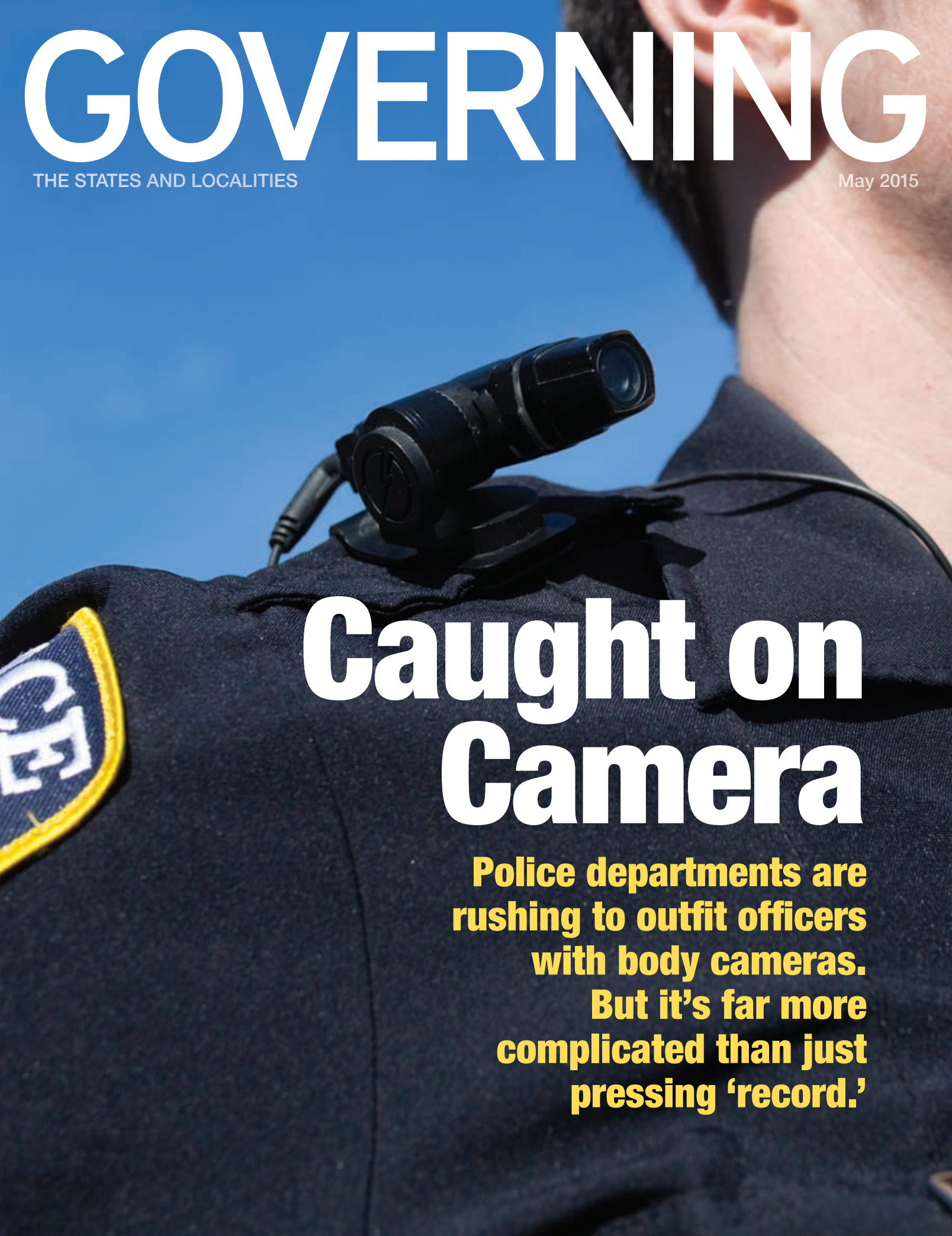
GOVERNING
THE STATES AND LOCALITIES
May 2015



Caught on Camera

Police departments are rushing to outfit officers with body cameras. But it's far more complicated than just pressing 'record.'

VOL. 28, NO. 8

GOVERNING 05 2015

FEATURES

PHOTO BY EMILE WAMSTEKER
COVER PHOTO BY DAVID KIDD

A Metrolink commuter train at a station outside Los Angeles

DEPARTMENTS

DAVID KIDD

17

APIMAGES.COM

18

SHUTTERSTOCK.COM

58

A MORE EFFICIENT GOVERNMENT

LOGOS™ ▼
ERP Software Solutions
work the way you do, lowering costs, enabling intelligence and providing a streamlined approach to local government.

AEGIS™ ▲
Public Safety Software Solutions
offer unmatched application integration that improves safety, provides time-saving workflow and more access to critical information.

Visit Us at:

GFOA Annual Conference
Booth #325

Over thirty years of stability, innovation and public sector focus have made New World Systems one of the most trusted public sector software companies in the market. More than 2,000 public sector organizations nationwide, rely on our solutions to enhance service and create efficiencies.
Find out more at newworldsystems.com

New World Systems®

THE RELIABLE PUBLIC SECTOR PARTNER

The Search for Sync

When I first started in government auditing, I would come home and tell my wife about this or that practice that I'd discovered in an agency that was in violation of the law, and she would be stunned. She wanted to know why I didn't call the cops and have people arrested.

These long-ago conversations came to my mind as I read Daniel C. Vock's feature "The Smartest Train on the Track." As Vock reports in this month's issue, after deadly accidents in the Los Angeles area in 2002 and 2008, federal legislation was passed requiring passenger railroads and major freight railroads to install a technology called "positive train control" by the end of 2015. As it turns out, the L.A. area is the only region with both freight and passenger rail to meet the deadline.

Mark Funkhouser, Publisher

In his feature on police body cameras, Mike Maciag reports that as of two years ago the largest manufacturer of the devices was supplying them to only a few hundred law enforcement agencies. Now the company reports that more than 2,500 agencies nationwide deploy the cameras. Yet no state yet mandates them.

Most of us would agree that the idea that government follows the will of the people—that it has the consent of the governed—is one of the bedrock principles of our democracy. However, neither the role of government nor the will of the people are static things. They are dynamic, evolving and not infrequently out of alignment with each other. Therefore, in our system of governance it is often the media that draws attention to these misalignments. It is incumbent on public officials to try to bring things back into sync.

We have a formal mechanism for doing this: the legislative process. But what is the will of the people with regard to commuter rail safety? What is it with regard to the interactions of police and citizens? In a huge and diverse country with thousands of competing views, it is tough to divine the amorphous, ambiguous blob called public opinion.

That said, we have federal officials who will have to decide whether to extend the deadline they've mandated for railroad technology or enforce the law on those railroads that do not comply. And we have the leaders of thousands of police agencies who have decided that the public will requires that they spend the money to deploy body cameras whether the law requires them to or not. The law and the practices of these entities will converge, and it will be public officials who accomplish that.

GOVERNING

Publisher Mark Funkhouser

Executive Editor Zach Patton
Managing Editor Elizabeth Daigneau
Senior Editors Alan Ehrenhalt, John Martin
Chief Copy Editor Miriam Jones; **Copy Editor** Elaine Pittman
Staff Writers Liz Farmer, Alan Greenblatt, Chris Kardish, Daniel C. Vock, J.B. Wogan
Correspondent John Buntin
Contributing Editor Penelope Lemov
Columnists Katherine Barrett & Richard Greene, Scott Beyer, William Fulton, Mark Funkhouser, Peter A. Harkness, Donald F. Kettl, Justin Marlowe, Alex Marshall, Tod Newcombe, Aaron M. Renn, Frank Shafroth

News Editor, Governing.com Daniel Luzer
Senior Editor, Governing.com Caroline Cournoyer
Data Editor, Governing.com Mike Maciag

Chief Content Officer Paul W. Taylor

Chief Design Officer Kelly Martinelli
Design Director & Photo Editor David Kidd
Senior Graphic Designer Heather Whisenhunt
Production Director Stephan Widmaier

Chief Marketing Officer Margaret Mohr
Senior Director of Marketing Meg Varley-Keller

Founder & Publisher Emeritus Peter A. Harkness

Advertising 202-862-8802
Associate Publishers Jennifer DeSilva, Jon Yoffie
Director of Business Development Noel Hollis
Business Development Manager Maggie Ransier
Media Account Coordinator Katie Skinner
Office Manager Alina Grant
Marketing/Classified advertising@governing.com

e.Republic Inc.
CEO Dennis McKenna
Executive VP Cathilea Robinett
CFO Paul Harney
CAO Lisa Bernard

Reprint Information
Reprints of all articles in this issue and past issues are available (500 minimum). Please direct inquiries for reprints and licensing to Wright's Media: 877-652-5295, sales@wrightsmedia.com

Subscription/Circulation Service
Eenie Yang eyang@governing.com
www.governing.com/subscribe

Governing (ISSN 0894-3842) is published monthly by e.Republic Inc., with offices at 1100 Connecticut Ave. N.W., Suite 1300, Washington, D.C. 20036 and at 100 Blue Ravine Road, Folsom, CA 95630. Telephone: 202-862-8802. Fax: 202-862-0032. Email: mailbox@governing.com. Periodical postage paid in Washington, D.C., and at additional mailing offices.

Postmaster: Send address changes to Governing, 100 Blue Ravine Road, Folsom, CA, 95630. Subscribers: Enclose mailing label from past issue. Allow six weeks. Member: BPA International. Made in the U.S.A.

Revenues vs. Public Safety

In his March Observer article "Seeing Red," Daniel C. Vock wrote that cities were removing red light cameras both for legal reasons and citizen backlash. One reader agreed in part with a comment made in the story by Russ Rader of the Insurance Institute for Highway Safety.

Mr. Rader is right on target when he says that "some communities have shot themselves in the foot [because] the public believes that red light cameras are more about revenue than safety." The public perception is correct. Many of these systems are implemented through contracts with private firms, which have a very strong incentive to rig the system to increase revenues. I am aware of several instances in Arizona where the duration of the yellow light was shortened deliberately to increase violations and one case where the geometry of the intersection was reinterpreted to increase violations. I am a strong proponent of red light cameras when they are implemented fairly, reasonably and with the intent of improving safety. Nevertheless, it is unacceptable to build a conflict of interest into the implementation of red light camera systems. Some municipalities are guilty of this particular betrayal of the public trust.

— JW in Austin on Governing.com

A Unique Take on Single Payer

The February article "Prime Time for Single Payer?" by Chris Kardish looked at New York State Assemblyman Richard Gottfried's efforts to bring single-payer health care to his state. Albany Treasurer Darius Shahinfar wrote in to share his unique perspective on Gottfried's bill and why he supports it. He said, "I have long thought that the advocacy for single payer has to focus on sound economics."

As city treasurer and chief fiscal officer for Albany, N.Y., I am constantly reminded by our taxpayers that our property taxes need to be cut. But while cities are doing their part to govern cost-effectively, taxpayers need a lot more help. During recent hearings on Gottfried's bill to bring Medicare-style, single-payer health care to New York, I testified before the Assembly. After parsing the numbers for our taxpayers, I can safely say that there is no stronger measure New York could take to cut our property taxes than to pass single payer into law, nor is there any question that significant property tax savings would be achieved anywhere in the country where taxpayers foot the bill for health care.

The reason why is because of hidden health-care costs, which are present in every product, good or service in our economy. For example, it is estimated that health care adds $2,000 to $4,000 to the price of every car built in the U.S. For taxpayers, we have an enormous hidden health-care "tax" in our property taxes.

I have estimated that an owner of a $150,000 home in Albany has a hidden health-care tax of $2,100 within the property tax bills. With single-payer health care, it is my estimate that this same homeowner would save $1,600. Every taxpayer in every municipality in New York would see similar savings. So if municipal officials want to advocate for meaningful change to cut property taxes, there is no better cure than single-payer health care.

— Darius Shahinfar, City Treasurer, Albany, N.Y.

APIMAGES.COM

Corrections: In the April Observer article "The City as Consultant," J.B. Wogan incorrectly stated the percentage of refuse that the Canadian city of Edmonton diverts away from its landfill. It is 60 percent, not 90 percent. In their March Smart Management column "The Art of the Anecdote," Katherine Barrett and Richard Greene mistakenly confused two Harvard professors. It is Marshall Ganz, not Michael Ganz, who teaches a course called "Public Narrative." In February's "Do Cities Need Kids?," Alan Greenblatt wrote that in 2007 "the state Supreme Court ended the districts practice of assigning students to school by race." It was a U.S. Supreme Court ruling.

Behind Closed Doors

IT'S SOMETIMES EASIER and more efficient to make decisions at informal meetings, but that doesn't mean it's necessarily a good idea to do things that way—particularly for people in government.

Until recently, most committees in the Tennessee House held "pre-meetings," where legislators would discuss issues and take vote tallies. All of this took place sometimes minutes before matters were officially decided at hearings. Members of the press and the public were not welcome.

Once news about this practice broke in March, House Speaker Beth Harwell immediately put her foot down. Meeting times should be made public and there should be an "open door policy," she instructed committee chairs. Some legislators said there was nothing nefarious at play. It simply made things run faster and more smoothly to get up to speed in private. But the fact that bills sometimes went down without public discussion or vote—and the revelation that lobbyists were able to make pitches in private—made the whole thing look bad.

As the saga of Hillary Clinton's emails showed the world yet again, looking like you might have something to hide immediately arouses suspicion. "Most of the time, on most policies, meetings should be open to the public so the world can know what we're talking about," says Alabama state Sen. Cam Ward.

With his state's open meeting law eviscerated by a series of state Supreme Court decisions, Ward sponsored legislation to bring it back to life. It passed the Senate, "31 to nothing," he says. "This lets people know what we're talking about and it lets people know what our intentions are."

It's hard to argue against transparency, yet there are constantly efforts to weaken public record and open meeting requirements, or work around them. The temptation is pretty strong. And there are times when it makes sense to keep a secret—when an economic development deal is being worked out, for instance, or during the early stages of a background investigation of a potential appointee.

But there's a reason they call it public office. Even with public access, it's tough to know when lawmakers are trading favors or arranging sweetheart deals. Without it, forget it.

Ray Sansom had to step down as speaker of the Florida House in 2009 after it came to light he'd secretly cut a deal to funnel $6 million in building funds to benefit a campaign contributor. (Criminal charges were later dropped.)

Debate about what business must be done in public continues in Florida.

Tennessee lawmakers are under fire for holding nonpublic "pre-meetings" to discuss pending legislation.

APIMAGES.COM

Even states with strict access laws sometimes have glaring loopholes. In keeping with its nickname, Florida has some of the strongest sunshine laws in the country. But legislators often find ways around such requirements. Anytime three or more legislators meet, they have to announce that fact and do so in public. But that only applies to prearranged meetings. If a few legislators happen to bump into one another in the hallways, why, they can sit and talk a while without alerting the press.

If agreements made in secret aren't above board, though, there can be repercussions. Gov. Rick Scott and the cabinet are facing a lawsuit from a private attorney and media outlets alleging that they improperly met in private to deal with the firing of the head of the state law enforcement agency. Scott and his cabinet have devoted $50,000 toward fending off the suit.

So far, they have neither confirmed nor denied that they met in private. "Scott's not Mr. Sunshine," says Barbara Petersen, president of the First Amendment Foundation in Tallahassee. "I refer to him as the black hole of sunshine."

—Alan Greenblatt

FLICKR/ATOMIC TACO

King County, Wash., has debuted a new two-tiered pricing structure for public transit riders.

A Transit Twist: Earn More, Pay More

MIDDLE-CLASS residents of King County, Wash., pay about $2.75 to ride the Seattle area Metro. But under a new pricing plan, those who earn less will pay less. Low-income riders will pay only $1.50 under a two-tiered pricing structure for rides on buses, trains, passenger ferries and other county transit.

The idea, says King County Executive Dow Constantine, is to "ensure that everyone in the county has the mobility they need to get to school, to find a job, to get to that job" and so on.

That's a laudable goal. But some worry that this attempt to address income inequality and the high cost of living in the Seattle area may create a more entrenched class system. "The point of public transportation," says Katie Wilson of the Transit Riders Union, a Seattle group working to improve transit in the city, "is to provide affordable transportation—for everyone."

Eight years ago, notes Wilson, everyone paid roughly $1.50 to ride. Since then, the transit system has implemented a series of five fare increases to help meet expenses. The new pay structure, she says, obscures the fact that Seattle transit rides have become significantly more expensive in the past decade. A better solution, some say, would be to secure dedicated funding that allows the city and county to provide transportation that's affordable for all riders.

That's easier said than done. "Our real problem is raising revenue," says Seattle City Councilmember Tom Rasmussen. "We have a very conservative legislature in Olympia that's reluctant to raise taxes, and reluctant to even give municipalities the power to raise revenue on their own." In other words, the new pricing may not be the best solution for transit affordability, but it's the best the city and county can do right now.

Seattle isn't the first place to institute such a plan. (Seattle's program is open to residents earning up to 200 percent of the poverty level, or $47,700 a year for a family of four.) San Francisco introduced a similar program in 2005. Chicago, Cincinnati, Denver and the Kansas City metropolitan area now also have two-tiered systems. Getting low-income residents to actually apply for and utilize these programs is a different story. A decade after San Francisco introduced its program, fewer than 6 percent of riders participate, even though 20 percent of Bay Area residents live below the poverty line.

In King County, the shift in pricing was prompted by Seattle's 2012 decision to end a three-decade-old policy of providing downtown public transit completely free to all riders. When the city ended the free-ride zone, the county wanted to offer a cheaper transit option for low-income residents. Ironically, though, it might prove more expensive for the county to institute the new program. *The Seattle Times* has calculated that it will cost King County Metro $4.75 million annually once the reduced fare is implemented. Running the free-ride zone downtown cost the county less than half that, at $2.2 million a year.

And critics caution that transit discount programs aren't an effective way to address large-scale inequality. "Does it reduce the gap between the rich and the poor? It doesn't," says transportation expert Thomas Sanchez, director of the Urban Affairs and Planning Program at Virginia Tech, who studies transit pricing and inequality. King County's initiative alone is not likely to have a particularly meaningful impact, he says. If someone's ability to get to a job hinges on a $1.25 difference in the price of transportation, he says, "that's a pretty dire situation."

—Daniel Luzer

Cities Try Out an 'Anti-Yelp'

PEOPLE DON'T TYPICALLY jump at the chance to point out when public employees excel at their jobs. But maybe they would if governments provided an easy forum for feel-good feedback. At least that's the hope in the town of Albany, Ore., the first city to pilot an app called Goodsnitch, which offers customers the opportunity to give positive comments and constructive criticism about their service and employees.

Goodsnitch, which was released about a year and a half ago, charges private companies to use its business evaluation tool. But cities can partner with the startup for free. Positive comments made through the app are public, while criticisms are shared privately. Albany has served as the app's beta tester for use in government, but Goodsnitch founder Rob Pace says he's in talks with other mayors who want to implement the app. Pace has called it the "anti-Yelp," contrasting it with review sites that mainly seem to draw complaints from unhappy customers.

Albany, a town of about 60,000 people, has gathered more than 3,000 "snitches" in the year that the app has been in use. It's already helped the city respond to issues more quickly—in some cases resolving them as they're occurring. Last summer, for instance, attendees at an outdoor festival commented on Goodsnitch that a particular parking lot was difficult to exit. Coordinators responded immediately, posting someone at the exit to direct traffic and ease congestion. "Often when we hear from people it's too late, or we see it on the front page of the paper," says Katie Nooshazar, the recreation programs manager for Albany's parks department. "But by then the program is over or decisions have been made. We wanted something real-time that allowed us to correct in the moment."

