

# In the Green

## *Negotiating Rail Expansion in Somerville, MA*

### *Educator Guide*

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### Overview

This Educator Guide is designed to assist instructors in teaching this case to students and practitioners. It is based on [case pedagogy](#), which invites participants to put themselves in the shoes of the protagonist(s) of the case and imagine how they would respond to the circumstances. Participants should read the teaching case in advance and identify key issues as a preliminary step toward meeting the learning objectives. Instructors may then use the time in the classroom to guide participants in exploring the issues and examining the challenges in the case; to introduce key concepts, tools, and frameworks; and to assist participants in applying their learning to their own environments and challenges.

This guide includes learning objectives, a synopsis, key questions, a roadmap for discussion, and appendices with some additional pedagogical information and theoretical applications. The roadmap and appendices are offered to initiate meaningful conversation but are by no means the only way to teach the case. Each educator or facilitator should feel free to design their own teaching plans; both the structure and the time allotted for each component are suggestions.

### Learning Objectives

This case, “In the Green: Negotiating Rail Expansion in Somerville, MA,” will help students and city leaders:

- Utilize a set of multiparty negotiation concepts: unstable coalitions, sequencing, process and process leadership, game-changing moves, BATNA-weakening, broadcasting and narrowcasting, and dealing with spoilers.
- Analyze the following features of a long-term, multi-party negotiation: *dynamic/changing elements*, with decisions dependent on things that may lead to unintended consequences; *multi-sector* and *multi-level components*, which require synchronization; and *cognitive flooding*, which may overwhelm decision-makers at critical moments.
- Examine “complex collaboration,” where many stakeholders may generally agree on a goal or vision, but negotiation dynamics still require tremendous financial, temporal, and spatial alignment across sectors and levels of government.

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## Case Synopsis

Successful litigation against the Commonwealth of Massachusetts made an original, legal, and moral case for building alternative transportation in Somerville: the Green Line Extension (GLX). Having campaigned on extending the Green Line—first as alderman, then as mayor—Joe Curtatone took office as mayor in 2005. His first victory was creating a MBTA “T” stop for the Orange Line at Assembly Station. Working with the same coalition of nonprofits, he pursued a participatory visioning process (“SomerVision”) that brought together over sixty organizations from different sectors in Somerville, that had a common vision for the GLX. Curtatone overcame hiccups surrounding industrial parcels and successfully kept the project eligible for a federal NewStarts grant; using an economic-development narrative, he acquired the problematic parcels through eminent domain. By 2014-2015, though, the project was running over budget and it was uncertain whether the Commonwealth would support the GLX.

Curtatone negotiated with the State of Massachusetts and agreed on simplifications to the original GLX, including a shorter route that would no longer directly benefit neighboring regional communities. He also negotiated project funding by the Cities of Cambridge and Somerville and the Boston Regional Metropolitan Planning Organization board (BRMPO). But then, the Commonwealth announced a shortfall of roughly \$200 million, that Curtatone resolved through an agreement: Somerville paid \$50M, Cambridge \$25M, and the BRMPO diverted funding for the rest. The narrower GLX project was approved and construction began in May 2018.

This case is designed as the capstone case in a series of negotiation cases developed by the Bloomberg Harvard City Leadership Initiative. It is recommended for participants with some negotiation experience.

## Key Questions

1. What were the major barriers to bringing the Green Line Extension to Somerville?
2. What parties were involved in this negotiation, and what were their interests?
3. In each phase of this negotiation, what were Curtatone’s key moves? What was the impact of each?
4. What were missed opportunities and/or what should Curtatone have done differently?

## Roadmap for Discussion

**Introduction** (5 minutes): Briefly state the goal of the session in reference to the case, cite specific major conflicts facing the protagonist, and foreshadow broader learning objectives.

**Exploration** (20 minutes): Use class discussion, “buzz groups,” and board work to examine the issues and options confronting the protagonist.

**Diagnosis** (60 minutes): Introduce key concepts, frameworks, and tools to help participants pinpoint possible solutions to major conflicts in the case.

**Application** (15 minutes, optional): Ask participants to relate the concepts and frameworks to their own organizations’ challenges.

**Wrap-Up and Takeaways** (10 minutes): Review the learning objectives and discuss insights most relevant to your organizations’ challenges.

