

# THE LEGAL AND INSTITUTIONAL BARRIERS TO HUMAN ORIENTED URBAN TRANSPORT SYSTEMS IN TURKEY AND THEIR REFLECTIONS IN ANKARA CITY

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## Abstract

Turkish cities are facing unplanned and rapid urban development supported by the neoliberal urban development policies of the national government and put into practice by local governments. Neoliberal urban development policies around the world are implemented through focusing on public transport-oriented urban development to cope with increasing urban densities and changing activity patterns. However, in Turkish metropolitan cities, neoliberal urban development policies are accompanied with urban transport decisions that put motorized vehicles at the center of the urban life. Improvement of urban transport systems is perceived by many Turkish local governments as a matter of infrastructure investment for cars or investments for costly and inefficient rail systems built for political returns. Motor vehicle-oriented design and operations of cities and transport systems neglect low-cost and carbon-free human focused bicycle, pedestrian transport and public transport priority. Legal and institutional frameworks consist of important restrictions and effects on urban transport policies and practices. This paper evaluates these frameworks as major causes of the complications in current urban transport systems and reflection of these complications are evaluated for Ankara case. The legal framework and institutional structure of urban transport in Turkey are analyzed as a basis for operational practices, ownership frameworks, investment decisions and other implementations at the local level. Paper clarifies the roles of institutions, both local and national, in terms of their overlapping and contradictory responsibilities and voids in their decision-making processes. Finally, it proposes a set of objectives for a new institutional structure that will improve the situation of Turkey's urban transport systems considering current economic limitations and political dynamics.

**Keywords:** Urban Transport, Legal Frameworks, Institutions, Decision-Making Processes, Policy

## TÜRKİYE KENTLERİNDE İNSAN ODAKLI ULAŞIM SİSTEMLERİNİN ÖNÜNDEKİ YASAL VE KURUMSAL ENGELLER VE ANKARA KENTİNDEKİ YANSIMALARI

## Özet

Türkiye kentleri merkezi yönetimin neo-liberal kentsel gelişme politikalarıyla desteklenen, yerel yönetimler tarafından uygulanan yaygın ve hızlı kentsel gelişme ile yüzyüzedir. Dünyada neo-liberal kentsel gelişme politikaları artan yoğunluklar ve kentsel eylem ilişkilerine cevap verebilmek için toplu ulaşım odaklı kentsel gelişmeyi uygulamaktadır. Ancak Türkiye büyük kentlerinde neo-liberal kent gelişim politikaları sürdürülebilir olmayan motorlu taşıtları kentsel yaşamın merkezine koyan kentsel ulaşım kararları ile hayata geçmektedir. Kent ulaşım sistemlerinin iyileştirilmesi yerel yönetimlerin çoğunluğu tarafından otomobiller için karayolu yatırımı veya politik beklentilerle gerçekleştirilmek istenen yüksek maliyetli ve verimli işletilemeyecek raylı sistemlerin inşaatı olarak algılanmaktadır. Kentler ve ulaşım sistemlerinin yatırım ve işletmesi motorlu taşıt odaklı olarak geliştirildikçe düşük maliyetli, karbonsuz insan odaklı bisiklet ve yaya ulaşımı göz ardı edilmekte ve toplu ulaşım gereken öncelik verilmemektedir. Yasal ve kurumsal çerçevelerin kentsel ulaşım politikaları ve uygulamaları üzerinde önemli belirleyiciliği bulunmaktadır. Bu makale yasal ve kurumsal çerçeveleri mevcut kentsel ulaşım sistemlerinin en çok zarar gördüğü karmaşaların kaynağı olarak ele almaktadır ve bu karmaşaların yansımaları Ankara örneğinde değerlendirilmektedir. İşletme uygulamalarının, işletici çerçevesinin, yatırım kararlarının ve yerel düzeydeki diğer uygulama süreçlerinin temelini oluşturduğu için Türkiye'deki kentsel ulaşımın yasal çerçevesi ve kurumsal yapısı makalede incelenecektir. Hem ulusal hem de yerel düzeydeki kurumların çatışan, çatışan görevleri ve karar verme süreçlerindeki boşluklar açıklanacaktır. Son olarak mevcut ekonomik sınırları ve politik dinamikleri göz önünde bulundurarak bugünkü durumun iyileştirilmesi için yeni bir kurumsal yapı için bir dizi ilke önerilecektir.

**Anahtar Kelimeler:** Kentsel Ulaşım, Yasal Çerçeve, Kurumlar, Karar Verme Süreçleri, Politika

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## 1. INTRODUCTION

Cities around the world are focusing on more human movement oriented and environmentally friendly public transportation systems and pedestrian and bicycle-oriented transportation systems on urban transport arrangements, while taking measures to reduce the use of individual motor vehicles. Despite this worldwide trend, municipalities are favoring to invest in car-centric solutions to relieve congestion in Turkish cities. Widening roads and building grade-separated junctions for cars are popular projects even in urban cores. Pedestrian over and under-passes are built for not to ease the movement of pedestrians, but to create smooth and uninterrupted flow of vehicular traffic. Road projects are implemented at the expense of damaging green areas or narrowing sidewalks. In addition to creating hazards for urban social life and the environment, these roadway improvements intending to reduce traffic congestion, actually are increasing total vehicle travel through shifts in travel times, routes and modes of transport, and they are attracting new, longer and more frequent vehicle trips with more congestion. There are many case studies from Turkish cities, indicating contradicting urban transport system implementations (Acar, 2016; Öncü, 2016; Üstündağ, 2016; Uğurlar, 2019).

This planning attitude which is known as “induced” or “generated” traffic (Goodwin, 1996; Litman, 2001), is left years ago in many planners and city governments. Scholars have pointed out the requirement of a shift from the “predict and provide” approach to the use of various “demand management” tools in the form of policy packages, including combinations of different travel demand management tools (Banister, 2005; Banister et al., 2013; Goodwin, 1996). However, low-cost operational improvements for public transport systems or infrastructure improvements for non-motorized modes of transport are neglected and undervalued by both local and national decision makers and even by citizens in Turkey.

