors and others to obtain tax rates, rates of assessment, real variations in particular sections.

5. Information on availability of public and publicly-assisted housing; vacancies; waiting lists; turnovers; size and rents of available units; admissions criteria (family size and income); description of projects (e.g. density, neighborhood
public and commercial services available, comparability to
structures to be acquired, location and size of project).

6. Information on other projects involving displacement; re-
cent and anticipated relocation; problems experienced by
relocation agency. Where data is available (DPW or Re-
development Authority files) recent past relocations should
be plotted by type, size, location, tenure, and cost of pre-
relocation vs. post-relocation housing.

7. Information from census and other reports; changes in to-
tal supply and characteristics of the housing stock are to
be noted by comparing 1970 with 1960 census data. Region-
al and local housing market and related studies may be used
to supplement primary sources.

V. Analysis and Correlation of Data

Information developed in sections I-IV is to be correlated such
that an analysis may be made of comparable housing and business
resources in neighborhoods potentially suitable for relocatees.

The analysis of relocation needs and resources may show problems
which can be avoided by design and location adjustments. Other
solutions may include replacement housing and joint development
provisions for displaced businesses.

A. Development possibilities for business and institutional
facilities

Possible innovative means including provision of excess land
from facility takings to accommodate displaced business and
institutional facilities are to be developed. Community
resources are to be discussed including: professional ex-
pertise, assistance from local officials and agencies, land
potentially suitable for development, potential rehabilita-
tion of existing structures, etc. Opportunities for and
constraints to functional replacement are to be discussed
in detail.

B. Replacement Housing

Sites potential for the location of replacement housing are
to be identified and described in relation to existing sur-
roundings, zoning, site features and access, proximity to
shopping and local community facilities, proximity to pub-
lic transportation, land values, pending or possible com-
peting development, history of attempted development (re-
quested zoning variances and results, permits requested,
etc.), possible environmental impacts. Possibilities for
structure moving are to be explored, as in many cases this will be a valuable resource for replacement housing. Land in the immediate area owned by DPW and outside proposed rights of way should be identified. Local officials and representatives of other public agencies should be contacted to explore possibilities for the use of publicly-owned or tax title land for replacement housing or other facilities.

VI. Community Participation

Preliminary findings of relocation needs and resources are to be presented at public informational meetings by the consultant. A special meeting with persons potentially displaced and others will be held, in accordance with Action Plan procedures.

It will be the responsibility of the consultant to contact affected occupants under direction of the Relocation Planning Section, Right of Way Bureau, and to distribute the information in accordance with Action Plan procedures.

Engineering drawings depicting possible takings are to be shown, to whatever detail they are developed, at all public-informational meetings. The consultant should document by name, time, and summary report all contacts made with potential relocatees.
LEGAL AND ADMINISTRATIVE REQUIREMENTS

FOR HOUSING AVAILABILITY
Legal and Administrative Requirements for Housing Availability

Simply stated, relocation programs express a relationship between the housing needs of displacees and the availability of housing to meet those needs. Relocation is most easily accomplished, and choice is afforded for replacement housing, when housing market activity matches relocation needs and when the additional demand created by displacement is small enough to be absorbed without severe consequence to the overall market or some segment of the market. It follows, therefore, that the kind of housing desired by relocatees must be available in sufficient numbers to assure that relocation needs and preferences will be adequately provided for. Unfortunately, precise needs and preferences cannot be determined at this early stage, nor can the availability of suitable housing be estimated with strict accuracy. However, past experience has shown that most households seek homes comparable to what they owned or rented prior to relocation, and FHWA has adopted standards of "comparable replacement housing" that reflect, in part, such experience. This criterion, as well as additional federal and state standards for relocation housing, are applied to the extent possible in determining at this preliminary stage the probable availability of housing for potential relocatees. The following factors are considered:

* Number and type of dwellings affected, tenure and size of households, age and other characteristics of affected residents.

* Location and approximate value of dwellings to be acquired.

* Housing market characteristics - new construction (housing production), volume of past activity (turnover), newspaper listings and census counts (price, distribution and location of vacancies), and comments of realtors and others knowledgeable in area housing (local conditions).

* Neighborhood characteristics.