### **Introduction** (5 minutes)

In your introductory remarks, briefly describe the case and frame the primary subject of the session: analyzing how a city leader navigates complex multi-party negotiations involving local, state, federal, non-profit, community, and private sector stakeholders over an extended period of time. The discussion will center on analyzing the negotiation in four phases, with specific focus on game-changing moves and missed opportunities. The session will add complexity to concepts learned in previous negotiation cases and introduce advanced negotiation concepts.

### **Exploration** (20 minutes)

#### Case Overview (10 minutes)

- *What is the story in this case?*
  - Have three to four participants summarize the case details, stakeholders, and key considerations. See Appendix 2 for possible board plans including stakeholders and mapping allies, adversaries, and recruitables.
  
- *What were the substance, process, and relationship considerations featured in this case? How did they change over time?*
  - Introduce four phases of the negotiation: SomerVision (pg 3-5), NewStarts (pg 6-8), simplifications (pg 9-10), final push (pg 11-12). See Appendix 2 for possible board plans.

**Negotiation Concepts** (10 minutes)

- Introduce and define the following concepts: unstable coalitions, sequencing, process leadership, game-changing moves, broadcasting, narrowcasting, and dealing with spoilers.
- Orient each of the case concepts in the long-term nature of the Somerville case (i.e. happening over decades, local/state/federal/community stakeholders). See Appendix 3 for additional, optional concepts related to the case.

**Diagnosis** (60 minutes)

This part of the discussion aims to provide participants with a deeper understanding of how negotiation concepts apply to the situation in Somerville.

**Case Analysis: Game-Changing Moves** (40 minutes)

- Working groups: Divide the class into groups of three to four. Using the phases described the Case Overview above, evenly assign one of the four phases to each group. Groups should spend fifteen minutes discussing what happened in the phase and then provide an analysis of what happened using negotiation concepts. In the analysis, groups should specifically consider Curtatone's key moves.
- Have each group lead a class discussion of up to five minutes on its respective phase, including a brief summary of what happened. After each phase, the class may offer additional comments and analysis. See Appendix 4 for potential board plan.

**Case Analysis: Missed Opportunities** (20 minutes)

- Working groups: Spend five minutes discussing Curtatone's missed opportunities in each phase.
  - At the end of the case, it looked like Curtatone had secured phase I funding for the GLX. But there were other times when the agreement looked solid and something happened to derail the negotiation. *Do you think Curtatone had done enough by the end of the case to secure the GLX in Somerville? What else could he have done in each phase to better secure a sustainable deal?*
- Each group should lead a class discussion of up to three minutes on its respective phase, including a brief summary of what happened. After each phase, open up to the class for additional comments and analysis.

**Application** (15 minutes – optional)

Prompt participants to think of a previous or upcoming negotiation in their work to analyze as a long-term, multi-stakeholder negotiation. Ask them to individually map parties, interests, and coalitions over time, and then identify barriers and opportunities. Participants may then pair up and give each other feedback on the mapping exercise.

**Wrap Up and Takeaways** (10 minutes)

Based on your discussion, summarize key points and offer takeaways. These may include:

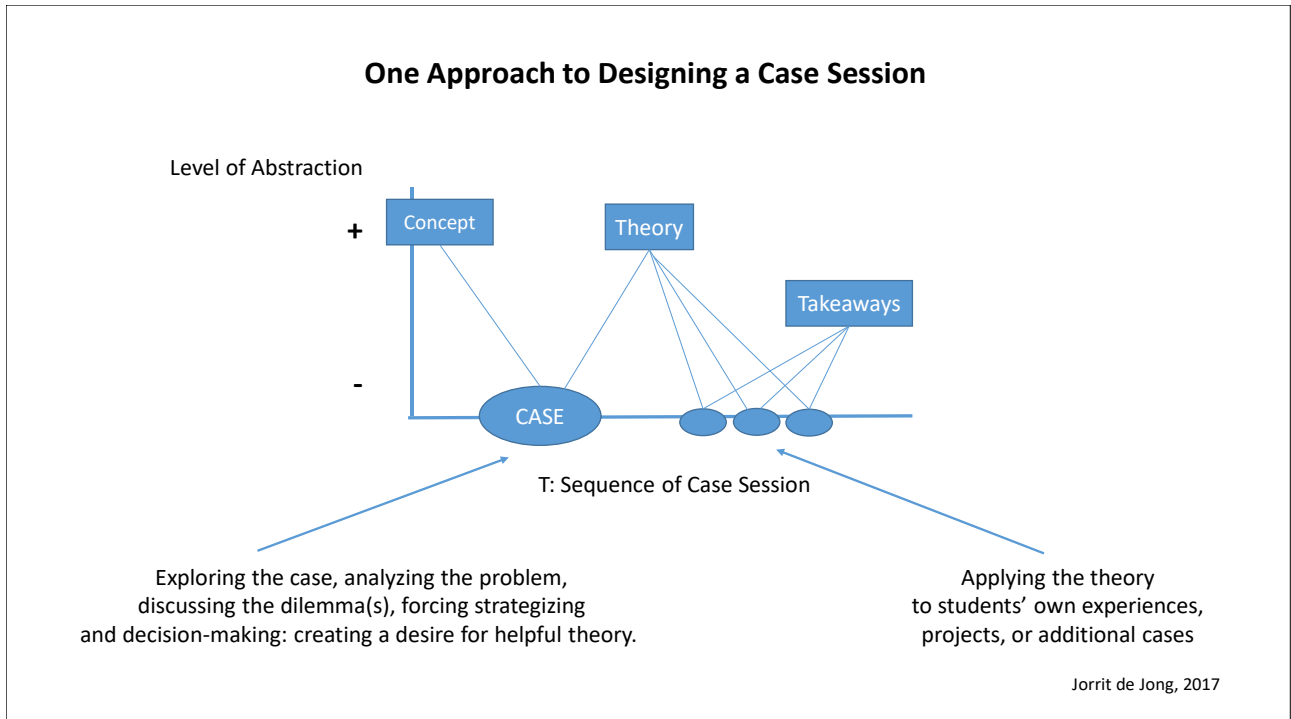
- In multi-party negotiations, coalitions of allies and adversaries are unstable, meaning that they change depending on different parties' actions at different moments in a negotiation.
- To anticipate these changes, strong negotiators "map the table" by examining different parties' views on multiple issues, sub-issues, and other negotiators.
- It is wise to take the initiative and scan for potential deal opponents or spoilers and strategize accordingly.
- Since every move or action has many consequences in a negotiation, intended and unintended, it is wise to examine these consequences and time actions accordingly (sequencing). Strong actions in a negotiation (game-changing moves) expand or limit the issues at hand for the negotiator, their allies, and their adversaries.

## Suggested Reading

- "Negotiating Differences: How Contrasting Styles Affect Outcomes," by Laurie Weingart, pages 1-14 (see especially pages 4-6 on dealing with spoilers)
- *The Mind and Heart of the Negotiator: Fourth Edition* by Leigh Thompson (see pages 218-256)
- "Recognizing Public Value," by Mark H. Moore (see pages 244-287)
- "3-D Negotiation," by Lax and Sebenius (see pages 1-34)
- *Workbook: Advanced Workshop in Multiparty Negotiations and Mediation*, by Brian Mandell. Copyright 2019. AND Skill-Building to Improve Performance and Outcomes in Negotiation. 2019. (See pages 55-57, and 57-72).
- "Dealmaking," by Guhan Subramanian (see part I)
- "Negotiating Rationally," by Bazerman and Neale (see pages 23-30, 67-71)
- Susskind, Lawrence, and Mark Raffa, "Good For You, Great For Me" (see podcast [here](#))

## Appendices

### Appendix 1 Designing a Case Session

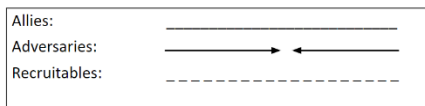


Source: Jorrit de Jong, "One Approach to Designing a Case Session," *Bloomberg Harvard City Leadership Initiative*, 2017

**Appendix 2** Board Plans

Board 1: Simplified Stakeholder/Coalitional Map and the Green Line Extension

There are specific teaching goals of mapping stakeholders: (1) An instructor can draw arrows to signify active or potential relationships (allies), lines with x's to indicate potential oppositional dynamics (adversaries), and dotted lines to show "recruitables." For the purposes of this exercise, participants should consider which parties Curtatone can recruit in his effort to bring the Green Line to Somerville. (2) An instructor can draw circles and/or boxes to signify groups that may form coalitions due to aligned interests or positions for the GLX.



