

# REGIONAL PLANNING ISSUES

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HEARINGS  
BEFORE THE  
SUBCOMMITTEE ON URBAN AFFAIRS  
OF THE  
JOINT ECONOMIC COMMITTEE  
CONGRESS OF THE UNITED STATES  
NINETY-SECOND CONGRESS  
FIRST SESSION

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PART 4

MAY 19, 20, 25, AND 26, 1971

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## REGIONAL PLANNING ISSUES

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WEDNESDAY, MAY 19, 1971

CONGRESS OF THE UNITED STATES,  
SUBCOMMITTEE ON URBAN AFFAIRS  
OF THE JOINT ECONOMIC COMMITTEE,  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 10:10 a.m., in room 1202, New Senate Office Building, Hon. Richard Bolling (chairman of the subcommittee) presiding.

Present: Representatives Bolling, Moorhead, Widnall, and Brown.

Also present: James W. Knowles, director of research; and Walter B. Laessig and Leslie J. Barr, economists for the minority.

### OPENING STATEMENT OF REPRESENTATIVE MOORHEAD (PRESIDING)

Representative MOORHEAD (presiding). The Subcommittee on Urban Affairs of the Joint Economic Committee will please come to order.

This morning, the Subcommittee on Urban Affairs continues its hearings on regional planning issues with two witnesses of widely differing backgrounds. The first of these is a member of a New York City law firm, the other an architect. Combining such diverse talents has been an essential characteristic of the hearings of this subcommittee through its 4 years of existence.

Our first witness, Mr. Edward N. Costikyan, a member of the New York City law firm of Paul, Weiss, Goldberg, Rifkind, Wharton, and Garrison. He has a distinguished career in law and in public service.

Our other witness is Mr. Carl Feiss, an architect who is a Fellow of the American Institute of Architects, soon to assume the duties of dean of a school of architecture. We will, as usual, hear from both of our witnesses with their opening statements and then we will proceed with the questions afterwards. We will start with Mr. Costikyan. You may proceed in your own fashion.

### STATEMENT OF EDWARD N. COSTIKYAN, ATTORNEY AT LAW, OF THE FIRM OF PAUL, WEISS, GOLDBERG, RIFKIND, WHARTON & GARRISON, NEW YORK CITY

Mr. COSTIKYAN. Thank you, Mr. Chairman. Thank you for inviting me to join the group of witnesses who have been testifying here for the last few weeks.

Perhaps I bring a slightly different view of planning than most of those who have appeared before you. I view it from the point of view of one who was for some time actively engaged in the political

process in New York City as a political leader, not as an elected official. For those who view the planning process from the point of view of the party official who is attempting to satisfy the needs of his constituents in such a way as to get them to vote for the party's candidates at the polls, planning as we have known it has left a great deal to be desired. The concept of planning as a device to shape the future of New York City gained acceptance at least on paper during the 1930's. In 1938, we enacted a new city charter which created a city planning commission which was supposed to create and adopt a master plan for the physical development of our city. The charter reflected with precision what planning meant in the 1930's, for it described the plan to be adopted in terms of showing desirable streets and roads and the grades thereof, public places, bridges, tunnels, parks, squares, playgrounds, sewers, sewage treatment plants, and so on, concluding with a general mandate to include such other features as will provide for the improvement of the city and its future growth and development and afford facilities for the housing, transportation, comfort, convenience, and welfare of its population.

I think that concept of planning reflected then current attitudes about urban government. Those seeking good government looked to experts, somewhat removed from the political process, who were supposed to blueprint the future and manage by fiat the nature of urban change, to improve the quality of urban life by mobilizing intellectual resources and to plan the proper future of the city in the hope that through these means, the city could painlessly make its way to the city of the future which the planners envisioned.

Thirty-three years have passed since that charter went into effect. It has been superseded by another charter which continued the mandate to adopt a master plan. No master plan has ever been adopted. Indeed, no master plan conforming to the description contained in the 1938 and 1962 charters has ever even been proposed and New York City's development or recession, which seems a more appropriate description, has continued substantially unaffected by any overall plan.

Instead, the development of New York City has been the product of economic pressures, congressional legislation, tax policies, inflation, labor relations practices, and a host of other factors, and our planning commission has become a super zoning agency which, in addition, approves specific projects from time to time which affect various relatively tiny parts of our vast city.

The New York City of today, with a World Trade Center rising in Lower Manhattan which will absorb the foreseeable demand for Lower Manhattan office space for the foreseeable future; with a mass transit system which has fewer passengers paying higher fares each year; with highways pouring automobiles into the city from the north, the east and the west, to the point that the city talks of barring them from parts of Manhattan; with a declining population in the heart of the city and a welfare population equal to one-seventh of our total; with a declining supply of housing as owners of residential properties abandon them because they are economically

unfeasible and builders and investors refuse to undertake new housing construction; and with businesses increasingly moving out of the city and in increasing decline in jobs each year; and with a city government increasingly unable to furnish basic services of safety and sanitation despite massive increases in manpower and compensation for that manpower—that city, the New York City of 1971, is simply not the product of the planners or the planning of the 1930's, the 1940's, the 1950's or the 1960's.

The result would not have been different if our planning base had been larger. It is true that New York City's transportation problems, for example, would require a planning base far larger than the city in order to deal with them effectively. But it was not the absence of such a regional planning unit which has led to New York City's inadequate transportation system. Rather, it has been the result of a political decision by the Congress to create a national highway system instead of, for example, a national mass transit system. It has been the result of political decisions by the Congress to foster automobiles and to abandon railways.

Nor would the results have differed if more specific plans had been prepared by the planning commission. For whatever plans might have been proposed, they could not have been carried out without resource allocation and those who controlled the resources did their own planning and they planned for highways instead of houses.

To me, this history of the planning idea indicates that the regional planning device, the notion that experts can plan the future and that the creation of planning bodies without power govern, to allocate resources, to implement plans, would change the nature of urban change, is not a very useful tool in dealing with today's urban crisis, let alone trying to solve tomorrow's. Yet nevertheless, in the 1970's, the need for regional planning and for regionalization of some Government functions seems to remain and remains apparent. So the questions keep coming back to us: How can we deal with our regional problems, how can we afford the citizen an opportunity to participate in decisions which affect it? Should we consolidate existing governmental programs in the larger departments or decentralize into regional departments or perhaps do both? And what role should the existing political structures play in this process? But the basic question remains, how can we deal with the urban crisis? Is better planning the key? If not, what is?

My answer is that the kind of regional planning we have become accustomed to or even a better, more efficient system of planning, is not a solution to the urban crisis. I do not believe that the present problems of our city are susceptible of treatment through the regional planning device or that better regional planning can shape the future of the city or that Federal encouragement of the creation of regional planning councils, or that the creation of a dozen Federal regional planning units will be of much help. For whatever planning units may be created, the entity with the basic power to plan remains the entity which is vested with legislative and executive power to allocate resources.

The decision to enact the Federal highway program was a basic planning decision that has affected every city in the country. The failure of the Congress to enact a comparable Federal housing program has been a basic planning decision that has affected our city very adversely. The decision of the Congress to afford favored tax treatment to suburban homeowners as against city renters was a basic planning decision that affected our city adversely. And the absence of any adequate Federal mass transit program is again the result of a basic planning decision.

The list of basic decisions by the Congress of the United States which have shaped the present condition of the cities reflect the fact that basic priority decisions such as those enumerated above determine the nature of the future of every region in the country, not the plans of the planners. And it follows that the entity with the power to allocate resources will be the defacto basic planning entity for our futures as they have been in the past.

If this is so, how can the Federal Government make an effective contribution to the solution of the urban crisis and what place does regionalization play in such an effort? I suggest the answers to these questions require that the Federal Government make a new start in its dealings with the cities. I do not think revenue-sharing is an adequate answer, though it will surely help in the present crisis; or that regionalization of Federal programs will provide an effective solution, although it might facilitate administration; or that consolidation of the 400-500 existing programs would provide the kind of new start which I believe is necessary, again although consolidation would be desirable.

Let me suggest the following five points as possible points of departure for a new Federal urban policy.

First, the Federal Government should recognize that existing urban governmental units are the basic entities which must be used to govern the cities. Where these governments are inadequate, as many are, efforts must be made to encourage their improvement by the granting of Federal aid to local governments which perform and by denying it to those which do not. But bypassing existing governmental units and creating new ones has not produced better urban government. The creation of new units of government within the cities as in the poverty program and the Model Cities program has resulted in the creation of hundreds of little bureaucracies basically responsible to no one which have not effectively dealt with the ever-worsening urban crisis. Efforts to stimulate citizen participation in them have been grossly unsuccessful.

There are ways for the Federal Government to encourage with the carrot and with the stick some improvement in local governmental units and regionalization of those units when it makes sense to regionalize. But the basic power to govern the cities, which includes the power to plan and to execute, must, in my view, be vested in the people who live in the cities and those they elect, for those who plan and those who govern must be responsible to the voters and not to the Federal Government.

Second, I suggest that the Federal Government should create an Urban Government Commission charged with the duty of providing

yardsticks for the guidance of Federal Government, local governments, and of their citizens. For example, New York's air pollution problem is national in some aspects—automotive emissions; regional in some aspects—industrial pollution; and very local in some aspects—incinerators. In allocating Federal assistance, the Federal Government should require that the regional aspects of the problem be dealt with on a regional basis and the Urban Government Commission could determine the appropriate region and the aspect of the problem to be dealt with regionally. In order to qualify for such aid, either the local governments involved would form a regional planning and administrative unit to deal with the problem in its regional aspects or the Federal Government could decline to extend assistance and would explain why to the voters.

The yardstick function, however, goes farther. For example, recent statistics indicate that the cost of per capita police protection in a city of 100,000 is some \$13 per capita and that in New York City, it is \$39 per capita, or at least it was before the last round of wage and pension increases. Similarly, recent studies in New York City indicate that the cost of collecting garbage by private collectors who pay fees to the city and earn profits is \$17 per ton and that it costs the city some \$49 per ton to do the same job without the profits or fees. In an era in which cities are demanding and I suppose will ultimately receive many forms of Federal assistance, it is wholly appropriate for the Federal Government to decline to subsidize urban operations that are carried on at such outrageous cost levels.

The urban government commission should conduct continuing analyses of the urban governmental function, should seek to establish general guidelines as to governmental size and efficiency, and when cities such as New York face major crises, even subject particular cities to examination in depth and publish the results in order to encourage citizen action where necessary. The withholding of assistance in circumstances of gross urban inefficiency, with a public explanation as to why, will have an inevitable impact upon the voters in the area.

Third, I suggest that national legislation must be regionalized. The notion that an urban Federal aid program can or should be uniform and have the same applicability to every city in the country is simplistic. There are local variations in demands, in needs, in costs and in possibilities. So national legislation in the housing field, for example, should reflect and make room for variations in local needs and in local costs. The minimum cost of housing construction in my city is usually something above the maximum which the Federal Government would approve and assist.

Different regions have different problems and different priorities. Old cities have problems that differ from most of the new cities. Small cities have problems that differ from those of large cities. Federal legislation should recognize these variations and give each area maximum choices as to the uses to which federal aid is to be put.

Fourth, I suggest that there exists in the Congress of the United States the base for the creation of regional planning units throughout the country. The elected representatives of the people, elected

every 2 years and quite frequently through hotly contested elections, are the most appropriate people to plan. They plan anyway. They decide upon objectives and they decide upon methods to accomplish those objectives.

If there is to be a regional planning unit for the metropolitan area of New York to deal with its transportation and air pollution problems, why should it not consist of the congressmen representing those areas which are within 100 miles of the city and are part of that regional unit? If indeed the Federal Government is to foster regional planning, what better representatives of the region can there be than those elected by the voters every 2 years? For these planners also have substantial power over resource allocation, unlike the planning units which we in New York City have become familiar with. And they must account to their constituents every 2 years. These two elements—power to act and voter responsibility—seem to me to be two critical elements lacking in the traditional planning concept.

Finally, and most important, I suggest that what is needed more than anything else is some national analysis of the purpose to be served in our national economy and in our national life by the cities in the coming decades and a national plan for the utilization of our cities. For it seems to me that today's urban crisis is largely a result of the loss by the city of its reason for being and the absence of any newly discovered rationale to replace the old.

We are told that historically, cities existed in order to provide defense to their inhabitants. That rationale is no longer of any validity.

Later, cities existed because they provided places for people to live and to work. The existence of business and industry in the cities attracted residents; the existence of residents in the cities attracted business and industry. And the city grew from this interplay between the business seeking workers and the workers seeking jobs, and the city thrived.

In the 1970's, all of this has changed. A network of roads has been built which makes it possible for people to travel short distances relatively rapidly. Communications today by telephone and by air make a centrally located business activity of less significance. Population has increasingly dispersed from the cities to the suburbs under the encouragement of the Federal Government's tax policies. And today, the city no longer lives upon the mutual attraction between those who seek work and those who seek to employ them. The workers live in the suburbs and increasingly, the businesses are moving closer to the places where the people live. According to the New York Times of May 11 of this year, 80,000 jobs were lost by the New York metropolitan area last year alone.

The move is a national one, affecting every major city, for as costs of urban government rise, every city businessman must ask himself at some point when the latest increase in the cost of doing business in the city hits, "Why are we here?"

If there were a first rate mass transit system that could speed the employees into the heart of the city from the surrounding suburbs in

convenience and comfort, the city might remain the center of business. But absent such a transportation system, the pressure from the center to the outskirts is unrelenting.

In addition, population growth, we are told, requires the construction of perhaps a hundred new cities in the next 20 to 30 years. These new cities will not be economically viable unless their residents have either ready access to the existing centers of business or business moves closer to those new cities. The current trend is clear and if it continues, the question will arise as to what function the cities will then perform.

It seems to me that some understanding of the answer to this question is essential if we are going to have a rational national urban policy and if the Federal Government is to play a rational role in the urban planning process. No one, so far as I know, has made the study which I think is necessary, but it is clear that these days, the cities are increasingly performing the function of being the depository of the nation's poor. According to the mayor of Boston, one-fifth of the people in his city are on welfare, and one-seventh of the people in my city are. And the flow of the poor into the city continues unchanged.

If the process continues as it has in the past, it is really silly to suggest that a plan or a planner can buck the tide, reverse the trend, and so manipulate the future that the flow of people and business will reverse unless that planner has massive resources behind him and is willing to use them. And the necessary resources would have to include the power to enact national legislation such as tax deductions for residents who pay rent in the city instead of or in addition to those of suburban homeowners, and substantial tax incentives for businesses which locate within the metropolis instead of outside of it.

But I would question both the feasibility and the desirability of such an effort. After all, are our cities really the best places for people to live? Is not dispersion of both population and business to outlying areas desirable? Is it necessary to centralize commercial activity in an era of such rapid and instant communication? Would it not be wiser than attempting to build a mass transportation system capable of carrying millions of people into the city to encourage or at least permit a natural out-migration of the businesses to the places where people live?

If the trend of out-migration can't or should not be reversed, then what role will the cities play? This is the question which I think needs an authoritative answer by this Congress. Surely they will remain cultural centers. Possibly, they will remain financial centers. And if the poor of the Nation are to continue to flow into cities, then I suggest that the cities may functionally be best adapted to be used as nationally financed educational, training, and rehabilitation centers for the permanently poor, many of whom live out their lives on welfare without ever becoming effective members of society.

The bulk of those on welfare in New York City are children—80-85 percent. A major investment in education, in training, in the children, might mean that the trend of the last 10 years which has so crippled the cities might be reversed in the next generation.

The need for such a study as I have suggested is pressing. The cities need some insight into where they are going. The mayors have not time to think of the future because they are so beset by the problems of today. Attention must be given now to how this country can take advantage of and use the magnificent capital plants that make up our cities—streets, utilities, water systems, buildings, cultural centers, educational institutions, and all the rest—before those capital assets deteriorate from misuse or nonuse.

Central to this question is some determination as to what economically feasible role the cities will play in the America of 30 years from today. I suggest that a national definition of the function of the cities in the 1970's is essential if the Federal Government is to play the appropriate role that it should play in encouraging and facilitating cooperative efforts by local authorities and local interests who are trying to save their cities and make them into rational places to live.

Thank you, Mr. Chairman.

(The prepared statement of Mr. Costikyan and an article from the Saturday Review entitled "Cities Can Work" follow:)

PREPARED STATEMENT OF EDWARD N. COSTIKYAN

REGIONAL PLANNING AND THE URBAN PROBLEM IN THE 1970'S

The concept of planning as a device to shape the future of the cities gained widespread acceptance in this country after World War I. By the 1930's, the terms "planning," "master plan," "regional planning," and the like became an accepted part of the governmental lexicon. In the case of the city with whose affairs I have some familiarity, New York City, planning became institutionalized, at least on paper during the same decade.

In 1938 a new city charter created a City Planning Commission which was to create and adopt a Master Plan for the physical development of the city. Once the Master Plan was adopted the Planning Commission was given the right to approve any city project which affected the Master Plan, and unless a majority of the Planning Commission approved such a project it could not be adopted without a three-quarters vote in our senior legislative body.

The charter reflected with precision what "planning" meant in the 1930's. For it described the plan to be adopted as follows:

"A master plan of the city shall show desirable streets, roads, highways and the grades thereof, public places, bridges and tunnels and the approaches thereto, viaducts, parks, public reservations, parkways, squares, playgrounds, roadways in parks, sites for public buildings and structures, building zone districts, pierhead and bulkhead lines, docks and wharves, waterways, routes of railroads, omnibuses and ferries, locations of drainage systems, sewers, sewage treatment plants, incinerators, water conduits and other public utilities privately or publicly owned, and such other features, changes and additions as will provide for the improvement of the city and its future growth and development and afford adequate facilities for the housing, transportation, distribution, comfort, convenience, health and welfare of its population."

This concept of planning reflected current reform attitudes about urban government. Those seeking good government looked to experts, somewhat removed from the political process, to blueprint the future, to manage by fiat the nature of urban change, to improve the quality of urban life by mobilizing intellectual resources and to plan the proper future for the city, all in the hope that through these means the city as it then existed would painlessly make its way to the city of the future which the planners envisioned.

Indeed, both the objectives of the plan, *i.e.*,—shall we have a city with heavy industry, light industry or no industry,—shall we have rapid mass transit or individual highway transit—and the details of accomplishing the



plan—where shall we put the industry, the subways, and the highways—were to be rationally determined by rational planners, and then implemented by the city's political arms.

Thirty-three years have passed since that Charter went into effect. No Master Plan has every been adopted. Indeed, no Master Plan conforming to the description contained in the 1938 charter has ever even been proposed. And New York City's development, or recession which seems a more appropriate descriptive, has continued substantially unaffected by any over-all plan.

Instead, the development of New York City has been the product of economic developments, Congressional legislation, tax policies, inflationary pressures, labor relations practices, and a host of other factors. Our Planning Commission has become a superzoning agency which, in addition, approves projects affecting various relatively tiny parts of our vast metropolis.

The cost of all this has been substantial. The 1969-70 budget for the planning function was over \$5,000,000. It was less in earlier years but it was never minimal.

But the New York City of today :

With a World Trade Center rising in Lower Manhattan which will absorb the foreseeable demand for Lower Manhattan office space for the foreseeable future.

With a mass transit system which has fewer passengers paying higher fares each year.

With highways pouring automobiles into the city from the North, East and West to the point that the city talks of barring cars from parts of Manhattan.

With a declining population in the heart of the city.

With a welfare population equal to 1/7th of our total population.

With a declining supply of housing, as owners of residential properties abandon them because they are economically unfeasible and builders and investors refuse to undertake new housing construction.

With air pollution problems of staggering proportions.

With businessès increasingly moving out of the city and an increasing decline in jobs each year.

And with a city government increasingly unable to furnish basic services of safety and sanitation despite massive increases in manpower and compensation for that manpower.

That city, the New York City of 1971, is simply not the product of the planners or the planning of the 1930's or the 1940's or 1950's or 1960's.

The result would not have differed if our planning base had been larger. It is true that New York City's transportation problems, for example, would require a planning base even larger than the city in order to deal with them effectively. That base should include eastern, central and northern New Jersey, almost all of Long Island, Westchester and other suburban counties, and western Connecticut. But it was not the absence of such a regional planning unit which has led to New York City's inadequate transportation system. Rather, it has been the result of a political decision by the Congress to create a national highway system instead of, for example, mass transit. It has been the result of a political decision by the Congress to foster automobiles and abandon railways.

The highways got built and were connected one with the other without regional planning units. They crisscross the areas surrounding the City and most of them find their way into the heart of the city. They were not planned by any planners. They were enacted by this Congress.

Nor would the results have differed if more specific plans had been prepared by the Planning Commission. For whatever those plans might have been, they could not have been carried out without resource allocation, and those who controlled the resources did their own planning—and they planned for highways instead of houses.

To me, this history of the planning idea indicates that the regional planning device—the notion that experts can plan the future and that the creation of planning bodies divorced from governmental units with power to govern would change the nature of urban change—is not a very useful tool in dealing with today's urban problems, let alone in solving tomorrow's.

In New York City our Planning Commission has abandoned the notion that the kind of planning contemplated in the 1930's was worth the effort. After

substantial prodding by the federal government to produce a "comprehensive plan" in order to qualify for various federal programs, it decided it was time to produce the Master Plan which the 1938 (and the 1962 Charter which superseded it) charter mandated. But it has produced a document which is not a Master Plan at all but rather a compendium of ideas, complaints, observations of the obvious, political puffery, occasional sensible suggestions, statements of purpose and principle, and generally the kind of political writing which one finds in position papers at campaign time. I quote a few examples :

#### THE NATURE OF THE PLAN

"This Plan is not a conventional master plan. It is not, for one thing, primarily a physical plan. While we do go into considerable detail on many construction and public works projects, our purpose is not to present an over-all design for physical development. Put on colored maps, such plans do present a nice sense of order, but one which does not have too much to do with reality. Our primary concern is with the processes for the City's growth."

#### POSITION PAPER

"People ought to be given room to walk unhindered by cars, easy access to mass transit, convenient places to eat and shop. These amenities cannot be left to happenstance. New buildings must be planned so they work better together, and they will be more economic if they are."

#### OBSERVATION OF THE OBVIOUS

"Trucks are essential for the movement of goods in and out of New York as well as the distribution of them within it."

#### CAMPAIGN POSITION PAPERS

"To make the system work well also for low-income blacks and Puerto Ricans is an enormously difficult task. The challenge is not simply to broaden the system; it is to do it without diluting the quality of education. Schools are one of the chief reasons why people stay in a community, or leave it. If more middle-income people are to stay in New York City, the school system as a whole must be upgraded."

"The Civil Service system is much to blame. Set up, like the anti-graft measures, for what were once the best of reasons, it has become sufficient unto itself, insulated not only from politicians but from the political process and from people. Its merit system impedes merit. It automatically promotes mediocre people but blocks rapid promotion of first-rate people. It offers security, but it does not offer enough training and advancement opportunities for able and ambitious young people."

Most critics who have analyzed the proposed Plan agree that is not a plan at all but some sort of social commentary. In any event, it is clear that the proposed Plan is not the Master Plan for the physical development of the city which the 1948 charter mandated and the 1962 charter continued to demand.

Nevertheless, in the 1970s the need for regional planning and for regionalization of some governmental functions remain. For example, our transportation, environmental and economic problems remain regional problems. The entire Metropolitan Region is part of the economic base of which New York City is still the center. The salaries paid by our city to its teachers and police and firemen affect those paid by other municipalities as well as the wages paid by industry.

And as our problems seem to get larger and larger and our units of government become larger and larger, the citizen feels that he is more and more remote from this government, more and more powerless to deal with it, more and more incapable of dealing with local problems let alone the regional ones which the ever increasingly large units of government are supposed to deal with.

In New York City we attempted to deal with this problem by creating local planning boards. The city is divided into some thirty-five local planning areas which are supposed to reflect historical communities and these planning

boards are supposed to be consulted about plans and programs which affect their areas. By and large, with the exception of two or three very vocal local planning boards, the local boards have been ineffective: the feeling of isolation persists: the boards do not represent their communities since they are appointed by centralized authorities and not selected by the communities themselves: and the pressure for decentralization continues.

And so the questions recur:

How can we deal with our regional problems?

How can we afford the citizen an opportunity to participate in decisions which affect him?

How can we provide for popular representation in making regional plans?

How can we eliminate unnecessary overcentralization in governmental planning and administration?

Should we consolidate existing governmental programs into larger departments or decentralize into regional departments or perhaps do both?

What role should existing political structures play in this process?

Underlying all these questions is a more basic one: will the answers to any of these questions help resolve today's urban crisis and avoid a future crisis? I suspect that the answer to this basic question is that we are asking the wrong questions and seeking the wrong solutions. For example, I do not believe that the present problems of the city are susceptible of treatment through the regional planning device. Nor do I believe that regional planning can shape the future of the city, or that an expansion of the use of the device, or federal encouragement of the creation of regional planning councils, or the creation of federal regional planning units with an administrator appointed by the federal government with substantial powers will be of much help.

For whatever planning councils and planning units may be created, the entity with the basic power to plan remains the entity which is vested with legislative and executive power over the area in question. For example, the decision to enact the federal highway program was a basic planning decision that has affected every city in the country, most of them adversely. The failure of the Congress to enact a comparable federal housing program has been a basic planning decision that has affected every city in the country, adversely. The decision of the Congress to afford favored tax treatment to suburban homeowners as against city renters was a basic planning decision that affected every city adversely. The absence of any adequate federal mass transit program is the result of a basic planning decision which has affected every city adversely.

The list of basic decisions by the Congress of the United States, and by state legislatures, which have shaped the present conditions of the cities, notwithstanding whatever regional plans or local plans were adopted by local planning bodies, reflect the fact that basic priority decisions such as those enumerated above determine the nature of the future of every region in the country. Neither more regional planning nor better regional planning can alter the direction of growth or decay which flows from such basic resource allocations as the ones I have described.

I do not believe that the members of Congress are prepared to turn over to any regional planning entities the power to decide upon the allocations of resources. The future of the cities, therefore, like their present, will be the result of basic resource allocations by the Congress, not of any planning decisions by planning bodies. The entity with the power to allocate resources will be the *de facto* basic planning entity for our futures.

If this is so, how can the federal government facilitate the solution of regional problems and encourage regional planning and make an effective contribution to the solution of the urban crisis?

I suggest that the federal government should make a new start in its dealings with the cities. I do not think revenue sharing is an adequate answer, although it will help in the present crisis. I do not believe that the regionalization of all federal programs will provide an effective solution, although it could well facilitate administration. I do not believe that consolidation of the 400 to 500 existing programs would by itself provide the kind of new start which I believe is necessary, although consolidation would be desirable.

Let me suggest the following five points as points of departure for a new federal urban policy.

First, the federal government should recognize that existing urban governmental units are the entities which must be used to govern the cities. Where these governments are inadequate, as many are, efforts must be made to encourage their improvement, by the granting of federal aid to local governments which perform, and denying it to those which do not. But bypassing existing governmental units has not produced better urban government. The creation of new units of government within the cities, as in the Poverty Program and the Model Cities Program, has resulted in the creation of hundreds of little bureaucracies responsible to no one, which have not effectively dealt with the ever-worsening urban crisis, and the programs have not achieved what it was hoped they would achieve. Efforts to stimulate citizen participation in them have been unsuccessful.

And the quality of delivery of services has not notably improved: to the contrary, the creation of these discrete little pockets of government has tended to diminish the effectiveness of most city government.

There are ways for the federal government to encourage, with the carrot and the stick, improvement in local governmental units and regionalization of those units when it makes sense to regionalize. But the basic power to govern the cities, which includes the power to plan and to execute, must be vested in the people who live in the cities, and those they elect. Those who govern must be responsible to the voters and not to Washington.

Second, the federal government should create an Urban Government Commission charged with the duty of providing yardsticks for the guidance of the federal government, of local governments and of their citizens. For example, New York's air pollution problem is national in some aspects (e.g. automotive emissions), regional in some aspects (e.g. industrial pollution) and local in some aspects (e.g. incinerators). In allocating federal assistance, the federal government should require that the regional aspects of the problem be dealt with on a regional basis and the Urban Government Commission could determine the appropriate region and the aspect of the problem to be dealt with regionally. In order to qualify for aid, either the local governments involved would form a regional planning and administrative unit to deal with the problem in its regional aspects or the federal government would decline to extend assistance and would explain precisely why to the voters.

Similarly, transportation has its national, regional and local aspects. Federal assistance to transportation should be divided into its components and aid withheld unless the units of government involved respond to the classifications which the Urban Government Commission establishes.

The yardstick function, however goes farther. For example, recent statistics indicate that the per capita cost of police protection in a city of 100,000 is some \$13 per capita and that in New York City it is \$39 per capita, or at least was before the last round of wage and pension increases. Similarly, recent studies in the City of New York indicate that the cost of collecting garbage by private collectors who pay fees and earn profits is \$17 per ton and that it costs the City some \$49 per ton to do the same job without the profits or fees. In an era in which cities are demanding and will ultimately receive many forms of federal assistance, it is wholly appropriate for the federal government to decline to subsidize urban operations that are carried on at such outrageous cost levels.

The Urban Government Commission should conduct continuing analyses of the urban governmental function, seek to establish general guidelines as to governmental size and efficiency, and, when cities such as New York face major crises, even subject particular cities to examination in depth and publish the results in order to encourage citizen action, where necessary. The withholding of assistance in circumstances of gross urban inefficiency, with a public explanation as to why, will have an inevitable impact upon the voters in any area.

In short, I suggest that the Urban Government Commission establish yardsticks which both specify the unit of government, local, metropolitan or regional, to which assistance will be given to deal with particular aspects of a problem, and analyze existing urban governments in order to identify excessively costly operations because the unit administering the operation is too small or too big or too inefficient. In the case of such excessively costly operations, federal aid would be withheld.

This kind of information gathering and publication will not be unwelcome to the residents of urban areas, or, in some cases, to their administrators. For many of the latter are prisoners of the past and are merely paying for what their predecessors unwisely agreed to three, and four and five years earlier. The existence of a federal yardstick, and the threat and the actuality of withholding of federal assistance, are effective tools to a beleaguered urban executive struggling with civil service unions and an unhappy populace.

