

ASSESSING THE INDY CONNECT LEGISLATIVE PROCESS: THEORY AND PRACTICE

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ABSTRACT

RESEARCH PAPER: Assessing the INDY Connect Legislative Process: Theory and Practice

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Planning, transportation, and politics are a messy combination. Mass transit in central Indiana has had a long process to get where it sits today. House Bill 1011 created a study committee to establish the feasibility of mass transit in central Indiana and resulted in what would become the skeletal structure of Senate Bill 176. Senate Bill 176 created the opportunity for a local public question to be placed on a ballot as early as November 2016 asking whether or not people within eligible counties would approve a higher tax rate to fund mass transit. House Bill 1011 and Senate Bill 176 were preceded by a bill in 2012 that had nearly the same outcome, but did not make it through the legislative process. This led to the suspicion of the importance in packaging (showcasing select benefits) projects to elected officials.

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Sincerely,

Ty Adley

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Overview

What occurs at the nexus of planning, transportation, and politics in Indiana? Mass transit in Central Indiana has been a work in progress for over two decades, and has gained significant support in recent years with two bills passing at the Indiana Legislation within the last 5 years. Planning is political, and politics are inherently messy, but does that make transportation planning inherently messy in Indiana? Transportation planning occurs on a large scale, but what does it mean for planners when legislation is made? Packaging a regional transportation system makes a difference in the eyes of elected officials. Packaging is the delivery of the perceived benefits of the project that will gain the attention of elected officials, where some benefits of mass transit are considered more important than others.

Transportation planning is much like any other field of planning, and is receptive to the opinion of elected officials who represent their constituents. I began with a literature review, and then into the research of how the Indiana legislative process works, followed by reading HB 1011 from 2013 and SB 176 from 2014. Finally I conducted interviews with 6 individuals who knew the process that the bills took and the story behind them. Resulting in the understanding that planning is political which is inherently messy, but what can be said though is that a project can fail or succeed with minute differences on paper.

Method

I began my research by conducting a literature review beginning with general planning theory articles by authors like Krumholz, Sandercock, and Lindblom which laid the foundation for the remainder of the literature review. Authors such as Siemiatycki, Altshuler, and Walker transitioned the literature review from general theory into focuses on planning, transportation, and politics where interaction between the three is started. From there authors such as Altshuler, Luberoff, Garrison, and Levison reach the nexus of planning, transportation and politics, where I understood just how political transportation is and the messy process that it goes through. The literature review was used to create a background for me on how this nexus works so that when combined with the legislative process, bills, and interviews I would have an understanding of how planning, transportation work in theory and in practice.

With minimal prior knowledge of the legislative process, I had no understanding how the bills would make its way through the Indiana House and Senate. With a rudimentary understanding of how legislation moves through the chambers I would be able to have a greater understanding of one aspect of how House Bill 1011 from 2013 and Senate Bill 176 from 2014 made it through and their significance.

After acquiring basic knowledge of how the Indiana Legislation works I began reading bill summaries, timelines, and the full bill's text to learn more about House Bill 1011 from 2013 and Senate Bill 176 from 2014. The summaries gave me a quick glimpse at what each bill was about, but there is always much more to it than just the summary. This led to the reading of the timelines to gain insight into what was going on with the bill during each stage of the process from inception to signing by the governor. This ended with reading all the text for each bill, because without clear understanding what each bill states, I would not be able to draw conclusions when during my analysis. House Bill 1011 created a study committee which had to produce a report at the end of their special session which became of importance to report on due to its linkage to Senate Bill 176.

With a literature review completed, an understanding of how the legislative process works, and what House Bill 1011 and Senate Bill 176 state I had a few portions of the story on the progress of mass transit in

central Indiana, but I needed to go one step further by conducting interviews with people more knowledgeable on the matter. I received recommendations from classmates, professors, and people that were interviewed which created the list. When meeting for the interview or in one case where a phone interview had to occur due to time constraints, the interviews were free flowing in nature where I only had a few questions for the individuals. I met with: Sean Northup (Assistant Executive Director Indianapolis Metropolitan Planning Organization), Mike McDaniel (Executive Director Governmental Affairs at Krieg Devault), Jamie Palmer (Senior Policy Analyst at Indiana University – Purdue University Indianapolis), Ehren Bingaman (2007-2013 Executive Director of Central Indiana Regional Transportation Authority), David Littlejohn (Alternative Transportation Coordinator for the City of Carmel), and Jerry Bridges (Executive Director for the Madison County Council of Governments). The advice, insight, and historical story created an understanding of what was happening at this time in the state house and what some parties have been working towards for the past decade. The open ended conversations allowed for information on CIRCL, LEDO, and the repackaged bill from 2012 – 2013 that I would have not learned about had I went with a more structured question and answer mentality for the interviews. What is some of the most valuable information to the analysis is what came from the interviews.

The understanding of how the nexus of planning, transportation, and politics work in theory from the literature review, knowledge of the legislation process, what House Bill 1011 and Senate Bill 176 state, and the story of what it took to pass the bills I was able to begin analyzing my research. This collection of knowledge would lead me to find out whether or not how mass transit in central Indiana packaged to elected officials makes a difference when trying to pass through the gauntlet of Indiana Legislation.

Literature Review

Introduction

The importance of discussing projects with elected officials can be related back to literature focusing in the general theory of planning, where planning and politics come together and where planning, transportation create a nexus. My reading of the literature builds from the general understanding of planning that points out the need for risks and the unknowable future that planners have to anticipate. I then moved into how planning and politics interact creating the need for reevaluation of planning's ever evolving role in government and the patience that is needed for expansive projects like mass transit in central Indiana. I conclude with the nexus that informs that planning is political and the power of a single elected official on the fate of a project.

General Theory

Transportation, planning, and politics are all interconnected, whether it is in practice, theory, or both. Major theories in planning involve power and politics. Norman Krumholz's "A Retrospective View of Equity Planning Cleveland 1969-1979", Leonie Sandercock's "Towards a Planning Imagination for the 21st Century", and Charles Lindblom's "The Science of "Muddling Through" lay a foundation to which we can analyze the relationship of politics and planning. Transportation planning is much like any other field of planning, and is receptive politics. The purpose of the general theory articles was creating the fundamental knowledge that there is a significant risk in the unknowable future, because each decision by an individual nudges future outcomes for better or worse and planners should be serious players willing to share the risk of projects. Their willingness to share risk gives them greater credibility when connecting with the public while they are educating on the outcomes on different proposals for the community.

The planning work that was done in Cleveland while under Norman Krumholz is raved about in many planning history courses as progressive and risk taking in nature which could be taken note of by current planners who are more reserved in nature. He set the tone for many current planners that are heading up

industry leading cities across the United States and it is the initiative to make cities better in the face of opposition that planners need to advise officials in the big picture solutions. In Norman Krumholz's article "A Retrospective View of Equity Planning Cleveland 1969-1979", he discusses the successes and setbacks the planning department, which he directed. Times of hardship and success create the punchline that encourages planners to be more adventurous and risk taking with their plans.

Parts of the article that are of greatest interest in relation to the politics of planning, included one such instance when the department was doing a transit study for Mayors Stokes and Perk. The department believed that the "highest priority" for the study should have been for the population that was dependent on the transit system. They of course won these disagreements with the elected officials but "the project's staff quickly identified its interests in terms of responding to and even anticipating political pressures...(1982, page 166)" Krumholz, would later reflect on his actions of the day and how they would affect practicing (rather than academic) planners. He felt as though he was challenging city planners to be activists and to be "risk-taking in style".

Krumholz states how the way equity planning was done in Cleveland did not lead to a disaster, it may have created conflict from time to time, but it shows that a planning agency can grow and thrive while doing so. Krumholz makes the point that planning professionals have been too timid and there is a need to take risks, but they can be managed as he did during his time in Cleveland. He points out that planners in order to gain influence on issues, planners need to be seen as serious and long-term players and be willing to take their share of risks including those in the political arena.

Although much of the article revolved around making equity planning work, Norman Krumholz established key ideas that can be applied to the politics of planning. A couple of key concepts from his article that we can take note of are planners have been too timid in the past and that planners need to be serious members at the table willing to share the risk of the proposals in the plans they write. If planners are going to be timid in their action, then the profession should cease to exist. Planners need to be willing to share the

risk and get a seat at the table, Leonie Sandercock points out the benefit of risk and that without it nothing new would be made.

Planning is difficult, because it is the attempt to take individual ideologies and transition that into a comprehensive plan (which is a political process) that becomes a common plan representing individual needs and desires. Some of the projects within the plan will be risky, but if done properly the negative side effects can be mitigated. Leonie Sandercock's article "Towards a Planning Imagination for the 21st Century", she discusses the social project that is planning and what will culturally change planners' ways of thinking and practice. She believes that planning "helps to redefine political debate, producing new sources of power and legitimacy, changing the force field in which we operate (2004, pg. 134)". She points out that there is no way a planner can get around the fact that they are political beings.

She breaks this down into three ideas; "the choice about for whom and what to work (2004, pg. 135)", "when we decide to act strategically (2004, pg. 135)", and the technical work. The first idea about how planners are political is "the choice for whom and what to work (2004, pg. 135)". What she means by this is when planners are looking for a job they are typically looking at the opportunities that their job will allow them to accomplish, salary, and whether or not it's a community they could see themselves in.

The second idea about planners acting strategically means that politically inclined members know how to work with their fellow constituents within and outside the department as well as elected officials to act on projects when the time is right. Finally the third idea relating to the technical work such as making maps and other planning documents, knowingly or not, important decisions are made regarding the future use of land. Decisions are made on personal/ professional bias for the analysis.

Sandercock, makes a relevant point that as planners there is no way to avoid being political in our actions. She goes on to point out that for politicians; risks include thinking past the short-term and involving the public in decision-making. She argues that nothing new will enter the world without some sort of attached risk. She concludes that the transformation and evolution of "planning's social project is necessarily a combined effort- by residents, planners, and politicians (2004, pg. 140)".

A couple of key takeaways are to accept that everyone is a political being acting often in their personal interests and that without risk nothing new will enter the world. With individuals acting in their own self-interest there is typically only an investment items that create immediate reward. Aaron Wildavsky points out that the better calculated risk is the collective backing of investment in future problems. There is still a risk in the future, but without investing 5-10 years down the road, funding the larger projects will be much more difficult.

Resources must be properly managed otherwise future projects could go underfunded or not funded at all, but planning can act as a tool to achieve community support for proper resource allocation. “If Planning Is Everything, Maybe It’s Nothing” written by Aaron Wildavsky, explores the idea of planning and why planners themselves have trouble explaining “who they are and what they should be expected to do (1973, pg. 127)”. An interesting section of his article revolves around ‘Planning as Cause’, in which he looks at planning as a more general concept that takes places when people are able to cause the desired consequences. Wildavsky considers planning to be a form of social causation, where he states that “it requires causal knowledge and the ability to wield that knowledge effectively (1973, pg. 132)”.

In ‘Planning as Power’ he goes on to state that “there can be no planning without the ability to cause other people to act differently than they otherwise would (1973, pg. 132)”. Which leads him to believe that planning “assumes” power and therefore “planning is politics”. Wildavsky builds off of this point describing how power is reciprocal and those with the power have restrictions and must exist within its “social context”. He continues on to state that the individuals with power must commit current resources to the accomplishment of future objectives in order complete future objectives.

Wildavsky goes on to make the point that if planning is to be taken outside of the academic arena that it needs to guide or aid in guiding governmental decisions. He states: “To plan, therefore, is to govern. Planning thus becomes the process through which society makes its decisions (1973, pg. 133)”. A planner is anyone that makes decisions that will have not just future consequences, but substantial consequences down the road. A couple of takeaways are the need for resource management by committing current resources to

future objectives and using planning as a process to make decisions and open up dialogue between various parties.

The idea of using planning as a decision making process was reinforced in “Urban planning: an ‘undisciplined’ discipline?” by Daniel Pinson where discusses the discipline of planning and its evolution and conglomeration of discipline perspectives. Pinson dives into the idea of spatial planning and how it is not just the technical aspect of maps and regulations, but it’s a political process. A process “aimed at reaching an equilibrium through concerted dialogue between all the concerned parties... (2004, pg. 509)”. What was important to add this article was to build on the previous article by Wildavsky by reinforcing the importance of using planning as a tool to reach equilibrium or a decision for the community.

Plan-making when done well, attempts to break out of the political sphere by holding dozens, if not hundreds of outreach meetings giving opportunity to as many individuals as possible. Planning as Sandercock pointed out is inherently political and everyone will act in their own best interest. Using planning as a tool elected officials can vet a series of options. In the case of mass transit in central Indiana, planners can offer such alternatives by gaining opinions and suggestions from constituents. Elected officials will ultimately have the final say in the project though because as Charles Lindblom describes, not everyone will agree with the final decision.

Striving for everyone to vote in favor of mass transit in central Indiana, just won’t happen, but that is ok. Not everyone will agree no matter how small the differences are. In Charles Lindblom’s article “The Science of “Muddling Through” (1959)”, he discusses the decisions-making process of public administration, and a point that he makes is that the differences amongst parties or individuals. The majority of individuals will not align exactly the same; there will always be a difference no matter how large or minute. Policies are complex pieces of work that do not rapidly change over time; they evolve incrementally with minor adjustments. Lindblom argues that when a new policy is put forward it is never expected to be the final resolution, but those in favor of the policy believe that it is a step in the right direction. A step in the right direction is held within the eyes of those in favor of the policy. Those in favor of mass transit in central Indiana believe that

they are taking steps in the right direction to get it implemented. What can be taken away from Lindblom's article is the importance of people are not always going to agree on the "final" decision, but it may not may be the final decision anyway, but with large projects especially, small steps forward are a success, when considering the larger picture in the context of the future.

The General Theory articles are a foundation of planning theory and practice. It creates the fundamental knowledge that there is a significant risk in the unknowable future, because each decision by an individual nudges future outcomes for better or worse. Planners should be serious players willing to share the risk of projects. Their willingness to share risk gives them greater credibility when connecting with the public while they are educating on the outcomes on different proposals for the community. Planners can share the risk by being held responsible for the plans they recommend. These takeaways are important to planning which will transition into the next series of articles that will focus on a combination of planning and politics. The following articles and books are written by Matt Siemiatycki, Alan Altshuler, Robert Walker, and Alan Black.

An Intersection Between Planning and Politics

The role of planning has been ever changing and is currently stuck between informing and advocating. One suggested role that planning should take is act as an advisor to elected officials on the various routes that central Indiana can take with their associate pros and cons. Planning with its job to inform, should educate officials to be patient with new projects especially when they are as large as mass transit. Mass transit is not an over night success, there is a story of years of difficult formalities and planning is essential to a successful system.

Planning attempts to manage resources efficiently, but public-private partnerships provides a similar service by bring projects in on time and on budget according Matti Siemiatycki. Siemiatycki's article "Delivering Transportation Infrastructure Through Public-Private Partnerships" he explores how financing projects are funded and the risks associated with the partnerships. Siemiatycki notes that using public-private

partnership (PPP) to fund government projects in order to spur development is a growing trend. Supporters of PPPs bring up the benefits of bringing government more innovative solutions, accountability, and reduction in cost and time schedules when comparing against projects that were not financed through public-private partnerships.

Siemiatycki offers nine criteria questions to evaluate transportation projects being delivered through different types of public-private partnerships. One of the most interesting was, “Will It Tap New Money for Infrastructure? (2010, pg. 46)”. Mass transit is often seen as a risky investment and many skeptics are concerned with funding in an environment there is a lack of funding for various projects at all levels of government like Indiana. Another level to this lack of funding is by “political aversion to taking on debt or raising taxes (2010, pg. 46)”. The inability to adequately fund projects by taking on debt or raising taxes relate to the issue that Wildavsky brought to light which was the lack of initiative to invest current funding in future problems, and being mostly concerned with immediate success.

