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2009

2009 Planetizen blog posts

Michael Lewyn



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Blog post

What mobility really means

[Michael Lewyn](#) | December 31, 2009, 6pm PST

Every so often, I read a blog post or an article talking about the trade-off between "mobility" and making places more accessible to nonmotorists. The hidden assumption behind such statements is that "mobility" means cars going as fast as possible. So if every street is an eight-lane highway with cars going 70 miles per hour, overall social "mobility" is therefore high.

The use of the word "mobility" to describe fast traffic slants public dialogue in favor of such traffic: after all, who could be against people being mobile?

But we need not define mobility this way. According to one online dictionary I found, "mobility" means (among other things) "the movement of people in a population, as from place to place."*

In a sprawling city where most streets are designed for fast traffic, the mobility of some people (fast drivers) is undoubtedly very high. But the mobility of others is not. In such places, streets are dangerous and uncomfortable for pedestrians- which means that in fact, nondrivers cannot easily move from place to place and are thus not so mobile after all. And even the mobility of drivers is limited: they can be mobile as long as they are driving, but if they choose not to drive for some reason, their mobility disappears.

Thus, government construction of wide, automobile-oriented streets does not create mobility for all. Instead, automobile-dependent places actually eliminate mobility for nondrivers. It logically follows that mobility for all is highest in places that accommodate pedestrians, transit users, and bicyclists as well as drivers- in other words, that accessibility is mobility.

*<http://dictionary.reference.com/browse/mobility>

Blog post

Two Separate Problems

[Michael Lewyn](#) | December 12, 2009, 6pm PST

Conventional wisdom dictates that middle-class families would find urban schools more tempting if we only "fixed the schools"- a concept that implies that urban public schools

are simply unable to educate anyone, because they are either horribly underfunded (in the liberal version of this claim) or horribly mismanaged (in the conservative version).

A few days ago, the National Center for Education Statistics came out with the Mathematics 2009 Trial Urban District Assessment (TUDA)(1), a test designed to compare urban school districts. TUDA tells us, not surprisingly, that public schools in the major cities tested have lower fourth-grade test scores than those of the nation as a whole: the average national score is 239, while the average big-city score is 231.

But there were one statistically significant exception to this rule: Charlotte, North Carolina, which clocked in at 245. What could that city be doing right? Well, its demographic makeup might be relevant: 47 percent of Charlotte students are eligible for subsidized school lunches, far below any other urban system listed (and in fact below the national average of 48 percent).

In fact, when we control for race the suburban advantage disappears: in eight of the eighteen urban school districts tested, white students did better than the national average for whites. And white students performed below the national average in only five. (In most of the rest, whites were either so scarce that test results were statistically insignificant, or performed at about the same level as the national average).

Similarly, among students affluent enough to be ineligible for subsidized lunches, urban students performed as well as the national average: better than the national average in four urban school systems, worse in four, and about the same in ten.

If supposedly bad school districts educated all students badly, we would find that the school districts with the worst scores were the ones in which affluent and white students performed below the national average. But this was not always the case. For example, Washington, D.C.'s average fourth-grade score was 220, second worst among the listed school districts. But the District's white student population scored an average of 270, above not only the national average, but above the score for top-ranking Charlotte (263). The same was true for Atlanta, whose average score was 225 (fifth from the bottom) but whose white students clocked in at 266. (I note that both these cities no longer have significant white working-class populations; thus, race is a better proxy for affluence there than in some other cities).

On the other hand, "bad" school districts were somewhat worse than the nation as a whole in educating low-income students (defined as those eligible for subsidized lunches). The national average for low-income students was 228; Atlanta low-income students scored 216, and Washington students scored 210, worse than every city but Detroit.(2) However, the differences between urban schools and the national average were often far lower than the differences between races and classes; for example, the gap between Atlanta's low-income students and the national average was 12 points, but the gap between the national low-income average and the national average for non-low-income students was 22 points.

In sum, the "worst" school districts were often reasonably good at educating the sort of children who can afford suburbia - but were especially bad in educating the children of the poor.

This tells us that the so-called "urban school crisis" is really two separate problems: (1) American schools' collective inability to educate disadvantaged students, and (2) affluent parents' unwillingness to send their children to schools full of those students. The two problems may well have different solutions. For example, magnet schools for high achievers may be very useful in solving (2) but won't do much to solve problem (1). Conversely, I am not sure how much progress we would need to make on problem (1) to really affect problem (2).

(1): All data are available at <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2010452>

(2): Statistics for eighth-graders are roughly similar, but differ in that many school districts have so few white students that interracial comparisons are impossible.

Blog post

The Failure of Voluntarism

[Michael Lewyn](#) | December 3, 2009, 9am PST

I recently read an article containing a World War II-era poster: "When You Ride Alone You Ride With Hitler." The authors of the article asked whether governments could use similar powers of persuasion today to discourage energy consumption and thus address climate change.

Because of the significant differences between World War II and climate change, such persuasion is likely to be less successful than it was during World War II. Today, some Americans deny the very existence of climate change, others deny that climate change is related to human conduct, and still others acknowledge the existence of climate change but question the seriousness of this problem. And because climate change is a technically complex issue, citizens unpersuaded of the seriousness of man-made climate change cannot easily be persuaded otherwise. By contrast, American society stood as one against Hitler: there was a social consensus that Hitler was dangerous. As a result, individuals might have been willing to make individual sacrifices to stop Nazism.

Moreover, the Hitler poster was backed up by the law: during World War II, gasoline was rationed. Thus, a rational driver would carpool in order to avoid using up a week's ration in just a day or two. Moreover, transportation and land use systems supported the Hitler poster. Jobs were more likely to be centered in one area, a regional downtown, thus making carpooling more practical. And because suburbia was far less extensive than today, a driver's friends might live nearby, thus making easy pickups feasible. Indeed, solo driving is so much part of today's culture that (in my personal experience) environmentalism focused on individual or local government action seems to have deemphasized the issue.

By contrast, other environmental crusades seem to have received more popular support: usually those related to middle-class concerns about waste and cleanliness. For example, recycling bins

are widespread even in the United States, and every few years some consumer product or other is widely vilified as wasteful; today, plastic bags and bottled water seem to be common targets of disdain.

So perhaps the poster is somewhat relevant to today: **some** people can be persuaded to voluntarily limit consumption in **some** ways- but only where such activism already fits comfortably into their lives and worldviews. So for example, any public relations campaign related to waste is likely to be somewhat successful, because the North American middle class already detests litter and obvious waste. By contrast, environmentalist attempts to persuade people to limit consumption widely viewed as integral to suburban middle-class lifestyles (such as driving) will fail. This is not to say, of course, that public policy cannot affect travel patterns- but actual changes in public policy (such as mixed-use zoning and improved public transit) are far more likely to change travel patterns than will appeals to conscience.

Blog post

Learning from TTI

[Michael Lewyn](#) | November 16, 2009, 2pm PST

This week, I finally got around to looking at the latest (2009) Texas Transportation Institute study on traffic congestion. (1)

Two facts struck me as interesting. First, the great congestion surge of the past decade or two is over. In most large metropolitan areas, congestion (measured as hours lost to congestion per traveler) peaked around 2005, and actually declined in 2005-07. For example, in Atlanta, hours lost to congestion peaked at 61, and decreased to 57 by 2007. Congestion increased in only three of the fourteen largest regions (Washington, Detroit and Houston)- and in each of these by only one hour per traveler.

Since increased gas prices probably had some effect on driving (and thus on congestion) I suspect that congestion will continue to decline in 2007-09; however, we will have to wait a year or two for data, at least from TTI.

Will reduced congestion have any political impact? Probably not. On the one hand, reduced congestion should make the arguments for new transportation facilities (both roads and transit) less compelling. On the other hand, the severity of the current recession means that transportation lobbies will argue for roads and transit lines as job creators rather than as congestion reducers.

The second thing that grabbed me is the weakness of any correlation between density and long-run congestion increases. Some regions became more dense between 1982 (when TTI statistics began) and others became less dense. Yet both groups experienced comparable congestion increases.

