Positions vs. Interests

Source: NYDOT Public Involvement Manual
http://environment.transportation.org/pdf/context_sens_sol/PublicInvolvementManual.pdf

Conflict can occur when people oppose element(s) of a project that go against their position. In this situation, there may be a difference between people's stated positions and their underlying beliefs. Sometimes the public is more concerned with the fairness of the process, and if NYSDOT really takes into account public opinion, than with individual technical issues. The concepts of principles, interests and the "triangles of satisfaction", developed by Roger Fisher and William Ury, in their 1981 book Getting to Yes, may help to understand this apparent discrepancy.

A position is a person's preferred alternative or favorite solution. It's the outcome or answer that is best for that person - not necessarily for anyone else. An interest, in contrast, is the underlying need or the reason why that solution is favored. For example, some stakeholders may oppose a realignment alternative that has small parkland impacts, even though it may have traffic management and safety benefits by improving a deficient intersection. There could be a number of "interests" behind this "position". Some people may be users of the park and oppose impacts on a space they enjoy. Others may not be users but have concerns about transportation agencies taking parkland. Still others may object to shifting the alignment to minimize park impacts, resulting in significant impacts to their own neighboring property.

To address issues that the public feels strongly about, it's necessary to go beyond people's initial positions and determine their underlying interests. What are these fundamental interests? There are three areas that all need to be addressed; so that stakeholders feel that the process is fair and the solutions legitimate. Collectively these are described as the "triangle of satisfaction":

- Procedural interests - the perceived fairness and transparency of the process. Is there an opportunity for meaningful public comment? Is there adequate time for people to review information before being asked to make decisions?
- Substantive interests - the tangible and measurable needs. How well does the project alleviate safety problems? What are the wetland impacts and mitigation? How will the historic downtown area be affected?
- Psychological interests - how people are treated and how they feel about themselves and other parties. Does NYSDOT take the time to answer questions? Are suggestions taken seriously or just brushed off? If the project schedule has slipped, has NYSDOT kept in touch with the community?

If any element is lacking, consensus is more difficult to reach. Agencies could develop technical solutions on their own, with environmental and community benefits that effectively solve the transportation problem. But if solutions are developed internally ("We know what's best") without opportunity for the public to put their own mark on the problem definition and solution, then the procedural and psychological interests are not met. Stakeholders don't see a true partnership. A better approach requires effort to understand stakeholder concerns, communicate mutual needs and values, and willingness to participate in problem solving.

Federal and New York State laws require NYSDOT to consult with the public, obtain environmental permits and follow statutory procedures. The Department has the ongoing responsibility to design, build and maintain transportation facilities that safely serve the public. This participative problem solving approach does not ignore the reality of these powers, rights and obligations.