Another criteria Siemiatycki has is “Will It Limit Meaningful Community Consultation and Involvement? (2010, pg. 47)”. This refers to the importance of public involvement in the fate of infrastructure decisions. Siemiatycki points to various professionals that have identified community involvement as “critical to making public planning accountable... (2010, pg. 47)”. A final criteria is, “Will the Project be Within Budget and on Time, Meet Traffic Forecasts and Deliver Desired Community Benefits? (2010, pg. 47)” Siemiatycki lists a series of projects making the point that transportation projects are typically rated successful or not; whether they are delivered on time, within budget, and reach the prescribed traffic forecasts after construction. Unfortunately, many transportation projects come in after the deadline, well over budget and turn out to have overestimated traffic forecasts leading to negligible benefits (2010, pg. 47).

He goes on to describe the implications and what it means for planners, one of particular interest is that planners support the project delivery especially when the project is socially beneficial and implemented quickly, but the catch is that many of these decisions are left up to politicians. Siemiatycki concluded with an important takeaway, that “planners should develop strategies that preserve government flexibility to plan for

future community needs without violating the terms of the contract (2010, pg. 56)”. This again relates back to Wildavsky’s point that governments should be putting funding towards future problems.

The issue with putting money towards future problems is the associated risk of whether or not they are going to happen and to what magnitude they will occur. It is a part of the planner’s job to educate elected officials of the different courses of action that a community can take and it is within the advising role that planners do not always align due to conflicting mindsets planners and elected officials have, but must be overcome.

If used properly by elected officials, planners can radically change cities and regions. All that is needed is the opportunity, at which point should be seized by planners to take on the advisory role. Alan Altshuler’s book “The City Planning Process: A Political Analysis”. Altshuler referenced Robert Walker’s 2nd edition of “The Planning Function in Urban Government” that planning agencies could not survive if they tried to advocate their own plans. Planners’ could alternatively do three different things:

- a.) “Flail away ineffectually in the public forum”,
- b.) “Deal with issues of slight importance (e.g., zoning to protect property values, or designing individual public works)”, or
- c.) “Serve as the confidential advisor of incumbent officials”.

Most agencies fell into the second category, but Walker believed that in order for planners to make a difference in urban life they would have to move towards the third category. Altshuler goes on to state “... politics and administration are inseparable, has no doubt helped to convince city planners that they are ethically justified in playing the political game (1965, pg. 355)”. He points out that it’s not the existence of “unanimous support”, but the “absence of articulate opposition” that creates a consensus. Altshuler continues on to state

“when planners propose novel or expensive projects that cannot be justified by their benefits to property owners, they run afoul of several

powerful social mechanisms. Among these are: 1) the necessity of gaining support from politicians who avoid controversy and cooperation from officials in the operating departments who are jealous of their power; 2) the legal and financial restraints upon the city government, which operate to prevent even some activities in which politicians and agency heads are willing to engage; and the lack of executive authority within the planning agency itself (1965, pgs. 361-362)”.

He argues most politicians are willing to support a bill that will increase their popularity. Also that when politicians get involved in new issues they get stuck in uncertainty because they are unsure which side will be more popular. An unfortunate issue with a substantially expensive proposal creates doubt amongst politicians. Doubt arises from worry that no project “could possibly win the support of everyone (1965e, pg. 362)”. Altshuler concluded his article that “the final mechanism restraining the planners are their own lack of executive authority... had to persuade outsiders who did have the operating responsibility that they should incur the risks of acting on this advice (1965, pg. 373)”.

What can be taken away is that some planners should begin acting as advisors to elected officials and create solutions to the problems or inefficiencies and ways to fund them. Acting as an advisor to the elected officials already implies credibility, having a seat at the table with other parties, and now is the opportunity to leverage recommendations in funding future problems.

This opportunity that is presented to planners is further explained in the book “The Planning Function of Urban Government” by Robert Walker. He discusses the role that professional planning plays within the structure of government and how planning has a larger role that is not currently living up to its potential. Walker refers to Dr. Harlow S. Person who identified “‘administrative’ planning as distinguished from functional or ‘managerial’ planning (1950, pg. 109)”. Person describes administrative planning as the policy making side of planning and is the responsibility of the policy making body. The managerial side of planning is the development and physical layout of cities. Walker goes on to explain that as urban government expands and evolves, planning too should expand and evolve with it. He continues, part of the administrative function is to aid officials “in taking a comprehensive view of their work and in relating all aspects of government activity to one another and to the future (1950, pg. 111)”. Walker goes on to point

out that “the overall planning agency is designed to assist officials in formulating a public policy which treats the problems of the community as a closely knit whole (1950, pg. 113)”. This assistance comes not in duplication of other departmentally products, but in the comprehensiveness of, research, analysis, planning and specific recommendations.

He concludes that “the planning process can no longer be regarded solely in terms of preparing a master-plan for the physical features of the community (1950, pg. 128)”. What can be taken from Walker’s book is the importance of the opportunity to inform and assist officials and that planners need to open to an evolving need for the profession. With the potential of mass transit coming to central Indiana, what is the role of planners as their profession continues to evolve, is it to advise, advocate, or a different route? Planners will need to work towards progressive solutions moving the region forward, without this risk; a new solution will not arise without the realization from elected officials that dated practices will no longer be enough.

With the risks that mass transit proposes, transportation planning should be held to higher standards than currently so that there is a sense of accountability. Editors Bruce Katz and Robert Puentes’ (2005) edited volume “Taking the High Road: A Metropolitan Agenda for Transportation Reform” is a series of chapters that urge policy reform at the federal level. A few chapters of importance address issues that apply to the state or local levels. In the first chapter by Katz and Puentes, ‘Transportation Reform for the Twenty-First Century: An Overview’, discusses three areas over which congress needs to give metropolitan areas more power and authority. The first area is who holds power. Currently many State Departments of Transportation are the key to funding for various projects. The reform calls for Metropolitan areas are in a greater position to use the funding in alliance with land use, economics, housing, etc. The second area is modern transportation challenges, specifically the idea that congestion can be built out of by adding additional lanes is a failed model. Katz and Puentes point out that “congestion is a product of many factors: low-density settlement patterns, employment decentralization, shifting consumption patterns and market restructuring (2005, pgs. 6-7)”. Third is hold decision makers accountable. They describe how this can be

done by enacting performance standards. They note that in comparison to other departments that receive federal aid that the state department of transportation is “held to few performance standards (2005, pg. 7)”. They conclude the chapter by stating that “perhaps no area of transportation policy generates as much contention, raises as many questions, or has been the subject of so many intense policy debates as the financing of the system (2005, pg. 7)”. Financing a regional transportation system is a great risk financially, and is of the utmost importance to do it right the first time so that the perception of mass transit is not tarnished. Mass transit in central Indiana will be expensive but there are a series of spillover effects that can generate far more benefit than the “simple” cost of implementation and operation.

Moving into another chapter in the same volume titled ‘Getting Transportation Right for Metropolitan America’ by Bruce Katz, Robert Puentes, and Scott Bernstein, they point out that ISTEA (a “recent” federal transportation law from 1991) and TEA-21 (another “recent” federal transportation law from 1998) have been beneficial in reforming the modes of transportation. They argue that there needs to be additional reform at the federal level that gives metropolitan organizations more power and tools in exchange for enhanced accountability. They conclude, “potential will only be realized if congressional leaders confront the metropolitan realities of the twenty-first century and understand that yesterday’s solutions cannot address tomorrow’s challenges (2005, pg. 38)”. Again, there is a desire for immediate gratification rather than investing into future problems. The authors build their argument by adding the requirement that previous practices are dated and there is a current and future need for new solutions.

What worked in the 20th Century will not set central Indiana apart in mass transit. The region should not simply catch up to competing cities, but surpass them in innovation. Robert Cervero argues that mass transit is a prolonged investment in “The Transit Metropolis: A Global Inquiry”. He explores the policies and implementation of transit systems around the world. Cervero quotes Hank Dittmar, Executive Director of the Surface Transportation Policy Project as saying “rail is a long-term investment, and evaluating it at three years or even give years of age is like judging a human infant at that age-it’s mostly potential (1998, pg. 440)”. Cervero goes on to point out that running transit that does not get people out of their cars creates

little benefit to the environment and does not relieve congestion. Cervero argues that planners must “find a harmonious fit between transit systems and the cities and suburbs they serve (1998, pg. 441)”. Transit needs to be strategically implemented, because without a mode shift the investment may not work which is important for allowing time for success over the first few years just as Dittmar pointed out in his analogy.

Alan Black wrote “Urban Mass Transportation Planning” which pointed out issues surrounding the future of urban mass transportation. That included; growth of suburbs, job relocation, seamless connection between suburbs besides the use of major highways growth in low densities, growing private vehicle ownership, and difficulty to raise taxes. Opponents of mass transit, are not concerned with any of these issues, but the issues are financially irresponsible in comparison to denser development using mass transit. Black established barriers to the future of urban mass transportation. He was also able to point out some opportunities identify support for public transportation including; improved air quality requirements, concern for energy consumption, greater acceptance of higher density housing, “Megacenters” rising up in larger metropolitan areas, continued interest in the Central Business District of cities, and willingness to accept more taxes in urban areas in exchange for quality transit. Black argues that projects with the scale of transit have a series of pitfalls and opportunities to overcome, which requires “little successes” as well as the trickling effect that they will have on future decisions. Little successes could be temporary services that include a short term bus that runs a route between Hamilton County and Downtown Indianapolis simulating what it could be like to have mass transit. Without the little success in the beginning and proof of concept, later challenges that originally were obtainable, become nearly impossible. Mass transit in central Indiana is such large project that the need for the little success in the beginning is pinnacle to the future of mass transit and it will not be an overnight success; it will take time to grow to fruition.

What started as the foundation in the General Theory articles by : Krumholz, Sandercock, Wildavsky, Pinson, and Lindblom was that creating the fundamental knowledge that there is a significant risk in the unknowable future, because each decision by an individual shifts future outcomes for better or worse and planners should be serious players willing to share the risk of projects proposed. Planners willingness to

share risk gives them greater credibility when connecting with the public while they are educating on the outcomes on different proposals for the community. With the addition of the second series there is a refinement of importance distilled out of basic planning theory and practice. The importance of the Intersection Between Planning and Politics articles is that there is an importance to expand/refine the role as planning to act as advisors to elected officials, particularly on the importance of the comprehensive projects, and how large scale projects need to be given their due time to flourish and not be judged too early like the infant they are. These takeaways begin describe how planning, transportation, and politics begin to work together. Transitioning into the Nexus of Planning, Transportation, and Politics articles which focus on how all three areas further work together rather than separately or in a combination of two. The series is led by books by Alan Altshuler and David Luberoff as well as William Garrison and David Levison which focus on how these three areas connect.

The Nexus of Planning, Transportation, and Politics

Planning making is messy due to the political involvement. Plans can go smoothly when planners and elected officials are working together, but when the two parties are in disagreement projects can stop immediately sometimes for years on end. The working relationship between planners and elected officials is essential to achieving planning actions.

Los Angeles, like central Indiana was looking to implement transit in the 1980's, and their successes and times of hardship could be an example that central Indiana can follow. In Alan Altshuler and David Luberoff's book "Mega-Projects: The Changing Politics of Urban Public Investment", they explore how three types of mega-projects work from various perspectives. They start of establishing mega-projects as "...large-scale government investments in physical capital facilities... to revitalize cities and stimulate their economic growth (2003, pgs. 1-2)". A chapter of particular interest is that about the political rebirth of rail transit. In the 1980's Los Angeles, "area voters approved a sales tax increase to fund long-discussed rail transit system for their sprawling region (2003, pg. 176)", with this approval, LA joined other large cities such as; San Francisco, DC, Baltimore, Miami, Atlanta, Portland, etc. that built or was planning to build new

subway/ light rail in the 70's and 80's. The takeaway is the example of LA which is compared to cities of similar size. Indianapolis is being compared to cities of similar size on whether or not they have the amenities that make them stand out. Central Indiana is behind in terms of good quality mass transit. It was not until recently that the Indiana General Assembly passed legislation allowing area voters to approve various types of tax increases to fund mass transit, but the vote will not occur until November 2016 at the earliest. Mass transit would not be pushed for if it was not seen as a viable option, which attempts to fill a void that is currently not handled by automotive and pedestrian infrastructure.

Often planners must work within the constraints of what has worked in the past. From time to time planners must take a risk and expand. Without risk nothing new will happen. In William Garrison and David Levison's book "The Transportation Experience: Policy, Planning, and Deployment", they explore the creation of transportation systems and the roles of policy as it pertains to the development process and how policies could be improved. They state that "it is not a neat world with compartmentalized causes and effects (2006, pg. 3)". The authors argue that there is a triad structure of transportation systems: fixed facilities, operations, and equipment. An example of fixed facilities is airports, railroads, etc. Operations are the institutions, protocols, hardware such as stoplights, etc. Finally equipment is the production and care of locomotives. Equipment also encourages the firms that support the system, the dealers that sell equipment for transportation and those who use transportation to move goods from point "A" to point "B".

This triad structure has three key characteristics; unitary (the standardization across a network), disjointness (that a section of the above triad monitors the other two in order to adjust accordingly), and steerability (the ease or complexity of guiding system development). According to Garrison and Levinson, the desired characteristics lead to three roles of planning:

1. "Accept the dysfunctions and work within the constraints they set."
2. "Seek ways to truly steer systems by working around or breaking the tyranny of the dysfunctions."
3. "Identify and fill transportation gaps."

The authors point out that “policy and planning overlap, for in many ways planning is the application of policy (2006, pg. 11)” They continue on to state that “in the United States there is a geographical organization of political power that affects the forging of policy and the distribution of gains and losses from policy actions. There is the many against the few consideration in decision making (and its reverse: the well-organized few against the many) (2006, pg. 12)”. Garrison and Levinson state that planning is the application of policy, but if the policy is disconnected from the people (the many) which it is intended to serve, then the policy is actually made for the elected officials (the few). Mass transit in central Indiana has started out as a small organized group, but has grown to a significant following with representation from major business industries and elected officials.

They continue on to state later that “process affects product, and products shape future processes (2006, pg. 34)”. Also by explaining that “planning itself does not create products; it only specifies how products should be created. The plan may say what should go where, and which should come first. A plan is thus a blueprint for building something and a schedule for building it (2006, pg. 34)”. Finally they conclude that “we may state that the transit and walking problems are a failure of automobilization. The automobile system innovation failed to the extent that it could not fully replace transit or walking (2006, pg. 145)”. The takeaway from this book is the importance of guiding the system by both working within the constraints as well as breaking apart the dysfunctions and considering how transportation is a network of all modes and that each has their market where they work together to make a complete system where the absence of one does not necessarily mean the void it creates is filled by another mode. Automobiles were considered the future of transportation, taking over from mass transit, but it has left a void for users. The desire for mass transit in central Indiana attempts to fill the void and complete the transportation network. Central Indiana continues to see population growth and there is only so much room for cars, as stated by Bruce Katz and Robert Puentes that we can’t build ourselves out of congestion. Also, as Sandercock pointed out that nothing new will enter the world without risk. Planning for mass transit is political which causes it to be messy.

What stands between a project making progress and sitting stagnant can simply be an elected official not wanting anything to do with a project. In the article “The Thin Red Line: A Case Study of Political

Influence on Transportation Planning Practice” written by Brian Taylor, Eugene Kim, and John Gahbauer, examine an urban corridor in Los Angeles, California and how the decision-making process occurred. The authors point out that “political influence over planning processes is both inevitable and probably desirable (2009, pg. 173)” and the analyses of the route evolved overtime to fit the political preferences of the time. The subway line under study is the Wilshire subway line which remained without rail for some time even with decades of planning already completed.

