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Editor's note: For the airport operator or administrator, negotiation in its many forms—whether with fixed-base operators, hangar and property leaseholders, maintenance providers, or others—can be a challenging part of the job. Gaining insight into the process, and learning skills to negotiate more confidently, can make the process more effective and beneficial for all parties.

The following *Briefings* article was written by Michael Hughes of the

Center for Science and Public Policy at the Keystone Center, a nonprofit organization that brings together public, private, and civic sector leaders to solve problems through neutral, well-managed discussions. In this article, he shares his experience of how to work through problems from multiple perspectives to reach an agreement everyone involved can live with. Hughes will also lead a general session, “Conflict Resolution: How to Negotiate and Mediate,” at this year’s AirTAP Fall Forum.

I Want What I Want When I Want It

Every day, we try to solve a problem or get something done at work. Nearly every day, we find an obstacle in our way. Often that obstacle is human—some person, trying to solve his or her own problem or get something done and seeing us as the obstacle.

We each hold the same view—I want what I want when I want it, and my world would be so much easier if you would simply do what I want when I want it done.

Whether these differences play out in a formal, problem-solving setting such as a contract negotiation, or in informal ways like that spur-of-the-moment staff meeting, we find ourselves forced to negotiate our way to some version of what we want and when we’ll get it.

In many cases, we simply state our position: “I want this, now.” If we have the authority to get our own way, then we

will. In some cases, the power is reversed and we are told what to do and when.

A great deal of opportunity lies in the middle—where we can’t force our solution and can’t be forced to accept someone else’s answer. In these cases, there are things we can do to get more of what we need and help others get more of what they need, too.

Wants versus needs

It starts with the distinction between wants and needs. In the best-selling reference book on negotiation, *Getting to Yes* (Houghton Mifflin, 1981), authors Roger Fisher and William Ury called this the difference between positions and interests. A position is a fixed outcome, our favorite solution—something that we’ve decided is the necessary answer to our problem.

It’s what we want. An interest is a little deeper: it’s *why* we want that answer. An interest is the underlying need, the motivation for our position.

Fisher, Ury, and many others have figured out that focusing on positions will get you stuck; focusing on interests turns you loose. Here’s why:

If you and whomever you are negotiating with stick to positions, you find very quickly that the positions are mutually exclusive. Let’s take an infrastructure project as an example. An airport sponsor wants to expand its airport in a specific direction. Residents of the area don’t want the airport at all, and they certainly don’t want it to grow. They especially don’t want 747s landing in their backyard. The build/no-build standoff comes from the confrontation of the two fixed and diametrically

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Case Study: St. Croix River Crossing

A large group of stakeholders have been working (sometimes together, sometimes at cross purposes) to sort out what to do about the Stillwater Lift Bridge over the St. Croix River; connecting Minnesota Trunk Highway 36 with Wisconsin State Trunk Highway 64. It’s a rare example of two state departments of transportation sharing the final determination of bridge placement and design, stemming from a complex process of litigation, mediation, and, ultimately, the realization on the part of 28 stakeholders that they all have to work together.

At the center of the issue is an existing span across the river. Not only is the historic, two-lane bridge in need of repair, but when the lift section is up it causes significant traffic backups on both ends of the bridge. This frustrates drivers, generates air pollution, and interferes with commerce in the historic downtown business district. Attempts to build a new bridge have failed, in large part because of the seemingly irreconcilable interests of:

- Preserving the scenic quality of the area by limiting the number of river crossings.
- Saving a bridge that’s listed on the National Register of Historic Places, including protecting its historic use.
- Providing for the transportation needs in rapidly growing parts of the Minneapolis-St. Paul metro area and western Wisconsin.
- Addressing the environmental impact that could come with a new bridge.
- Doing all of this within budgetary constraints.

Two decades ago, the Federal Highway Administration (FHWA) and the states of Wisconsin and Minnesota began planning for an environmental impact statement (EIS) to address a new river crossing. The EIS would also be the focal point for assessing the impact to the St. Croix River, one of 154 rivers entitled to protection under the Wild and Scenic River Act. When the draft EIS was issued five years later, public reaction ranged widely, from supportive to pessimistic. In 1995, the departments of transportation in the two states issued a final EIS with the expectation of beginning construction of the new bridge and demolishing the old bridge. An ensuing lawsuit by environmental organizations derailed those plans and nullified the EIS. A few years later, another effort was made to reach agreement, but this time, the state DOTs concluded that the cost of constructing a new bridge was too high. A third attempt to broker an agreement failed.

Finally, at the request of the FHWA, the U.S. Institute for Environmental Conflict Resolution conducted a conflict assessment. This time, the goal was to find a solution that advances the preservation, environmental, and transportation needs of all parties.

