

REAL ESTATE (1979) LAW & INDUSTRY

REPORT

Reproduced with permission from Real Estate Law & Industry Report, 3 REAL 611, 08/24/2010. Copyright © 2010 by The Bureau of National Affairs, Inc. (800-372-1033) http://www.bna.com

URBAN INFRASTRUCTURE

International

URBAN INFRASTRUCTURE

If you think planning a coordinated mass transit system is tough in a U.S. city, try Jerusalem. There, the city's inaugural light-rail route cuts across disputed territorial boundaries, while encountering ancient sites of unlimited cultural and historic value. Here the author chronicles a recent sustainability-focused visit to Israel by development and planning professionals. One purpose: to learn more about how authorities will complete the long-delayed Jerusalem light-rail project in the face of stark economic, social, and religious challenges.

Light-Rail Transit, Middle East History Collide in Complex, Burgeoning Jerusalem



By Chuck Wolfe

rom an American perspective, it's a story of barriers and solutions that is at first blush familiar, melding the geometric growth of an auto-centric lifestyle with old and incomplete streets. According to plot, a modern light-rail "starter line" promises enhancement of the city's compact, historic core, along with right-of way-redesign and "street diets" aimed at bicycle and automobile co-existence.

But any similarity with Seattle or other American cities ends there, because this is venerable Jerusalem, dateline 2010, where traditional issues of transportation

Chuck Wolfe practices environmental and land use law as a principal of Charles R. Wolfe, Attorney at Law in Seattle and also serves as an affiliate associate professor in the College of Built Environments at the University of Washington, where he has contributed to major research efforts addressing urban center and brownfield redevelopment.

implementation merge with religious and cultural subtleties amid daily news dynamics of war and peace.

On first sight in 1867 of "the city that pictures make familiar to all men, from their school days till their death," Mark Twain described in *Innocents Abroad* how "the thoughts Jerusalem suggests are full of poetry, sublimity, and more than all, dignity."

Now, amend Twain to: "more than all, complexity." After frustration and delay, the inaugural light-rail project sees the prospect of a 2011 opening after a five-year delay.

For a visiting Seattle i-SUSTAIN contingent in May, a meeting with staff and outside counsel for the Jerusalem Mass Transit System Project demonstrated the ultimate complexity of implementing a modern transportation corridor amid today's geopolitics and a changing population.

Similar to an earlier dialogue with Jerusalem Deputy Mayor Naomi Tsur that was reported in Crosscut, one take-away from planner/community relations manager Amnon Elian and counsel Amir Kadari was an admirable urban sustainability ethic—in this case addressing transit and bicycle infrastructure—and perhaps "a train to peace."

However, Elian also described a project wrestling with the de facto linking of disputed lands and associated questions of how distinct user constituencies—secular residents, ultra-orthodox Jews and Palestinans—will co-exist as light-rail users. The 23-station route covers about nine miles from Mount Herzl in West Jerusalem, across the 1949 Armistice "Green Line," through Shuafat, a Palestinian neighborhood, to Pisgat Zeev, a large Jewish settlement of over 40,000 built in the early 1980s.

Elian highlighted the "red line" light-rail corridor, which is located largely within existing rights of way. Due to its narrow and historic nature, the route requires massive infrastructure and utility relocation, as well as customized redesign by segment to integrate multiple

612 (Vol. 3, No. 17) INTERNATIONAL



transport modes. Each segment was handled by different architectural and engineering firms, which redesigned roads and added bridges to prepare for rail installation.

The red line traverses disparate neighborhoods of West and East Jerusalem. It threads through various affinity groups that are now reliant on essentially separate transit systems at different boarding costs. Currently, the East Jerusalem system fares are roughly half as much as West Jerusalem system fares. The existing system often relies on different vehicle types traveling to largely mutually exclusive destinations. Specific groups of riders often have different expectations about social conduct among passengers. For example, large ultra-orthodox families may have distinct seating expectations and travel preferences.

The Demographics of Light Rail. To Elian, the ultimate demographics of light rail system use remain unclear amid attempts to offset a projected doubling of automobiles by 2020 (after a tenfold growth from 1967 to 2003). He termed the planning effort "tremendously challenging" to put the design "all under one roof," simultaneously accommodating a population almost evenly split in three: ultra-orthodox Jews, Arabs, and "others," including a declining secular Jewish population.

Even the mechanics of processing bus-to-light-rail transfer have been difficult to design. Under a worst-case scenario, Elian suggested, "We could still have a divided transportation system."