Taylor, Kim, and Gahbauer point out the difficult situations planners are often placed in. They described it as “in navigating often stormy political waters, transit planners are often caught in a web of confounding influences that increasingly ensnares major public investments (2009, pg. 174)”. They go on to state that “when public officials make commitments in such risk-averse environments-such as whether to support or oppose a particular rail transit proposal-the pressures to avoid failure, or even the appearance of indecision, are intense (2009, pg. 175)”. It has been proven time and again with such major transit investment that the projection numbers for ridership and cost of the development were grossly either over or under exaggerated (respectively) from the outcomes after development completion of the rail (2009, pg. 175). The authors point out a study in the Journal of the American Planning Association by Don Pickrell in 1992 found that “of ten new rail projects constructed during 1970s and 1980s found that ridership on ten new rail systems was between 25 and 85 percent below projections, construction costs collectively were 61 percent over estimates, and operating costs for ten systems were underestimated by an average of 131 percent (2009, pg. 175)”. The fact that projects were off between 25 and 131 percent in the various categories is staggering. The importance of the analysis phases of transportation projects is to establish a needed baseline of ridership and funding to support the system, and not skew the data one way or the other. The system also needs to work fit in contextually with the land use patterns of the region so that the population density will support the transportation system.

When construction began on the Wilshire line a methane pocket was hit and caused an explosion. The construction halted immediately and could not resume until it was made absolutely sure that there would

be no tunneling through the risk zone. The incident happened to be within the district of a congressman that did not want the project to go through his zone in the first place, but now he had the upper hand by ensuring the Wilshire line would be halted. He proposed that the line go around his district, but this redirection would make the line infeasible. Eventually the congressman would step away from the issue to allow for local officials to lead the active involvement of the future of the Wilshire line. The authors conclude that this example “shows the significant effect that one political figure (presumably) representing the interests of a single jurisdiction can have on an entire region (2009, pg. 189)”. They point out that “elected officials, appropriately, ultimately decide the fate of all major public works projects, especially as they represent the people most affected by them (2009, pg. 190)”. They further state that “this case study has shown how a wide array of planning analyses can be selectively manipulated,...ignored,... and blocked... to stifle, rather than foster, the open and informed decision making process that a publicly funded project of this magnitude demands (2009, pg. 190)”. The authors conclude with what I would consider the most important takeaways that “planning is an inherently political process but one ideally informed by reliable, replicable (2009, pg. 190)”. Also that “such cynicism increase the risk that worthy plans will be scuttled, sound projects bungled, and poorly conceived projects built, corroding the very legitimacy of planning (2009, pg. 190)”.

From the Nexus of Planning, Transportation and Politics articles we can conclude on the importance of understanding the inherent messiness of making plans in the political environment for the community and the power of a single elected official on projects. This caps off the refinement of previous series one and two which focused on General Theory and An Intersection Between Planning and Politics.

Synthesis of Literature

From the General Theory articles the important takeaways were that there is a significant risk in the unknowable future, because each decision by an individual nudges future outcomes for better or worse. Planners should be serious players willing to share the risk of projects by taking ownership and taking the fall if they do not meet the expectations. Their willingness to share risk gives them greater credibility when connecting with the public while they are educating on the outcomes on different proposals for the

community. The Intersection Between Planning and Politics articles are important to expand/refine the role as planning to act as key advisors to elected officials, particularly on comprehensive projects, and how large scale projects need to be given their due time to flourish and not be judged too early. With the collection of takeaways from the Nexus of Planning, Transportation, and Politics articles, journals, and books the overall takeaway is planning is inherently political.

Planners should act as advisors to elected officials in order to educate officials on not only potential solutions, but how to fund them. The importance of this is that planning, transportation and politics at their intersection is a messy process and requires planners both formal and informal, which includes elected officials and the community at large, to strategically invest resources because it affects everyone not just the few. Transportation planning requires the cooperation amongst all of these parties in order to make mass transit work in central Indiana. In order to gain cooperation amongst most parties, mass transit has to be presented in a way that will be seen as beneficial. The best way to accomplish this is when planners are given the opportunity to offer advice they should seize it. With this understanding backed in literature, the next step is to understand how the legislative system works in Indiana then understanding the legislative bills in question.

Research

Legislative Process

Using the 2013-2014 Edition of the “Here is Your Indiana Government” book as a basis for how the Indiana government works, we can establish just exactly how proposed legislation becomes law. The Indiana Chamber was the publisher and will be referred to as the author of the text.

The legislative branch in Indiana is commonly referred to as the “Indiana General Assembly”. The assembly is made up of 100 House of Representatives and 50 Senators. “The state constitution requires that the senatorial and representative districts be based upon population according to the federal decennial census (2013, pg. 30)”. There are more than 1,000 registered lobbyists in the state of Indiana. “Some legislators see lobbying as a constructive addition to the legislative process because of specialized information the lobbyists may have that will assist lawmakers in decision making (2014, pg. 183)”. With this establishment on how the

Indiana General Assembly is composed, we are able to get down to the detail of how bills become law within the state.

The route that a bill takes to become a law is often complex and confusing and the process is occasionally referred to as the fine art of sausage making. The easiest way to break down this process is step by step, also for a graphical representation view Figure 1 which is remade from “Here is Your Indiana Government” (2013, pg. 184).

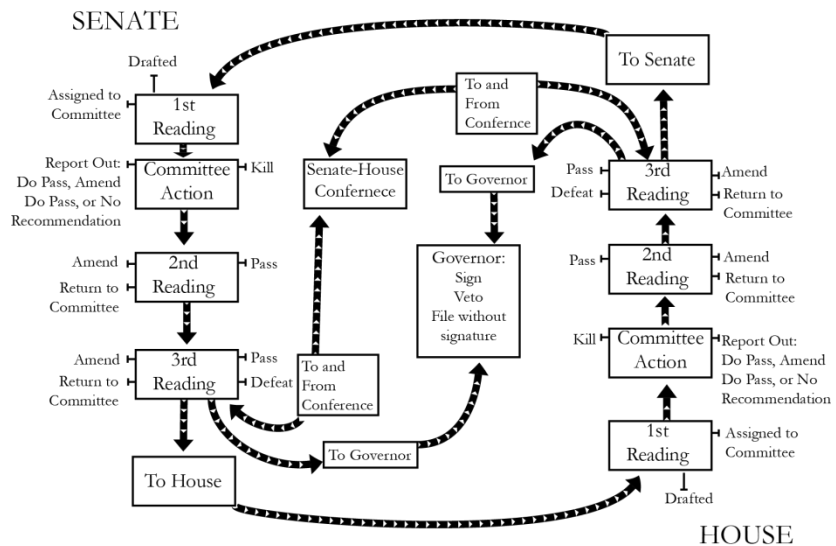


Figure 1: How a bill passes through legislation.

The bill is first drafted by either a representative or a senator, where they write up the first version of the bill. These bills are often the recommendations that their respective constituents would like to see. The bills then enter first reading where they are presented by the legislators are read by title in their respective chambers, for example if it is drafted by a representative it is read in the House of Representatives Chamber. The Speaker of the House of Representatives or the President Pro Tempore of the Senate refers the bills to a committee. Committee action then begins where the committee then meets and considers the merits of the bill by making amendments, additions, or deletions of the bill's language. The committee's hearings are public, and the schedule of bills that that the committee will cover is posted in the corresponding chamber bulletins, where interested parties may speak on the measures. The committee must create a report for the legislative body and if the report is adopted by the committee, the bill moves on to the next step. The bill now receives its second reading and is now ready for "amendment, recommitment, or engrossment (2013, pg. 185)". Recommitment occurs when the bill needs to undergo further study by the committee, amendment occurs when the general chamber makes additions, deletions or the like to the bill which must be passed by the majority of the legislators present. A bill is then called engrossed which means that it is "accurate and genuine (2013, pg. 185)". The "engrossed" bill enters third reading where it is read again and debated by the legislators of the chamber on its merits. A final vote is taken, which requires a constitutional majority of legislators to pass: 51 "yea" for the House of Representatives, and 26 "yea" for the Senate.

Passed bills then go to the opposite chamber where the same process is repeated from 1st reading to 3rd reading. It is at this point that if amendments are made to the original chambers bill that one of a few things could happen. The first is if the original chamber approves the amendments by the second chamber then it moves onto the governor action, but there is another tract it must move along.

If the amended bill by the seconded chamber is dissented (refused) by the original chamber, a conference committee is created with two members from each chamber. The goal of this committee is to resolve the differences between the chambers and once the committee agrees on the newly amended bill, it must be voted on by both chambers and if it passes, it moves on to the final stage of governor action. The

bill goes to the State Attorney General who checks for legal acceptability and once that is done, the bill is either signed by the governor and becomes law or they let it become law without signature by not signing in the designated timeframe.

That is how a bill becomes law, but there are many areas that can cause a bill to fail, and according to the author these are the three main ways: 1. the bill lacks intrinsic merit to the point of failing to gain sufficient support, 2. the bill attracts powerful opposition or generates strong disagreement, or 3. the bill gets stalled somewhere in legislative machinery and fails to regain momentum in time to be enacted. This creates a baseline understanding of how the legislative process work in Indiana and how a bill can potentially become law. From here is the need for context. For the context the study will be over two bills, House Bill 1011 from the 2013 legislative session which created a study committee on the feasibility of mass transit in central Indiana and Senate Bill 176 from the 2014 legislative session which creates the opportunity to put a referendum on a general election ballot to allow eligible counties to increase property taxes to fund mass transportation.

House Bill 1011 and Senate Bill 176

There two legislative bills that are under study, House Bill (HB) 1011 from 2013 and Senate Bill (SB) 176 from 2014. These two bills propose mass transportation for Central Indiana and allow for the opportunity for citizens to vote on a referendum in November 2016 to raise taxes to fund mass transportation. House Bill 1011 aimed to create a study committee to gather additional information about mass transportation in central Indiana, whereas Senate Bill 176 creates the opportunity for referendum for eligible counties to raise taxes to fund mass transportation via voter approval on select tax rates.

House Bill 1011

House Bill 1011 created a study committee for further research on mass transit in select counties of central Indiana. A series of Senators and Representatives met in between Legislative Sessions 2013 and 2014 and concluded with a recommendation to the entire Indiana General Assembly on mass transit in central Indiana. House Bill (HB) 1011, ‘Public Mass Transportation’, was led by Representative Jerry Torr.

Table 1: HB 1011 Timeline

Date	Action
1/7/2013	Authored by Representative Jerry Torr First Reading: Referred to Committee on Roads and Transportation
1/31/2013	Referred to Committee on Ways and Means
2/20/2013	Second Reading: Amended and ordered engrossed
2/25/2013	Third Reading: Passed: Roll Call 242: yea 56 – nay 39 Referred to Senate
2/27/2013	First Reading: Referred to Committee on Local Government
3/21/2013	Referred to Committee on Tax and Fiscal Policy
4/9/2013	Second Reading: Amended and Ordered Engrossed
4/10/2013	Third Reading: Roll Call 415: yea 39 - nay 11 Returned to House with Amendments
4/15/2013	House Dissented Senate Amendments
4/26/2013	House reconsidered and concurred with Senate Amendments; Roll Call 634: yea 59 - nay 35
5/13/2013	Public Law 212

Table 1 is a timeline of the bill. It was first read in the beginning of January 2013 where it was referred to the Committee on Roads and Transportation by the Speaker of the House. Due to the significant amount of funding that the bill was referring to, HB 1011 was referred to the Committee on Ways and Means

after being amended and adopted by the Committee on Roads and Transportation. By the middle of February, the Committee on Ways and Means also amended and adopted the bill. Shortly after HB1011 received its second reading, it was again amended and ordered engrossed. Mere days later the bill went up for the third and final reading in the House where it passed. According to Roll Call 242, there were 56 yea votes and 39 nay votes.

With the passing of the first chamber, HB 1011 traveled onto the Senate where first reading took place at the end of February. The President Pro Tem of the Senate then referred it to the Committee on Local Government. HB1011 was amended and passed by the Committee on Local Government, where it was referred to the Committee on Tax and Fiscal Policy and was again amended and passed, this took place in the first days of April, 2013. Shortly after the passing of the committee level, HB 1011 would go up for second reading where it would be amended and ordered engrossed. The next day the bill was put up for third reading where it would pass. Roll Call 415 reports that there were 39 yea votes and 11 nay votes.

With amendments being made to HB 1011 after leaving the original chamber, it traveled to the place of its inception (The House) where it was dissented based on the amendments created by the Senate. A conference committee was called to negotiate the issues in versions between the two chambers. Representatives Torr and Porter were appointed to represent the House and Senators Patricia Miller and Breaux represented the Senate. After deliberation, the House reconsidered the Senate's amendments to HB 1011 and concurred with the changes. The House voted once more and with Roll Call 634, HB 1011 passed with 59 yeas and 35 nays. The bill was signed and became Public Law in mid- May.

With an understanding of the course of action of HB 1011, what exactly was the bill about? HB 1011 established “The Central Indiana Transit Study Committee” The study committee consisted of:

- 1 Senator from Hamilton County
- 1 Senator from Hancock County
- 1 Representative from Hendricks County
- 1 Representative from Johnson County

4 Senators and 4 Representatives from Marion County

1 appointed member by the President Pro Tempore

1 appointed member by the Speaker of the House

1 appointed member by the Minority Leader of the Senate

1 appointed member by the Minority Leader of the House

The Chairman of the Legislative Council shall appoint a member of the committee to serve as Chairperson

The purpose of the committee was to:

- “Identify diverse potential funding sources for bus and bus rapid transit
- Study all existing funding sources and expenditures concerning bus transit in central Indiana
- Study the use of public mass transportation fund established by IC 8-23-3-8
- Study the ridership numbers of public transportation corporations serving Marion County
- Study ways to improve bus service in central Indiana, including improvements to the types of buses used and whether bus routes should be changed
- Study the extent to which bus transit systems can be supported by the users of bus transit systems
- Study the feasibility of entering public-private partnerships to expand bus transit
- Study whether tax credits for employers and employees who use bus transit will expand the ridership of bus transit systems
- Study the feasibility of light rail transportation, routes for light rail, and potential funding sources for, and impacts of providing, light rail transportation
- Identify ways in which private enterprise may provide transportation options in central Indiana
- Study the feasibility of using public-private partnerships for purposes of public transportation
- Study the issue of whether a referendum should be used in the process of establishing a transit district and, if a referendum should be used in the process, when the referendum should occur, and make recommendations to the general assembly on these issues, which may not include a recommendation for holding of referendum before November 2014
- Study other issues associated with bus transit and light rail as determined by the committee.”

With the legislators representing the various eligible communities and their goals set out for them from HB 1011, what lay ahead was meeting and studying the possibility of mass transit in central Indiana. What came out of the study committee was a framework that would be used for Senate Bill 176.

Central Indiana Transit Study Committee Report

The Central Indiana Transit Study Committee convened five times between August and late November of 2013. The committee was led by Senator Patricia Miller was Chairperson of the committee.

Under the ‘Summary of Testimony’, the committee heard from both sides on the matter, those urging for the

recommendation of mass transit for central Indiana and those with concerns. Those that were urging for the legislation to go through cited the importance of public transportation for the ability to improve access for individuals that depended on the service, benefits to the environment, and a reduction in roadway congestion. Individuals that raised concerns for the legislation pointed out the cost of the proposal they also argued that population would not be dense enough to support the transportation system. The committee received information on the ability of the eligible counties to raise the funding for the proposed public transportation. Finally, Indy Connect Now and IndyGO, whom are offices/departments that run current mass transit services in Indianapolis, presented alternatives to the previously proposed public transportation system state that the newly presented alternatives “offered sufficient improvement to the public transportation system to drive economic development (2013, pg. 2)”. With the information provided the committee recommended to the General Assembly that legislation should be enacted to allow Delaware, Hamilton, Johnson, Madison and Marion counties to establish or improve public transit systems. Much of the remaining text in the section titled ‘Committee Recommendations’, later would become the skeletal framework for the 2014 legislation of Senate Bill 176.