Because the app is primarily focused on providing positive feedback for a job well done, it's a boost for morale, says Albany Mayor Sharon Konopa. For example, she says, consider utility employees. "They're collecting people's water and sewer rate; they're billing. We just had a hard time keeping someone in that position because they're always hearing someone complain."

With Goodsnitch, now at least some of what employees hear is good feedback. "It's helpful for all government workers to get positive comments," Konopa says, "because usually we're the recipients of very negative comments."

—Mary Ellen McIntire

THE BREAKDOWN

$4.48

Cost of Louisiana's entertainment tax credits for every $1 of state revenue the credits generate.

11

Number of collisions between Washington, D.C., streetcars and motor vehicles from October 2014 to March 2015. The single-line system isn't in operation for passengers yet.

2.1%

Projected proportion of Americans who will identify as Muslim in 2050, according to a recent Pew Research Center study. Only 1.4 percent of Americans will identify as Jewish by that time, the study said, and Christians will drop from three-fourths of the American population today to two-thirds.

14,088

Number of Uber cars operating in the five boroughs of New York City in March, compared to 13,587 taxis.

SOURCES: *NEW ORLEANS TIMES-PICAYUNE, THE WASHINGTON POST, NEW YORK POST, POLITICO*; IMAGES: FLICKR/MANOJ PRASAD, SHUTTERSTOCK.COM

Big Dreams, But Limited Impact

FLICKR/RUBEN HERNANDEZ

State Dream Acts have drawn passionate responses from both advocates and critics. But evidence suggests these measures have had limited impact.

IMMIGRATION LAWS, it almost goes without saying, have sparked a great deal of controversy in recent years. That includes Dream Acts, which offer in-state tuition to young undocumented immigrants. For supporters, which usually include social progressives and the business community, they offer a practical solution to a real-world problem: undocumented immigrants graduating from high school and earning admission into college, but choosing not to attend because of the high cost. These measures exist in some form in at least 20 states, but they still draw complaints that taxpayers are subsidizing college for people not in the country legally.

Despite all the hand-wringing over these initiatives, it turns out that Dream Acts have a relatively minor impact on college enrollment. "For all of the great heat in the battle," says Margie McHugh, a researcher at the Migration Policy Institute who has studied the impact of these kinds of measures, "it was a bit surprising that the numbers seemed to be relatively low."

In Washington state, which enacted one of the nation's first in-state tuition measures, in 2003, the annual number of presumed undocumented immigrants entering college on in-state tuition did grow steadily over the law's first decade, from 25 students enrolled in the first school year to 1,100 last year. Still, that's less than 1 percent of all undergraduate students in the state. By comparison, the Pew Hispanic Center estimates more than 3 percent of the state's overall population is made up of undocumented immigrants. "The problem was the same," says Washington state Rep. Zack Hudgins. Even with in-state tuition, "college was still too expensive."

Washington state isn't alone in seeing a trickle of undocumented students enrolling in higher education. Colorado, which passed its Dream Act two years ago, estimates that in the first three semesters with the new policy, about 950 students have been undocumented immigrants on in-state tuition—again, less than 1 percent of total enrollment. Data aren't available in Maryland—another state to recently pass a Dream Act—but a prospective analysis by researchers at the University of Maryland, Baltimore County predicted that just 435 undocumented immigrants would enroll as new students each year on in-state tuition.

Just because these laws' impact may be small, that doesn't mean they're ineffective, says Stella Flores, a policy researcher at Vanderbilt University. In her review of Texas' in-state tuition law, she found undocumented immigrants were more likely to have enrolled in college than their peers in Southwestern states without a tuition policy.

Lawmakers such as Hudgins have tried to respond to complaints that higher education remains out of reach—even with in-state tuition—in part because federal financial aid for low-income students is off-limits for undocumented immigrants. That led to a bipartisan bill in the Washington Legislature extending state-funded financial aid to the same group of students who already qualified for in-state tuition. Again, the authors hope that by lowering the price of college, enrollment among undocumented immigrants will go up.

Hudgins is untroubled by the possibility that his state's immigration policies might continue to benefit a small number of students. "You level the playing field and create the opportunity to excel," he says, "and if you get one or two more people into college than before, then I think that's a success."

—J.B. Wogan

It pays to tend to your flock.

Over the past 5 years, employee out-of-pocket expenses have risen nearly 40%.[1]

Aflac can help protect your employees with cash to cover their bills in the event of a covered sickness or injury. And now employees' claims can get paid in a day with Aflac's One Day Pay℠ when they submit online.[2]

Small businesses like how easy it is to add voluntary coverage to their benefits at no direct cost. Especially when it is from Aflac, the number one provider of worksite/voluntary insurance sales for 13 consecutive years.[3] Aflac may even be a pre-tax deduction, so when we say it pays to tend to your flock, it just might.

Call your local agent and visit
aflac.com/smallbiz

Aflac SmartClaim® One Day Pay™ | for SMALL BUSINESS

[1]2014 Employer Health Benefits Survey, The Henry J. Kaiser Family Foundation, September 10, 2014. [2]One Day Pay℠ is available for most properly documented, individual claims submitted online through Aflac SmartClaim® by 3 PM ET. Aflac SmartClaim® not available on the following: Short Term Disability (excluding Accident and Sickness Riders), Life, Vision, Dental, Medicare Supplement, Long Term Care/Home Health Care, Aflac Plus Rider and Group policies. Individual Company Statistic, 2015. [3]Eastbridge Consulting Group, U.S. Worksite/Voluntary Sales Report. Carrier Results for 2002-2014. Avon, CT.
Coverage is underwritten by American Family Life Assurance Company of Columbus. In New York, coverage is underwritten by American Family Life Assurance Company of New York.

Z150001R Worldwide Headquarters | 1932 Wynnton Road | Columbus, GA 31999 3/15

By Alan Ehrenhalt

A City of Villages

Was Seattle's experiment in urban planning really as big a gamble as it seemed?

Twenty years ago, Seattle was America's epicenter of urban planning. Its mayor, Norm Rice, had sponsored and guided into law a long-range blueprint that laid out in copious detail what the city was projected to look like in the faraway year of 2014.

According to Seattle's Comprehensive Plan, as the document was officially known, the city would emerge from a period of slow growth and increase its population significantly in the ensuing two decades. It would use its planning tools to direct the new growth into 39 "urban villages" scattered across the city. These communities would gradually evolve into urbanist showplaces: compact enclaves organized around walkable streets, neighborhood commerce, reliable public transportation and abundant green space. Elements of the plan seemed to come straight out of the writings of Jane Jacobs, the author of the influential 1961 book *The Death and Life of Great American Cities.*

Not only would the urban villages be pleasant to live in, Rice projected, but they also would be family-friendly. The last thing he wanted, Rice said, was for Seattle to be a beautiful place too expensive for middle-class families with children to live in. "The worst thing that could happen to Seattle," Rice declared, "would be to become like San Francisco."

Seattle's Comprehensive Plan won praise from urbanist thinkers nationwide. "We are all trying to copy it," said then-Milwaukee Mayor John Norquist. Within Seattle itself, however, a fair amount of opposition developed. The local Chamber of Commerce thought the plan was anti-automobile and would mean fewer customers for merchants "stranded" far from public transit lines. Developers complained that they would be blocked from creating new projects outside the urban-village framework. Neighborhood activists thought the villages would be forced to take on too much density and fought against the requirement that a quarter of all new housing be "affordable." Homeowners worried that the cheaper housing units would be a drag on their property values.

The urban village of Ballard received what amounted to a physical makeover under Seattle's Comprehensive Plan.

SHUTTERSTOCK.COM

Rice made concessions to some of this opposition. Language calling for a decrease in automobile traffic was removed from the plan, and the affordable housing mandate was reduced by two-thirds. In the end, Rice and his allies managed to get the plan through the city council on a rather stridently debated 6-3 vote. In the years that followed, Seattle's planning officials generally followed the guidelines that the plan dictated. But the plan itself gradually faded from public controversy; indeed, it ceased to attract much public interest at all.

That changed in 2013, when newly elected Mayor Ed Murray did something mayors typically forget to do. He asked what the consequences of the once-famous urban plan had been. And he hired Peter Steinbrueck, a longtime city councilmember who had opened up a private urban consulting firm, to launch a study to find out. Steinbrueck's team spent a year on what it called the Seattle Sustainable Neighborhoods Assessment Project, studying 10 of the urban villages in minute detail and gathering more general information about the city itself. Earlier this year, it produced a 170-page report.

Some of the changes that had come to Seattle over the past 20 years didn't require a microscope to detect. The two decades since 1994 have been a time of prodigious growth for the city. Seattle underwent a series of painful economic slumps in the 1970s and 1980s, largely a result of job losses in aircraft-related industries. (Boeing alone lost more than 60,000 jobs during this period.) But the mid-1990s witnessed the beginning of a sustained economic boom. Over the next 20 years, the city's population increased by a generous amount virtually every year. In 2012 and 2013, Seattle was the single fastest-growing big city in the U.S.

But where exactly was all the growth going? Steinbrueck's study answered that question in confident terms: It was going to the urban villages, just where the original planners had wished. According to the study, some 75 percent of all the growth within the city limits had occurred within these urban villages. This was true even though the urban villages had comprised only about one-third of the city population when the plan went into effect. The planners of 1994 had estimated that the next two decades would bring the city between 50,000 and 60,000 new housing units; the higher-end estimate turned out to be almost exactly right. "It's pretty remarkable," Steinbrueck told me, "that they predicted, within a very narrow range, the number of people who would live in the city 20 years later."

In other important respects, the projections were far off the mark. The Comprehensive Plan assumed that there'd be at least 131,000 more jobs in the city by 2014, but the final figure, somewhat shockingly, fell short of the target by 74,000. Some 38 percent of Seattle residents with jobs were commuting to work outside the city limits. In other words, Seattle was losing much of its role as the employment center for its sprawling metropolitan region and was becoming more of a residential center. Knute Berger, a prominent urban affairs blogger in the city, recently proclaimed that Seattle was well on the way to becoming a "bedroom community."

More ominously, Rice's vision of a city that would be attractive and affordable to middle-class families never came to pass. Seattle drew ever closer to San Francisco as a magnet for singles and childless couples. By 2014, only 15 percent of the city's residents were under 18, compared to 24 percent for the nation as a whole.

Equally striking was the disparity of results among the urban villages that Steinbrueck's group studied. Most of the 10 villages examined closely in 2014 had moved at least a few steps in the direction that the original planners envisioned. They had viable neighborhood commercial institutions; they had made themselves hospitable to pedestrian activity; they were better connected to public transit than they had been in 1994; and they were adding green space regularly.

But at the bottom of the scale there were villages that not only had failed to improve after 20 years but had gone in the other direction. Rainier Beach, the weakest performer, had a 12.3 percent unemployment rate in 2014 and a poverty rate of more than 24 percent. This was true even though the city had spent more money on Rainier Beach than it had in other neighborhoods studied. The public spending was not accompanied by any significant level of private investment.

The fact that not all the urban villages have succeeded may not come as a shock to everyone. Among all the diverse communities within a big city, there will always be success stories and problem cases. But it brings up what may be the most interesting critique of the entire plan: that rather than helping to foster successful communities through a tangible set of urban policies, the framers simply chose neighborhoods that in most cases were already doing well in 1994 and then declared victory when these places continued to gain population and thrive.

The authors of the study insist that the generally positive outcome of the urban-village strategy "has been achieved through Seattle's effective planning policies and zoning regulations." And there's no question that planning and zoning have made some difference in the years since 1994. New rules on height, density and mixture of uses made room for a larger number of newcomers to live in the designated urban-village neighborhoods. In several cases, city investment in sidewalks and streetscape made them more enticing to outsiders seeking a place to settle. The urban village of Ballard, languishing as a faded industrial district in the 1990s, received what amounted to a physical makeover under the Comprehensive Plan. "Zoning is the iron hand here," Steinbrueck says. "All of this is a testament to the power of zoning."

But the study also concedes that "once the underlying zoning for an area has been established, market forces take over and will largely determine the rate of growth." And that raises an important urban policy question that concerns not only Seattle but also every city in the country: How much does a neighborhood's fate depend on the choices of city planners? To what extent is it simply the result of market forces and the developers who make bets based on what the market tells them?

For all the incentives provided by the Comprehensive Plan, it still seems fair to point out that most of the designated urban villages would probably be doing quite well now even if the concept had never been implemented. The majority of them had a strong sense of local identity and pride, along with a network of community leaders even more intensely dedicated to neighborhood prosperity than to the city as a whole. This was an advantage that existed long before 1994; it couldn't be created from scratch by a comprehensive plan. Most of the urban villages were architecturally distinctive and visually appealing; none of them contained the concentrations of blight and decaying housing stock that have long plagued many of the cities of the industrial East and Midwest. The only urban village that is thought to lack much physical distinction, Rainier Beach, is also the only one that has failed to make any progress over the past 20 years.

And behind all of this lies the inescapable reality of Seattle itself: scenic, mild in climate and home to a generation of entrepreneurs who have not only created vast private fortunes but also have nurtured a culture of civic engagement that has become a staple of local life since 1994. In the 20 years since the Comprehensive Plan was adopted, Seattle has been a place that people all over the country wanted to move to. Given the city's advantages, Rice's vision was probably destined to succeed. Without them, it might not have had the chance. **G**

Email aehrenhalt@governing.com

By Peter A. Harkness

Washington's Education Stalemate

The work of improving our schools looks hopeless on Capitol Hill.

SHUTTERSTOCK.COM

Fifty years ago, the Elementary and Secondary Education Act expanding the federal role in education was signed into law by President Lyndon Johnson. Six years ago, Education Secretary Arne Duncan, armed with a bucketload of cash from the Obama administration's economic stimulus program, leveraged that money to jump-start the reform effort called Race to the Top.

Both of those programs remain on the books, but both are imperiled by Washington's dysfunction. Congress has yet to include Race to the Top, a $4.3 billion program, in the new budget, and it hasn't reauthorized the Johnson-era education law, which was last authorized in 2002 as No Child Left Behind and was supposed to be reauthorized in 2007.

Instead, Congressional Republicans are backing legislation that would allow states to opt out of federal education requirements. They have the support of such conservative think tanks as the Heritage Foundation and the Club for Growth. Democrats, meanwhile, just want to loosen the reins of federal control a bit. They have assembled a collection of odd bedfellows—the major teachers unions, which have never been happy with federal testing requirements; civil rights groups; and, interestingly, the U.S. Chamber of Commerce.

The bottom line is that we cannot seem to agree on a national education policy. We can't settle on what standards to put in place and whether they should be national or state-by-state. We can't decide what range of school choice to allow, what amount of testing makes sense, how to ensure teacher quality and what levels of funding are necessary. We are even further from any meaningful consensus on who should have ultimate control.

At the same time, other nations, both advanced and developing, continue to outperform us. A 2013 six-year study of 15-year-olds' math results in 65 countries showed many Asian nations—China, Singapore, Taiwan, South Korea and Japan—soaring, while most European nations muddled along in the middle of the pack. The United States finished at the bottom end of the European cluster, along with Russia and Slovakia. Studies limited to advanced nations show U.S. students ranking in the bottom third in literacy and math. Considering the nearly $700 billion a year we spend on our 100,000 or so K-12 schools, those results are disheartening.

What's more, the demographics of our school districts are trending toward trouble. A recent analysis of 2012-2013 data shows that for the first time in half a century, the majority of students enrolled in K-12 public schools are poor enough to qualify for the federal school lunch program. And they don't necessarily live where you might think. Recent studies by the University of Virginia and the Brookings Institution reveal a remarkable shift in poverty rates from core cities to inner suburbs, putting pressure on schools unused to handling significant numbers of poor children.

As the debate over how to improve public education has entered the national political arena, there is only room for dismay. The Common Core standards developed over the past decade to measure the performance of K-12 students were intended to represent a consensus among the nation's governors—not Washington—on what progress states should expect

to see in math and reading every year. Initially, 45 states and the District of Columbia embraced the standards.

But now, as the presidential primary season approaches, almost every governor aspiring to the GOP nomination has changed sides and come out against the new standards. Bobby Jindal of Louisiana, Chris Christie of New Jersey and Scott Walker of Wisconsin originally endorsed the idea—last year Christie even chastised fellow Republicans for switching because they "care more about the primaries than anything else." Now he has joined the switchers. The lone exception is Jeb Bush, whose support remains intact.

Washington won't be any help. Progress toward educational improvement will depend on individual schools, school districts and some state governments that choose to innovate, break some old rules and take risks. Some charter schools, in particular, show a willingness to do so.

Those who suffer most in this increasingly ideological and vitriolic debate are teachers, who often are the first ones blamed for mediocre student results, which helps explain why half of them leave their posts in the first five years. So it's particularly interesting to see that when teachers are actually allowed to run schools—around 70 facilities in 15 states, most of them charters and many with challenging demographics—those schools show quick improvement in student performance. It's an idea that is spreading, according to David Osborne of *Reinventing Government* fame, who now runs the education reform project at the Progressive Policy Institute.

That's one example, but there are so many others that it makes sense to keep track and spread the word. And that is what a new foundation-funded nonprofit called Education Post intends to do. It's a self-described "nonpartisan communications organization" that intends to fact-check the national debate, highlight successes and improve the conversation.

We need it desperately. G

Email pharkness@governing.com

By Alan Greenblatt

Ulterior Motives

Wisconsin's ethics board comes under fire.

For an obscure agency with a boring name, the Government Accountability Board has prompted a lot of controversy.

The board, which oversees elections, ethics and lobbying in Wisconsin, was created in 2007 in response to a scandal that led to criminal convictions of the top Republican in the state Assembly and the top Democrat in the state Senate, among others. The Government Accountability Board (GAB) was quickly embraced by reform-minded groups as the gold standard in political watchdogging. "No other state," concluded an article in the *UC Irvine Law Review*, "has a chief election administration authority with the same degree of insulation from partisan politics."

The Wisconsin Assembly

DAVID KIDD

Still, politicians have chafed. The GAB has been sued several times by GOP political players. But the board really found itself under fire when it launched an investigation into Republican Gov. Scott Walker and the question of whether his campaign illegally coordinated with nominally independent groups such as the Club for Growth during the 2012 recall election. "The Republicans in the legislature are attacking [the GAB] because it was pursuing Scott Walker and some of their funders," says Matt Rothschild, executive director of the Wisconsin Democracy Campaign, which tracks political donations. "They have a vendetta against it."

Indeed, the board's funding has been cut the last three years running by the GOP-controlled legislature. And this year top legislative leaders want to restructure it so that partisans are in charge instead of the usual retired judges.

Republicans say that the GAB itself is guilty of engaging in a partisan witch-hunt. Following a recent legislative audit of the board, which turned up problems regarding internal enforcement of its own rules, Assembly Speaker Robin Vos complained that the GAB "routinely doesn't follow the law and there's no accountability whatsoever." Meanwhile, Senate Majority Leader Scott Fitzgerald believes it's time for a "major overhaul." "The GAB is an embarrassment to state government and deserves to be scrapped," wrote Christian Schneider, a *Milwaukee Journal-Sentinel* columnist. "The partisan stench it has given state electoral administration will take years to wash out."

That sort of vitriol and the audit itself are just smokescreens meant to cover up an attempt to change the rules regarding political behavior, says Democratic state Sen. Jon Erpenbach. "There's nothing good that can come out of these changes."