The only "Top 14" region where density (as measured by population per square mile) increased by over 20 percent was Houston, where congestion doubled (from 29 hours per traveler in 1982 to 56 in 2007). This may be because Houston's density is still under 2000 people per square mile, the fourth lowest among large regions and too low to lead to increased public transit use. Both the fastest increase in congestion (Dallas) and the slowest (Phoenix) were in low-density cities where density also increased, though at an even more glacial pace than in Houston.

On the other hand, density nosedived in some older northern cities: by 43 percent in metro Philadelphia (from 4083 people per square mile in 1982 to 2329 today) and 35 percent in metro Chicago (from 3726 to 2398). If low density reduced congestion, surely we would see reduced congestion in those places. But in fact, congestion in these regions increased at a pace faster than Houston's: from 15 to 41 hours per traveler in Chicago, and from 16 to 38 in Philadelphia.

(1) The data most relevant to this post are as follows:

Data on congestion trends is online at http://mobility.tamu.edu/ums/congestion_data/tables/national/table_4.pdf.

Data on density trends is online at http://mobility.tamu.edu/ums/congestion_data/.

Blog post

Public Options in Transit and Health Care

[Michael Lewyn](#) | November 5, 2009, 10am PST

Over the next few months, Congress will continue to debate health insurance reform, and in particular, whether to create a "public option" - a government-financed insurance company which would compete with private health insurers. Opponents of the public option fear that the government package might drive private insurers out of business. Are such concerns legitimate? American transportation history may give ammunition to both supporters and opponents of the public option.

A century ago, American urban transportation was far more privatized than it is today. The dominant form of transportation (other than the private horse and foot) was the privately

financed streetcar. Streets were often privately financed, and in 1880 most American streets were not paved.

But in the early 20th century, government at all levels decided to facilitate bicycle and automotive transportation through a "public option" of massive street construction. In the first decades of the 20th century, municipal governments paved existing streets; by 1924, nearly all urban streets were paved. In succeeding decades, government at all levels widened those streets to accommodate automobile traffic, and eventually built limited-access expressways to accommodate even more automobile traffic.

By facilitating auto travel to places where public transit was inconvenient, the "public option" of wide public roads reduced transit ridership, eventually making private transit unprofitable. In short, 20th-century American street and road construction was a slow-motion nationalization of transportation: government created a public facility that simply outcompeted its private rival.

Eventually, unprofitable transit companies were themselves taken over by government, creating the modern public transit agencies we know today. But this second "public option", despite its recent growth, has certainly been less successful than the auto-oriented public option of the 20th century.

This is so for a variety of reasons. To name a few:

- the second public option has been less generously funded than the first - not just because government spends more every year on highways than on transit, but also because even if government spent more on transit, it would take decades to make up for the "head start" that the highway industry obtained in the early 20th century (when government spent money on auto-oriented streets but nothing on public transit) and the late 20th century (when government spent more money on highways than on public transit).
- government backed up its first "public option" with government regulation: zoning and planning rules that, by reducing population density and separating housing from other uses, created neighborhoods that would be very expensive to serve with public transit.
- the first "public option" was not exclusively public: while we drive on publicly funded streets, we do so with cars and fuel bought from private industries- industries that can lobby government for money for roads and for government bailouts when times get tough, back up its lobbying with campaign contributions, and glamorize its product with advertising designed to make auto travel seem seductive. By contrast, public transit agencies cannot make campaign contributions- and because the first "public option" made public transit unprofitable, transit agencies have limited resources for advertising and lobbying.

So what does this tell us about health care? That it is simply too early to tell how a public option will affect the private insurance industry. A well-funded public option backed up with supportive government regulation and by support from private industry might well make private insurance less profitable. On the other hand, a poorly funded public option, like today's poorly funded public transit, is no threat to private health insurance.

Blog post

How to drive traffic away

[Michael Lewyn](#) | October 19, 2009, 11am PDT

A few days ago, I was trying to take a streetcar in Toronto- and the streetcar was just as congested as any suburban arterial. The lines in front of streetcars were so long that I couldn't get into the first streetcar. Or the second. Or the third. Instead, I had to wait a few minutes (horrors!) for the fourth streetcar.

I asked myself: what if streetcars only ran every hour, instead of every few minutes? Would the streetcars be equally crowded? Of course not. People would abandon the streetcars and start to use cars (if they owned them) and buy them (if they did not yet own them).

In my experience, there is an inverse correlation between the amount of public transit service and the amount of overcrowding on trains or buses: in places with extensive service, overcrowding is a problem- but in places where public transit is limited to hourly bus service (e.g. Jacksonville, Florida) buses tend to be delightfully uncrowded, and usually I can not only sit in a seat but put my bags on the seat next to me. In three years in Jacksonville, I do not think I ever had to stand on a bus.

This methodology should tell us something about how and when we build roads. If (as I have suggested) reduced transit service means less congestion on transit, why should roads be any different?

Blog post

The Genesis of Stalemate

[Michael Lewyn](#) | October 13, 2009, 10am PDT

Some of my acquaintances believe that climate change may end human life (or at least civilization) and that the only way to save humanity is to massively reduce economic growth and consumption. Other acquaintances believe that climate change is, if not an outright hoax, a minor problem- and that even the slightest attempt to regulate emission-creating industries will itself destroy American civilization.

Most of these people are not scientists (let alone scientists specializing in climate-related science), so I strongly suspect that their opinions come from Al Gore's movie and Rush Limbaugh's talk show, rather than from a comprehensive review of the footnote-filled scientific papers addressing climate change. Nevertheless, they are as certain in their opinions as real scientists are. How come?

A plausible explanation was supplied by a Harvard Law Review article I recently read.* The article links disputes over technical issues to clusters of values that form competing cultural worldviews, most notably "egalitarian" and "individualist" worldviews.

The article asserts that egalitarians are "naturally sensitive to environmental hazards, the abatement of which justifies regulating commercial activities that produce social inequality." In other words, egalitarians are predisposed to be hostile to large-scale capitalism, and will thus naturally believe any theory that supports this predisposition. When capitalism failed to deliver economic growth in the 1930s, some intellectuals supported communism as more likely to do so (and perhaps more likely to enhance the status of intellectuals by dragging down corporate elites that outrun them in the race for wealth and power). And when capitalism has delivered economic growth, modern egalitarians decided that growth wasn't so great after all.

By contrast, the article notes, "individualists" generally "dismiss claims of environmental risk as specious, in line with their commitment to the autonomy of markets." In other words, individualists believe that (1) government should only regulate transactions that cause harm to others, and (2) this no-harm rule justifies a small government that does not interfere with commercial activity except to prohibit force and fraud. But proposition (2) makes sense only if most commercial transactions in fact do not cause significant harm to nonparties (or to use an economic term, "externalities"). But if nearly all commercial transactions do in fact create dangerous greenhouse gas emissions, proposition (2) fails, which means that the entire ideology of individualism is based on a falsehood (the idea that business activity does not generally create externalities justifying regulation). Because climate change appears to threaten the core idea of individualism, individualists will engage in considerable intellectual gymnastics to avoid climate regulation.

In sum, most people (other than a few scientists and economists who actually know what they are talking about)** with strong opinions on climate policy are responding less to objective reality than to their cultural values. As a practical matter, this means that Americans are going to have a great deal of difficulty reaching a popular consensus on climate policy; because the issue is so technical, ill-informed public opinion is likely to be impervious to new scientific evidence. The stalemate can only be broken through policies that appeal to both sides.

Indeed, the climate change stalemate provides a lesson for policy entrepreneurs in other fields (such as planning-related issues). Policies that attract broad popular support will be policies that attract support from both egalitarians and individualists. For example, zoning (despite its many flaws) is popular because it appeals to both egalitarians' desire to bridle developers and to individualist homeowners' desire to protect their property rights (since even individualist homeowners often see their neighborhood as part of their property).