Senate Bill 176

With the completion of HB 1011 in 2013 leading to the Central Indiana Transit Study Committee where further research and professional testimony was taken, lead to the 2014 legislative session where Senate Bill 176 was created. Senate Bill (SB) 176 was mainly authored by Senator Patricia Miller.

Table 2: SB 176 Timeline

Date	Action
1/8/2014	Authored by Senator Patricia Miller First Reading: Referred to Tax and Fiscal Policy
2/3/2014	Second Reading: Amended and ordered engrossed
2/4/2014	Third Reading: Passed: Roll Call 152: yea 28 - nay 20 Referred to House
2/10/2014	First Reading: Referred to Roads and Transportation
2/17/2014	Referred to Ways and Means
2/27/2014	Second Reading: Amended and ordered engrossed
3/3/2014	Third Reading: Passed: Roll Call 375: yea 52 – nay 47
3/4/2014	Senate dissented from House amendments
3/13/2014	Senate: Conference Committee Report 1 adopted; Roll Call 443: yea 32- nay 16 House: Conference Committee Report 1 adopted; Roll Call 504: yea 66 – nay 34
3/26/2014	Public Law 153

Table 2 is a timeline of the bill. The bill was authored and the first reading took place in early January of 2014, where it was referred to the Committee on Tax and Fiscal Policy. By the end of January, the bill was amended and adopted by the committee. In the first days of February SB 176 received its second reading where it would be again amended and ordered engrossed. The next day the bill received its third reading where it passed, according to roll call 152 with 28 yeas and 20 nays. SB 176 traveled to the other

chamber (The House) where it received its first reading and was referred to the Committee on Roads and Transportation. By mid-February the committee report was completed where it had been amended and adopted. It was then referred to the Committee on Ways and Means where near the end of February it was passed and adopted. At the end of February, SB 176 had its second reading where it was again adopted and ordered engrossed. In the first days of March SB 176 had its third reading where it passed, and according to roll call 375 there were 52 yea votes and 47 nay votes. With amendments coming from the House, SB 176 was sent back to the Senate for approval when the amendments were dissented. A conference committee was created and by mid-March the conference committee report was adopted by the Senate with 32 yeas and 16 nays according to roll call 443 and the House adopted the report with 66 yeas and 34 nays according to roll call 504. The bill was then signed by the Speaker, President of the Senate, President Pro Tempore, and Governor where it became law by the end of March.

With an understanding of what the timeline was like, now there is a need to know what SB 176 was about. In short SB 176 is to allow eligible counties to raise taxes for mass transportation through referendum (local public question) which could be available to voters as early as November 2016. The Senate Bill mostly revolved around the adoption of a new article to chapter 8. Indiana Code (IC) 8-25 “Central Indiana Public Transportation Projects” was an entirely new section that was added by this legislation. The purpose of 8-25 “is to provide a flexible means of planning, designing, acquiring, constructing, enlarging, improving, renovating, maintaining, equipping, financing, and operating, and supporting public transportation systems that can be adapted to the unique circumstances in central Indiana (2014, pg. 35)”. When referring to an eligible county, the document is referring to Delaware, Hamilton, Hancock, Johnson, Madison, and Marion Counties. The gist of the bill boils down to “the fiscal body of an eligible county may adopt an ordinance to place on the ballot a local public question granting the fiscal body of the eligible county the authority to fund and carry out a public transportation project.” The ordinance must include a description of the services provided by the project and an estimate of each tax to annually fund the public transportation project.

The county election board will place the local public question on the ballot of the next general election. If the question is defeated (majority of the voters voting “no”) the fiscal body may put another public question on the ballot at a subsequent general election. A local question may not be placed on a ballot more than two times in any 7 year period. The local public question, in part, pertains to a tax that would be placed on the residents of the county with their own approval. The tax rate would be a minimum of 0.1% and maximum at 0.25%. For Hamilton and Marion Counties, the tax would be imposed as an additional county economic development income tax rate. For Delaware and Madison Counties, the tax would be imposed as an additional county option income tax rate. For Hancock and Johnson Counties the tax would be imposed as an additional county adjusted gross income tax rate. For the first year of operation at least 10% must be raised from sources other than taxes and fares, this amount is set by the budget agency who certifies the amount coming from the taxes levied on the county per the appropriate public question. From the second year on at least 10% of the annual operating expenses must be from sources other than taxes and fares.

The bill is also established that fares and charges cover at least 25% of the operating expenses. Failure to raise the required funding, set by the budget agency at 10%, before the agreed upon date would result in the county making up the difference between the amount raised and the found amount requested from the budget agency. One of the most important subsections of Section 25 is that an eligible county may not: purchase, lease or acquire; construct; operate; cause any person to purchase, lease, acquire, construct, operate; or expand revenues deposited in the county public transportation fund established under IC 8-25-3-7 on a light rail project, which in short means no light rail.

One interesting aspect of the section is that if your specific township may opt in to the public transportation system even if the remainder of the county wants no part in it. Under township opt-in, the fiscal body of the county in which the township is located does not pass the public question allowing for the funding of mass transportation, and the township can still opt in so long as the township is adjacent to either: an eligible county that approved the question or a township that has approved the question.

With this understanding of how bills go through the Indiana Legislature and HB 1011 setting up a study committee to further study mass transportation in central Indiana and SB 176 allowing eligible counties to put a referendum on the next general election ballot to raise select taxes to fund mass transportation. The next step is to interview individuals with knowledge of the subject from their various points of view which aid in a more comprehensive, though not complete, understanding of what happened.

Bill Voting

What happened with the voting of HB 1011 and SB 176? Was there a spatial relation between eligible counties and approval of mass transit? The Eligible Counties are highlighted in Figure 2.

House Bill 1011 occurred during the 2013 legislative session and in short allowed for the creation of a study committee to research public transit for central Indiana. The measure was approved by 59-35 vote in the House (Roll Call 634) and 39-11 vote in the Senate (Roll Call 415). Senate Bill 176 occurred during the 2014 legislative session in short was to whether or not allow the eligible counties to have the

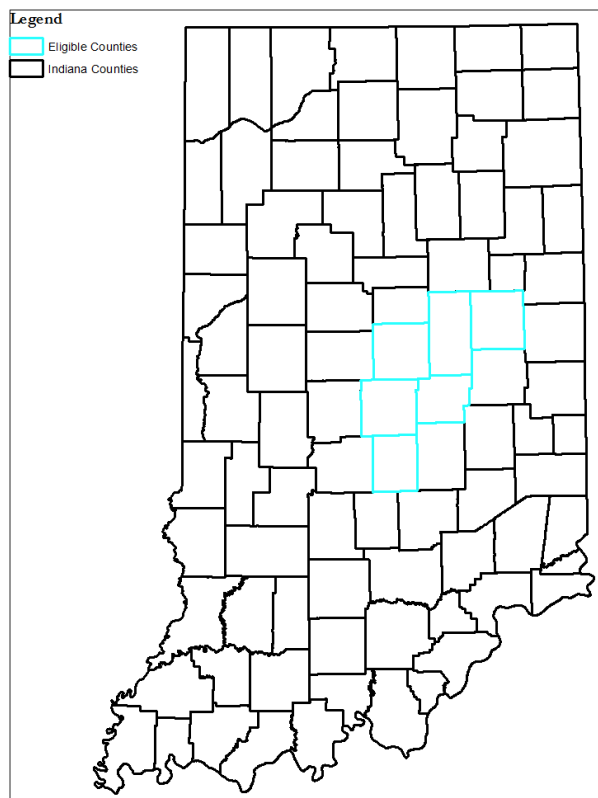


Figure 2: Eligible Counties (also see Appendix A)

opportunity to create a public question for the next general election that voters could say they were either for or against taxing themselves to implement public transportation. The bill was passed by both chambers, 66-34 in the House (Roll Call 504) and 32-16 in the Senate (Roll Call 443).

In the Indiana General Assembly, the two chambers have a combined 150 members. There are 50 members in the Senate, 13 of which are Democrats and 37 are Republicans. The other 100 are House of

Representatives, 31 are Democrats and 69 are Republicans. It is important to note that out of the two legislative sessions in study that 3 members of the House of Representatives were replaced by fellow members of their party (all of which from the Republican party). This election took place in between the 2013 and 2014 General Assembly's. It is important to note the existence of a Super Majority both in the Senate and House which occurs when one party has enough members to sweep the vote without consideration of the other party or parties. When looking at Figure 3 depicting the Parties of the House of Representatives, it can be seen that much of Indiana is Republican and by location there could be a correlation between this and the rural nature of Indiana. Many of the more populated areas within Indiana (the smaller regions) are represented by Democrats which could be a relation to the more urban demographics. Much of the same can be said about the Senate in Figure 4.

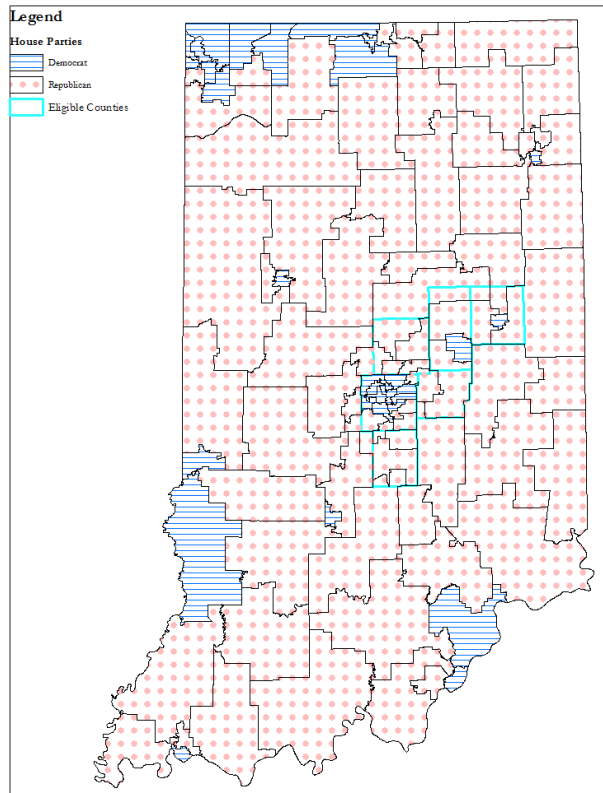


Figure 3: House Parties (also see Appendix B)

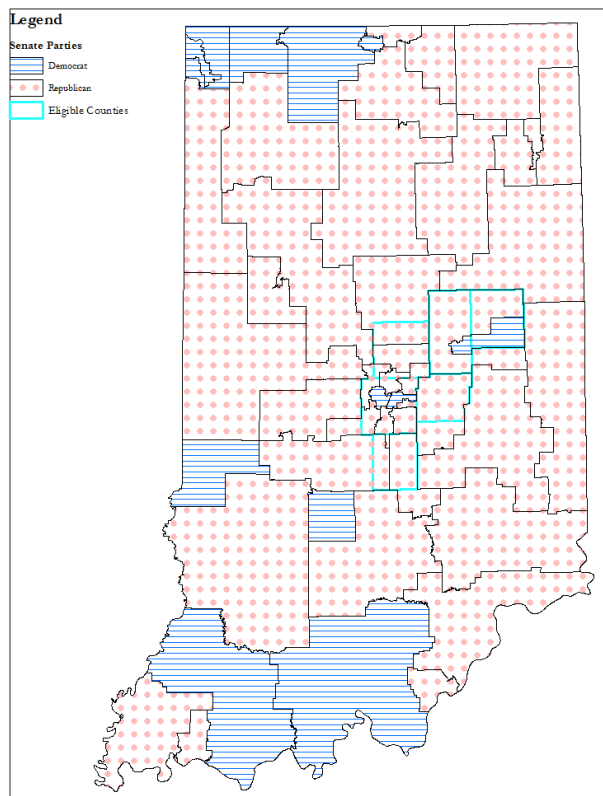


Figure 4: Senate Parties (also see Appendix C)

House Bill 1011 was approved by 59-35 vote in the House (Roll Call 634) locationally depicted in Figure 5 and 39-11 vote in the Senate (Roll Call 415) locationally depicted in Figure 6. The house had 5 excused representatives and 1 no vote.

What was interesting from the House vote was that the majority of the more urban areas located in Marion, Madison and Delaware County were against the bill to allow the formation of the study committee. The areas in Northern Marion, Hamilton, Hancock, and Johnson Counties were in support of allowing the formation of the study committee. The house vote broke down to 11 Democrats and 47 Republicans for the legislation, while 18 Democrats and 18 Republicans were against the measure. For the vote that occurred in the Senate, there were only two Senators located within the eligible counties that voted against the formation of the study committee whereas the remainder of the Senators within the eligible counties were for the formation of the study committee. The Senate vote broke down to 4 Democrats and 35 Republicans for the legislation whereas there were 9 Democrats and 2 Republicans against the measure.

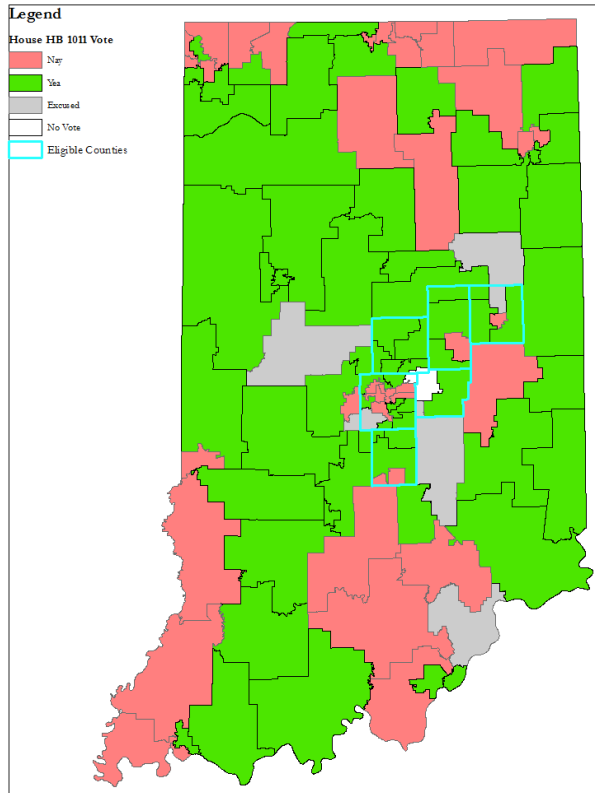


Figure 6: House Vote on HB 1011 (also see Appendix D)

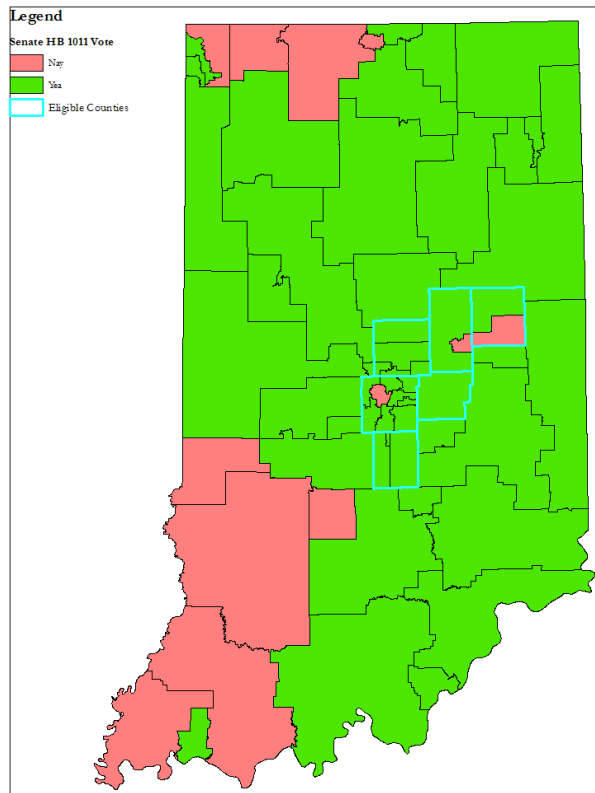


Figure 5: Senate Vote on HB 1011 (also see Appendix F)

Table 3: HB 1011 Vote

	House Vote (Roll Call 634)		Senate Vote (Roll Call 415)	
	Democrats	Republicans	Democrats	Republicans
Yay	11 (30)	47 (70)	4 (13)	35 (37)
Nay	18 (30)	18 (70)	9 (13)	2 (37)
Other	1 (30)	5 (70)	-	-

Senate Bill 176 was passed by both chambers, 66-34 in the House (Roll Call 504) locationally depicted in Figure 7 and 32-16 in the Senate (Roll Call 443) In the House it is much of the same story, most of Marion, Southern Hamilton, urban sections of Madison and Delaware, and Hancock Counties were in favor of the legislation. Many of the more rural areas within the eligible counties were against the legislation. The vote turned out with 28 Democrats and 39 Republicans in approval of the legislation. Whereas 3 Democrats and 30 Republicans were against the legislation.