Following the three-phase mediation process (see main article), the group translated its interests and those of all the stakeholders into specific criteria that could be used later to evaluate different options. As a simple example, the group agreed that a successful solution would

have to meet all regulatory requirements—the Historic Preservation Act, the Endangered Species Act, and the Wild and Scenic River Act.

The group considered removing car and truck traffic from the lift bridge and using it as a bike and pedestrian trail. In doing so, the project could avoid increasing the number of road corridors, integrate the bridge into the river’s scenic trail system, and extend the life of the bridge. Essential to the success of this plan would be finding ways to ensure that funding continued to be available to maintain the bridge even as the DOTs removed it from the roadway network.

In the final step, the stakeholders needed to determine which option met the historic preservation requirements, would have the least environmental impact, and would best alleviate traffic concerns. In the end, they decided to build a well-designed new bridge downstream of the existing structure and preserve the historic bridge while removing car and truck traffic from it. To arrive at this, environmentalists had to forego the idea of preventing new bridge construction; transportation proponents had to part with the idea of a lower-cost solution; and historic preservationists had to exchange historic use for protection and longevity.

The idea still needs funding commitments, permitting approvals from government agencies, and a final mitigation package for environmental impacts. Construction is tentatively scheduled to begin on the Minnesota side in 2013.

opposed solutions: airport growth or no growth. Framing the problem that way will get you stuck.

An interest-based conversation would focus on all the underlying needs of each overly simplistic position. The airport sponsor is trying to advance a long list of needs, including:

- Satisfying a growing region's need for goods produced outside of the region.
- Responding to the increasing connections between the region and the rest of the country in personal travel, professional travel, and commercial/industrial production.
- Providing transportation facilities that are safe, secure, and state of the art.

For the community, the needs are likely to include these three and many more:

- Protecting community character and history.
- Protecting the community's peace and quiet.
- Protecting the area's environment including air quality, water quality, and natural resources.

If you frame the problem in these terms, you can look for any number of possible solutions beyond the original two that might satisfy all six of these needs. You can move the conversation to a discussion of interests and work to ensure that the agency and the community frame the problem in new ways. For example, you might ask that everyone focus on how the agency can meet the region's grow-

ing need for goods, travel, safety, and security while protecting the community's character, history, peacefulness, and environment.

Assisted, interest-based negotiation

A mediator can help both sides make the shift from positions to interests. She or he would help the agency and the community members do the hard work involved in understanding and articulating their own interests, in listening and understanding the interests of others, and in searching for solutions that serve the greatest number of interests on all sides to the greatest extent possible. That sounds straightforward, but it's not always.

Often any attempt to broker an agreement fails because a compromise solution seems, in the end, just that: a compromise—a solution no one can endorse.

Mediation

The goal of mediation is to set a new course that integrates the needs of all stakeholders to find a solution that truly advances the needs of the diverse parties.

Mediation can move forward in three phases:

1. **Exploring needs, interests, values, and viewpoints.** The first task is mutual education—making sure all affected parties are involved, helping stakeholders fully understand each other's viewpoints, and finding common ground. A group needs to listen to and learn from one another and to move from “either/or” thinking—

either air transportation or peace and quiet—to “yes, and...” thinking—effective air transportation and community quality, economic vitality, and good design.

2. **Generating new options that resonate with stakeholder needs.** With a greater understanding of each other's interests and viewpoints, stakeholders move on to the second stage by envisioning new options. Perhaps the most important moment in this phase will come when the stakeholders remove constraints, ignore old assumptions, and free their imagination, allowing them to break new ground and move toward a solution that can be acceptable to everyone.

3. **Rigorous evaluation: Which options meet needs and satisfy criteria?** In the third and final step, the stakeholders evaluate the options against the full set of stakeholder interests. In the end, the best answer may be to build airport infrastructure that incorporates the community's values. With a new plan, every stakeholder is asked to move away from previous positions. The result is a fair and transparent problem-solving process that involves everyone. This mindset and the basic steps can take stakeholders from interests to options to evaluation/selection on a relatively simple problem in minutes. The key: moving from positions to interests.

—Michael Hughes is director of the Center for Science and Public Policy at the Keystone Center in Keystone, Colorado.

Register now for the AirTAP 2008 Fall Forum!

It's not too late to attend this year's AirTAP Fall Forum, to be held October 14 and 15 at Breezy Point Conference Center near Brainerd, Minn. The two-day event will feature small-group discussions, on-site demonstrations, and sessions that invite audience participation. Topics this year include conflict resolution, dealing with emergencies, airport marketing, snow and ice operations, and working with airport commissions.

Event brochures were mailed in August. To view a complete schedule of the event, download a brochure, or register online, please visit the AirTAP Web site at www.airtap.umn.edu. Or contact Mindy Carlson at 612-625-1813 or carlson@cts.umn.edu for more information.

Attendees of last year's fall forum viewed airport lighting and maintenance at Brainerd Lakes Regional Airport. The 2008 forum will once again hold a session at the airport, this time covering snow and ice control.



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