It may indeed look bad—not least for Walker's presidential campaign—if politicians are perceived as gutting the very agency that oversees their behavior. Nonetheless, GAB supporters predict that Republican legislators will move ahead with their plans for an overhaul. It wouldn't be the first time politicians have sought to put themselves firmly back in charge of their own ethical and fundraising destinies. "Before the Government Accountability Board, we had an ethics board and elections board that were partisan," says Rothschild of the Wisconsin Democracy Campaign, "and nothing got done. Nothing was investigated." G

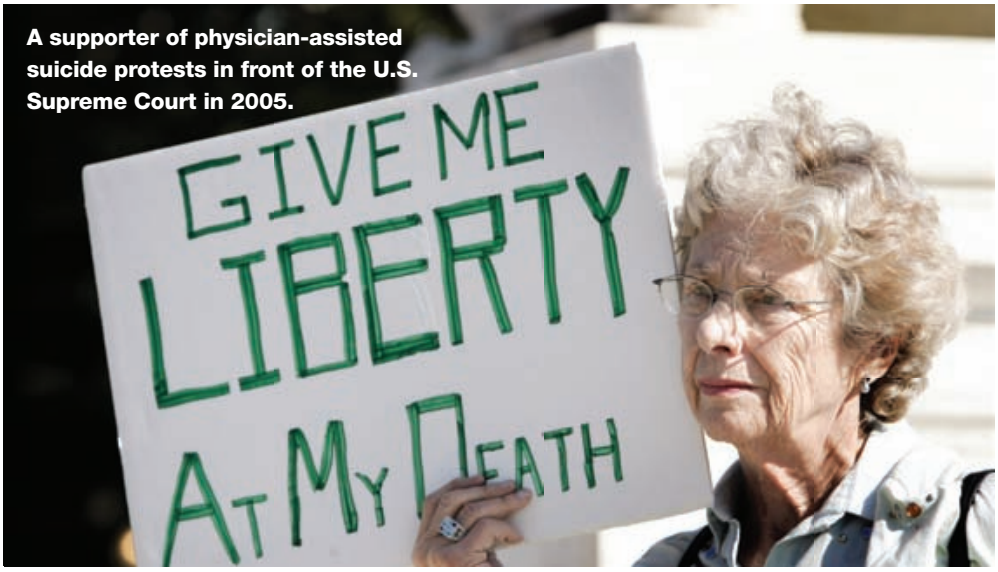
Email agreenblatt@governing.com

By Chris Kardish

Doctors, Death and the Law

Are courtrooms a safer bet than legislatures for supporters of 'aid in dying'?

New York is among a record number of states considering legislation that would allow physicians to prescribe fatal doses of medications to terminally ill patients. But even the state's leading advocacy group for what supporters call "aid in dying" and many opponents term "assisted suicide" acknowledges that it may be New York's highest court that makes the practice legal before the legislature does. "While it's possible a bill could pass and be signed by the governor in the next two or three years," says David Leven, the executive director of End of Life Choices New York, "we think it's more likely we'll get a favorable court ruling in that time frame."



A supporter of physician-assisted suicide protests in front of the U.S. Supreme Court in 2005.

APIMAGES.COM

Leven, like other advocates, points to surveys that show greater acceptance of allowing the terminally ill to obtain lethal drugs—a recent Harris Poll pegged American support for legalization at 74 percent—but that hasn't yet translated to legislative success. Religious groups, some major doctors' groups and others have pushed back hard against the practice, arguing that legalization crosses ethical boundaries and endangers more lives than it benefits.

New York is one of three states with lawsuits making their way through the courts and one of about 15 states and the District of Columbia with active bills on the issue. That's significantly up from last year, and the increase is likely thanks in large part to media coverage around Brittany Maynard, the 29-year-old California woman with a terminal cancer prognosis who last year decided to end her life in Oregon, which in a 1994 referendum became the first state to approve the practice.

Oregon's provision didn't take effect until 1997, after the U.S. Supreme Court had unanimously ruled that the federal Constitution doesn't guarantee a right for dying patients to access lethal medications but left states free to continue the debate. About a decade later, Washington state's voters enacted a similar law, and in 2013 Vermont became the only state to legalize access to lethal prescriptions for dying patients through its legislature.

Montana's highest court effectively legalized the practice in 2009. It found that state law prohibiting assisted suicide didn't apply to doctors giving lethal doses of drugs to dying patients—a ruling that some legislators are working to invalidate by changing the law. In New Mexico this January, a lower court found a right within that state's constitution, but the state's attorney general is appealing.

Legal advocates in California and New York are asking judges to clarify that laws against assisted suicide, many of them well over a century old, don't prohibit simply allowing doctors to prescribe lethal doses to the terminally ill. And even if they did, the advocates argue, state constitutions, which often go further to protect individual liberty, would allow the practice.

While advocates may have a better record in the courts than in statehouses, that's not to say that the legal strategy is foolproof. The Florida Supreme Court ruled against a terminally ill patient in 1997. Meanwhile, finding plaintiffs and funding cases is a challenge. And if a court rules on narrow statutory grounds, doctors lack the procedural guidance that only a law can provide, says Thaddeus Pope, director of the Hamline University Health Law Institute.

Still, depending on the political affiliations and sympathies of state courts, even opponents acknowledge that there's fertile ground for "aid in dying" supporters in state judicial systems. What no one can predict is whether the supporters will be able to move the attitudes of the public and policymakers enough to earn a return trip to—and a different outcome in—the U.S. Supreme Court. G

Email ckardish@governing.com

Freedom of Information/Public Records Request

Part I: I hereby request to: X Inspect ___Copy the following records:
(please be specific and include names, dates, keywords, and name of record type where possible).

Please provide all Everton City and Police Department social networking content from May of 2012 regarding special notices and street closures related to the Everton Memorial Day parade

Part II: What format do you request? X Electronic ___Paper

Part III: Name of individual(s) requesting information: John A. Citizen

Address: 1076 Freedom Way City: Everton State: TX Zip: 75996

Phone: (210) 867-5309 Email: jpublic1@gmail.com

REQUEST FOR SOCIAL MEDIA RECORDS

For Internal Office Use Only

Date Request Received: July 1, 2014 Request Status: Pending

Notes: Staff has invested more than ten hours scrolling through social media pages and collecting stored screenshots from department hard drives. Citizen comments no longer available, City Attorney issued subpoena to social network – response still pending after four weeks.

By Elizabeth Daigneau

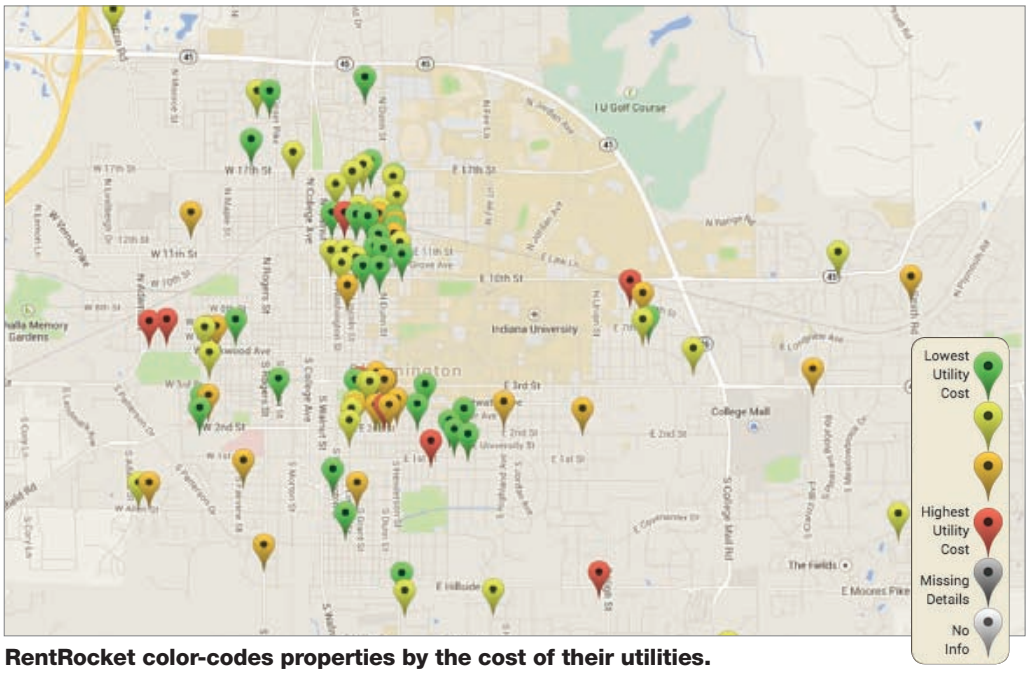
A Green Lease

A group of cities look to make rental properties more sustainable.

When prospective tenants check out a new place, they want to know what the monthly rent will be. They ask how many bedrooms it has, what the amenities are and whether or not it allows pets. One question they almost never ask, however, is how energy efficient it is.

For a town like Bloomington, Ind., that's a real problem. Bloomington is home to the University of Indiana, and half of the town's residents are college students or university employees. As a result, two-thirds of the city's housing units are rentals. "That has a huge impact on our ability to meet our sustainability goals," says Jacqueline Bauer, the city's sustainability coordinator. The problem? If the landlord pays the utility costs, the tenant has no incentive to control how much energy she uses. Conversely, if the tenant pays the utilities, the landlord has no incentive to invest in, say, a new energy-efficient furnace.

That's where RentRocket comes in. Developed by the city, the website allows potential renters not only to see the basic amenities a property offers, but also to see its utility costs. City officials pitched the idea for the site two years ago at an Urban Sustainability Directors Network (USDN) meeting. It was so popular that 14 cities—all college towns and all struggling to address various sustainability issues in their housing stock—immediately signed on.



RentRocket color-codes properties by the cost of their utilities.

RENTROCKET.ORG

RentRocket works like this: First, the website asks renters to share the average monthly cost of their gas and electric bills. Second, it allows landlords to list properties. The site ranks units based on their utility costs. Right now, says Bauer, a property owner doesn't see the market value of energy upgrades because there's not a great way to advertise those improvements. RentRocket, which went live in January, aims to give landlords a better way to do that. Currently, there's only data for Bloomington available, but Ann Arbor, Mich.; Columbia, Mo.; and Evanston, Ill., are building out their databases now.

The idea has drawn some skepticism. Critics point out that it's hard to get people to share private information about utility costs. It's even harder, they say, to get them to share it over time. Funding is also an issue. Money to develop and run the site, which so far has come from two USDN grants, runs out next month. Bloomington hopes to get more cities involved to keep the project going and, eventually, to expand it to include additional data, such as recycling options and accessibility to alternative modes of transit.

Interestingly, the city is expressly not marketing RentRocket as a "green" site. "We deliberately chose a name that is just about rentals," Bauer says. The goal is to get renters thinking about sustainability factors alongside everything else and to get landlords to see the value in efficiency investments.

For now, the project is still very small: Only 1 to 2 percent of the properties listed on the site have energy data. But if it's successful, it could not only help create what Bauer calls "a smarter housing market," it could even help shape the city's own sustainability planning. "The city would have a better idea of where the least efficient properties are," says Bauer. "It will let us develop programs to target those areas and to help us meet our sustainability goals." G

Email edaigneau@governing.com

Today, thousands of companies and organizations will make a simple choice. They'll partner with EPA's ENERGY STAR® program to lower their buildings' energy use. Less energy consumed means fewer greenhouse gas emissions are released. And that fights climate change. Find out how America's most recognized energy efficiency program can help you make a difference. Join us at **energystar.gov**.

By Aaron M. Renn

The Other Digital Divide

Will small cities be able to exploit technology the way bigger cities have?

Much has been written about the so-called "digital divide," the technology availability gap between the richer and the poorer. But as digitally enabled government comes to the fore, we may be risking the emergence of a new kind of digital divide, between the largest, most richly resourced cities and smaller communities with less capability to exploit new technologies.

There's certainly plenty of activity on the digital front in big cities. New York City is using technology to help building inspectors and fire officials prioritize the riskiest buildings for complaint investigations. Chicago is using predictive analytics to target rat infestations before they happen. Washington, D.C., has rolled out digital tools to let citizens grade the quality of their government services. Boston has a mobile phone app called Street Bump that detects when a car runs over a pothole and alerts city officials to get it repaired.

Titles such as chief innovation officer and chief data officer have proliferated, with many cities hiring dedicated staff in analytics and establishing technology innovation groups like Boston's Office of New Urban Mechanics, which was set up under the late mayor Thomas Menino.

As these examples show, most of the press and excitement about urban technology and innovation has come out of larger cities. That's not to say that smaller cities are completely absent from the discussion, but larger ones have certainly dominated it.

It's clear why big cities are at an advantage. Larger governments with bigger budgets are more easily able to find the resources to hire dedicated staff for innovation, data and emerging technology. Bigger cities have deeper talent pools of technical expertise. They also are often home to significant startup scenes that create buzz and to new companies designed to exploit these urban-focused technologies. There is symbiosis between a city's tech community and its government tech initiatives.

Smaller cities, by contrast, may be more cash-strapped, have shallower talent pools, and have fewer local companies and assets to bring to bear on problems. This brings us back to whether these circumstances will lead to a new digital divide between the larger "have" tech cities and the smaller "have not" ones.

Harvard professor Stephen Goldsmith co-wrote a book titled *The Responsive City* to highlight the promise of data- and tech-enabled innovation to improve government service delivery and citizen engagement. He sees the potential for new tech to actually reduce the large-small city digital divide. "There definitely was a danger just a few years ago where cities with resources could buy expensive technology and then use their scale to rationalize the purchase," he says. "I think in the next few years that will shift dramatically. Cloud computing allows mid-sized and small cities to purchase the best computing with a new pricing system."

Santiago Garces, chief innovation officer of the mid-sized city of South Bend, Ind. (population around 100,000), agrees on the potential of cloud computing. "Tech is being commoditized," he says. With today's cloud offerings, there's less need for cities to roll out their own in many areas.

What he worries about, however, is talent. "It's a 'who,' not a 'what' issue," Garces says. Small cities have to work hard to ensure they get access to the talent to implement this technology. South Bend has focused on that through programs like its enFocus fellowships. Garces is from Colombia and came to the United States to study at the University of Notre Dame. After a year in an enFocus fellowship, he signed on with the city full time. "We want to be the 'beta city' in showing

SHUTTERSTOCK.COM

how smaller cities can make use of technology," he says.

Garces believes the key to attracting talent is leveraging the unique attributes of smaller cities, such as being able to offer their workers more responsibility more quickly than bigger ones, and hitting the key areas of mentorship and leadership.

As with many aspects of technology, civic data and tech can cut in multiple directions. The cloud and declining tech costs generally make it more available than ever, yet the expertise around creating and deploying civic tech could become more clustered.

One way that larger cities can help their smaller brethren is by open-sourcing their applications. For example, Chicago is planning to open-source its Smart-Data platform. As with other emerging technology areas, it also seems likely that standards will emerge that reduce the amount of bespoke design and engineering required for deployments and allow cloud-enabled solutions across a wider range of functions.

This is one area where states might also play a role. They could partner with their larger cities to create approaches for local governments that address their own particular legal and regulatory characteristics in a way that helps smaller cities take advantage of technology at a price they can afford. And states could facilitate the diffusion of best practices and expertise on civic tech to their communities.

It's important to think about creating an infrastructure that enables technological change to be rapidly dispersed through the urban hierarchy. As with the more familiar digital divide among economic groups, this one may never go away completely because technology isn't static. Technology is always changing, so cities and states will need to be in a constant posture of absorbing technological change. The ability to adapt to and assimilate new technologies is a core competency that both bigger and smaller governments need to acquire. G

Email arenn@urbanophile.com

By Scott Beyer

Making Pedestrian Malls Work

Inaccessible and crime-ridden, they're getting a second look.

Charlottesville, Va.'s downtown pedestrian mall

FLICKR/BOB MICAL

Pedestrian malls have a long and complicated history in the U.S. During the 1960s and '70s, several cities closed parts of their downtown to auto traffic at one time or another. It seemed like a natural placemaking tool, but eventually, many failed. Poorly planned, most pedestrian malls were inaccessible, hid businesses and attracted crime.

That was certainly true of one such pedestrian mall in my hometown of Charlottesville, Va. "You could shoot a gun at five o'clock from one end and not hit anyone on the other," says Mayor Satyendra Huja. "Because there was nobody there."

Constructed in 1976 along downtown's Main Street, the mall was supposed to help revive an antiquated strip of repair shops and dime stores. Officials tapped architect Lawrence Halprin, who chose a red-brick layering that mirrored Thomas Jefferson's nearby Monticello. The plan was controversial. Businesses thought blocking automobiles would detract customers. Others didn't like the $4.1 million cost. Even Halprin warned that the mall could take a decade to work. In reality, it took two.

Today, it is one of America's premier civic spaces, lined with trendy restaurants and boutiques. It wasn't until the mid-1990s that the mall turned around, providing a blueprint for other cities. What changed?

Simple design changes made it more accessible, says Huja. In the original design, automobiles were given top priority. The mall was encircled by a one-way road that drivers navigated when searching for parking. Because the mall had no cross streets, if drivers couldn't find parking, they would have to loop around again and again. This turned off drivers and isolated the mall.

So officials took measures to open it up. The one-way loop was converted into two-ways, making the mall's parallel roads safer, more attractive and easier to turn around on. Two cross streets were built on the mall, increasing visibility. The east end, once bordered by roadways, was reconstructed into a more inviting entrance, marked by a new amphitheater. And pedestrian crosswalks were installed on various blocks outside the mall in every direction. These steps changed downtown from a car zone that happened to have some bricks in the middle, to one where the pedestrian experience began from afar and culminated at the mall. "You need to be able to see the pedestrian mall before you get there," Huja says, so that "the experience begins when you park."

With downtowns growing nationwide, pedestrian mall discussions have resurfaced, making Charlottesville's example useful. The recipe for success is basic: All these malls should integrate with—rather than isolate from—their surroundings. G

Email BigCitySparkplug@gmail.com

Video Capture

Police across the country are being outfitted with body cameras. But it's a lot more complicated than just hitting 'record.'

By Mike Maciag

Photographs by David Kidd

Chesapeake, Va., Officer Krystal Holland has been using a body-mounted camera since she left the police academy two years ago.

Ever since his early days on the police force in Chesapeake, Va., Kelvin Wright has been intrigued by the idea of using cameras to fight crime. As a traffic officer in the late 1980s, he was the first cop in the department to test them on car dashboards. Chesapeake police then experimented with body-worn cameras as long ago as the late 1990s, but the technology proved impractical. By 2009, Wright was the chief. He decided to equip 90 of Chesapeake's officers with newer-model body cameras. At the time, such recording devices were in use only by a select handful of police departments around the country.

That is quickly changing. Sparked mostly by the riots following police killings last year in Ferguson, Mo., and Staten Island, N.Y.—and, more recently, by the shooting death of an unarmed black man in North Charleston, S.C.—there's been a national surge of interest in outfitting officers with body-worn cameras. Just two years ago, TASER International, a leading vendor of the devices, was only supplying cameras to Chesapeake and a few hundred other agencies. Now the company reports more than 2,500 law enforcement agencies use more than 30,000 of its cameras nationwide. One national expert recently told *The Wall Street Journal* he estimates that 4,000 to 6,000 police departments, out of about 18,000 nationwide, use body cameras. No state mandates body-worn devices yet, but according to the National Conference of State Legislatures, lawmakers in 29 states had introduced various body camera bills as of March.

