



The Freeway with a Heart: Judge Harry Pregerson and Legacy of Century Freeway on Its 50th Anniversary



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Justice Marshall F. McComb Professor of Law

'The Freeway with a Heart' Thank You

'The Freeway with a Heart'
Thank You

Southwestern Law Review

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Rodan Family Foundation
Pregerson Family

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Professor Danni Hart

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Rodan Family Foundation
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Century Housing Corp.
Professor Danni Hart
Dean Kevin Johnson

'The Freeway with a Heart' An Overview

'The Freeway with a Heart' An Overview

- The Context: The Freeway in Los Angeles

'The Freeway with a Heart' An Overview

- The Context: The Freeway in Los Angeles
- The Litigation: *Keith v. Volpe*

'The Freeway with a Heart' An Overview

- The Context: The Freeway in Los Angeles
- The Litigation: *Keith v. Volpe*
- The Enduring Legacy: 7 Components

The Context

The Freeway in Los Angeles

The Context

The Freeway in Los Angeles

- 1940s: Los Angeles before the Freeway

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- 1940s: Los Angeles before the Freeway
- 1950s to 1960s: Promises made

The Context

The Freeway in Los Angeles

- 1940s: Los Angeles before the Freeway
- 1950s to 1960s: Promises made
- 1970s to 1980s: Promises broken

The Context The Freeway in Los Angeles

1940s

Los Angeles Before the Freeway

The Context The Freeway in Los Angeles

1940s

Los Angeles Before the Freeway

- Sprawling, but rural and quiet



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The Freeway in Los Angeles

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- Gas Company whistle heard all over City



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- 'Red' or 'yellow' car electrical rail system



The Context

The Freeway in Los Angeles

1940s

Los Angeles Before the Freeway

- Sprawling, but rural and quiet
- Gas Company whistle heard all over City
- 'Red' or 'yellow' car electrical rail system
- Only 1 freeway: Arroyo Seco Parkway



The Context

The Freeway in Los Angeles

1950s to 1960s

The Freeway: Promises Made

The Context

The Freeway in Los Angeles

1950s to 1960s

The Freeway: Promises Made

- Freedom and democracy



The Context

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The Context

The Freeway in Los Angeles

1950s to 1960s

The Freeway: Promises Made

- Freedom and democracy
- Bridge to diverse communities
- Commuting: live in suburbs, work in urban core



The Context

The Freeway in Los Angeles

1950s to 1960s

The Freeway: Promises Made

- Freedom and democracy
- Bridge to diverse communities
- Commuting: live in suburbs, work in urban core
- Mobility: beach, desert, mountains in same day



The Context

The Freeway in Los Angeles

1950s to 1960s

The Freeway: Promises Made



‘From the desert to the sea,
to all of Southern California’

The Context The Freeway in Los Angeles

1970s to 1980s

The Freeway: Promises Broken

The Context

The Freeway in Los Angeles

1970s to 1980s

The Freeway: Promises Broken

- Neighborhoods separated, destroyed

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- 'Bubbles' instead of diverse communities

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1970s to 1980s

The Freeway: Promises Broken

- Neighborhoods separated, destroyed
- 'Bubbles' instead of diverse communities

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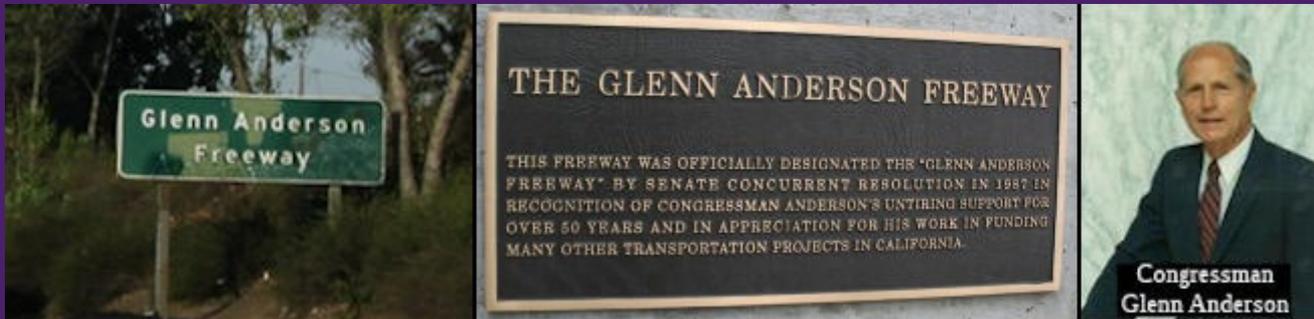
- Pollution: Smog, noise, graffiti, homeless camps