Third, I suggest that national legislation must be regionalized. The notion that an urban federal aid program can or should be uniform and have the same applicability to every city in the country, is simplistic. There are local variations in demands, in needs, in costs, and in possibilities. And so national legislation in the housing field should reflect and make room for variations in local needs and in local costs. (The minimum cost of housing construction in New York City is usually somewhat above the maximum which the Federal Government will approve. And yet those costs are to a great extent the product of the federal government's own tax policies and labor policies.)

Similarly, different regions have different problems, different priorities, different objectives. Old cities have problems that differ from those of new cities. Small cities have problems that differ from those of large cities. And while small cities perhaps should consolidate operations and enlarge their population and governing bases, usually large cities have far too much in the way of people and territory to deal with. Federal legislation should recognize these variations and give each area maximum choices as to the uses to which federal aid is to be put.

In addition, in order to make room for these local variations in needs, the many, many grant programs which the federal government now sponsors should be consolidated and the regions and the cities should be afforded some degree of choice as to which of those particular programs are of particular importance in that region or that city.

Fourth, I suggest that there exists in the Congress of the United States today the base for the creation of regional planning units throughout the country. The elected representatives of the people, elected every two years, and quite frequently through hotly contested election, are the most appropriate people to plan—to decide upon objectives and upon methods to accomplish those objectives—for any region.

If there is to be a regional planning unit for the metropolitan area of New York to deal with transportation and air pollution problems for example why should it not consist of the Congressmen representing those areas within 100 miles of the city? If there is to be regional planning dealing with Long Island Sound and its development, why should not the regional planners consist of the Congressmen whose districts abut upon that magnificent waterway? If indeed the federal government is to foster regional planning, what better representatives of the region can there be than those elected by the voters every two years to represent them?

For these planners also have substantial power over resource allocations, unlike the planning units which we in New York City have become familiar with.

I suggest that the Congress of the United States contains within it the makings of every regional planning council that this country needs. The appropriate region or other planning unit in each case depends upon the nature of the problem presented. The unit which should plan mass transport is not identical in size to the unit which should plan to deal with air or water pollution. In New York City, New Jersey helps to pollute our air and upstate cities help to pollute our water.

Yet we cannot create separate permanent planning units of such diversity to deal with each of these and other problems. But, Congress contains within it representatives of each area. Out of the Congress one can put together a regional planning unit of whatever size is appropriate for the problems to be dealt with. Each such planning unit will be an ad hoc unit—perhaps specified by the Federal Urban Commission I have suggested—but it will carry with it a substantial voice in the legislative process. Its members will have direct responsibility to the voters for what they do or fail to do. These two elements—power to act and voter responsibility—seem to me to be two critical elements lacking in the traditional planning concept which have made planning so ineffective as a device to shape the future of the cities.

Finally, I suggest that what is needed more than anything else today is a national analysis of the purpose to be served in our national economy and national life by the cities in the coming decade and a national plan for the utilization of our cities. For it seems to me that today's urban crisis is largely the result of the loss by the City of its reason for being and the absence of any newly discovered rationale to replace the old.

We are told that historically cities existed in order to provide defense to their inhabitants. That rationale is no longer valid.

Later cities existed because they provided places for people to live and to work: the existence of business and industry in the cities attracted residents; the existence of residents in the cities attracted business and industry. The city grew from this interplay between the business seeking workers and the worker seeking a job. The city thrived and grew. Its economy has basically healthy.

In the 1970's, all of this has changed. A network of roads has been built which makes it possible for people to travel short distances relatively rapidly. Communications today by telephone and by air make a centrally located business activity of less significance. Population has increasingly dispersed from the cities to the suburbs under the encouragement of the federal government's tax policies. And today the city no longer lives upon the mutual attraction between those who seek work and those who seek to employ them. The workers increasingly live in the suburbs. The businesses increasingly are moving closer to the places where their people live. According to *The New York Times* of May 11, 80,000 jobs were lost by the New York Metropolitan Area last year alone.

This move is a national one, affecting every major city. The outflow of business is no temporary phenomenon. As costs of urban government rise every businessman must ask himself at some point when the latest increase in the cost of doing business hits: "Why are we here?"

If there were a first rate mass transit system that could speed the employees into the heart of the city from the surrounding countryside in convenience and comfort, the city might remain the center of business. But absent such a transportation system, the pressure from the center to the outskirts is unrelenting.

In addition, population growth, we are told, requires the construction of perhaps 100 new cities in the next twenty or thirty years. It will not be easy to build these new cities within the existing ones without massive disruption and massive costs. But these new cities will not be economically viable unless their residents have either ready access to the existing centers of business or business moves closer to these new cities.

The current trend is clear. The businesses are moving to where the people are. Transportation systems are not being developed in order to bring the people to the cities where the businesses used to be.

If this trend continues, and there is no evidence to suggest it will not, what functions will the cities perform? It seems to me some understanding of the answer to this question is essential if we are to have a rational national urban policy and if the federal government is to play a rational role in the urban planning process.

I have not made the study which I believe is necessary to answer this question. But it is clear that today the cities are increasingly performing the function of being the depository of the nation's poor. According to the Mayor of Boston one-fifth of the people in his city are on Welfare. According to the Mayor of New York one-seventh of the people in New York City are on welfare. The rate continues to increase. The flow of the poor into the city continues unchanged.

In this context, if the process continues as it has in the past, it is silly to suggest that a plan or a planner can buck the tide, reverse the trend, and so manipulate the future that the flow of people and business will reverse, unless that planner has massive resources behind him and is willing to use them. The necessary resources would have to include the power to enact national legislation.

One can conceive of a set of circumstances which might reverse the trend: toll highways charging high tolls instead of free ones; high gas taxes; tax deductions for residents paying rent in the city instead of for suburban homeowners; substantial tax incentives for businesses which locate within the metropolis instead of outside it.

Indeed one can conjure up a number of proposals which might tend to encourage business to stay and residents to move back, but I would question both the feasibility and the desirability of such attempts.

Are our cities really the best places for people to live?

Is not dispersion of both population and business to outlying areas desirable?

Is it necessary to centralize commercial activity in an era of such rapid and instant communication?

Would it not be cheaper and wiser, than attempting to build a mass transportation system capable of carrying millions of people into the city, to encourage or at least to permit the natural outmigration of the businesses to the places where people live?

I do not attempt to answer these questions as to feasibility and desirability. I suggest, however, that the idea is so strong that only the most massive investment of assets and the most strenuous interference with the natural flow of economic forces could reverse it.

What role, then, will the cities play? Surely they will remain cultural centers. Possibly they will remain financial centers. And if the poor of the nation are to continue to flow into the cities, then the cities may functionally be best adapted to be used as nationally financed educational, training and rehabilitation centers—for the permanently poor, many of whom live out their lives on welfare without ever becoming effective members of society.

The bulk of those on welfare are children. A major investment in education, in training, in the children, could mean that the trend of the last ten years which has so crippled the cities, might be reversed in the next generation.

Perhaps all of the foregoing places undue emphasis upon a temporary phenomenon. If that is the case, the need for a federal study on the future of the cities is even more pressing. For the cities need some insight into where they are going. The mayors haven't time to think of the future because they are so beset by the problems of today. Some attention must be given now to how this country can take advantage of and use the magnificent capital plants that make up our cities—their streets, utilities, water supplies, buildings, cultural centers, educational institutions and all the rest—before those capital assets deteriorate from misuse or non-use.

Central to this question is some determination as to what economically feasible role the cities will play in the America of 30 years from today. It is probably too late to save the cities as they have been but it is not too soon to start planning how to convert them and rehabilitate them for the uses to which they are increasingly being put and to the uses to which, in today's economy, they can best be put.

I suggest that such a national definition of the function of the cities in the 1970's is essential if the federal government is to play an appropriate role in encouraging and facilitating cooperative efforts by local authorities and local interests who are trying to save their cities.

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#### CITIES CAN WORK

(By Edward N. Costikyan)

(Note: Edward N. Costikyan, a New York attorney and former leader of the Democratic Committee of New York County is author of *Behind Closed Doors: Politics in the Public Interest.*)

"Why are the mayors all quitting?

Why are the cities all broke?

Why are the people all angry?

Why are we dying of smoke?

Why are the streets unprotected?

Why are the schools in distress?

Why is the trash uncollected?

How did we make such a mess?"

—Anon.

This bit of verse sums up with commendable clarity and directness the problems of the cities as we enter a new decade. The answers are less clear, and

the solutions still more obscure. But a misunderstanding of the causes of the trouble has led most urbanologists to a wholly ineffective and unlikely cure. For the nearly universal prescription would have the federal government provide massive financial assistance and take over as many city governmental functions as can possibly be palmed off upwards.

I doubt that the federal government will provide money in sufficient amounts to reconstruct our cities within the near future. Although some of a city's money problems, such as the costs of welfare, properly are financed in whole, instead of only in part, by the federal government, massive increases in federal aid would not solve a city's problems, but rather would be quickly ingested by the money-consuming monster that city government can become. Therefore, the causes of the crises within our cities demand a different type of federal help for two reasons: *The predominant cause of city crises is the collapse and destruction of the political machine.* The second cause is the shortage of a supply of cheap labor essential to the growth and life of any city.

The political machine was the institutional backbone of city government during the period in which our cities were built. It played a multitude of governmental roles. And it gave the average citizen the direct access to government services, which he cannot find today.

The base of the machine was the captain of the election district or precinct. He was in charge of a one-to two-block area for the party. And he was in charge year round. If a resident had a problem—a leaking ceiling, no water or heat, a son in trouble with the law, a shortage of cash or food—he turned to his neighbor the captain. The captain, if he himself could not deal with the problem, took the constituent to "the leader" at the local clubhouse. There the problem was explained, and the leader undertook to solve it. If it was a leaky roof, the leader called someone he knew in the appropriate city department—often someone the leader had placed there—explained the problem, and got action.

This power of lateral invasion into the bureaucracy made efficient administration of a large city possible. It kept the bureaucracy hopping. But it also encouraged corruption. The average citizen, however, was willing to tolerate a degree of corruption as the price of his having ready access to government services. But the more affluent members of society (the backbone of every reform movement), seeing in this lateral access to government services (and not needing those services) potential and actual corruption set out to destroy that access and the system that produced it.

By and large, these efforts have succeeded in their intent. But we will never know whether their success represents, on balance, progress or retrogression, for all the histories of the political machines and their workings have been written from a reform orientation. It should be observed, however, in the absence of fairer contemporaneous data, that the political machines built the cities, paved their streets, dug their sewers, and piped their water supply systems. Furthermore, under the administration of the machines, mass transit systems, school systems and massive developments of new housing were constructed.

It would be laughable to suggest that any of our present city administrations could accomplish one-tenth of what the political machines accomplished during the period from the Civil War to World War I.

The machine was also the source of manpower to staff the city government. Of course, the city jobs available to the machine were part of its lifeblood. But the reservoir of people with some training in city government was also a resource for the city—a resource whose absence today has contributed to the "mess" referred to in the verse. People untrained in government try to learn what it is all about while on the job, wandering in and out of office at a pace that staggers the minds of the citizenry. By and large, these untrained people find themselves unable to effectively control or direct the bureaucracy, and frequently they quit in frustration.

The reform answer to the machine as the personnel pool for government was the creation of a competing source of manpower: civil service. As long as civil service and the machine remained in competition for the staffing of the government, the administrative result was good. But with the collapse of the machine, civil service has monopolized the field, and the administrative results



have been disastrous, for the bureaucracies have a double layer of protection that deprives any elected official of the power to get the bureaucrats to do their jobs. One layer is the impossibility of firing a civil servant. The other is the civil service unions, which have such power over the city—in the absence of alternative sources of manpower—that in the final analysis the bureaucracies are in a position to dictate to elected officials and their appointees. The bureaucrats can specify what they will and will not do (such as inspect boilers during a cold wave), what they will wear, and where they will work. The elected official (or his appointee) is at their mercy.

And these bureaucracies of unionized civil servants are strangling the cities. In New York City, for example, the police force has been doubled in the past fifteen years, although the population figures have remained almost constant. Fewer, not more policemen are on the line. There are supposedly six policemen for every one- to two-block election district in Manhattan. Tell that to a New Yorker and he'll laugh at you. He hasn't seen one of those policemen on the beat for years—unless it's to protect Khrushchev or Castro or the President of the United States. And then the question is, "Where did they all come from?"

There are fewer than 3,000 policemen assigned to duty on New York City streets (in cars or on foot) at any one time. (Put aside whether those assigned are where they are supposed to be.) One night last year, according to former Mayor Robert Wagner, there was not a single policeman on duty on the streets of Brooklyn. And the cost of all this "protection" has been estimated to be about \$39 per citizen in New York City, as compared with about \$13 per capita in a city of 100,000 people. When Mayor John Lindsay tried to change an archaic state statute that stipulated police be assigned to only three equal shifts, the police union first fought him in the state legislature, and lost. Ultimately, however, the union won by simply refusing to go along, and the fourth shift, which increases the number of police on duty during high crime periods, is now "voluntary" and is paid overtime.

The same phenomena of high costs, large numbers of employees with few on the line, rigidity, and immunity from discipline by elected officials or their appointees are found in every city department.

The cost of all this leaps and leaps. In New York City, the cost of providing essential services goes up every year by about 15 percent, while revenues rise by less than 5 per cent. The result is the annual budget gap, with which city dwellers are familiar, and which causes the cry for more federal money. New York City's budget, at \$3-billion in 1965, is more than double that five years later. This \$3-billion increase has not been absorbed by the cost of new services, but by the cost of existing programs. More federal aid will not solve the problem created by the capacity of the present bureaucracies to absorb more and more money for the same, or perhaps less, service.

The destruction of the political machine has left the unionized civil service bureaucracies with the same control over the life of the city that the machine once enjoyed and abused sufficiently to lead to the growth of civil service.

Finally, the destruction of the machine has left some governmental function without anyone to perform them. The city's election machinery, for example, was once operated by the political parties. The parties, rather than the city, not only trained the election inspectors but paid them (the city paid a pittance, and still does, but the parties no longer can transform this pittance into reasonable compensation). The parties saw that the polls were open when they should be, and that the voting machines worked. True, the parties sometimes abused their power. There were conflicts of interest in primary elections where one faction or another selected the inspectors. (In the first primary in which I was elected a district leader, my opponent selected the thirty-two Democratic inspectors who, with thirty-two Republican ones, operated our sixteen polling places, I won, nonetheless.)

But if the parties no longer are capable of performing this governmental function. And although some critics attribute breakdowns in the electoral machinery to the venality of the political machine, in fact, it is the result of incompetence.

The political consequences of the destruction of the machine are far more obvious than the governmental ones. The wave of upset victories in recent city primaries and elections all over the country is the obvious product of the death of the political party machines and party loyalty and party discipline.

The solution to all this is *not* the recreation of the political machines, an impossible task given the level of competence of their present leaders and personnel. Rather it is to stimulate alternative methods of performing the necessary governmental and political functions that the machines once performed.

The second major cause of the crisis of the cities has been the loss of a supply of cheap labor. This loss has not only escalated municipal government costs, but has posed the most serious threat to the capacity of the cities to survive.

Eliel Saarinen in his book *The City: Its Growth, Its Decay, Its Future* pointed out that the basic function of a city is to provide places for people to live and work. Indeed, without places to live, there can be no city.

The loss of a supply of cheap labor has eliminated the capacity of the city (here I mean not the city government, but the totality of its institutions) to provide the places for people to live. In New York City, residential construction has come to a halt—literally, not figuratively, for construction capital and labor can far more profitably be devoted to commercial construction, where rents of \$16 per year per square foot can be earned.

Unless some solution is found to this problem, the city is doomed to a slow death as its existing supply of residential housing decays and becomes uninhabitable, and the city's people are pushed out.

The second major problem created by the loss of a supply of cheap labor has already been noted—the 15 per cent increase in the costs of city government each year. Once city employment was attractive to ambitious young men as well as to security-seeking citizens. There was a surplus of cheap labor. Jobs were impermanent in an nonunionized volatile economy, and many offered little in the way of a future. Lower paying government jobs were attractive. They provided security and a step up the ladder. That is no longer true. To get people to work for it, the city must now compete with the attempt to match the private sector. As a result, the costs of city government had skyrocketed, and will continue to skyrocket sufficiently to absorb all that giant transfusion of federal aid to the cities that everyone calls for, and that is supposed to be on the way.

Again, the solution is not to re-create a supply of cheap labor by having a nice little recession (a solution the Nixon administration more and more appears to be pursuing). Rather the creation of alternative work forces, not drawn from the existing high cost labor supply, seems essential.

So much for the causes of the crisis. What are the cures?

On the governmental level, the first task is to create a device to perform the function once provided by the machine of *giving the citizen direct lateral access to his government*. The most popular proposal to accomplish this has been called decentralization. I prefer to call it reallocation of government functions. The proposal is that each government function will be assigned to the lowest the smallest governmental entity qualified to perform it. Under this approach, basic government services, such as police patrolling, street cleaning, and parking and housing enforcement, will be overseen by a local administrator in charge of a district of about 100,000 people. Other services, such as those dealing with air and water pollution, would be administered on a regional basis. In between, city or county governments would perform those functions they are best capable of.

The details of such a reorganization of city government are far too complex to deal with here. But essential to the proposal is the notion that the local administrator be elected by and be responsible to the voters whose streets he is supposed to keep clean and safe, that the existing civil service bureaucracies be eliminated, that their functions and personnel be reassigned to the appropriate level of government—local, city, county, or regional—and that the elected administrator of each level of government be given substantially greater power over those he supervises than city officials now have over unionized civil servants, who also possess a fair amount of political power.

Finally, the proposal envisages the creation of local district councils consisting of approximately eighty committeemen. These committeemen would each represent an election district, (or precinct)—one to two city blocks (about 1,500 people). The committeemen would be part-time city employees elected by

their neighbors. They would act much as the old captain did; if there were a problem about a leaky roof or a dirty street, the committeeman would be the person to see. He would have direct access to the local administrator, as his predecessor the captain had to the leader. Similar proposals have been made elsewhere. In Los Angeles, a similar recent proposal gives the committeeman the unwieldy but descriptive title of "neighborhoodman."

Since the committeeman would be an elected official, he would be far more sensitive to constituents' problems than any remote unionized civil servant downtown. And if the committeeman was *not* more sensitive, he could hardly survive the next election.

It is hoped that this reallocation of government functions will achieve a number of salutary effects:

Humanizing the presently impersonal government furnished by most cities to their citizenry;

Eliminating the bureaucratic rigidity and waste of manpower that have characterized increasingly centralized city government;

Placing responsibility for city government on identifiable individuals subject to popular control and, when appropriate, to removal from office by those they are supposed to be serving; and

Reducing the cost of government by eliminating the layers of administrators, which result, for example, in less than 10 per cent of the New York City Police Department's personnel (and analogous percentages in other departments) performing line duty.

Without such a reorganization of city government, I do not believe massive federal aid—if it ever comes—will solve the problems of the cities. And, although the cities need the money, I'd rather not wait for it. Instead, I would suggest that two other steps be taken by the federal government to help cities solve the basic problem of staying alive.

First: On the city governmental level, there is a tremendous need for short-term, vigorous, young manpower to deal with the emergencies that every city constantly faces from time to time. The city's existing manpower cannot meet or effectively deal with these emergencies.

Consider: If teachers make demands that a city cannot or should not accept, and they go on strike, what happens? The city capitulates, and up go the costs of government. If there is a cold wave and a rash of complaints about lack of heat, and building inspectors cannot keep up with the volume or refuse to try, what happens? People stay cold. If sanitationmen go on strike and there is a health crisis, what happens? Unless the mayor can find a way to blame it on the governor, the city capitulates.

And what of the many areas in every city similar to those in New York City, such as Bedford-Stuyvesant in Brooklyn, Harlem in Manhattan, and Hunts Point in the Bronx, where local government has broken down and the city's total existing manpower, even if it were working at full strength, could not deal with a particular areas' problems unless it worked sixteen hours a day and disregarded the remainder of the city?

The answer to all these situations is a special emergency force, consisting of young men and women who would devote two to three years of their lives to serving their city just as they are now asked to serve their country. They could quickly be given sufficient knowledge of city government to spot housing violations and to file complaints. They could move into a problem area, take it over house by house, and clean it up. They could provide extra police protection in high crime areas; collect garbage, if that were necessary; patrol the streets, if that were necessary; arrest narcotics pushers (which would be necessary); and bring help and guidance to the oppressed city dwellers who live in degradation. They could collect the rents, and make the repairs the absent landlords refused to make. Some could first complete their educations and then bring medical and legal services to the people and places that need it. No picnic, it would be hard and sometimes dangerous work. What mayor would not rejoice at such an emergency force?

The possibilities are limitless. It is clear that a force such as this is necessary if the cities are ever going to undo the damage that time, bureaucracy, and lack of money and manpower have already done.

Federal sponsorship of such a program, including financial help and especially exemption from the draft, would do more to revitalize our cities than any big gobs of money we are likely to see from Washington.

The most rewarding dividend, however, would be a generation of graduates of the emergency force. Undoubtedly, some would stay in government. And all would have a working knowledge of the problems of government that would act as a bulwark against the electoral appeal of the demagogues we can confidently expect to proliferate as television increasingly becomes politics' principal medium of communications. Furthermore, it might supply some of the meaning to life that so many of our young people seem to be seeking.

Second: the housing problem. If city governments were to operate to perfection but their present failure to build and maintain residential housing were to continue, the cities would soon die, for private enterprise, using the money and manpower available at present, simply cannot meet the cities' housing needs.

When a similar condition existed during the 1930s in the electric industry in the South, the federal government found a solution. Through the Tennessee Valley Authority and the Rural Electrification Administration, the federal government did what private industry could not do. And, while TVA was a yardstick, it was more than that; it was a stimulus to industrial growth and expansion throughout the South.

The cities need a federal yardstick program to build housing at rational costs. If industry and labor cannot do the job—and they simply cannot, given today's costs—let the federal government do what it did in the South in the 1930s; unabashedly to into the business of doing what the private sector cannot do.

This move would raise many problems. Vested interests in some labor unions would protest, as would construction firms and bankers. But basically all construction labor, building companies, and real estate bankers are at present devoting their efforts to commercial projects. They cannot build or finance housing at commercial construction costs, and they have not set up for themselves two scales of costs that would permit the production of expensive commercial buildings and less expensive housing. Accordingly, the cost of building housing is the same as the cost of building commercial structures, but the returns on commercial construction are many times higher. Small wonder that housing construction has stopped and private financing for housing has dried up, while new office buildings spring up one after another.

We need a federal yardstick operation with self-renewing federal money, and, if necessary, the creation of a new housing construction work force to build the millions of dwellings the cities will need in the coming years. The creation of such a housing work force might well go a long way toward solving the impasse between the black man and the existing construction unions. There is no stimulus competition, or even the threat of it, to produce action where action is needed.

This kind of federal assistance would be far more effective than the pie-in-the-sky massive assistance most urbanologists call for. For as cities get larger and larger, their actions more and more seem to resemble those of the dinosaur—or what we imagine the dinosaur to have been in its declining years: large, clumsy, slow-moving, unable to deal with small enemies, too big to be viable, afflicted with hardening of the arteries. The extinction of the dinosaurs ultimately resulted from its inability to function and to regenerate itself.

Cities are already in that condition. They are not performing their basic purpose of providing places for people to live, and because of this failure they are dying. Hungry dinosaurs would probably have been kept alive a little longer if there had been a beneficent federal government to provide food. But extinction would have remained the dinosaur's fate.

Our cities will survive and be governable only if those we elect have effective power over those who are supposed to do the work, only if those we elect are responsible and accountable to the people who elect them, and only if the federal government gives the kind of help that will make manpower available to do the work that survival requires.

Representative MOORHEAD. Thank you, Mr. Costikyan, for a very interesting, challenging and stimulating statement. I look forward to

asking you some questions on several of the points you have raised. Now we will hear from Mr. Feiss.

**STATEMENT OF CARL FEISS, FAIA, MEMBER, COMMITTEE ON URBAN PLANNING AND DESIGN, THE AMERICAN INSTITUTE OF ARCHITECTS, ACCOMPANIED BY MICHAEL BARKER, DIRECTOR, URBAN PROGRAMS, AIA**

Mr. FEISS. Mr. Chairman, I am Carl Feiss, fellow of the American Institute of Architects, member of the AIA Urban Planning and Design Committee.

Mr. Chairman, may I request a small change in the introduction, please? I am not to be dean of the School of Architecture, I am simply to be a professor of architecture and urban studies at the university.

Representative MOORHEAD. Certainly, Mr. Feiss.

Mr. FEISS. The American Institute of Architects is a professional society of 24,000 licensed architects with headquarters in Washington, D.C. The AIA has been deeply concerned with regional development issues for many years ranging from the National Resources Planning Board to the development and protection of the Appalachian Trail System. But, perhaps, I have been at it longer than any other of my peers, as you can tell by my gray beard.

Starting in the 1930's, I was involved in the development of regional farm labor settlements; then worked on regional planning issues with the Region III Office of the National Resources Planning Board (NRPS) out of Baltimore and Richmond, Va. I also worked with the NRPB in New York State and with Region VIII centered in Denver, Colo. (at the time I served as city planning director for that city). For 6 years I was prime consultant to the Connecticut Development Commission working on the inter-regional program for that State subsequent to its having established its official regions, having dropped its own county government system. Currently, I have just completed my fifth year with the Tampa Bay Regional Planning Council, an official agency established in a five-county area on the west coast of Florida. I have also helped establish the Falls of the Ohio Council of Governments, centered in Louisville, the Mississippi-Arkansas-Tennessee Council of Governments, a tristate, tricounty council centered in Memphis, and am currently working with the mid-Cumberland Council of Governments, a 13-county area, centered in Nashville, Davidson County. My involvement is merely illustrative of my profession's concern with regional issues.

The AIA is pleased to be able to participate in a discussion charged with such interest and importance in the welfare of the country as a whole. In reviewing the testimony presented thus far in the hearings, we would like to compliment the American Institute of Planners, with whom we often work, for their thorough and expert exposition on the subject. Instead of reiterating the learned discussion presented by the AIP and others, we will emphasize those aspects of regional planning which we believe are particularly important.

In order to set the stage for our comments, I would like to quote from a letter on these hearings, in which Chairman Bolling stated:

It might be desirable for Congress to begin consideration of some kind of a National Planning Act that would provide for the establishment of Regional Planning Organizations ranging in size from a part of a major metropolitan area up to interstate combinations. At the Federal level, planning and action programs would be brutally decentralized to regional offices set up in the 10 Federal administrative regions that have been established during the last 2 years.

As an aside, I like the word "brutally."

Review beyond these Federal regional offices would be possible only in the most exceptional circumstances. This would insure that local planning units could go to a single delivery point of contact with the Federal Government from which they could get firm answers and commitments.

We strongly agree with the need for national planning and mechanisms to implement a regional approach for controlling growth. Whether or not the established 10 Federal regional offices are geographically sensitive enough for the new administrative regions is yet to be determined.

It is not as though the subject of regional development is new to our Nation. At the time of the unfortunate demise of the National Resources Planning Board in 1943; after 10 years of most useful operation, there was considerable discussion about the possible development of other such authorities in other parts of the country which needed regional approaches to handle economic, social, environmental, and other major planning problems.

Perhaps one of the most significant regional planning efforts ever undertaken by this country was the Tennessee Valley Authority referred to by the Chairman in his opening remarks on October 13:

It happens that I grew up in the Tennessee Valley area where there was an overall regional plan that encompassed a number of States and very complicated problems, and yet there was probably the most effective use of so-called grass roots democracy in the modern experience of the Federal Government.

Although other countries in other parts of the world were quick to imitate our success with the TVA, we ourselves failed to take our own initiative and apply it elsewhere within our own boundaries. However, it is never too late to pick up on a good idea, enlarge on it, and improve on it.

One of the sad parts of our record in these matters is that TVA itself did not undertake to improve its own performance much beyond its original scope. The result is that as the valley became economically successful and many of the original problems for which TVA was invented were solved, the organization did not increase in scope to coordinate other Federal programs as part of its overall planning process. Such an increase in scope is essential to improve urbanization and land use and to prevent many of the pathological urbanization patterns which have been discussed in this committee and elsewhere in Congress over the years. The result is that a brilliant effort through the TVA's attraction of industry and people into the valley has inadvertently created all of those problems which we are now facing in the rapidly expanding urban regions of our country.

Two years ago I recommended to the Tampa Bay Regional Planning Council that there be established in that region a regional economic development corporation backed by private enterprise. This is obviously essential in any rapidly growing area in which there are gigantic investments of private as well as public funds. The relationship which exists between private development planning and public development planning can only be rationalized and ultimately solved by joint efforts in regional development. There must be established common goals, common objectives, and joint solutions. The current experiment in Hartford, Conn., with the New Greater Hartford Development Corporation working on a regional basis is well worth watching. There the intent is to develop a marriage between the public interest and the private interest.

A similar opportunity could readily be developed within a powerful complex like the TVA with the industries and developers that have been brought into that valley by the success of the powerful federally sponsored operation of the TVA itself. I am not aware of any other federally financed regional program existing today which can be considered as germinal to the type of essential operation needed to meet the impact of disorganized urban growth common to the destruction of the natural environment and the destruction of the quality of social and economic life, both in our cities and in our rapidly urbanizing areas.

If Federal administrative regions are to be effective mechanisms to control regional growth, then they must also have clout. There should not be withholding of any Federal programs outside of the responsibilities and jurisdictions of such regions. The corps of engineers, for example, should be part of regional development planning as well as other Federal environmental agencies. There can be no holdouts or special privileges, otherwise the regional approach will not succeed. Mr. Chairman, with your permission, I would like to enter for the record an article by Mr. Alfred Friendly in the Washington Post of May 15, 1971, entitled "Britain's Peter Walker: Power To Improve the Environment." I would like to quote from two parts of this article now.

Representative MOORHEAD. Would you like to have the article included following your testimony?

Mr. FEISS. Yes, I think it should be inserted at the end of my statement.<sup>1</sup>

Representative MOORHEAD. Without objection, it will be included.

Mr. FEISS. I am quoting from the article:

Peter Walker, Britain's first minister of environment, would be the envy of all of his counterparts around the world—if there were any.