Many of the cities interested in equipping officers with body cameras have reached out to Chesapeake to see how the program has worked there. Since the unrest of Ferguson, Wright says his department has received on average a call a week about the cameras from other cities. The New York City Police Department was one of the callers. The District of Columbia Police Department sent a contingent down to Chesapeake last year to visit. Wright thinks it's not a matter of if but when most police departments will deploy body-worn cameras of their own. "Across this country," Wright says, "officers will wear these very much as they do their sidearm."

Departments with body cameras are finding that there's much more to it than merely strapping a camera on an officer's uniform. Managing all the hours of video footage comes at a price, both in labor and data storage costs. Perhaps even more significant, body-worn cameras come with numerous unintended consequences, some of which will get worse as the technology becomes widespread.

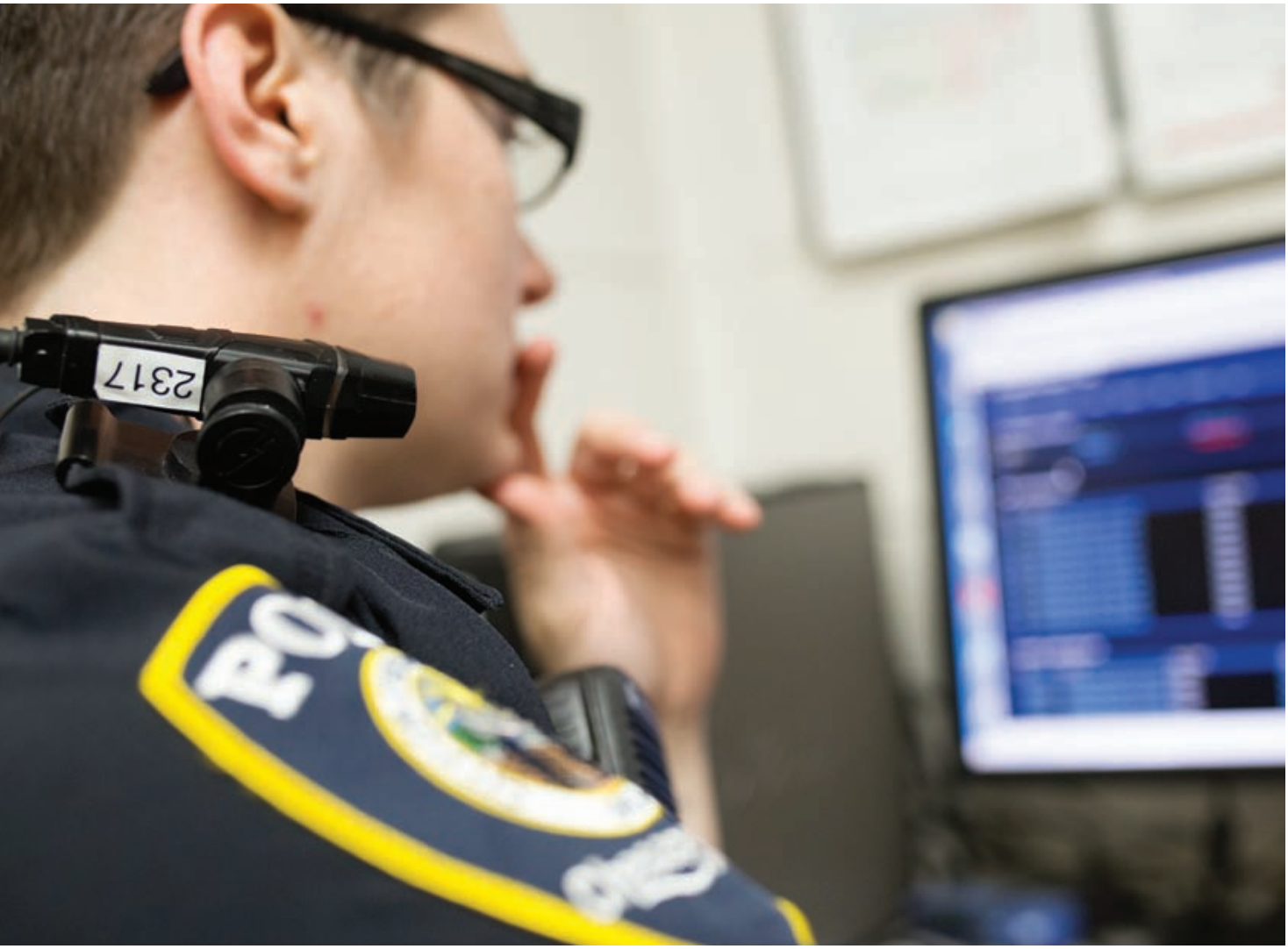
By now, Chesapeake police officers have grown accustomed to being recorded. They begin their shifts by picking up a camera from docking stations, and they end their shifts by plugging the devices back in. All of the recorded video and audio is automatically uploaded to Evidence.com, an internal website that's sort of a YouTube for Chesapeake police. Officers can review footage at computer terminals while writing up reports, or watch clips right away using an app on their smartphones.

Officer Krystal Holland has found that body camera videos don't catch everything. She's learned to describe what's happening out loud so that it's captured on the audio. Body cameras aren't intimidating for younger officers like Holland, who joined the department out of the police academy about two years ago. However, there is a generational divide in the way cameras are perceived. "Typically, senior officers don't see the value of the video or want the video unless it saves them," Wright says. "Younger officers who are more tech savvy, they understand that this is the way of the world."

Traffic officers already familiar with the benefits of in-car cameras, Wright says, played a role in securing buy-in as the department implemented body-worn devices across other units in recent years. The department also publishes regular reports tallying the number of complaints against officers that are invalidated by body camera footage, providing a clear incentive for officers uncomfortable with being recorded on the job.

An early proponent of body cameras, Chief Kelvin Wright expects they will one day be standard issue for officers everywhere.

All uniformed Chesapeake police officers—about 250 total—are required to record every encounter with citizens when performing law enforcement-related duties or responding to calls for service. The hours of footage quickly add up. Only six months



Chesapeake officers tag videos as evidence and review footage at computer terminals.

after expanding the program, Chesapeake police had exceeded their initial data storage capacity that was expected to last at least a year. It's the expense related to data storage—not the purchase of the cameras—that typically ends up being most costly for departments.

Police agencies are also learning that processing video footage is labor-intensive. Chesapeake officers tag videos as evidence and may spend extra time when writing reports to ensure they're in sync with what recordings show. Police department staff respond to requests for footage, occasionally needing to redact portions of clips. Last year, police responded to more than 1,500 requests from the Commonwealth's Attorney's Office alone, most of which required the production of two or three videos each. The workload was so heavy that the department created a new position of video evidence coordinator to handle all the requests.

The video footage means more work for attorneys as well. Reviewing video of a typical traffic stop takes at least a half hour, and multiple videos exist when more than one officer arrives on the scene. "When they started coming in here," says Chesapeake Commonwealth's Attorney Nancy Parr, "it took everybody by surprise how time-consuming it was to watch the videos." Periodic beeps can be heard throughout the day in Parr's office from recorded noises the cameras make as videos are played. Many of the Commonwealth staff attorneys end up watching the videos in the early evening hours and on weekends.

Before the cameras are even put in place, an array of policy issues must be discussed among police, attorneys and city officials. Someone must decide which types of interactions will be recorded, how long video will be retained and what footage can be released to the public. States haven't addressed many of these issues yet, so local departments are left to outline policies in consultation with city legal advisers. The result has been a range of different policies. Chesapeake, for example, does not require officers to notify citizens that they're being recorded, and the city stores video not tagged as evidence for 13 months. Officers in neighboring Norfolk notify the public when they're being recorded and retain video only 45 days if it's not used for evidence.

Before cameras can be put in place, police, attorneys and local officials need to decide which types of interactions will be recorded, how long video will be retained and what footage can be released to the public.

Local elected officials in some jurisdictions have attempted to force departments to adopt the technology more quickly than they would prefer. In Baltimore, city council members passed a bill last year requiring police to wear cameras. Mayor Stephanie Rawlings-Blake vetoed the measure, arguing that the council's powers should not extend into police department operations and that the bill failed to adequately address legal and privacy issues. The program "must be done right and should not be something that is hastily implemented without measures in place to ensure its success," the mayor wrote. Rawlings-Blake, who supports adoption of the cameras, instead formed a city task force that later recommended a pilot program.

But even when the cameras are subjected to detailed advance scrutiny, unexpected outcomes nearly always creep in. One of them is that the public may start to assume body camera footage will always be available to help their side of a legal proceeding. That's already become an issue in Chesapeake. While Parr says it has yet to be used against prosecutors in court, some feel there isn't a solid case without the footage. "Lay people expect the police officers to record everything in order for it to be true," she says. In addition, when events unfold rapidly police don't always have time to activate their cameras. One night in January, according to police, Chesapeake officers responding to a report of a suicide attempt found a man standing in the middle of the street firing multiple rounds at them. Police returned fire, and the man later died at a hospital. The shooting wasn't captured on video, Wright says, because the officer was focused on his personal safety and didn't think to turn the camera on. In Wright's view, it's an understandable instance that illustrates why not every incident will be captured. "People have come to expect video on everything," Wright says. "To some degree, we are victims of our own success."

The media, too, is starting to expect footage. An arrest in March by officers of the Virginia Department of Alcoholic Beverage Control attracted widespread publicity when a college student was injured. A headline in *The Washington Post* later that week read, "Body cameras absent in Va. arrest."

Then there is the issue of taping citizens in private residences. Darrel Stephens, executive director of the Major Cities Chiefs Association, says some people may hesitate to call police to their homes in select circumstances, such as domestic disputes, if they believe the recordings could be opened to public consumption. "There are lots of situations police get engaged in that don't seem appropriate to allow people to look at on YouTube," Stephens says. Chesapeake's policy requires officers to turn off cameras inside medical facilities or when they're appearing before a magistrate. In Florida, all body camera video, with a few exceptions, is subject to public records requests. One state Senate bill attempts to scale back the state's broad public records law, exempting footage shot inside private residences, schools or hospitals.

On the opposite end of the spectrum, many police departments are releasing videos entirely at their discretion or, in some cases, declining to provide any footage to the press at all. Jim Bueermann, president of the Police Foundation, a police research group, relates fears that some departments may release only those videos that cast citizens in a negative light and exonerate officers. If that's the case, he says, the cameras will prove counterproductive: "How we as a society deal with this can either enhance community trust in police or adversely affect it."

Early evidence suggests that, unintended consequences notwithstanding, the cameras yield significant benefits. A 2012 study of the Rialto, Calif., Police Department found a significant reduction in use-of-force incidents among officers randomly assigned to wear cameras, along with an 88 percent year-over-year decline in citizen complaints. A study examining a Mesa, Ariz., Police Department pilot program showed similar results over an eight-month period, with officers not wearing cameras recording nearly three times as many complaints as those who wore cameras. Many complaints against Chesapeake officers with camera footage are cleared immediately, not requiring further investigation. The department investigated 36 complaints last year, compared to more than 60 per year in 2010 and 2011, when the program had not been fully implemented.

Every officer's camera has an assigned docking station.

Body Cameras 101

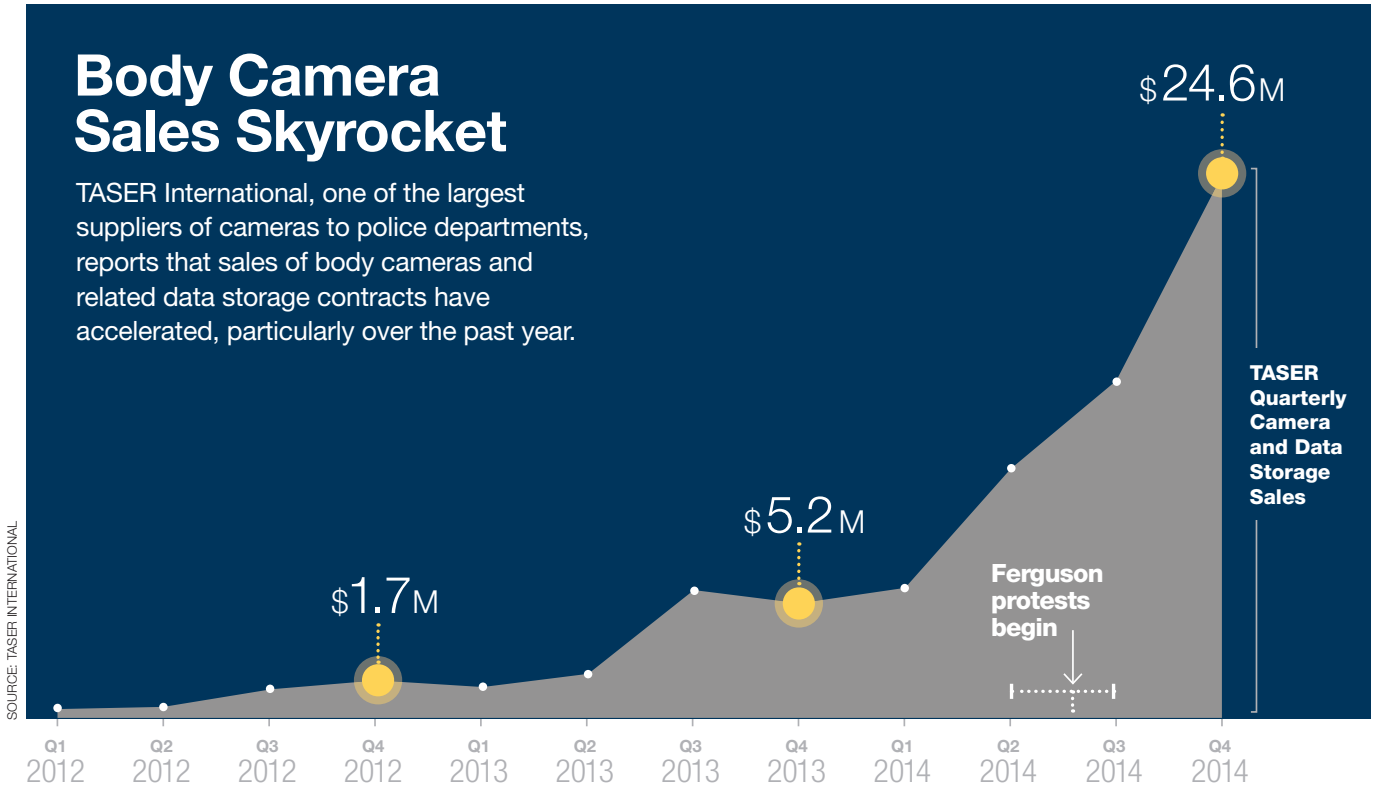
Many of the newer body camera configurations consist of a lightweight camera wired to a controller device supplying the power. Cameras can be mounted to shoulder straps, collars or eyewear. Controllers are typically attached to belts or uniforms, or placed inside shirt pockets. Other devices are one-piece units that clip to the front of an officer's uniform. Police control when cameras are turned on or off. Some models feature a buffer capturing 30 seconds of silent video prior to an officer activating the camera. Batteries last an entire shift, but must be recharged before they're used again.

The majority of police departments manage videos using third-party cloud services. Others store their data locally.

So do cameras make police behave better, or are citizens just more cooperative when the cameras are turned on? Most in the law enforcement community contend that it's a mix of both. "Equipping officers with body cameras does not eliminate use of force," Bueermann says, "but it does appear to have a civilizing effect on the more routine interactions between police and the public."

Chesapeake reports that the cameras have proved particularly useful in DUI cases. Defense attorneys find many clients' accounts of their arrests don't match the videos. Chesapeake prosecutor Parr says she suspects the videos have led to more guilty pleas for DUI charges, although no exact figures are available.

Body cameras can also play a pivotal role in quelling highly charged situations, as was the case early one morning in 2013 in Daytona Beach, Fla. There, two city police officers shot a well-known former high school and college football star while responding to a domestic dispute. The shooting prompted immediate outrage from residents of the low-income community. Body camera footage, however, showed the man holding a butcher knife to his girlfriend and refusing officers' calls to release her as he appeared to start pushing the knife into her chest. To help mitigate any backlash against police, Chief Michael Chitwood



reviewed the footage and invited neighborhood leaders and the news media to watch the video later that day. "What could have been a potentially serious problem was abated because of the body cameras," Chitwood says. The State Attorney's Office later cleared the officers of any wrongdoing.

Of course, body cameras can also spell trouble for misbehaving officers. One Daytona Beach officer claimed his camera malfunctioned during a confrontation that left a woman with busted teeth. After a similar malfunction occurred again, a forensic review of the camera revealed that the officer had intentionally switched off the power. He later resigned. Daytona Beach's policy calls for firing anyone turning off a camera to avoid being recorded. Officers cannot, for the most part, prevent recorded video from being uploaded and only those with administrative privileges are able to edit or delete videos. "It's going to catch the good, the bad and the ugly," Chitwood says. "Everybody behaves better when the cameras are on."

So far, body cameras have generally enjoyed strong public support. Police unions have pushed back, but their concerns are focused more on specific policies than on opposing the cameras outright. Officers, for example, want to ensure they're still able to carry out private conversations, interview confidential informants and use the restroom without being recorded.

The top concern among law enforcement officials is that they'll be stuck with an unfunded mandate, says Virginia state Sen. Donald McEachin, who introduced a bill requiring all departments to begin deploying body cameras by 2018. Departments in Norfolk and other places have used federal asset forfeiture funds to purchase cameras. The White House has also proposed $75 million in matching funds for states and localities to pay for equipment and storage. Any one-time grants, though, fail to cover data storage and other camera-related costs over the long term.

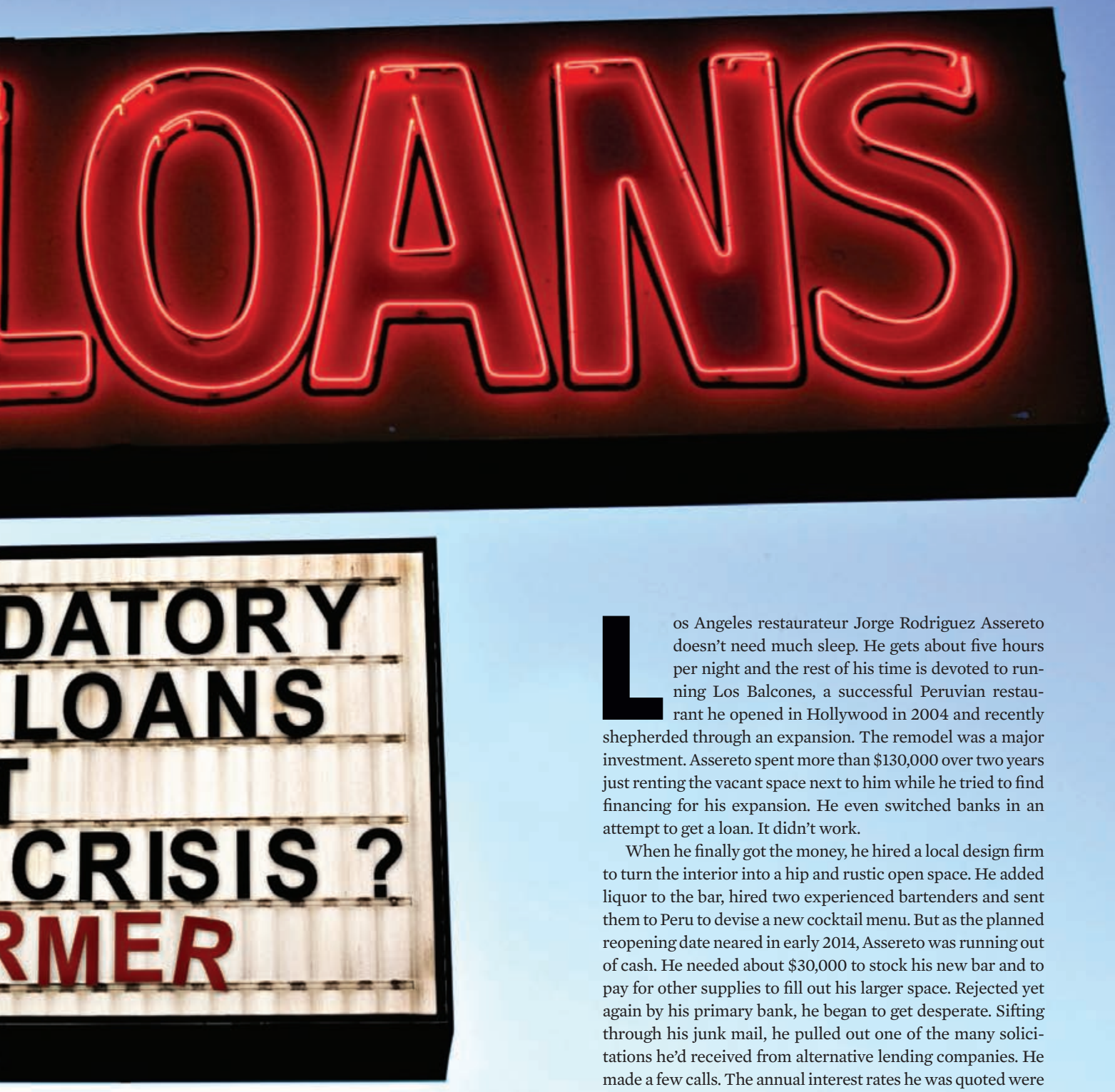
Chesapeake pays roughly $1,800 per camera, which includes mounting equipment, licensing fees and maintenance plans over five years. Annual data storage for the entire department currently costs about $24,000. Expenses are exponentially higher for big-city police departments. Officials in Charlotte, N.C., recently approved spending $7 million over a five-year period to purchase and operate 1,400 police body cameras.