An inadequate legal and institutional framework and the interference of assemblages (including formal and informal actors and groups with short-term economic expectations) are shaping urban transport policies and implementations in Turkey’s metropolitan cities (Öncü Yıldız, 2015). These frameworks and assemblages have relations and alliances at the international, national and local levels. Legal and institutional frameworks at the national level are evaluated here as one of the major causes of deficiencies in urban transport systems. These frameworks form urban transport policies, decision-making processes and practices in Turkey and they constitute the basis for short and long-term projects and operations at the local level.

This paper begins by summarizing urban transport systems’ multi-level economic and political relations, effects on development of Turkey’s economic conditions and political attitudes and their general effect on urban transport systems. Then, the evolution of the legal framework and institutional structure that affects urban transport decisions and projects in the Turkish administrative system are examined. The

roles and responsibilities of the relevant institutions are described, along with contradictions and voids in their responsibilities and actions. Then brief review of Ankara Urban Transport System is made in order to indicate how the legal and institutional deficiencies negatively affect development of urban transport system. The final section of the paper proposes a basis for a new institutional framework for improving the structure of Turkey's urban transport systems considering current economic limitations and political dynamics.

## **2. POLITICAL AND HISTORICAL BASIS SHAPING URBAN TRANSPORT SYSTEMS**

Cities grow within a system that use urban land more as a potential for profit than as an opportunity for development. Sawers (1984) indicated that the profit sought from the development of urban transportation is derived, not from the operation of the transport facility itself, but rather from its effects on urban land markets. Changing relations in capital accumulation processes, economic relations and related politics shape urban growth and urban transport systems. Large urban transformation projects and commercial facilities, including luxury office building and residential blocks and fancy shopping centers, characterize the development of Turkish cities during the last two decades. Urban transport facilities, especially infrastructure investments for motor vehicles, act as a vital catalyst of neoliberal urban development. Therefore, urban transport practices should be analyzed with both political and economic developments in mind.

Local governments and other local actors in complex multi-level relationships are crucial factors in the development or failure to develop urban transport policies for human oriented, efficient and sustainable environments. However, in developing countries, national legal frameworks and public institutions define the boundaries of local administrations. National economic and political decisions allow some actors, groups and institutions to benefit or suffer from the gaps (or so-called non-decision areas) in the legal and institutional framework.

Main influence on the supranational level is capital accumulation strategy, countries, regions and cities are affected by global dynamics differently according to their own political choices and economic structures. Supranational economic and political conditions are a composition of the influences of different national governments and supranational economic and political assemblages such as the IMF, the EU, the World Bank, OPEC and multinational corporations. National economic dynamics shaped by the political choices of governing parties are most powerful determinant of urban transport system development in Turkey. Urban dynamics and mayors are defined, restricted or sometimes broadened by the institutional and legal boundaries of the national government. Mayors acting within the constraints of national and international conditions do not have a wide range of choices, and they also adopt an

entrepreneurialist mode of urban development, which leads to motorized traffic oriented urban and transport system development.

## **2.1 Brief Historical Overview of National Dynamics Shaping Transport Systems in Turkey**

Turkish cities suffered from the economic constraints and stress during the early years of the Turkish Republic. Urban population growth and urban transport activities were limited until the 1950s. Urbanization and urban transport got rather limited attention from the state, which was focused on its nationally adopted industrial and agricultural development plans. The national government's support for industrialization eventually led to rapid urbanization starting in the 1950s, although limited funds allocated for urbanization.

Beginning in the 1950s, waves of migration to cities were absorbed by unplanned and illegal housing settlements in the urban periphery. Urban development pressures were absorbed by transferring public services to private entrepreneurs including urban transportation. Small producer- and tradesman-oriented private entrepreneurship policies were kept in place until 1973 by different governments (Tekeli, 1983). The municipalities of major cities like Ankara and Istanbul preferred to have public transport services provided by private entrepreneurs rather than public institutions. The political approaches adopted by national and local governments after 1950s affected the balance between the private sector and the provision of public service, initiating a trend, which continued until today (Öncü Yıldız, 2015).

In the beginning of 1960s, establishment of the State Planning Organization was a milestone in the nation's planned economic and spatial development. The State Planning Organization had the duty of planning and supervising economic and social development and making predictions related with economic and social objectives of Five Year Development Plans (FYDPs). The main difference from previous industrial plans was the new term, "development", a broad concept with social, economic and cultural dimensions (Ekiz and Some1, 2003). Planned economic development had important implications for urban development and planning. The new institutional framework of economic and social planning together brought the acceptance of comprehensive rationalist planning with an in-depth understanding of urban development (Şahin, 2007). Important efforts were made to establish livable and efficient urban environments and transport systems. However, these efforts could not be legitimized in the domain of urban transport, as the next section on institutions and legal framework will describe.

During the 1970s, the political approaches of the national government contradicted those of social democratic municipalities. Social democrat local governments began to depart from small entrepreneur-oriented political attitudes regarding the provision of public services. Although they were financially

restricted by the national government, urban and transport planning problems were resolved using different tools intended to respond to social needs and equity issues. Physical arrangements for prioritizing public transport and various transport demand management tools were implemented by these municipalities. However, these were ad hoc solutions, created to overcome financial restrictions imposed by the national government.

After the 1980 military coup, positive developments of previous years were discontinued. Military Coup was a result of the foreign payment crisis due the world oil crisis and political instability of unsuccessful government coalitions and social discontent. Economic development policies after the coup prioritized market dynamics and the private sector in decision making. International entrepreneurs began to invest in urban land and urban consumption.

In the 1980's, local governments around the world changed their approach and took on new entrepreneurial roles. They began to enact with the neoliberal tendencies of national governments by attempting to improve efficiency, competitiveness and profitability (Lambert, 1985). New advanced capitalism attributed new roles to local government by supporting urban growth in a fragmented way. As Harvey (1989) noted, the city began to appear to be both the product and condition of capitalist development. Despite the diminished role of the state in the economy, neoliberal states continued to establish favorable conditions for attracting international capital. Urban development, including urban transport and other urban infrastructures and services, were used as a new tool for drawing international and national capital into land-based investments. This approach turned urban systems into a huge new commodity and a playground for neoliberal ventures.