The point is, there aren't. Britain is the first nation to have put into the hands of one cabinet department responsibility for and authority over all major aspects of the society affecting environmental quality.

Then the article lists Mr. Walker's responsibilities, which include all land use planning, "which is to say full authority over zoning, urban and rural, on a national scale," and—

<sup>1</sup> See article on p. 569.

Representative MOORHEAD. Would you suspend for just a moment? I am bringing Chairman Bolling up to date.

(Discussion off the record.)

Mr. FEISS. "Policy and administrative responsibility for all agencies regulating pollution of air, rivers, coastal waters, noise, and so forth."

Mr. Bolling, I am quoting from a newspaper article, by Alfred Friendly published by the Washington Post on May 15, which I have entered for the record.

"The most important single instrument in his hands"—Mr. Peter Walker's hands—"for conserving and improving Britain's environment is the ministry's authority to make regional plans for the land use of the entire country, and to make them stick."

I will not quote further from this, since the entire article will be in the record, but I would like to address my remarks to a couple of things that it suggests.

Several years ago, I had the opportunity to meet with Mr. Duncan Sandys, then minister of housing and local government, in London, at a time when all of the regional plans, required by statute for Great Britain, had to come to his office. I asked Mr. Sandys whether he was going to assemble these in one pattern. He said no, that his ministry did not have that responsibility. I asked how it would be possible, under the circumstances, to develop a national program for publicly assisted projects without assembling these plans and finding and developing an overall land use program. Again I was informed that he did not have the responsibility.

Apparently Great Britain has decided that it is important to develop some kind of understanding about what the public overall regional plans mean in the total pattern of that country.

Returning to my prepared text, on the metropolitan scale, the current mechanisms which help support and build up the prestige of our official regional planning agencies—the 204-A-95 review agencies which grew out of the Inter-Governmental Cooperation Act of 1968—can only be considered interim functions in a rapidly changing governmental process at the regional level. There is no question in my mind that the Inter-Governmental Cooperation Act of 1968 was an excellent and important step forward in the validation of a need for the strengthening of regional planning. However, these functions, mostly performed by councils of governments—(COG)—have been woefully weak, operating on a voluntary basis. But the requirements of the Inter-Governmental Cooperation Act have necessitated that lag and States set up official planning regions and that these official metropolitan planning regions perform a clearinghouse function for Federal programs.

Until such time as a national urban growth policy is actually in effect and we can clearly apply those new elements of Federal aid growing out of the 1970 Housing and Urban Development Act, we are in a very weak position to instruct the Federal regional offices as to the appropriate directions for their programs. One of the goals of the National Resources Planning Board was to coordinate Federal programs in regional offices. We recommend that this coordinating function be assigned to an expanded Council on Environmental Quality.



We are not certain whether the 10 regional coordinators who would function under the proposed National Planning Act should be tied to the Executive Office of the President in Washington. So much depends on whether or not the power vested with these regional offices would include developmental powers. In other words, would these regional offices have full responsibility for the construction of Federal projects and direct regional control of projects? I am speaking here of highways, water and sewer systems, housing, environmental protection, land management, the whole spectrum of public aid of the physical development type, as well as health and welfare programs and other programs which also involve direct Federal grants and loan assistance. If the power vested in these 10 agencies is to be that of dimension, then mechanisms similar to the TVA, beefed up to meet today's broader range of interests and requirements, would make some kind of sense. We cannot speak for it in terms of political acceptance across the board, but certainly the concept would be worth testing in a specific region; perhaps even using the TVA as a model.

It is clear that we do not have the institutional tools to deal with the regional development problems of the 1970's much less those anticipated due to the doubling of our urbanization by the year 2000. The many gains which we have made as a prosperous, rich, and successful country are being negated by our planning failures in our cities and in our rural areas. The American Institute of Architects, representing professionals working in the public interest on physical and social development programs, is at your service to assist in preparing legislation which will result in the proper development and design of all the regions of our Nation and hope that we can provide this subcommittee with further information on the issue of regional planning at a later date.

Thank you.

(The newspaper article referred to in Mr. Feiss oral statement follows:)

[From the Washington Post, May 15, 1971]

**BRITAIN'S PETER WALKER: POWER TO IMPROVE THE ENVIRONMENT**

(By Alfred Friendly)

LONDON, May 14.—Peter Walker, Britain's first minister of environment, would be the envy of all of his counterparts around the world—if there were any.

The point is, there aren't. Britain is the first nation to have put into the hands of one cabinet department responsibility for and authority over all major aspects of the society affecting environmental quality.

That concentration of national control may help Britain move more effectively than any other country in conquering or at a minimum abating the industrialized world's most recently recognized curse.

Walker, a mature 37, is coming to Washington for two days beginning on May 23 before attending the Conference on Cities in Indianapolis. He can tick off to associates there the formidable list of powers he enjoys:

Determination of all questions of transport in Britain—investment, location, quality and restrictions of roads, railroads and airports.

Complete authority for housing, including specifications, locations and administration of government grants for low rent projects.

The same for all landuse planning, which is to say full authority over zoning, urban and rural, on a national scale.

Planning and veto powers over local government authorities.

Policy and administrative responsibility for all agencies regulating pollution of air, rivers, coastal waters, noise, etc.

The most important single instrument in his hands for conserving and improving Britain's environment is the ministry's authority to make regional plans for the land use of the entire country, and to make the stick.

It can and does determine, then what lands will be held as scenic and agricultural greenbelt and what areas will be urban "growth points," beyond any possibility of being upset or encroached upon by municipal, private or special interests.

Walker has already issued the regional "planning strategy" for northwestern England; those for the Midlands and the Southeast will come out later this year and seven others, to cover the rest of Britain, will follow by 1974 or 1975.

Prepared jointly with local authorities, the "strategies" admit of appeal from them as the years go on, but the minister's decision on allowing amendments is final. The "strategies" have in every respect the force of law.

This means, for an example, that a real estate developer cannot bludgeon a municipal government into allowing him to build a project on land designated as greenbelt; further, no development whether for housing or industry can be undertaken without proper sewage facilities which do not add to pollution; no factory can be built without meeting atmospheric pollution limitations that the government has prescribed for the area. (The agency involved here carries the resounding title of the Alkaline Inspectorate, created a century ago by, of all people, Disraeli.)

In controlling the "quality of life" factors, Britain's national governmental system has always enjoyed an advantage that the United States, for example, with its states' rights and proliferation of county and local governments, does not have.

It has always been more difficult for a private interest to dominate a local or state government authority and get its way. A second advantage is a population growing at an almost minimal rate.

With the consolidation of the various national agencies and departments into a single ministry by the Conservative government last year, Walker believes progress toward a beneficent environment will be even more marked.

It is already considerable. As has been widely reported, Britain's Clean Air Act of 1956 has worked wonders, even though many areas of the country are still permitted to burn smoky fuel. In the places such as London where only clean fuel may be burned the effect has been sensational: London's black fogs are so much a thing of the past as to have been almost forgotten; 17 varieties of birds which had disappeared from London by 1956 are now back; visibility has increased sensationally—one can see distances of 20 to 25 miles.

Rivers, still dirty, have nevertheless been cleaned up credibly—there are fish now to be caught in the Thames as far up as the Houses of Parliament.

Walker insists that Britain is doing much better with atmospheric and river pollution than merely holding its own. The government is steadily increasing expenditures on sewage treatment—it will be up 60 per cent in the next five years from the levels in the last five—and very tough new controls are being planned.

Pollution as a political issue—in the sense of provoking student demonstrations election promises or citizens' movements—is not so intense in Britain as in the United States. But Walker argues that it is no less deeply felt. In a quieter way, perhaps, Britain cherishes the idea of "quality of life" more fundamentally than any other country.

An example of Walker's response to that feeling is his recent decision to locate London's third airport, for the 1980's, at a sparsely populated site on the Thames Estuary further away from London and costing \$350 million more than the site initially recommended by a government-appointed board of inquiry.

The site recommended would have disrupted one of Britain's loveliest pieces of landscape and gravely reduced the amenities for far more residents.

Another example was the requirement Walker recently set for a firm processing potash on the Yorkshire moors. Permission was granted to pour the waste by pipeline into the sea only if an independent laboratory maintains

continual monitoring; were there a showing of damage to the marine environment, the process would be halted.

Britain is presently engaged on a project to remove, mainly by re-landscaping, the scars of its "derelect land." This consists largely of ancient slag heaps, some of them hundreds of feet high, in the old coal fields, and other detritus of the 18th and 19th Century industrial revolution. Walker estimates that 80 per cent of it will be reclaimed from its present ugliness in 10 years time.

All of these efforts should not give the impression that Britain's environmental problems are solved or are even totally in hand.

Noise pollution, to the abatement of which Walker gives high priority, has scarcely been touched. The grimy, smoke-covered industrial cities of the Midlands retain their high quotient of miserableness.

Most rivers are still filthy, sewage treatment is still far from satisfactory and Britain's shores are still fouled from the dirty rivers and offshore waste dumping of its Continental neighbors and, indeed, from its own.

Its principal pollution problem, though, is a much deeper one. It is urban and dates from a century ago when industrial concentration produced Britain's slums.

Forty per cent of the British live in drab areas and rundown surroundings where the conditions are far from meeting modern needs, a recent study reported. The nation's slums are only too obvious and depressing to the eyes of any visitor who gets off the tourist tract.

Walker himself reports that 4½ of the nation's 18 million households, or one-fourth, are without one or more of three basic amenities: inside toilet, bath and running hot water.

"It would be easy to operate a nice middle-class environment program, conserving the beauties of the landscape for those with the means to enjoy it," Walker declared in an interview. "The important thing, instead, is to get the priorities right."

His first priority, therefore, is to improve the environment of the poor, the places where the living conditions in themselves are wretched, the places where pollution in the deepest sense takes its most fundamental and decisive forms—in bad housing; crowded slums, drab and ugly neighborhoods, without adequate parks and playgrounds, rundown school facilities and so on and on.

It is in that area, he realizes, that the main expense and effort must be made toward the creation of decent environment.

The second priority is easier and less expensive to work on, the quality of the environment in the conventional, middle-class, currently agitated sense of the word.

Chairman BOLLING. (presiding). Thank you, Mr. Feiss.

Congressman Moorhead.

Representative MOORHEAD. Thank you, Mr. Chairman. First, Mr. Feiss, you referred to the various councils of government with which you are familiar. Were they merely planning groups or were they true governments with power to do various governmental activities?

Mr. FEISS. Mr. Moorhead, the pattern of councils of government as they have been developing is that nearly everyone is made up of elected local public officials who voluntarily form the council which serves as an overall regional planning agency. Almost all of them have a planning staff as well as other staffs working on the economics of political and social problems of localities, and so forth. All of the political jurisdictions within the jurisdiction of these councils of government are represented if they so wish.

They also make a local voluntary contribution to the budgets of the councils of government and to councils of government for regional planning from the Department of Housing and Urban Development under the 701 planning assistance program of the Housing Act of 1954, as extended and implemented. The local contribution

which is made here, consequently, is one-third of the contribution from the Department of Housing and Urban Development for planning and operating expenses.

In some States there are official planning councils which operate in the same way. They are not called councils of government in the States where there is not the enabling legislation providing for their establishment. The Intergovernmental Cooperation Act of 1968 requires that all States be officially subdivided into regions by legislative approval of each State. These official regions are now being established, State by State, and there are now some 150 which may receive Federal aid through the 701 program. They constitute the local clearing house agencies for Federal aid programs of all types as required by the 204-A-95 sections of the Intergovernmental Cooperation Act.

Representative MOORHEAD. Are you familiar with the governmental structure of Toronto, Canada? They have effective councils of government, but by provincial law, these councils of government have true governmental powers in the metropolitan region. Do you favor that sort of structure in the United States?

Mr. FEISS. We are in the process of change, Mr. Moorhead. It is very difficult for me to generalize about whether the Toronto type of metropolitan government is applicable in every instance. I am not certain that it is. You are familiar with the Miami-Dade County metropolitan government in south Florida, with the recent consolidation of Jacksonville and Duval County in north central Florida into one governmental structure, and the Nashville-Davidson County amalgamation occurring several years ago in central Tennessee. These are all apparently successful and there is an experiment in progress in semiconsolidation in Indianapolis and surrounding counties in Indiana.

It is too early to say what form these shifts in metropolitan area consolidation will take or how effective they will be. Governmental structure is a difficult thing to change. Political structure is a difficult thing to change, of course. With the high speed of metropolitan growth and the shifts to the suburbs, which are common all over the country, the kind of regional governmental structure which is developing is up for grabs. We do not know what it is going to be.

I do recommend very sincerely that they be watched closely so that the people who are in charge of these new kinds of governmental structures can be consulted for the problems that occur affecting the success of their governmental management and financial operations. I believe that on the face of it, they appear to be a simplification of metropolitan government structure simply because they eliminate a number of jurisdictional boundary lines. That in itself should be helpful.

Representative MOORHEAD. Both the MOD report in Great Britain and the CED report in the United States recommended working toward what they called a two-tier level of government and Mr. Costikyan, in a Saturday Review article, I believe, said we might even think of a third tier. I think it is something we should explore.

Mr. Feiss, you mentioned delegating, I suppose you said, to the 10 regions this tremendous power and centralization of power. I am

concerned a little bit, and maybe Mr. Costikyan would like to comment on it, where would the citizen input be? These would be federally appointed officials: There would be, as I understand it, no local government officials participating, no members of Congress participating. This would be a Federal bureaucracy—reorganization, but still a Federal bureaucracy, would it not?

Mr. FEISS. From what I know of it at the present time, it would be. I was very impressed with what Mr. Costikyan said about how to make it possible for a better expression of the popular interest and will. We are on the horns of a vast dilemma. Mr. Costikyan expressed it extremely well. But I have a question which I would like to pose to you and to him in relation to his remarks. I agree with him particularly on the last two recommendations which were contained in his statement on the need for a national analysis of our urban situation, and the need for the creation of regional planning units throughout the country.

In a number of instances, councils of government have, following the requirements of the Department of Housing and Urban Development, attempted to develop public interest and public consent on plans and programs in which they have been involved at the large-scale regional level. This has proved very difficult. In the case of one experiment in Louisville, Ky., with which I was associated, the University of Louisville, in cooperation with the Falls of the Ohio Councils of Government, a series of community units was established within the urbanized area of the region in order to obtain the public interest. This was a two-State region involving both Indiana and Kentucky, and three counties, two in Indiana and one in Kentucky. A series of monthly meetings was held in each of these neighborhood units, selected by the university in cooperation with the welfare groups, political groups, and others in the city. They issued a monthly newspaper on newsprint, looking like a regular paper. They went on the air. They brought as many people together as they possibly could. Major issues involving school bond and sewage bonds were proposed and discussed. When the time came for a vote, these essential bond issues were turned down by the public. Over and over again, we have faced in city after city and in metropolitan areas the difficulty of communicating the important scientific and technical problems between the electorate and the public officials.

At one place, I am told a public vote was taken on whether a bridge across a body of water should be a suspension bridge or a bascule or something of this type. This kind of nonsense is part of the problem that we are up against in knowing how to communicate the important issues of technical planning programs that we planners believe are doing something good for the public.

Communicating with the public on these issues largely has not been successful. We are using, over and over again, all the media we know. I am personally working with media. For instance, when I am doing technical consulting work, I do not appeal personally before the public simply because I do not speak the public language. I speak the language of a professional and technical man, so my ability to communicate is limited. Therefore, I go to translators—newspaper reporters and broadcasters—and work with them until I am

fairly well convinced that they understand what I am talking about. I have to translate to them also.

Representative MOORHEAD. Mr. Costikyan would answer that by this very interesting proposal about a congressional planning commission.

Mr. COSTIKYAN. Might I comment on that, Mr. Moorhead, because it is an idea that really grows out of another set of ideas. The problem that Mr. Feiss refers to of communication with the public is a very serious one and it is partly the byproduct of an attitude that we have developed in this country in the last 80 or 100 years about politics. I was very fascinated to read a book by Professor Hofstadter—I think the last book that he published—on the emergency of a party system in the United States. Nobody planned that we should have political parties, but they developed because they were needed. Until about 60 or 70 years ago, they were accepted as part of the process by which Government did communicate with its citizens. But in the last 60 years, because of a lot of improprieties, shall I say, by some of the people who are my predecessors as the leader of Tammany Hall, a lot of people got fed up with politicians and decided that the political system should not be used. As a result, in the last 10 years particularly, the Federal Government has attempted to find ways to get citizens input into Federal programs. But they have been grossly unsuccessful because you cannot run political elections without political parties. We get 5 to 10 percent of the vote. What that results in is when you consult the community, you generally get people who are not representative. They are not representative because they are particularly interested and their interest is not part of a general concern about Government but their concern about what is happening on their street.

We have dealt with or tried to deal with this problem of decentralizing and Toronto's experience and London's experience has been a process of centralization. New York's problem is the opposite. We have to go the other way if we are going to get a two-tier system.

The Association of the Bar of the City of New York has had a 2-year staff study working on the problem of how you deal with this problem of citizen input. We have come to the conclusion that in the planning process, citizen input should be minimized. They should be consulted and there should be some room for local option. If you decide you need a school in a particular area, you can let the local citizenry make a decision as to where that school or that sewage plant or whatever it is should go. But the notion of a referendum on every proposal is totally self-defeating and simply does not work.

What we have been trying to develop in New York is a notion of decentralizing those functions of government that can be better administered locally and that does not include local planning and we recognize that. But we do think, for example, that we can get better sanitation services. If instead of trying to run one sanitation department to cover 7 million people—New York City is larger than 24 of the States in this country; the 18 smallest States combined would make up New York City. And we are running one sanitation department for the whole 7 million. That is why it costs us \$49 a ton to pick it up. We have been talking about taking some of those services

and creating the bottom tier of a two- or three-tier system of government and letting them do the administration.

I think ultimately, the problem with planning is that it is most effective when one is dealing with an area which is growing and where there is not local citizen resistance to the plans. It is nice and easy to plan for an open space. When you have to plan change where you have existing institutions, it becomes very troublesome. That is the area where I do not think the planning device has been particularly effective.

Commenting just on the notion of 10 regional administrators with Federal power, I would find that very troublesome. They would be Federal appointees. If they had massive power and had some of the breadth of power that Chairman Bolling's letter suggested, that is pretty broad discretion to decide what to do. I do not see how you can get citizen input into it. You can have local councils and you will have the people who are very interested and who will want to have some kind of little election. You will have 5 percent of the voters participating. But if there is to be genuine political participation, I think it has to be not through referendums but through the participation of the people that are elected every 2 years or every 4 years or whatever it is. They will be accountable not for one particular project or one particular decision, but for a stewardship over a period of 2, 4, 6 years, whatever it is, and then at that point, whether or not they have done a proper kind of job can be passed upon by the voters.

I am a great believer in the political system. I think that voters generally make the right decision, even when I disagree with it. They have a kind of instinctive judgment as to what kind of man they are dealing with and what kind of record he has made. It is the best system we have and I would like to see it encouraged. I do not think it will work if we set up a series of regional officers who are appointed by the President or by anybody and then vest in them very broad discretion as to how to use Federal funds and what projects to approve, what projects to disapprove. I think that system has to go back ultimately to the people who are responsible to the voters and I think the Congress is perhaps most responsible.

Representative MOORHEAD. Mr. Feiss wants to comment.

Mr. FEISS. May I ask Mr. Costikyan a question, because I think he has hit a very important point.

Representative MOORHEAD. Yes.

Mr. FEISS. If my recollection is correct, there are eight States in the Appalachian Regional Commission. The commission is directed by the Governors of the cooperative States and the chairman is elected by them. Would a technique of this kind, in some measure answer your problem?

Mr. COSTIKYAN. It has not worked for us, Mr. Feiss. That really is the kind of thing that the New York Port Authority is. It is a bistate agency appointed by the Government and has its chairman. It was created to develop the Port of New York. It has used the money that it has gotten to build office buildings which are destroying the real estate industry in New York City. These two massive structures are going to just dry up new construction and dry up the

existing market. And it is really the instrument of the Governors and unless a Governor gets his back up, it goes and does what it wants.

We have the same experience with the Triborough Bridge Authority. We are having the same experience with the Metropolitan Transportation Authority. I do not think the authority device or that kind of a regional unit works. I think it has to have some responsibility to the voters. It has to be reviewed; its work has to be reviewed by the voters through some mechanism. I am not sure I know what it is.

But in New York, it has not been an effective way in which to get the kind of development we should have gotten. If we had the kind of port authority that we should have had, we would not be wrestling with the terrible mass transportation problems that we have.

Representative MOORHEAD. Mr. Costikyan, I am intrigued with your idea of the urban commission. A few questions—one, would this commission have any power or only the power to recommend to departments like HUD?

Mr. COSTIKYAN. I would think it would have power to recommend both to departments and to the Congress. I should think—I really think it ought to have a rather broad mandate to examine the problem and to advise those who have the authority and those who have the power—and I would think that the critical area is really the Congress where the basic decisions have been made that have brought about the kind of conditions that we are dealing with in New York City and so is every other major city.

I think also it should report to the agencies who are charged with the disbursement of funds.

Representative MOORHEAD. You have said in your testimony that we have had congressional planning decisions. I think that would probably send a traditional planner up the walls, because we have not had planning decisions as such.

But to continue, you propose a national plan for cities—a study of the future function of the cities. Would this be part of the jurisdiction of your urban commission?

Mr. COSTIKYAN. Yes, I would think so.

Representative MOORHEAD. You mentioned that the urban commission would report on whether a city's administration of programs was good or bad. Would this not have tremendous political hazards? I mean a bad report just before an election would kill a mayor, would it not?

Mr. COSTIKYAN. Well, I have enough confidence in the good judgment of such a commission that it would not attempt to intervene in that sense. But let me give you an example of what I really had in mind.

Our mayor has been down in Washington with some frequency in the last 2 years saying that the city needs Federal help. And I think our city does need Federal help. But one of the things that bothers me about it is that if we get Federal help it is going to be poured into a bottomless sink of pensions. We have a pension system that is totally irrational. In 20 years, we have to build up reserves to give someone retirement at better than half pay that will last 30 or 40



years. You can simply not fund that kind of pension. What I am afraid of is in these circumstances, when a mayor says, I need help, I need help, the Congress will say, well, he needs help, he needs help, we will give him help. And it won't be any help; it will just be wasted money.

In those circumstances, it seems to me if a mayor comes down and says, I need help, it is perfectly appropriate for an urban commission to look and see why he needs help. Why is it costing him \$49 a ton to pick up garbage when private people in the very city—this is not someplace else; they are working the same streets and picking up the same garbage—are doing it at \$17 a ton, with the same union, or a branch of the same union. Those are the problems it seems to me an urban commission could look into.

I would assume that it would be unwise, if the commission wished to preserve its credibility, to issue a report 3 weeks before election and say this mayor is perfectly terrible. But if it did it a year before in response to a request for aid, I do not see why there would be any political implications.

Representative MOORHEAD. One final question, Mr. Chairman. I have been talking to Mr. Feiss about the council of governments, the higher level or the upper tier of local government and presumably, we would maintain the existing city or borough or whatever local level of government. But Mr. Costikyan talks about, I think, an even lower level of government when you have referred to the direct lateral assistance to government in Los Angeles, I think you said it was the neighborhood man. What is that concept?

Mr. COSTIKYAN. I am not too familiar with it. I picked it up at the time I was writing that article and I think it was in a new charter that was proposed. But the concept is similar to what we have been talking about in New York.

We would like to have in each block or two blocks or three blocks someone who plays the kind of role that the election district captain used to play in the old machine. When I first got started in democratic politics in New York, I was fairly young, I guess, and I learned, not from my college government professors, how the city was governed, but I learned it by watching the way it was done in the clubhouse, whose leader we ultimately threw out because he was not too honest. But what happened was if you had a problem, any kind of a problem with the city, you went to the captain and you said, I have a problem, can you help me? The captain lived in that block or the next block. He either would take care of it, tell you where to go or lead you by the hand there, or he would take you to the district leader. And if you had a problem about a hole in the ceiling and there was no inspector coming, the district leader would call the department and say, we have a hole in the ceiling in so and so's department, call the inspector.

That kind of lateral invasion of the bureaucracy enabled it to function far more efficiently than it does now when we have to call a number and then it filters up and filters down and 3 months later, somebody comes and fixes the hole in the ceiling. The trouble was it gave rise to corruption, and there was corruption. I do not think there was as much as people thought there was, but there was, so we abolished it.

What the neighborhood man concept is, is trying to restore that, but not using the captain or political person because they do not exist any more, but to use a position which pays a modest amount—it would be part-time—and have somebody perform that function. It would be a lot cheaper than maintaining the kind of structure we now maintain to try to make sure our bureaucrats do what they are supposed to do.

It is similar to the ombudsman concept, too, except it is localized. Representative MOORHEAD. Thank you, Mr. Chairman.

Chairman BOLLING. Mr. Widnall had asked me to go ahead with my questions while he reads your testimony.

I will pursue that one to begin with, because it is one of the things that has fascinated me ever since I read the article. I like the idea. I come from a one-time machine town, myself, Kansas City. I would like to pursue it a little bit and then go to an entirely different set of subjects with Mr. Feiss. Is this going to be an elected person?

Mr. COSTIKYAN. Oh, yes.

Chairman BOLLING. Is it going to be a party election?

Mr. COSTIKYAN. No, it would be a general election. It would come up at the same time one elects mayors, city councilmen, Congressmen. The parties would participate in it, inevitably.

Chairman BOLLING. He would be elected to whatever the title is and he would be elected to presumably the shortest term that one has?

Mr. COSTIKYAN. Yes.

Chairman BOLLING. I like the idea so much that I have been thinking about it ever since I read the article. How do you figure out a way if you look at it from where I am, not just from the narrow point of view that this person would be a potential rival for the same power, for congressional power, as he would be for senatorial power, mayor's power, councilman's power—because very clearly, if you had a revolt of this type of official, he could overturn anybody if he and his fellows got together. I think that is lovely. I think that is just what the democratic process needs in this country at the moment, everybody in further jeopardy in any election. But how do you go about giving this man the capacity to get at everybody?

The problem I have is how do you give him a writ that says he has a priority to come to Congressman Bolling and raise hell about this particular problem or go to the mayor of Kansas City or the councilman from his district? How do we get him in to everybody?

Mr. COSTIKYAN. We tried to talk about structuring it a little bit and there have been a number of variants. But if you take what used to be an assembly district or part of an assembly district, you might have, say, 25 precincts, each with one committeeman. Then you would have a fellow on top of that who would be the equivalent of the old district leader. Now, how does this fellow at the bottom of the pile go to Congressman Bolling or Congressman Koch or the mayor? He does not. He does what the captain did. If it is a local problem which he can do something about, like the garbage or the

street is not being swept, and the sanitation men are under the jurisdiction of the person right above him, he can go to the person right above him and say, your sanitation man is leaving our street dirty and the residents are up in arms and you had better do something about it. And if the person in charge of it, the local executive, does not do anything about it, and he does not do anything about it in a series of streets, the chances are he will get defeated.

When you get above the local problems—that is, street, sanitation, safety, housing violations—possibly, ultimately, welfare—then you have to work through the structure. You would have to go to the executive, who would be in charge of, say, 25 districts, and do what you did years ago: I have a problem. It involves Congressman Koch; would you be willing to get in touch with him? As being part of the political process, the executive, the fellow with the 25 districts under his jurisdiction, will undertake to do that and he did traditionally and there is no reason why he would not now. He would not be part-time. He would be a local executive with governmental power and jurisdiction over certain city services—such power as there is to hire and fire and power to discipline, such power as there is. But it would be a hierarchical arrangement. And it is almost patterned on the classic model of the political machine. But presumably—hopefully—it would be more honest and presumably, it would be more responsive today than it was 50 years ago because we have a population that demands more responsiveness. It is easy to throw somebody out of office if he is not responsive.

Chairman BOLLING. Of course, this approach would have the advantage of making everybody along the line more accountable because they would all be elected instead of appointed. I think the potential for corruption in an organization or a machine, depending on whose organization or machine it was, was based on the fact that the power all funneled up in a curious kind of way and ended up in a relatively few hands. This would be very widely dispersed.

I happen to believe that both ends of the point you have made in various places make a lot of sense. Where it comes to power of a certain kind, you fractionalize it and you make it easier to change. You have frequent elections, mainly for the philosophical reason that if people know they can get a change within a relatively short time, they are less likely to resort to force.

Mr. COSTIKYAN. That is right.

Chairman BOLLING. They are more likely to resort to the ballot box. But when you get to doing the technical things, and I speak to that with admiration—I wish I had more technical skills—then you have to have your translators who come back down this political chain and when you do your planning, you do it in very large units. You move from large units. You start with a national plan, move to regional, whatever it is. Then you move finally down here, but the other thing comes up the exact opposite.

Mr. COSTIKYAN. The key that we thought of or I thought of was to separate planning from administration. Administration is locally based to the extent possible and any function that can be based locally should be based locally. On the planning side, the draft that the Bar Association's committee has come out with is, I think, a

very sensible compromise and a very sensible disposition of the problem. What is contemplated is a citywide planning system—indeed, we have had regional planning systems in New York which have not been pursued in recent years, and the establishment by the citywide planning agency of broad plans saying you need a school here, you need a sewage plant there, and then allowing the local area to participate in basically an advisory function, giving them as much power—if we say you are going to have to have a sewage plant in this part of the city, we are not asking the local areas to tell us that they do not want a sewage plant, but we are asking them to say, well, where would you like it.

But you are right, the difference is that on the planning function, the power is on the top and on the administrative side, the power is as low down as you can do it effectively and efficiently.

Chairman BOLLING. Thank you.

Now, Mr. Feiss, I have discovered something that I consider rather tragic. That is, that it is almost incredible how little people know about their past. Most congressmen do not know anything about the history of the Congress. The young do not know anything about the depression or World War II. Well, almost nobody knows anything about the National Resources Planning Board. I would like you for the record now to give us a little summary of what the National Resources Planning Board was. I know what happened to it. Then I would be interested to see if you would be willing to tell me why you think it happened. I think I know, but I think it is very important that the record show that at some time in this Nation's history, there was an effort made to do some forward planning on a very large scale.

Mr. FEISS. Thank you, Mr. Bolling. I will try to do this but I would ask your indulgence if I make errors of memory and perhaps I can correct the record later.