*The cite is 119 Harvard Law Review 1071, and the article is available online at <http://www.harvardlawreview.org/issues/119/feb06/kahan.pdf>

**I make no claim to be part of this group.

Blog post

A Middle Ground In The Bag Wars

[Michael Lewyn](#) | September 24, 2009, 1pm PDT

The San Jose City Council is considering a proposal to ban plastic bags and most paper bags in supermarkets, out of concerns about the greenhouse gases used to manufacture them and about the waste from discarded bags. But this policy might create as many environmental problems as it solves.

In a city without disposable bags, shoppers who seek to buy large amounts of groceries will have to drag around an army of nondisposable containers. For drivers, this is not a big deal. Susie SUV can always find space for dozens of nondisposable bags in her truck. And because Susie's bags can stay in her truck forever, she will always be able to make impulse purchases without difficulty.

But pedestrian shoppers will have more trouble dragging around an armada of bags – both because a pedestrian cannot carry as many bags as an SUV, and because a pedestrian may not always know in advance when he/she wants to go shopping.

So in a "no disposables" city, shopping (especially for a family) becomes a hassle for pedestrians. If a pedestrian wishes to shop, he/she must limit purchases to the amount of groceries that will fit into the bags he/she can carry to the grocery store, **and** must remember to

bring those bags to the store. Thus, an anti-disposables law widens the "convenience gap" between drivers and pedestrians. (And given the amount of hurdles that car-dependent North America creates for pedestrians, do we really need one more?)

It follows that such laws give consumers yet another incentive to drive rather than walk to the grocery store- or even to drive if there is an outside chance she may wish to go shopping. Thus, a complete ban on bags encourages driving, which in turn increases greenhouse emissions and a wide variety of other environmental ills.

Does this mean that municipalities must choose between pollution from cars and pollution from bags? Not necessarily. Toronto has created a middle ground in the bag wars, imposing a 5-cent tax on disposable bags- enough to allow nondrivers who really need bags to use them, yet at the same time enough to deter frivolous bag use.

I have lived in Toronto for three weeks, and find that I still have a few plastic bags (which I recycle by using them as garbage bags) but use far fewer bags than I once did. I place small purchases in the tote bag that I use for school books, but have the option of purchasing plastic bags when I really need them. And I still get by without a car.

Blog post

Stress and the city, part 2

Not long ago, I posted on what makes some cities more stressful than others. (See <http://www.planetizen.com/node/40441>). In that post, I remarked that the ideal objective indicia of stress (resident surveys on crime, illness, etc.) often do not exist for most cities.

[Michael Lewyn](#) | September 14, 2009, 11am PDT

Not long ago, I posted on what makes some cities more stressful than others. (See <http://www.planetizen.com/node/40441>). In that post, I remarked that the ideal objective indicia of stress (resident surveys on crime, illness, etc.) often do not exist for most cities.

It occurred to me that it might be useful to talk about more subjective indicators- if only to see if other people think about the same things that I think about. I have lived in ten cities since graduating from law school 23 years ago (not counting Toronto, where I have lived for a grand total of two weeks). By far, Miami was the most stressful of those cities, with Atlanta a distant second; the two small towns I have lived in (Carbondale, Illinois and Fort Smith, Arkansas) the least. The other cities I have lived in (St. Louis, Buffalo, Cleveland, Jacksonville, Washington, and Philadelphia) have been somewhere in between.

What made Miami so awful for me?

*The combination of traffic congestion and car dependence. I find nasty traffic to be stressful, and I find having to drive in such nasty traffic to be even more so. To a much greater extent than any other city I have lived in, Miami combined rough traffic with public transit that was inadequate to my needs. Atlanta has even more extensive traffic; however, for most of my time in Atlanta, I did not have to drive every day. Washington, by contrast, has traffic even worse than Miami or Atlanta- but since I did not own a car I was insulated from this problem. At the other end of the spectrum, in Carbondale I could walk from one end of town to the other in two hours- truly a commuter's ideal.

*Crime, or more precisely the perception of crime. In Miami, I lived a few blocks from the Brickell subway stop. But rightly or wrongly, I did not feel safe walking from that subway to my apartment after dark – which in turn meant that when I worked late, I had to drive through the heavy traffic mentioned above. By contrast, in Carbondale and Fort Smith I worried very little about crime. In the "in between" big cities, crime was obviously higher than in Carbondale or Fort Smith- but I thought that most of the areas that I walked through on a regular basis were safer than downtown Miami seemed to be in the early 1990s. Having said that, I emphasize that my stress came from the perception of crime: I have no idea whether, statistically speaking, the area around the Brickell subway stop was really more dangerous than my neighborhoods in other cities.

Of course, my experience teaches me that congestion, crime, and car dependence are important. But also, it teaches me that it is impossible to generalize about a city being stressful for everyone. For example, if I had lived in a distant Washington suburb and had to drive to the city (or even to a Metro stop) I would have experienced Washington as a very stressful place. Conversely, if my Miami job had been closer to my apartment, I might have viewed Miami a bit more positively.

Blog post

What Makes A City Stressful?

[Michael Lewyn](#) | September 2, 2009, 9am PDT

Forbes just came up with another of its "Most X City" surveys. This week, it listed the most stressful cities (<http://www.forbes.com/2009/08/20/stress-unemployment-homes-lifestyle-rea...>). Nearly all of Forbes' criteria, however, are silly in one respect or another.

For example, Forbes considers population density an indication of high stress. But since low-density cities are more automobile-dependent, low density can create stress: constant long-

distance driving is (at least to me) a source of stress, while being able to walk and use public transit might reduce stress for some people.

To Forbes, sunny days equal low stress. But while living in Florida, I was often in pain from the mild sunburns that occurred when I went out for a few minutes without sunscreen. Even after I started reducing this problem through sunscreen, I came to realize that having to constantly worry about skin cancer and whether I have slathered on enough sunscreen is highly stressful. Thus, the Florida sun is a stress inducer (at least for me) and not a stress reducer.

Forbes also lists unemployment and declining home prices as indicia of stress. To be sure, these things are problems if you are affected by them. But if you are employed, why would you be more stressed if unemployment is 9 percent than if it is 7 percent? To be sure, in extreme cases (i.e. where the economy is so bad that most employed people are worried about losing your job) high unemployment may stress out the employed. But otherwise, the pain of others will not affect your own well-being in this regard.

Finally, Forbes lists low air quality as stressful. But since most people have no idea how their city's air quality compares to other cities or to their ideal, they cannot possibly suffer stress from bad air.

So how could stress be measured? One stress generator is physical illness- and some of the factors cited by Forbes are surrogates for physical illness. For example, it suggests that air quality and low sunshine correlate with colds and minor respiratory ailments. But if it was possible to measure the frequency of such low-level illness, surely that would be a better way to measure stress.

Also, perceptions affect subjective well-being. So if survey evidence existed as to people's perceptions of air quality, such evidence would show whether some cities were more stressful than others. For example, if a survey asked "Are you concerned with air pollution in your city?" and Pittsburgh residents were more concerned than Austin residents, surely Pittsburgh would be more stressful than Austin in this regard- even if objectively, there was no evidence of a difference between the two city.

Similarly, perceptions of crime affect subjective well-being. For example, imagine a multi-city survey asking: "How safe do you feel walking near your residence at night?" Surely, a place where people felt unsafe is more stressful than one where people feel safe- regardless of the objective differences (or lack thereof) between the two cities. (Incidentally, the Forbes study omitted crime- perhaps because Forbes' other data consistently favor newer Sun Belt cities, and a focus on crime might dilute that story).

Of course, I suspect little public data exists as to these issues- which is why there is no easy way to decide whether Jacksonville is more stressful than Des Moines.

Blog post

Legibility vs. efficiency

[Michael Lewyn](#) | August 26, 2009, 9am PDT

One reason why buses are less popular than trains is buses' lack of "legibility": the ability of an occasional passenger to figure out how to get somewhere by bus. While subway or light rail passengers can look at a system map (which is usually present on a station wall) and figure out that a train to destination X shall arrive at their station reasonably soon, bus passengers typically have to invest time in getting schedules, and then pray that the schedule has not changed.