Turkish municipalities prioritized costly infrastructure projects rather than investments in the reproduction of the labor force or support for the urban poor. These services were performed through privatization and external finance provided by international capital (Doğan, 2001). Large investment-oriented policies amplified urban transport problems and put burdens on citizens by increasing the size of investments and delaying implementation of projects (Öncü Yıldız, 2015). At the same time, both national and local governments allowed small public transport entrepreneurs (bus, minibus and taxi operators) to become the permanent response to growing demand for transport. They were made the main components of urban transport through new legal and practical concessions. Short-term problem solving led even bigger problems in the years to follow.

In the 1990s, neoliberal policies of integration with the global economy were not successful, and Turkey experienced two economic crises. An era of coalition governments involving right and left parties began. The social democrats were unable to affect nationally adopted neoliberal policies since these coalitions were short-lived. The social democratic party won some important cities in local government elections, but again faced the financial restrictions of the national government. These municipalities attempted to

develop their own resources based on arguments in favor of social development and equity. However, these municipal governments contradicted themselves by initiating costly infrastructure investments, thus complying with the neoliberal national political attitude. Large infrastructure projects and high-cost urban rail projects in Ankara and Istanbul were financed with foreign credits from international financial institutions.

In late 1990s, the adverse effects of 1997 global economic crisis on Turkey's economy were compounded by the 1999 İzmit earthquake. The government received large international financial IMF support to reduce these negative effects and provide economic and political stability. The financial and institutional restructuring recommendations of the international funding organizations were implemented as required for receipt of these funds (Celasun, 2002). National economic policies were supported with short-term urban plans, and entrepreneurial policies become a permanent feature of urban development and transport systems.

In 2000's the right sided party, representing moral and social conservatism and neoliberal policies, won a majority in national elections. Altıok (2007) assessed this term as the enforcement of Turkey's role in the world capitalist system, which had begun years ago in 1980. In fact, all national governments since 1980 have adopted neoliberal policies. Although the political and economic support of the IMF and the EU enabled national government to mitigate the negative effects of the 2008 global economic crisis, large-scale privatization projects were criticized for being dominated by capital more than ever (Angin and Bedirhanoğlu, 2012). The government supported localization by implementing several legal frameworks required by the EU accession process. Local implementations began to be based on the principles of privatization and profitability rather than public needs. Although making positive claims about localization, democratization and participation, the national government began inequitable applications of the regulatory state by eliminating funds for municipal public services from national budget. It replaced finance of local public services in the local budget through pricing or privatizing the services whenever possible. The government reduced urban planning powers of municipalities and transferred several of their responsibilities to national government institutions, while bureaucracy and auditing mechanisms were not centralized by the state. It specifically targeted land development projects for large capital investment instead of proper urban planning.

The large infrastructure projects required international funding with the condition of using their technologies or professional support in the field of urban transport. However, the EU's recommendations of human oriented low-cost solutions for urban transport, such as improving pedestrian, cycling and bus systems were not considered in local level decisions and projects. The EU's progressive urban policies did not have binding directives for local level implementation, especially in



candidate countries, nor did the Turkish national governments develop a legal framework for human oriented urban transport priorities.

During the 2010s, funds for large infrastructure projects, exceeding municipal budgets, were obtained from the national government. The national government, not considering equitable distribution of projects among regions, supported large infrastructure projects concentrated in metropolitan cities run by mayors supported by national government, while city governments from other parties suffered from lack of funding. Urban development and transport systems began to be shaped according to the interests of several actors and pressure groups such land developers and transport operators.

Intensified entrepreneurialist policies brought speculative urban development in the form of luxury housing sites and shopping centers. Urban transport services were provided as complementary to speculative construction sector. Urban land development profits were larger and much more attractive than returns on urban transport infrastructure and operations. Procurement of urban transport services was performed at the municipal level through self-procurement or contracting unless part of a comprehensive urban transport plan. Effective assemblages were usually small and middle-sized investors and operators, while urban development decisions brought larger returns to investors and were controlled by large construction companies (Öncü Yıldız, 2015).

To sum up briefly, national economic and political developments have shown a strong relationship between national political tendencies and local level developments. Turkey, as an emerging economy with a relatively high rate of population growth and urbanization, has often prioritized economic growth at the expense of social development and environmental protection. Preference for costly projects based on a neoliberal perspective, support for policies in favor of small entrepreneurs due to election concerns and prioritizing short-term economic gains from land instead of planned development have hindered the adoption of a holistic approach to both urban and urban transport system development since the 1980s.

### **3. THE INSTITUTIONAL STRUCTURE AND LEGAL FRAMEWORK OF URBAN TRANSPORT**

This section reviews the legal and institutional framework of urban transport by defining institutions, reviewing their policy documents, and considering the developments described so far at the national level. The urban transport framework in the Turkish governmental system is complex with conflicting responsibilities and duties of several institutions and many important voids. At the national level, the Ministry of Development (MoD) defined general policies for urban and urban transport development in five-year development plans (FYDPs). The Ministry of Transportation and Infrastructure (MoIT) is responsible for national decisions about transportation, and the Ministry of Environment, Urbanization and Climate Change (MoEU) is responsible for urban planning and spatial development. The national

government institutions are directly related with a very limited number of local projects. A complete picture of urban transport planning and urban transport development in Turkey can be explained by analysing three national government bodies and the local governments of greater municipalities and other municipalities (Figure 1).