Chairman BOLLING. Absolutely.

Mr. FEISS. The National Resources Planning Board was set up by act of Congress during the depression in, I believe, 1933. It grew out of the National Resources Committee, which had been established by President Hoover. Many people think that this National Resources Planning Board was a Democratic aberration. Actually, it began under a Republican administration. Mr. Hoover was a very sensible mining engineer and an environmentalist. He knew a great deal about resource needs. Therefore, he set up a National Resources Committee which published as one of its most important early reports an extremely important document called, "Our Cities, Their Role in the National Economy." It was published in 1931 and although it has been out of print for many years, it reads very much as though it had been written today. The only differences are the figures and the size of the cities.

But it is an extraordinarily valuable document. Congressman Ashley, at my suggestion, had it reprinted in the second volume of his hearings on urban growth policy. In volume 2, "The Quality of Urban Life," you will find a reprint of "Our Cities, Their Role in the National Economy." I would recommend this to anybody who is interested in the history not only of our cities, but also of the Na-

tional Resources Committee which later was changed to the National Resources Planning Board under President Franklin Roosevelt.

The National Resources Planning Board was established in the Executive Office of the President under the chairmanship of the President's uncle, Mr. Frederick Delano, a very wise and very competent person. The Commission itself, and I cannot give the names of all the people who were on it, was made up of extremely fine, intelligent, apolitical people who had the interest of the country very much at heart.

The country was divided into regions after a careful study of regional problems and regional divisions which already existed in the country. The Commission issued a very interesting report on the subject of regions and regional jurisdictions, including all types of Federal agency activities, authority activities, and so on.

In 1937, I was in charge of the Planning and Housing Division at Columbia University. We had as a responsibility, for example, to work within States and under the general jurisdiction of the Governors to which the staff of the National Resources Planning Commission were consultants in each of these regions. Region 1, for instance, was New England and all the States of New England were part of that region. Region 2 was New York State and I believe New Jersey. Region 3 included Virginia, North Carolina, and so on.

One of my assignments was to help a regional council, established in the early stages of the war specifically to work out the relationships between civilian planning problems and military planning problems—water supply, sewage disposal, housing, the whole spectrum of things that needed to be done. As a consultant, I was assigned as the planning director for that particular function. Similar technical consultants were assigned for other similar reasons in various parts of the country as part of Federal participation in large scale regional planning affairs.

The central secretary of the Commission in Washington published a series of extremely valuable documents, including one on transportation which I commend to your attention. They recognized in advance the competitive elements of air and other programs, and the highway program in particular, and made recommendations which I believe, if they had been followed, we would not be in our present transportation dilemma with our railroads.

In my opinion, what killed the NRPB in 1943, and this is purely a personal opinion, was that in Great Britain, there had been published the previous year a report known as the, "Cradle to the Grave Report," which dealt with health and welfare on a national scale. The National Resources Planning Board staff prepared a similar report for this country which contained a recommended national health and welfare programs which were some 20 to 25 years ahead of their time. Although almost all of them have been adopted by the Congress and are now in effect at that time, the report was considered socialistic. Because of this, the entire organization did not get financing from the Congress and died.

I believe that historic analysis will bear out what I believe happened.

One other reason for the demise of the National Resources Planning Board is the fact that it worked only to the States. That is to say that the consulting work that was done from the regional office was to the State capitals and as far as the general body politic was concerned, they almost never heard of the organization. When the National Resources Planning Commission was permitted to die, there was no public clamor. There was barely mention of it in the newspapers. It simply was not known. In a sense, at the levels you are talking about, Mr. Costikyan, it was simply an unknown effort.

Chairman BOLLING. They had no constituency which would protect it from a few, I think, Senators who were rather determined to cut its throat.

Mr. FEISS. That is correct. That should be an historical warning on anything that might be created that would have similar functions today. I believe very strongly in what you have said, Mr. Bolling, about the need for a strengthening of Federal involvement in regional issues. I also believe very strongly that something equivalent to the National Resources Planning Board is going to be the kind of thing that we have to look to in the immediate future.

Mr. Chairman, I also would like to comment on grassroots participation relating to what Mr. Costikyan has said and because of your interest in this question. In the large-scale regional issues that we are facing in this country and the urbanization that is taking place, we must recognize the fact that urbanization takes place in rural areas. It must. We must also recognize, that the structure of rural government, particularly rural county government, has been brilliantly related to the structure of probably the master planning agency that the Federal Government has ever established. That is the Department of Agriculture. The Department of Agriculture has created, through its county agents, a hierarchical system of political contact with the locality, even down to the youngsters of the 4-H Clubs the kind of political contact that we have never achieved in our cities between the Federal Government and the locality and the voter in the locality. If there is a lesson to be derived historically from any successful governmental structure handling planning at a very large scale—whether it is soil conservation or all of the financial benefits that have been made available to the farmer and related industry and commerce through the Department of Agriculture—I call your attention to this very apparent success of the Agriculture Department. We are dealing, as I have said with the urbanization of our open spaces which are converting from rural county government to a kind of new amalgamation of nonstructured urban growth not unlike the kind of structure that we have had in our agricultural economy. This has succeeded in some places and perhaps has not in others. But I believe the point is a valid one.

The Department of Agriculture has recognized this disruption of rural areas and political systems by urban growth in a number of the land grant colleges, is now training former rural county agents to study urban managing, zoning, subdivision control, and a variety of other urban problems as they relate directly to the impact of urbanization on open spaces.

You cannot retain many of these people who are experts in the growing of corn and hogs, but it is an interesting and valid attempt to find some way of handling these fringe area situations which are constantly moving out along our highways, at the interesections of our interstates, and all of the other germinal or energy centers that we are creating in new areas.

The very important new communities program, Title 7 of the Housing and Community Development Act of 1970, the operational framework of which is now being structured at HUD, that very important new law providing for assistance to new communities from the Federal Government will come head on, into the political structures of these new areas seminew areas or conversion areas. I would suggest, gentlemen, that in the large scale regional planning programs which you are considering, the protection or control of this kind of development will depend, in large part, on a strong Federal interest in national land use and in the development of valid and well-designed regional planning programs—not modeled on the 1930 type that Mr. Costikyan is talking about but modeled on today's requirements.

Chairman BOLLING. Thank you very much.

Mr. Widnall.

Representative WIDNALL. Thank you, Mr. Chairman.

Mr. Costikyan, you intrigue me when you suggest that the Congressmen might better do a job on regional planning than some of the others who have been in the business. I find as just an individual Member of Congress that I have not enough time to do what is assigned to me right now with all the marching and mobilizing and pressure groups on your neck everyday these days.

The whole idea that you have offered to us today is intriguing. It involves innovation and change and I certainly would admit that we are very much in need of some drastic changes in order to meet the problems, not just of the immediate present but the future. I think that you have certainly given us a lot of room for discussion and thought.

In your testimony, you suggest that regional planning units might well be composed of the Congressmen from the affected areas. You make the point that having Congressmen as such planners would have the advantage of seeing planning done by persons with substantial power over national resource allocations.

Do you believe that Congress is equipped to take on a regional planning function in addition to the other functions which it now discharges?

Mr. COSTIKYAN. Mr. Widnall, I think in part that Congress is performing that function already without knowing it and that, yes, it would require additional staff to do it. Perhaps the urban government commission I suggested, among its functions would be to advise Congressmen as to the development of their area. But one idea that stimulated this has been my experience with the proposal to build a bridge across Long Island Sound. So far as I know, every Congressman from the affected area thinks it is a terrible idea. I do not think they think so merely because they have to run for reelection every 2 years. I think they think so for that reason plus the

fact that they think it is a rotten idea. There is at least one local planning entity which is the creature of the executive and the executive in New York State happens to want to build that bridge, so that local planning entity has said they think it is a good idea. Everybody else, the regional planning association has been down on it, every other planning group has been.

My thinking was stimulated by, I thought to myself, well, how does one plan for Long Island Sound? Who ought to be involved in that? I thought that basically, the Congressmen who live, who represent that area, are the ones that have the most direct interest and that it would be great when there is an application to the Department of Transportation for money to build the approaches for this bridge if there were an entity in the Congress to which one could go which had access to some good professional planner which could say, as an entity, as the people responsible to the voters of this area, we think this is a terrible idea, and could do what they wanted in terms of cutting off funds.

Now, what you say, can the Congress take on this task in addition to all its other tasks—I suppose the real answer to that is basically, it is doing it already, but it is not doing it with the notion that it is indeed acting as a planning entity and it is not doing it with access to the kind of professional advice and counsel that Mr. Feiss represents. I think that if that professionalism were available to it, it could perform the planning function better and we would see the creation of some regional blocs that have some political muscle. And I am sure that all of the representatives who came from a particular area, if they felt strongly about the proposal, their colleagues in the Congress would pay some attention to them.

Representative WIDNALL. Continuing again with your testimony, you make reference to the ineffectiveness of the local planning boards in New York City. You suggest that the boards are ineffective because they are not selected by the local communities but are appointed by centralized authorities.

Has any consideration been given to having these boards elected on the local level?

Mr. COSTIKYAN. Not by our city administration. Such consideration has been given by the committee of the association of the bar, which has been studying the whole problem of decentralization. It has not been suggested that the local planning boards be elected. Rather, it has been suggested that the function that the local planning boards are supposed to perform be translated into the elected officials that we are talking about electing from the local areas.

There are about two or three good ones in the city, but they are the high visibility local planning units who are independent of the people who appointed them. But the bulk of them, they are appointed by the borough presidents and the mayor has some participation in it. They have largely not represented the communities which they are supposed to represent. That is one of the problems when you appoint people to be representatives of the local community.

I think the only way to get representatives of a local community is to let the local community pick them. The only way I know how to do that is to have elections.



Representative WIDNALL. Do you feel they could operate effectively?

Mr. COSTIKYAN. If that were not their sole function, yes. If they performed the functions they were supposed to perform administratively and became the representatives of the local attitude yes; I think they could be effective within the limits established for them.

I do not think you would want to give local planning boards the power to decide that the sewage treatment plant was going to be in somebody else's backyard, not their own, because they will always reach that decision.

Representative WIDNALL. You have also suggested that national legislation be regionalized. Do you foresee any Federal legal problems with such an approach?

Mr. COSTIKYAN. I must confess, Mr. Widnall, I have not thought about it. I can see some Federal political problems in regionalizing. But I do not think I ought to try to express an opinion on a legal question off the top of my head.

I think it should be possible to avoid legal problems if one regionalizes legislation. Certainly, TVA was a regional program. It had national implications. Every regional program has national implications because all regions have an interaction on other regions.

Representative WIDNALL. I would like to ask both of you to comment on this: I have been very much aware of the flight from the cities of large corporations, their top executive management, and particularly with the firms that do the actual manufacturing, ideas, systems, and things like that. Do you think there is any chance of turning that back? I have found that the people connected with the corporations are so happy with the change that they wish they had made it some time ago and everybody is talking about it, and if they have not already made the change, they are in the planning stage of going some other place. From the outside of New York City, I cannot see anything but a worsening condition for that city. I do not see how you are going to improve it.

Mr. COSTIKYAN. Well, Mr. Widnall, I must confess that without a massive change in the transportation system or the housing situation, I would agree with you. Our problem in New York at this point is that our supply of housing is decreasing each year. Last year, according to the figures that I have seen—nobody has accurate figures on this—but last year, according to the figures that I got from some of the real estate people, there were some 50,000 units of housing that were simply abandoned. The total number of completions of new construction in the city was about 15,000. The city put out some figures suggesting that it was 23,000 but they did that by including units that had not been completed and it was not a fair count.

If that is so, we had a net loss last year of about 35,000 units. As far as I can tell from talking to people in the construction industry, there is no desire and no interest in investing in new construction in the city and the number of completions we will have this year will be less than last year. I also understand the number of abandonments we have will be greater than last year.

Now, if we do not have places for people to live and we cannot bring them in in decent, rapid mass transit, then the businesses more and more have to ask themselves, why are we here? What services do we get out of living in the city, paying a State income tax if they live in New Jersey or Connecticut, to New York, now paying a city income tax, and paying all the other taxes that the city feels necessary to impose in order to keep itself going. And I think that the trend is inevitable.

The real thing that bothers me is what happens after Mr. Feiss and his associates plan for those open areas and start developing or shaping the way in which these new areas are being developed? I assume they are going to make them even more attractive and then we are going to see more and more of an outflow of people from the city.

I think in the last 10 years, we lost 70,000 people who migrated out. They have been replaced by approximately the same number and that is where our welfare population has come from. What I see happening, unless something is done to face up to the problem, is that the planners and the Federal Government together will turn the surrounding countryside into an Eden and they will encourage the businesses to move and then those of us who have an affection and a commitment to the city will be sitting there with a vacant and empty capital plant without the capacity to support itself. And I do not think that one is going to be able to deal with that problem by public relations or by persuading businesses that they really have it very good in the middle of the city when they know better.

Representative WIDNALL. I remember having some housing hearings in New York when the mayor was Wagner. At that time, I asked him the question, how are you ever going to catch up when you are trying to make New York so attractive for those who will go on relief? We were particularly talking about the Puerto Rican problem. You had people living in absolute slums in Puerto Rico, where there is not even the minimum of decency—housing, lights sanitary facilities, anything like that, and no income. The minute they came to New York, in 24 hours, they were on relief and they were wealthy, getting the first money they had ever really gotten. With that continued, with the bunching up of the people that were coming in. I said, you are going to have a problem that you just can't solve in New York.

Well, I think they have finally reached a point where they are beginning to admit that they do have a problem, self-incurred to a large extent.

Mr. COSTIKYAN. Mr. Widnall, it is very interesting that the Puerto Rican migration has been a little different from some of the migrations from other parts of the country. I can not generalize, but a large, large part of the population that moved to New York City from Puerto Rico very soon became working parts and contributing members of our economy. That problem has not been our major one. Our major one has been as people leave, we are a magnet, but we are not so much different from Boston or Chicago or any other major city. Every major city is becoming a magnet for the poor. They

move there and every city has this problem of increasing percentages of its population being on welfare.

Representative WIDNALL. Well, the welfare problem is about the major problem in the United States today and it had better be given a priority.

Mr. COSTIKYAN. Yes; and I think it is having its worst impact on the old cities, like New York.

Representative WIDNALL. That is right.

Mr. FEISS, would you care to comment?

Mr. FEISS. Yes, Mr. Widnall. I want to respond to one thing Mr. Costikyan just said, because I believe he has an erroneous impression about planners and the whole regional planning concept.

In the Housing and Urban Development Act of 1970, there is a provision which deals with new towns in town and the Federal assistance for that program. Any regional planning operation that is worth its name in urban and urbanizing areas has, as one of its major work program elements these programs for the central cities of the type you just mentioned Mr. Widnall, and that Mr. Costikyan was speaking about. A plan for an urban region which omits the problems of health and welfare, police, fire, and so forth, is not worth being called a plan. In many of the councils of government which I mentioned earlier, there are metropolitanwide or regionwide narcotics programs, health programs, police and communications programs, fire programs, and so on being administered.

We are not just working in the glamorous potential of the countryside, we are working also with the nitty-gritty problems of the heart of the city—not any more successfully, of course, than anybody else.

Mr. COSTIKYAN. That is the problem. You will be more successful in the countryside and your plan is great, but it does not work in the city.

Mr. FEISS. Give us fewer people. In my long life in planning, I have been an optimist. If you do not look at these things optimistically and say there is a solution, you give up to the kind of despair which is purely negative and we will accomplish nothing. I cannot say with any degree of pride that any mechanism with which I have been involved over the years in urban renewal, public housing, planning at the municipal, the county, the State and the national level, has been quite successful. Quite obviously, I think, these things have not been successful or we would not be witnessing the things that Mr. Widnall and other members of this committee have been discussing.

But this committee and the Congress also have been working on these problems for a long time. I remember the first White House Conference on Homebuilding and Home Ownership called by President Hoover in 1931. Out of this grew the FHA, the first public housing program and a great many other programs. We have been trying to solve these problems for many years, after many years of recognizing them and we have never been able to catch up.

Possibly, the mechanisms that this committee is discussing—the development of a new system, which sets its sights ahead of the problems as they are occurring and then works backward, is a better

solution in the long run than trying to catch up, always running behind the issues as they arise.

This is the actual planning function, planning ahead and then developing programs and projects to anticipate the difficulties as best you can. You cannot always guess them, but you can certainly work toward trying to find the solution.

Representative WIDNALL. Thank you very much.

Chairman BOLLING. Mr. Brown.

Representative BROWN. Thank you, Mr. Chairman.

To pick up that exact point, what worries me about planners is the Maginot Line. It is the concern that the planner is always planning for the future of things as they are today and by the time the future gets here, the plan is outdated. I think in the context of our current society, that this may be even a greater problem tomorrow than it is today. What I mean is that we are seeing more and more individual legal efforts taken to stop community decisions in such areas as the situation that exists here in Washington on transportation. We get into the impasse over freeway, subway, and bridge business and all of a sudden, what we had planned to meet this year's needs is not even underway until several years later and perhaps by the time we can get them completed, they are not the best solution for what we need 10 years hence.

What do you see as the answer to that problem perhaps, a combination of human fallibility of the planner and an altering social phenomenon in our society?

Mr. FEISS. Mr. Brown, you pose the No. 1 question for all of us.

It seems to me there are two ways we have to look at it. The American Institute of Architects has been experimenting with what it calls community development centers. In well over 50 cities right now, these organizations of volunteers are working with local community groups to help people understand the community in which they are living and to discuss with them some of the essential large scale public issues which will affect the environment in which they are living. Of course, one of the major problems everywhere, and particularly in the ghetto area, is the fact that we are dealing with a highly mobile population, not only in New York City but in every other city, people who have not been in residence long enough to understand the place they are in.

Representative BROWN. Or said another way, today's decision will be made by people who will refuse to live with it tomorrow.

Mr. FEISS. That is correct. American society has become a mobile society. This mobility is a national phenomenon and it becomes very difficult to make decisions today that will relate to the people who will be involved in the future.

The best we can do under these circumstances is to get involved with as much data collecting and interpretations as we can using computers and so on.

There is a great deal of new information and means of interpreting it which we must use in order to have a reasonable relationship to the major issues that we are facing and decisions that have to be made about them.

Representative BROWN. What you are saying is that you must educate people in the area of community responsibility in addition to personal rights so as to get them to accept from time to time, the unacceptable. To accept in the community interest the things that are not acceptable personally. It is a frustrating situation and I gather that it is one that changes with the fashions of the times. I do not cite the election of Philadelphia as a necessary example, but perhaps we see down the road some more general acceptance of meeting community disciplines rather than protecting totally local disciplines and local rights.

Mr. FEISS. Obviously, there has to be a combination of the two, Congressman. There must be an attempt to add the public decision-making process to the opinions and needs of the people as they are identified.

Representative BROWN. Well, this is exactly where I am headed. That is, it seems to me that any regionalization, whatever the region of interest, we would benefit from some kind of democratic procedure rather than the appointive procedure or the self-appointed board which makes the decisions. Because this, then, at least provides the outlet for participation on the part of those people who might otherwise be easily given to legal or some extra-legal group action with reference to a particular problem.

So I would like to suggest that while it does not assure local or minority—and I use that in a political sense and not the racial sense—acquiescence to public decisions, it at least gives them their day in court—that is a bad metaphor; their day at the power docks—on the issue involved.

Now, let me move from that into another area, if I may. It occurs to me that it speaks to the difference that you and Mr. Costikyan were having a moment ago in response to Mr. Widnall's questions.

It is a chicken-and-egg question as to whether the planning seduces people out of the city or whether the people have been seduced from the city for other reasons which I would suggest are largely technological, not necessarily economic—although economics certainly bears a part in it, such as the recently and rapidly developed State transportation system. That sucks people out of the environs of the city into the suburbs, because if they can travel 20 miles in half an hour and have a little fresh air and a big shaggy dog and four kids, rather than having to take 30 minutes to go 3 miles in the city, they may find it more attractive to live in the suburbs.

The other thing that makes it possible for businesses to move out, is the modern communications techniques which now make almost instant communications possible. Literally, your business can be operated from any place.

In an article in one of the Sunday supplements here in Washington about two or three young fellows who were operating a business in the Virginia countryside, complete with scantily clad females running around the town house, and apparently thriving economically. This is only possible because they can be in instant communication with whatever it is their business may involve by telephone. All they are is a master center for this decisionmaking process which is involved in the business. What occurs is a private enterprise development, so to speak.

Now, the difficulty of getting a lock on private enterprise approaches is much more involved than getting a lock on the interstate highway system or the green space situation. How do you resolve that part of the problem in community planning, whether it is planning for the city center or planning for the suburban development?

Mr. COSTIKYAN. Could I comment on that, because it is a problem that we deal with in our law firm all the time as we each year go around to all the law schools to importune young men who are supposed to be very capable law students to come to practice law in New York City. You are absolutely right, Mr. Brown, it is a combination of circumstances. But the way it starts is the young man says, where can I live? Then you start looking, as we do every year. What does it cost to rent an apartment in Manhattan, where we practice law? And most people like to live somewhere close.

Well, they cannot get apartments in Manhattan then the pressure outward starts. We have talked about the possibility—not seriously, but in one of those moods when someone is philosophizing about the future, that in 20 years, the headquarters of Paul, Weiss, Goldberg, Rifkind, Wharton and Garrison will be somewhere west of White Plains.

Representative BROWN. Or in western Connecticut?

Mr. COSTIKYAN. Well, we have to stay in New York because we are New York lawyers, but somewhere in the border area. What happens now is we have a Washington tieline so if you want to call Washington, you deal as if you were down the hall. And eventually, we will have a small office in the city where people who have to be there in the day are required—

Representative BROWN. To show the flag?

Mr. COSTIKYAN (continuing). To show the flag or if you have a lawsuit and you are in town that week or that day, you have that little office, and you can meet people there. The trend is obvious in the law business.

We used to have all our law firms down on Wall Street. Now half of us are uptown and the other half that are still down there have uptown offices.

Representative BROWN. Then they leap-frog you and get to White Plains before you do, then you will have real problems.

Mr. COSTIKYAN. Then we will have problems catching up to them. But the pressure, it seems to me, is there, and I do not think there is any planning that is going to be able to avert this or change it.

I think you put your finger on two basic problems that we are trying to wrestle with in the 1970's and we are not quite sure what the problems are, but they are there. One is that we have grown up in an era in which all of us were taught that the human mind can solve every problem and that all one needs to do to chart the future is to use the brains that are available and then you can figure out where you are going to end up. Yet if we know anything from the last 10 years, it is that we cannot do that. Nobody planned our commitments abroad, nobody planned to get into the messes we have gotten into, although each step along the way made perfect sense in terms of the current thinking.

Representative BROWN. Spoken like a disillusioned liberal, Mr. Costikyan.

Mr. COSTIKYAN. I am not a disillusioned liberal.

Representative BROWN. I am a progressive conservative and I was going to suggest that perhaps it is not the human mind that can solve these things, but I am sure if we can put them all in a computer, we can work them out.

Mr. COSTIKYAN. I think the computer will make the same mistakes the human mind does. That is why I see the notion that planners can deal with the future in terms of the kind of sense that planners like to think they can, because they cannot foresee it. The planning process can take you so far and then political processes move in on it. And political processes work on it. Once you start trying to leap-frog too far ahead, you do end up building Maginot Lines that make no sense in light of what's happened in the interim.

Representative BROWN. Let me move to the political process, which may conclude my part of this discussion today. It seems that the regional idea has considerable merit but that we also have another thing in the history of our country that has merit. That is our political process and planning has merit, too. I would like to marry this political process into the regional system. It occurs to me that this may be one of the more difficult parts of the whole process. All of us love to plan, particularly if it is for somebody else, and I think that being the social people that we are, we are all willing to group ourselves together from time to time in different societies, thus regionalism becomes practical. But we also are creatures of past habit and have a tendency to think regionally in terms of cities, townships, counties, States, and perhaps now with some of the changes that have occurred in recent years, regional compacts. But we tend to think along formalized lines rather than problem lines. We tend to think politically on political organization lines. I would like to suggest that perhaps we ought to have some kind of disruption in our system which would allow us to think in terms of electing the Hudson River Valley Commission. In a certain geographic area and everybody in that area the right to vote. New York, of course, is going to dominate it.

Then we think in terms of the New York City transportation authority and that may skip a lot of those upstate people who never think of going to New York for reasons many of which I am sure have merit. Then you would have maybe the industrial planning region, et cetera.

Why can't we break ourselves of this sort of political unit, have it and have these various interests represented in a political sense, at the same time, even though they have sort of an amoeba-like characteristic, they put themselves together in different patterns for different problem approaches? Is that sensible or not?

Mr. COSTIKYAN. Yes; it is, and I tried to suggest that in my statement when I suggested that each of these regions or regional units that I suggested be put together out of the congressional representatives be ad hoc units. Every problem has its own region. Our air pollution region is different from our water pollution region. The

water pollution, if one were to deal with water pollution of the Hudson River, the region would run all the way up past Albany and all the way down. What they do in Albany is not polluting our air, but what they are doing in New Jersey is, and vice versa.

I would suggest, however, that there is one shortcoming to the notion of electing a Hudson River Water Pollution Commission or a Metropolitan Area Transportation and Air Pollution Region. That is that it becomes increasingly difficult for citizens to make rational selections when the number of people they have to choose to do their functions increases. And there is a limit to what we can ask our voters to do intelligently.

Representative BROWN. But, Mr. Widnall makes a very excellent point, though. There is a limit to the expectations of public officials in the area of this rational judgment. You may elect them to do the job and they may do it in name. But in point of fact, the decision-making process, the information-gathering responsibility, becomes someone else's and they merely become the head of the staff that made the decision and you have a great deal of nonpolitical judgment in that decision.

Now, there is a problem. When he was discussing this, I was reminded of the fact that my father, who served in Congress from essentially the same congressional district I now represent, came here 33 years ago with two staff members and they sat over there in the Cannon Building in two separate offices, the two ladies out in front with the potted palms and the fan going around very slowly, and he sat in the other room making all the substantive decisions, including how the press release should be punctuated. Now all that is changed. Members of Congress to a great extent become office managers for people who are doing a lot of the administrative work that Members of Congress used to do and who are making, in essence, some of the decisions that Members of Congress used to make.

Now, if you regionalize Members of Congress too much and multiply the hours that they are expected to meet and resolve these regional problems, it seems to me that you may not be serving in the best interests of the constituencies involved.

I like the idea of having an elected representative. That appeals to me. But it seems to me that when you get together on the problems of the pollution of the Hudson River, you ought to have some other elected group that can then relate their solution to the various Congressmen involved, in that wholesome American way that everyone does, the pressure group or the lobbyist.

Mr. COSTIKYAN. I question whether you need the two elections. The reason is that it seems to me that if you have a staff that does what your staff does and what everyone's staff does, to work on, say, the pollution problems of the Hudson and report to you, there is no occasion to have that staff subject to the electoral process. We will hold you accountable. We will hold the congressman accountable, as we do now, for the decisions that his staff makes, basically, but he approves. And the Congressman then becomes an instrument in our political process, a responsible point, someone to whom we can point and say, this is your decision, you made it; it is true you had staff and you had their advice, but you are the one that we are going to



elect to be responsible for that decision and if it is a decision that is disapproved of by the community at large, it will be your responsibility.

Representative BROWN. I accept the argument to the extent that it deals with a national problem such as legislation involving air pollution. But to the extent that it deals with problems such as industrial development and limiting the regional development in the industrial sense to affect air pollution, or to the extent that it deals with the Hudson River pollution problem, I wonder if that problem does not become a good deal more local than can be resolved by a compact or an association of members of Congress.

Now, in dealing with the Federal Government, to be sure, there is a relationship that flows through the Congressman and the executive branch to the local community and from the local community back to the executive branch and that is our job. It is an ombudsman type requirement. But is it practical to have Members of Congress deal with all these problems?

Mr. COSTIKYAN. No, I would think, Mr. Brown, that if what I suggested were pursued on the Federal level, when one is dealing with the allocation of Federal resources, hopefully, it would become a model, and there are State legislators who similarly, if they follow the Federal pattern, would attempt to band themselves together as a regional unit to deal with the aspects of the problem that are within the jurisdiction of the State. I am not suggesting that the Congress should assume all of the burdens of all of the regional planning, because much of it is vested in local governmental entities and should be.

Representative BROWN. Well, if it heartens you at all, even in a rather conservative area such as that which I represent, many of us have banded together to form a regional grouping in the Congress, and as a matter of fact, meet on a regular basis to discuss problems. We have even accepted within the group, a Member of Congress from Indiana, which I think is being very ecumenical. And more than that, accepted a few Democrats to discuss these problems, too. It is underway, whether with any degree of success or not, I do not know. The only thing which discourages me is that some of us get so busy that the staff winds up going to meetings. Your suggestion that we hold the Member accountable for the staff is a sound one. I think that it would be nice if we could get our State legislators to combine in the same way which would fill in the blank between that and the council of government which has been organized in the area. It would be very helpful.

The only provision that I do not like is that my district is not the center of it, you see. I am on the fringe.

Thank you, Mr. Chairman.

Representative MOORHEAD (presiding). Thank you, Mr. Costikyan and Mr. Feiss. You have certainly stimulated an interesting exchange of ideas and have been very helpful to this subcommittee.

If there are no further questions, the subcommittee will stand in recess until tomorrow morning at 10 o'clock in this same room.

Thank you.

(Whereupon, at 12:25 p.m., the subcommittee was adjourned until 10 a.m., Thursday, May 20, 1971.)

## REGIONAL PLANNING ISSUES

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THURSDAY, MAY 20, 1971

CONGRESS OF THE UNITED STATES,  
SUBCOMMITTEE ON URBAN AFFAIRS  
OF THE JOINT ECONOMIC COMMITTEE,  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 10 a.m., in room 1202, New Senate Office Building, Hon. Richard Bolling (chairman of the subcommittee) presiding.

Present: Representatives Bolling and Brown.

Also present: James W. Knowles, director of research; and Walter B. Laessig and Leslie J. Barr, economists for the minority.

### OPENING STATEMENT OF CHAIRMAN BOLLING

Chairman BOLLING. The subcommittee will be in order.