Board 2: Process, Substance, and Relationships Over Time in the Green Line Extension

	<b>Phase I (Somerville)</b>	<b>Phase II (NewStarts grant)</b>	<b>Phase III (Simplifications)</b>	<b>Phase IV (Final push)</b>
<b>Process Considerations</b>	Curtatone leads; inclusive of many stakeholders, participatory	Curtatone to follow FTA/Commonwealth’s onerous FTA process requirements; eminent domain requires pro-development pivot, reframe	MassDOT takes process leadership on contracting; some issues remain on the agenda, others disappeared; lack of public process leadership	Curtatone leads process on, opens multi-city financing negotiations, sets vision and constraints, i.e., on call with Governor Baker
<b>Substance Considerations</b>	GLX proposal is big, ambitious, tied to transportation, housing and development; multi-city	Curtatone calls state’s bluff, eminent domain move, and changes frame/narrative	GLX route paired down, other issues “simplified” or recalibrated	GLX negotiated with Community Path, simplified station stops, Lechmere; College Ave., terminus
<b>Relationship Considerations</b>	Equity- and fairness-based partnerships with nonprofits, and outrage b/w city and nonprofits vs. state	Relationships with local Union Square community, state and federal agencies, city workers	Frustration with state, contractors over cost and mismanagement, bureaucracy; concerns about economic development over equity mounting	Partnership between <i>some</i> cities / localities and key state agencies on financing and implementation; local groups concerned with equitable development, housing, <i>other</i> cities out of coalition, route plans

Sources for Boards 1-3:

Leigh Thompson and Craig Fox, “Negotiation Within and Between Groups in Organization: Levels of Analysis,” *Groups at Work: Theory and Research*, ed. Marlene Turner (Mahwah, New Jersey: Lawrence Erlbaum Associates, Publishers, 2001).

Leigh Thompson, Elizabeth A. Mannix, Max H. Bazerman, “Group Negotiation: Effects of Decision Rule, Agenda, and Aspiration,” *Journal of Personality and Social Psychology*, Vol. 54, no. 1 (January 1988), DOI: 10.1037/0022-3514.54.1.86.



**Appendix 3** Optional Negotiation Concepts for Case Discussion**Equal Shares Bias**

A tendency can emerge in multiparty negotiations where all actors are pressured to divide burdens or resources equally. This bias can be problematic because (1) it is not always a fair way to divide obligations, especially if actors at the table are unequally empowered; and (2) pressure to behave in an egalitarian fashion might be strong in public but weak in private (Thompson, 230).

**Agreement Bias**

Negotiators may feel an overly strong focus on finding common ground, even when other parties might be reluctant to accept a certain path or set of options. The bias can limit creative thinking and opportunities for collaborative, joint gain. It may also alienate coalition members who remain steadfast in their original set of interests or positions. Remember, coalitions are difficult to maintain because no agreements are enforceable until all parties agree (Mannix, Thompson, and Bazerman, 266-284).

**Sunk Cost Bias**

“Our tendency to continue investing in what might be a losing proposition because of what it has already cost us” (Warrell, 2015). We may fall prey to the sunk cost bias because of the endowment effect (over-valuing things we have, or decisions we have made, over the potential future value of other options) or because of loss aversion. There is a face-saving aspect of sunk cost bias: we have already begun down a certain road, and want to avoid confronting the lost money, time, and energy.

**Status Quo Bias and Coalitions**

Even when a new coalition might be possible, we are influenced by coalitional integrity, meaning that negotiators stick with current coalitional partners and deal-design architectures because they are the ones already in our heads (Thompson, 231).

**Cognitive Flooding**

Flooding can occur when negotiators fail to leverage complexity toward strategic action (Bell and Mandell, 2018) and instead fall victim to reactive thinking, passivity, rash judgment toward coalition members or potential allies, and an overall inability to interrogate the structural bounds or barriers to problem-solving (Jervis). Cognitive flooding is especially common in complex, dynamic multiparty settings.

