





# Introduction to Policy/History Essays

One of the fundamental issues underlying the environmental justice discussion concerns basic property concepts. How do we think about property, what does it mean to us, who should have access to property ownership and why, and what kinds of controls do we as a society impose on the use of property? Answers to these questions relate to real-life geographic results: where particular individuals and communities locate home and work, how they feel about these places, and what actions they feel compelled or empowered to take to protect and enhance their environments, or, as the preceding articles have pointed out, how they have been constrained from participating in decisions affecting their property and communities.

The following two essays by Christine Rojas and Donny Le were developed from final papers in USC Professor William Baer's undergraduate planning course entitled "Property Rights, Governance, and the Environment" in the School of Policy, Planning and Development at USC in the 2000 spring semester.

The purpose of the course is to introduce to students the major philosophical issues that have shaped concepts of property in the United States, the relationship of property rights to political and social institutions, and to current events. Students learn to think about property in terms that go beyond the usual economic approaches—the conventional, historic, social, traditional, civic and political ideas that people hold about property—and to apply these complex and interrelated property concepts to real-life current issues.

The final project for the course is a term paper whose aim is an analysis of any current topic where property rights are an issue. Paper topic choices range from the scope and location of subdivisions and the reuse of abandoned industrial properties, to some of the evolving ideas on the inter-relationship of private, communal and public space embodied in cases about public and private view rights, access to public goods (such as the ocean), and the effect of changing demographics on ideas about property. Students have applied these concepts to other countries, such as the ongoing land reforms in Zimbabwe, and even to non-land forms of property, such as the property ownership implications of the Human Genome Project.

# Street Vending: A Right or A Nuisance?

**Christine Rojas**

Conflict over property has remained a constant factor in this country since its creation. While there is general agreement that every person has certain rights and freedoms that should not be infringed upon, exactly what the rights are and whose rights and freedoms take precedence show some of the great variance in ideas about property. One example of this is in a situation in which people are trying to improve their lives in different ways, while regulations seem to deny them the opportunity.

In Huntington Park, a community adjacent to the city of Los Angeles, I interviewed homeowners, street vendors and city code enforcement officers about the conflicts over increasing street vending.<sup>1</sup> The results of my interviews show that ideas about property are an important part of this controversy.

Some people do not think that street vending has an adverse affect on property rights, but some property owners feel they are being neglected by the very city in which they reside. In the Los Angeles area there is a huge influx of immigrants who flow through the city, on their way to various locations throughout the country. Upon arrival, many are greeted by some of the very scenes they have just left behind: a steady stream of street vendors selling anything imaginable.

This way of life is very common for many people living outside of the United States; they bring their cultures with them in an attempt to live a better life. Vendors walk the streets and offer their products, but also create traffic jams and, at times, serious health issues. Homeowners must contend with vendors who set up near their homes, make access difficult and leave trash thrown in yards and neighborhoods. Many of these homeowners feel that their children cannot enjoy their neighborhood as they would like. Many of the problems occur in the evening hours, after city code enforcement officers have gone home, making the problem virtually impossible to monitor.

Many of the homeowners where there is a high incidence of unlicensed street vending are immigrants or are themselves the children of immigrants. In my interviews, these owners expressed resentment towards the newer immigrants who are choosing to make their living in the owners' neighborhood. These longer-term residents feel they have worked hard for the right to enjoy their homes and look to city government for answers to the problem. Owners feel they have a right to the quiet enjoyment of their property and that vendors are infringing on that

right by the use of adjacent public spaces, while also causing increased crime, traffic and public health problems.

The vendors' ideas are in opposition to the homeowners. Vendors feel they have the right to increase their incomes and to provide a better life for their families. Many immigrants come to the US with the notion that this country rewards those who work hard by allowing them to buy property and become citizens with a voice within our political system. Vendors also feel a sense of sorrow and resentment towards the homeowners, because they say their fellow Latinos have forgotten what it feels like to struggle for a better life as new immigrants. These immigrants claim that property owners are trying to deny them the opportunity to share in the same prosperity that the owners enjoy. Owners feel that because they were there first and own property, they have a better claim to rights within their community.

Cities across the US are facing similar problems, as immigration patterns have changed over the past several decades. They will look towards Los Angeles for answers. As the economy changes and many newer immigrants seek ways to supplement incomes, the street vending that is common and accepted in other cultures will increase here. Street vending gives many people, especially new immigrants, the opportunity to make an honest living in a country that promises rewards for hard working individuals. People living in the Los Angeles region

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have seen street vending move from freeway off-ramps into residential areas, where there are opportunities for increased conflict over the use of both private and public space.