As more agencies line up to the buy the cameras, the increased demand may not only help push down costs, but also accelerate the pace of technological innovation. The latest body cameras on city streets today pale in comparison to what's possible in the years to come, says the Police Foundation's Bueermann, who envisions devices activated automatically when a cop removes a gun from a holster or when certain keywords are uttered. In addition, voice recognition and facial identification capabilities may eventually make their way into the devices.

But even current technology is far ahead of the policies needed to govern use of the cameras. As police departments decide how to proceed, they'll have to consider both where the technology is headed and what the consequences accompanying it will be. "We should move forward," Bueermann says, "with our eyes wide open." G

Email mmaciag@governing.com

ISTOCK.COM/ALICESCULLY



Los Angeles restaurateur Jorge Rodriguez Assereto doesn't need much sleep. He gets about five hours per night and the rest of his time is devoted to running Los Balcones, a successful Peruvian restaurant he opened in Hollywood in 2004 and recently shepherded through an expansion. The remodel was a major investment. Assereto spent more than $130,000 over two years just renting the vacant space next to him while he tried to find financing for his expansion. He even switched banks in an attempt to get a loan. It didn't work.

When he finally got the money, he hired a local design firm to turn the interior into a hip and rustic open space. He added liquor to the bar, hired two experienced bartenders and sent them to Peru to devise a new cocktail menu. But as the planned reopening date neared in early 2014, Assereto was running out of cash. He needed about $30,000 to stock his new bar and to pay for other supplies to fill out his larger space. Rejected yet again by his primary bank, he began to get desperate. Sifting through his junk mail, he pulled out one of the many solicitations he'd received from alternative lending companies. He made a few calls. The annual interest rates he was quoted were painfully high—as high as 60 percent—but Assereto saw it as his only choice.

With the high-interest six-month loan he received, Assereto wound up paying the online lender $6,000 per month on top of his existing obligations. That turned out to be a major financial strain, and Assereto had no flexibility with the terms of the loan. But he actually considers himself lucky: The loan helped him expand when the banks frustratingly wouldn't.

Still, he knows plenty of other restaurateurs who have had to take on this kind of debt just to make ends meet. For them, these high-interest loans quickly become an insurmountable burden. "They think, 'If I can just survive a few months, I'll be OK,'" Assereto says. "And that never happens."

Assereto and his fellow restaurateurs are part of a growing number of small business owners who have turned to alternative lenders to help them stay afloat. These lenders—mostly online and almost completely unregulated—may offer loans at exorbitantly high interest rates. But many small businesses, unable to get a loan from a traditional bank, say they have no other option.

If that all sounds a little familiar, that's because it is. What's happening right now with small business loans seems to be following a familiar pattern of lenders selling debt to borrowers who can't afford it. A decade ago, unchecked mortgage lenders sold homeownership on unrealistic terms to people who didn't qualify for traditional bank loans, contributing to the collapse of the housing market. Similarly, predatory payday lenders have made big business out of offering quick cash for consumers in exchange for triple-digit interest rates and myriad hidden fees. Both the mortgage lenders and payday loan outfits have attracted plenty of attention from government regulators, who have sought to put in place tougher protections to shield individual consumers against predatory lending practices.

But the issue of predatory small business loans is different. It's only just now starting to show up on some regulators' radar, and few places have started any conversation about how to get in front of the problem. As it stands today, small business entrepreneurs have essentially no protections against predatory lending. And that has many experts worried that these loans could represent a new looming crisis. "It's not so long ago that this happened in the housing market," says Mary Fran Riley, the vice president of external affairs for the Chicago office of Accion, a small business lender that is seeking greater regulation of the industry. "I was working in housing during the mortgage crisis, and this feels the same in the lack of transparency."

RYAN WHISENHUNT

States and cities have enacted regulations on payday loans for consumers. But institutions that offer loans to small businesses are almost completely unregulated.

Following the recession, credit dried up for just about everybody. As the economy has recovered, access to credit has improved for many—but not for small business owners. According to the Federal Deposit Insurance Corp., bank commercial loans of $1 million and less have declined each year since the financial crisis and are still 20 percent below pre-recession levels. Meanwhile, loans of more than $1 million, which are more profitable for banks than smaller loans, have recovered completely.

In the absence of bank lending, alternative sources of credit have grown. According to one estimate, alternative small business finance is doubling each year and is now estimated to total nearly $25 billion per year in loans.

To be sure, many of these lenders are well-intentioned. Nonprofit microfinance organizations, often organized as a community development financial institution (CDFI), tend to act like community bankers and often focus their efforts on those without access to reasonable credit or who don't have a credit history. These organizations generally make loan terms several years long with interest payments between 10 and 20 percent.

But it's the bad actors that have many people worried. These companies are found online and often package their product as a cash advance, neatly avoiding the legal definition of a loan. Much like payday lending, the lender pays itself back via automatic withdrawals from the borrower's bank account. Fees are carefully hidden and interest rates are often disguised. For instance, a lender may quote a 10 percent interest rate, but that may actually be a monthly rate—meaning the actual annual percentage rate is 120 percent.

As with payday loans for consumers, businesses can easily get caught in a cycle of mounting debt with fewer and fewer resources to pay it off. A recent report by the microlender Opportunity Fund highlighted a typical example: A Southern California bakery had

taken loans out from three alternative lenders and a merchant cash advance company. The bakery was making more than $600 a day in debt payments—more than a quarter of its daily cash flow. Unable to keep it up, the bakery was ultimately shuttered.

Instances like that are what prompted microlender Accion to begin pushing for new regulations. Over the last two years, the group's Chicago office has been fielding more and more calls from business owners buried in multiple high-interest loans and looking for an escape. Seeking a solution, Accion turned to the city's Department of Business Affairs and Consumer Protection, which had been a reliable partner in the past on predatory lending issues. But when Commissioner Maria Guerra Lapacek started looking into what regulatory solutions were available, she hit a wall. "I was a little surprised that charging a business 100 percent annual percentage rate is perfectly legal," she says. "There's not a lot of regulation. There is really no ceiling when you're talking about interest rates for business loans."

Regulating bad actors is tricky. As governments have learned in targeting payday lenders, every new regulation seems to create a new loophole. If a state, say, imposes a cap on the interest rates that payday lenders can charge, the loan company will simply set up shop in a different state without a cap and then market online to everyone. Lenders have also become adept at evolving to skirt new laws. When Illinois, for example, passed legislation limiting payday loans, the state defined payday lending as a short-term loan of 120 days or fewer. Once the law was in place, companies simply began issuing loans for 121 days.

But there are two areas where observers say public policy changes could make a difference: education and transparency. Chicago is targeting both in what is possibly the first major effort by a government to crack down on predatory lending to small business owners. Typically, Lapacek says, the city likes to look to its peers for ideas on regulation. But finding no examples, Chicago set out to craft its own rules. Working with local policy experts, the city is drafting regulations for business-to-business products that could require these enterprises to meet certain transparency standards, such as disclosing an annual interest rate and any fees. The city also launched an awareness campaign at the beginning of this year that features ads on city buses encouraging business owners to call the 311 line for help on finding financing. "They shouldn't feel like they're on their own," Lapacek says. "The lending does seem predatory. If we can protect consumers, we should be able to protect small business owners."

Even if Chicago succeeds in creating regulations targeting these small business lenders, no one is saying it will stamp out predatory lending in the market entirely. But the hope from Accion and others is that the effort will help Chicago's small business owners sniff out offers that look too good to be true. Chicago could prove to be a model for other cities, but at the very least, a major city taking action might help others wake up to the problem. "We've gone from bank-led lending to the Wild West of new lenders who are working in an almost entirely unregulated environment," says Mark Pinsky, CEO and president of the Opportunity Finance Network, a network of CDFIs. "And right now, not enough people know about it."

One reason that predatory business lending has flown under the radar may be that, so far, it's a problem that has primarily affected minority business owners. Spencer Cowan, vice president of the nonprofit fair lending advocate Woodstock Institute, has studied minority business loan rates in the Chicago region. He's found that businesses in majority-minority Census tracts were far less likely to receive a bank loan than businesses in majority-white tracts. It's a pattern that Cowan suspects is being replicated across the country. "This environment hasn't produced the widespread business failures that get national attention," he says. "When the foreclosure crisis started spilling over into the suburbs, that's when the mainstream public became aware of it. That's when it got attention."

It's a 'Wild West of new lenders,' says one microfinance expert.

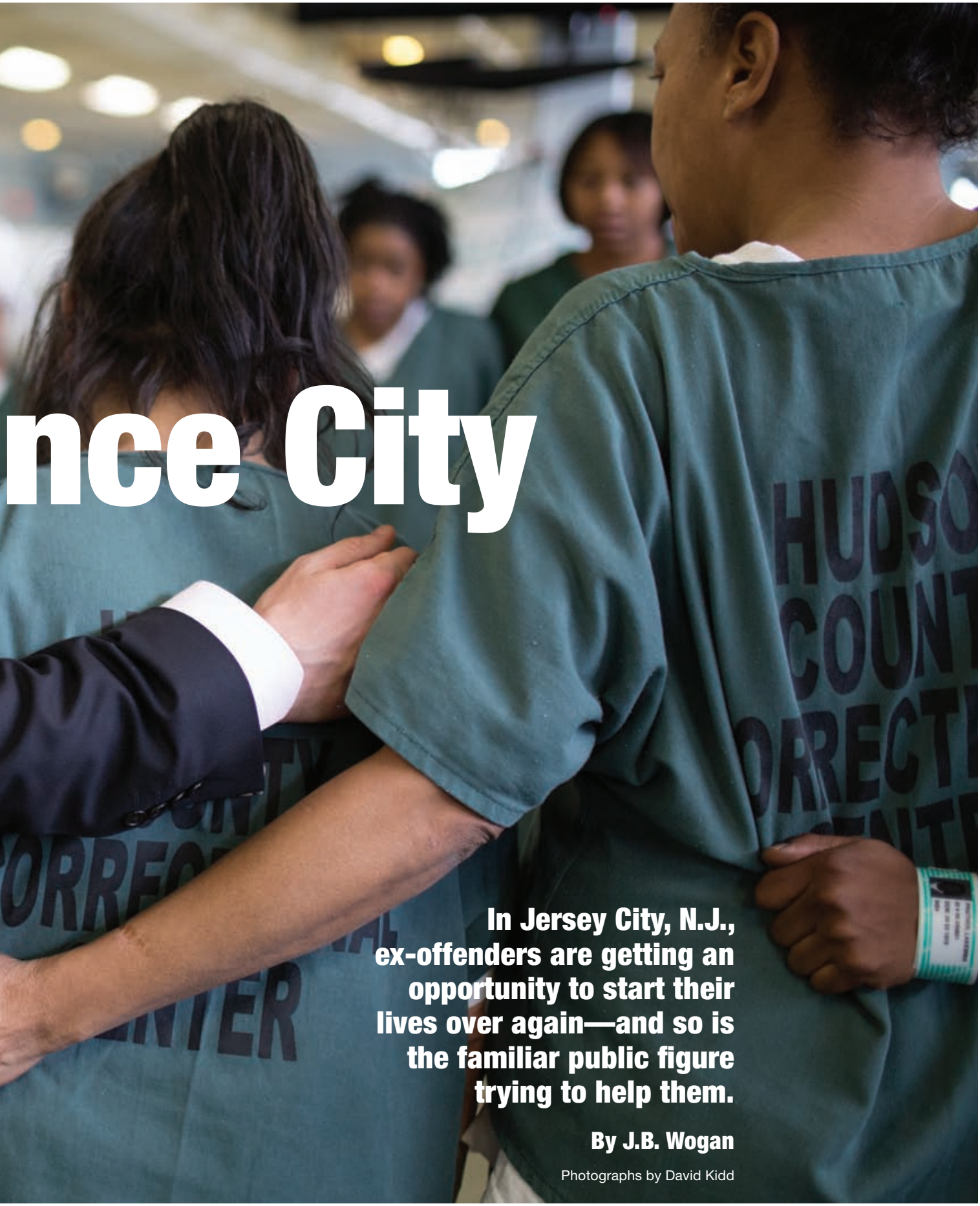
It's impossible to say how many minority-owned businesses are denied loans every year. A map compiled by the National Community Reinvestment Coalition last year, using data from 2012, shows vast "lending deserts" where zero loans were issued to minority business owners for the entire year. The deserts were particularly prevalent in the Midwest and South. But what the map doesn't show—and can't—is how many minority business owners applied for a loan and were turned down. Unlike with mortgages, federal agencies don't require banks to report business loans they rejected or to report any data on the rejected loan applicants.

Just because a minority-owned business doesn't receive a loan from a bank doesn't necessarily mean it will turn to alternative lenders to get the money. But it's a safe bet, says Cowan. "This is an area, like payday lending, that could cause serious problems. I think it merits a policy response."

The entire situation is likely to get worse before it gets better. In some ways, predatory lending to small businesses is in its infancy. Loan gouging is still widely thought of as a problem that only affects consumers, and federal regulations for better loan reporting by banks could be years down the road. But states and localities should be addressing the issue now, says Pinsky. "We see this coming," he says. "Hopefully we're far enough off that we can do something now. But it is coming and there's no stopping it." G

Email lfarmer@governing.com

Second Cha



nce City

In Jersey City, N.J., ex-offenders are getting an opportunity to start their lives over again—and so is the familiar public figure trying to help them.

By J.B. Wogan

Photographs by David Kidd

Many of the inmates in the county jail outside Jersey City, N.J., still call Jim McGreevey governor, even though he left office more than a decade ago. But not these women in forest green scrubs. They know him. They address him as Jim. He asks how they're feeling and they answer in turn: "Grateful." "Blessed." "OK." "Angry."

"I feel like God got my back today," one says. Others nod in approval.

Jim asks about their sins and most recall the crime that brought them there. One says she still sins in her sleep. More nods.

"We all make mistakes," McGreevey says, "but we all get up."

McGreevey speaks from experience. He is getting his own second chance. Elected governor of New Jersey in 2001, he resigned three years later after coming out as a "gay American" and admitting to an affair with his homeland security adviser. Then came an ugly public divorce, a memoir and a tell-all Oprah interview. Now he's director of Jersey City's Employment and Training Program, which helps inmates and ex-offenders glue their lives back together after release from incarceration. A few times a month, McGreevey visits the jail to talk with inmates enrolled in a drug addiction counseling program.

Lots of cities and counties are trying to find ways to keep people from returning to jail, but the program in Jersey City is notable for a couple of reasons: It has recorded measurable gains since 2010 and a former governor is personally overseeing the program. Each year, about 48 percent of the 7,200 inmates in the Hudson County jail are rearrested within three months of their release. But graduates of the re-entry program have recorded much better numbers. Among the nearly 700 who have been exposed to in-jail drug counseling, the rearrest rate is 23 percent.

McGreevey's own personal arc gives added weight to the work. After resigning from the governor's office, he attended an Episcopalian missionary school and ended up assisting at a drug treatment program for ex-cons in Harlem. It was one of the few places where McGreevey thought he could start over. "I was filled with my own sense of shame," he says. "But how could these people look down on me?" Two years ago, Jersey City Mayor Steven Fulop decided to make prisoner re-entry a piece of the city's workforce strategy and invited McGreevey to run the program.

Now 57 and gray-haired, the former governor still has the enthusiasm of his early years in politics, which lifted him to the governorship at age 43. He peppers his assessment of the corrections system with equal parts expletives and statistics. The United States spends $74 billion per year on incarcerating people, yet "we do virtually nothing when they come out," he says. "It's startling how fucking stupid it is."

Jersey City is trying to find a local solution to a national problem. The United States has one of the highest incarceration rates in the world. Its population in prison or jail more than quadrupled between 1980 and 2012. The rising number of inmates generated a flood of people being released from jail or prison every year. Nationally, about three-quarters of prison inmates get rearrested within five years of their release. That's not too surprising, because ex-offenders return home with the deck stacked against them. Employers are reluctant to hire them, they lack employable skills and frequently they have other problems to contend with, such as homelessness, mental illness and drug addiction.

The problem of prisoner re-entry keeps gaining public attention at all levels of government. It's as close to a bipartisan national issue as one can find these days. Democrats from President Obama to New Jersey Sen. Cory Booker are recommending the same sorts of remedies as prominent Republicans such as New Jersey Gov. Chris Christie and Kentucky Sen. Rand Paul. Both parties seem to agree that with the costs of incarceration so high, programs with even modest success can pay for themselves. Thus, re-entry experiments like the one in Jersey City can appeal to those who see a moral reason for rehabilitating ex-offenders and those who see it as a matter of fiscal prudence.