The Context The Freeway in Los Angeles

1970s to 1980s

The Freeway: Promises Broken

Into this Crucible
Century Freeway was born



The Context

The Freeway in Los Angeles

Century Freeway

Interstate 105

Rep. Glenn Anderson Freeway

Prelitigation: Plans for Product

The Context

The Freeway in Los Angeles

Century Freeway

Interstate 105

Rep. Glenn Anderson Freeway

Prelitigation: Plans for Product

- Norwalk to LAX
- 10 lanes of concrete
- 17.3 miles
- Same as County's 500 other freeway miles

The Context
The Freeway in Los Angeles

Century Freeway

Interstate 105

Rep. Glenn Anderson Freeway

Prelitigation: Plans for Construction

The Context

The Freeway in Los Angeles

Century Freeway

Interstate 105

Rep. Glenn Anderson Freeway

Prelitigation: Plans for Construction

- Displace 21,000 mostly minority residents
- Buy up, bulldoze homes at fire sale prices
- Award contracts to big construction firms
- Perform work with white men living outside corridor
- Ignore most human costs (e.g., environment, voice)

The Context The Freeway in Los Angeles

Then Everything Changed

The Litigation
Keith v. Volpe

Case No. 72-355 Filed February 16, 1972

The Litigation *Keith v. Volpe*

Case No. 72-355 Filed February 16, 1972

- Key Players

The Litigation *Keith v. Volpe*

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- Preliminary Injunction

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The Litigation *Keith v. Volpe*

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- EIS, Consent Decree, and Aftermath
- Resumption of Construction – and Litigation

The Litigation *Keith v. Volpe*

Key Players

Plaintiffs

The Litigation *Keith v. Volpe*

Key Players

Plaintiffs

- 4 couples, including Ralph W. & Esther May Keith
- NAACP
- Sierra Club
- Environmental Defense Fund
- Freeway Fighters
- City of Hawthorne

The Litigation *Keith v. Volpe*

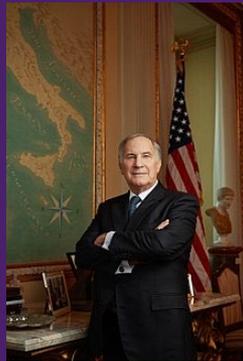
Key Players

Plaintiffs' Counsel

The Litigation *Keith v. Volpe*

Key Players

Plaintiffs' Counsel



John R. Phillips

With Carlyle W. Hall Jr.
Center for Law in Public Interest

The Litigation *Keith v. Volpe*

Key Players

Defendants

The Litigation *Keith v. Volpe*

Key Players

Defendants

Federal

The Litigation *Keith v. Volpe*

Key Players

Defendants

Federal

- James A. Volpe, U.S. Transportation Secretary
- Sheridan A. Farin, Region 7 Administrator – FHWA
- Donald E. Trull, Engineer – FHWA/California

The Litigation
Keith v. Volpe

Key Players

Defendants
State of California

The Litigation *Keith v. Volpe*

Key Players

Defendants

State of California

- California Highway Commission
- California Department of Public Works
- James A. Moe, Director – DPW
- Robert Datel, State Highway Engineer – CDHW*

**Precursor to Caltrans*

The Litigation
Keith v. Volpe

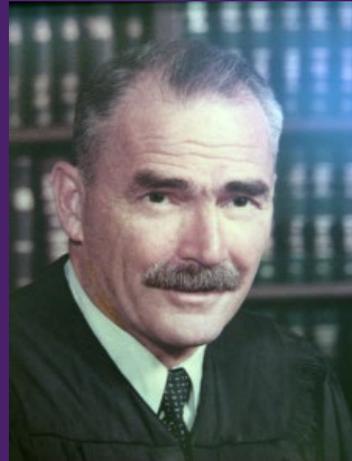
Key Players

Judge (Assigned at Random)

The Litigation *Keith v. Volpe*

Key Players

Judge (Assigned at Random)



Harry Pregerson
U.S. District Court for Central District of California

The Litigation
Keith v. Volpe

Preliminary Injunction

The Litigation
Keith v. Volpe

Preliminary Injunction

Claims

The Litigation *Keith v. Volpe*

Preliminary Injunction

Claims

National Environmental Policy Act (NEPA) of 1969
California Environmental Quality Act (CEQA) of 1970
Federal-Aid Highway Act (FHWA) of 1968
Uniform Relocation Assistance Act of 1970
5th Amendment Due Process
14th Amendment Due Process, Equal Protection