**Cascading Decision Effects**

Jervis's description of complex systems also helps explain negotiation dynamics: “Many crucial effects are delayed and indirect; the relations between two actors are determined by each one's relations with others; interactions are central and cannot be understood by additive operations; many outcomes are unintended; regulation is difficult.” Cascading decision effects underscore how every actor's decision, whether micro or macro, produces a set of negotiated consequences not just for themselves but for other coalition members, even if they do not feel them at a given moment (Jervis, 29).

**Secondary (Hidden) Tables and Multi-layer Intergroup Coalitions**

“Six levels of analysis beyond one-on-one negotiations” include coalitions, principal-agent dynamics, constituencies, teams, inter-team, and intergroup negotiations. In complex multiparty settings, networks of “negotiations within negotiations” dynamically interlink, adding to negotiating complexity and offering opportunities for creative sequencing across people, issues, and groups (Thompson and Fox, 2000).

Sources:

Arvid Bell and Brian Mandell, "Cognitive Maelstroms, Nested Negotiation Networks, and Cascading Decision Effects: Modeling and Teaching Negotiation Complexity with Systemic Multiconstituency Exercises," *Negotiation Journal: Program in Negotiation at Harvard Law School*, Volume34, Issue1 (January 2018): 37-67, <https://doi.org/10.1111/nejo.12212>.

Robert Jervis, *System Effects: Complexity in Political and Social Life* (Princeton, NJ: Princeton University Press, 1997).

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Margie Warrell, "Use It Or Lose It: The Science Behind Self-Confidence," *Forbes*, February 26, 2015, accessed July 3, 2019.

**Appendix 4** Key Negotiation Concepts Across Phases of the Negotiation

	<b>Phase I (Somervision)</b>	<b>Phase II (NewStarts grant)</b>	<b>Phase III (Simplifications)</b>	<b>Phase IV (Final push)</b>
<b>Relevant negotiation concepts</b>	<ul style="list-style-type: none"> <li>- Using formal power to convene stakeholders and formalize process</li> <li>- Tone setting</li> <li>- Coalition building</li> <li>- Broadcasting</li> <li>- Managing spoilers to prevent failure like in Arlington</li> <li>- BATNA-weakening by making the status quo look undesirable</li> </ul>	<ul style="list-style-type: none"> <li>- Information gathering from FOIA</li> <li>- Reframing the issues</li> <li>- Use of formal authority for redevelopment</li> <li>- Narrowcasting</li> </ul>	<ul style="list-style-type: none"> <li>- Narrowcasting</li> <li>- Acting opportunistically (snowstorm)</li> <li>- Dynamic coalitions</li> </ul>	<ul style="list-style-type: none"> <li>- Two-level game</li> <li>- Reciprocity and standards of fairness</li> <li>- Weakening BATNAs</li> <li>- Momentum building</li> </ul>
<b>Curtatone's game-changing moves</b>	<ul style="list-style-type: none"> <li>- Making Somervision inclusive and community-driven to create wide buy-in on the GLX</li> </ul>	<ul style="list-style-type: none"> <li>- Using FOIA to find problems in site</li> <li>- Changing narrative to include economic development</li> <li>- Creating revitalization district</li> </ul>	<ul style="list-style-type: none"> <li>- Recruiting Baker before the gubernatorial election</li> </ul>	<ul style="list-style-type: none"> <li>- Expanding coalition to include surrounding towns</li> <li>- Reframing BATNAs for the MBTA around returning \$1B in federal money</li> <li>- Sharing gap funding with Cambridge</li> </ul>

## Endnotes

Bruce Barry and Raymond A. Friedman, "Bargainer Characteristics in Distributive and Integrative Negotiation," *Journal of Personality and Social Psychology*, Vol. 74, no. 2 (1998): 345-359, DOI: 0022-3514/98/.

Max Bazerman and Margaret Neale, *Negotiating Rationally* (New York: The Free Press, 1992).

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Mark Moore, *Creating Public Value: Strategic Management in Government* (Cambridge: Harvard University Press, 1995).

Bruce M. Patton, "The Seven Elements of Negotiation," *The Handbook of Dispute Resolution*, ed. Michael L. Moffitt and Robert C. Bordone (Jossey-Bass Publishing, August 2005).

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