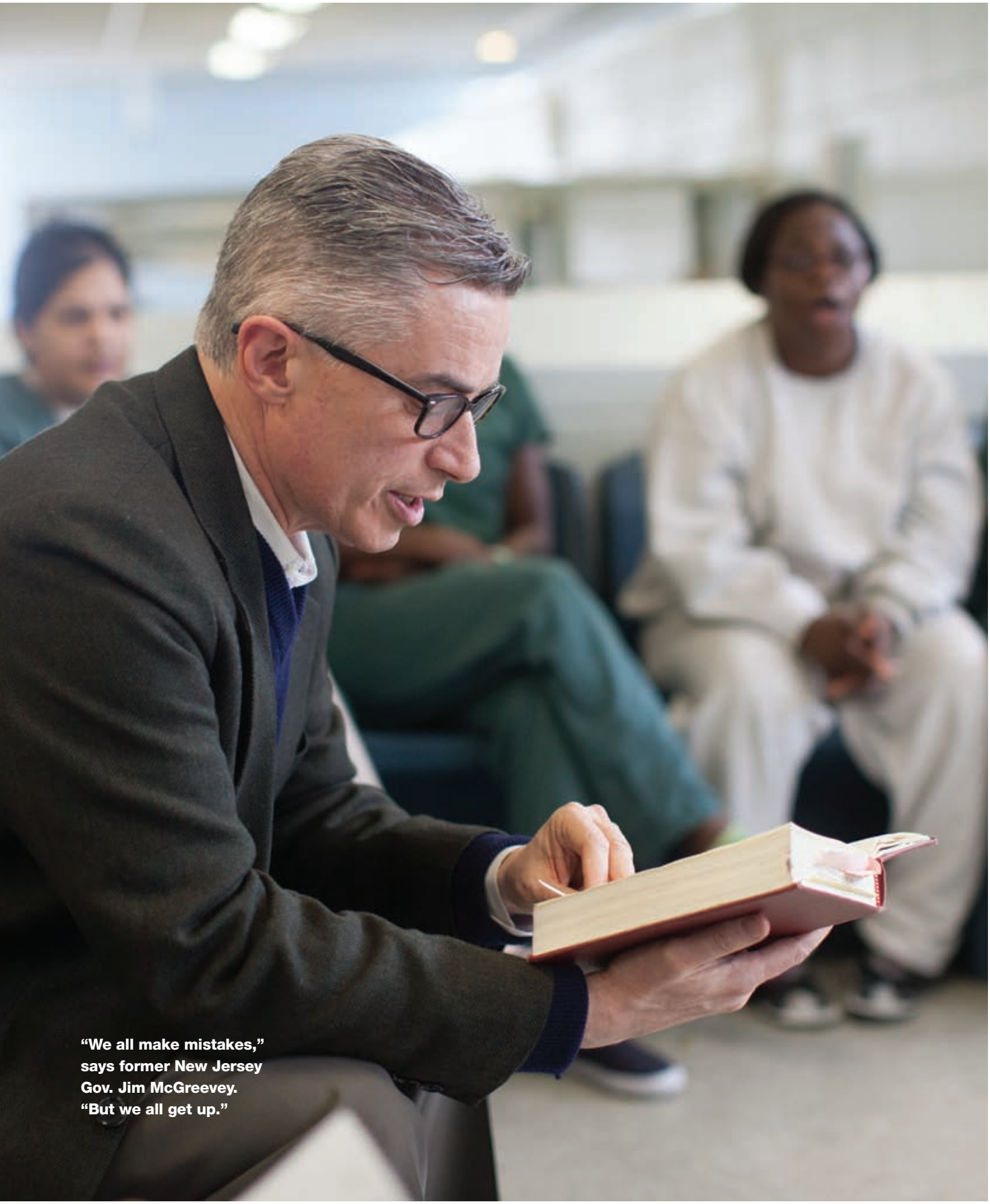
"This is an idea whose time has come," McGreevey says.

The origins of the Jersey City program actually precede both Fulop and McGreevey. They start with a meeting of the Hudson County freeholder commission in 2006, when Oscar Aviles, the county warden, had to answer questions about the local crime rate. One of the freeholders called Aviles to the podium and asked him what he was doing to make sure the people he released into the community didn't commit new crimes. "I was like, 'That's not my problem. This is somebody else's problem,'" he recalls. In retrospect, the public grilling was a turning point for Aviles. He used to conceive of his job as keeping the jail safe and secure. He didn't measure his performance by what happened to former inmates beyond his walls.

That mentality has been common in corrections for the past 30 years, and now Aviles is among a cadre of wardens arguing it has become a barrier to effective rehabilitation of ex-inmates. Once Aviles began feeling accountable for inmates' transition back into society, he started looking for ways to improve their chances of success. In 2010, Hudson County won a competitive Second Chance Act grant from the U.S. Department of Justice that funded an array of support services both behind bars and outside. The grant paid for a nonprofit called Integrity House to set up an office in the jail and conduct a mix of 12-step meetings and one-on-one drug counseling sessions for people the jail had identified as substance users. McGreevey came on board in the first three months.

Here's how the program works today: As soon as inmates enter the county jail, they are screened for a history of drug use, which is one of the main ways Hudson County stands apart from other places with re-entry programs. The screening targets the "frequent flyers," people who repeatedly cycle through jail due to untreated mental illness and substance abuse disorders. The jail also works with family services to make sure inmates are pre-enrolled in Medicaid and other forms of government assistance, so they don't have to wait to receive benefits once they leave jail.

At the moment, the re-entry program is still a small-scale experiment. Only about 5 percent of the jail's annual population participates in the program, in part because demand for treatment exceeds capacity. As of April, only 80 inmates, divided evenly by gender, could participate at any one time because of staffing and shelter constraints. Upon release, inmates who participate in drug treatment are met by a staff member and taken to transitional sober housing. This is rare in American corrections, as most



"We all make mistakes," says former New Jersey Gov. Jim McGreevey. "But we all get up."

inmates usually exit incarceration without anyone waiting for them. The housing is free, so long as tenants pass regular random urine tests and enroll in either job training or employment-related schooling. Case managers check in with inmates every week for the first three months and once a month for the next year.

The statistics released thus far show that people who receive the extra support services are getting jobs and re-offending less than the general jail and ex-offender population. The results have convinced federal officials to award multiple grants to Hudson County and pay for a formal evaluation of how and why the program seems to work so well.

Jersey City offers an ideal environment to try a re-entry program. If ex-inmates can find jobs anywhere, it's here. The city's population is growing. It rose by more than 7 percent between 2000 and 2013, and construction cranes are visible all over the city. The median income has climbed by more than a third since 2005. Part of the growth in residents and income is due to the high cost of living in New York City, just across the Hudson River. Jersey City has essentially become a less expensive extension of lower Manhattan. Goldman Sachs, Chase Bank, Merrill Lynch, Citibank and UBS all occupy buildings in Jersey City's financial district, earning it the nickname "Wall Street West."

During his campaign for mayor two years ago, Fulop sought advice from McGreevey about workforce development, particularly for the poor. McGreevey used the opportunity to discuss ex-offenders and the barriers they face returning from jail or prison. The talk left an impression on Fulop, who decided to make re-entry a new focus of Jersey City's employment agency and put McGreevey in charge. Since then, the city has opened Martin's Place, a job center exclusively for ex-offenders, located in a ward with some of the highest rates of violent crime and poverty in the area.

The emphasis on prisoner re-entry by the Fulop administration and its partners in Hudson County has drawn some complaints that too much money is being spent on an undeserving population. The county portion alone costs an estimated $2.9 million per year—in addition to the traditional corrections costs for an inmate. Convicted criminals get first priority with transitional housing and welfare benefits at the expense of other residents. The city's employment office not only helps clients find jobs, but functions as a mobile HR department, serving as a liaison between businesses and the ex-offenders they hire. The staff also links clients to free legal aid. All of that work derives from the basic premise that if ex-offenders find and keep jobs, they're less likely to commit another crime.

Frank Mazza, director of community reintegration at the Hudson County jail, says the re-entry program represents the current best thinking on how to rehabilitate inmates and ex-offenders: It focuses on drug users and the mentally ill, it offers service inside the jail and after release, and it tackles a host of related problems at once. Still, he wonders about the long-term political viability of the program. He worries that it doesn't have the backing of the average citizen. "I think the public is against me," Mazza says.

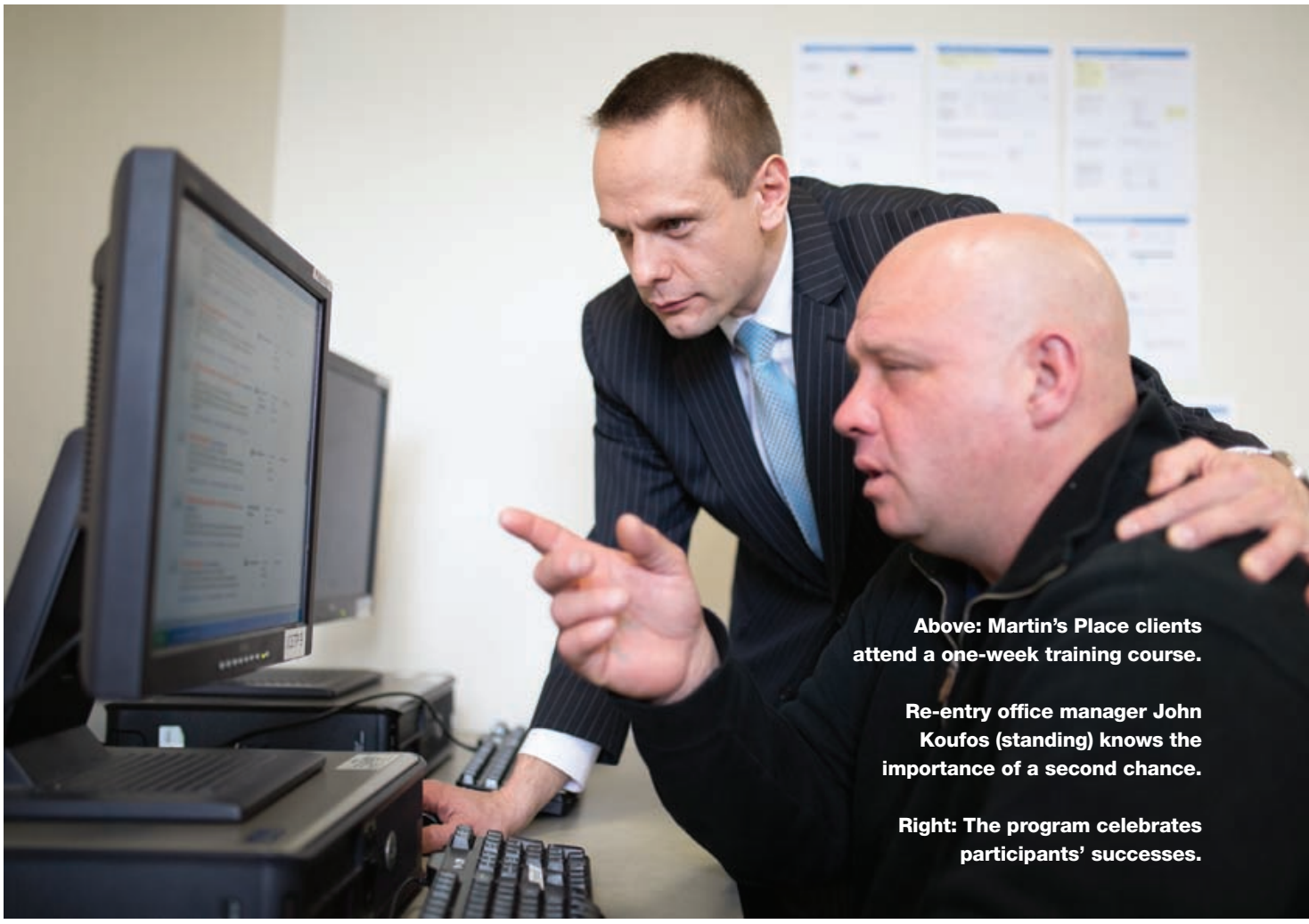
Fulop concedes that giving extra resources to people who

Jersey City Mayor Steven Fulop has made reducing recidivism a top priority.

broke the law is controversial. "It's not the sexiest population to be dealing with," he says. Nonetheless, his assessment is that the benefits outweigh the costs because lowering the recidivism rate is in everyone's best interests. Ex-offenders who don't remain sober, who can't find housing or who can't find employment increase the strain on taxpayer-funded services, from hospitals to emergency shelters to law enforcement. For every ex-offender who does not return to jail, Hudson County estimates that it saves $47,000. While the data is too thin to make any broader observations, Mazza and Fulop are also betting that the re-entry program reduces overall crime.

Fulop believes enough in the program that he's sending McGreevey across the state to meet with other public officials about exporting the re-entry model. Five counties are in the process of designing their own re-entry programs. If more local jurisdictions adopt the model, the mayor reasons, it will improve their chances of receiving federal, state and private grant funding to expand and improve the effort.

But there may be limits to how successfully the Jersey City program can be replicated. Jersey City is attracting young, affluent professionals whose purchasing power adds to the construc-



Above: Martin's Place clients attend a one-week training course.

Re-entry office manager John Koufos (standing) knows the importance of a second chance.

Right: The program celebrates participants' successes.

tion and service-sector employment base. "Those conditions don't exist all over the state," says Jerry Harris, interim CEO of the New Jersey Institute for Social Justice, a nonprofit think tank. "Millennials are looking for cool places. Trenton and Camden are not cool."

And not every community in the state is enjoying the kind of economic renaissance Jersey City is. Harris points to Atlantic City, the state's faded gambling mecca, which is losing much of its job base as the casinos close. "That's 9,000 fewer jobs" in the past year alone, he says, "and 9,000 more people competing with [ex-inmates] trying to re-integrate."

Jersey City's re-entry program benefits not only from a healthy local economy but also from a cadre of officials—from Fulop and McGreevey down to the warden of the county jail—who are personally invested in the outcome. One of those officials is John Koufos.

Up until a few years ago, Koufos was a criminal defense attorney, a partner at a law firm and an adjunct professor at a local university. He was also an alcoholic.

One night in 2011, he drove drunk and hit a 17-year-old boy walking home, injuring him badly. Koufos fled the scene and persuaded a junior lawyer in his firm to confess to the crime. Police later discovered Koufos was the driver responsible for the accident. Besides losing his license to practice law, he served two years in state prison.

After Fulop became mayor, Koufos read about the re-entry efforts and asked to volunteer at the job center. Now, yet another second-chance seeker, he manages the re-entry office at Martin's Place. Koufos dresses in a suit and tie, but his experience with addiction and incarceration gives him cachet with ex-offenders. He knows that the corrections system isn't designed to prepare inmates for work or future family responsibilities. "For the most part, you're just tolling time," he says. "The world is progressing, but [you are] not."

Koufos and the staff at Martin's Place try to catch people up. They help with every aspect of the job search process. They edit résumés, conduct practice interviews and teach clients how to convey professionalism in their speech, writing and attire. So far, about 61 percent of clients who have completed the center's one-week training course have found jobs within three months.

The results are encouraging, but not everybody who walks into Martin's Place is ready to change. One afternoon in February, a member of Koufos' staff left her purse in an empty room. It took less than an hour before a client being served by the job center—a recovering heroin addict—stole the purse and used the credit cards for public transportation. While Koufos and his team seemed frustrated by the betrayal, they were equally annoyed by what the theft meant for one of their clients—an arrest and possible re-incarceration.

Then something unexpected happened. Word of the theft spread. Other clients who were further along in drug treatment and job assistance offered to help. They tracked down the purse and presented it along with the man who stole it.

Koufos says both parts of the experience are emblematic of the re-entry program so far. Some people do falter, especially drug addicts. They have to hit rock bottom before they'll accept help, and sometimes they have to hit bottom more than once. Talking about the purse incident afterwards, Koufos chose not to dwell on the theft. He focused on how the community of ex-offenders responded. They rallied around his staff and resolved the situation themselves. That gave him hope. G

Email jwogan@governing.com

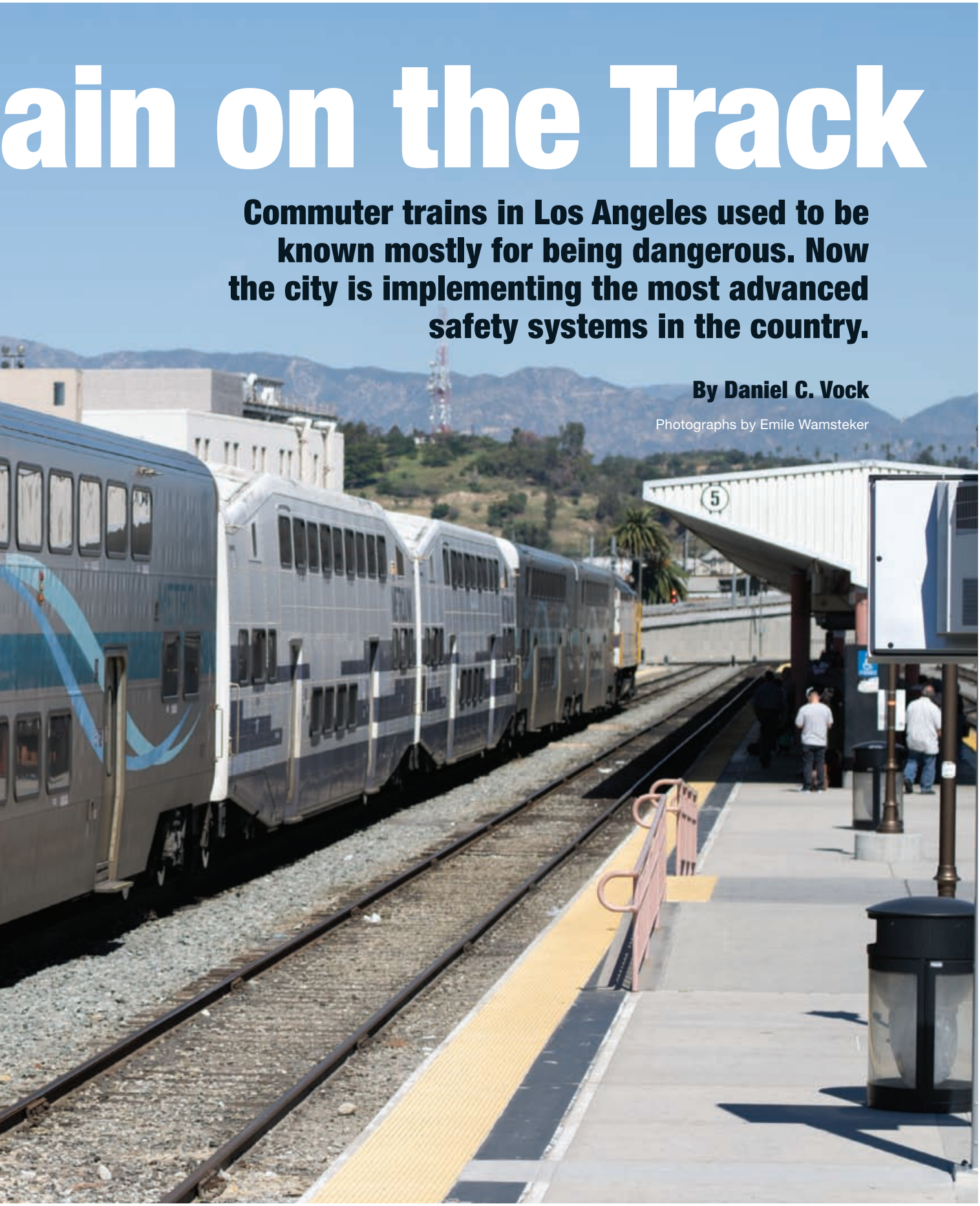
The Smartest Tr

ain on the Track

Commuter trains in Los Angeles used to be known mostly for being dangerous. Now the city is implementing the most advanced safety systems in the country.

By Daniel C. Vock

Photographs by Emile Wamsteker



Long after most of its customers have gone home, Metrolink, the Los Angeles area's commuter rail line, sends one of its passenger trains out into the night on a lonely mission. The train is mostly empty, save for a few sandbags stacked on board to approximate the weight of human cargo. There are no riders.

The train's 70-mile journey starts at a rail yard near Union Station in downtown L.A. It follows an interstate through Burbank, past a giant movie theater and the Bob Hope Airport. It whizzes by auto salvage yards on its way through San Fernando. Darkness swallows it as it clings to hillsides in the Soledad Canyon through the San Gabriel Mountains. The train climbs to an elevation of more than 3,000 feet before it emerges above a blanket of streetlights and descends into the Mojave Desert outposts of Palmdale and Lancaster.