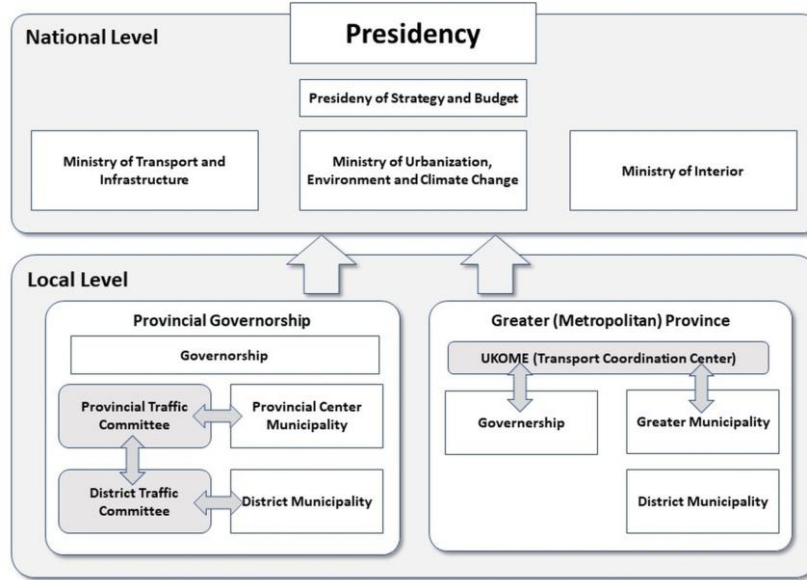


Figure 1. Transport-related Decision-making National and Local Bodies, Author

### 3.1. National Strategic Planning Authority

Central government's national strategic planning responsibilities in Turkey have shown some changes at recent years. The State Planning Organization (DPT) under Prime Minister's office has served for 51 years from 1960 to 2011. The Ministry of Development established in 2011 to replace the State Planning Organization until it was dissolved under the Strategy and Budget Presidency under the Presidential system in 2018 (Figure 1).

The SPO and MoD had duties of advising, planning and coordinating Turkey's economic, social and cultural development policies and projects. Central economic development planning in Turkey began in sixties with Five-Year Development Plans (FYDP).

Special Expertise Communities were set up by SPO prior to plan preparation with invited participants from all related government bodies, industrial and agricultural associations, and chambers for defining existing problems, deficiencies, potentials, and projects in their reports (SBP, 2022). This type of wide participation allowed state organisations to see problems and evaluate possible solutions for the plan. Problems of long-distance transportation and urban transport and proposals for resolving them were described starting with the 2nd Five-Year Development Plan Expertise Committee (SEC) and Subcommittee Reports for 1968-1972 period.



The 3rd Five-Year Development Plan SEC subcommittees were set up only for General Transportation and Highway Transportation sub-sectors while 3rd and 4th FYDP preparation studies did not include any sub-committee for urban transportation. 4th FYDP preparation period coincides with preparation of the First National Transportation Master Plan which was not implemented with privatization and neo-liberal policies of the following period. Decision for forming a SEC by SPO reflects the political decisions and approaches for that specific period. 5th Five-Year Development Plan preparations did not have any expertise committee or sub-committee on transportation which can be seen as a reflection of the accepted policies of the period.

FYDP SEC Report	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th
Years	1963-67	1968-72	1973-77	1979-83	1985-89	1990-94	1996-00	2001-05	2007-13	2014-18	2019-23
Urban Transport		X				X	X				
General Transport			X					X			X
Railways		X					X	X			
Maritime		X		X			X	X	X		
Airways		X		X		X	X	X			
Highways			X	X		X					
Traffic Safety								X			X

Table 1 FYDP's SEC and Sub-committees on transport and sub-sectors, Author

The 6th FYDP period (1990-1994) coincided with cities around the world abandoning private car-oriented policies and focusing on development of public transport for coping with increased traffic congestion, excessive travel times, environmental hazards and traffic accidents. The SEC Urban Transport Sub-Committee Report for the 6th FYDP has made an attempt to collect data from cities with populations over 100.000 to base its studies and evaluations. The report defined policies and principles and developed proposals for Turkish cities to reduce the adverse effects of transportation by following the international trends. Its proposals included a variety of topics, including the methods and stages of urban transport planning, project and implementation procedures, financial resources, improving operations, vehicle design and production, education, research and development, participation, environment protection, energy usage, and legal and institutional framework development (Table 1). SEC Report for the 7th FYDP criticized very limited effects on implementation of proposals of previous SEC Report and pointed out that urban transport problems had worsened during the period. The proposals of the previous SEC Report were found to be valid for the new plan period. SEC Reports for the 7th FYDP (1995-1999). The 8th FYDP (2000-2006) did not have an urban transport sub-committee and included evaluation of problems and presented proposals in general transportation report However,

the responsibilities of the institutions, the necessary implementation tools and supervisory mechanisms were not defined precisely. The reports remained as advisory documents without binding force for local level implementations.

SECs for the 9th FYDP (2007-2013) only included maritime sub-sector report while the 10th FYDP (2014-2018) development studies did not have any transport related SEC study. Many of the recommendations made in the previous plans, but not implemented, were completely disregarded in the last two plans.

Most of the evaluations and proposals of Urban Transport SEC reports prepared for the FYDPs are still valid under current conditions since most of them have not been implemented. Generally, very limited parts of SEC proposals appear in FYDPs even though the full reports are considered supplements of the FYDP.

Among the various urban transport policies of the FYDPs, only concrete standards and policies for rail systems have had some effect on local level implementations (Öncü Yıldız, 2015) since rail projects require the approval and supervision of a central government ministry. In other areas of urban transport, the implementation processes and control mechanisms are not clearly defined or non-existent. Although FYDPs at the beginning contain statements, trying to influence urban transport using a holistic approach, these policies were not implemented or even discontinued during the plan periods.

These two tendencies have two main roots. First, the national governments have concentrated only on costly rail system projects, while disregarding other low-cost urban transport solutions and the improvement of existing transport systems through transport planning. Second, responsibilities related to rail projects are clearly defined at the national level by a specific law, while responsibilities for other modes of transport and issues are not assigned to any national organization. All other urban transport implementations and planning procedures are discretionary. Most of the recommendations for urban transport in FYDPs and SEC Reports remained advisory in the policy documents and have not been implemented.