Today is the sixth day of the 9-day set of hearings on regional planning issues being conducted by the Subcommittee on Urban Affairs. So far we have heard from a variety of eminent individuals—those from the academic world and those practically involved in municipal and State planning. We have gained some insight into the overall tangles confronting us when we talk about assets and liabilities of decentralization. This morning we will hear from two gentlemen who are directly involved in the practical application of regional planning concepts. Joseph P. Bort is chairman of the Association of Bay Area Government and California Assemblyman John T. Knox is concerned with these concepts from the State legislature's viewpoint. They will contribute to our hearings immensely since they are from the fastest-growing part of the Nation today. We are interested in hearing how you propose to handle the jurisdictional complexities besetting all of us in our attempt to establish a concept for regional government.

We will hear from the two witnesses and then proceed with questions.

Mr. Bort, please begin and proceed as you wish.

### STATEMENT OF JOSEPH P. BORT, COUNTY SUPERVISOR, ALAMEDA COUNTY, CALIF.

Mr. Bort. Thank you very much.

Mr. Bolling, I am especially privileged to be here with my esteemed colleague, Assemblyman John Knox. I am impressed with the readings I have made of your previous hearings and feel quite flattered that I was invited.

I will give you a little bit of my background, with one correction. I am not chairman of the Association of Bay Area Government, but am chairman of its Subcommittee on Home Rule and also on Finance.

I am a supervisor, often known as county commissioner in other parts of the country, in Alameda County, which has a population of over 1 million people, 13 cities, of which two would be considered core cities.

It is a fast-growing county with a good racial mix, real problems in poverty and environment.

I have been appointed as the intergovernmental relation representative of the board, and as such I sit on the nine-county air pollution control board.

I am a past member of the Bay Conservation & Development Commission of San Francisco Bay which is a special commission to preserve the Bay. It regulates all fillings and dredgings and the shorelines. I am also the representative to the Association of Bay Governments and on its board of directors.

Previous to that I served as city councilman in the city of Berkeley for a little over 4 years, so my background is really on the lower local level and from a practical level.

I would like to talk just a little bit about the difference, in the Bay area and some of the other regions of the nation. Most regions that I have studied that have been successful in meeting regional problems have been areas where there has been one dominant city, and it has been done through consolidation.

I think Honolulu, Indianapolis, Jacksonville, and Baton Rouge, are several examples, where, in a sense, they have been pretty much consolidations and they have been able to handle regional problems.

What this amounts to, is that they have broken down into basically three levels of government, Federal, State, and the regional government, which has been merged with the local government.

In our situation the Association of Bay Area Governments covers about 7,000 square miles, nine counties, and 92 incorporated cities. In that area eight of the nine counties and about 86 of the incorporated cities have joined the Association of Bay Governments, which is strictly a voluntary joint powers arrangement. Its membership represents about 98 percent of the population of the area.

We really would not have been successful at all without the support of the Federal Government. Very frankly, we have gotten very little support from the State government for our operations.

It was formed in about 1961, well before the multiplicity of Federal grant programs got started, but when that multiplicity of grant programs came forward, most of them required a regional plan and usually an approval through the review and comment program and this gave a great boost and strength to the Association of Bay Area Governments.

We are underfinanced and it is still a voluntary organization and we can't take much action that isn't pretty well accepted by a substantial majority and, as you know, most of the hard decisions are made by 51 or 55 percent majorities.

You have asked some questions particularly of the Federal action and I have some suggestions that I would like to make that I think the Federal Government could do that would strengthen the regional organizations.

One, the planning program in the Bay area, we estimate has cost about \$29 million over the last 10 years. Of the \$29 million, only about \$1 million has been on a comprehensive basis. All the rest of it has been done on a functional basis and I have listed here the various items that have been studied.

There have been transit plans, San Francisco Bay plans, airport plans, plans for water quality, highway corridors, comprehensive health plans, geological soil studies, water quality studies, criminal justice studies, management studies, etc. In many cases there has been duplication in data gathering.

Many of these plans, independently, have developed population projections, land use, industrial locations and housing patterns. There has been virtually no coordination. All that has been done on the coordinated basis has been done through the Association of Bay Area Governments and over this decade we have spent about \$2 million, but even in this case, about half of what we have spent has been on specific plans such as an airport study, and only about half or \$1 million has been spent on comprehensive planning.

One of the things very much needed is coordination and elimination of duplication. I would hope that the Federal Government would not withdraw its support of comprehensive planning. It should be well financed; the local comprehensive plan should be completed as soon as possible, and then, of course, continued support to keep the plan updated and refined.

You have asked about a national planning act and I would support this, but I would like to give a little different emphasis to it. I would suggest that it should be called a National Intergovernmental Planning Act, so that we can assure ourselves that there is input up from the local level as well as down to it.

In other words, I would indicate that the grant review and comment programs should go both ways, that there should be a strengthening, for instance, of the review and comment of local government to Federal and State plans when the Federal and State Government anticipates building capital improvements, taking certain actions that would influence any local area.

It would be very worthwhile, to have a coordination of EPA, the Department of Housing and Urban Development, the Department of Health, Education, and Welfare, the Department of agriculture, the Department of Commerce, the Department of Labor, the Department of Transportation (and as a subheading Urban Mass Transit Administration, Department of Justice) Office of Economic Opportunity, and a very substantial spender of money in planning in the Bay area, the Army Corps of Engineers.

A third point that I would suggest would be worth while for the Federal Government, would be to supply multiyear funding rather than year-to-year funding.

We have found that lead time in the planning and public hearings, if there is to be input, cannot be done within 1 year, and unless

there is guarantee of multiyear funding it leaves us in a much weaker position.

Fourth, that the regional councils and the local organizations should be required to set priorities. Right now our review and comment is largely "does it meet a regional plan?" There is no priority setting in the process and therefore, we are not sure that our review and comment has much meaning. I don't think we can anticipate that there are unlimited funds to do everything that might need to be done.

Pretty generally, the review and comment that ABAG has made has not been followed and, generally, we don't know why.

Planning itself has been weak from one standpoint in the fact that most of the planning has been done on a functional basis, that is, how to move people from one place to another, how to clean up the air, but the impact of what we have planned has never been really studied.

This would be particularly true in the transportation field.

I really believe that the planning needs to go a step further and more effort has to be made on the side effects, or total impact of what is to be built.

I would strongly oppose a single Federal regional coordinator in each of the 10 districts. It would appear to me, we might end up having 10 sort of presidencies which I just don't believe would be desirable.

It would eliminate people participation. I would suggest that the intergovernmental councils, which are already in each region with representatives from HUD, Commerce, Labor, OEO, HEW, be continued.

In addition to this, we might add five people from State Government and five people from regional councils and that you in a sense create a regional commission made up of Federal, State and local people who would oversee the planning and the coordination of the planning. The byplay and the interaction of the review and comment from Federal, State, and local representatives would be most valuable.

You have asked some questions. Yes, it should be adequately staffed.

Now, I come back to the topic that my colleague, Assemblyman Knox, and I perhaps disagree most on, though we usually walk pretty hand-in-hand, in the realization of the need of regional authority.

Mr. Knox has introduced legislation which would create a comprehensive coordinating planning organization where you would divide the area into 40 equal districts and have trustees or councilmen or supervisors; or whatever you might call them; a new set of legislators; that would handle regional problems. Where my approach goes more to the constituency appointed methods, that is, where you use city councilmen, mayors and supervisors, the method used to staff the Association of Bay Area Governments.

I would like to outline why I take the viewpoint that I do.

There are two rather significant thrusts to government right now.

One is the great movement toward centralized government, coordination; the other one is the very rapid move and desire of many people toward neighborhood government.

It appears to me that the constituency type of arrangement meets these two problems the best.

There has been criticism of the constituent type of arrangement, that they will be provincial. Very frankly, my experience as a member of the Association of Bay Area Governments and on the Air Pollution Control Board and the Metropolitan Transportation Commission has been just the opposite, rather than taking a provincial view, I find it brought the regional view back to the local government.

Frankly, I don't know of anybody under certain circumstances who is any more provincial than a Congressman who has to look after his own territory. Yet the great majority of them draw the line in an appropriate place and generally do what is best for the Nation.

I see nothing wrong in taking a provincial view to a regional organization so that there can be a complete understanding of what the problems are in every corner. Certainly this is one of the reasons why we want minority representation, simply so they can set forth their viewpoints.

Let me point out one other item, and that is this: We have set up a system in the United States, and I am going to speak of welfare, that has become a mess. The reason for this is there is a centralized government of directly elected people, whether Federal or State people, who have drawn the rules for welfare but the implementation of those laws is left to the local government, and he has to do it without much input as to the rules.

I see with a new directly elected government on a regional basis, that they would set the rules, pass the ordinances, but not raise the money and not be the implementing agency.

The agency will manage open space, but not get into zoning. Anybody who thinks about what is going to happen in the future really knows they will have to be doing zoning.

If we plan on a regional basis as to where open space is going to be, where people are going to live, where the work force and industry are going to be developed, what we are really going to be doing is zoning but asking the guy on the firing line, the city councilman, to implement the rules and to raise the money.

There is one other aspect. As a county supervisor I am in my district every day in the office and I get a lot of calls; a lot of people call me. I would say that over half of the people that call me have called the wrong legislator. Their problem has to be solved at the city level, or the State or Federal level.

I take a lot of time explaining to them and I say write John Knox or go see your city councilman. For the average citizen to know where to go to be heard is difficult. Where they have three levels of government, it is difficult enough. To set up five levels of government would be a disaster. We would have the State, the Federal, the regional county government, and city government. His bill would destroy county and city government. The average citizen is going to be more confused, he is going to be more frustrated, and it is really one of the things he is complaining about today.

If the city and the county officials not only had to do the zoning and implementation and raising of money, but also the planning, he may not like the ultimate decision but at least he has had a platform where his views could be expressed, and if somebody calls me and says I don't like the elimination of backyard burning, for instance, which was eliminated by the Air Pollution Control Board, at least I could tell him, Well, I either agree with you or disagree with you, and why, and I had something to say about it.

This type of government (constituent representation) has been known as long as man has had any government. In tribal systems where different tribes have had to get together and solve regional problems, it has usually been the chief or the mayor who has gone and represented it and not a new separate elected official with different ideas and approach than the elected leader.

I think it is an adaptation that we need today.

With these oral comments, rather than reading my entire prepared statement I will stop and listen to the comments of my friend and colleague, John Knox.

Chairman BOLLING. Thank you very much, Mr. Bort.

The record will include the full text of your prepared statement and its attachments.

(The prepared statement, with attachments, of Mr. Bort follows:)

#### PREPARED STATEMENT OF JOSEPH P. BORT

Mr. Chairman and members of the subcommittee, I am especially happy to appear before this subcommittee with my esteemed colleague from the San Francisco Bay Area, Assemblyman John T. Knox of Richmond, California. Although we disagree on some measures, we agree on many other matters that he has carried through the legislature to the benefit of the people of the Bay Area and the State of California.

The letter from Mr. Bolling inviting me to appear at this hearing stated "These hearings are intended to increase our understanding of how political structures can be adapted to facilitate solutions to regional, social and economic problems." I will attempt to use what experience I have had to speak directly to that quotation. However, I would like to add the work "environmental" to the words "social and economic problems." I am sure that concept was intended to be included.

May I give a brief background of my experience. I am a County Supervisor of Alameda County, California. Before being elected to the Alameda County Board of Supervisors, I served for five years as City Councilman in Berkeley. I have served for three years as a member of the Executive Committee of the Association of Bay Area Governments (ABAG). I am Chairman of its Finance Subcommittee and of the Committee on Regional Home Rule. I assume that I have been invited to appear before this committee in the capacity of Chairman of the Regional Home Rule Committee. I have served on the San Francisco Bay Conservation and Development Commission which regulates the entire shoreline and all dredging and filling operations in the Bay. I now serve on the Air Pollution Control Board whose borders are practically identical with those of ABAG, and I am the first and recently appointed Chairman of the Metropolitan Transportation Commission, covering the same nine Bay Area counties and charged with the responsibility of developing a comprehensive, balanced transportation system including a method of financing the system.

Alameda County, with a population of over a million, contains the City of Oakland and 12 other incorporated cities as well as a substantial unincorporated population. The County has grown rapidly and has a very substantial racial mixture. Like many other counties in the nation, it is faced with the problem of preserving open space as well as the need for new approaches in dealing with the problems of core cities. In fact, many of these problems are also found in the suburbs and in unincorporated areas.

Alameda County is one of nine counties comprising the Bay Area surrounding San Francisco Bay. The Bay Area contains 7,000 square miles and a population of 4.6 millions of people. It is larger than Connecticut and Rhode Island combined and more populous than two-thirds of the states of the Union. I live in Berkeley which is one of 92 municipalities in the Bay Area.

The Bay Area is by no means a simple metropolis like so many single-county metropolitan areas. It contains four standard metropolitan statistical areas and six central cities. Its complexity and vastness set it apart from many areas in North America that have been relatively successful in regional government—Indianapolis, Honolulu, Baton Rouge, Nashville, Columbus (Ga.), and Jacksonville.

Most of the other areas that I have mentioned above have obtained coordinated control by merging the county with its cities into a single government. This means that in each of these areas a person lives basically under three levels of government—federal, state and regional. In our area, most people live under four levels—federal, state, county and city (not to mention numerous special districts).

However, most of the large metropolitan areas in the United States have complex governmental systems. The 1970 Census reveals that there are 33 SMSA's of over 1,000,000 inhabitants each, and another 32 with populations between 500,000 and 1,000,000. Most of these are multi-county and many are interstate.

For these large urban centers simple consolidation or any other form of all-embrasive metropolitan government is out of the question. Even if it were politically feasible, it would be politically undesirable. To further complicate the situation, state and federal agencies are becoming increasingly involved in activities that affect people living and working in metropolitan areas. The magnitude of intergovernmental operations is strikingly illustrated by what has been called the "Bay Area Governmental Budget" in the late 1960's. The following is a breakdown by governmental levels on an annual basis:

	<i>Millions</i>
Federal expenditures (excluding Federal contracts, social security, FHA) -----	\$3, 000
State expenditures (excluding local assistance) -----	500
Local expenditures -----	2, 500
Regional expenditures -----	100
 Total -----	 6, 100

The problem of governing our large metropolitan regions is a problem of intergovernmental relations. I am not saying that there are not other articulate interests who demand and may get participation in regional government but I do say that local governments as well as the state and federal governments should also be formally involved.

However we may attempt to reform the government of metropolitan areas, we will still be faced with the necessity of involving many governmental agencies at many levels and then of coordinating their efforts into regional policies.

#### LOCAL AND REGIONAL ACTION

The cities and counties of the Bay Area first undertook to learn how, by trial and error, to do this, in 1961, when they organized themselves under the Joint Powers Act into the Association of Bay Area Governments. During its first decade, ABAG has survived many events which threatened it from within and from without. It has adopted a Regional Plan 1970:1990 and has negotiated working agreements with the Metropolitan Transportation Commission and with the San Francisco Bay Conservation and Development Commission. It is negotiating mutual agreements with the Regional Water Quality Control Board, the Comprehensive Health Planning Council and the Air Pollution Control Board. ABAG is a voluntary agency organized through a joint powers agreement with 8 of the 9 counties and 85 of the 92 cities in the Bay Area. Almost 98 percent of the regional population is covered by member cities and counties. As early as 1967, it was clear to city and county officials in the San Francisco Bay Area that a voluntary association of governments would not be able to act to meet regional needs rapidly enough to make it unnecessary to create additional special districts and other special purpose regional agencies.



In 1967 the General Assembly of ABAG voted to request the State Legislature to empower it, under limited conditions, to implement a regional plan with respect to regional parks and open space, housing, transportation including airports, solid waste disposal, water pollution, and the development and conservation of the Bay and its shoreline.

Again in 1969, the General Assembly voted to request the Legislature to enact special legislation to convert ABAG into a regional home rule agency for the Bay Area.

Our basic concept was a limited function, multi-purpose agency with limited governmental powers and independent revenue sources, governed by locally elected officials of the constituent local governments. We viewed this as an extension of local government at the regional level. Hence, the term "regional home rule."

The state and federal governments and perhaps such regional special districts would also have had representation on the governing body.

Others in the Bay Area had different concepts as to powers, governing body, and so on. The Legislature has studied this as a localized question, not high in the list of statewide priorities, and no action has been forthcoming.

Now, in 1971, ABAG is faced with the same problem: Regional needs are more pressing and new needs are becoming salient—each of which may lead (some already have led) to the creation of new regional special purpose agencies.

For the third time in 5 years, ABAG is requesting legislative action, but this time on a statewide basis. See the attached resolution on Regional Home Rule adopted by the General Assembly of ABAG on February 18, 1971.

The need for a regional home rule agency to build on the foundation laid by voluntary cooperation of city and county governments is not confined to California or the Bay Area. To quote one reference to other parts of the country: A report of September, 1970, from the Office of the Governor of Texas, said that "ironically" councils of governments at the very moment of their highest achievement and acceptance "may have reached their high-water mark at this early stage in their development."

"The reason is that while they have been moving toward maturity at a relatively rapid rate, the problems confronting the State's urban and rural areas have been growing even faster. In many parts of the State, problems such as water and air pollution, water supply and economic development simply will not wait."

The result in Texas as in California is tremendous pressure to bypass councils of governments and create a bevy of new special purpose agencies to construct and operate regional facilities and to regulate the regionally significant uses of land and other natural resources.

A voluntary council of governments with no operating functions can continue in these circumstances until it finds nothing left of regional significance for it to cooperate on.

There are three major proposals, or directions, that our region might take in attempting to handle its regional, environmental, social and economic problems. First is the one which is well under way—the repeated establishment of single purpose regional authorities, such as the Comprehensive Health Planning Council, the Bay Conservation and Development Commission, the Metropolitan Transportation Commission, and the Air Pollution Control Board, as well as numerous subregional organizations, such as the Bay Area Rapid Transit District covering three counties, the AC Transit District covering two counties, the Golden Gate Bridge Authority covering three counties in the Bay Area and two other counties up to the Oregon border, the East Bay Regional Park District covering two counties. Legislation now proposed would create an ocean coastline district covering five counties, a water quality commission covering probably nine counties, and an open space commission covering nine counties. In addition to this, we have about five substantial water districts. However, there is really no coordinated planning among the special districts, except on a purely voluntary basis through ABAG planning and whatever power it may derive from federal grant review.

The second approach is the proposed legislation which would create a fifth level of government of 40 directly elected legislators who would act as a regional governing body having such taxation, eminent domain and regulatory

powers as given to them by the state Legislature and initially taking over at least a portion of the many special single purpose districts which I have enumerated. This proposal is widely supported by a limited number of state legislators, many active environmentalists, and some big business men. City and county officials rather generally oppose this approach because it would probably in the future destroy city and county government, create additional confusion and argument over jurisdiction, create a greater bureaucracy and add considerably to the expenses of government. Moreover, elected city and county officials would be excluded from participation in the planning, decision making, and administration of regional programs affecting the lives and future of their constituents.

The third approach might be classified as a federated approach by making representatives from the cities and the counties into an organization charged with comprehensive regional planning and giving the region authority to require special districts, as well as cities and counties, to conform to the plan. This body would act as an umbrella agency, as well as an appellate organization to require cooperation and coordination among many special districts and to resolve disputes that might arise, say, between an open space commission and a transportation commission.

Some people have suggested a compromise scheme in which one-half the members of the regional governing body would be directly elected and the other half appointed by and from elected city and county officials. I understand that Professor Victor Jones discussed this proposed compromise with you at your hearing of October 13, 1970.

I support the transformation of ABAG into a regional umbrella agency with a governing body consisting primarily of elected city and county officials. If this principle is accepted, as President Vella of ABAG told the National Service to Regional Councils last March, "it would be easy to develop local or statewide formulas to bring into the governing body representatives of other articulate interests in the region."

My personal experience leads me to believe that a regional agency so constituted would be successful, strong, and incisive in its action, and that once taken, the cities and counties of the region would accept the decision because they would have had a part in its making.

(Two documents are attached to this statement for the Subcommittee's information):

(1) Part of a statement on Regional Home Rule by Supervisor Ignacio Vella, President of ABAG, urging action by the national and state governments and (2) the Resolution on Regional Home Rule: 1971, passed by the General Assembly of ABAG on January 21, 1971).

#### STATE ACTION

State government has frequently been criticized for ignoring urban problems and leaving local governments, without adequate power, broken up into a multitude of small and overlapping jurisdictions and impoverished to face a mounting number and intensity of urban problems. In large part of this criticism has been justified. In California, however, there is clear evidence that the Governor, the State Legislature and many administrative agencies are at least concerned with some of the social, economic and environmental problems of the urban communities.

Many of us may not be pleased with the particular decision they make nor the general policies they pursue. But they can no longer be accused of indifference to the concerns of 18.5 million Californians who live in its 16 metropolitan areas.

I have already spoken of the failure of the Legislature either to grant regional home rule powers to ABAG or to enact legislation that would require cities and counties in each planning region of the state to participate in the development of regional environmental quality plans. The enactment of a bill to create regional environmental planning councils has been introduced by Assemblyman Knox as Assembly Bill 515. The bill is based on a recommendation in 1969 of the Assembly Selected Committee on Environmental Quality and was almost enacted last session. It is supported by ABAG and other councils of governments in the state, League of California Cities, County Supervisors' Association of California, and by the State Council on Intergovernmental Relations.

The enactment of AB 515 would be a giant step toward meeting regional and statewide problems in California. Its principal advantages are:

1. It requires all cities and counties within planning regions established by the State to participate in regional planning;
2. Its coverage is statewide and not confined to a particular region;
3. By July 1, 1973, each regional environmental planning council would be required to adopt an interim regional environmental quality plan;
4. Based upon the regional plans and the environmental quality plans and policies of State agencies, a joint State-Regional-Local program of implementation can be developed and put into effect;
5. In fact, the regional plans can be used as building blocks to be reshaped to conform with statewide standards. It will provide a systematic way to include regional plans and priorities in the State's planning efforts. This has never before been possible.

The outcome of this collaboration between the State, regional planning agencies, and local governments would be a State planning process acceptable to the people and at the same time effective in protecting our environment.

6. It uses governmental resources that are already available and already engaged in planning activities. It does not create new governmental units.
7. It provides an opportunity to test the ability of local government to rise to the regional challenge. If, after a proper time, local government must be bypassed, such action can be taken with full knowledge that the failure was not due to a withholding of the tools necessary to complete the task.

8. The regional environmental quality planning councils (AB 515-Knox) can be more easily modified or replaced, if necessary, than could a separate regional government with a directly elected governing board.

Although the Legislature has yet to create an overall political process by which scarce regional resources can be allocated among conflicting demands in a balanced and coordinated approach to areawide governmental problems, it has created special purpose agencies in the Bay Area and authorized single purpose approaches to urban problems within state agencies.

This piece-meal functional approach to the interrelated problems of metropolitan areas makes it all the more imperative that there be at both the regional and state (as well as the federal) levels a comprehensive planning and coordinative agency. Although the use by the federal government of regional councils of governments as regional clearinghouses to review and comment on applications for federal assistance has developed at least rudimentary planning and coordinative umbrella agencies in metropolitan regions there is little evidence that state A-95 clearinghouses have developed in a similar manner.

However, a development of great potentiality is the Office of Intergovernmental Management, established by executive order and headed by Lieutenant Governor Reineke. Associated with this Office is the Council on Intergovernmental Relations, patterned after the U.S. Advisory Committee on Intergovernmental Relations, on which there are representatives of cities, counties and school districts, as well as of state agencies and the public. This Council has demonstrated the value of intergovernmental involvement and responsibility for facing urban and state problems. However, its budget is very low and it is used as a genuine intergovernmental clearinghouse on all too few matters. It could if properly staffed and used, introduce as inputs into local and regional planning and policy-making the outputs of state planning, program decision, and proposed policies. It could secure valuable feedback from local and regional agencies at the crucial stages of planning and program development. Equally important, it could be the focal point for collecting regional plans and proposed policies for feeding into state planning and bounce back to the regional and local agencies the comments of state agencies.

More specifically, I believe that there should be a state review and comment process (similar but more extensive than the OBM A-95 process). It should operate on a 2-way street with state review and comments on local and regional plans and projects and regional review and comment on state plans and projects. It should not be confined, therefore, to review and comment on applications for financial assistance. In fact, the structure of such an intergovernmental review and comment process was beautifully laid out in Assemblyman Knox's 1967 regional government Bill (AB 711) but there it would only have

applied to highways. All state agencies and all local and regional agencies should be subject to mutual review and comment on all plans, regulations, capital improvement programs, and applications for financial assistance if they have regional or statewide impact.

The State also has the responsibility for developing and promulgating statewide standards on matters of statewide concern. No one in local government disputes this and most local officials would welcome a more energetic discharge of this responsibility by the State.

However, a recent development in California and I believe also New York, is for the State not only to lay down standards but to create a state agency with power to operate in the regions of the state to enforce state standards. For instance, the California State Water Quality Control Board establishes statewide standards of water quality and depends upon regional water quality control boards, appointed by the Governor, to enforce those standards. Under no stretch of the imagination can such a "regional" board be considered as anything else than an administrative arm of the State Board.

The State Legislature has now before it a Bill (AB 1056) to use the same model to create a State Environmental Quality Board with jurisdiction over solid waste disposal, air pollution, water pollution, conservation and development of the ocean coastline, noise regulation, nuclear radiation regulation, pesticide regulation, power plant siting, and visual protection.

The bill provides for 8 regional environmental quality boards "functioning as regional arms of the board." The regional boards would be appointed by the Governor. Thus would local governments, in fact the voters, of each metropolitan region be excluded from planning, decision-making, and administration of some of the most important matters affecting the lives and the livelihood of Americans in this decade.

ABAG sees nothing inconsistent with regional home rule for the State to establish statewide standards, after due participation by local governments in considering proposed standards. But the end of local governments has certainly come when gubernatorial commissions take over the administration of the most important matters of regional welfare.

The State of California has made no provision for either authorizing comprehensive regional planning agencies to levy taxes nor has it made state financial assistance available for the support of regional planning. The Capital Region Planning Commission, Baton Rouge, Louisiana, reports that 14 states give financial assistance to regional planning commission and to councils of governments:

Arkansas.....	\$30,000 to each of eight districts.
Connecticut.....	\$200,000 to regional planning commissions.
Georgia.....	\$900,000 to regional planning commissions on a matching basis.
Kentucky.....	\$300,000 to planning and development districts in inkind services to be used as the local share in matching Federal grants.
Massachusetts....	\$30,000 for general support of regional councils.
Minnesota.....	Up to \$25,000 per regional council. A total of \$125,000 appropriated in 1971.
Nebraska.....	Legislation passed authorizing general support. Funding to come in 1971 session.
Oregon.....	\$81,250 allocated for 1970-71 for regional agencies.
Pennsylvania.....	\$20,000 for councils of governments programs on a matching basis.
Tennessee.....	\$150,000 appropriated for regional planning districts. Maximum of \$25,000 per district.
Texas.....	\$500,000 annually provided for regional councils. Minimum of \$10,000 per district plus 5 cents per capita for all areas over 100,000.
Vermont.....	\$259,000 appropriated for general support to regional councils for 1971. The State also gives \$30,000 in inkind services which can be matched against Federal funds.
Virginia.....	Up to \$5,000 for each 25,000 people residing in regional planning districts with no grant less than \$10,000. Fiscal 1972 appropriation, \$750,000.
Wisconsin.....	\$200,000 for 1970 and 1971 as general support for regional planning agencies.

Councils of governments would become considerably more independent if the local share of their revenues could be increased or if the mix of revenue could be changed to decrease their reliance upon the federal government.

In summary the state's role as a partner in the intergovernmental planning, decision-making, and administration of metropolitan areas should be decisively increased through legislation empowering local governments to meet regional problems, providing means for intergovernmental collaboration at both the state and regional level, setting state standards and requiring local governments to meet those standards on a regional basis, and provide financial assistance to multi-purpose regional agencies.

#### FEDERAL ACTION

The Congress, the President, and many Federal agencies have provided leadership in intergovernmental relations since the creation in 1955 of the Kestnbaum Commission under President Eisenhower. This leadership has been especially notable since the enactment of the Demonstration Cities and Metropolitan Development Act of 1966, the Intergovernmental Cooperation Act of 1968, and the Intergovernmental Personnel Act of 1970. Both President Johnson and Nixon have contributed with no table executive orders. Undergirding the emphasis on intergovernmental relations has been the magnificent work for the past 10 years of the Advisory Commission on Intergovernmental Relations. We have been happy in the Bay Area that a Mayor of one of the cities of Alameda County and a former president of ABAG, Jack Maltester, is a member of ACIR.

The special importance of urban problems and of intergovernmental approaches to their solution is demonstrated by the work of your Joint Subcommittee on Urban Affairs and of the House and Senate Subcommittee on Intergovernmental Relations.

The Office of Management and Budget has under the leadership of Mr. William K. Brussatt done a tremendous job in developing and administering OMB Circular A-95. This intergovernmental mechanism has given local government operating through areawide agencies, such as ABAG, an opportunity to play an important role in the American federal system. Mr. Brussatt has been a model in soliciting and listening to gripes and suggestions from regional planning agencies.

There is no doubt that two federal policies—review and comment by regional planning agencies of applications for federal aid and the support, principally by 701 funds, of the development of comprehensive regional plans—have done more to encourage and to enable local governments to face up to regional problems than any thing else during the past half century. Although ABAG was formed before the avalanche of regional planning agencies was started by federal action, and it formally began its regional planning program as early as 1962 it has certainly been helped by these two programs.

It would be very unfortunate if Congress or the Administration were to relax the A-95 regional review requirement or to cut back on funds to support comprehensive regional planning. I have suggested earlier, you will recall, that the federal policy be supplemented by the adoption of similar policies by state governments. Perhaps the Congress can encourage and support such state action.

However, the continuation of regional review and comments on applications for federal Aid and support of regional planning at the present scope will soon level off into a *pro forma* ritual among local, regional and federal officials. I would like to suggest some steps the federal governments could take to see that this does not happen.