A computer aboard the locomotive has stored all of the crucial details of the long route. It knows every curve in the track, every uphill and downhill segment, every road crossing, every wayside signal, every split in the tracks. While the train is in motion, it is constantly updating its information through radio signals, cellular communications and Wi-Fi. It calculates its own position using GPS technology. It identifies when crews are working on the tracks and where. It knows whether gates at grade crossings are functioning properly. It can tell whether the signals ahead are showing red, yellow or green, or whether they are working at all. The train keeps track of its own speed, the speed limits along the track and the distance it would need in order to stop. If the engineer does not heed electronic warnings of an upcoming hazard, the train will stop itself.

Metrolink's empty train to Lancaster is testing one of the most highly anticipated and hugely controversial advances in rail safety in decades, a technology called "positive train control." The federal government has mandated that every major freight and passenger railroad in the country start using positive train control by the end of this year. Metrolink is already using it on two of its regular passenger lines, has tested it on two more and hopes to implement it systemwide by the close of 2015.

It is very likely, though, that if the Los Angeles area meets the federal deadline as planned, it will be the only region used by both freight and passenger rail to do so. There are many reasons why Metrolink and the L.A. area's other railroads have advanced so far beyond the rest of the country, but they all come back to a single event: a horrific crash between a Metrolink commuter train and a Union Pacific freight train that killed 25 people in 2008. It was this disaster that prompted the federal mandate in the first place.

Metrolink train 111, made up of a locomotive and three passenger cars, was heading north through the L.A. neighborhood of Chatsworth late on the afternoon of Friday, Sept. 12, 2008. The train's engineer, Robert Sanchez, had been texting on his phone during the entire route, including a last message sent 22 seconds before the collision that killed him. As the Union Pacific train approached from the opposite direction, Sanchez failed to heed a signal to stop. Instead of braking to let the freight train pass on an adjacent track, train 111 traveled at 43 mph on to the same stretch of single track occupied by the Union Pacific train. The crew of the oncoming freight train, which had just cleared a tunnel and was coming around a bend, hit the emergency brakes but still struck the commuter train at a speed of 41 mph. Sanchez never slowed down.

The force of the collision pushed the Metrolink locomotive 52 feet back into the 85-foot-long passenger car directly behind it. Twenty-two of the 24 passengers who died in the accident were in the first car at the time of impact. Another 135 people were injured.

It was the most deadly U.S. train accident in 15 years, and it came just three years after another accident on the same line (caused by a suicidal man who parked his SUV on the tracks) killed 11 people. There were two more deaths in a 2002 collision when a freight train went through a stop signal and hit a passenger train. Not surprisingly, following the 2008 Chatsworth accident, the rail line's safety record came under intense scrutiny.

Metrolink responded by increasing training, installing inward- and outward-facing video cameras in its cabs, and replacing its passenger cars with new vehicles designed to better absorb the impact of a crash without injuring passengers. Officials credited the new cars for protecting passengers when one of its trains hit a pick-up truck on the tracks this February. Twenty-eight passengers were injured and an engineer died in the crash, but the outcome would likely have been worse without the new cars.

Metrolink carries an average of more than 41,000 passengers throughout the Los Angeles area every weekday.

ASSOCIATED PRESS

A collision between a Metrolink commuter train and a freight train in 2008 prompted mandates for rail safety.

The National Transportation Safety Board, the agency that investigates major accidents, had been calling for a federal law to require railroads to update their technology since the 1970s. Positive train control, the agency said, could have prevented both the 2002 and 2008 Metrolink accidents.

There was a push for positive train control at the local level as well. Los Angeles Mayor Antonio Villaraigosa appointed a longtime ally, Richard Katz, to the Metrolink board the day after the Chatsworth crash. Within weeks, the mayor and Los Angeles County officials started pressuring Metrolink to install positive train control and other safety measures. A little more than a year later, the Metrolink board replaced its chief executive, who had testified before Congress against a federal mandate to require the safety measure just a year prior to the accident, citing its high costs.

But it was California's U.S. senators, Barbara Boxer and Dianne Feinstein, who forced the issue. They pushed to include a mandate for positive train control in a rail safety bill that was already moving through Congress. A little more than a month after the Chatsworth accident, President George W. Bush signed the law requiring passenger railroads and major freight railroads to install the new technology. The Railroad Safety Enhancement Act of 2008 specified that positive train control systems should "prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits and the movement of a train through a switch left in the wrong position." But the technology does not prevent accidents at grade crossings, in which trains collide with cars or trucks.

The Metrolink board quickly committed to meeting the federal deadline, and its new CEO, John Fenton, even pushed the railroad to roll out the new system by the end of 2012, although that goal eventually proved to be too ambitious. Union Pacific, BNSF Railway and Amtrak, all of which share track in Metrolink's 500-mile territory, committed to installing the safety system in the Los Angeles area. Metrolink was also able to secure plenty of outside money to help build its new system. Of the $211 million it obtained, 16 percent came from the federal government, 73 percent from the state of California and 11 percent from local sources.

Even with all the major players committed to making positive train control work, putting it into place would be no easy task. It would require piecing together the business, technical and logistical elements of the system, often from scratch, all while trying to comply with federal rules that in some cases had not even been written yet.

Positive train control has to work on Metrolink, Amtrak and a number of freight trains at the same time.

Positive train control is invisible to the average passenger, and it mostly works as a back-up system to existing safety measures. But to function properly, it must be tied in to just about every aspect of a railroad's operation. It is often described as a system of systems, a way to make sure the dispatchers, repair crews, engineers and the software that supports them are all on the same page.

That is challenging in itself, but it gets even more complicated because the system has to work on several railroads at the same time. Metrolink trains, for example, run not only on tracks owned and operated by Metrolink itself, but on tracks belonging to Union Pacific, BNSF and a transit agency in northern San Diego County. Amtrak runs trains through the territory, and the freight carriers use not only their tracks but also those owned by Metrolink. All of the trains running in the Los Angeles area need real-time information about switches and signals along the track, no matter who owns them, and information from dispatchers from each of the railroads.

One of the biggest problems for the Los Angeles railroads has been trying to find enough bandwidth on the radio spectrum to allow all the different components of the network to talk to each other. Railroads throughout the country have complained about the challenge of licensing sufficient bandwidth to carry information from trackside signals, onboard computers and central dispatching centers. But the problem is especially acute in a sprawling metropolis like Los Angeles because of the sheer volume of signals that have to be relayed and the large geographic area that has to be integrated into the same system.

Metrolink tried to lease radio spectrum on its own, but that sparked a legal fight that prevented the agency from using it. It then leased spectrum from a group run by the nation's freight railroads, which had obtained it in an effort to prepare for positive train control nationally. But Metrolink and other railroads in the Los Angeles area had to shut down the entire positive train control system for a week so their radio equipment would work better together and, in Metrolink's case, so the rail line could increase the amount of information it could share using its existing spectrum.

There have been other logistical challenges. Metrolink has just enough locomotives to service its routes, so it had to lease three locomotives from a Canadian firm while it pulled its own engines out of service for upgrades. Then there was the matter of getting the onboard software right. The original programs treated commuter trains like freight trains, because much of the original development came from the freight railroads. But the long, heavy freight trains require engineers to build speed slowly as they come out of a stop; if they take off too fast, they can snap their trains apart. Engineers on commuter trains, by comparison, floor it out of stations and slam on the brakes as they approach the next stop. Metrolink had to modify the automatic braking software so it didn't penalize commuter rail engineers by stopping their trains prematurely. Simply keeping all of the different parts of the network on compatible software packages is a full-time job for several Metrolink employees. And everyone has to think through contingency plans in case any part of the system fails: What is the backup plan if a car skids off the road and takes out a signaling station? What if the radio fails on a locomotive?

It would be easy to chalk up all of Metrolink's progress on positive train control to the public outrage that followed the Chatsworth disaster in 2008. But the agency has continued to prioritize the project long after the original leaders who pushed for it have moved on. Villaraigosa left the L.A. mayor's office two years ago. Metrolink has had three new chief executives since Chatsworth, and board leadership, which rotates regularly, has changed several times as well. The agency is also confronting several other pressing issues, from declining ridership to accounting irregularities to balky ticket machines.

James Moore, the director of the transportation engineering program at the University of Southern California, has been hired by the federal government to study Metrolink's rollout of the positive train control system. Moore credits the agency with instilling a stronger culture of safety among its employees. "The initial champions are still in place," he says. "The true believers, who are very knowledgeable, are still in place. When safety culture works, it's as much bottom-up as top-down."

The system can alert operators as to whether signals are working but is not designed to prevent collisions with cars and trucks.

Keeping the freight railroads invested has been key too. Jerone Hurst, one of Metrolink's top officials dealing with communications systems for positive train control, says the freight railroads see the Los Angeles area as a "test bed" for how to integrate the new technology in crowded urban environments. "You had a motivated commuter rail to get it done in our territory, which is a fairly complicated territory. So if you got [positive train control] done right here," Hurst says, "this would be the model for other urban areas around the country."

Using a simulator, a trainer demonstrates Metrolink's positive train control system.

Union Pacific and BNSF railroads have worked closely with Metrolink to implement positive train control in the Los Angeles area, but they are also pushing to delay the deadline for rolling it out nationally. At the federal level, the Association of American Railroads, which represents freight carriers, says the 2015 deadline is unrealistic. Freight railroads have already spent $5 billion to install positive train control, but the total cost of the upgrade would top $9 billion, the group says. The American Public Transportation Association, which represents commuter railroads, says the price tag for its members would be $2.75 billion.

Katz, the Villaraigosa appointee who served as Metrolink's chairman and is now an alternate on the board, says a major reason for the agency's progress on positive train control was its single-minded concentration on the issue. "We made hard decisions here that safety was foundational, that safety was No. 1," he says. "We had to delay other capital projects to do it, but we were going to do it."

Even now, more than six years after the Chatsworth accident, the Metrolink board is still adamant about the need for the new technology. The issue came up again at a recent board meeting, when the members discussed the possibility that Congress might extend the deadline for implementing positive train control past 2015. Board members emphasized that, whatever happens in Washington, they wanted trains entering the Los Angeles area to be up to speed with positive train control by the end of this year. "While we would love, for the good of humanity, that [positive train control] be installed throughout the United States," said Shawn Nelson, the board's chair, "we're a regional operator. So as long as a train operator is going to come into the greater Los Angeles basin where we operate, that's where we have our demands." G

Email dvock@governing.com

The Life an Alley

Cities are starting to see more potential in these backstreet spaces.

By Elizabeth Daigneau

SAN FRANCISCO PLANNING DEPARTMENT

Five years ago this month, The Nations was under water. More than 13 inches of rain had fallen in Nashville in 36 hours, causing waterways throughout the city to crest and spill over into nearby neighborhoods. Residents of The Nations, an industrial enclave west of downtown, had watched as Richland Creek came out of its banks, flooded homes and shopping centers, and forced some people to their rooftops. In all, the historic flood killed 11 people in Nashville and caused some $2 billion in damages to private property.

The Nations has long since recovered, and today it's one of the city's trendiest neighborhoods. Nashville is expecting 1 million new residents over the next 25 years, and given The Nations' proximity to downtown, younger residents are making many of the old homes in the community new again. They are drawn to the area by its small-town charm—its tree-lined streets with sidewalks and its brightly painted houses with front porches. Developers have arrived, too, putting up two houses on one lot and renting them out.

But one thing hasn't changed: The Nations is still prone to flooding. "It wasn't just a one-time issue back in 2010," says Laurel Creech in the Mayor's Office of Environment and Sustainability. "It's a continuing issue."

Nashville is hoping it can make The Nations more resilient to weather-related events by creating green alleys. The city has launched its first green alley project, whereby volunteers plant shallow rain gardens in residents' backyards along alleyways. Generally, green alleys are designed to capture stormwater before it runs into nearby waterways and pollutes them. Under Nashville's program, the goal is to have zero runoff from residential properties. Rain gardens will be planted over about 20 blocks; volunteers started planting them this spring and will continue into the fall. "It is my hope," Mayor Karl Dean said in a statement, "that this project will become a successful model of stormwater mitigation that other neighborhoods can replicate."

METRO PHOTOGRAPHIC SERVICES

Nashville Mayor Karl Dean helps volunteers plant rain gardens in The Nations neighborhood.

Nashville is just one of a dozen U.S. cities that have turned to alley greening projects in the past decade as part of a larger effort to create green infrastructure and promote sustainability. Those cities include Austin; Baltimore; Chicago; Dubuque, Iowa; Los Angeles; and Seattle, among others.

Chicago was one of the first to pioneer a green alley program in 2006. Its 1,900 miles of alleys—"the equivalent of five Midway Airports," according to Chicago's complete streets director, Janet Attarian—were experiencing periodic flooding. Mayor Richard M. Daley launched an environmental and beautification campaign that mandated that infrastructure be retrofitted, when possible, in a sustainable way. The Chicago Green Alley program's goal was to resurface its alleys with porous material that could absorb water into the ground rather than having it spill into Lake Michigan. So far, the city has outfitted more than 100 alleys.

But Nashville doesn't just want its project to end with the greening of The Nations' alleys. "Our hope is that after we lay down these rain gardens," says Creech, "the city can come in and do some additional upgrades to beautify these alleyways even more."

In effect, Nashville wants to make its alleys more walkable and safe. It's a new vision for an old design that is increasingly shared by other cities. Cities no longer want alleys to be simply green. They want to create "living" spaces: places that not only implement sustainable best practices, but also encourage community activities and active uses like walking and bicycling.

That's a far cry from the role alleys play today. Alleys actually gave way to front yards in the late 19th century because they were seen as dangerous. For cities that have them, they are mostly utilitarian, home to garbage cans, parked cars, garage entrances and utility poles. But as people gravitate back to cities and as cities grow denser, additional public open spaces will be at a premium, says Daniel Toole, an architect and author of the blog Alleys of Seattle. "As cities become quite cool for everybody again, alleys and leftover spaces will be seen as essential," he says. "They'll be seen as the kind of place people can gather on a small scale. Communities and planning departments will start to realize the untapped potential of these spaces."

The concept of a "living alley" comes from the Dutch word *woonerf,* which in English means living streets. In the Netherlands, living streets are narrow roadways shared by cars, cyclists, pedestrians and children.

It's an idea that San Francisco has co-opted and applied to its hundreds of alleyways. Five years ago, the city helped transform Linden Alley in the Market and Octavia neighborhood from an unremarkable backstreet into a bustling "living alley" where people can hang out. Borrowing heavily from the Netherlands, planners created a 100-foot, curb-free stretch of concrete, blurring the line between sidewalk and street. The actual roadway was narrowed with granite benches and pockets of grass and lavender so that the space could be shared by cars and pedestrians alike.

Spanning 15 blocks, the Market and Octavia neighborhood is an intricate network of streets and alleys. It's the perfect place for the city's living alleys vision. Near downtown, it's a sought-after location. Hundreds of new housing units have opened in the area in the past few years. "Market-Octavia is a central neighborhood that has a lot of arterial roadways that feed into freeways," says David Winslow, an urban planner for the San Francisco Planning Department. "There's a lot of high-volume traffic, so the idea was, 'Hey, if we're going to make this a livable community, why don't we turn our eyes to making the alleys more usable to offset this high-congestion traffic environment on the main streets?'"

The Linden Alley project has been wildly successful. Surrounding residents hold block parties there and workers from nearby businesses regularly fill the area at lunchtime. The project prompted the planning department to create the Living Alleys Toolkit, which serves as a how-to guide for transforming more alleyways in the Market and Octavia neighborhood and beyond.

In addition to providing the toolkit, the planning department has held community meetings to show residents alleyways' potential. The toolkit is based on the assumption that while there is some public money available, the bulk of the improvements would be spearheaded by community groups. "If the people who live and work along these alleys want to see them improved," Winslow says, "they would have to organize, decide what they want and, to a certain extent, design it." They would also have to do a lot of the fundraising. "The burden is on the community to do this," Winslow says. "It's not city-delivered."

So far the planning department has guided four community groups through the process. One group has plans in hand and is actively working to get the approval and funding it needs to

SAN FRANCISCO PLANNING DEPARTMENT

bring its staid alley to life. If the Linden Alley project is any guide, another alley in the Market and Octavia neighborhood could be up and running in the next five years.

But San Francisco is not the only city with "living alley" ambitions. To its south, Los Angeles' green alley program wants to turn its blighted alleys in South L.A. into livable open spaces. Los Angeles is one of the most park-poor cities in the nation, according to the University of Southern California's Center for Sustainable Cities. At the same time, South L.A. has the greatest percentage—about one-third—of the city's alleys. In partnership with the Trust for Public Land, the city is working to add permeable pavement to its alleys to soak up rainwater, to add gardens that line the alleyways and create mini parks, and to add streetlights and crosswalks that will keep pedestrians safe. City planners hope the improvements will ultimately encourage residents to go outdoors and use the spaces for recreation.

The Los Angeles, Nashville and San Francisco projects, which range in cost from $35,000 to $240,000 per renovation, are all being paid for through one-time grants or fees rather than through an item in the budget. That's because, says architect Toole, "city councils, transportation departments and planning departments have their hands full with lots of other projects, so making an alley a nicer place, especially if it's already functioning, is like No. 10 on the list of things to fix in the city."

So while cities may not be able to foot the bill for alley-improvement efforts, they still can play a crucial role as conveners. Nashville's program, for instance, has focused on bringing together volunteers who are interested in planting rain gardens. "We haven't seen an overall volunteer green alley project likes ours," says Nashville's Creech. "We looked at Austin and Chicago, but both of those were city services and didn't have a citizen engagement component to them."

Cities can offer a blueprint for how to get things done. San Francisco's toolkit, Winslow points out, gives residents step-by-step instructions on how to create alleys that are "primarily for pedestrians and bicyclists as well as space for social uses."

Local government also can work to bring state lawmakers along. "One of my next steps involves legislative recognition of shared streets as a type," Winslow says. Unlike countries within the European Union, the U.S. has no official designation of a pedestrian priority street. And that, Winslow says, is an impediment to shared streets.

The key, say Winslow and others, is to tap into the community, determine where in a city it makes sense to partner on alley projects, and then do everything possible to coordinate and encourage those grassroots efforts. "It's great that it is picking up," Toole says. "It means that as more people realize the potential for these places, their government officials will be more informed and prone to help people get things running." G

Email edaigneau@governing.com
Additional reporting by Kevin Tidmarsh

San Francisco transformed Linden Alley from an unremarkable backstreet into a bustling "living alley."

Smart Jobs

'Advanced industries' require sophisticated workforce training.

It may seem that Wichita, Kan., is exaggerating just a bit when it calls itself the "Air Capital of the World." But the city is home to several major aircraft manufacturers that play an outsized role in supporting the region's economy. So when industry executives said they were having trouble finding workers with the latest skills, local leaders listened. The result was a partnership of area governments, colleges and businesses that led to the birth of the National Center for Aviation Training.

Five years after its opening, the state-of-the-art facility now churns out a steady pool of graduates ready to work for area firms. It is creating the type of skills pipeline that all regions seek in developing an educated workforce.

Aerospace manufacturers were the major reason Wichita ranked near the top in a Brookings Institution report published earlier this year that identifies a set of 50 "advanced industries" likely to be key in supporting sustainable economic growth. These companies invest heavily in technology research and development while employing substantial numbers of workers with science, technology, engineering and math (STEM) skills. Advanced industries employ roughly 12 million workers nationwide spanning the manufacturing, energy and services sectors. Although they account for just 9 percent of total employment, they directly or indirectly support nearly a quarter of the country's jobs.