The Litigation
Keith v. Volpe

Preliminary Injunction

Claims

Common Threads

The Litigation *Keith v. Volpe*

Preliminary Injunction

Claims

Common Threads

- Voices of those affected must be heard
- EIS must be prepared

Before construction can begin

The Litigation
Keith v. Volpe

Preliminary Injunction

Defenses

The Litigation
Keith v. Volpe

Preliminary Injunction

Defenses

Common Threads

The Litigation *Keith v. Volpe*

Preliminary Injunction

Defenses

Common Threads

- Can't change rules in middle of game
- Disastrous impact if freeway halted

The Litigation *Keith v. Volpe*

Preliminary Injunction

Defenses

Common Threads

Can't Change Rules in Middle of Game

- Freeway planning began early: 1958
- 1st public hearing on Century Freeway: 1963
- NEPA, CEQA became effective late: 1970

The Litigation *Keith v. Volpe*

Preliminary Injunction

Defenses

Common Threads

Disastrous Impact if Freeway Halted

By May 1972:

- \$88.6 million spent acquiring 3,388 parcels
- 2,840 units vacated
- Crime, dumping, unsavory activity underway
- Corridor only halfway cleared

The Litigation
Keith v. Volpe

Preliminary Injunction

Defenses

Common Threads

Disastrous Impact if Freeway Halted

If injunction issued, then Caltrans
would become one of state's biggest landlords
with no tenants or alternative plans

The Litigation
Keith v. Volpe

Preliminary Injunction

Defenses
Problem

The Litigation
Keith v. Volpe

Preliminary Injunction

Defenses
Problem

NEPA Silent on Application to Pending Projects

The Litigation
Keith v. Volpe

Preliminary Injunction

Result

The Litigation
Keith v. Volpe

Preliminary Injunction

Result

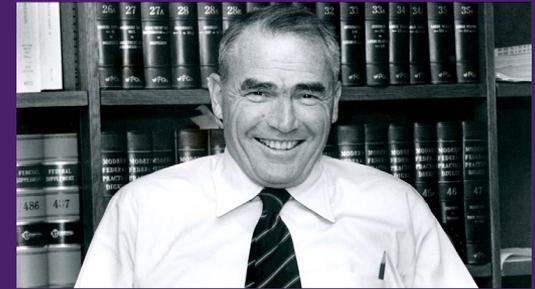
Preliminary Injunction Granted July 7, 1972

Construction halted until such time as defendants
complied with NEPA, CEQA

The Litigation *Keith v. Volpe*

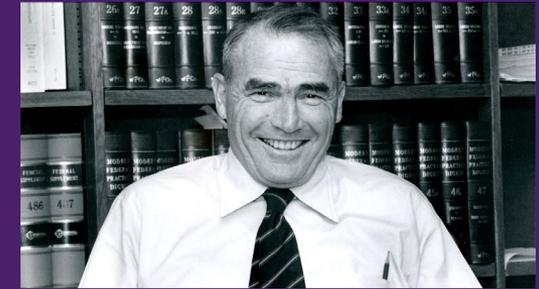
Preliminary Injunction

Reasoning



The Litigation *Keith v. Volpe*

Preliminary Injunction



Reasoning

NEPA Applies to Century Freeway Project

- ‘Significant effect on environment’: Council Guidelines
- Acquisition of substantial amounts of real estate: FHWA Interim Guidelines
- ‘Loud and clear’ pro-environment policies of NEPA

The Litigation *Keith v. Volpe*

EIS, Consent Decree, and Aftermath

The Litigation
Keith v. Volpe

EIS, Consent Decree, and Aftermath

1973 to 1978

Hearings held, EIS written

The Litigation
Keith v. Volpe

EIS, Consent Decree, and Aftermath

1973 to 1978

Hearings held, EIS written

October 1978

EIS approved by DOT

The Litigation
Keith v. Volpe

EIS, Consent Decree, and Aftermath

1973 to 1978

Hearings held, EIS written

October 1978

EIS approved by DOT

October 1979

Consent Decree approved by Harry

The Litigation
Keith v. Volpe

EIS, Consent Decree, and Aftermath

1973 to 1978

Hearings held, EIS written

October 1978

EIS approved by DOT

October 1979

Consent Decree approved by Harry

September 1981

Amended Consent Decree approved by Harry

The Litigation
Keith v. Volpe

EIS, Consent Decree, and Aftermath

Consent Decree:
Beginning, not End

The Litigation
Keith v. Volpe

Resumption of Construction – and Litigation

The Litigation
Keith v. Volpe

Resumption of Construction – and Litigation

1981 to 1993

Construction resumed
but so did headaches

The Litigation
Keith v. Volpe

Resumption of Construction – and Litigation

1981 to 1993

Construction resumed
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‘Death by molasses’?