(1) *Sufficient funds should be appropriated to enable a comprehensive regional plan to be completed within a reasonable, but short, time.* Once the "Plan" has been adopted it should, of course, be immediately subjected to revision as it is run through the guantlet of public discussion and criticism, of reconciliation (and vice versa) with local state and federal plans, and of insertion of new or increasingly salient matters of regional importance.

(2) *Congress should enact an Intergovernmental Planning Act to replace the scores of planning requirements in the many categorical grant programs.* Although the phrase "comprehensive planning" is frequently used, most of the planning now undertaken at both the regional and state level is functionally

oriented. The natural tendency is for functional specialists to seek out their counterparts to do their own kind of "comprehensive planning."

The following is a partial list of federal planning requirements and of direct federal planning within the San Francisco Bay Area with a suggestion of the kinds of actions and problems which they generate in our region :

#### 1. *Environmental Protection Agency (EPA)*

(a) *Waste Water Quality Management Planning.*—The EPA has issued planning requirements which require a waste water management plan to be adopted by States as their plan for water quality management. These plans are functionally oriented in that they are directed toward water quality standards and not to the water resources system which in the Bay Area we find is a critical planning (Federal Register Volume 35, No. 128 July 2, 1970).

(b) *Air Quality Management Plans.*—The EPA, under the Clean Air Act of 1970, has issued regulations requiring Air Quality Plans be adopted by States for each air basin (Sec. 110, P.L. 91-604). The Bay Area Air Pollution Control District recently passed a resolution indicating its intent to relate air quality standards to land use. Will it be required by EPA to base its functional planning on the land use elements of the Regional Plan?

#### 2. *Department of Housing and Urban Development*

(a) *Open Space Planning.*—HUD requires a regional open space plan be prepared and that an open space planning process be maintained (HUD Administrative Circular MPD 6415.3). This functional activity has been the responsibility of ABAG and has been approached as a mechanism to control growth.

(b) *Water Sewer and Storm Drainage Planning.*—HUD requires a regional Water, Sewer and Storm Drainage Plan be prepared and that a Water, Sewer and Storm Draining Planning process be maintained. (HUD Administrative Circular MPD 6415.2) These requirements have been combined with the EPA Planning requirements regarding Waste Water Management. ABAG and the State are cooperating in this regard.

(c) *Comprehensive Land Use Planning.*—HUD requires that a comprehensive regional land use plan and a land planning process be maintained. A Housing and Transportation element are also required (HUD Administrative Circular MPD 6415.1). ABAG has had the primary responsibility for this activity. The approach has been comprehensive to the extent that other agencies. (Federal, State and local) will actively participate in the program.

#### 3. *Department of Health Education and Welfare*

(a) *Comprehensive Health Planning.*—Under the Comprehensive Health Planning and Public Health Services Act of 1966, a network of function regional agencies have been established. This new planning and management effort is aimed at public and private health care. Regional and local plans must consider health facilities, health manpower, health information systems and environmental health (P.L. 89-749). The Bay Area Comprehensive Health Planning Council, Inc. has developed a functional planning program concerned with health delivery.

(b) *Regional Medical Programs.*—The Health Services and Mental Health Administration of HEW has a program to initiate regional cooperative arrangements among all elements of the health establishment for the purpose of improving the delivery of health care services (P.L. 89-239, P.L. 90-574).

#### 4. *Department of Agriculture*

The Department of Agriculture has a comprehensive areawide water and sewer planning program for non-urban areas. Prior to awarding a grant for water and sewer facilities there must be an areawide plan. (Consolidated Farmers Home Administration Act of 1961, Sec. 306).

#### 5. *Department of Commerce*

The Economic Development Administration administers a program to assist in the development of planning capabilities in redevelopment areas, multi-county development districts which are found to have consistent high rates of unemployment. An overall Economic Development Program must be prepared prior to the EDA granting any assistance for the development of public works

facilities and business for the development of public works facilities and business loans or loan guarantees. (P.L. 89-136, P.L. 90-103, P.L. 91-123).

#### 6. Department of Labor

The Manpower Administration administers the cooperative area Manpower Planning System. This program provides for a systematic planning of manpower development and related activities at the National, State and Regional levels. (P.L. 90-636).

#### 7. Department of Transportation

(a) *Federal Highway Administration.*—The Federal Highway Administration requires that state and Metropolitan areas maintain a transportation planning process which deals with Highways and related transportation systems. Federal Highway funds cannot be expended until metropolitan area has a transportation Planning process. (Highway Act of 1962, Sec. 134). ABAG has been directly involved in the land use input into the transportation studies conducted in the Bay Area.

(b) *Urban Mass Transportation Administration.*—In administering the capital grant program UMTA requires that a transit improvement planning process be maintained. A base for the coordination and the planning of transit in a regional area must be established (P.L. 91-453). This will be done by the recently formed Metropolitan Transit Commission. Funds are anticipated from UMTA but state matching funds have not been forthcoming nor is there a method by which local funds for this purpose can be raised.

#### 8. Department of Justice

Though the Law Enforcement Assistance Administration, grants are made to states for Criminal Justice Planning Programs. Regional programs exist as a supplement to the statewide planning activity.

#### 9. Office of Economic Opportunity

The OEO administers a Community Action Planning Program which is directed toward channeling the resources of community groups into antipoverty action to increase the capabilities as well as opportunities for participation of the poor in the planning process. (P.L. 88-452).

#### 10. U.S. Army Corps of Engineers

The Corps of Engineers maintains an extensive regional (basin) planning program. Beyond their normal investigations regarding flood control projects the Corps of Engineers is authorized from time to time to develop and administer functional regional planning. In the San Francisco Bay Area the Corps of Engineers is involved in a regional navigations study and a regional water quality study both totally slightly less than \$10,000,000.

The extent of functional regional planning and the relatively small amount of comprehensive regional planning in the Bay Area is shown by the following table:

MAJOR PAST AND CURRENT REGIONAL PLANNING ACTIVITIES IN THE SAN FRANCISCO BAY AREA

Activity	Sponsor/director	Cost	Status/results
Rapid transit plan.....	Bay Area Rapid Transit Commission.	\$800,000	Bay Area rapid transit plan being implemented by the San Francisco Bay Area rapid transit district.
Regional plan for transportation....	Bay Area Transportation Study Commission.	6,000,000	Development guides for highway and transit network, study not completed.
Conservation plan for San Francisco Bay and Shore Line.	Bay Conservation and Development Commission.	900,000	San Francisco Bay plan adopted by legislature, permanent commission formed to implement it.
Plan for coordination with the BART system.	BART, Alameda-Contra Costa Transit District and San Francisco Municipal Railway.	650,000	Coordination plan prepared.

## MAJOR PAST AND CURRENT REGIONAL PLANNING ACTIVITIES IN THE SAN FRANCISCO BAY AREA—Con.

Activity	Sponsor/director	Cost	Status/results
Master plan for transportation in San Mateo Co.	West Bay Rapid Transit Authority..	\$570,000	Not being implemented.
Interim solution pending inclusion in BART system.	Marin County Transit District.....	60,000	Being implemented.
Plan for water quality control in the San Francisco Bay-Delta Area, basin planning.	State Water Quality Control Board.	2,800,000	Plan report published, recommendation not acted upon, study continued.
Comprehensive planning for the Bay Area.	Association of Bay Area Governments.	1,980,000	Numerous studies and reports including a proposed regional land-use plan, open space plan, coastline study, aspects of a transportation plan, housing, employment, etc.
Highway 101 corridor study.....	Golden Gate Commission.....	1,900,000	Study underway.
Comprehensive health planning...	Comprehensive Health Planning Agency.	900,000	Organized planning program, ready to proceed.
U.S.G.S. geological topographic and soils study.	U.S.G.S., HUD, and Department of Agriculture.	1,310,000	Work program being prepared.
San Francisco Bay Area in-depth study.	U.S. Corps of Engineers.....	4,500,000	Being initiated.
Water quality study.....	U.S. Corps of Engineers.....	5,000,000	Do.
Criminal justice planning.....	ABAG.....	306,900	Underway.
Interim water quality management plan.	Regional Water Quality Control Board.	(?)	Being reviewed.
Metropolitan waste water management plan.	Regional Water Quality Control Board.	350,000	Being initiated.
California Division of Highways (Bay Area District).	Urban planning.....	861,000	1971-72.
Other State planning activities affecting the region.	Recreation, water resources, land use, solid waste, etc.	(?)	(?)
Other Federal planning activities..	Dept. of Defense, Governmental Services Administration, Bureau of Outdoor Recreation, National Park Service, etc.	(?)	(?)
Total.....		29,327,900	

<sup>1</sup> Budgeted figure.

<sup>2</sup> Information unknown.

Note that of the \$29,377,900, less than \$2 million (or only 6.0%) was spent by ABAG, the only agency responsible for comprehensive regional planning. Even this amount overstates the money available to support comprehensive integrative planning, since fully half of ABAG's funds were spent on functional planning, e.g., transportation, airports. What we need in the Bay Area is to move from the traditional functional approach of making a "mess of things" to making a "mesh of things" through comprehensive planning and action.

What is clearly lacking in the Bay Region, as is demonstrated by the above task is the lack of mechanisms to unify and integrate this tremendous expenditure of Federal and State funds to insure that each program area is assisting the other and that common goals are being achieved. Mechanisms must be developed to counter fragmentation and duplications, and generate partnership approaches. Each Federal and State planning program and budget with regional focus should allocate a meaningful percentage of that program budget to facilitate and expedite the role of unification and integration of separate activities. What is needed now is a regionally managed process that will focus attention on the making of these coordinated decisions and that will provide guidance and coordination to *all* planning of regional significance.

The Congress should enact a planning-management act which will require all Federal and federally assisted areawide planning programs to be supervised by a comprehensive agency which would have the resources to bring planning activities of all kinds together.

The planning-management process would include the following phases :

1. Identify planning needs
2. Establish planning priorities
3. Obtain and channel funds for planning
4. Coordinate the activities and results of planning



5. Assure adequate discussion and understanding of issues and programs
6. Translate the results of planning work into policies and action
7. Evaluate the results of planning and action programs and make recommendations for improvement in the programs and process.

The National Service to Regional Council meeting in New Orleans last March, approved the following programs and activities that should be included in a planning management process.

1. Supporting general policy development and coordination activities necessary for executive management at the state, regional and local levels of government;
2. Establishing and maintaining management information systems;
3. Developing procedure and techniques for coordinating and reviewing projects and activities that affect domestic development and management;
4. Identifying growth areas and areas of critical environmental concern where development should be restricted;
5. Analyzing and evaluating governmental organization, systems and programs for the purpose of improving, modifying or changing to better provide governmental services and enhance growth objectives;
6. Analyzing and recommending fiscal policies and arrangements to meet the needs for providing governmental services;
7. Providing training programs and activities for public employees;
8. Developing policies and procedures to assure citizen involvement in decision making;
9. Preparing implementation programs;
10. Providing technical assistance and joint services for local governments to improve their program capability.

I am not suggesting that functional agencies be consolidated into a single metropolitan government. I am suggesting that ways be sought to relate one program to another and to develop regional policies which can be implemented under a coordinated intergovernmental approach. The enactment of an Intergovernmental Planning Act would be a powerful stimulant and catalyst.

Continuation of the present federal and state policies of functionally oriented planning and action will make it impossible for a regional umbrella agency to develop. Special purpose agencies in the region are now able to say that they would like to cooperate but federal law and regulations require them to pursue their own planning and action programs.

(3) *The Intergovernmental Planning Act should provide for multi-year funding.*—Technical requirements of planning, negotiation among units of government, solicitation and consideration of public reaction, and policy formation all require considerable lead time before the end-product of planning can be reached. The planning process leading to regionwide plans that are accepted by the citizenry and are, therefore, politically supportable often require several years. The generation of citizen involvement, program design, interagency and organization is a lengthy process that cannot be sidestepped if the plans are to be effective. All too frequently, work must be halted or scaled down because of budgetary or program changes by Congress or the federal agencies. This, of course, means lost time, lost effort, lost local funds, and lost staff. Starting up again is costly and often duplicative. Commitment to multi-year funding based on an overall program design, rather than annual funding cycles and one-year, work programs as at present, will greatly improve the effectiveness of the Federal investment under a coordinated intergovernmental approach.

Most important, the vagaries of federal funding leads to a credibility gap between federal promises and local officials who often put their political neck on the line only to lose it when federal agencies fail to deliver.

(4) *Regional Councils of Governments should be required to set priorities for projects of areawide significance.*—A 5 year regional capital improvements program should be developed by regional agencies and submitted to the State and Federal agencies for funding. In this way federal and state agencies would be funding projects within the context of "regional development" rather than responding to localized pressure which has a regional impact once implemented. This requirement would change a council of governments from merely a planning agency to a planning *and* management or implementing agency.

ABAG is currently developing a 5 year regional capital improvement program (CIP). This program will identify in a unified manner the kinds of regional public expenditures that will be needed in order to implement the

ABAG regional plan. Most importantly the regional capital improvement program will be a mechanism through which regional priorities can be identified and implemented.

(5) *An evaluation should be made of the usefulness to federal agencies of the A-95 review and comment by regional planning agencies of applications for federal assistance.*—I believe that such review and comment has been instrumental in bringing councils of governments to their present level of development. However, we in ABAG continue to comment on application without any real knowledge of how the comments are used, how they are evaluated by the federal agencies, whether different agencies treat them in different ways, etc.

Certainly the old stamp "not inconsistent with the regional plan" (especially when there is no plan) can be of no use whatsoever. Once there is a plan, how should the regional planning agencies relate a given project to the plan. If the federal agency is not satisfied that the relationship has been identified, considered, and commented upon, will the application be returned for another review?

In any event, this would be an important phase of formulating an intergovernmental planning-management process. I should think it would be in order for Congress to establish a federal-state-regional-local task purpose to make such an evaluation.

(6) *The impact on other aspects of community life of the implementation of particular functional plans should be studied and the results reported to planners and decision-makers.*—Undesirable side effects are bound to occur but if they are not identified, precisely measured, and related to their most probable "cause" we shall continue to plan and act in ignorance and most of our public debate will be heated but unenlightened.

(7) *All federal, state and regional programs should have an independent scheme of evaluation worked into the program design.*—With respect to the questions witnesses were asked to respond to the chairman's letter of January 11, 1971: I do not favor a "national planning act" but I am strongly in favor of an Intergovernmental Planning Act. The standards should be devised by an intergovernmental process in which representatives (not advisor to the Federal government and appointed by it) of federal, state, regional and local governments participate.

I am most strongly opposed to a single federal regional coordinator in each of the 10 federal administrative regions. The creation of little presidencies would restrict access to planners and policy-makers and replace an intergovernmental process with a unified federal stance in the field.

I recommend that Intergovernmental Council be set up in each of the 10 federal administrative regions to consist of the present Federal Regional Councils (Regional direction of HUD, Commerce, Labor, OEO, and HEW), five representatives of state governments and five representatives of areawide planning agencies. For strictly federal business, the 5 regional directors can continue to function as a Federal Regional Council. However, much of the assignment to the Council can more properly become the business of the proposed Intergovernmental Council.

By all means, the proposed Council must be adequately staffed. Funds should be made available to it for this purpose.

At the same time, it might be desirable for the Office of Budget and Management or the Domestic Council to have a liaison and intelligence staff in each of the 10 federal regional administrative headquarters cities.

For use on the West Coast we would only be returning to the days after World War II when the San Francisco field office of the Bureau of the Budget in collaboration with governors, mayor, and county supervisors in 5 western states operated a very successful Pacific Coast Board of Intergovernmental Relations.

#### Attachments

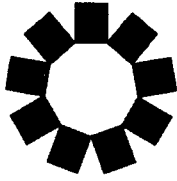
(1) ABAG, *Regional Plan 1970:1990, San Francisco Bay Region* (summary and map<sup>1</sup>).

(2) Part of a statement on Regional Home Rule by Supervisor Ignacio Vella, President of ABAG, urging action by the national and state governments.

(3) Resolution on *Regional Home Rule: 1971*, passed by the General Assembly of ABAG on January 21, 1971.

<sup>1</sup> A copy of the map may be found in the subcommittee files.

Attachment 1



**Regional  
Plan  
1970:1990**

**San Francisco  
Bay Region**



# BACKGROUND

## THE PHYSICAL SETTING

A wide variety of natural features — Ocean, mountains, hills, bays, valleys, etc.—and overall mild temperature contribute to a unique and highly desirable living environment in the Bay Region. These same natural features continue to play an important role in determining areawide land development patterns, regardless of recent innovations in engineering and construction technology.

Although they often conflict, man and nature should exist in a balanced relationship. Urban expansion left to spread in an unconstrained fashion could prove disastrous by upsetting this balance. It could create serious hazards for both man and nature in areas subject to landslides, flooding, and earthquakes, or by furthering pollution and congestion. It is, therefore, essential to relate the region's man-made setting to the natural environment.

One of the Association's primary goals in preparing the Regional Plan is to promote the most efficient and economical land development possible, while conserving the natural features and environment of the region for generations to come.

## GROWTH AND CHANGE ELEMENTS

Populations never remain constant; they grow or diminish, change and shift, locate and relocate. Population flux is closely related to a region's economic climate, both affected by and affecting prevailing economic conditions. These two factors, then—population and economic growth—are instrumental in shaping the form and functions of the region.

## POPULATION GROWTH

Before the year 2000 it is expected that the population of the United States will double again. By comparison, it is predicted that California's population will increase to three and one half times its 1950 size. During the same period, the population of the Bay Region could triple its 1950 population of 2.7 million. Assuming that present population growth trends remain constant, it is estimated that by 1990 between 6.9 and 8.4 million persons could be living in the Bay Region.

Using the population estimates proposed as part of the Transportation Planning Program, the 1970:1990 Regional Plan assumes a growth increase that will bring the Bay Area's population to 7.5 million by the end of 1990.

## ECONOMIC GROWTH

During the next two decades, employment in the Bay Region is expected to increase by about 1.5 million jobs. This growth rate is higher than the overall population growth rate, in keeping with the relative increase in the size of the Region's labor force.

Basic or site-oriented industries are characterized by activities with strong dependence on regional and inter-regional transportation facilities, special site requirements or significant inter-industry linkages. These industries' choices of locations are important influences on the region's development patterns since they serve as a major attraction to population and to service employment. With the exception of agriculture, basic or site-oriented industries are expected to increase their employment from 0.9 million to 1.4 million by 1990. The growth, location and function of the basic sector are of prime regional concern, requiring regional planning and policy guidelines.

Among the fastest growing sources of employ-

ment are those population-serving activities which serve and are dependent upon the location of night time population and the day time location of workers; by 1990, local government, services, and retail trade will provide over fifty-two percent of the region's employment, as opposed to forty-eight percent at the present time. These activities tend to grow and locate in direct relation to the where-abouts of households.

Accordingly, population-serving employment is a local concern and not dealt with on the Plan.

*If present county growth trends continue and the population and employment distribution of the region is not managed, about fifty per cent of the population increase can be expected to occur in and around existing high growth centers. Such a tendency could be modified, however, if future urban growth were guided by the City-Centered concept for regional development as embodied in the policies of the 1970:1990 Regional Plan. At least seventy-five percent of the Bay Area's 1990 population could then reside in and around existing and new communities. If the results of such substantial growth are to be positive, planning must be prompt and careful.*

HISTORIC AND PROJECTED POPULATION

	1950	1960	1970	1980	1990
<b>BAY REGION</b>	<b>2,867,829</b>	<b>3,630,439</b>	<b>4,946,389</b>	<b>6,189,689</b>	<b>7,477,169</b>
ALAMEDA	704,215	808,209	1,134,199	1,428,389	1,869,689
CONTRA COSTA	368,394	409,020	684,689	821,789	1,069,689
MARIN	86,919	146,820	228,689	367,689	468,789
SAPA	46,820	65,880	86,689	103,789	136,689
SAN FRANCISCO	776,267	740,218	734,689	666,789	628,689
SAN MATEO	236,889	444,267	682,689	737,689	878,689
SANTA CLARA	300,547	642,215	1,089,689	1,428,689	1,747,789
SOLANO	104,823	134,267	182,689	266,789	318,689
SONOMA	108,426	147,275	268,689	371,689	468,689



# REGIONAL PLAN 1970:1990

The 1970:1990 Regional Plan concerns itself with the whats, wheres, hows, and whys of an infinitely complex problem: improving the quality of the living environment of the Bay Area. It is an attempt on the part of the Association of Bay Area Governments to address this problem by focusing on such areas as population and employment location, transportation, and environmental quality for the entire region.

## FRAMEWORK

The following framework or foundation provides the basis for the Plan's proposals.

## REGIONAL PROBLEMS AND ISSUES

Regional Plan 1970:1990 is addressed primarily to the following problems and issues:

1. POPULATION GROWTH, SHIFTS, AND SEPARATIONS.
2. UNLIMITED URBAN GROWTH.
3. INCREASING DEMANDS FOR OPEN SPACE AND NATURAL RESOURCES AND THE DECREASING SUPPLY OF THESE FACILITIES.
4. DECREASING QUALITY OF THE REGION'S ENVIRONMENT.
5. INADEQUATE EMPLOYMENT OPPORTUNITIES, HOUSING, EDUCATION, AND COMMUNITY FACILITIES AND INADEQUATE SERVICES FOR VARIOUS POPULATION GROUPS.
6. CONGESTED TRANSPORTATION FACILITIES AND GROWING COSTS FOR MOVING PEOPLE AND GOODS WITHIN THE REGION.

## 7. LACK OF AREA-WIDE AWARENESS AND REGIONAL RESPONSIBILITY.

### REGIONAL PLANNING PROGRAM

Evaluation of the 1970:1990 Regional Plan should take into consideration the continuing aspects of the Association's Regional Planning Program:

- 1962:63 — Design and financing of the Preliminary Regional Planning Program.
- 1964:66 — Preparation of the Preliminary Regional Plan.
- 1966 — Presentation of the Preliminary Regional Plan to the Association's General Assembly.
- 1967:68 — Public hearings and review process of the Preliminary Plan conducted over a 14 month period.
- 1968 — Establishment of the policy framework for the preparation of the 1970:1990 Regional Plan based on the General Assembly's review process.
- 1969:70 — Preparation of the 1970:1990 Regional Plan.
- 1970 — Association's 1970:1990 Regional Plan for the Bay Region established as regional policy by action of the General Assembly.

### REGIONAL GOALS

In September 1968, planning goals were adopted by the Association's General Assembly. They provide one part of the foundation for the 1970:1990 Regional Plan. The goals are:

1. TO PROTECT AND ENHANCE SAN FRANCISCO BAY AND THE MAJOR PHYSICAL FEATURES AND ENVIRONMENTAL QUALITIES OF THE REGION.
2. TO PROVIDE THE OPPORTUNITY FOR ALL PERSONS IN THE BAY AREA TO OBTAIN ADEQUATE SHELTER

CONVENIENT TO OTHER ACTIVITIES AND FACILITIES, IN NEIGHBORHOODS THAT ARE SATISFYING TO THEM.

3. TO DESIGNATE AMPLE LAND AND FACILITIES FOR THE ECONOMIC GROWTH OF THE REGION IN ORDER TO PROVIDE OPPORTUNITIES FOR ALL CITIZENS AND COMMUNITIES TO IMPROVE THEIR ECONOMIC WELL-BEING.
4. TO PROVIDE A TRANSPORTATION SYSTEM THAT IS INTEGRATED WITH LAND USE AND CONSISTENT WITH THE CITY-CENTERED CONCEPT OF REGIONAL DEVELOPMENT.
5. TO PROVIDE A PERMANENT REGIONAL OPEN SPACE SYSTEM THAT MAKES POSSIBLE THE RANGE OF ACTIVITIES ESSENTIAL TO THE CITY-CENTERED CONCEPT OF REGIONAL DEVELOPMENT.
6. TO CREATE A SENSE OF REGIONAL IDENTITY, RESPONSIBILITY, AND COOPERATION AMONG CITIZENS, ORGANIZATIONS, AND GOVERNMENTS IN THE BAY AREA.

### CONCEPT FOR A CITY-CENTERED REGION

The Association's committees and General Assembly reviewed and considered the response to the Preliminary Regional Plan, and chose, as a result, the City-Centered concept as the basis for future regional development. The central idea of the City-Centered Region is to accommodate future urban growth within the region in existing or new urban communities. This concept represents an ideal that extends far beyond the twenty-year time horizon of the 1970:1990 Regional Plan. As such, it provides an on-going basis for all types of plans, decision and actions. As



currently defined, the concept of the City-Centered Region incorporates the following broad quantitative and qualitative objectives:

1. IDENTIFIABLE CONCENTRATIONS OF URBAN DEVELOPMENT AROUND COMMUNITY CENTERS.
2. EXTENSIVE OPEN SPACE AND CONSERVED AREAS.
3. IMPROVED ENVIRONMENTAL QUALITY.
4. A MULTIPLE-MODE TRANSPORTATION SYSTEM.
5. AN OPERATIONAL REGIONAL ORGANIZATION.
6. STRONG INTERGOVERNMENTAL COOPERATION, COORDINATION, AND CITIZEN PARTICIPATION.

## ASSUMPTIONS

Assumptions provide another part of the planning framework. The major assumptions on which this Plan has been developed are:

1. The regional population will increase from 4.6 million to approximately 7.5 million in the next twenty years. More than three-fourths of this increase will locate in and around existing and new urban centers.
2. About 1.5 million additional jobs will be generated in the region by 1990. The service-oriented sector of the economy will outgrow the basic industry sector.
3. Progress will be made in the development of effective regional organization. Better coordination and cooperation between different levels of government and between public agencies and the private sector will also evolve, insuring the realization of the policy objectives contained in the 1970:1990 Regional Plan.

## GUIDELINES

The Plan is composed of two parts: (1) regional

policy guidelines; and (2) planning recommendations reflecting those policies which can be expressed in two-dimensional plan map form. The functions of the guidelines are to:

1. Encourage actions by appropriate agencies that will initiate, direct, and promote regional growth and development as well as conservation of the environment.
2. Clarify at all levels the decisionmaking process related to areawide problems and issues.
3. Continue the development of the Regional Planning Framework as a guide to regional planning in the future.

Unlike the general plans adopted by cities and counties, the Association's Regional Plan will not be used as the basis for any detailed application of the police power on a parcel-by-parcel basis, as in the making of zoning or subdivision regulations.

## PLANNING FOR GROWTH AND DEVELOPMENT

In order to provide for the expanding population and new employment opportunities, it is proposed that urban development take place within distinct communities located in a series of "general growth corridors".

Regional urban development should be directed to and fostered in communities located within these corridors. Such development should be guided by coordinated local, regional, State and Federal policies concerned with urban and industrial growth and open space. The location of future urban development in communities within general growth corridors will make it possible to concentrate the resources and facilities needed for the solution of the region's urban problems. It is proposed that communities be evolved in two ways: (1) by organizing and strengthening

developed areas of the region which already exist; and, (2) by adding new communities or by planned extensions of existing communities. Communities should also be formed by clustering urban elements that otherwise would spread throughout the region. In most communities sufficient area is left for the exercise of locational choice. Accordingly, not every urbanized area shown on the Plan diagram will be developed by 1990. Transportation, utility, and open space systems should be planned in support of this growth policy.

## URBANIZED SPACE AND COMMUNITY DEVELOPMENT

Regional urbanization shown on the Plan diagram includes communities containing residential development, basic employment centers, and community centers. They are, on a regional scale, what might be called the "neighborhoods" of the region's urbanized space. Community centers are shown on the diagram for towns or combinations of towns above 50,000 in population, suggesting the location of future metropolitan communities.

## EMPLOYMENT CENTERS

The growth, location, and operation of the basic employment centers are major priming agents in determining the location of urban development. The location of the basic group industries is instrumental in setting the regional patterns of jobs-to-people distribution. It is, in addition, a major factor in achieving balanced community development, minimizing excessive home-to-work travel, and guiding urban growth into the communities of a City-Centered Bay Region. The Regional Plan offers a choice of sites for industrial development which are within or adjacent to most communities. Growth of employment within the inner core of existing communities should

be given high regional priority.

#### **RESIDENTIAL DEVELOPMENT**

Population growth, shifts and separations are matters of regional concern. To the extent that issues such as racial segregation affect population changes and shifts, they also become matters of regional concern and policy. The Regional Plan necessarily addresses these problems as it proposes residential-employment relationships, and space, location, and form of residential growth to 1990. Land designated predominately for residential purposes has been related to land provided for basic employment purposes within that sub-area of the region.

Population distribution to sub-areas was used as the basis for allocating the amount of land provided in these sub-areas for residential development.

The Plan does not focus on residential density gradations or on the manner of distributing population within individual communities.

The residential land area shown on the Plan diagram is more than sufficient to accommodate the population growth in the region.

The open space policies incorporated in the Plan will be a critical factor in guiding future residential development.

#### **NEW OR EXTENDED COMMUNITIES**

Substantial reasons can be presented in economic, physical and social terms for the development of completely new communities. The details for planned, new, or partially independent communities will be developed as part of the Association's Housing Plan Element.

New towns would only be one part of the solution to the future growth problem. For example, if five new towns, each accommodating 100,000 people were built in the next 20 years, they would accommodate only about seven

percent of the region's 1990 population. Although new communities may be needed in the Bay Region, the greatest emphasis should be directed toward physical and economic growth and social conditions in existing communities.

#### **COMMUNITY CENTERS**

The vitality and growth of the centers of cities is essential to the entire region. Many of the problems of the inner-core areas are of regional importance and concern. In turn, strong vital community centers can play an important role in providing the central attraction to counter the spread of urbanization.

Each community should center around a core of intense activity where commercial, governmental, cultural, recreational, health and educational services are provided. Further, more detailed study is needed to define the location and role of community centers throughout the region. For the purposes of the Regional Plan, all towns or combinations of towns over 50,000 population are designated as community centers. Regional fiscal and developmental plans and programs are needed to assist in the evolution of strong community centers.

#### **TRANSPORTATION SYSTEM DEVELOPMENT**

The 1970:1990 Regional Plan transportation system is designed to shape and serve a region of multiple-communities situated within defined growth corridors. The regional highway and rapid transit systems shown on the Plan diagram follow these general growth corridors, linking together individual communities and their centers. In order to guide regional growth and maintain environmental quality, the region's surface transportation system should be developed in such a way as to connect community centers and provide capacity in and between growth corridors.

