

BOOK REVIEW

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James A. Kushner, *The Post-Automobile City: Legal Mechanisms to Establish the Pedestrian-Friendly City* (Carolina Academic Press 2004).

I. INTRODUCTION

Henry Ford, founder of Ford Motor Company and innovator of the first manufacturing assembly line to produce affordable vehicles, once said, “I do not believe a man can ever leave his business. He ought to think of it by day and dream of it by night.”¹ Ford’s zeal for the car made a lasting impression on American society and today, the United States imports approximately one quarter of the world’s crude oil output in order to power 200 million automobiles.² As a result, the automobile is a significant actor in American life and has shaped the way our nation has designed our communities, infrastructure, and daily lives.³

To illustrate, the United States is one of the leading industrialized nations to build roads, highways, and parking lots at the expense of investing resources in an efficient public transit system.⁴ This massive pattern of roadway combined with the “American dream” single-family detached home has led to low density development on the outskirts of urban population.⁵ Accordingly, most American cities have insufficient resources to establish and maintain an efficient public transit system and traveling from one destination to another often requires ownership of an individual vehicle.⁶

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1. Brainy Quote, at http://www.brainyquote.com/quotes/authors/h/henry_ford.html (last visited Mar. 25, 2005).

2. PIETRO S. NIVOLA & ROBERT W. CRANDALL, *THE EXTRA MILE: RETHINKING ENERGY POLICY FOR AUTOMOBILE TRANSPORTATION* 5-6 (1995).

3. See JAMES J. FLINK, *THE AUTOMOBILE AGE* (The MIT Press 1988).

4. Clay Fong, Comment, *Taking it to the Streets: Western European and American Sustainable Transportation Policy and the Prospects for Community Level Change*, 7 *COLO. J. INT’L L. & POL’Y* 463, 463-67 (1996).

5. James A. Kushner, *Urban Transportation Planning*, 4 *URB. L. & POL’Y* 161, 162, 170 (1981) (explaining that only New York, Chicago, and Philadelphia have populations adequate to support an efficient public transit system).

6. JAMES A. KUSHNER, *THE POST-AUTOMOBILE CITY: LEGAL MECHANISMS TO ESTABLISH THE PEDESTRIAN-FRIENDLY CITY* 6 (Carolina Academic Press 2004).

Opposite American auto infatuation, many European countries have constructed cities that tailor to the pedestrian and public transport.⁷ Consequently, Europeans depend less on expansive highway systems and instead show a devotion to urban life that encourages communities centered on parks, town squares, piazzas, and other cultural settings.⁸ It is this system providing a public alternative to the individual automobile that supplies the impetus for James Kushner's *Post Automobile City*. Throughout the work, Professor Kushner presents a compelling case against individual reliance on the automobile; however, he takes a pragmatic approach to his analysis of the negative impact of vehicles by recognizing that most readers of his work may not share his vision.⁹ As a result, *Post Automobile City* is an easy-to-read piece of literature that provokes its audience to think about how American transportation systems and urban planning could be changed to positively impact future generations.

II. ORGANIZATION

This book is divided into five chapters. Chapter one, entitled "The Automobile in American Society: Political Economy and Geography," theorizes why the United States is a country dependent on individual, as opposed to public, transport. Professor Kushner posits that "America was a transit-based society prior to the Great Depression and the New Deal," but that The Public Utilities Divestiture Act of 1935, which required power companies to divest themselves of trolley transit, was "a conspiracy by auto manufacturers, tire manufacturers, and oil companies to destroy the efficient public transport transit systems," and symbolized the end of an American efficient public transit system.¹⁰ Professor Kushner also cites transportation funding priorities, subsidies for automobile use, beneficial tax treatment for automobiles, community design based on automobile accommodation, and lack of a viable national resource conservation policy as reasons why the United States is auto-dependent.¹¹

Chapters two and three are a contrasting pair in that chapter two outlines "Advantages of the Automobile"¹² and chapter three details "Disadvantages of the Automobile."¹³ Professor Kushner

7. *Id.* at ix.

8. *See id.*

9. *Id.* at 149.

10. *Id.* at 8-10.

11. *Id.* at 11-30.

12. *Id.* at 31-36.

13. *Id.* at 37-59.

praises the automobile for its mobility, convenience, access to preferential living settlements, support of economic development, and satisfaction of psychic needs including control, status, and membership in the social majority.¹⁴ However, he counters these positive attributes by highlighting that vehicles create pollution, are prone to collisions, foster urban sprawl furthering loss of urban life, result in congestion, have increasing political implications, are high costs to operate and maintain, and infringe on public space.¹⁵

Chapter four entitled "Toward the Post-Automobile City,"¹⁶ serves as a preface to chapter five, "Post-Automobile Implementation Strategies."¹⁷ Both chapters present ways in which non-automobile infrastructure can be expanded and policy initiatives executed to make society less dependent on individual vehicles. Some of the methods discussed to accomplish these goals include the revival of urban centers, smart growth that curtails unplanned urban sprawl, creation of pedestrian-oriented communities, regional tax sharing, and car-free housing developments.¹⁸

III. DISCUSSION

The Post-Automobile City: Legal Mechanisms to Establish the Pedestrian-Friendly City is a visionary book that presents a balanced analysis of, and viable solution to, what Professor Kushner considers a growing problem in American society, negatively impacted quality of life due to expanding reliance on individual vehicles. Unfortunately, the author's discussion of conspiracy theories in the beginning of the book may give the reader an impression that a skewed argument is going to be presented and cause the reader to continue on with a critical eye. However, the reader who perseveres will discover that the remainder of the book actually presents a fair treatment of the issue at hand. While the author is a definite advocate of efficient public transport, he includes advantages of the automobile and potential legal constraints of his policy proposals and acknowledges the fact that many Americans may not share his enthusiasm for a car-free society. The end result is a realistic piece that leaves the reader thinking environmentally rather than incited that the author proposed an over-zealous approach to a potentially controversial issue.

14. *Id.* at 31-36.

15. *Id.* at 37-59.

16. *Id.* at 61-69.

17. *Id.* at 71-148.

18. *Id.* at 61-148.

The book's prospective use as an authoritative resource is also strengthened by the fact that Professor Kushner has actually lived in a car-free community.¹⁹ Because the author has first-hand knowledge of the issue he is presenting, he is able to effectively articulate his vision and explain how it may be implemented. Further, the author has extensively researched the subject, which is illustrated by the five hundred plus footnotes supporting the one hundred and fifty pages of text. These references to hundreds of cases, law review articles, and other sources of environmental authority not only allow the reader to delve further into the book's topic if he or she so desires, but also give the book's audience confidence that *The Post-Automobile City* is a reliable piece of environmental work and not just an author's single vision of the impact the automobile is having on American society.

While a good follow-up to *The Post-Automobile City* may be a piece on how to convince Americans to part with their treasured vehicles, this book lays a solid foundation for sensible ways to transition from an auto-dependent nation to one which thinks more ecologically and has the resources necessary to sustain an efficient public transport system. Accordingly, it is a concise read that may ignite a new trend in American way of life.

19. *Id.* at x.