The Litigation
Keith v. Volpe

Resumption of Construction – and Litigation

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Endless squabbling among litigants

The Litigation
Keith v. Volpe

Resumption of Construction – and Litigation

1981 to 1993

Construction resumed
but so did headaches

‘Death by molasses’?

Endless squabbling among litigants

Harry’s ‘Hot tub’ approach

The Litigation *Keith v. Volpe*

Resumption of Construction – and Litigation

October 14, 1993
Century Freeway opened



The Enduring Legacy 7 Components

The Enduring Legacy

7 Components

1. Environmentally-conscious transportation options
2. Affordable replacement housing
3. Affirmative action
4. Job training
5. Management workshops
6. Child care
7. Aesthetically pleasing construction

The Enduring Legacy 7 Components

1.Environmentally-Conscious Transportation Options

The Enduring Legacy 7 Components

1. Environmentally-Conscious Transportation Options

- HOV, light rail integrated into median
- Sound walls, below-street-level construction
- Parking near terminals

The Enduring Legacy 7 Components

2. Affordable Replacement Housing

The Enduring Legacy 7 Components

2. Affordable Replacement Housing

- Plan: Build 3,700 replacement units near corridor for up to 12,700 residents
- Problem: By mid-1980s, only 1,300 units built
- Solution: Create Century Housing Corp.
- Result: 4,300 replacement units in corridor and nearly 50,000 affordable units built throughout state

The Enduring Legacy 7 Components

3. Affirmative Action



The Enduring Legacy 7 Components

3. Affirmative Action

Goals

- 65% contracts: Minority businesses, workers
- 10% contracts: Female businesses, workers



The Enduring Legacy 7 Components

3. Affirmative Action



Goals

- 65% contracts: Minority businesses, workers
- 10% contracts: Female businesses, workers

Results

Minority hiring goals: Met

Female hiring goals: Not met, but still 7%

38% contracts: to minorities, women combined

The Enduring Legacy 7 Components

4. Job Training

The Enduring Legacy

7 Components

4. Job Training

- Partnership: LA County Federation of Labor
- Lennox apprenticeship program: 1,000s trained
- Alameda Corridor program: 880 trained
- Result: Prevailing wages for minorities, women

The Enduring Legacy 7 Components

5. Management Workshops

The Enduring Legacy 7 Components

5. Management Workshops

- Technical assistance: Bidding public works projects
- Identify pitfalls: Construction bonds

The Enduring Legacy 7 Components

6. Child Care

The Enduring Legacy 7 Components

6. Child Care

As of 2007, 9 CDCs Operated by CHC, Including:

- Bessie Pregerson CDC at Westwood VA
- Harry Pregerson CDC at Roybal Federal Building
- Oasis Out of School Program @ CVC Long Beach
- Cochran Villas in South LA

The Enduring Legacy 7 Components

6. Child Care

As of 2022, 2 Still Operating (Other Management):

- Bessie Pregerson CDC at Westwood VA
- Harry Pregerson CDC at Roybal Federal Building

The Enduring Legacy 7 Components

7. Aesthetically Pleasing Construction

The Enduring Legacy 7 Components

7. Aesthetically Pleasing Construction

‘A New Vision of Transportation’
-- Hillel Aron

The Enduring Legacy 7 Components

7. Aesthetically Pleasing Construction

Best Example:

The Enduring Legacy 7 Components

7. Aesthetically Pleasing Construction

Best Example:
Judge Harry Pregerson Interchange
Century I-105 @ Harbor 110 Freeways



The Enduring Legacy

7 Components

7. Aesthetically Pleasing Construction

- 130-foot octagonal pillars
- Art Deco flourishes
- Clear skies: Stands out against DTLA skyline
- Smoggy skies: Disappears like ghost ship
- 'Speed' (1994): Keanu Reeves, Sandra Bullock

The Enduring Legacy

7 Components

7. Aesthetically Pleasing Construction

- 130-foot octagonal pillars
- Art Deco flourishes
- Clear skies: Stands out against DTLA skyline
- Smoggy skies: Disappears like ghost ship
- ‘Speed’ (1994): Keanu Reeves, Sandra Bullock

‘True monument to LA’s passion for movement.’

‘Nearly as iconic as Hollywood sign.’

-- Hillel Aron

The Enduring Legacy 7 Components



The Enduring Legacy 7 Components



The Enduring Legacy 7 Components



The End 'Freeway with a Heart'

The End
'Freeway with a Heart'

In Memorium

Harry Pregerson
1923-2017

David Pregerson
1990-2013

Sharon Pregerson
1957-2021