In Jacksonville, Florida (where I lived from 2006 to 2009, and will probably return in 2010), the bus system is not particularly legible, partially because bus routes change once or twice a year.

For example, my former (and possibly future) Jacksonville neighborhood, Mandarin, is served by one bus route. The route has experienced three significant changes in three years. Each time, the name of the bus route changes – first it was the J1, then it was the SS-9, now it is the CT1.

And the destinations served by the route change as well: although it has always gone from Mandarin (my neighborhood) to downtown, the intermediate routes have changed once a year. First it went directly to my workplace, then it went to an office park that is about a ten minute walk to the workplace, then it bypassed my workplace entirely, serving an entirely different neighborhood between Mandarin and downtown.

Such rapid service changes are not necessarily a problem for the most alert riders, the ones who check the bus system's web page (www.jtafla.com) every month or two to find out about possible service changes (or who do so when a sign on the bus informs them of impending service changes). But such constant service changes make it difficult for occasional or new riders to figure out where a bus goes and when,* and also make it impossible for would-be riders to use bus service to plan where to live.

By contrast, in Buffalo (a metropolitan area of roughly comparable size to Jacksonville) most bus routes today are very similar to the bus routes I used when I lived there in 1999: the route numbers are the same, they go to the same places, and they go at about the same times.

When I was visiting Memphis this summer, I encountered another annoying problem: irregular bus stops. Although I had discovered online which bus goes to the airport, when I stopped on the street served by that bus, I found no bus stop. So I walked another block. And another. And another, until I found the bus stop. For a regular rider, irregular bus stops are not a problem; after a few rides, you know what streets have bus stops and what streets don't. But the occasional rider might be tempted to give up and take a cab, never having had the opportunity to become a frequent rider.

These sorts of problems tempt me to argue to say that buses should stop every block and never change routes. But to be fair, the illegibility-inducing behavior of JTA and MATA (Memphis's bus system) is motivated by legitimate considerations. JTA changes routes so it can maximize ridership and speed up the commutes of the Mandarin-to-downtown commuters who have always made up the bulk of the bus route's ridership. (For example, the bus stopped running to my workplace because speed bumps slowed the commute by a few minutes). Similarly, reducing the number of bus stops no doubt makes the Memphis airport bus (which already takes an hour to get from downtown to the airport, because it takes a serpentine route through a wide variety of Memphis neighborhoods) run a bit less slowly.

So ultimately there is no one-size-fits-all right answer. Legibility is important, but must be weighed against efficiency. However, I think a weak system struggling for new riders should probably err a bit more on the side of legibility.

*Of course, this problem could be alleviated by placing bus schedules at bus stops, as is frequently done in Toronto and New York City. But I realize that weaker bus systems such as Jacksonville's may lack the resources for such visionary steps.

Blog post

New urbanists and old-fashioned Jews

[Michael Lewyn](#) | August 17, 2009, 5pm PDT

A few years ago, someone asked me the following question (loosely paraphrased) on a listserv: "Since the most tradition-minded* religious Jews are required by Jewish law to walk to synagogue on Sabbaths and holy days (and thus presumably prize walkability) why aren't they a major market for new urbanist developments?" At the time, I didn't have a coherent answer. But now that I know more about both traditional Jews and new urbanism, I do.

A new development (new urbanist or otherwise) far from an existing congregation may have difficulty attracting the most tradition-minded Jews, for the simple reason that most such Jews would rather live near a preexisting congregation than move elsewhere, pray at home for a few years, and wait for enough people to follow them for a congregation to emerge. (Of course, it does happen now and then).

To be sure, a congregation does occasionally move en masse- but given that congregants have investments in existing housing, this rarely happens (except perhaps in times of rapid neighborhood transition, such as the third quarter of the 20th century when many urban neighborhoods switched from all-white to all-black over a very short period of time).

Of course, an infill new urbanist development could be located near an existing congregation. But infill developers will not always be able to get large numbers of observant Jewish customers. Here's why: new housing usually tends to be more expensive than old housing. But the most traditional Jews tend to have less money to spend on housing than the most affluent buyers, for two reasons.

First, among Jews (as among Christians) the most religiously traditional people tend to have the largest families. Lots of mouths to feed mean less money to spend on housing, which is why Orthodox Jewish communities (where the majority of congregants usually walk to synagogue) are rarely in a city's most expensive neighborhoods, except in large cities with lots of Orthodox communities. Second, large families usually need more space than small families, which means that if a large, religiously traditional Jewish family has extra housing dollars to spend, it will spend those dollars on extra space rather than on a newer house.

As a result of these factors, the most observant Jews tend to be disproportionately attracted to older, not-too-expensive inner suburbs: older because (as noted above) any new development will not immediately attract a critical mass of religious Jews, inner suburban because inner suburbs usually have cheaper housing and more space than downtown neighborhoods. For example, in Atlanta the center of Orthodox Jewry is Toco Hills, a 1950s suburb just past the city limits of Atlanta.** Indeed, I would posit that religious Jews are to 1950s suburbs what gays and artists are to intown neighborhoods: a group disproportionately attracted to neighborhoods that might deteriorate in the absence of that group's presence.

*Usually Orthodox, but not always: not all Jews belonging to Orthodox congregations have taken on this religious obligation, and a minority of non-Orthodox Jews have done so.

**Although there are Orthodox congregations outside Toco Hills, my sense is that their members tend to be less religiously strict than those of the Toco Hills congregations. Similarly, in some other cities where there are multiple Orthodox communities, the strictest tend to be in middle-aged suburbs or "outer borough" city neighborhoods rather than in downtown or the newest suburbs. For example, in Philadelphia, the most strict Orthodox Jews tend to be in inner-suburban Northeastern Philadelphia, while downtown Philadelphia's Orthodox Jews tend to be more moderate.

Blog post

Geography Still Matters

[Michael Lewyn](#) | August 10, 2009, 9am PDT

Some commentators think that Internet technology will liberate us from the constraints of place; for example, one amazon.com book review of Joel Kotkin's *The New Geography* states "Because today's connected workers can live anywhere they want, they will live anywhere they want." Kotkin himself is a little more circumspect, but writes: "Telecommunication allows people who want privacy, low-density neighborhoods and good schools to live in small towns in a way never before possible." (1) There is a tiny amount of truth to this claim: the Internet does

make it easier to run a home-based business, which means that some people can sell stuff from their homes without worrying about commuting.

But most businesses of any size will eventually need employees. And many of those employees will actually need to see their bosses and coworkers, rather than telecommuting. In fact, while part-time telecommuting has increased in recent years, the number of full-time remote telecommuters has decreased from 14.7 million in 2006 to 13.5 million in 2008, just under ten percent of American workers.⁽²⁾ And I suspect that even some of these telecommuters must be in the same metropolitan area as their bosses. In other words, the overwhelming majority of workers still need to go where the jobs are.

For example, I moved from Washington, DC to Jacksonville, Florida three years ago. Did I do this because I was in love with Jacksonville? Hardly. I did it because I am a law professor, and a school in Jacksonville offered me a job. Of course, law schools are an unusual business; there are only about 200 law schools in the United States, due to state accreditation rules that limit entry into the law school market. But even when I practiced law, I found that I could rarely live in my ideal city: my last law firm was in Buffalo, New York. Buffalo, like Jacksonville, was not my first (or second or third or fourth) choice- but it was where I had a job offer.

And in both teaching and practice, I actually had to show up at work now and then. As a teacher, I only have to be physically present to teach six hours a week. However, my boss strongly encourages faculty to be on-site about 30 hours a week, so we can be more accessible to students. So I can't just live in a faraway city and fly to classes twice a week.

And I have additional (admittedly self-imposed) constraints that limit my options. I want to be within walking distance of a synagogue. That limits me to just one neighborhood in Jacksonville (unless I want to live 20 miles away in Ponte Vedra). And since I want to be able to use public transit to get to work, Ponte Vedra is off the table.