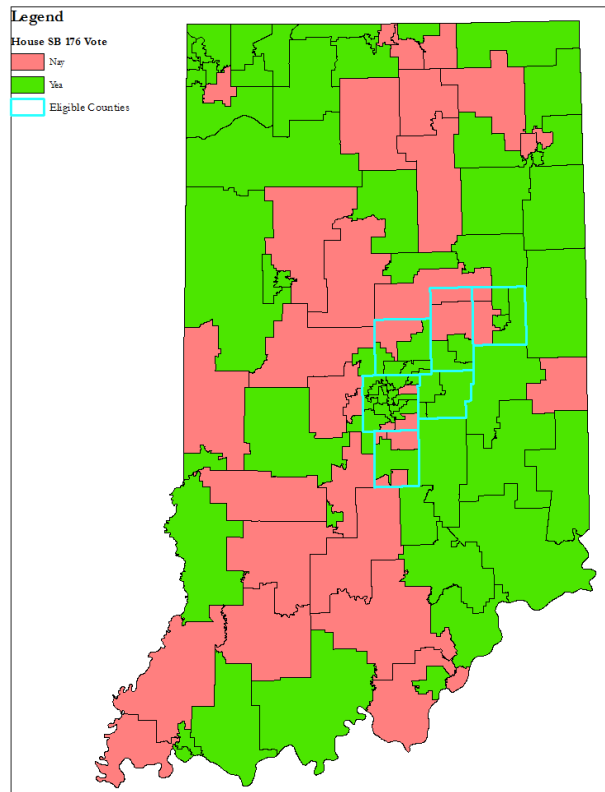


Figure 7: House Vote on SB 176 (also see Appendix H)

The votes are locationally depicted in Figure 8.

The Senate had two Senators that were excused during the vote, both individuals were not representing an eligible county. What was interesting about the vote in the Senate was that much of the rural area of Hamilton, Madison, Delaware, and Johnson Counties were against the measure. Whereas much of Marion, Southern Hamilton, Hancock, and the urban areas of Madison and Delaware Counties were for the legislation. The Senate vote gained approval from 13 Democrats and 19 Republicans whereas 16 Republicans opposed the legislation.

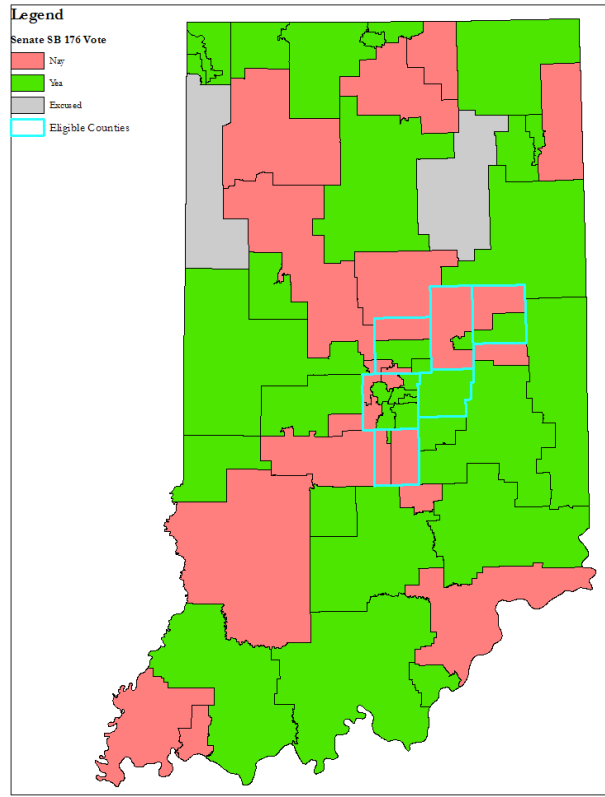


Figure 8: Senate Vote on SB 176 (also see Appendix J)

Table 4: SB 176 Vote

	House Vote (Roll Call 504)		Senate Vote (Roll Call 443)	
	Democrats	Republicans	Democrats	Republicans
Yay	28 (31)	39 (69)	13 (13)	19 (37)
Nay	3 (31)	30 (69)	-	16 (37)
Other	-	-	-	2 (37)

From this analysis of voting and location in relation to the eligible counties, a trend emerges. There was a mix of votes from both parties both within and outside of the eligible counties. It seems as though the majority of Representatives and Senators within the eligible counties are in favor, but a more in depth analysis is need, but with the reminder that this is only the legislators, but are also to be a representative of their constituency. Which continues to add to the story of transit in Central Indiana. The analysis of just these

two bills alone isn't the whole story, but needs to be set in the context of what was happening outside of the bills that were written. The next step is to analyze periodicals, and meet with various individuals that had a hand in the writing the bill or a vested interest in its outcome.

With the understanding of what HB 1011 and SB 176 state and how they came into fruition, the next step is to analyze the story behind what happened that was conducted through interviews. This included professors in public policy, lawyers with extended knowledge in the legislation, and professional planners.

From the several meetings that occurred with these professionals, I gathered a great deal of information. A common feeling that I felt during the conversations was that planners seem to be afraid sometimes of consequences or repercussions of proposals and plans. What came to be known from the different meetings was that the greatest issue of division between groups (those for and those against the bills) was how to fund the project. What was important to note was that there was a Republican supermajority in the House and Senate at the time. This essentially made so that the Republicans would have total control over what bills were passed; the party had well over the number required. Even if all the Democrats voted against the bill, the Republicans could carry it through the process rendering the Democrats helpless.

The Republican theory on the bill was that there was a need to make the transit system self-sustaining. They did not want the government(s) to continually put funding into it. What was driving the bill was the gridlock that was occurring with commuters getting into and out of the Indianapolis Metro Area. Legislators questioned whether there would be enough ridership to support the investment into transit. This question was important because a significant portion (25% including charges) of the funding for the operating expenses came from fares. What began to happen was a battle between those within the urban areas that would be greater served by the implementation of transit and those living in the rural areas.

From discussions with both Jerrold Bridges and Ehren Bingaman, the study committee was another hoop for those backing the bill to prove that mass transit can work in central Indiana. SB 176 is still far from what would be ideal as Bridges and Bingaman described, but it was important to push the imperfect bill

through rather attempting to tweak it and lose it completely and after to start over again. Those working on mass transit through legislation are attempting to change the wording that SB 176 created by adopting 2016 HB 1273 township opt in, if the county is not on board with mass transit. This bill was not covered in the analysis, but is something to watch as it could drastically affect some areas raising the funding for transit. There is still much to learn about the not just HB 1011 and SB 176, but the bills, such as HB 1273, that are yet to come that will alter the language of this new section of the Indiana code that SB 176 created so that referendums could be put on the ballot of eligible counties.

Interviews

Though not an interview, Professor Bruce Frankel of Ball State University's Urban Planning Department wrote an op ed piece for the Muncie Star Press in early 2012 which pointed out the importance of public transit as a public utility. He explained it as a public utility because it "is an economic activity essential or highly contributing to the "commons," or good of the community." He referenced how libraries, parks, public safety, and education are contributors to the general welfare of a community, but was not "sufficiently" supported by user fees. Dr. Frankel pointed that public transit may not have the internal funding to support itself, but public funding was justified because of the positive impacts of traffic congestion relief, reduction in air pollution, and under-maximized use of land which is currently controlled by parking and highway expansion. Stating that "benefits also include increased productive land uses abetting the private and public economies, the equitable transportation of those unable to afford a car, and the image of the city. That is, those not riding transit would realize benefits greater than the costs of public support (2012, pg. 1)". His statements are significant because they offer rebuttals to popular concerns of mass transit and how it will be funded. Professor Frankel's article creates a foundation of knowledge about how mass transit should be treated (as a public utility) and the benefits that transit could bring to central Indiana. How has mass transit been pursued, and what have planners been doing to accomplish mass transit?

Many of the interviews discussed what was happening at the time of the bills. Two meetings gave context to the story of transit in central Indiana. Jerrold Bridges and Ehren Bingaman were essential in telling

this story. Mr. Bridges has been working with various regional transportation agencies since the 1990's and Mr. Bingaman was brought on as the Executive Director for CIRT A (Central Indiana Regional Transportation Authority) where he was very active in the passing of HB 1011 and SB 176. In the early 90's CIRT A's main focus was on mass transit. According to Mr. Bridges, all of the doughnut counties¹ were on board and supportive of the regional idea, but there was one slight issue, Marion County was not on board with the regional idea and did not desire to. Marion County did not want to be a part of a regional coalition that would benefit central Indiana, and desired to focus on its personal success.

While CIRT A was solely focused on regional transportation, there was another organization also concerned with regional issues. CIRCL (Central Indiana Regional Citizens League) was a regional group that believed that central Indiana should be a cohesive region focusing on growth management, infill development, and other regional strategies and concepts.

The two regional organizations had potential to bring together central Indiana counties where they could work together for the betterment of the region, but there were issues that were setting them back. As pointed by Mr. Bridges, CIRT A during the 90's, Marion County was not at the table which was devastating to a regional plan when it connects the doughnut counties together, because they wanted to handle short term internal affairs. Another issue was that there were plenty of good "players" in support of the ideas being presented, but there was not enough political engagement, support, or leadership.

Additionally Mr. Bridges pointed out that the state of Indiana created LEDO (Local Economic Development Organizations) which tore apart the regional concept CIRT A and CIRCL were working towards in the regional planning by pitting many communities and counties against one another rather than working together and pooling resources. Now that every community had economic development officials resources were being spread thin, rather than creating a regional structure that would be more efficient.

Moving into the early and mid-2000's, CIRT A reorganized, expanding beyond transit to focus on other modes of transportation. The organization slowly rebuilt trust amongst its members until it became a

¹ Doughnut Counties is a term used to describe the counties surrounding Marion County.

team with a unified mission. The organization focused on what its function was going to be moving forward as well as how to fund the projects they were proposing. CIRT A and its members understood that there was a great need for success and in order for that to happen Marion County was going to have to be involved.

According to Mr. Bridges CIRT A began a three way partnership with Indianapolis MPO (Metropolitan Planning Organization) and Indy GO using the strengths of each other to slowly bring the vision into fruition. The three organizations understood that they would need to gain the ridership of those that relied most on public transportation, and to capture riders that had the choice between driving their personal vehicle or taking transit.

Over the last 10 years there have been small opportunities for the system to provide a simulation run of what the system would look like. As Altshuler described, planners need to seize the opportunities that they get to influence elected officials with solutions that act in the best interest of the community. One such occurrence was during the “hyperloop fix” which as Mr. Bridges described as a construction project that (would adversely affect travel patterns) occurred in a highly traveled section of interstate. A service was then provided for individuals (to ride a bus from Hamilton County to Downtown Indianapolis) rather than drive. The service was only meant to be provided during the time of construction of the fix, but when the service was coming to a close many of the riders were upset that this service was being taken away from them. The riders were actually beginning to enjoy commuting via “transit” but the funding was only temporary and the service was shut down. The demand caused local officials to search for additional funds, but by the time the service was back in place the ridership had significantly dwindled. This showcased the fool me once shame on me fatality that was dealt to the image of transit because the service was already pulled from people using it, and they did not want to find themselves in a similar situation if it were to be defunded again according to Mr. Bridges. The opportunity during the “hyperloop fix” was seized by planners to implement a short term mass transit, but could have ended better. Which would have not left a feeling of distrust from the individuals that used the system.

Mr. Bingaman and Mr. Bridges described in 2012 there was an attempt to push prior bill through the Indiana General Assembly. Everything seemed like it was going to pass for CIRTA, but it was struck down in the first chamber. The champions of the bill picked it back up and reorganized over the next year so that when it came to 2013 they would be even more prepared. The repackaged bill and additional support from other organizations aided in the bill successfully passing the Indiana legislation. It passed through the legislation not just in 2013 but in 2014 as well.

According to Mr. Bridges, what made the difference between the failure in 2012, and the subsequent successes was in order to gain approval; the bills were repackaged to highlight the economic benefits of the region rather than the benefits of a cleaner and healthier environment. Is it important how you “package” projects and who is in your corner when the time comes? Originally mass transit was packaged as a way to protect the environment and improve air quality, which to some is great and they can see how that would work, but to others they could “care less”.

This is what won the bill in 2013, but it turned into a “prove it” moment between 2013 and 2014 Indiana assembly sessions in order to gain the remainder of the support needed to let the bill go to the citizens for a vote. Over this time though there was a significant increase in business, corporations, and heavy-hitting partnerships that got on board and added their support which in turn put pressure on the legislators. Companies from the business sector and various partnerships including the Indy Chamber, Metropolitan Board of Realtors, and Central Indiana Community Foundation wanted mass transit too. Thus proving the importance of more and larger voices aid in the political arena.

With the passing of SB 176 there was a considerable amount of excitement, but there were many little tweaks that were not ideal according to Mr. Bingaman and Mr. Bridges which included the phrasing of the township opt-in and percentage the tax could be set at. If they were going attempt to change them, the bill may have not been passed. It was important to pass an imperfect bill that could be tweaked, rather than pass no bill at all. This shows the importance of progress over first time “perfection”.

With the story of the bill laid out, the “burden” then begins to transition to planners as it becomes time for their role. David Littlejohn from Carmel, Indiana (a city in southern Hamilton County) provided insight on what the bill meant for planners and what Carmel and Hamilton County have been doing to prepare for the future line(s). Mr. Littlejohn discussed the creation of a transit study group in Hamilton County that was made up of planners, school officials, economic development professionals, as well as various individuals from other professions.

The study groups focused on three main areas including; financing, routing, and public outreach. As a planner there was a significant amount of time planning for various scenarios due to the range the taxing percentage could be (0.1%-0.25%) on various types of income taxes pending on the county. The different levels would create various levels of service, and each of which would have separate impacts on TIF (Tax Increment Financing) districts, land use patterns, as well as interactions with other modes of transportation such as the bike-share system in Carmel.

One concern that Mr. Littlejohn pointed out was how to inform the public about mass transit, but not to cross the line and begin advocating for mass transit which is not allowed and could cause repercussions. A point that he made was that dropping the max taxing amount from 0.3% to 0.25% made funding the transit that much more difficult. Also that many of the other transit systems relied on sales tax which people can essentially opt out of not buying the taxed items/ services if they don't want to use the service like excise tax for tobacco and alcoholic purchases, whereas an income tax will be applied across the board. This makes it more difficult for proponents of mass transit to “sell” the project to individuals on the fence of voting for or against the referendum when it reaches their respective ballot. Much of what has occurred in terms of work done by planners has been “hurry up” and wait because the vote will not occur until November 2016 (7 months from now).