Others have echoed the tension of ideology and traditional transportation planning, amid archaeological discovery in Shuafat. As noted by Isabel Kershner in the *New York Times*, some call the red line an ideological enigma, serving a lost vision of a united capital for all faiths rather than the realpolitik "glass walls" of today. Others find the red line yet another symbol of occupation and expansion to leverage an undivided city.

In contrast to Elian, lawyer Kadari echoed "mundane reasons of service and profitability" cited by Kershner. He said light-rail planning always focused on a project for all constituencies, and "the project was almost blind" to religious and cultural factors other than from a service analysis perspective, which assumes service benefits to ultra-orthodox and Palestinian populations.

But, as he focused on issues of contracting and permitting, Kadari acknowledged such sweeping optimism must wrestle with today's political and practical reali-

ties. For example, the private concession, BOT ("build-operate-transfer") approach has been complicated by contract difficulties and delays as construction drags on.

He explained how in arbitration proceedings with the concessionaire, a multi-party consortium, Israeli (construction) and French (cars/rails and operators), the arbitrator often starts sessions reminding project officials of their naivete in assuming success of service through Shuafat. As detailed by Kershner, that area has been the site of controversial archaeological finds and is more geographically aligned with Ramallah than Jerusalem.

Kadari talked about a shortcoming familiar to American construction-permit system critics: the need for a real one-stop shop for project permitting and licensing.

According to Kadari, despite a lack of clarity of central authority in the planning stages, a partnership of national ministries and city government proceeded reasonably well. But as the realities of permits and impacts on city residents set in, times changed. "A new generation replaced the old in the municipality and the ministries of Transportation and Treasury, and it became three parties in an unclear situation," he said. "Planning is dreaming, but when digging, and you need permits and [you] need to interfere with a major artery, for example, Jerusalem's main thoroughfares such as Jaffa Road. And there are political pressures and no central organization to impose [authority] There is breakdown, fragmentation, and complexity."

"There have been too many authorities," Kadari said, "and you need clear authority—one authority. But to do that you need legislative change at highest levels. You can't just decide to do it; you need the Knesset (Israel's parliament)."

Elian added that in the process, infrastructure has been unearthed, utilities moved and upgraded, rails installed and reinstalled, and streets sometimes torn up twice. A controversial bridge design was implemented without public input. Citizens and businesses show the time-honored fatigue of disruption characteristic of any new transportation system. "We put the first line in the most difficult area of the city—with history, old infrastructure, and density—the idea was to strengthen the historical core, but it backfired," he said.

And Bicycles Too. One by-product of light rail is bicycle enhancement to improve station accessibility. According to a planning consultant to the city, Selmah Nilson-Arad, walking distance to stations will often be too great for many users, so a system of bike lanes is under construction to serve at least 5 percent of light-rail users. Traditional parking and automobile lanes also are being retrofitted for bicycle use. In initial operations anyway, bikes will not be allowed on the trains, at least during rush hour. The bike lanes, with a special eye towards ultra-orthodox and student users, will follow a mixture of physically separated paths, alleys, or striped road and sidewalks.

The city has responded in a transportation plan announced earlier in the summer with changes in emphasis and claims of hard lessons learned, as officials say they are addressing many issues emphasized by Elian and Kadari. High on the new transit agenda is a new, north-south "blue line" dedicated to Bus Rapid Transit (BRT), with features such as a dedicated right of way, state-of-the-art vehicles, next-bus information, and uni-

INTERNATIONAL (Vol. 3, No. 17) 613

form ticketing. In Kadari's view, BRT is more viable in Jerusalem given far less need for excavation and utility relocation. Echoing sentiments in other Israeli cities, he said it probably should have been the mode of choice to begin with.

Light rail expansion is part of the new transportation plan, but as described in the *Jerusalem Post* on May 25, the entire process will be centralized, more transparent, and overseen from the beginning by a steering committee with a state-approved budget, rather than a BOT bidding process that lacked full public accountability.

Learning the bottom line has occurred on the job in Jerusalem, amid challenges of engineering, funding, permitting, and politics. It suggests BRT as the city's mass-transit future, supplemented by bicycles, and, perhaps by Israel's cutting-edge electric car technology, Better Place.

For modern "innocents abroad," is there take-home learning from the city in which Mark Twain observed that "no neighborhood seems to be without a stirring and important history of its own?" Is the lesson one of context—that, from the start, more simple and pragmatic solutions would have fit today's "glass-walled"



city? Or does the storied and eternal universality of Jerusalem live on?

After all, when complete next year, this complex tale may teach the world a real lesson: if light rail can be done in Jerusalem, it can be done anywhere.