And if I wish to leave my job, what then? The scarcity of law school jobs limits my options, just as the scarcity of jobs in other fields limits the options of most other wage-earners. And I can't switch countries too easily because of institutional barriers to entry. For example, to teach in Canada or in most other English-speaking countries outside the U.S. I need an additional law degree called an L.L.M (which I am taking a year off to get; however, most people my age probably lack the money or time to do so).

So what's my point? My point is that most Americans cannot live in place X just because they like place X. ⁽³⁾ Instead, people go where they can get a job - just as they had to do in 1950 or 1970 or 1990.

(1)http://joelkotkin.com/Urban_Affairs/WP%20Turns%20Out%20Theres%20Good%20News%20on%20Main%20St.htm

(2) <http://thenewpioneers.com/2009/02/20/casual-telecommuting-rises-serious-remote-work-stalls/>

(3) I realize that I am not "most Americans." But since I am more educated and affluent than most Americans, I suspect that people with fewer options have even less flexibility.

Blog post

A Fable About Sprawl

[Michael Lewyn](#) | July 20, 2009, 3pm PDT

Once upon a time, there was a city called City. And everyone living in City voted in the same elections and paid taxes to the same government.

And then 5 percent of the people decided that they wanted to live in an new neighborhood that was opened up for development by the highways. And they called it Richburb, because they were, if not rich, at least a little richer than many of the people in the city (since even if there wasn't zoning to keep the poor out, new housing usually costs more than old housing anyhow).

Because there weren't any poor people in Richburb, Richburb had a stronger tax base than the city, which meant it could provide more and tax less. And for the same reason, Richburb had more appealing schools; the Richburb teachers could focus on the average and above-average students, rather than having to focus on students who were slower (and sometimes less disciplined) because their parents were less educated.

So Richburb was on balance a better deal for a lot of people than was City: just by being newer and richer, it had lower taxes, better services and better schools.

So because Richburb was a better deal than the city, another 5 percent of the people left the City for Richburb. These 5 percent weren't that wild about leaving City, but what could they do? Richburb was just a better deal: better taxes, better schools, better services.

With 10 percent of its people gone, City began to suffer. Its tax base was eroded, so it had to raise taxes. And the neighborhoods vacated by the people who moved to Richburb were filled by people who were a little poorer and a little less well-behaved, thus making them less desirable neighborhoods. And when *those* people left poorer parts of town, their houses just stood vacant, totally ruining the poorer side of town. So crime and disorder multiplied.

As a result, another 10 percent of the people left City for Richburb. They wanted to stay in their old neighborhoods, but what could they do? Their taxes were going up and their neighborhoods were becoming unsafe.

And with 20 percent of its people gone, City suffered even more. After all that migration out of City, even the best part of town was a few blocks from rough neighborhoods instead of a few miles as it had been a decade or two earlier. And because the residents of the good part of town were so close to bad neighborhoods, their children were in the same school attendance zone as the children of the bad neighborhoods- which, for reasons discussed above, made those schools less appealing.

So another 10 percent left the City for Richburb. They wanted to stay in their old, once-fancy neighborhoods, but what could they do? Their neighborhoods were becoming less safe, and their schools were deteriorating too.

And because so many people had moved to Richburb, jobs started to follow the people - which meant that some people would have shorter commutes if they lived in Richburb. They wanted to stay in their old neighborhoods, but what could they do? Their taxes kept going up, and their neighborhoods were deteriorating, and their commutes kept getting longer and longer. And because a lot of the Richburb jobs weren't transit-accessible, transit accessibility, City's biggest advantage, didn't mean as much as it used to.

And so after a few decades, City had lost half its population, and no one but a few hipsters and a lot of poor people lived there (and more recently, a few yuppies colonizing its glittering, redeveloped downtown).

Then another highway opened up a new suburb called Richburb-2 for development. And a few of the better-off people in Richburb moved to Richburb-2, and were replaced by some people trying to get out of City's ghettos. And City's cycle of decline started to happen all over again in Richburb. The revolution of sprawl was starting to devour its own children.

So half a century from the first highway into Richburb, City had become a pretty poor place, and Richburb was following it into the dustbin of history. All because a long time ago, 5 percent of the people wanted to move. And of course, the local paper said that all of this must have happened because everyone wanted to move to the suburbs.

Blog post

Urbanism, Suburbs and Families: They Can All Go Together

[Michael Lewyn](#) | July 7, 2009, 5pm PDT

A few weeks ago, I read an online comment suggesting that unnamed "planners" displayed no interest in suburbia, single-family housing or family life, and instead are only interested in improving downtown neighborhoods for single people. If by "planners" the author of this comment meant new urbanists or critics of the sprawl status quo, this claim is simply incorrect.

Over the past month, I have visited half a dozen new urbanist developments in Dallas and Denver (1). All of these developments have a few things in common: all include both retail and residential uses, and all strive for walkability by providing sidewalks and narrow, gridded streets. But the developments differ in two other respects: geography and housing type.

Only one of the six developments (Victory Park in Dallas) is downtown; two others (Addison Circle and Eastside Village, in the Dallas suburbs of Addison and Plano respectively) are in suburbs far from downtown, and the other three were technically within city limits but not within walking distance of downtown (West Village and Mockingbird Station in Dallas, Stapleton in Denver). Thus, it is not correct to say that new urbanism is limited to downtown, any more than it would be correct to suggest that new urbanism is limited to suburbia. Rather, new urbanist development can and does occur in a wide variety of geographical settings.

Just as new urbanist projects are not limited to high-density urban settings, they are also not limited to singles-oriented multifamily dwellings. In particular, Stapleton appeared to me to be dominated by houses with front yards. Moreover, Stapleton certainly appeared quite child-friendly: Stapleton has more playground and park space than the other developments I saw, and I saw lots of children and young parents on a neighborhood tour. In fact, some Stapleton residents went out of their way to discuss how many children lived there. (2)

Of course, you shouldn't have to look at new urbanist developments to realize that a walkable neighborhood need not be a concrete jungle. The streetcar suburbs of the 1920s were dominated by houses with front yards, just like Stapleton. And even some urban settings are as family-oriented as any suburb; the Hasidic neighborhoods of Brooklyn have larger families than most suburbs. In sum, both new and old urbanism are quite capable of accommodating families.

(1) I realize that not everyone agrees what constitutes new urbanism; however, I assume for the purposes of this article that the neighborhoods listed at <http://www.tndtownpaper.com/neighborhoods.htm> pass the test.

(2) See for example these videos: <http://www.youtube.com/watch?v=fqui0DGmFls> and http://www.youtube.com/watch?v=Q_ywA1LX7A0

Blog post

Judaism and Urbanism

[Michael Lewyn](#) | June 22, 2009, 1pm PDT

After visiting Denver for the Congress for New Urbanism (CNU) conference, I began to meditate on the relationship between Judaism and urbanism, and on how few cities accommodate both. In particular, I was impressed by how well-populated downtown Denver was compared to the southern cities where I have spent the past three years (Jacksonville) and this summer (Little Rock) - but I still couldn't imagine myself living in downtown Denver all that comfortably.

Why? Because, like many Orthodox and Conservative* Jews, I seek to follow the rule of Jewish law that one should walk, rather than drive or take public transit, to a synagogue on the Sabbath - and the nearest synagogue is three or four miles away, kind of a long walk. If I could live

anywhere (rather than being limited by my love for my job) I would prefer to live in a city where I can have my urbanism and my Judaism too.

How do American cities stack up in this regard? I think American cities can be divided into four categories:

Grade A, or The Gold Standard: Cities with large downtown Jewish populations. The true "gold standard" in this regard is of course New York City, where there are synagogues in virtually every neighborhood, and the full panoply of Jewish options near Midtown. Philadelphia also has downtown synagogues of all stripes (though, alas, no Jewish day school downtown).