Analysis and Conclusion

Do planning projects succeed or fail based on how they are packaged? The fate of the bills lay in whether or not elected officials saw value in the environmental benefits, or if the economic benefits are more important. From a planning perspective there is value in both, but one is more likely to gain support.

Senate Bill 176 is not what some advocates desired. This does not make it more or less perfect. It is the efforts of learning from past challenges both from personal experience and the experience of others that we can attempt to achieve a better system. The studied nexus of planning, transportation and politics is inherently messy. It is difficult to focus on a couple single moments in time when a greater story has been occurring in the background and in the past which give way to the moments of success. It is in the trials and “failures” along with the moments of success that stories begin to evolve and shed light on educational opportunities. There were groups of individuals that evolved over time that worked to champion the product of mass transit for central Indiana.

For example it is in the desire to make places better for all groups of people that planners (anyone with the desire to change the community) stepped up in key times to bring mass transit to a region that is well behind comparable cities. When mass transit had not gained all of the momentum that it has today, a “small” group was willing to share the risk and be progressive in nature. Overtime the group began to expand and swell in size, gaining traction by the community wanting more progressive projects.

Planners can come to different crossroads in their careers causing them to refine their position on planning. The ever evolving practice of planning as referenced by Sandercock puts current planning in limbo, like in this instance it is how close to the line between informing and advising planners are willing to go. As seen when planners in Hamilton County debated the line between informing and advocating transit. The desire for the project to go through between two planners can be the same, but what can make the difference is how close or how far they are willing to go to see the project through. Educating elected officials is a significant part of planning, because it is important to ensure that all sides know the benefits and drawbacks to different scenarios and the rippling effect that they will cause. As Sandercock pointed out that without risk

nothing new will be created, which is tragic to a region such as central Indiana in transition. It occurs far too often that people only tend to see the immediate impact, but forget what is going to happen 5, 10, 20 years down the road. Just like one of the takeaways from “The Transit Metropolis: A Global Inquiry” by Robert Cervero that Hank Dittmar stated judging a project the size of mass transit 2 or 3 years into operation is like judging an infant, mega projects take time.

The Indiana Legislative process is quite simple in theory. A bill starts in one chamber gets edited and passed along then the whole chamber votes on it, and if it passes it goes to the second chamber where it goes through the same process. If there are new edits after it switches chambers, it returns to the original chamber for approval, and if it's approved it moves on to be signed into law. As simple as that is though, there are nearly endless pitfalls where bills can die. The odds are much greater that a bill will not leave the first chamber, let alone make it through both before going to conference if needed. HB 1011 and SB 176 both made it through, but that does not include the bills that were previously attempted to go through the legislative process. HB 1011 setup the creation of a study committee from central Indiana to dive deeper to the potential of mass transit working.

If central Indiana is going to be a competitive region, then efficient and equitable movement of people will need to be a high priority. There are endless additional studies that continue to come out in support of mass transit and the effects that it has on communities proving that central Indiana lags behind. With the champions that have made transit possible, with the vote not till November of 2016 (at the earliest) I believe that it will be a challenge because as I perceive it, many people are not thinking about it, but there could be significant chatter around late October or early November. Planners of different professions have come together over the last several decades putting in the work of getting transit to this point, it is now a time of great importance for current planners to accept the risk and get right next to the line between informing and advocating for mass transit in central Indiana. The importance of packaging transit and informing the separate paths that central Indiana could go down pending on how the vote goes cannot be overlooked.

The importance of one individual was seen in the article “The Thin Red Line: A Case Study of Political Influence on Transportation Planning Practice” written by Brian Taylor, Eugene Kim, and John Gahbauer, where a single individual essentially ceased the expansion of transit through his district while he was in office. This was much like the issues that CIRT and CIRCL were facing when Marion County did not want to be a part of the regional approach. Because Marion County did not want to be a part, this left the doughnut counties stranded. Now is the most relevant time for all parties from legislators, planners, and various regional organizations to make the push to get voters to approve the referendums.

Central Indiana needs to create a unified decision to support mass transit, not simply for the greater good that it will have on the environment, but for all of the spillover effects that will occur as supported in Dr. Frankel’s article which identified mass transit as a public utility like schools and emergency services. The total benefits of the environment and the economics will outweigh the total cost of the service. Planners of all backgrounds should support central Indiana moving forward by educating on the benefits of mass transit. It is a part of the ever-changing job that planners advise elected officials on what will be best for the community based on their research. Planners will need to take risks in order to achieve mass transit in a region where it does not currently exist. Planners need to package projects like mass transit in central Indiana in different ways according to the audience. Different audiences such as the elected officials like the environmental benefits that mass transit will bring, but what is more important to them is the economics of it. This came out of the research because from the interviews with Bingaman and Bridges they pointed out that nearly the same system was attempted in the legislative session of 2012 with focus on the environmental benefits and it failed. The same project was repackaged with the economic benefits being the highlight, the bill was passed. Mass transit has the ability to create opportunities for people that were not there before, and can act as a catalyst for economic development, social and environmental change. It is now out of the hands of legislators is now in the hands of community members to start this change for mass transit in central Indiana, only they can vote to get the wheel rolling.

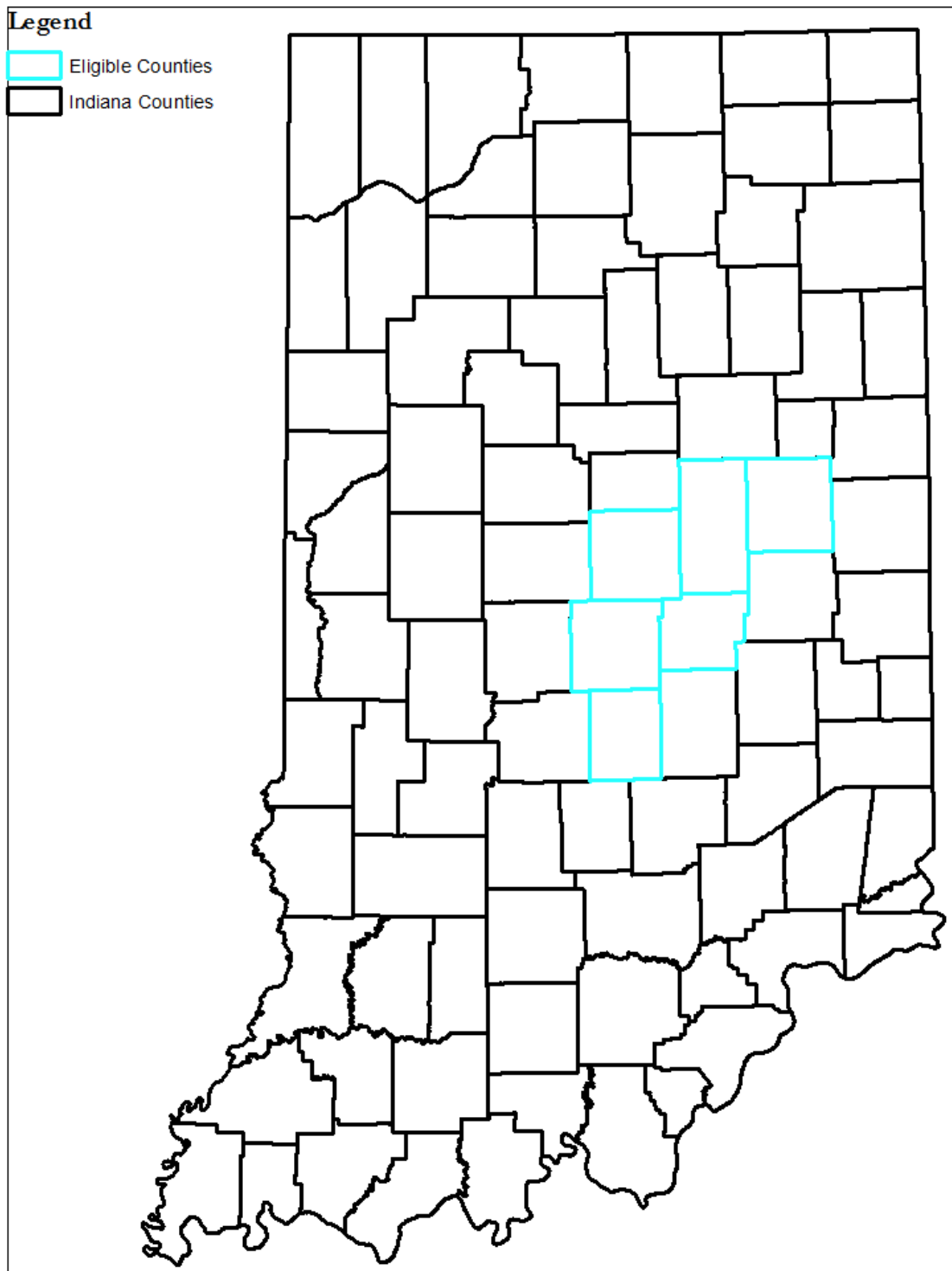
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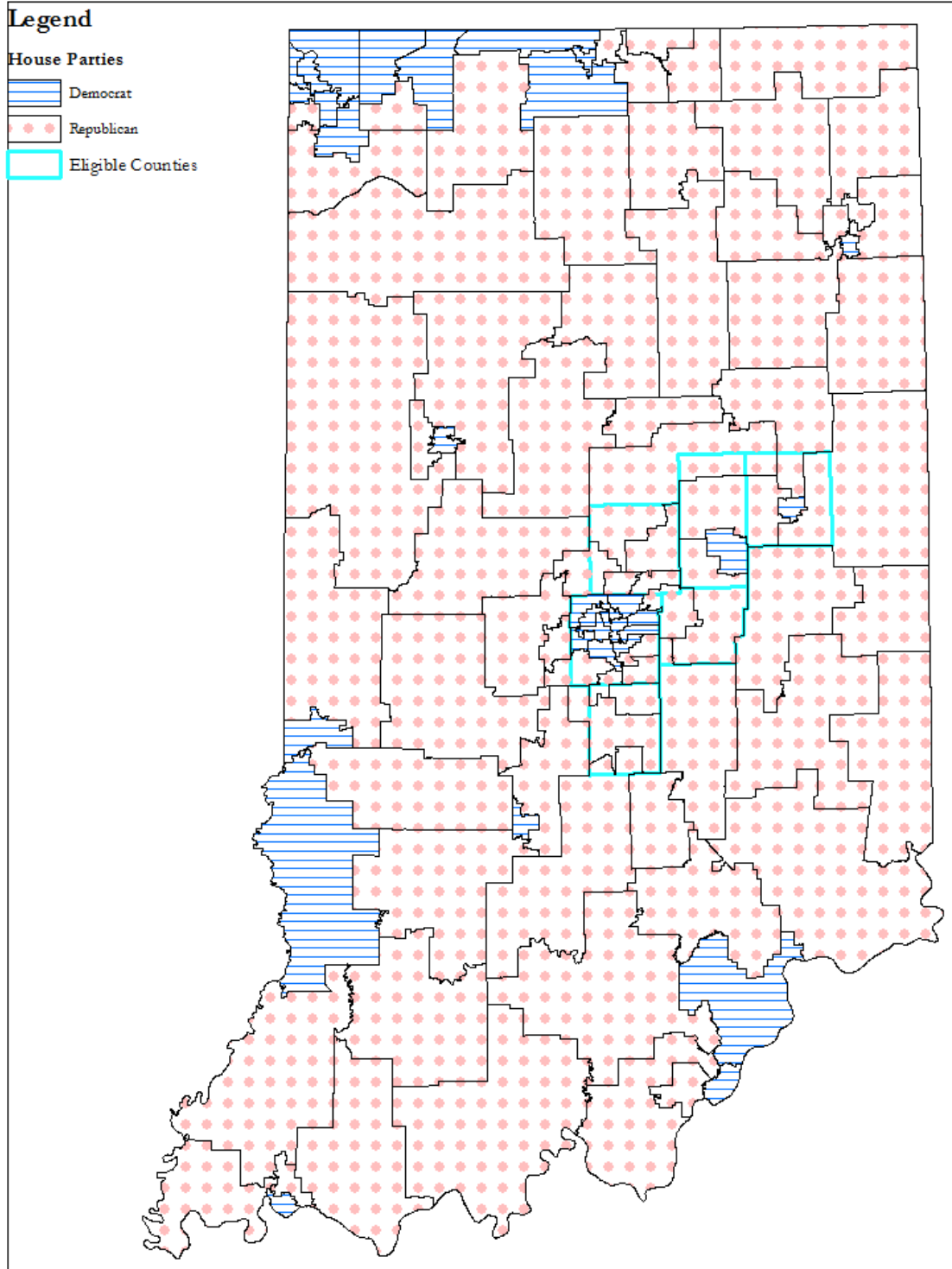
Appendix