### **3.2. The Ministry of Transport and Infrastructure (MoTI)**

The MoTI has the duties of defining transportation policies and goals and performing their implementations at the national level. The MoTI have general directorates responsible for handling specific issues with highways, maritime affairs, airways and railways at national level. The ministry does not have any unit that is responsible for urban transport issues, except for those involving urban rail systems, which under responsibility of General Directorate of Infrastructure Investments. This unit is responsible for the assessment and approval of municipal and provincial administrations' requests for investments in urban rail system, cable car, funicular, airport and harbour projects. Urban transport

policy documents and practices of the MoTI remained limited with urban rail projects, disregarding other issues and modes of urban transport. This fragmented way of handling urban transport underlined at the comments for Ankara Transport Master Plan Draft in 2017 by commenting and approving some proposed rail lines, but not commenting on new road projects (e.g., the ODTU Tunnel Road) that adversely affect the patronage of the Çayyolu metro line built by the ministry with national government funding.

The organization and duties of the MoTI were updated in 2011 with the addition of temporary articles to Law Number 3348. The MoTI was authorized to take over several ongoing constructions of urban rail systems and metro projects of two greater municipalities. This legal arrangement was designed for specific rail projects of the Ankara and Istanbul Greater Municipalities governed by the same party of the national government where rail constructions had been delayed for decades.

### **3.3. The Ministry of Environment, Urbanization and Climate Change (MoEU)**

The MoEU does not have a department that is responsible for urban transportation planning and projects. Although the Spatial Planning General Directorate is responsible for defining and implementing principles, strategies and standards related to land use and approve some plans, it does not have any unit or even a concern for urban transport planning. The ministry is legally responsible and organized for spatial planning issues, but it does not have any formal or legal involvement in urban, regional or national transportation planning issues. The MoEU has only prepared a set of criteria for funding the bicycle infrastructure of municipalities without requiring a comprehensive transportation plan and prepared a national bicycle master plan for tourism and recreation. The Ministry review, approve and finance some bicycle and pedestrian plans and projects without a transport study.

Even though transportation planning powers and responsibilities at the national level are not specifically assigned to any ministry, there are also several other institutions that are authorized to make land use planning decisions that affect demand and patterns of transport, such as the Privatization Authority, the Ministry of Tourism and Culture without transportation studies. These institutions act independently from the ministry to accelerate site-based actions and create urban development projects in or on the periphery of urban areas that increase population densities and the need for new transport facilities without any concern for transportation planning.

The MoEU has described urban transport policies in policy documents such as the National Climate Change Action Plan (2012) and The Regulation of Spatial Plan Preparation (2014). National Climate Change Action Plan (2012) has concrete content and proposals related to transport planning for implementation. Since implementation and control directives are still lacking, these action plans are not a binding document for practices in the field, but remain an advisory policy document, which local

governments have mostly ignored. The Regulation of Spatial Plan Preparation (2014) defined contents of the term, Urban Transport Master Plan, without clarifying any details, content, responsibilities or procedures for urban transport plans and planning methodology.

### **3.4. Municipalities and Greater Municipalities**

Municipalities and greater municipalities are responsible for urban transport-related decisions and implementations within their borders. Municipality Law Number 5393 (2005) assigns municipalities the duty to provide urban transport services on their own or ensure that they are provided by a third party. Within legal and institutional framework, there are three problematic areas related to urban transport planning and urban transport setup. First is the problems arising from the extension of municipal boundaries of greater municipalities to provincial boundaries. Second one is conflicts arising from the inappropriate and conflicting institutions which are responsible from urban transport planning, operations and arrangements. Last one is related to urban transport master plan preparation, approval and implementation processes.

#### **3.4.1. New problems brought with the extension of Greater Municipality Borders**

The legal framework for greater municipalities has recently undergone several revisions and modifications with Law Number 6360 in 2012. This new revision increased number of greater municipalities from 16 to 30. The law also extended urban areas to provincial boundaries covering rural settlements and villages by turning them into urban neighbourhoods. Municipalities with populations below 2,000 were transformed into neighbourhoods. The enlargement of boundaries and transformation of former district municipalities into neighbourhoods brought new burdens to greater municipalities. They have to provide public transport services to low demand rural areas (formerly villages and now neighbourhoods). Municipalities became responsible for transport and traffic-related public services and providing infrastructure even in rural areas. Greater municipalities had to restructure their organization, staffing, equipment and services to cover much wider geographic areas that include scattered rural settlements. This recent revision contradicts the establishment of greater municipalities since these municipalities were formed to empower administrations to resolve problems created by complex urban system and ensure efficiency and effectiveness.

#### **3.4.2. Authority Complexity between Urban Transport Planning Bodies and UKOME's**

Municipalities (except for greater municipalities) have non-standard urban transport planning and management units that differ from municipality to municipality. These units are independently defined and staffed by each municipality. Their organizational structures are not clearly defined by a legal

framework since urban transport planning, operations, implementation, and infrastructure building activities are distributed to various management units in municipalities of varying sizes.

Greater municipalities, established with the enactment of Law Number 3030 (1985), have two municipal levels. Greater municipalities are responsible for preparing and approving urban development plans and urban transport master plans, as well as approving the implementation of land use plans prepared by district municipalities, while district municipalities do not have any responsibility for urban transportation. Greater Municipality Law Number 3030 established new administrative units called Transportation Coordination Centers (UKOMEs) to provide coordination and harmony between district municipalities and local branches of the national government under Governor's Offices (provincial representatives of the MoTI, General Directorate of Security, the Gendarmerie and others). UKOMEs are entitled to finalize decisions on the routes and fares of public transport services, traffic circulation plans, pedestrianization and other transport and traffic related proposals.

Greater municipality laws and municipality laws do not have very concrete definitions for the institutional and organizational structure of urban transport in municipalities, except UKOMEs. UKOMEs, even though formed as a multi-agency coordination center, operate as a committee for harmonizing final decisions on transport and traffic-related issues with the inclusion of the relevant public stakeholders. The composition of UKOMEs favored local representatives of municipalities with greater representation when they were established by Law Number 3030. Revisions in the composition of UKOMEs in the following years gave national government units more control over UKOME decisions by reducing the number of the municipality's local representatives (Figure 1).