Grade B, or Some Life Downtown: Cities with just enough of a core population to support a downtown synagogue or two, plus other congregations in pedestrian- and transit-friendly city neighborhoods. For example, Washington has a couple of downtown congregations, and several more elsewhere in the District of Columbia. But most of Washington's Jews live in the suburbs or in "outer city" (within the city limits, but not near downtown) neighborhoods such as Cleveland Park. Similarly, Pittsburgh has a downtown synagogue, but most of its urban Jews live in outer city Squirrel Hill a few miles away.

Grade C, or Take The Bus: Cities where there is no downtown religious life to speak of, but you can have a full Jewish life if you are willing to take a bus or train from an intown neighborhood a few miles away.

Denver is an excellent example: although there is no downtown synagogue, there are congregations in intown neighborhoods with reasonably good bus service, so you can live in a more-or-less urban neighborhood with ample transit options and still have an adequate Jewish religious life. Similarly, in Jacksonville almost all local synagogues are on the same bus route (though in a setting that is more suburban and less walkable).

Grade D, or Sprawl Hell: In these desolate places, the Jewish population is concentrated in suburbs with minimal or nonexistent transit service. Kansas City presents a dismal example. Only two synagogues (one Reform and one Conservative) are left in the city of Kansas City, and the Conservative one has already moved many of its operations to the Kansas suburbs where the rest of the Jewish population is concentrated. In these Kansas suburbs, most buses stop running around 5:30 PM. Ironically, in Kansas one must have a car to live in a place where one can walk to most synagogues.

(In Grade F cities, there are no synagogues, so the issue is moot).

Blog post

How walkable is it?

[Michael Lewyn](#) | June 14, 2009, 8am PDT

Recently, an acquaintance asked me how to measure the walkability of a place he was visiting.

I could have told him to just look at Walkscore (www.walkscore.com). Walkscore assigns scores to places based on their proximity to a wide variety of destinations. So if a place has a high walkscore AND a walkable street design (e.g. narrow streets, a grid system, etc.) it is probably pretty walkable.

But of course, some places are near lots of destinations yet have very anti-pedestrian street designs. My old neighborhood in Jacksonville has high Walkscore ratings (at least for the neighborhood's main street, San Jose Blvd.). Nevertheless, it is not particularly walkable because the main street in question is an eight-lane speedway.

So how do you find out in advance if a neighborhood is less walkable than its Walkscore rating indicates? First, go to maps.google.com and click on the address you are interested in. On the upper left hand corner of the map, you should see a little human-like icon, which ideally should be yellow. Where the icon is yellow, you can drag it to the place you are interested in, see the street, and thus get a sense of how walkable the street is. You should be able to see how wide the street is, and whether there are sidewalks. Then you can drag the icon around to neighboring streets to get a sense of how walkable **those** streets are. On the other hand, where the icon is gray, this "Street View" feature is unavailable and you are out of luck. (You can still get an aerial view of the street by clicking on the "Satellite" link at the upper right hand corner of the map; however, aerial maps don't tell you nearly as much as "Street View"). Generally, Street View is available for larger cities in the United States and a few other countries. However, it is less available for smaller cities.

Blog post

Walkable vs. Unwalkable Airports

[Michael Lewyn](#) | June 2, 2009, 9am PDT

I've read some airport-related planning literature about the interiors of airports and about their public transit connections. (For a good example of the latter, see

<http://www.planetizen.com/node/34842>) But one other difference between airports relates to their exteriors: the difference between walkable airports and not-so-walkable airports.

Many airports resemble that of Jacksonville, Florida (where I lived until a week ago). The airport is 15 miles or so from downtown Jacksonville, and is along a long stretch of vacant, undeveloped land. If you were to walk outside the airport, you would be utterly disoriented: you wouldn't know whether you were in a big city or a small town. So as a practical matter, the only sane way to exit the airport is by car or bus.

By contrast, a few nights ago I arrived at the airport in Little Rock, Arkansas. As soon as I left the airport terminal, I could actually see the towers of downtown Little Rock. More usefully still, I could see the hotel I was staying at, and (after a minute of false starts) was actually able to walk to it. The airport was hardly in an urban environment: I walked on grass instead of on a sidewalk. Even so, I felt like I was near a city, rather than in the middle of nowhere.

Better still is Providence's airport, where a decade ago I was able to walk from the airport to a thriving inner suburban neighborhood. I went on walkscore.com and was not surprised by the results: the Walkscore of Jacksonville's airport address was 15 (primarily due to on-premises shopping), the Walkscore of Little Rock's airport was 22, and the Walkscore of Providence's a stunning 65.

Of course, an airport cannot be as walkable as, say, a bus or train station: often, an airport needs to have spare land so it can expand in the future. Nevertheless, an airport that is near other visible amenities, like a train station near such amenities, is inherently a more pleasurable one.

Blog post

When Spillover Parking Isn't So Bad

[Michael Lewyn](#) | May 20, 2009, 5am PDT

One justification for municipal minimum parking requirements is the danger of "spillover parking": the fear that if Big Brother does not force businesses to build huge parking lots, that business's customers will "spill over" into neighboring businesses or residential neighborhoods, thus reducing the parking available to the latter group. For example, if Wal-Mart doesn't build a thousand parking spaces, maybe Wal-Mart's customers will park at Mom'n'Pop Groceries down the street, thus reducing the parking available to Mom'n'Pop customers.

I recently noticed one flaw in this argument: spillover parking may be as likely to create positive externalities [that is, benefits to persons not party to a transaction] as negative externalities. For example, yesterday I needed to go to both the library and a bank. The library is a five minute

walk from the bank, yet both have their own parking spaces. As a result, I had to drive to the library, then drive separately to the bank, thus creating an extra car trip and creating a tiny bit of pollution and congestion on the street between the two buildings.

By contrast, if I had just parked at the library and then walked to and from the bank, I would have been committing the sin of spillover parking: parking at building A while doing errands at building B. Yet I would have actually created positive externalities: by walking from the library to the bank, I would have reduced the amount of vehicle trips in the neighborhood, thus making life slightly easier for other drivers, and making the neighborhood air a tiny bit cleaner. On the other hand, I would have created negative externalities only if my car had been the last car to park at the library or bank, thus inconveniencing customers of one of those businesses.

Conversely, the parking requirements designed to prevent spillover parking have negative externalities as well as positive ones. Such regulations prevent the inconveniences that may result from spillover parking- but they also subsidize driving by forcing every business to build parking lots, thus creating an artificial glut of parking, thus driving the market price of parking down to zero, thus creating additional driving, thus creating additional pollution and congestion. And because these regulations encourage businesses to set their buildings back behind a wall of parking, they create an urban atmosphere that is not tremendously welcoming for pedestrians. Where shops are far from the street, pedestrians have longer commutes to their destinations, and those commutes are more dangerous as well because they must dodge vehicles on the way to shops and apartments.

In sum, the externalities caused by spillover parking may be as likely to be helpful as harmful- while the regulations designed to prevent such parking actually create harmful externalities.

Blog post

Congestion, Pollution and Freeways

[Michael Lewyn](#) | May 6, 2009, 9pm PDT

A common argument in favor of building sprawl-generating roads and highways is that if we just pave over enough of the United States, we can actually reduce pollution and greenhouse gas emissions by reducing congestion. For example, a Reason Foundation press release cited a report by two University of California/Riverside engineering professors, "Real-World CO2 Impact of Traffic Congestion" (available online at <http://www.cert.ucr.edu/research/pubs/TRB-08-2860-revised.pdf>). But if you read the report carefully, its policy impact is a bit more ambiguous.

Using complicated modeling, the paper purports to list CO2 impacts for thousands of freeway

trips in congested Los Angeles. According to the authors, whenever congestion causes cars to travel less than 45 mph, CO2 emissions increase. Thus, reducing congestion to prevent bumper-to-bumper traffic will reduce emissions. But the same paper asserts that "If moderate congestion brings average speeds down from a free-flow speed of about 65 mph to a slower speed of 45 to 50 mph, this moderate congestion can actually lower CO2 emissions." (Id., p. 9). Moreover, CO2 emissions increase quite rapidly at speeds above 65 mph. (Id., p. 11).