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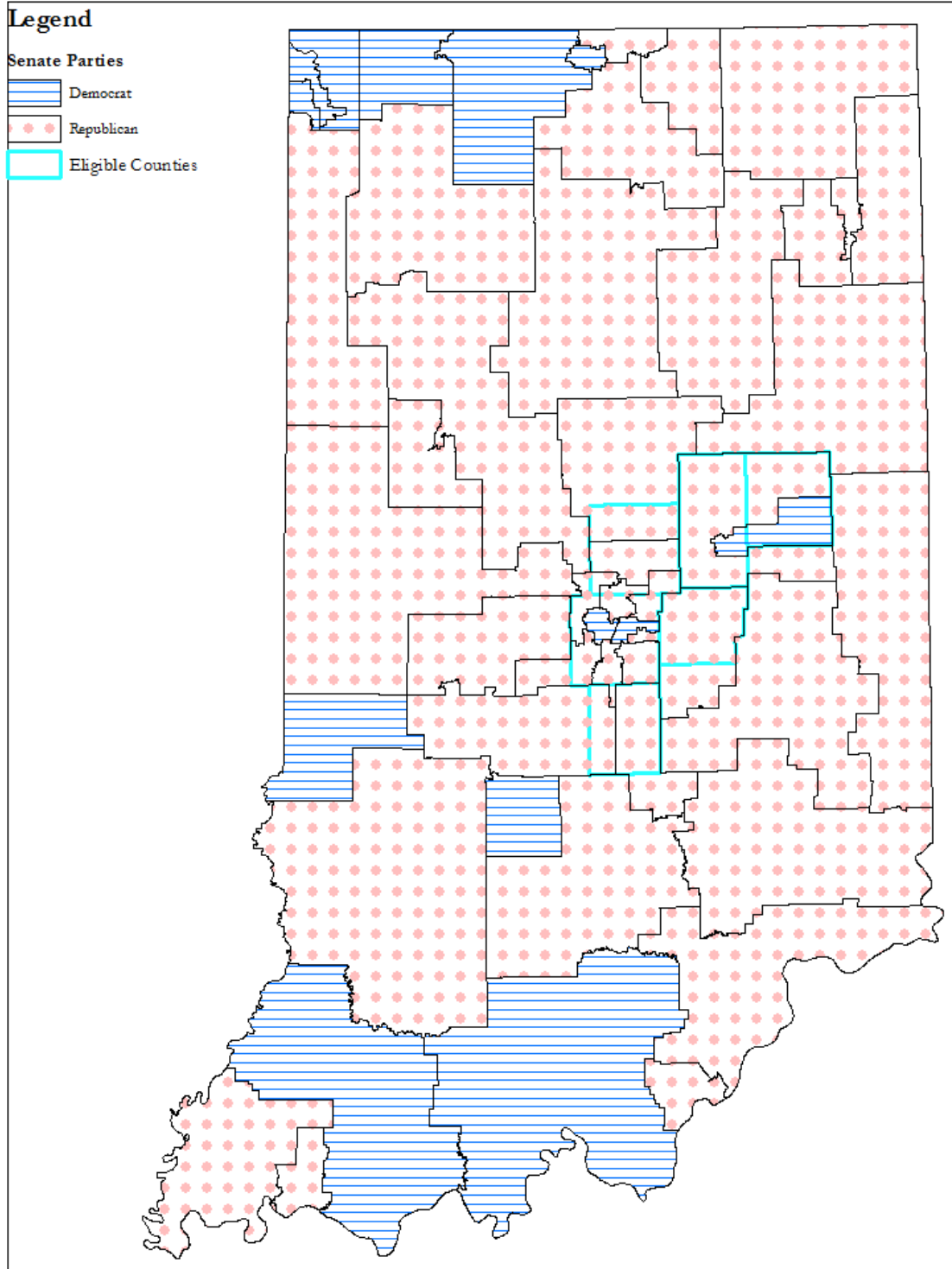
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- B- House Parties
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- D- HB 1011 House Vote
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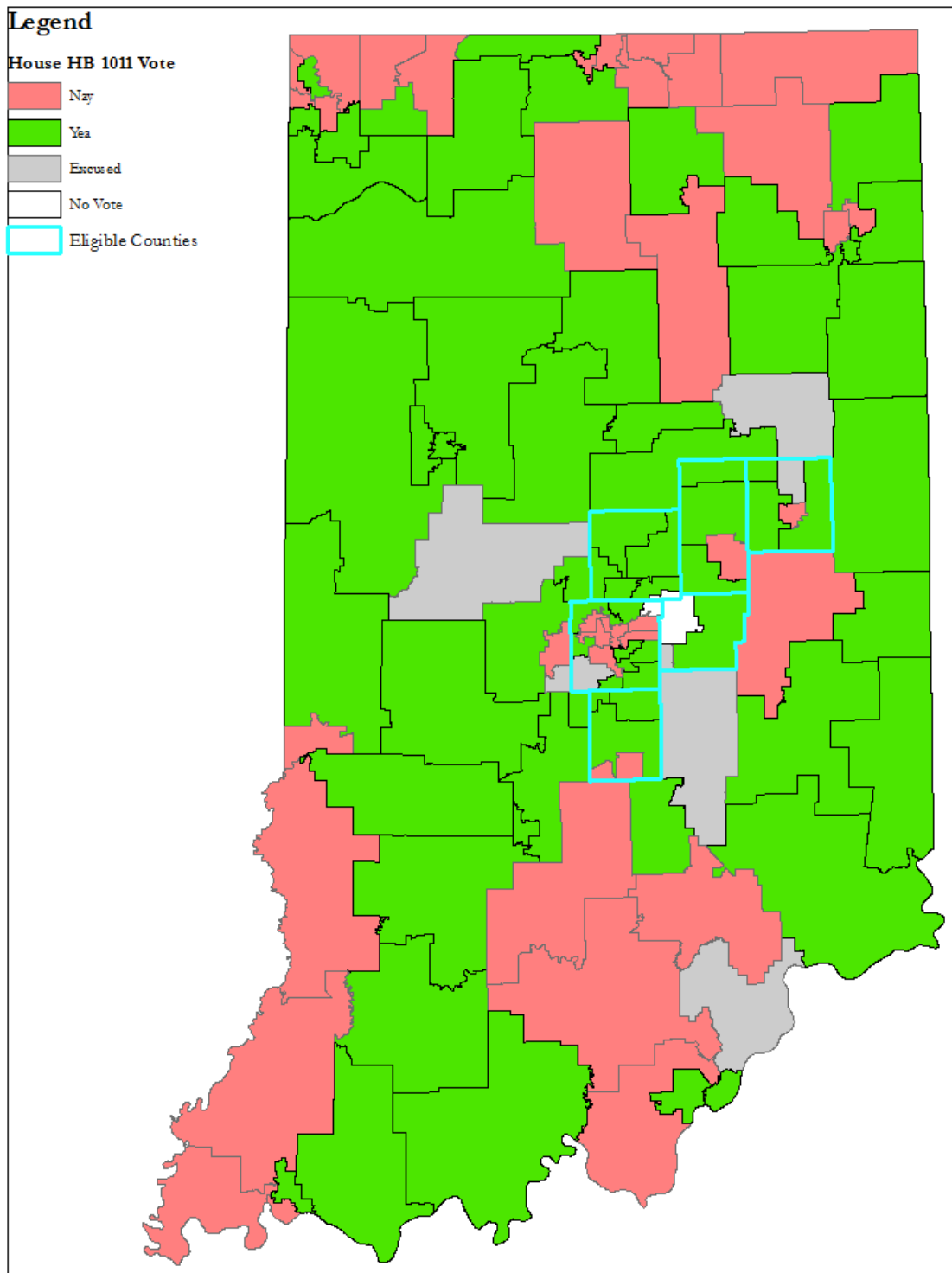
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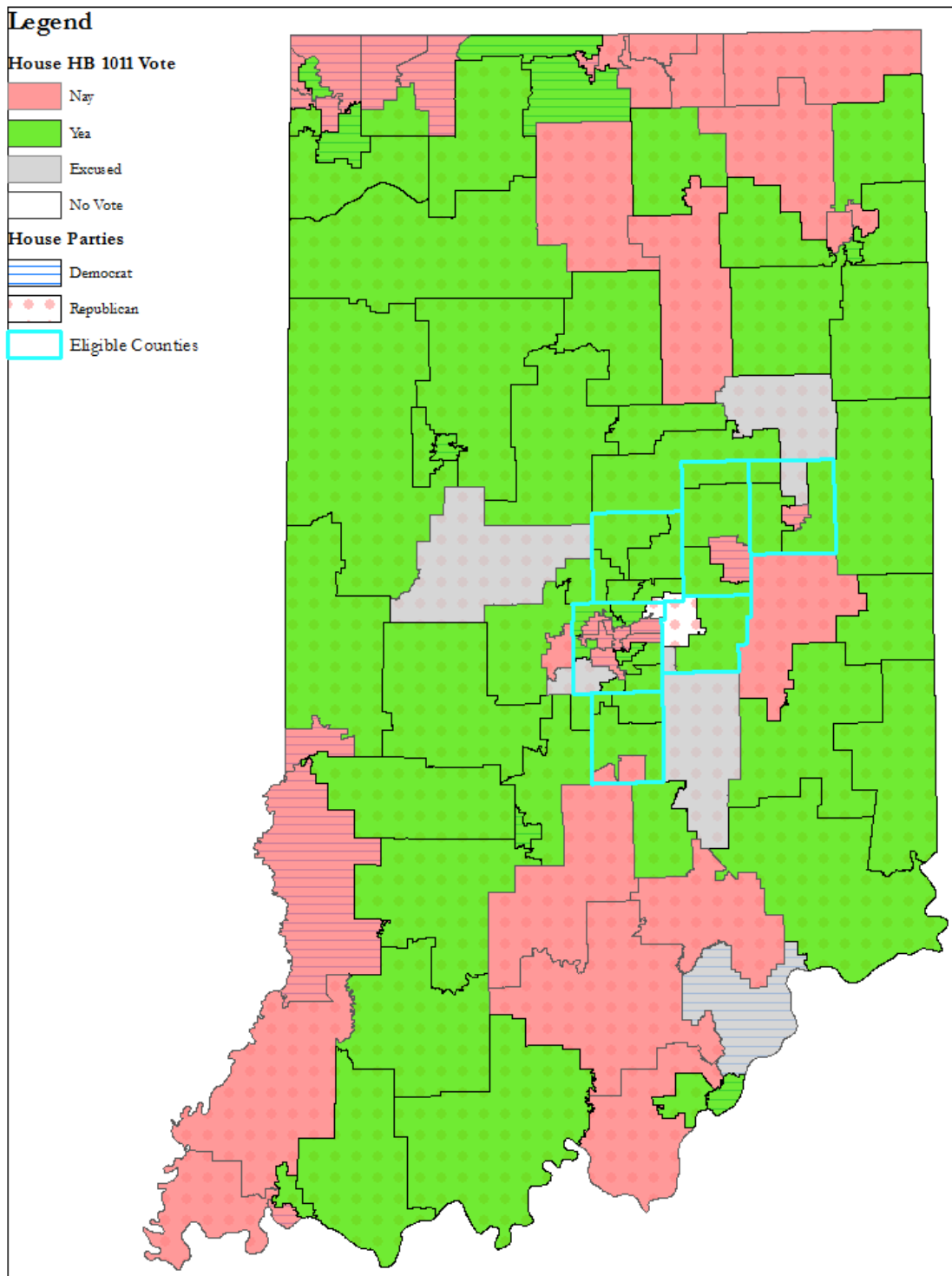
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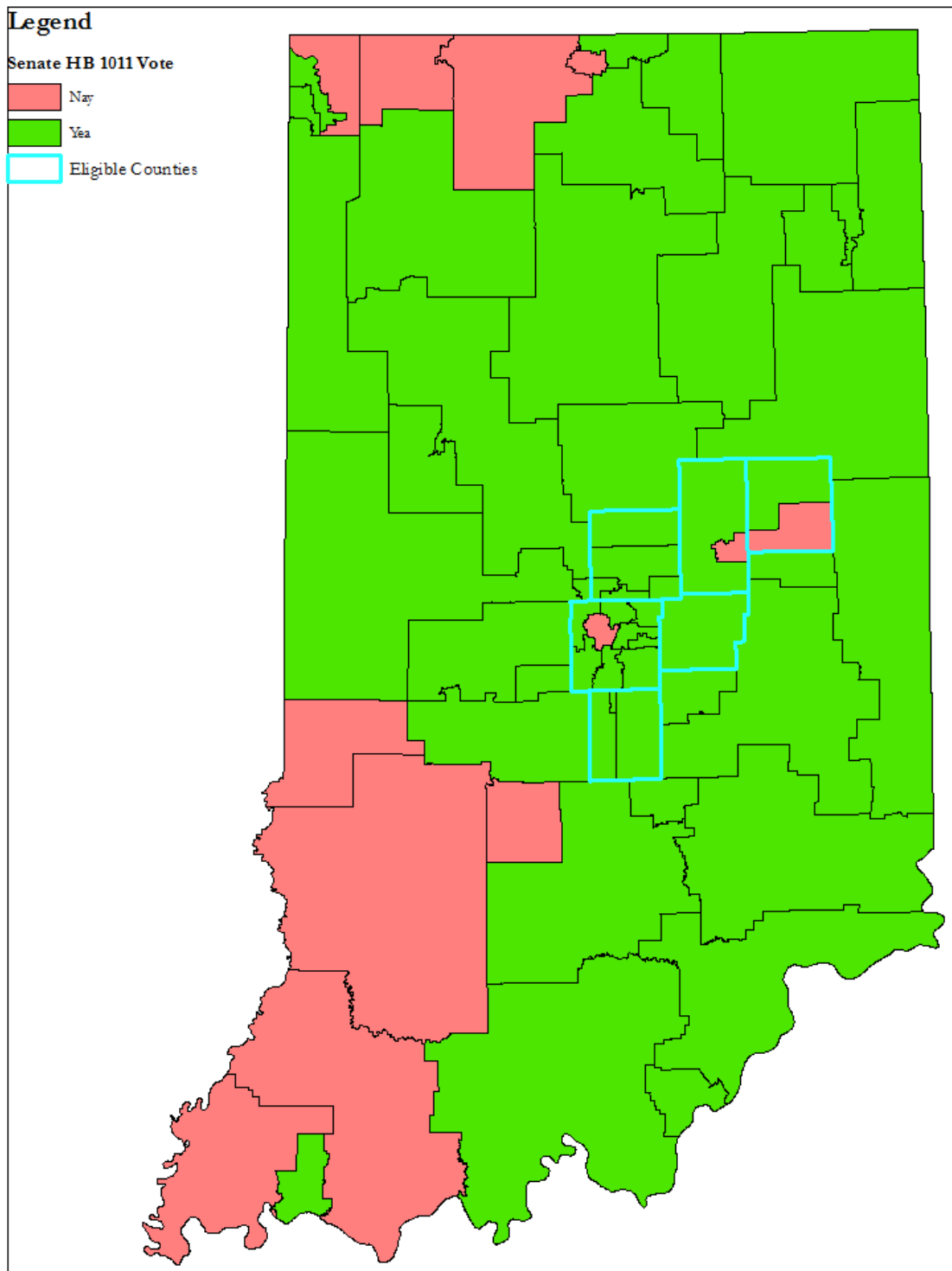
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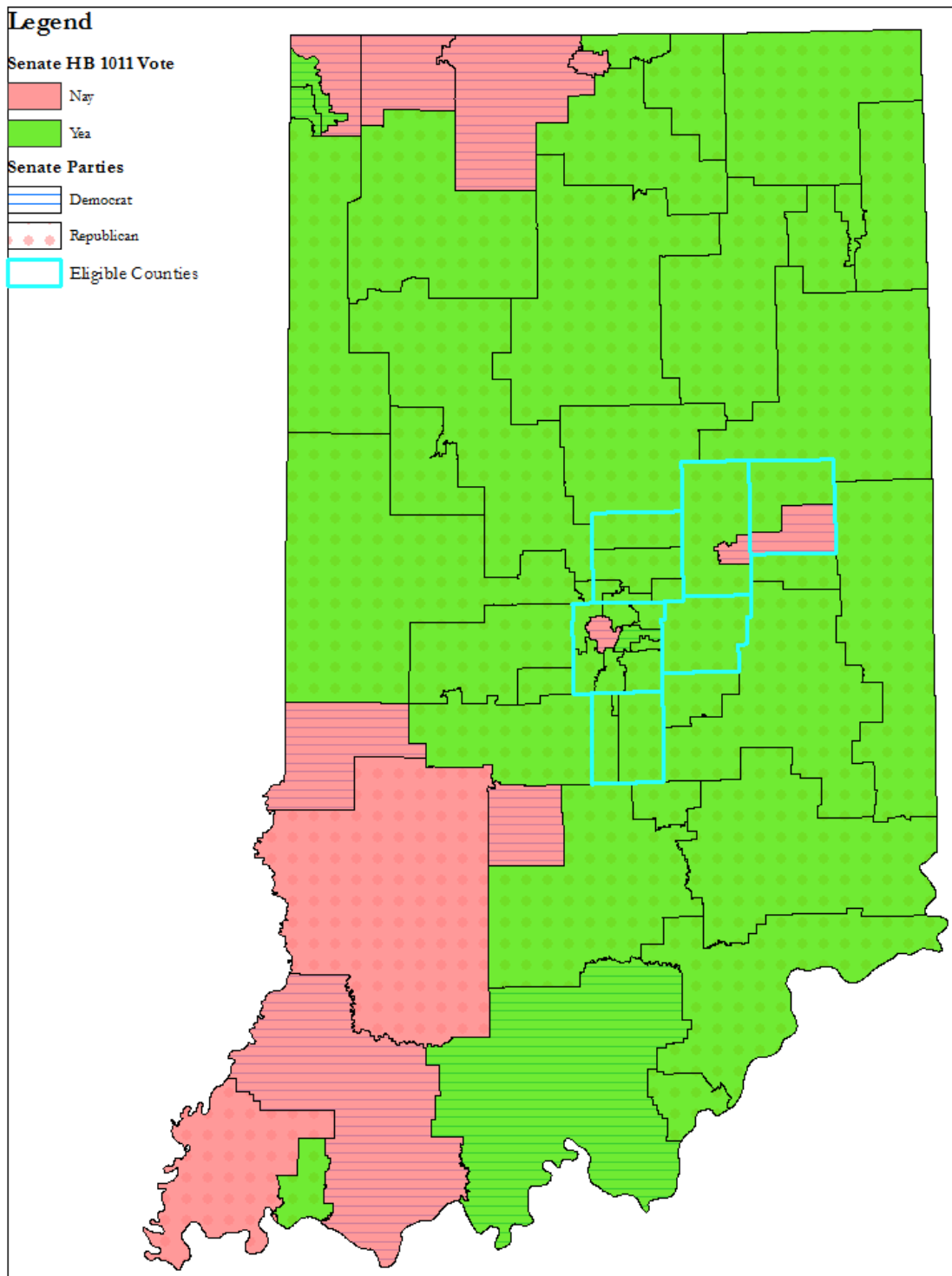
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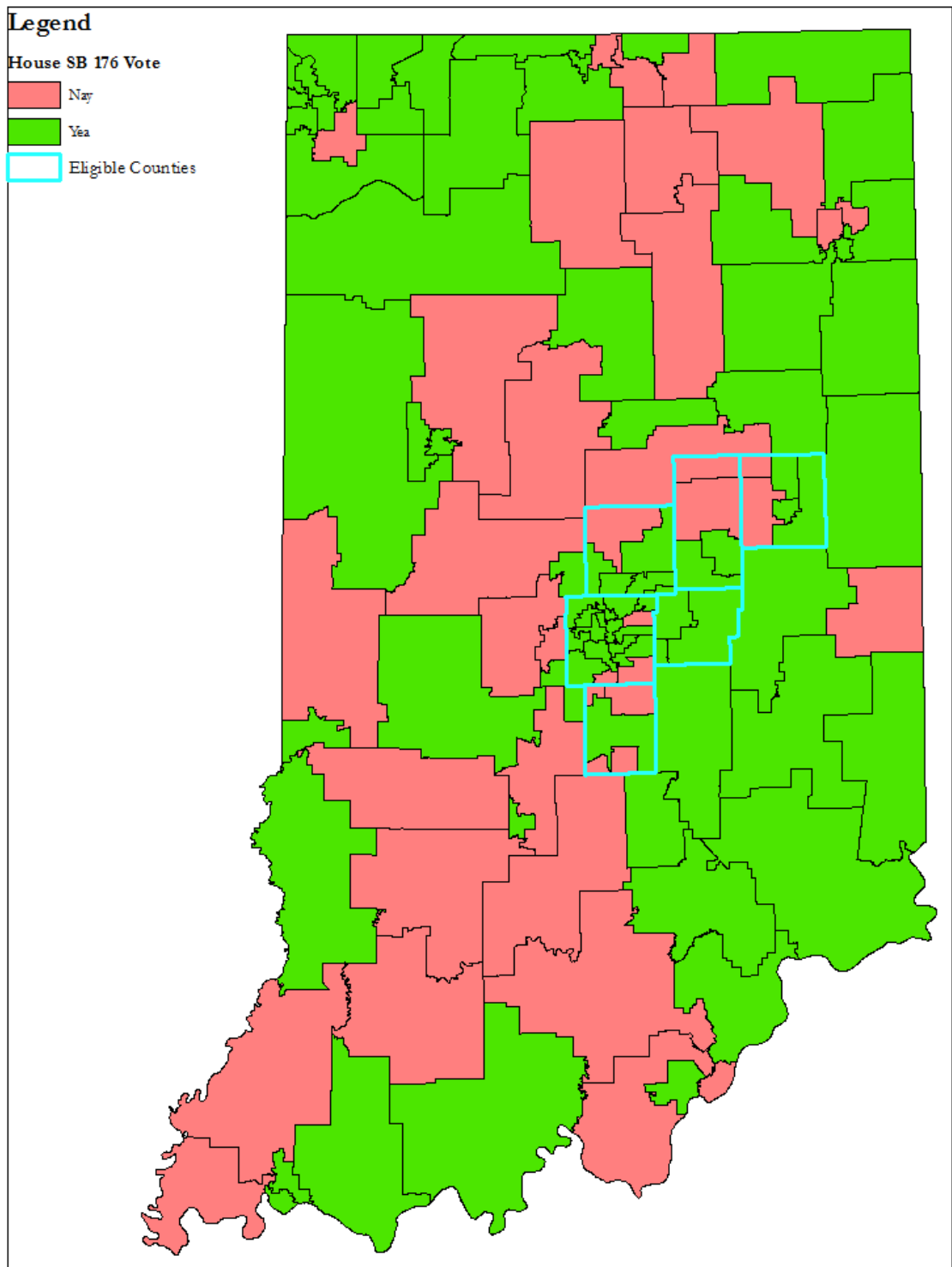
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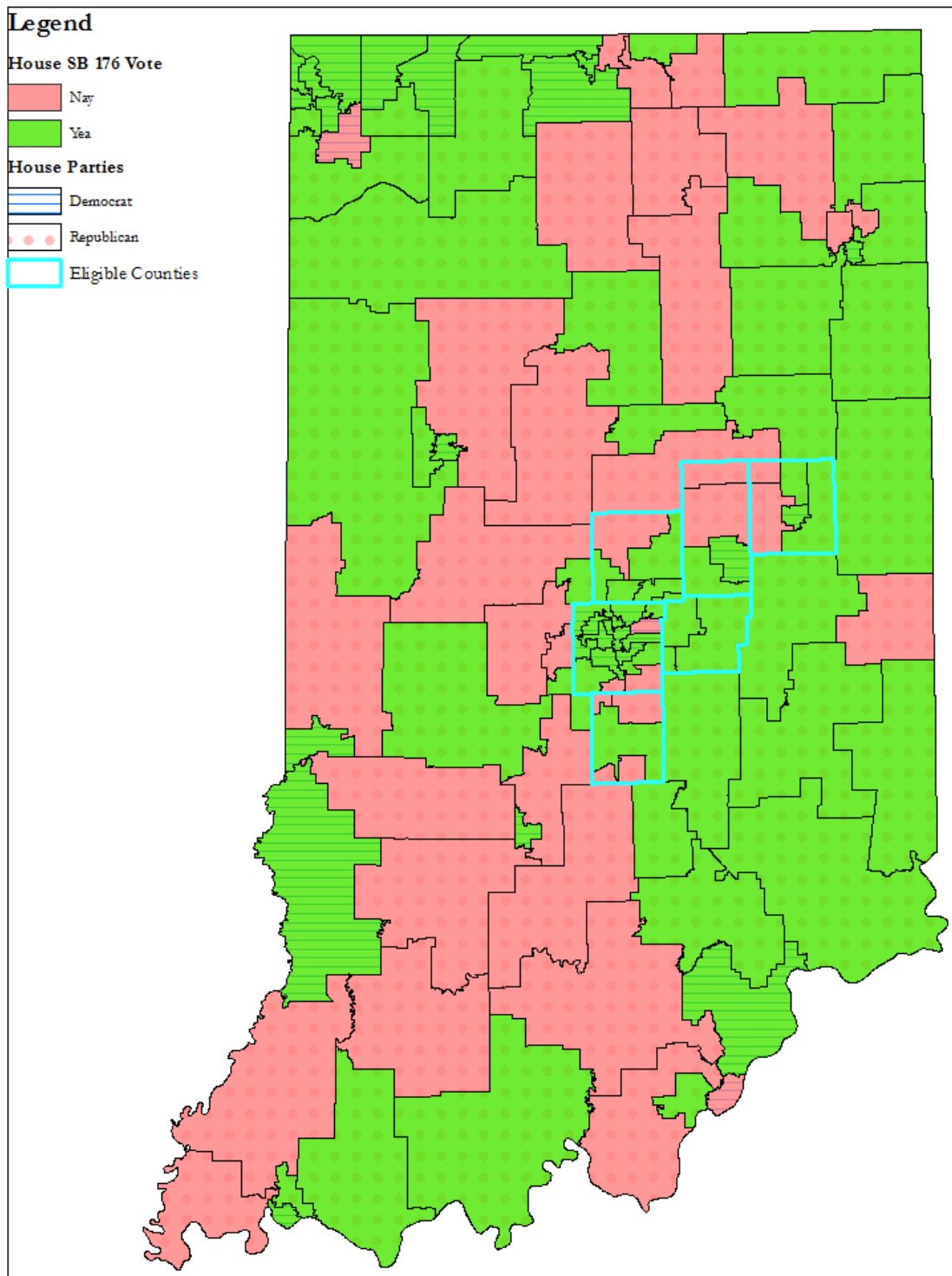
F- HB 1011 Senate Vote