The main deficiency of the existing structure is the unclear definition of duties, responsibilities and procedures for transport and transport planning issues for different types of municipalities. Creating new types of municipalities with every legal revision adds to this confusion and creates more uncertainties. Currently, there are greater municipalities where almost all the population live in one large urban settlement, where parts of the population live in more than one interrelated, but separate urban settlements, and even some greater municipalities where the population lives in many different size smaller urban and rural settlements.

Greater municipalities within this framework, but with different characteristics, have two tiers of municipalities: greater municipalities and the district municipalities of greater municipalities. They have different roles and responsibilities for transportation issues. There are also two types of municipalities in provinces (provincial center municipalities and district municipalities) that are not covered by the definition of greater municipalities. Each level of the non-greater municipalities also has different duties and responsibilities for transport-related activities. District municipalities in greater municipalities have

very limited responsibilities and duties, while district municipalities in non-greater municipalities have wider responsibilities for and authorities over transportation issues.

Urban transport with aspects of planning, providing and maintaining infrastructure and providing services or regulating private operators is not a stabilized area in frequently changing legal framework and local governance structure with wide variety of local administration types. As the legal definitions of cities and greater municipalities change, the responsibilities of different types of local administrations are also modified, resulting in further problems.

### **3.4.3. Urban Transport Master Planning Process**

The preparation of transport master plans is defined as a responsibility of greater municipalities without any further details or clarification in municipal laws. Neither content nor procedures related to the preparation, approval, financing, and implementation of transport master plans are defined in any legal or technical documents during early years of implementation. Conditions for preparation and implementation of transport master plans later defined with a by-law related to energy efficiency extended in transport plan preparation responsibilities to all municipalities with populations of more than 100,000, again without any clarification or details (Official Gazette, 2008). An update of the by-law on the energy efficiency in transportation made some clearance for approval procedures of transportation master plans creating other problems bypassing the Municipal Assemblies in greater municipalities (Official Gazette, 2019).

Despite the blurred and contradicting responsibilities and procedures for the planning stage of urban transportation, Greater Municipality Law 5393 defines in detail several urban transport issues for providing services or managing operators. According to Article 7, they include: “planning and coordinating transport and public transport services; determining the number of vehicles, timetables, stops and stations, tariffs of public transport services; determining, operating and procuring parking services on roads, streets, squares, and conducting all business required by transport management assigned to municipalities by the laws.” However, the legal framework of transport master plan preparation processes, standards of planning and specific funds to be used for transport projects is missing clarification. Municipalities and private sector urban transport planning consultancy firms prepare urban transport master plans depending on their perceptions of what the urban transport master plan should be rather than legal and technical definitions and standards and national policies.

### **3.5. Governorship, Provincial and District Traffic Committees**

Governors are local representatives of the national government at the provincial level with many overlapping duties and responsibilities with municipalities within greater municipalities. Provincial



Traffic Committees have similar responsibilities and substitute UKOMEs in non-greater municipalities. These committees are composed of local representatives where national government units have majority in composition.

Governors have the duty of approving the annual budgets of municipalities after their approval by municipal councils. Governorships control the balance between the spending and incomes of municipal budgets. Furthermore, they approve the decisions of provincial and district traffic commissions. Provincial and district traffic commissions are entitled to take measures for traffic order and safety, take infrastructural measures for providing safe and efficient traffic flow outside the boundaries of greater municipalities. Traffic commissions have the duty of defining the operational and technical specifications of commercial vehicles carrying goods and passengers and operating within their boundaries. Planning car and truck parking areas for public use and issuing permits for private parking are also among their tasks. A crucial part of the traffic commissions' duties overlaps with those of municipalities, which results in practical conflicts. These contradictions were defined by various SEC Reports of Development Plans with several proposals for overcoming them. These proposals have not been implemented, and the contradictions have worsened with the new administrative changes of recent years.

#### **4. EFFECTS OF INSTITUTIONAL AND LEGAL FRAMEWORK ON ANKARA URBAN TRANSPORT SYSTEM**

National governments have not been successful in establishing appropriate framework for a sustainable development due to mentioned limitations. Required efforts were not made by national governments for legitimizing human movement-oriented policy framework that would guide municipal actions at local level. This part of the paper focus on three critical issues in development of Ankara urban transport system between 1994 and 2017 rooting from deficiencies of institutional and legal frameworks. These issues are (1) attitude of the Municipality ignoring the valid Transport Master Plan throughout 20 years, (2) car-centric investments of grade separated junctions and highway constructions which are not proposed by the Transport Master Plan, (3) delayed metro constructions proposed in Transport Master Plan. These three topics defining current and future urban character and deficiencies are highly interrelated and resulted with private car movement and small private operator oriented urban transport development in the city.

Ankara is the second largest city and capital of the Turkish Republic. The effects of political and economic changes in one hand and institutional and legal deficiencies in the other hand have shaped the transport system. Ankara municipality and national government were from two opposing political parties during two election terms before 1980. The municipality suffered national funding support which resulted the municipality to implement low cost and efficient urban transport arrangements (public

transport-focused implementations such as bus lanes, free public transport service for low-income areas, public transport congress, pedestrianization, simple junction designs, etc.). Although initial steps for legal and institutional basis of these approaches were considered in National Development Plans, they could not be fully legitimized for further and wider implementations. These positive implementations in terms of sustainability and self-sufficiency were abandoned after the 1980 coup. After the coup, economic stabilization decisions hindered municipalities from making large investments on major public transport project constructions or in expanding and renewing public transport fleets. Ankara Municipality used privatization and other private sector intervention approaches to respond increasing travel needs.

Greater Ankara Municipality governed by Mayor Gökçek (who was in duty between 1994 and 2017) had been in harmony with national governments' political approach and projects. Mayor Gökçek preferred costly road construction projects with the financial support of the national government defining his approach on car oriented urban and transport development strategy without complying the legally approved urban transport master plan.