Mark Muro, the policy director of Brookings' Metropolitan Policy Program, says education and STEM training matter more today than ever as technology plays a larger role in products, services and the production process itself. In 1980, 63 percent of advanced industry workers had never attended college. By 2013, this share had dropped to just 25 percent. Meanwhile, millions of low-value production jobs have moved overseas.

It's not too surprising then that many of the metro areas faring best in the report tended to benefit from higher educational attainment and the presence of a top university science program. Advanced industry jobs account for 30 percent of total employment in the San Jose-Sunnyvale-Santa Clara, Calif., metro area. This is by far the highest share nationally. Roughly a fifth of the adults in the region hold STEM degrees, also the highest of any large metro area.

What are Advanced Industries?

Brookings identified a set of 50 that span the manufacturing, energy and high-tech services sectors. They include:

- Motor Vehicle Manufacturing
- Pharmaceuticals and Medicine Manufacturing
- Oil and Gas Extraction
- Scientific Research and Development
- Software Publishers

In Wichita, advanced industries make up about 15 percent of total employment, the third largest share nationally. Aerospace-oriented firms in the Wichita area have clustered geographically, enabling them to share skilled labor, laboratories and local supply chains. This is true of other advanced manufacturing areas such as Virginia Beach, Va., where the focus is on shipbuilding, and San Francisco, where it is on computer systems.

In the few years leading up to the recession, Wichita aerospace manufacturers began to see baby boomers head for retirement, and they couldn't find enough qualified workers to take their place. A technical training board of business and community leaders was formed to seek a solution to the region's growing skills gap. That solution, the National Center for Aviation Training, serves approximately 1,350 students, who earn associate degrees, technical certifications and 90-day certificates covering about 20 aviation-specific programs, such as composite technology and robotics. "We're so closely aligned with industry that we're often using their subject matter experts and equipment to help teach, so that we're really serving as a pipeline," says Joe Ontjes, a vice president at Wichita Area Technical College, where the training center is located.

Most recently, busloads of high schoolers have been showing up on campus. That's because Kansas lawmakers passed a bill funding technical training for the students, allowing them to complete dual-credit courses that give them an early advantage in their careers.

If the first few years of the recovery are any indication, advanced industries should loom large in propping up regional economies. Since 2010, the advanced sector's employment and output growth rates have been double those of the rest of the economy. The Brookings study also reported that workers employed in these STEM-intensive occupations earned an average of $90,000 in total compensation as of 2013, nearly twice that of other workers.

Still, America's historical advantage over other nations in this area appears to be slipping. Advanced industries' share of national employment declined 2.2 percent since 2000, the largest decline among 14 countries Brookings reviewed. "It's not going to be possible for the nation to have a prosperous economy without a truly vibrant and competitive advanced industries sector," says Muro. G

Email mmaciag@governing.com

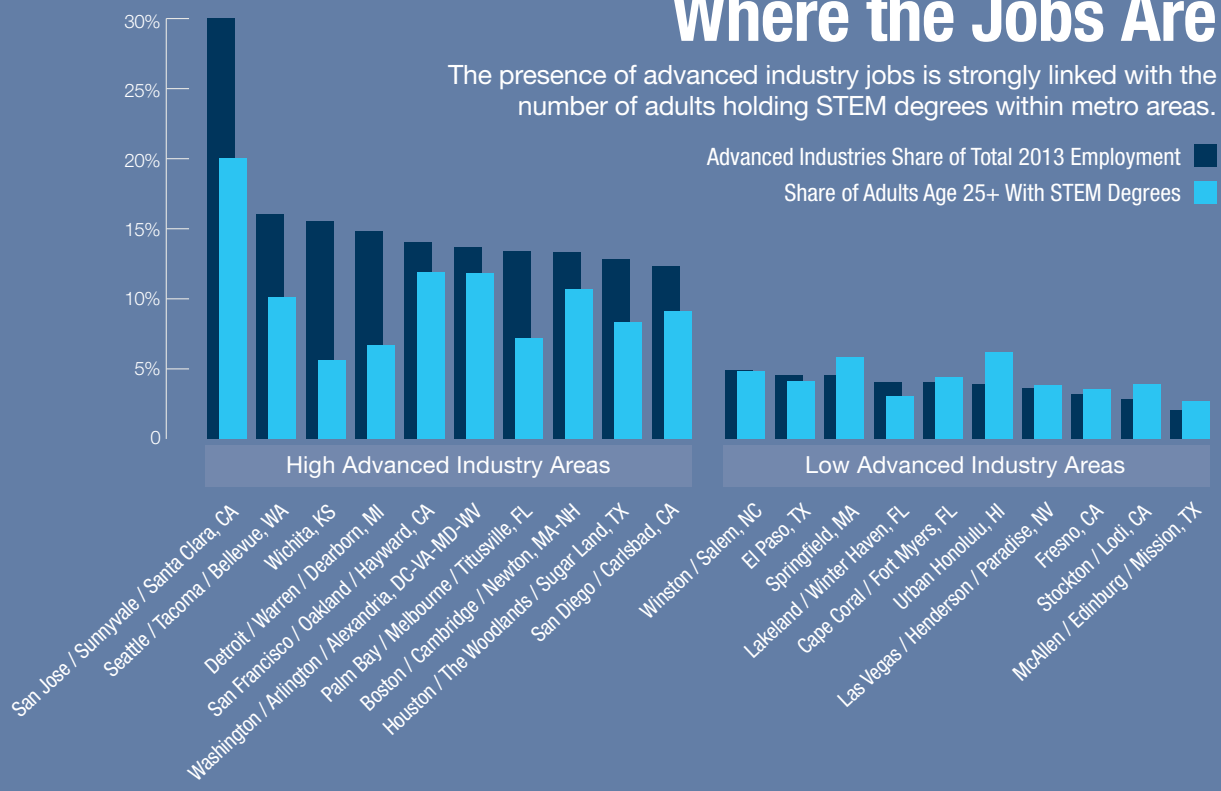
See a map of advanced industry data for each metro area at governing.com/**advancedindustries**

SHUTTERSTOCK.COM

By Mike Maciag

Where the Jobs Are

The presence of advanced industry jobs is strongly linked with the number of adults holding STEM degrees within metro areas.



SOURCE: BROOKINGS INSTITUTION; CENSUS BUREAU AMERICAN COMMUNITY SURVEY

By Katherine Barrett and Richard Greene

The Bloom in Licenses

Should states really be licensing florists, interior designers and other such trades?

Hard to believe but true: The licensing of occupations has only become a common phenomenon post World War II. Thirty percent of U.S. workers now earn their living at professions that states license. Sixty years ago, that number was closer to 5 percent.

The range of professions for which licenses are required, according to the Institute for Justice, runs from the obvious to the nearly inexplicable. For example, most states require licensing for school bus drivers, skin care specialists and barbers. Those make sense. There are health and safety issues at stake for people who utilize the services provided by these occupations. "Physicians or other professions who have the ability to abuse their powers should be licensed," Adam Berry, regulatory policy director for Indiana, told us. "This is generally true for health-related practitioners."

However, it's a little difficult to see whose health and safety is being preserved by licensing court clerks, upholsterers, tree trimmers, auctioneers, shampooers and make-up artists. We've yet to run across an upholsterer who had much opportunity to abuse his position in society. Yet all these professions require licensing in at least one state.

In states that are inclined to "over-license," there is a clear connection between these requirements and a diminishment of economic vitality. "By making it more difficult to enter an occupation," points out Morris M. Kleiner of the Humphrey School of Public Affairs at the University of Minnesota, "licensing can [negatively] affect employment."

Kleiner, a national authority on this topic, tells us that economic studies have shown that there are far more occupations that require licensing in which employment is reduced and costs to consumers are increased than cases where quality and safety are provably improved. What's more, licensing requirements limit the mobility of skilled workers into a state. Why move if you're going to have to take hundreds of hours of classes to get the license necessary to ply your trade? If someone has been a florist in a state where there's no requirement for a license to sell flowers, why should he or she consider moving to a state where it could take months before getting the documentation necessary to peddle petunias again?

Licensing has become popular for a few reasons. For one thing, it doesn't cost a state anything to require it. The licensing fees cover the costs to the state of expanding capacity to provide testing and issue licenses. In addition, the licensing fees can provide extra cash to the state.

But the simple economics of the situation aren't the biggest underlying driver for licensed occupations. It's the members of the professions themselves—backed by membership organizations—that are the primary constituency. Call it the "I've Got Mine, Joe" syndrome. Once someone has entered any profession, what could be better than limiting the number of new entrants? As Kleiner describes the mindset of men and women in occupations that push for licensing, "The free market is good for everyone else. But I don't want to work in a free market."

A few states have recognized the problems with too much licensing, notably Michigan, where the legislature—led by a gubernatorial initiative—has passed bills

FLICKR/RONALD WOAN

delicensing seven professions in the last year or so: auctioneers, community planners, dietitians and nutritionists, immigration clerical assistants, interior designers, the people who recruit for trade schools, and ocularists (those are the men and women who create prosthetic eyeballs). The executive branch is continuing down that route by making an effort to persuade the legislature that still more occupations should be delicensed.

Michigan had good reason to head down this path. With an economy that has suffered some of the greatest fiscal woes of the 50 states, Gov. Rick Snyder was influenced by a 2007 Reason Foundation study that found there was a 20 percent negative impact on the rate of growth of professions that were licensed, according to Kevin Elsenheimer, chief deputy director of the Michigan Department of Licensing and Regulatory Affairs.

Indiana Gov. Mike Pence, meanwhile, has seen a similar light. In 2013, he vetoed two separate bills that would have required licensing for diabetes educators, dietitians and anesthesiologist assistants. You might think that anesthesiologist assistants would fall in the group of health-care-related professions we mentioned earlier. But the people in these jobs aren't able to make a single move without being overseen by a highly credentialed anesthesiologist.

Pence is now taking another step forward, pushing an alternative to licensing: self-certification regulation. This would allow professionals in fields that do not already require a license to get a certificate from a recognized accrediting body. The certificate would indicate to the public that the individual had achieved a level of expertise. Certification wouldn't be mandated; people who lacked it could still fill those jobs. The public could then make its own choice. "This is really a novel concept, and it has gotten attention by some of the leading experts," says Berry, Indiana's regulatory director. As he predicts, "They are going to advocate for similar regulatory structures in other states." G

Email greenebarrett@gmail.com

By Mark Funkhouser

Fantasy and Financial Reporting

The rules that governments work under have little to do with reality.

During an accounting class I took in the early 1980s, the professor explained methods for calculating and recording business depreciation. Being a government guy, I asked him how those costs were reflected on the financial statements of a government. He told me they weren't and that it didn't make sense to try to calculate depreciation on the Statue of Liberty. I thought his explanation was absurd, and a short time later the Statue of Liberty got more than $250 million in repairs.

There was finally an attempt to correct this ridiculous situation in 1999. The Governmental Accounting Standards Board (GASB) required for the first time that governments report as assets roads, bridges, dams and other structures, along with related depreciation or preservation costs.

In 2012, GASB issued rules for pensions that required that a government include net pension obligations as a liability on the balance sheet and put restrictions on the method governments can use to calculate a pension plan's future benefit obligations.

All of these rules were compromises emerging from long and bitter public fights. In the case of both infrastructure and pensions, the arguments by GASB's opponents, when stripped to their bare essence, were that adopting these standards would make governments look bad. Today, deteriorating infrastructure and unfunded pension obligations are clearly the salient threats to the financial health of state and local governments, and I have long thought that their financial reporting systems were major contributors to the problems.

Now two scholars, James P. Naughton and Holger Spamann, have produced a paper that offers evidence to support my thinking. In "Fixing Public Sector Finances: The Accounting and Reporting Lever," published in the *UCLA Law Review*, they examine rules promulgated for the private sector by GASB's sister agency, the Financial Accounting Standards Board, and conclude that the FASB standards would result in financial reporting more closely representing the underlying economic circumstances of governments than GASB's.

One particularly eye-opening example involves the "going concern" opinion issued by auditors on financial statements. Under FASB, an auditor must identify whether a business is expected to operate as a going concern indefinitely. GASB only requires consideration of whether a government entity will be able to continue for the next 12 months. If that seems strange to you, you're not alone. The authors note that "even Detroit did not receive an unfavorable going concern opinion for the financial statements issued before its bankruptcy filing."

Naughton and Spamann conclude their paper by making a case for an idea that is anathema to many in the public sector: greater intervention by the Securities and Exchange Commission in state and local government financial reporting. I wonder how those I know and respect in the field of public finance would react to that and to the other ideas and evidence that Naughton and Spamann have put together. In the coming months, I hope to find out. G

For a long time, governments weren't required to calculate depreciation on things like the Statue of Liberty.

Email mfunkhouser@governing.com

By Tod Newcombe

Following the Money

It's important for a city to tell its fiscal story.

For years, if residents of Rocklin, Calif., near Sacramento, wanted to review the city's budget priorities or see how those priorities linked to revenue and spending, they had to sort through numerous PDFs. While the financial information was useful, it wasn't very user-friendly. And that didn't satisfy city leaders who prided themselves on Rocklin's long tradition of transparency, according to Kim Sarkovich, Rocklin's chief financial officer and assistant city manager.

But when a city posts its financial data in a format that's easy to find, read and understand, the payoff can be huge. That has certainly been the case with New York City's Checkbook NYC. The website, which was launched in 2010, lets residents track how the city spends its money through a very navigable dashboard of charts and tables. New York was not the first city to make its financial information so readily available and transparent, but the Sunlight Foundation says it's "one of the best examples of an open checkbook-style website that we've found."

As a growing number of cities have embraced the financial transparency trend and started creating their own versions of open checkbooks, they've either gone the route laid down by New York, using open-source software to develop their own dashboards of fiscal information, or have turned to third parties. These outside companies help with the task of transforming tabular data that often resides in proprietary software programs into the kind that can be viewed, visualized and, in some cases, republished for other purposes.

The U.S. Public Interest Research Group found in 2013 that 17 of America's 30 largest cities had some kind of online database of expenditures. But just two cities, Chicago and New York, were considered true models of public accessibility, according to the group. Some of the problems with the other fiscal websites, included poor usability, search issues, spotty information on spending, and a lack of information on which companies and nonprofits receive taxpayer funds.

CHECKBOOKNYC.COM

Two years ago, Rocklin launched its own checkbook-style website. Sarkovich, who has been in city government for 23 years, says interest in financial data has ebbed and flowed over the years. But today's online tools have made financial viewing much more interesting and understandable. For example, she says, when a Walmart store opened in Rocklin many people expected the city's revenue to jump from the store's property taxes. "I was able to show them on the website why that wasn't the case," says Sarkovich. With the same financial transparency, she was able to show neighborhoods clamoring for a new park just how much it would cost. "They could see how it would affect our revenue," she says.

The ease of use explains the growing popularity of companies like Socrata and OpenGov, which have built public financial websites for more than 250 governments, including Rocklin, in just three years. "The technology is easy to install and everyone gets very excited when they see the charts," says Zac Bookman, CEO of OpenGov.

There are hurdles, however. "I get calls weekly from other cities that want to do what we're doing, but when I explain the process, some city officials realize the amount of work involved in closing their books in order to display accurate and up-to-date financial information," says Jason Johnson, Rocklin's budget and technology manager.

In addition to the initial work, there are upfront costs. Rocklin currently pays $1,800 a year to display its annual financial data, but will begin spending $3,600 when it starts updating financial data on a monthly basis. Larger cities spend more: New York spent $7 million developing Checkbook NYC.

Financial transparency, in the view of advocacy groups like the Sunlight Foundation, is fundamental to democracy. City officials agree, although they see it in more practical terms. "These dashboards," says Sarkovich, "allow citizens to better understand the mechanics of how city government works." G

Email tnewcombe@governing.com

By Frank Shafroth

The Costly Double Whammy of Aging

There are two primary ways retiring baby boomers will impact revenues.

For years, we've been warned of the profound effect America's rapidly aging population will have on our services. But there are two areas in particular where an aging population poses the largest threat to the fiscal future of states and localities: health-care costs and tax subsidies.

Let's start with health-care costs, specifically the increasing costs of providing Medicaid coverage for an expanding population of elderly people in need of long-term care. Baby boomers born between 1946 and 1964 are more likely to live longer and exhaust their resources than previous generations. By 2050, when the youngest boomers will be in their 80s, long-term care for the elderly will devour roughly 3 percent of the U.S. economy, up from 1.3 percent in 2010, according to the Congressional Budget Office.

The growing need for care will have an enormous impact on states and an even greater impact on counties. In 21 states, counties are required to help finance the nonfederal share of Medicaid. In 32 states, they are mandated to provide health care for low-income, uninsured or underinsured residents. To date, there are 960 county hospitals and 676 county nursing homes to serve Medicaid beneficiaries. Those numbers will hardly suffice for tomorrow.

Counties already spend almost $70 billion a year on health-care services—a fiscal burden that is certain to rise since Medicaid serves as the safety net for the elderly in nursing homes (where a private room can cost a whopping $87,000 a year). It might well be that we should look to Michigan as a governance model: The state is unique in that county-owned nursing homes are in a separate class from for-profit and nonprofit nursing homes. That separate class is the recipient of special funding, which is derived by counties contributing a maintenance of effort (MOE) payment to the state. The state, in turn, uses that contribution to get additional federal matching dollars to serve the Medicaid population and bolster the safety net for those in need of a nursing home.

FLICKR/AUNTJOJO

But just as states and localities gear up to confront this unprecedented health-care challenge, the siren song of tax-free retirement income is warbling through the states. As it is, almost every state levying an income tax allows some form of an exemption or credit for its over 65 citizens. Even as there is an increasing demand for transportation and other public services for the elderly, there is a new wave of interest in expanding tax breaks for retirees.

In Rhode Island and Maryland, measures have been introduced this year to exempt retirement income, including Social Security and private pension benefits, from state taxation. In Maryland, for instance, Gov. Larry Hogan wanted to phase out the income tax on veterans' pensions—a proposal he described as just the first step toward eliminating taxes on everyone's retirement income.

Over the past 40 years, many states have changed the way they tax retirement income, often by enacting full or partial exemptions for pension checks. The hope is to stem the tide of retiree moves to tax-friendlier states. But there is little evidence that high taxes on pension income drive away seniors. There is, however, increased evidence that not taxing such income equitably benefits the rich at the expense of low- and moderate-income households—and leaves the fiscal cupboard bare for the unprecedented and looming challenges of an aging demographic. G

Email fshafrot@gmu.edu

Last Look

CHRIS RADCLIFFE/EKU

As Tammy Horn tells it, she got her B.A., M.A. and Ph.D. before her real education began. It was 1997, and Horn had just graduated from the University of Alabama, when her grandfather introduced her to his bees. She was captivated. Eighteen years and two books on the subject later, Horn is now the state apiarist, otherwise known as beekeeper, for Kentucky. In her role, Horn is constantly traveling to assist other beekeepers throughout the state's 120 counties. "My first priority is hive health and assessments," she says, "and to document the losses." The number of beehives in the U.S. has dropped from more than 5.5 million in 1950 to just over 2.6 million today. The dwindling number of bees has a direct impact on the economy, especially agribusiness, says Horn. To that end, she has been working with coal companies to restore former mine sites to their "natural bee-friendly state." "A hive needs access to 252 million flowers to get through a year," she says. Kentucky is one of at least 31 states that have a designated apiarist. Even though she's been stung thousands of times, Horn says, "I have thoroughly enjoyed every day—[even though] it never stops hurting." **—David Kidd**