So do these apparent facts support an avalanche of new or widened freeways? Not necessarily. On most freeways most of the time, people travel at speeds far above the 45 mph ideal. The paper points out that even in notoriously congested Los Angeles County, "speeds around 65 to 70 mph dominate." (Id., p. 13).

It logically follows that even in Los Angeles, it is unclear whether a freeway "improvement" would do more good or more harm. Assuming that the improvement actually reduced congestion,* some highly polluting bumper-to-bumper traffic would be eliminated (good news) but some 45-50 mph trips might be turned into more-polluting 70 mph trips (not-so-good news).

It may also follow that where congestion is less frequent (for example, my current residence in Jacksonville, Fla.) an improved highway would be even more likely to increase pollution than in Los Angeles. Why? Because in Jacksonville, there are fewer slow trips for a road improvement to eliminate. Thus, a freeway widening would be more likely than in Los Angeles to lead to more "bad news" trips (in which speeds increased from 45-50 mph to 70 or more mph) than "good news" trips (in which speeds increased to 45-50 mph from a lower speed).

*Given the amount of controversy over "induced traffic" (the idea that wider roads tempt people to drive more, thus eliminating congestion gains over the long run), I am not sure this is the case.

Blog post

The Takings Muddle: A Brief Guide

[Michael Lewyn](#) | April 13, 2009, 11am PDT

The Takings Clause of the Fifth Amendment provides that government may not take private property without just compensation. The courts have held that this clause requires government to compensate landowners for losses caused by government regulation in certain situations- most notably when regulation leads to a permanent physical invasion of property (1) or makes property worthless (2).

But even very restrictive land use regulations often reduce, rather than eliminating, the value of land to a developer. In this situation, courts consider the following factors in deciding whether a

taking has occurred: (1) the economic harm caused by a government regulation, (2) the effect of the regulation on the landowner's investment-backed expectations, and (3) something called the "character of the government action." (3)

The first two factors are relatively easy to understand, at least in principle: the "economic harm" factor means the extent to which regulation diminishes the value of land, and the "investment-backed expectations" factor refers to whether a plaintiff should have reasonably foreseen such harm before acquiring land or making development plans (4). Thus, both factors essentially address the question: to what extent has regulation harmed a landowner?

But the third, "character" factor is less clear. The Supreme Court has stated that this factor addresses whether regulation "amounts to a physical invasion or instead merely affects property interests through 'some public program adjusting the benefits and burdens of economic life to promote the common good'." (5) State courts and lower federal courts are divided as to the meaning of this language.

Some courts hold that the "character of the government action" means the strength of the state interest favoring regulation. Under this "public purpose" interpretation of the character factor, (6) courts weigh the two "harm to landowners" factors against the strength of the policy favoring regulation. If the state has a really good reason for regulation and the landowner's losses are small, the state wins. If the landowner's harm is severe and the argument for regulation is weak, the landowner wins.

Other courts hold that the "character" factor is relevant only when government conduct "amounts to a physical invasion." (7). Where government has not physically invaded property, the "character" factor favors the government; thus, takings plaintiffs rarely win under this theory.

A third set of courts hold that the "character" inquiry relates to whether "the burden of the regulation falls disproportionately on relatively few property owners." (8) For example, in one Minnesota case, the court found a compensable taking where the plaintiff was one of only a few landowners to be in a "parks and recreation" zone. (9). On the other hand, if plaintiff and his neighbors are all affected by the same regulations, takings liability is less likely.

Because most state and lower federal courts have not yet decided which test to follow, the result of any given takings claim is unclear- which means that planners and developers proceed at their own peril.

Blog post

A Pig In A Parlor

[Michael Lewyn](#) | March 23, 2009, 8pm PDT

The state of Virginia's decision to limit the use of cul-de-sacs in residential subdivisions(1) will no doubt create a torrent of commentary, both pro and con. In the residential context, cul-de-sacs do have certain advantages: they limit traffic near homes, thus allegedly creating quieter environments for homeowners. So perhaps there is a case for the residential cul-de-sac.

But in a commercial setting, the cul-de-sac may be the "right thing in the wrong place--such as a pig in a parlor instead of a barnyard."(2) In such settings, the cul-de-sac has the same disadvantages as the residential cul-de-sac, with few of the advantages.

I work in an office park that is infested with small cul-de-sacs (3) and is cut off from all streets to the east by an interstate highway. As a result, students and employees of my 1500-student law school and of numerous nearby institutions all crowd one street that is the major means of going east or south - which in turn means that during rush hour, this street is so clogged that it can take fifteen or twenty minutes to drive a mile. This example suggests that a disconnected muddle of office-park streets is as inconvenient for drivers as for pedestrians.

None of the traditional rationales for cul-de-sacs justify this sort of layout. Residential cul-de-sacs benefit from low levels of traffic- but a building with hundreds of employees by definition will have lots of traffic nearby, and businesses inhabiting such buildings crave exposure as well as privacy. Denizens of residential cul-de-sacs claim that children can play more easily near their houses - but there are no children playing near most office parks.

The answer to this problem is simple: streets that are lined with offices instead of houses should be on a grid. Period.

Blog post

One Way To Save Transit

[Michael Lewyn](#) | February 25, 2009, 1pm PST

In much of the United States, day-to-day transit service is under assault as never before; state and local treasuries have been depleted by the recession, and the federal stimulus package is unlikely to be helpful because federal dollars are more likely to flow into capital programs (English

translation: shiny new railcars) than into preserving existing service (1). Thus, Americans will have the worst of both worlds: billions thrown at transportation while existing bus routes get whittled away.

How can we save public transit? One option might be to increase federal subsidies for transit agencies' operating expenses- but this may not be politically viable, since Congress has traditionally been reluctant to support operating expenses, and the enormous cost of bank bailouts and stimulus package may have sated Congress' appetite to increase government spending.

However, tax cuts are generally less controversial than spending increases: Republicans are nearly always willing to support tax cuts, while moderate Democrats are willing to support some tax cuts in order to appeal to more conservative voters. Moreover, tax bills are generally not filibustered, so 50 Senate votes rather than 60 will be sufficient to pass a tax cut.

So why not a tax cut for transit? Specifically, I propose the following: a \$1000 per year tax credit for weekly and monthly transit passes. Transit agencies in need of revenue could raise the cost of transit passes, and could inform riders that they would be able to get the money back when they paid their taxes. As a result, more people would buy transit passes, and transit agencies would no longer be drowning in red ink.

In addition, a transit policy based on tax credits rather than subsidy increases would empower consumers rather than empowering bureaucrats. One common argument against subsidizing operating expenses is that federal subsidies are wasted by bureaucrats, and thus never really benefit transit riders. By contrast, under a tax credit plan, a transit agency's interests would be aligned with those of riders: the agencies most able to appeal to riders would get the most funding, while less competent transit agencies would get less.

How much would such a plan cost? Roughly 5% of American workers, or about 7 million Americans, regularly commute via public transit.(2) Assuming that this number of Americans spend \$1000 per year on transit passes(3), the credit would cost \$7 billion - not very much in the context of a \$3 trillion federal budget. If transit ridership increased so much that the drain on the Treasury significantly exceeded this amount, Congress could always reduce the size of the credit.

It could be argued that increasing the cost of monthly passes would harm low-income transit users, who can ill afford to spend \$80 a month for a transit pass. But in fact, even these riders would benefit in two ways. First, increased use of passes would enable transit agencies to protect existing service, thus protecting lower-income riders from losing bus service altogether. Second, the extra revenues received by transit agencies would enable them to hold daily fares down, also protecting low-income riders.