#### **4.1. Ignorance of Urban Transport Master Plan**

Ankara Urban Transport Study (EGO, 1987) was prepared based on a strategical development scenario of Ankara Structural Plan prepared by a team of planners from METU and EGO for the target year of 2015. Although the study includes policies for many transport components, implementation plans of these policies were not prepared. This study is the first strategic planning study for Ankara but it did not have a legal binding effect until it was updated with new schemes incorporated into it and approved as the Transport Master Plan in 1993. Many projects contradicting with the plan approach and proposals were implemented during the following years. Ankara witnessed many urban transport decisions and projects especially during the mayoral term of Mayor Gökçek harming sustainable transport effects as monitoring and supervision body at the national level did not exist for reviewing implementations of urban transport plans.

Ankara Municipality contracted a short-term urban transport study (Ankara Transport and Traffic Improvement Study: ATTIS) in 1998 with World Bank financial support. However, the municipality management disregarded proposals of this study (including low-cost public transport improvement projects and transport demand management proposals) and implemented only a few grade separated junctions among hundreds of road projects built without and transport study.

Ankara Municipality ignored proposals of 1987 and 1994 Urban Transport Plans without any intension of reviewing or updating these plans from 1994 to 2013. The municipality contracted a university to prepare a study for a new transport master plan in 2013. Even though the contract term of the study ended 2014, the Transport Master Plan has not been opened to public discussion and never been

approved by the municipal parliament. The Ministry of Transport and Infrastructure (MoTI) has partially commented to approve this draft plan omitting its proposals of new rail lines. Published analysis reports of the study were criticized by many professionals, including Chamber of Architects and Chamber of Urban Planners due to the Municipality's attitude for legitimization previous unplanned and illegal projects and investments. Chamber of Architects criticized plan preparation approach since the municipality ignored to make it public and taking decisions without considering critics of professional associations and the public. Besides several opponent members of parliament made parliamentary questionnaire about the content, methods and directors of the plan.

#### **4.2. Grade Separated Junctions**

Mayor Gökçek led municipality implemented numerous unplanned highway construction projects without any technical study but with mayor's own personal assessments. Most of these projects did not comply with the current legal plans and procedures. Municipality management focused on highway-based solutions for congestion problem of Ankara starting from 1994. Municipality's attitude on urban transport decisions was parallel to its profit oriented partial and short-term urban development strategies. Grade separated junctions, built on main corridors even at city center, became the symbol of Gökçek period. Ankara Transport Master Plan (1993) did not propose most of them and many planners, engineers and other experts had criticized grade-separated junctions focusing private car oriented solution especially at city center.

Chambers of Architects and City Planners have opened many lawsuits to stop several grade-separated junctions (Mithatpaşa Overpass, Sıhhiye Bridge, Akay and Kuğulu I-II grade separated junctions) at the court before the municipality began the constructions. Court decided that junctions are contrary to public good and universal urban planning principles. However, the Municipality had already begun the constructions and finalized them during judiciary process, which did not stop these constructions.

Grade separated solutions initially alleviated congestion on roads only for short period and congestion levels then increased both at grade-separated junctions and other connected roads and junctions more than previous conditions. Drivers, who had to wait at traffic signals, started waiting on more congested roads at over or under bridges. A grade separated junction necessitates other grade separated junctions on its connections. After a short time, this need leads to grade separated junction network in the city. These junctions may seem to decrease waiting time at traffic signals but only increases travel times due to increased traffic congestion caused by induced demand. After several years, junctions resulted in more car journeys, known in the transport planning literature as "induced traffic" created by road expansions hence raised congestion with traffic levels increasing rapidly.

Highway construction policies and projects adversely affected majority of the citizens including public transport users, pedestrians, elderly, children and all non-car-owning citizens. Grade separated junctions canceled at-grade pedestrian crossings. Pedestrian overpasses were constructed at roads that became high-speed due to grade-separated junctions and even in the city centre. Overpasses increased walking distance of pedestrians. Pedestrians with accessibility problems faced with limitations in using overpasses and crossing main arterials safely (Figure 2 and Figure 3).



Figure 2. Kuşulu grade separated junction blocking pedestrian crossing at the city center



Figure 3. Söğütözü Junction built for motor traffic create risks for pedestrians at urban center

### 4.3. Delay of Rail System Implementations

Between 2001 and 2003, the municipality started three new metro line (M2, M3, and M4) constructions. Government announced that they would be in operation shortly after 2004 elections. The announced dates were very unrealistic proposals to increase votes for local elections. After Gökçek won elections of 2004, municipality intensified investments of road widening and grade separated junction projects instead of metro constructions. This private car oriented approaches had been criticized by many professionals and professional associations. Absence of a national government unit for monitoring implementation and guidance of investments enabled Mayor Gökçek a free acting area for using municipality funds according to his personal point of view but not according to the needs of citizens and sustainability.

In the strategic plan of MoTI for 2014-2018, only uncompleted railway investments in large cities are mentioned disregarding the urban transport needs of other cities and other modes of urban transport. In addition, a new metro line connecting Ankara Esenboğa Airport to the city is also listed among MoTI projects without any study according to the ministry defined technical specification and not existed in the Ministry approved transport master plan.

MoTI signed a unique transfer agreement for taking over three of the metro constructions and completing them within general state budget when incapability of Ankara municipality to finish was clear after 11 years from the start of constructions. The construction of three metro lines and related facilities such as depots, vehicles and connections for these lines under construction by the municipality decided to be completed by the MoTI and to be transferred to municipalities for operation. The municipality spending its transportation budget for highway projects and becoming incapable of completion rail projects were saved by the national government after long delays. However, these transfers did not bring an easy and prompt solution to rail lines with further repeated delays in construction schedules.

Delay of required urban railways and negligence of public transport system brought traffic congestion to severe levels. Since the completion of Çayyolu Metro Line took three years after central government takeover, Municipality tried to solve congestion again with construction of a new parallel road (Angora Boulevard) reaching to Konya Road, through bypassing congestion on Konya Road and Eskişehir Road junction. Ankara urban transport system development was shaped according to Mayor's unpredictable relationships and bargains with assemblages of varying scales during 24 years of his mayoral term. His relationships with local public transport assemblages and influences of these assemblages on municipality decisions are discussed in dept interviews held within the framework of a PhD Thesis. (Öncü Yıldız, 2015)

Rail and road constructions are more impressive projects in the public opinion than bus system restructuring or travel demand management programs. Politicians at municipality give more emphasis to concrete and costly projects like voters without considering real benefits and costs in detail. Professionals evaluate these projects with all aspects and criticize the local management approach and actions. Below legal and institutional proposals are given for improving the current condition of urban transport systems of Turkish cities.