Federal law (Uniform Relocation Act of 1970), state law (Chapter 79A, Massachusetts General Laws), regulations of the Federal Highway Administration (FFM 81-1), and regulations of the Massachusetts Department of Public Works and Bureau of Relocation provide that any highway project that will involve the relocation of families or individuals must assure the following:

* There will be available sufficient decent, safe, and sanitary homes for sale and rent, adequate to meet the needs of each family to be relocated and within their financial means. In determining whether sufficient suitable housing will be available for relocation, the following criteria are applied (required by federal or state regulation):
- Replacement housing must be decent, safe and sanitary, as defined by Article II, Massachusetts Sanitary Code.

- The cost of replacement houses (gross housing costs - mortgage or rent plus heat and utilities) must be within the financial means of households to be relocated. As a minimum, gross housing costs per year are not to exceed 25 per cent of gross annual income.

- Housing meeting the above standards must be available in locations that are in the same general area (as a minimum, within the same community), accessible to the relocatee's place of employment, in a neighborhood that is equal to or better than the one in which he lives, comparable with regard to public utilities, public and commercial facilities, etc., and adequate to accommodate any of his special needs.

- Replacement dwellings must be at least comparable to dwellings to be acquired, with respect to number of rooms, area of living space, type of construction age, and state of repair.

- Each household must have, as a minimum, three suitable choices for relocation.

* These criteria are applied to the overall supply of housing anticipated to become available, and in later phases - prior to the right-of-way acquisition - estimates of available housing suitable to the needs of relocatees would be developed "to the extent necessary to assure that a relocation plan can be expeditiously and fully implemented," and to satisfy all requirements of state law and regulations of the Massachusetts Bureau of Relocation. Under federal law, if sufficient suitable dwellings could not be anticipated to become available in existing housing, then new housing must be built as necessary to accommodate all relocatees.

* Recent legislation upheld in an opinion of the Attorney General expressly grants the Department of Public Works authority to construct replacement structures, acquire and dispose of land for replacement housing and other structures, and take other actions necessary to comply with the Uniform Relocation Act of 1970.
SELECTED CENSUS TRACT DATA
FOR NEIGHBORHOOD EVALUATION
The following is a guide to the kinds of information that may be obtained from the census to permit an evaluation of the affected neighborhood:

1. Population characteristics
   - total population 1970; changes 1960-1970
   - racial composition 1970; significant presence of ethnic groups; changes 1960-1970
   - age distribution 1970; change in proportion of persons under 18, over 62; changes 1960-1970
   - average household size, 1970; change 1960-1970
   - education, median number of years completed, % high school graduates, % school attendees enrolled in college, 1970; changes 1960-1970
   - predominant occupational types, 1970; changes 1960-1970

2. Income characteristics
   - median household income 1970; median income of families 1970; median income of unrelated individuals, 1970
   - % distribution by $5,000 increments; % paying 25% or less of income for rent for each $5,000 increment
   - % of all households with income below poverty level; % homeowners with income below poverty level; % household heads over 65 with income below poverty level; % unrelated individuals with income below poverty level

3. Residential mobility and transportation
   - proportion of persons in residence less than two years, two to five years, six to 10, 11 to 20, over 20 years; median length of residence; changes 1960-1970
   - auto ownership 1970, by owners, renters; means of transportation to work

4. Housing characteristics
   - total dwelling units
     - % 1-unit structures; 2-unit; 3-4 unit; 5-49; 50 plus; 1970, changes 1960-1970
     - % owner-occupied 1970; change 1960-1970
     - % renter-occupied 1970; change 1960-1970
     - % vacant 1970; change 1960-1970
     - vacant and for sale, 1970, number and %
       - Vacant less than 6 months, %
       - median price asked
     - vacant for rent, 1970, number and %
     - vacant less than 2 months, %
     - median rent asked
     - median # rooms per dwelling unit; average # rooms per d/u
     - median # persons per d/u (by owners and renters)
     - condition of stock - % lacking some or all plumbing
     - overcrowding: 1.01 or more persons per room; change 1960-1970
     - value of owner-occupied units - median and % distribution 1970
     - contract rent and gross rent - median and % distribution 1970