This is a problem that will not soon disappear. Will cities try to keep vendors out of neighborhoods to protect the rights of property owners? Will they be sympathetic to the fact that street vendors are individuals trying to make decent lives for themselves and their families? Or, will cities find a way to negotiate between the two sides as both compete over the use of space? Los Angeles is one city that has had some success in negotiating a solution between the opposing interests. By allowing vendors to legally occupy certain areas of MacArthur Park in the heavily immigrant-populated areas just west of downtown, the city has shown sensitivity not only to homeowners and local businesses but to vendors as well. This is a good model for other communities to consider, as they start to solve what will be a growing problem in the future.

### Endnotes

<sup>1</sup>I conducted a survey between January and April 2001 with forty-five homeowners and eleven street vendors through both face-to-face interviews and a questionnaire. I also talked to city code enforcement officers about their jobs and local conflicts over land use.

# LAX Expansion and Property Rights: Whose Rights First?

Donny Le

Southern California has experienced tremendous population and economic growth over the past several decades. One result has been a continuing increase in passenger and freight air traffic at the Los Angeles International Airport (LAX) and other airports in the region. In order to meet this rising demand, the Los Angeles World Airports authority has proposed the LAX 2015 Plan, part of a comprehensive process to develop regional airport improvements. The plan provides for an evaluation of current facilities and future demand, along with suggested expansion options. The plan has ignited a firestorm of controversy within the Los Angeles community. In the end, the issue boils down to the rights of individuals versus the rights of the community. A solution must not ignore any side of the issue, and for the solution to be successful there must be some kind of balance between individual rights and community rights.

Although the proposed LAX expansion will maintain and enhance commercial activity in the Los Angeles area, many local residents are strongly opposed

to any expansion efforts. To fully understand this conflict, one aspect we must first discuss is that of the underlying property rights justification assumed by the different actors.

Nearby residents are rightly concerned about noise, jet blast, pollution, congestion and infrastructure deterioration. These property owners fear that the increase in air and automobile traffic generated by the expansion will decrease the quality of life in the vicinity, as well as property values. Homeowners in the area fear that the expansion of LAX will create too many unwanted side effects, which would interfere with their ability to fully enjoy their property, and would ultimately bring down the prices of their homes. Their feelings about their property and their opposition to the LAX 2015 Plan can be traced back to ideas current at the founding of this country that had a profound influence on our body of law. One major authority was William Blackstone, the eighteenth century English jurist. In his *Commentaries*, the first history and analysis of the laws of England, he detailed common law nuisance concepts and other

protections of private property rights. The homeowners' view of property can be traced in part to common law notions of nuisance where landowners may not use property in ways that would harm others' enjoyment of their property (Baer 1999).

Supporters of the LAX 2015 Plan apply a more modern, alternative view of property to justify the airport's expansion. The airport, which already generates nine percent of regional economic activity, would greatly benefit the region with an addition of 75,000 direct jobs by 2015, while its regional economic contribution would increase by twenty-nine percent annually if the expansion took place (LAX Master Plan 2001). This utilitarian view of property takes into account the greater regional efficiency and productivity associated with the proposed land use. For LAX expansion advocates, this outweighs the need to protect individual property rights, which should be sacrificed for the greater good of the larger community (Baer 1997). Put simply, utilitarians believe in the greatest good for the greatest number: the economic advantage of expansion at LAX would benefit the whole region and everyone living there.

Moreover, supporters of LAX expansion believe that individual property rights cannot be absolute because individuals must provide for the welfare of the overall community. This can be morally justified

because humans live primarily in communities; individuals have a duty to be concerned with the needs of the community. Individuals depend on one another to achieve certain goals that benefit all of society and because of this connection, individuals have a duty to provide for the welfare of others and for the whole community. Individuals have to consider the influence of their actions on the rest of the community; they cannot put themselves ahead of the greater good. As long as actions affect the greater good of the community, people cannot claim that they have absolute individual property rights.

Ultimately, LAX expansion would create new jobs for the area, and would stimulate the growth of new business—this is a public benefit that outweighs the need to protect individual property rights. In addressing the conflict between the residents and the airport, the large social benefits of the expansion must continue to be viewed in relation to the concerns of individual property owners, and any solutions worked out must take both concerns into account.

### References

Baer, William. 1999. *Property Rights, Governance, and the Environment*. School of Policy, Planning and Development, University of Southern California. Unpublished textbook.

*LAX Master Plan*. 2001. [<http://www.lax2015.org>] Accessed April 10.

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