## **5. PROPOSALS FOR IMPROVING LEGAL AND INSTITUTIONAL STRUCTURE**

Institutional restructuring at both the national and local administrative levels need to resolve current voids and conflicts in transport-related decision-making processes. The duties and responsibilities of



national institutions, municipalities and greater municipalities at the local level need to be revised and improved. Basic proposals for improving current urban transport issues are summarized below for both administrative levels.

### **5.1. National Institutions for Urban Transport**

Currently, there is no institution responsible for research, planning, data collection, evaluation, coordination and supervision of nationwide urban transport projects and operations and establishing standards and evaluating implementations. Very limited functions of this category such as sharing experiences among municipalities and improving the training of municipal staff on transport planning and operations are carried out on a voluntary basis in some of the courses and committees of the Union of Municipalities of Turkey. A national level institution (as proposed by several SEC reports in the past) for nationwide guidance, coordination, development and benchmarking of urban transport practices would fill a serious void at the national level and reduce the conflicting and irrational implementations of municipalities and the national government.

At the local level, municipalities are responsible for urban transportation policies and projects, but currently there is no framework that defines national policies, guidance and targets for urban transportation decisions and practices. Guidance at the national level is required for harmonizing with international agreements and standards, guiding an equitable distribution of local funds that are collected by the national government, and the selection and development of urban transport technologies. This requires the assignment of an existing national government unit or creation of a new unit to perform these duties with appropriate organizational structure, staffing and legal authority.

### **5.2. Local Institutions for Urban Transport**

Changes in municipal laws have created many different types of municipalities with diverse responsibilities and duties regarding transportation issues. These changes and variations have created even more unplanned system and unclear procedures in transportation planning and operations than before. A new set of simplified municipal structures and procedures are required to redefine the distribution of roles and responsibilities among different types of municipalities, local and national authorities. A new structure for each type is also needed to define and distribute authority for transport planning, approving, funding, making decisions with local participation, environmental issues and local democracy with global targets.

UKOMEs need to be restructured in greater municipalities and need to be considered a new form of coordination for non-greater municipalities, which should replace provincial and district traffic commissions. Restructuring efforts need to consider existing deficiencies, current trends in public participation and adopt the basic principles of human movement oriented urban mobility plan



approaches. Restructured UKOMEs, as the new transport planning, coordination and oversight units, need to be more permanent with full-time operations, not as committees with monthly meetings. They should deal only with urban transport and should have permanent expert staff and resources for accomplishing their duties. Their institutional structures must be more complex, with several additional units: a central unit for research, planning, project preparation, tracking and auditing, and operational institutions.

At the local level, organizations like the proposed national transport institute are also needed within each municipality to gather data, evaluate, benchmark and monitor projects and implementation, and to generate data for national-level analyses.

## **6. CONCLUSION**

Affected by the changing dynamics of global and national capital accumulation and national political choices, Turkish cities have faced rapid growth patterns coupled with unplanned urban development, resulting in ever-increasing traffic congestion and accessibility problems. The private car-oriented urban transport approaches of city administrations have amplified the problems initiated by uncontrolled urban growth. These trends are supported by national and local government policies. The approaches of national and local government have prioritized economic development. The national government has supported these policies by tolerating gaps and conflicts of authority in institutional and legal structures.

It is obvious that the attitude of the national government toward urban transport has changed over time according to political and economic preferences. The neoliberal restructuring of both national and local institutions and legal frameworks has also caused urban transport problems in recent years by opening urban transport systems to the manipulation of economic and political actors and assemblages (Öncü Yıldız, 2015). As the continuity of political administrations may have strengthened the legal and institutional frameworks adopted at the national level, their attitude allowed gaps in the structure that various stakeholders were able to use to maximize their own interests.

National political and economic choices resulted in the neglect of globally accepted sustainability approaches. Deficiencies in the legal framework and inadequate support of national government for developing and implementing balanced and sustainable urban transport policies triggered ever-increasing problems in urban and urban transport systems.

Urban transport decisions are irrationally dispersed to variety of public institutions at the national and local levels. Efficient coordination of these decisions or implementations is not carried out by any administrative unit. Supervision, planning and management functions are distributed to various institutions without a rational system. As Evren (1999) emphasized that; although many institutions are responsible for different functions related to urban transport, urban transport does not have an owner

within Turkish legal framework. Similarly, the SEC report of the 7<sup>th</sup> FYDP (1995) pointed out that there are some fields where the duties and responsibilities of organizations are contradictory, others where there are gaps in duties and responsibilities, and important duties and tasks that are neither assigned to nor undertaken by any organization.

At the national level, there is a need for an administrative institution to unify and coordinate urban transport planning and implementations. Despite the emphasis of the MoD on the “requirement for a national level unit for urban transport planning” since the 6<sup>th</sup> FYDP, no specific ministry has been assigned to do so, and no steps have been taken to comprehensively restructure urban transportation procedures.

Restructuring at the national level needs two major steps: the creation of a new institution for more academic and technical data collection, analysis, research and dissemination, and defining the owners of urban transport systems at the national level with necessary legal, institutional and expert authority.

The current roles of institutions at the local level have overlapping and contradicting responsibilities, authorities and voids in many functions. The many types of municipalities, unclear definitions of their roles and duties and their lack of coordination with national government units all indicate a need for comprehensive and in-depth restructuring. New restructuring for the local level needs to reduce the complexity of municipality types, emphasize increasing local participation and democracy, and focus on the standardization of procedures. Local changes should be used to create new units like UKOMEs for non-greater municipalities and to equip all municipalities with the expertise and authority to plan and implement sustainable transportation systems.

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