The transportation facilities shown on the Re-

gional Plan diagram should be considered as corridors, not precise routes, capacities, or designs. Most corridors already exist or are committed to transportation development.

Regional highways correspond to the existing freeway concept — divided highways primarily for intra-regional traffic, with full control of access. As shown on the Regional Plan diagram, these highways are generally continuous high-volume facilities.

Major collector-distributor highways maintain full or partial control of access and serve as connectors between or as extensions of regional highways. They also reach into the region's low density urban development and recreation areas. The routing, capacity, and design of major collector-distributor corridors vary with individual areas, depending on the particular road system, travel patterns, population density, land use, and environment. Planning and design of these special corridors will require detailed studies, involving all local and regional agencies. The aim of these studies must be to identify and account for the unique features and needs of individual areas. The components of the regional transit system dealt with on the Regional Plan diagram consist of high-speed rail or bus rapid transit, proposed to operate on private rights-of-way between communities.

Future rapid transit services should connect all major community centers of the metropolitan Bay Region so that no transfer is required to move from one center to another. Although continuous, uninterrupted rapid transit service is recommended, interim solutions may include bus rapid transit on exclusive roadways and/or reserved freeway lanes, and priority of right-of-way in communities.

The development of high standard intra-city mass transit systems in all metropolitan communities, linked to the regional rapid transit



system, also requires high priority at all governmental levels.

#### **GROWTH BEYOND 1990**

Not unlike the other levels of government, the region has a responsibility to examine the question of the desirable population-holding capacity of the region. Although growth can be accommodated reasonably well for the next twenty years, the region's capacity is not unlimited. As part of its continuing regional planning process, the Association should inquire into the probable course and desirability of regional population growth beyond 1990, especially as it relates to the long-range City-Centered concept.

#### **PLANNING FOR ENVIRONMENTAL QUALITY**

The regional role in managing urban growth and development is closely linked to its role in conserving and improving its natural and urban environments. The foregoing guidelines for urban growth and development, transportation, and utilities must be considered in relation to the region's environmental system. For example, decisions to leave lands in agriculture, recreation, forests, and other open spaces should be coupled with decisions regarding the expansion of urban communities, which parts of the region can best accommodate urban growth, and which areas have highest priority for the development of new communities.

#### **OPEN SPACE PROPOSALS**

The open space recommendations included in the Regional Planning diagram are based on extensive Association work in open space planning, on the planning guidelines for the concept of a City-Centered Bay Region, and on the regional goals.

Open space is proposed in two elements:

controlled development areas and permanent open space areas.

#### **CONTROLLED DEVELOPMENT AREAS**

Between the outer limits of the areas designated for development by 1990 and the permanent open space areas, controlled development zones have been established with proximity to most communities. These areas represent lands that could be used for urban purposes, added to the permanent open space system or utilized in a number of ways to serve both concepts. In designating these controlled development areas, the potential need for additional lands to be used in urban expansion beyond 1990 is recognized. At the same time the actual determination of future use, urban or open, is left as a matter of choice. The open lands found in this category should be left as open space for as long as possible, if not permanently. Need for further expansion of the 1990 urban boundaries shown on the Plan map should be determined only after careful consideration at both the local and regional levels.

#### **PERMANENT OPEN SPACE**

A permanent regional open space system is a key factor in a unified urbanization and conservation policy. This policy advocates that both private and public open lands, as well as water areas and large and small waterways, be seen, used, and permanently protected for their positive open value in the region's urban and natural environments.

All lands in the permanent open space system should be under public control, e.g. ownership or less-than-fee title. One public agency, however, need not be the sole owner. It is particularly important to allow public ownership to protect the following environmental features:

- Major ridges
- The Bay

Waterways and flood plains

Major recreation areas

The ocean coastline

Selected Bay and river shoreline

Areas of outstanding natural attraction

Strategic areas to guide urban expansion

Other lands should be retained in private ownership if their essential open and natural characteristics can be permanently maintained.

The region should anticipate its future needs, securing public open space now, while the land is still available. First priority should be given to securing open space in and immediately around the existing urban areas.

#### **PLANNING FOR OTHER ENVIRONMENTAL ELEMENTS**

Some planning elements of the region's environmental system cannot be expressed in graphic form on the Regional Plan diagram, although plans and programs for them are extremely important. Air and water quality, solid waste disposal, ecology, and design of the urban and natural environment are matters of key concern for the region. Each should be the subject of continuing study, policy development, and implementation in the continuing regional planning process.

The concept of a City-Centered Bay Region addresses the ecological problem by recommending that as little land as possible be wasted and that as much of the remainder as is possible be left in an open state.

*The 1970:1990 Regional Plan should be considered as only one step in a regional planning process consisting of a planmaking, decision-making, action continuum in which functional and coordinative planning plays a central part. Furthermore, it is only one part of the Regional Planning Framework.*



## Attachment 2

**STATEMENT ON REGIONAL HOME RULE TO BE SUBMITTED BY PRESIDENT VELLA,  
ASSOCIATION OF BAY AREA GOVERNMENTS TO NSRC TASK FORCE ON INTER-  
GOVERNMENTAL RELATIONS**

*Essential features of Regional Home Rule* (the details will vary among the different states).

**1. The division of the state into metropolitan and non-metropolitan regions.**

(a) Many states have already done this for planning purposes.

(b) However, such regions have not been recognized and used by all state and federal agencies.

(c) Regions should be delineated as political jurisdictions. Therefore, existing local jurisdictions, such as counties, should not be divided among regions.

(d) Provision should be made for administrative planning and fiscal subregions where necessary or desirable for topographic, technological, functional, or financial reasons.

(e) All such subregions should be formally linked with the overall regional organization.

(f) Regions should be delineated to reflect the varying nature of problems of regional significance and the *political* as well as the economic characteristics of the different regions of the state. The boundaries of Standard Metropolitan Statistical Areas should be used only as units and should be combined where necessary to preserve a commonly accepted region. For instance, the San Francisco Bay Area by common consent consists of 3 SMSA's and the so-called "non-metropolitan" county of Sonoma.

(g) Local governments should participate in the delineation of the regional boundaries.

**2. Require all municipalities and counties within each region to be members of a regional council and to participate in the preparation and adoption of a regional plan.**

**3. All cities, counties, special districts and all state agencies operating within a region should be required to submit major plans, regulatory ordinances, rules and regulations, and capital improvement programs relating to mandatory elements of the general regional plan to the regional council for review, public hearing if desired, and comment, and be required to consider such comments before final action is taken.**

**4. Congress should maintain similar regional review and comment of federal programs of regional impact.**

**5. A procedure through which a regional council may exercise certain powers to implement one or more elements of the regional plan should be provided.**

(a) Regulatory; eminent domain; construction and operation of facilities itself or through subunits

(b) Should require some kind of special approval, such as

(1) Favorable action by 60% of the local government units representing 60% of the regional population; or

(2) Approval by state legislature (as now required in California of local charter amendments); or

(3) Referendum.

**6. An independent source of revenue is essential.**

(a) Details will vary in different states, but the objective should be

(1) sufficient funds to enable the regional agency to meet its responsibilities and provide significant regional services, and

(2) sufficient independence from others for fiscal support so that the agency can define its own priorities.

(b) Present situation is one of dependence upon:

(1) constituent member dues (tied to local property taxes),

(2) grants predominantly from a single federal agency—HUD.

(c) The many regional planning requirements in diverse federal grant-in-aid statutes and regulations should be consolidated into a single Regional Planning Act with a block planning grant to each certified planning agency.

(d) State funds—as Texas and now by constitutional amendment in South Carolina—should be available to balance COG dependence upon federal fund-

ing and provide greater incentive for cooperation between the State and the COG.

(e) Regional Home Rule Agencies should be included in the formula for distribution of revenues under President Nixon's Revenue-Sharing Legislation. (The Metropolitan Washington Council of Governments voted January 14, 1971 to request inclusion of COG's in this formula).

7. *The governing body should consist primarily of elected city and county officials*

(a) If this principle is accepted, it would be easy to develop local or state-wide formulas to bring into the governing body representatives of other articulate interests in the region.

(b) Regional governance in the United States is inevitably a process of intergovernmental relations among a multitude of local, state and federal agencies. For this reason, it is necessary to increase the capability of local government, through formal participation in a regional home rule agency, to play an active and meaningful role as a full partner in the intergovernmental planning, decision-making and administration of our metropolitan regions.

(c) Furthermore, local government needs to be able through a regional home rule agency to participate in decision of regional significance made in state capitols and in Washington, D.C.

8. *The regional home rule policy should be designed to enhance the coordination of local, regional, state and federal programs with common objectives.*

(a.) COG's and other regional home rule agencies should be represented as such on the U.S. Advisory Committee on Intergovernmental Relations and on such state agencies such as the California Council on Intergovernmental Relations.

(b.) A state agency (perhaps the state A-95 clearinghouse) should review and comment upon regional plans.

(c.) The same state agency, with an advisory body selected by regional home rule agencies, should coordinate the various regional plans with state plans.

9. *In most, but not all states, the next step should be to establish regional planning and "umbrella" agencies, in each region of the state.*

In most instances, it would not be necessary for the regional home rule agency to operate regional programs itself, but it should have authority to require adherence of existing operating agencies to the regional plan and, when necessary, to establish new operating agencies. The model of the Twin Cities' Metropolitan Council is a good illustration of a regional umbrella agency. It should be pointed out, however, that it does not meet the specifications of regional home rule in two respects:

(a.) Its governing body is appointed by the Governor, and

(b.) No local officials serve on either the Governing body or any operating board.

#### CONCLUSION

I can conclude in no better way than by paraphrasing the conclusions reached in 1969 by ABAGs Special Committee on Regional Home Rule:

1. There is need for limited, multi-purpose regional agencies to avoid the creation of additional special purpose districts and authorities;

2. Attempts to solve regional problems can only be successful if all local governments, as well as the state and national governments, collaborate in the effort;

3. Regional home rule requires the formal participation of city and county governments in any regional agency which may be established;

4. A representative cross-section of the citizens of a region should be involved in planning, in making decisions, and in the implementation of policies and programs to meet regional needs; and

5. The objective should be to improve the effectiveness, responsibility and responsiveness of governments functioning within a region without creating a new and unrelated level of government.

## Attachment 3

## ASSOCIATION OF BAY AREA GOVERNMENTS RESOLUTION No. 1-71

## REGIONAL HOME RULE: 1971

Whereas the Association of Bay Area Governments is a legally constituted council of governments, organized on January 12, 1961 under the Joint Exercise of Powers Act (Government Code, Title 1 Div. 7, Ch. 5); and

Whereas eight counties and 85 in nine counties are members of the Association, representing over 99% of the regional population; and

Whereas the Association has approved a regional general plan; and

Whereas the Association has been certified by the U.S. Department of Housing and Urban Development as the areawide planning organization for the Bay Area making the local governments of the Bay Area eligible for certain types of federal assistance; and

Whereas the Association has been designated by the U.S. Office of Management and Budget as the the metropolitan clearinghouse to review and comment on applications for federal assistance and on regional implication of projects initiated by federal agencies (Demonstration Cities and Metropolitan Development Act of 1966; Governmental Cooperation Act of 1968; and Environmental Policy Act of 1969); and

Whereas the Association has been recognized by the California Council on Intergovernmental Relations and by the California Council on Criminal Justice; and

Whereas the Association concluded as early as 1966 and again in 1969 that:

1. Attempts to solve regional problems can only be successful if all local governments, as well as the state and national governments, collaborate in the effort;

2. Regional home rule requires the formal participation of city and county governments from each county in any regional agency which may be established for the Bay Area;

3. A representative cross-section of the citizens of the Bay Area should be involved in planning, in making decisions, and in the implementation of policies and programs to meet the regional needs of the Bay Area;

4. There is a need for a limited multi-purpose regional government in the Bay Area to avoid the creation of additional special purpose districts and authorities; and

5. The objective should be to improve the effectiveness, responsibility, and responsiveness of governments in the Bay Area to meet regional needs without creating a new level of government; and

Whereas the need for a limited multi-purpose regional organization has been recognized by many other private and public agencies in the Bay Area; and

Whereas similar needs have been identified throughout California by the Assembly Select Committee on the Environment, the Joint Legislative Committee on Bay Area Organization, other standing committees of the Assembly and the Senate, the Council on Intergovernmental Relations, the League of California Cities, the County Supervisors Association, councils of governments, and other interests in the several regions of the state, therefore be it

Resolved, by the Association of Bay Area Governments that

1. The following approaches be applied on a statewide basis to all regional planning councils and other types of regional organizations;

2. The Legislature should require cities and counties in each planning region of the state to create a regional planning council;

3. The regional organizations so created should reflect the varying nature of problems of regional significance and political and economic characteristics of different regions of the state;

4. Each regional organization shall prepare and adopt a regional general plan with the following mandatory elements:

(a.) a general waste disposal

(b.) a general open space

(c.) a regional transportation

(d.) a regional land use

(e.) conservation of natural resources

(f.) regional criminal justice

(g.) regional housing;

5. The proposed regional plan should be submitted to the CIR for review and comment before adoption by the regional organization;

6. Annual reports should be filed by each regional organization with the CIR, which should transmit the reports with its comments and recommendations to the Governor and the Legislature;

7. Regional organizations should be represented on the Council of Intergovernmental Relations;

8. All special districts, cities and counties and all state agencies operating within a region should be required to submit plans, regulatory ordinances, rules and regulations, and capital improvement programs relating to mandatory elements of the general regional plan to the regional council for review, public hearing if desired, and comment, and be required to consider such comments before final action is taken;

9. Regional organizations should be authorized to assume limited powers and functions with reference to the operation of regional services;

10. Regional organizations should be granted such regulatory powers and revenue sources as necessary to carry out regional functions;

11. The statute creating the regional organizations should provide an "umbrella" relationship between the regional councils and existing regional special districts and agencies;

12. The regional organization should be empowered to establish new subunits as the need arises, subject to legislative approval;

13. The governing body of the regional agency should be composed primarily of elected city and county officials;

14. The statute creating the regional organization should provide for the participation of interested and knowledgeable citizens in the discussion of regional goals, the development of regional plans and policies, and in the achievement of regional objectives, and be it further

*Resolved*, That the Executive Committee take all necessary steps to confer and cooperate with the chairman of the Assembly Committee on Local Government, the chairman of the Senate Committee on Local Government, the Southern California Association of Governments, the San Diego Comprehensive Planning Organization, the Sacramento Regional Area Planning Commission and other councils of governments, the California Council on Intergovernmental Relations, the League of California Cities, the County Supervisors Association and other interested persons, groups and agencies in the Bay Area and the State in order to secure the enactment of legislation embodying these principles of regional home rule as adopted by the Association of Bay Area Governments.

*Passed and adopted* by the Executive Committee of the Association of Bay Area Governments this 21st day of January, 1971.

/S/ Ignazio A. "Ig" Vella  
IGNAZIO A. "IG" VELLA,  
*President of the Association of  
Bay Area Governments.*

Attest:

/s/ J. Julien Baget,  
J. JULIEN BAGET,  
*Executive Director of the  
Association of Bay Area Governments.*

Chairman BOLLING. Now we are prepared for the sledge hammer. Mr. Knox, it is your turn.

### STATEMENT OF HON. JOHN T. KNOX, ASSEMBLYMAN, CALIFORNIA STATE LEGISLATURE

Mr. KNOX. Thank you very much, Mr. Chairman. I don't feel like wielding a sledge hammer this morning, but I do disagree, not violently, but as firmly as I can, with some of the comments made by my good friend Joe Bort from Alameda County.

I think I will read my statement. I think it will be more economi-

cal of our time by doing this, and then I will be very happy to respond to any questions.

Chairman BOLLING. Thank you; proceed as you wish.

Mr. KNOX. I am pleased to appear before your committee today to discuss regional planning issues—or more precisely regional decision making. Most regions in this country possess an overabundance of regional plans but lack adequate machinery for implementing those plans.

At your committee hearings last October, representatives of the academic community presented a somewhat clinical view of regional planning and regional decision making. Today, I wish to present a different viewpoint—that of a legislator who has been involved, for most of his legislative career, in upgrading and refining regional decision making procedures in California. I also speak as a resident of a large metropolitan region—the San Francisco Bay Area—which critically needs effective machinery for making and enforcing decisions about regional problems.

The Urban Institute, here in Washington, will shortly publish the results of an exhaustive examination of the councils of governments—COG—movement throughout this country. I have been privileged to review the initial working drafts of this study and I recommend the final document for serious review by your committee. My own experience in California fully corroborates the conclusions in the initial draft—particularly in regard to the inherent limitations of COG's and in regard to the role of the Federal Government in overcoming these limitations and developing more effective regional organizations.

These hearings have been called on the subject of regional planning issues. In California, at least, the real problem is not planning, but implementation of regional plans which already exist. The COG's in California have a vast surplus of regional plans, but they have no effective procedures for implementing any of these plans. For example, 1 week ago today there was an extended debate in the local government committee of the California Assembly on legislation to establish a limited-purpose umbrella-type agency for the San Francisco Bay region. Representatives of the Association of Bay Area Governments—ABAG—produced volumes of plans to attest to the fact that extensive regional planning was being done for the Bay Area—in water quality plans; a coastline plan; an open space plan; a general land-use plan, et cetera. All these plans were made possible, by the way, because of substantial Federal funding.

The point to be stressed is that ABAG, as a voluntary COG, has no positive power to implement any of these plans. Nor does it have, in fact, any power to negate or veto local actions which would be adverse to these plans.

In short, generous Federal funding has enabled regional organizations (COG's) in California to prepare literally shells of regional plans. If these plans are going to have any practical value, however, we must have some formal, institutionalized procedures for making regional decisions based on the recommendations in the plans. Both the Federal and State Governments have important roles to play in establishing this type of decisionmaking machinery.

This latter point needs some amplification. COG's are inherently weak as regional decisionmaking bodies. Why?

There are three important facts which must be understood about the operation of any COG.

First, a COG receives the bulk of its funding from Federal sources in order to do "areawide" or "regional" planning. Thus, a COG produces a great volume of so-called regional plans which it formally adopts. The result is that the COG is then able to represent that sundry regional plans do exist.

Second, a COG receives an aura of authority from the so-called A-95 grant review program. This review system appears to place the COG in a position of a regional agency which can evaluate individual local projects and programs against the goals which have been so nicely stated in the regional plans. As the members of the subcommittee are aware, the number of grants which are subject to A-95 review has been steadily expanded so that the review procedure now includes grants which would have an "environmental impact" as well as grants which would have a significant "community impact."

In short, the existence of regional plans, together with the A-95 responsibility to review individual grant applications, leads most COG's to represent that they are determining regional priorities and are implementing regional plans.

This is not the case. The actual authority and legitimacy of a COG does not come from the Federal Government nor from the regional plans—but rather from the local governments who make up the COG.

This leads us to the final factor which must be clearly recognized—these member governments simply do not want the COG to emerge as a force which is different and distinct from the sum of its parts. They wish the COG to continue as a coordinator, a communications forum, and an organizational device which will insure the continued flow of Federal funds to individual local jurisdictions. They do not wish the COG to take an active and aggressive role in channeling Federal funds toward achieving the goals stated in the regional plans. Thus, the A-95 review process tends to become one which simply weeds out projects which are obviously "inconsistent" with regional plans. It virtually never becomes a process which assigns grant priorities to projects which implement the goals and objectives of the regional plans.

Just why are COG's so reluctant to take a "hard line" with individual cities and counties? My colleague and friend, Joe Bort, may disagree with my answer, but I feel that my explanation is substantially accurate, for California at least, and will be completely corroborated in the near future when the Urban Institute's study on COG's is released.

Local governments participate in COG's for a number of reasons: They wish to communicate with their neighbors; to appear cooperative; to be eligible for Federal funds; or even to create the appearance of an effective regional mechanism so as to forestall State or Federal intervention in establishing regional goals and priorities.

Under present circumstances, local governments have no reason to expect that participation in a COG might be disadvantageous to them. The decisionmaking process which emerges from such an association is action by consensus—I was interested to note in reading the first part of the committee testimony of Ted Cole of the Minneapolis-St. Paul area who came to the same conclusion—all parties tacitly agreeing that COG decisions will not be costly to any of them. On the whole, local delegates to a COG cannot help but reflect the interests and viewpoints which are vital to their individual cities or counties. They cannot help acting to protect and enhance the interests of the area they represent. Thus, the type of decisions made by a COG tend to be those which “are not inconsistent” with regional objectives—that is those which help some members and do not actually conflict with so-called regional plans. There is little or no effort to establish regional priorities and to approve individual local projects on the basis of such priorities.

What should be the Federal role in this situation? To begin with, the Federal Government should insist that the “clearinghouse” procedure under the A-95 review process must be clearly and explicitly used to implement regional objectives.

This is particularly important as more and more grant programs are placed under the A-95 review process.

At present there are few Federal requirements which indicate the type of review which should occur. As I have indicated, this lack of Federal guidance has resulted in a review process which only identifies projects that are inconsistent with regional objectives. It does not offer any help in implementing regional objectives.

The Office of Management and Budget and the Department of Housing and Urban Development are the main sources of Federal support for COG's. So long as these Agencies continue to accept a very weak type of regional action, it will be extremely difficult for the States or for individual local governments to establish decision-making institutions which can identify and enforce regional priorities.

Here is the weak link in the Federal strategy—the lack of a specific Federal policy which insures that individual grants will be used to implement the regional plans which the Federal Government has previously insisted upon and, in large part, has funded.

It would be appropriate and proper for this subcommittee, acting through the Congress, to direct both the Office of Management and Budget and the Department of Housing and Urban Development to establish such a policy and to put it into immediate operation.

By emphasizing Federal action, I do not mean to imply that the States have no role in perfecting procedures for making regional decisions. In California, COG's operate at the sufferance of State government. State legislation can change the rules of the game and can impose new requirements on such regional agencies. Theoretically at least, it is possible to require such agencies to establish genuine regional priorities and to mandate that local governments would be eligible to receive Federal grants only on the basis of such priorities.

Thus far it has proved politically impossible to move in this direction in California—partly because there has been no Federal

“pressure” to establish and to comply with regional priorities. Thus, the status quo—a consensus type of regional organization which poses no possibility of threat to its individual members—remains for them more desirable than a stronger, action-oriented agency which might be created by State legislation.

Once again, in the absence of some Federal pressure to force COG's to become more concerned with implementing regional plans, local opposition is likely to remain entrenched to State action which would require this latter type of regional decisionmaking.

Let me give some specific examples. I have included as an attachment to this statement a copy of a bill<sup>1</sup> which is now pending before the California Legislature. The measure is the product of approximately 5 years' study, debate, and negotiation. It would establish a so-called umbrella agency to make regional decisions within the San Francisco Bay Area. Only last week at a committee hearing on this measure, the League of California Cities appeared in opposition. One reason for that opposition, which League representatives plainly and publicly stated, was that they preferred a regional planning organization which did not have specific authority to implement its plans by vetoing local projects. Instead, League representatives urged that the implementation of regional plans should take the form of “coordination” and “cooperation.”

This attitude is another reflection of the underlying viewpoint that regional agencies are not supposed to pose any possible threat to individual local governments; that they are not supposed to establish regional priorities for Federal grants; in short, that they are not supposed to pursue, positively and aggressively, the implementation of regional plans.

There is another, even stronger, indicator of the commitment which local governments have to the “consensus type” of regional organization. Local government organizations in California have consistently resisted the establishment of an umbrella-type regional agency in the San Francisco Bay Area unless such an agency is run exclusively by city councilmen and county supervisors. The League of California Cities, the County Supervisors Association of California, and the Association of Bay Area Governments—all have lobbied vigorously for this viewpoint.

Only elected councilmen and supervisors, they argue, have a full appreciation of the problems of local government. Thus, only these individuals will be “reasonable”—is the way they put it—in establishing and enforcing regional priorities on individual local governments. If the persons who run the umbrella agency are directly elected by the people within the region (as the pending legislation proposes), they will lack a proper understanding of city or county problems and thus might be inclined to impose, and force compliance with, unreasonable regional priorities.

Behind the facade of this reasoning lies a commitment to the present “consensus” style of regional organization. The argument admits that regional priorities might conflict with local priorities if these were set by “outsiders.” The likelihood of any such conflict would be

<sup>1</sup> See bill on p. 628.



substantially diminished if regional priorities were set by "members of the club"—i.e., by city councilmen and county supervisors.

If we make the logical assumption that the implementation of regional plans will necessarily involve some adjustment in local plans and projects—this attitude on the part of local government belies any real desire to implement their highly touted regional plans.

Opposition by local governments in the San Francisco Bay Area defeated legislation to establish an umbrella agency for that region in 1969, and again in 1970. It is possible that this opposition may do the same in 1971—despite repeated attempts to develop compromise arrangements to deal with the issue of "who runs the regional organization." The local governments have insisted upon complete control of the regional organization or nothing.

In the meantime, the State of California has responded to the more serious regional problems by creating single-purpose agencies to deal with them.

Moreover, each of these single-purpose agencies has been established on the assumption that in certain critical areas regional policies and local desires may conflict—and that when such conflict occurs, local priorities must be reordered for the best interests of the region.

By way of illustration, permit me to list some of the single-purpose agencies that have recently been created by the California Legislature for the San Francisco Bay Area.

In 1969 the Legislature permanently established the San Francisco Bay Conservation and Development Commission. This watchdog agency has the responsibility of planning the development and the conservation of San Francisco Bay. It has the responsibility for implementing the Bay plan through a system of permits. No one can fill the Bay or develop along the shoreline unless he first gets a permit from BCDC. Although local governments are represented on this commission, there is substantial membership from the general public.

In 1969 the legislature passed the Porter-Cologne Water Quality Act which gave regional water quality control boards strong "teeth" to proceed against polluters of San Francisco Bay. The regional board responded by suspending all building permits in the city of San Francisco until San Francisco had agreed to upgrade its sewage disposal system to the satisfaction of the regional board. Membership on this board is by gubernatorial appointment; there is no provision for city councilmen and supervisors.

In 1970 the legislature created the Metropolitan Transportation Commission in the San Francisco Bay Region to plan and coordinate highways and mass transit systems. Although local governments are represented on MTC there is a substantial public representation also.

This year the legislature is considering special legislation which would establish a regional agency in the San Francisco Bay Area to plan, construct and operate regional sewage treatment plants—which will be necessary to meet new Federal and State water quality standards. This agency would have the specific authority to force the

construction of regional sewage treatment plants and to force local waste dischargers to hook into a regional sewage treatment system.

In short, wherever regional problems have become serious enough for the State to establish a single-purpose agency to deal with them, the State legislature has invariably recognized that in some instances regional plans and local desires will conflict. And that when such conflict does occur, the local viewpoint must bow to the needs of the region.

It is highly impractical, however, to deal with regional problems by waiting for them to assume crisis proportions so that the legislature can create a special agency to deal with them. Besides, planners tell us that most regional problems are interrelated and need to be considered as part of an overall regional system—not as isolated individual problems.

All the regions of California seriously need so-called umbrella agencies. The need is particularly critical in the large urban regions of the State. Both the State and the Federal Governments have a common interest in insuring that these umbrella type “planning agencies” can, and do, implement the regional plan on which so much of the public’s money has been spent.

My request to your subcommittee today is that you bring the authority of the Congress to bear upon the appropriate Federal agencies to insure that Federal programs contribute to this goal also.

Thank you.

(The attachment referred to in Mr. Knox’s statement follows:)

**ASSEMBLY BILL****No. 1057**

**Introduced by Assemblyman Knox**  
 (Coauthor: Senator Marks)

March 22, 1971

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT

*An act to add Title 6.5 (commencing with Section 62000) to the Government Code, relating to the organization, establishment and powers of the Conservation and Development Agency of the Bay Area.*

**LEGISLATIVE COUNSEL'S DIGEST**

AB 1057, as introduced, Knox (L.Gov.). Bay area conservation.

Adds Title 6.5 (commencing with Sec. 62000), Gov.C.

Authorizes establishment of Conservation and Development Agency of the Bay Area comprising the City and County of San Francisco, and the Counties of San Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa, Sonoma and Marin.

Provides procedure for establishing regional election districts for such agency.

Provides for a regional governing board of 40 elected members. Authorizes the appointment of administrative officers, employment of other employees, and establishment of a civil service system and employment benefits.

Prescribes regional governing board powers which include, among others: review of financial assistance applications made by local agencies to the state, federal, or other public agencies; making of regional studies and research; and making of joint exercise of powers agreements. Authorizes preparation and adoption of a resources plan containing: a San Francisco Bay plan on conservation and development of the bay; a regional transportation plan; a regional environmental quality plan; a regional park plan; and an open-space plan. Provides for completion and adoption of plans in a three-year period and authorizes adoption of single elements on a yearly basis.

Prescribes procedures for effectuation of elements of resources plan. Authorizes adoption of specified plan adopted by the San Francisco Bay Conservation and Development Commission.

Authorizes imposition of documentary transfer tax by the agency. Provides for termination of the Metropolitan Transportation Commission and transfer of employees, documents and property to agency upon the adoption of ordinance by regional governing board.

Vote—Majority; Appropriation—No; Fiscal Committee—No.

*The people of the State of California do enact as follows:*

1 SECTION 1. Title 6.5 (commencing with Section 62000) is  
2 added to the Government Code, to read:

3  
4 TITLE 6.5. CONSERVATION AND DEVELOPMENT  
5 AGENCY OF THE BAY AREA

6  
7 DIVISION 1. GENERAL PROVISIONS

8  
9 PART 1. LEGISLATIVE FINDINGS AND  
10 DECLARATIONS

11  
12 62000. This title shall be known and may be cited as the  
13 Conservation and Development Agency of the Bay Area Law.