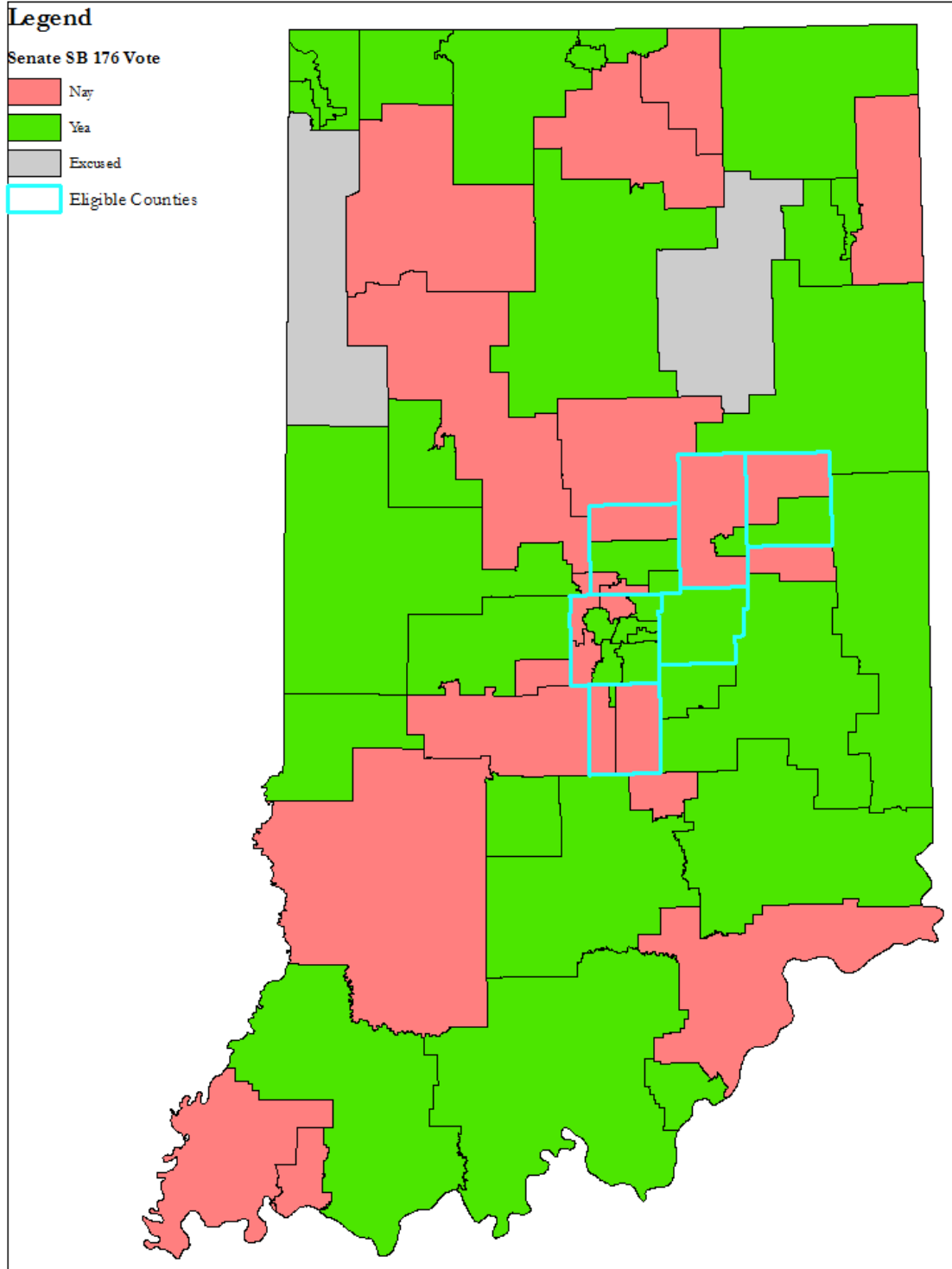
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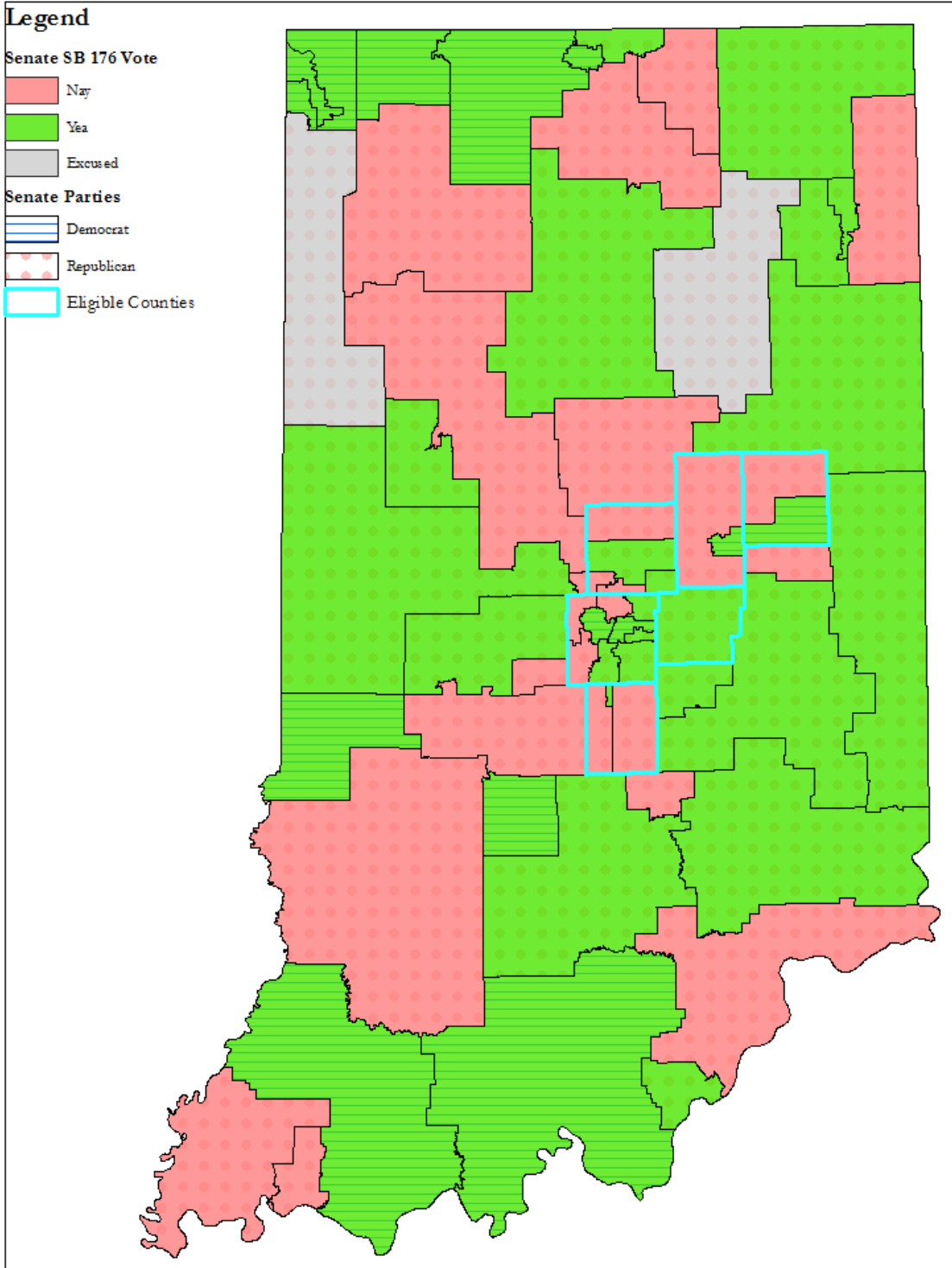
H- SB 176 House Vote



I- SB 176 House Vote by Party



J- SB 176 Senate Vote



K- SB 176 Senate Vote by Party