

Federal Highway Administration
Pilot Project in Collaborative Leadership:

Skills and Strategies for Consensus Building, Mediation, and Problem Solving

January 2008

Project Background

Transportation projects can stall for a number of reasons. One reason is that those responsible for the project lack the skills to move beyond conflicts with resource agency staff or other stakeholders to find a solution that meets everyone's interests. A second reason is that even with those skills, the transportation staff can sometimes choose not to apply their skills, opting instead to perpetuate the conflict and oppose the position held by other stakeholders.

In 2006, the Federal Highway Administration and the Minnesota Local Technical Assistance Program contracted with The Keystone Center to begin work on a pilot program aimed at confronting these two causes. The project had these objectives:

- Train transportation officials in collaborative leadership.
- Provide a venue for those officials to exercise leadership, solve problems, and move stalled projects to completion.
- Demonstrate that mediation is an effective tool in resolving conflict over transportation projects.
- Provide a model that can be replicated elsewhere.

Staff from the three organizations worked together to develop a one-day training program in collaborative leadership. They established criteria for selecting a transportation project that could benefit from the application of collaborative leadership and mediation, identified projects that fit the criteria, and selected the most appropriate project. They then trained those transportation officials who were working on the project and mediated the dispute.

Test Case

In January 2007, transportation staff from Blue Earth County, Minnesota, nominated County State Aid Highway (CSAH) 26 for mediation and agreed to participate in the pilot training program. The project met the criteria as established prior to the application process: urgency, likelihood that the dispute could be settled in three sessions, and willingness to mediate.

In a one-day training, the local, state, and federal transportation officials focused on interest-based problem solving, the mediation process, the principles and practices of collaborative leadership, and specific application of all three to the Blue Earth County case.

Prior to the mediation, staff from The Keystone Center interviewed the mediation participants to provide an independent assessment of the problem, ensure that all parties necessary to resolution were prepared to participate, and prepare each participant for the mediation. The mediator outlined agendas for all three sessions and distributed these to the participants.

In May 2007, staff from the Minnesota Departments of Natural Resources and Transportation, the Minnesota Bureau of Soil and Water Resources, the U.S. Army Corps of Engineers and Fish & Wildlife Service, and the Blue Earth County highway staff met for the first session. They outlined the interests that any



Participants of the Blue Earth County test case

viable solution would have to serve and generated options that would have some likelihood of serving all interests and forming the basis of an agreement.

Between sessions, the participants evaluated the alternatives, and the mediator worked with some of the participants to assess the likelihood that any one of the alternatives would prove viable.

In June 2007, the second mediation session focused on eliminating less viable alternatives and improving the most viable alternative. The participants reached an agreement in session two and canceled the third session. Afterward, participants completed a post-mediation evaluation.

Project Conclusions

The project team drew the following conclusions from the pilot:

- Mediation is a very effective tool in breaking deadlocks that are delaying project-level transportation decisions, particularly if the mediation can clarify areas of law or regulation that are inflexible and areas for option generation and creative problem solving.
- Because of this opportunity to break deadlocks, mediation can accelerate the pace of project decision making.
- Those with a stake in the outcome benefit from training that prepares them to participate effectively in mediation and from the expectation that they will shift from creating deadlocks to breaking deadlocks.
- The training, because it was limited to the transportation staff, creates some confusion about the

precise purpose of the training and its relationship to the mediation.

- The mediation did not seem to alter the underlying working relationships for the parties; its effectiveness may be limited to the dispute in question.
- Some method for follow-up or monitoring should be included in the mediation process in order that participants can address complications that arise after mediation participants reach an agreement.
- A post-construction evaluation can help determine whether the mediated settlement, as implemented, is effectively serving the public interest.

In all, the training and mediation helped participants reach a tentative agreement. The pilot achieved, and in some aspects exceeded, its goals. With some modification, a training-mediation program has strong potential to be useful for other transportation projects.

For Further Information

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