To be sure, some cities' riders would benefit more than others: in the best transit systems (such as those of New York and Washington) the cost of a monthly transit pass is higher than \$1000 per year, while in more automobile-dependent cities, transit passes are currently far less expensive. But this is an argument in favor of a \$1000 cap. Given that resources are scarce,

surely it is more important to ensure that people in car-dependent cities have a minimally adequate bus service than to give gold-plated service to people who already benefit from America's best transit systems.

(1) For one of many articles on this subject, see <http://planetizen.com/node/37255>

(2) <http://www.census.gov/prod/2008pubs/09statab/trans.pdf>, Table 1060.

(3) It may be that more Americans would purchase transit passes, since (a) a number of transit riders are too old or young to work, and thus do not count as "commuters" and (b) this plan is likely to increase ridership. On the other hand, some transit riders will not purchase passes, either because they cannot afford passes or do not ride often enough. And a few other riders will simply be too careless to take advantage of the credit. My somewhat educated guess is that these groups will cancel each other out, and that the total number of credit users would be about 7 million.

Blog post

Two bad words

[Michael Lewyn](#) | February 9, 2009, 11am PST

Often, participants in public debates use words to mean things very different from their common-sense meanings, in order to manipulate the public's emotions. Two examples in the field of urban planning come to mind.

Road lobby supporters claim to be for "mobility." In their lingo, "mobility" means "the ability to drive as fast as possible." But in common English, mobility means the ability to move from place to place generally. The two concepts are quite different because sometimes, policies designed to improve drivers' mobility impede mobility for others. For example, if a two-lane, slow-traffic street is widened to ten lanes, pedestrians may not be able to safely cross that street. Thus, those pedestrians are actually rendered less mobile by ostensibly pro-"mobility" policies. Similarly, if a new road shifts development to a place without public transit, transit-dependent job-seekers are effectively rendered less mobile, since they cannot easily reach jobs in the newly created "edge city." Fast car traffic may have its virtues, but it is not the same thing as mobility for all.

But environmentalists are also adept in manipulating the language. A common environmentalist buzzword is "sustainability." In environmentalist lingo, "sustainable" really means "environmentally sound" - a policy that ought to be adopted or a design that ought to be imitated. But according to dictionary.com, "sustainable" does not mean something that **should** be sustained; rather, it means "capable of being sustained." Now, I would love to believe that sprawl cannot be sustained. But if I did, I probably wouldn't waste time writing about why it shouldn't be; instead, I would declare victory, seek an alternative career, and spend my days in giddy celebration of our glorious (or at least pedestrian-friendly) future. By confusing what **ought to be** sustained ("sustainable" in the sense environmentalists use the term) with what **is**

likely to be sustained ("sustainable" in the dictionary sense of the term) environmentalists mangle the English language.

Blog post

Two cheers for midblock crossings

[Michael Lewyn](#) | January 31, 2009, 7pm PST

A few weeks ago, I read a newspaper article commenting on a pedestrian who was killed in a car crash; the article suggested "educating pedestrians to cross at intersections." But sometimes, some pedestrians are actually safer crossing mid-block.

Here's why: when I cross at the intersection nearest my suburban apartment, I have to look for traffic coming from a variety of directions: not just oncoming drivers in both directions who might run red lights, but also drivers turning from the corners of the intersection.

By contrast, if I cross in midblock, I only have to look at traffic coming in one direction at a time: in the northbound lane I look for traffic heading north, in the southbound lane for traffic heading south. So if there's not any traffic, I run for it.

On the other hand, midblock crossings are not for everyone. In the suburban area where I live, traffic goes very fast when it goes- but at times congestion is low enough that there are no cars nearby. So crossing anywhere near a car is dangerous because any crash is likely to be fatal - while on the other hand when there is no nearby traffic, crossing is safe regardless of the location.

On the other hand, in a more urban and/or congested environment where traffic flows more evenly, there will always be a few cars near you in the oncoming lane- so in that situation, midblock crossings are less safe. (And the slower traffic means that even if you are in the intersection, your risk of being seriously injured by a crash is lower).

And if you are too young or too visually impaired to see whether there are cars nearby, there is, alas, no good alternative to relying on traffic signals.

Blog post

The joys of medium density

[Michael Lewyn](#) | January 22, 2009, 2pm PST

It is a chestnut of urban planning that a neighborhood must have a certain number of dwelling units per acre (usually around 8 or 10) in order to have adequate bus service. But the quarter-acre lot seems to get no respect: too dense for estate-home luxury, not dense enough to constitute "smart growth". But a 9 year-old girl recently taught me that, at least for children of a certain age, these medium-density neighborhoods have their advantages.

The girl belongs to a family I know that has embraced some of the strictures of traditional Judaism, including the prohibition against using most forms of technology (video games, computers, cars) on the Sabbath. This seems to work well for the older children (who spend most of the day sleeping). It also works well for their 6 year old daughter, who has little desire to leave the house for any reason as long as she has someone to play with. But the 9 year old daughter recently mentioned to me that she is (to put it euphemistically) not in love with Sabbath observance; I gather that she is bored because of the absence of video games.

I thought about this and asked myself: hey, wait a minute! Why doesn't she run over to a friend's house, as do children in my city's most Jewishly observant neighborhood? Perhaps density has something to do with it.

This family's neighborhood is mostly comprised of pretty large houses- lots of half-acre and one-acre lots, the odd gated community. Since there are lots of sidewalks, the neighborhood density is high enough for people to walk to synagogue and to walk to each other's houses on special occasions- but not high enough, I suspect, for 9-year olds to casually visit each other.

By contrast, most homeowners in my neighborhood in Jacksonville (as in Atlanta's biggest Orthodox Jewish neighborhood) live on quarter-acre lots. From the standpoint of an adult trying to use public transit, this area is still car-dependent sprawl. But from the standpoint of a preteen child who just wants to visit a friend in the neighborhood, the residential parts of the neighborhood are navigable on foot; my co-congregants' children visit each other's houses more routinely, and are thus presumably less lonely than my friend's 9-year-old.

In sum, the relationship between dense and not-so-dense residential neighborhoods is not a simple dichotomy (walkable vs. not walkable) but a trichotomy: very low density areas that are walkable (if at all) only for adults, medium-density areas where both adults and children can walk within the neighborhood, and more compact areas where people can easily leave the neighborhood by public transit.

Blog post

A weak link

But often, global warming will be the weakest, not the strongest, argument for policy X.

[Michael Lewyn](#) | January 11, 2009, 8pm PST

A common refrain among environmentally-minded planners is: policy X will reduce global warming. So why would anyone be dumb enough to oppose policy X?

But often, global warming will be the weakest, not the strongest, argument for policy X. Here's why: to get people to change their minds about policy X based on concerns about global warming, you have to persuade them that:

1. Global warming is real- a claim that are still controversial in some circles, **and**
2. Global warming is induced by carbon dioxide emissions (ditto) **and**
3. Global warming is so dangerous that it should affect your jurisdiction's policies (ditto), **and**
4. Policy X will reduce carbon dioxide emissions, **and** finally that
5. Even though global warming is a really serious crisis, policy X can reduce pollution enough to limit global warming.

All of these claims will be hard to prove, for the simple reason that all of them involve the kind of scientific issues that most ordinary citizens know little about. For example, you may want to argue that more walkable communities reduce pollution by reducing driving- but even if your opponents are willing to admit the seriousness of global warming (points 1-3 above), they may argue that faster, smoother traffic flow also reduces pollution by reducing congestion. How can the average scientifically illiterate citizen (or city councilperson) know who is right?

And even in a relatively pro-environmentalist state or city, point 5 may be a hard sell. For example, suppose you want your city to rezone land for higher density. You argue that more compact development means more walking, which mean less driving, which means less pollution, which means less global warming.

Opponents of your proposal may respond: if global warming is such a huge global problem, how is making our city slightly more walkable likely to matter? Won't your proposal give us the worst of both worlds, by giving us all the negative side effects of density without reducing pollution enough to affect a worldwide problem?

Of course, this doesn't mean you should never raise global warming as an argument for policies you favor; such an argument will resonate with the most environmentally-minded voters and policymakers. But global warming should never be your only argument.

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