14 62001. The Legislature finds that comprehensive studies  
15 have been made by several agencies and detailed reports and  
16 recommendations submitted to the Legislature on many prob-  
17 lems affecting the San Francisco Bay area, as follows:

18 (a) The State Water Resources Control Board, pursuant to  
19 Chapter 1351 of the Statutes of 1965, has made a study for  
20 the maintenance of water quality in the San Francisco Bay  
21 and Sacramento-San Joaquin areas and has submitted a com-  
22 prehensive master plan for the control of water pollution;

23 (b) The Bay Area Transportation Study Commission, pur-  
24 suant to Title 7.1 (commencing with Section 66500), has made  
25 a study of all modes of transportation in the bay area and has  
26 submitted a master bay area regional transportation plan;

27 (c) The San Francisco Bay Conservation and Development  
28 Commission, pursuant to Title 7.2 (commencing with Section  
29 66600), has made a study for the conservation of the San  
30 Francisco Bay and the development of its shoreline and has  
31 submitted a comprehensive plan therefor;

32 (d) The Joint Committee on Bay Area Regional Organiza-  
33 tion, a joint committee of the Senate and Assembly, pursuant  
34 to Senate Concurrent Resolution No. 41 of the 1967 Regular  
35 Session of the Legislature, has made studies for a regional  
36 organization to assure effective and orderly planning, growth  
37 and development of the bay area and conservation of its  
38 physical and environmental resources.

39 The legislative findings and declarations made in the various  
40 enactments authorizing the foregoing studies are still valid  
41 and, insofar as they pertain to territory within the region, the  
42 Legislature hereby adopts such findings and declarations as  
43 part of this title.

44 62002. Although the studies were made by distinct study  
45 agencies conducting independent investigations upon different  
46 aspects of the bay area, many similar recommendations were  
47 made in the reports submitted to the Legislature and, based  
48 thereon, the Legislature finds and declares: that the San  
49 Francisco Bay is the most valuable single natural and environ-  
50 mental resource of the bay area; that the San Francisco Bay

1 has complex and interacting ecological, social and economic  
2 effects upon the entire bay area; that all or portions of the nine  
3 counties having bay shorelines are all substantially affected by  
4 the bay and, as a region, share common problems; that many  
5 of the common problems transcend county and city lines and  
6 can be resolved only at regional level; that the various regional  
7 problems are interdependent and require coordinated solu-  
8 tions; that the number of cities, counties and special districts  
9 in the region, despite substantial cooperation between and  
10 among them, requires a regional agency to supplement these  
11 efforts to deal with regional problems; and that a multipurpose  
12 regional agency provides the most adequate governmental  
13 mechanism to assure the effective and orderly planning, growth  
14 and development of the bay area and the conservation of its  
15 physical and environmental resources.

16 62003. The Legislature further finds and declares that there  
17 is a general need for a political process through which scarce  
18 regional resources can be allocated among conflicting demands  
19 and uses in a balanced and coordinated approach to areawide  
20 development and growth; that there is a general need for a  
21 political process by which matters of regional significance can  
22 be identified, studied and planned for before a crisis stage is  
23 reached; that there is need for more effective coordination of  
24 the regional and subregional agencies presently in operation;  
25 and that these objectives are best accomplished by a multi-  
26 purpose regional agency specifically charged with such duties.

27 62004. The Legislature further finds and declares that the  
28 regional agency must have the ability to enact ordinances and  
29 to secure cease and desist orders in order to enforce compli-  
30 ance with its plans; that these powers are necessary during  
31 the period when the agency is preparing its regional plans as  
32 well as after such plans have been completed and adopted.

33 62005. The Legislature finds and declares: that the San  
34 Francisco Bay, as a water system, serves many beneficial uses;  
35 that the maintenance of the water quality of the bay is essen-  
36 tial to the social and economic well-being of the region; that  
37 the collection, treatment and disposal of liquid waste must be  
38 planned and managed in a coordinated manner so as to con-  
39 serve and enhance the many beneficial uses which can be made  
40 of the bay waters; that there are more than 100 different local  
41 agencies performing sewerage functions in the region, dis-  
42 charging about four million gallons per day of liquid waste  
43 into the bay; that the local agencies generally provide adequate  
44 liquid waste collection facilities and service and should con-  
45 tinue to provide such facilities and service; that the liquid  
46 waste treatment and disposal facilities of local agencies vary  
47 widely as to their adequacy and as to the quality of waste dis-  
48 charged into the bay; that the financial resources and staff of  
49 many of the local agencies are insufficient to provide the neces-  
50 sary planning, construction and management of treatment  
51 and disposal facilities; that the treatment, reclamation and

1 disposal of liquid waste and maintenance of water quality are  
2 regional problems which cannot be solved by the individual  
3 local agencies; that it is in the interest of the entire region and  
4 its inhabitants to develop a program for overall management  
5 of wastewater discharges and water quality within the region.

6 62006. The Legislature finds and declares: that develop-  
7 ment, both social and economic, and transportation are inter-  
8 dependent factors—development being inhibited in areas with  
9 inadequate transportation and encouraged in transportation  
10 sufficient areas; that various modes of transportation are inti-  
11 mately linked, existing terminal facilities, such as, seaports and  
12 airports, requiring improved surface transportation and new  
13 terminal facilities to be built where adequate surface transpor-  
14 tation exists; that population concentrations and employment  
15 opportunities vary according to the adequacies and inadequa-  
16 cies of the transportation system; that the separation of the  
17 bay area by the waters of the San Francisco Bay results in  
18 unique and difficult transportation problems; that the trans-  
19 portation problems of the bay area are regional in nature, being  
20 incapable of solution through any single mode of transporta-  
21 tion or by the action of any existing public agencies; that the  
22 continued and orderly growth of the bay area requires continu-  
23 ing regional study and coordinated and comprehensive plan-  
24 ning for all modes of transportation and such study and  
25 planning functions can be best performed by a regional govern-  
26 ment; that proposed route selections, construction and expendi-  
27 tures for the regional highway system (those state highways  
28 and freeways, county highways and city streets most heavily  
29 used by intraregional traffic) should be reviewed by a regional  
30 government for greater assurance that they will conform to a  
31 regional transportation plan and will be in the best interests  
32 of the entire region.

33 62007. The Legislature finds and declares: that various  
34 federal, state, county, city and special district governments as  
35 well as private individuals provide bay area inhabitants with  
36 the facilities of parks and with open space; that many such fa-  
37 cilities and open-space areas are regional in nature, being  
38 used and enjoyed by persons residing in different jurisdictions  
39 and at widely separated locations; that, although there has  
40 been considerable planning and development of regional facil-  
41 ities and open-space areas in certain portions of the bay area,  
42 there has been no coordinated, comprehensive planning and  
43 development for the entire bay area; that lack of coordinated,  
44 comprehensive planning and development has resulted in a  
45 haphazard distribution of regional facilities and open-space  
46 areas with the result that the facilities and open-space areas  
47 have not always been located in areas of greater need and the  
48 financial burden of providing such facilities and open-space  
49 areas has not been equitably borne by the persons using and  
50 enjoying such facilities and open-space areas; that the con-  
51 tinued development and orderly distribution of regional facil-  
52 ities and open-space areas requires regional study and co-

1 ordinated, comprehensive planning which can best be pro-  
2 vided by a regional agency.

3 62007.5. The Legislature further finds and declares that  
4 there is a public interest in the regional open space of the San  
5 Francisco Bay area which not only gives the region its dis-  
6 tinctive character and beauty but is one of the region's inval-  
7 uable resources; that the region's expanding population and  
8 the attendant development pressures threaten an irreversible  
9 destruction of the remaining open space, resulting in economic  
10 and aesthetic losses and environmental degradation; and  
11 therefore there is a need to preserve and properly utilize this  
12 open space; that the most significant type of open space is  
13 that which guides and determines the physical development of  
14 the bay region:

15 (a) That which separates and guides continuing develop-  
16 ment.

17 (b) That which insures that flood plains, steep slopes, earth-  
18 quake fault zones, and other hazardous areas will be left in  
19 an open condition and will not be used for development pur-  
20 poses.

21 (c) That which insures the purity of waters and watersheds.

22 (d) That which is highly suitable for the production of  
23 food and fiber, including food and fiber which cannot be easily  
24 produced elsewhere.

25 (e) That which provides particular scenic values.

26 (f) That which provides significant habitat for animal life  
27 or vegetation which is indigenous to the region.

28 62008. The Legislature finds and declares that the genera-  
29 tion, use and disposal of solid waste in the region is a problem  
30 requiring study and planning at the regional level, that it may  
31 require regional and subregional programs of implementation  
32 to avoid further adverse public health effects, nuisances, un-  
33 aesthetic land uses, pollution, ecological disruption and exces-  
34 sive depletion of solid waste resources; that every effort should  
35 be made to reduce the amount of solid waste generated in the  
36 region, to make use of the solid waste generated as a resource  
37 of the region and to dispose of the solid waste which cannot  
38 be employed as a resource with minimum environmental dam-  
39 age.

40 62008.5. The Legislature finds and declares that air qual-  
41 ity within the bay region is closely related to, and influenced  
42 by, solid waste and water quality programs; that there is a  
43 need to develop regional plans for dealing with the human and  
44 physical resources in ways which will reduce air pollution;  
45 that such plans should be part of an overall resources plan for  
46 the entire bay area.

47 62008.6. The Legislature finds and declares that the plans  
48 of the regional agency, and the various specific elements  
49 thereof, should contain a program of implementation therefor,  
50 including specific statutory changes which may be required to  
51 provide the revenues, powers, and governmental organization

1 as may be necessary to carry out the program of implementa-  
2 tion.

3 62009. The Legislature finds and declares that a general  
4 statute cannot be made applicable to the bay area or the  
5 solution of its regional problems which are different from those  
6 found in other areas of the state because of the unusual nature  
7 and extent of the San Francisco Bay, the unique geographic,  
8 topographic, climatic and soil conditions of the bay area and  
9 the large number and variety of public agencies in the bay area  
10 with widely varying powers and levels of planning and activi-  
11 ties.

## 12 PART 2. DEFINITIONS

13  
14 62010. The definitions contained in this part govern the  
15 construction of this title unless the context otherwise requires.  
16 The definition of a word or phrase applies to any variants  
17 thereof.

18 62011. "Agency board" means the legislative and govern-  
19 ing body of the Conservation and Development Agency of the  
20 Bay Area.

21 62012. "Agency" means the Conservation and Develop-  
22 ment Agency of the Bay Area.

23 62013. "Airport" means any land, water, air space, or  
24 facilities owned or controlled by any public agency or by any  
25 private person (i) which is used or intended to be used for  
26 the purposes of air commerce and navigation or the takeoff and  
27 landing of any kind of aircraft engaged in air commerce or  
28 (ii) which may be necessary or convenient for the promotion  
29 or accommodation of such purposes or of businesses or indus-  
30 tries reasonably related to such purposes.

31 62014. "Bay" or "San Francisco Bay" includes all or any  
32 portions of the San Francisco Bay, San Pablo Bay and Suisun  
33 Bay within the region.

34 62015. "City" means any chartered or general law city  
35 and any other city or town incorporated pursuant to law.

36 62016. "County" means any city and county and any  
37 chartered or general law county.

38 62017. "County clerk" means the county clerk and clerk  
39 of the board of supervisors of each county and, where the office  
40 of county clerk is separate from the office of registrar of voters,  
41 means the registrar of voters with respect to all duties pertain-  
42 ing to the conduct of elections.

43 62018. "Fill" means any object or material placed on land  
44 or in water for extended periods of time, including earth, any  
45 organic or inorganic material, facilities, fixed structures and  
46 floating structures, such as floating docks and houseboats,  
47 whose primary purpose is other than the transportation of  
48 persons and materials.

49 62019. "Including," unless expressly limited, means "in-  
50 cluding, without limitation."

51 62020. "Legislative body" means the legislative body or  
52 governing board of a county, city or special district.



1 62021. "Local agency" means any county, city or special  
2 district.

3 62022. "Official regional newspaper" means a newspaper  
4 of general circulation printed and published within the region  
5 which is designated by the agency board, pursuant to Section  
6 62128, as the newspaper in which official publications of the  
7 agency shall be made.

8 62023. "Open space" means those lands and waters pres-  
9 ently in a state of openness or natural condition, including  
10 land devoted to agriculture, viticulture and to the general  
11 production of food and fiber; land or open areas devoted to the  
12 collection, distribution, or flow of water; land or open areas  
13 devoted to wildlife conservation, outdoor recreation, park lands,  
14 natural areas, or scenic areas; and, land and open areas  
15 found by the agency to be necessary or convenient to con-  
16 serve or enhance natural or scenic resources, or to contribute  
17 to the planned development of the region.

18 62024. "Park" means any land, water or facilities used or  
19 intended to be used for regional park or recreation purposes  
20 of any kind or character including parks, playgrounds, play-  
21 ing fields, golf courses, gymnasiums, camps, beaches, streams,  
22 sloughs, marshes, bodies of water, wildlife preserves or refuges,  
23 swimming pools, marinas, small craft harbors, parkways, scenic  
24 drives, corridors or vistas, boulevards, auditoriums and any  
25 other facilities contributing to the enjoyment, observation or  
26 study of nature or the physical, mental, cultural or moral  
27 development or entertainment of persons.

28 62025. "Plan," unless expressly limited, includes any gen-  
29 eral plan, specific plan or interim plan adopted by the agency  
30 board or the legislative body of any local agency.

31 62026. "Private person" means any human being, fiduci-  
32 ary, partnership, joint venture, unincorporated private organi-  
33 zation or private corporation.

34 62027. "Public agency" means any local agency and any  
35 department, board, commission, independent agency or instru-  
36 mentalty of a local agency or of the federal or state govern-  
37 ments.

38 62028. "Region" means all or any portion of the territory  
39 within the Counties of San Francisco, San Mateo, Santa Clara,  
40 Alameda, Contra Costa, Solano, Napa, Sonoma and Marin, as  
41 more particularly described in Section 62110.

42 62029. "Regional" means any matter substantially affect-  
43 ing the incorporated or unincorporated territory, or the inhab-  
44 itants or property therein, of two or more counties or cities or  
45 any combination of cities and counties.

46 62030. "Regional park" means any park established for  
47 and intended to be used by the inhabitants of two or more  
48 cities or counties, or any combination of cities or counties.

49 62031. "Special district" means any public corporation,  
50 other than a county or a city, formed pursuant to general law  
51 or special act for the local performance of governmental or  
52 proprietary functions within limited boundaries.

1 62032. "Uninhabited territory" means territory within  
2 which there reside less than 12 voters who have been registered  
3 to vote within such territory for at least 54 days.

4 62033. "Voter" means any elector registered pursuant to  
5 the Elections Code.

6 62046. "Water pollution" shall have the meaning con-  
7 tained in any definition of "pollution," as set forth in Section  
8 13050, Water Code.

9 62047. "Water quality control" means the control of any  
10 factor which adversely and unreasonably impairs the quality  
11 of the waters of the region for beneficial use.

12 62048. "Water quality control facilities" means all facil-  
13 ities used or intended to be used for the transmission, treat-  
14 ment, disposal or reclamation of sewage and other waste  
15 waters, including trunkline and interceptor sewers, sewage  
16 treatment and disposal facilities, outfall sewer lines, facilities  
17 for the reclamation of water and the disposal of waste resid-  
18 uals, and facilities appurtenant to any of the foregoing but  
19 excluding (i) local sewage collection facilities whose primary  
20 function is the collection of sewage and other waste waters  
21 from the properties where such sewage or other waste waters  
22 are generated or originated and (ii) agricultural drainage  
23 facilities whose primary function is the collection, transmis-  
24 sion, treatment, disposal or reclamation of sewage and other  
25 waste waters resulting from the production of plant crops or  
26 livestock for market.

27 62049. "Water quality control policy" means water qual-  
28 ity objectives for affected waters of the region where water  
29 quality control measures are necessary or may be needed in  
30 the future to assure suitable water quality for beneficial use.

### 31 PART 3. ESTABLISHMENT OF THE CONSERVATION 32 AND DEVELOPMENT AGENCY 33

34  
35 62110. The Conservation and Development Agency of the  
36 Bay Area, a regional body corporate and politic, is hereby  
37 established within the region comprising the territory of the  
38 City and County of San Francisco and the Counties of San  
39 Mateo, Santa Clara, Alameda, Contra Costa, Solano, Napa,  
40 Sonoma and Marin.

41 62111. The agency shall be known and designated as the  
42 "Conservation and Development Agency of the Bay Area."

43 62113. In order to provide initially for establishing and  
44 defining regional election districts within the territory of the  
45 agency, a regional districting commission, consisting of 18  
46 commissioners is hereby established.

47 Except for the City and County of San Francisco, the board  
48 of supervisors of each county within the region shall appoint  
49 one elective county officer as a commissioner and the city se-  
50 lection committee, established in each county pursuant to Sec-  
51 tion 54784, Government Code, shall appoint one elective city

1 officer as a commissioner. Two commissioners shall be appointed  
2 from the elective officers of the City and County of San Fran-  
3 cisco, one being appointed by the mayor and the other by the  
4 board of supervisors. Each appointing power shall appoint a  
5 second elective officer as an alternate who shall be authorized  
6 to act and vote in the absence of the appointed commissioner.

7 Within 10 days after the effective date of this act, all of the  
8 appointing powers shall meet and make the required appoint-  
9 ments to the districting commission.

10 At 12 o'clock noon on the 20th day after the effective date  
11 of this act, the districting commission shall meet and organize.  
12 For purposes of the organizational meeting the county officer  
13 designated as commissioner by the Board of Supervisors of  
14 Alameda County shall act as the temporary chairman of the  
15 districting commission and the County Clerk of Alameda  
16 County shall act as the temporary secretary of the commission.

17 The temporary chairman of the commission shall fix a time  
18 and place of the first meeting of the commission. The tempo-  
19 rary secretary shall thereupon notify all regular and alternate  
20 members of the commission of the time and place specified by  
21 the temporary chairman for the first meeting. The commission  
22 shall meet at such time and place and thereafter at such times  
23 and places as it may determine.

24 At the first meeting of the commission, it shall select a per-  
25 manent chairman and a permanent secretary. The permanent  
26 chairman shall be either a city or a county officer appointed  
27 to the commission pursuant to this section. The permanent se-  
28 cretary shall be the county clerk of one of the counties desig-  
29 nated in Section 62110.

30 62114. A districting order shall be adopted by a majority  
31 in number of the members of the districting commission not  
32 later than March 1, 1971.

33 62115. The districting commission shall establish and  
34 define the boundaries of 40 regional election districts within  
35 the region and shall number the districts from 1 to 40, in-  
36 clusive. The boundaries of the district shall be defined so that  
37 the districts shall be substantially equal in population.

38 62116. In districting, consideration shall be given to the  
39 following factors: (a) community of interests of the popula-  
40 tion within a regional election district, (b) cohesiveness, con-  
41 tiguity, integrity and compactness of territory, (c) topography  
42 and (d) geography. Boundaries of regional election districts  
43 need not conform to the boundaries of counties, cities or dis-  
44 tricts or of wards or election districts established for the  
45 nomination or election of any officers thereof or of Assembly,  
46 Senate or congressional districts;

47 62117. The districting shall be made on the basis of the  
48 populations or estimated populations contained in the most  
49 recent of any of the following: the last decennial federal  
50 census; any census of a county, taken as provided in Section  
51 26203, Government Code; any census of a city, taken as pro-  
52 vided in Chapter 17 (commencing with Section 40200), Part

1 2, Division 3, Title 4 of the Government Code; any census or  
 2 population estimate of a city or a city and county, taken or  
 3 made as provided in Sections 2107.1 and 2107.2, Streets and  
 4 Highways Code; population estimates contained in any official  
 5 document prepared by the Department of Finance and issued  
 6 to the public.

7 62118. The districting order shall describe the boundaries  
 8 of the regional election districts by reference to a map or maps  
 9 on file with the secretary. Immediately upon adoption of such  
 10 order, the secretary shall file a certified copy of the map or  
 11 maps describing all election districts with the Secretary of  
 12 State and with the county clerk of each county.

13 62119. All cities and counties within the region shall  
 14 provide the districting commission with such information, serv-  
 15 ices and facilities as may be required in the performance of  
 16 its duties. Commissioners shall receive no compensation other  
 17 than their necessary and reasonable expenses.

18 62120. The necessary and reasonable expenses of the dis-  
 19 tricting commission shall be apportioned among the various  
 20 counties within the territory designated in Section 62110 and  
 21 shall be a charge on each county. The expenses of the district-  
 22 ing commission shall be apportioned on the following basis:  
 23 one-half of the expenses shall be apportioned in the proportion  
 24 that the assessed valuation of property on the secured roll in  
 25 each county bears to the total assessed valuation of property  
 26 on the secured roll within all the counties; one-half of the  
 27 expenses shall be apportioned in the proportion that the popu-  
 28 lation of each county bears to the total population of all the  
 29 counties.

30 For purposes of this section the latest equalized assessment  
 31 roll of each county and the latest official population informa-  
 32 tion shall be used in apportioning the expenses of the district-  
 33 ing commission.

34 In no event shall the expenses of the districting commission  
 35 exceed fifty thousand dollars (\$50,000).

#### 36 PART 4. NOTICE; PUBLICATIONS

37  
 38  
 39 62125. Unless the provisions or context otherwise requires,  
 40 whenever any provision of this title requires notice to be  
 41 published, posted or mailed, it shall be published, posted or  
 42 mailed as provided in this part.

43 62126. Notice authorized or required to be given by publi-  
 44 cation, posting or mailing shall contain all matters required by  
 45 any particular provision of this title or by any ordinance,  
 46 resolution or order of the agency board. If any ordinance,  
 47 resolution or order of the agency board gives notice and  
 48 contains all matters required to be contained in any notice, a  
 49 copy of such ordinance, resolution or order may be published,  
 50 posted or mailed, in which case, no other notice need be given.

1     62127. Whenever any notice is required to be given and the  
2 duty of giving such notice is not specifically enjoined upon  
3 some agency officer, the agency clerk shall give such notice or  
4 cause the same to be given.

5     62128. The agency board shall designate a newspaper of  
6 general circulation published and printed within the region as  
7 the official agency newspaper in which all official publications  
8 of the agency shall be made.

9     62129. All ordinances adopted by the agency board and any  
10 other resolution, order, notice or instrument authorized or  
11 required to be published shall be published in the official  
12 agency newspaper. In addition, the agency board may order  
13 the publication of any ordinance, resolution, order, notice or  
14 other instrument in one or more other newspapers of general  
15 circulation within any county or city in the region. Any failure  
16 to make publication in any newspaper, other than the official  
17 agency newspaper, or any errors or defects in any such publica-  
18 tion shall not affect the validity of such ordinance, resolution,  
19 order, notice or other instrument, if it was published in the  
20 official agency newspaper in the time, form and manner re-  
21 quired by law.

22     62130. Unless otherwise specified, any published ordinance,  
23 resolution, order, notice or other instrument shall be published  
24 pursuant to Section 6061.

25     62131. If published notice shall be a notice of hearing,  
26 publication thereof shall be commenced at least 15 days prior  
27 to the date specified therein for hearing.

28     62132. Notice required to be posted shall be posted on or  
29 near the doors of the meeting room of the agency board or  
30 upon any official bulletin board customarily used for the  
31 purpose of posting such notices.

32     62133. Posted notice shall remain posted for not less than  
33 five days. If posted notice shall be notice of a hearing, posting  
34 shall be commenced at least 15 days prior to the date specified  
35 therein for hearing and shall continue to the time of hearing.

36     62134. Mailed notice shall be sent by first-class mail and  
37 deposited, postage prepaid, in the United States mails and shall  
38 be deemed to have been given when so deposited. Requirements  
39 for mailed notice may be satisfied either (i) by personal  
40 delivery to the person entitled to such notice, in which case  
41 notice is deemed given upon such delivery or (ii) by delivery  
42 for transmission by any other usual means of communication,  
43 cost of transmission prepaid, in which case notice is deemed  
44 given upon such delivery.

45     62135. If mailed notice shall be notice of hearing, mailing  
46 thereof shall be made at least 15 days prior to the date speci-  
47 fied therein for hearing.

48     62136. Mailed notice to the owners of land shall be given  
49 by mailing to the persons whose names and addresses appear  
50 on the last equalized assessment roll of a county.

1 62137. Mailed notice to a local agency shall be given by  
2 mailing to the clerk or secretary of such local agency or its  
3 legislative or governing body.

4 62138. Any public agency or private person to whom  
5 mailed notice is not required to be given by any provisions of  
6 this title may file with the agency clerk a written application  
7 requesting the giving of special mailed notice and specifying  
8 the matters for which such notice is desired. Thereafter special  
9 mailed notice shall be given in accordance with such applica-  
10 tion. Any failure to give such special mailed notice or any  
11 defects or errors therein shall not affect the validity of any act  
12 or determination of the agency board or of any agency officer.

13 The agency board by ordinance may impose reasonable terms  
14 and conditions upon the giving of special mailed notice, includ-  
15 ing requirements that any applicant pay fees sufficient to cover  
16 the estimated expenses of giving special notice and that an  
17 application, in order to remain effective, must be renewed at  
18 periodic intervals.

19

## 20 PART 5. ELECTIONS

21

### 22 CHAPTER 1. NOMINATION AND ELECTION OF 23 ELECTIVE TRUSTEES

24

25 62150. A regional election shall be held and conducted on  
26 the eighth day of June, 1972, for the purpose of electing the  
27 elective trustees of the first agency board. Thereafter, a gen-  
28 eral regional election shall be held and conducted in each  
29 county within the region on the first Tuesday after the first  
30 Monday in November in each odd-numbered year to choose a  
31 successor for each elective trustee the term of whose office will  
32 expire the following January.

33 62151. Except as otherwise provided in this title, elective  
34 trustees shall be nominated and elected in accordance with the  
35 provisions of the Elections Code for general district elections  
36 held pursuant to the Uniform District Election Law. All docu-  
37 ments or instruments required by the Uniform District Elec-  
38 tion Law to contain any information or give any notice  
39 pertaining to general district elections or the nomination or  
40 election of district elective officers shall contain similar notice  
41 pertaining to regional election districts or the nomination or  
42 election of elective trustees.

43 62152. Each candidate for the office of elective trustee from  
44 a regional election district shall file with the county clerk of  
45 the county or principal county in which the district is located  
46 nomination papers signed by not less than 20 nor more than 30  
47 registered voters of the regional election district from which  
48 the candidate seeks election.

49 62153. Each elective trustee, at the time of his nomination  
50 and election and during the term of his office, shall be a resi-  
51 dent and registered voter of the regional election district from  
52 which he is elected.

1 62154. Each elective trustee shall be nominated and elected  
 2 by the registered voters within the regional election district  
 3 from which he is elected.  
 4

5 CHAPTER 2. REGIONAL ELECTION DISTRICTS  
 6

7 62160. There are 40 regional election districts within the  
 8 region, numbered 1 to 40, inclusive. One trustee shall be  
 9 elected to the agency board from each district.

10 62161. Until such time as redistricting shall have been or-  
 11 dered, as provided in this chapter, the regional election dis-  
 12 tricts shall consist of those established and defined pursuant  
 13 to Sections 62114, 62115, 62116, 62117, and 62118.

14 62162. Following each decennial federal census, and using  
 15 the census as a basis, the agency board of trustees shall adjust  
 16 the boundaries of any or all of the regional election districts  
 17 of the region so that the districts shall be as nearly equal in  
 18 population as may be. In establishing the boundaries of the  
 19 districts the board of trustees shall give consideration to the  
 20 following factors: (a) community of interests of the popula-  
 21 tion within a regional election district, (b) cohesiveness, con-  
 22 tiguity, integrity and compactness of territory, (c) topography  
 23 and (d) geography. Boundaries of regional election districts  
 24 need not conform to the boundaries of counties, cities or spe-  
 25 cial districts or of wards or election districts established for  
 26 the nomination or election of any officers thereof or of As-  
 27 sembly, Senate or congressional districts.

28 62163. The boundaries of the regional election districts  
 29 shall be adjusted by the board of trustees before the first of  
 30 October of the year following the year in which the decennial  
 31 federal census is taken.

32 62164. Upon the failure or refusal of the regional board  
 33 to order a redistricting within the periods specified in Section  
 34 62163, a redistricting shall be made by the regional redistrict-  
 35 ing commission.

36 62165. The regional redistricting commission shall consist  
 37 of 18 commissioners. Except for the City and County of San  
 38 Francisco, the board of supervisors of each county within the  
 39 region shall appoint one elective county officer as a commis-  
 40 sioner and a second as an alternate; such appointees shall be  
 41 residents of the region. The city selection committee, estab-  
 42 lished in each county pursuant to Section 54784, shall appoint  
 43 one elective city officer as a commissioner and a second as an  
 44 alternate. Two commissioners shall be appointed from the elec-  
 45 tive officers of the City and County of San Francisco, one  
 46 being appointed by the mayor and the other by the board of  
 47 supervisors. An alternate shall be authorized to act and vote  
 48 in the absence of the appointed commissioner. Each appoint-  
 49 ing power shall continuously maintain on file with the re-  
 50 gional clerk notices designating all officers so appointed. An  
 51 appointing power may, from time to time, change the officers  
 52 so designated.

1 62166. The county officer designated as commissioner by  
2 the board of supervisors of that county having the largest  
3 population, as shown on the last decennial federal census, shall  
4 be the chairman of the regional redistricting commission. The  
5 regional clerk shall act as the secretary of the commission.

6 62167. If the regional board fails or refuses to redistrict,  
7 as required by Section 62163 the regional clerk shall immedi-  
8 ately notify the chairman of the regional redistricting com-  
9 mission to fix a time and place of the first meeting of such  
10 commission. The regional clerk shall thereupon notify all regu-  
11 lar and alternate members of the commission of the time and  
12 place specified by the chairman for such first meeting. The  
13 commission shall meet at such time and place and thereafter  
14 at such times and places as it may determine.

15 62168. A redistricting order shall be adopted by a majority  
16 in number of the members of the redistricting commission and  
17 shall be given the same effect as an ordinance adopted by the  
18 regional board. Any such order shall be adopted by not later  
19 than December 31 of the year following the year in which the  
20 federal decennial census was taken.

21 62169. The regional government shall provide the redis-  
22 tricting commission with such information, services and facili-  
23 ties as may be required in the performance of its duties and  
24 shall pay the necessary and reasonable expenses of the com-  
25 mission and its members. For the purpose of redistricting the  
26 commission may employ consultants and enter contracts for  
27 data processing services. Commissioners shall receive no com-  
28 pensation other than their expenses.

29 62170. Where a redistricting changes the boundaries of  
30 any regional election districts, the terms of office of any in-  
31 cumbent trustee elected from such districts shall be as follows:

32 (a) If all or any part of the territory of the original district  
33 remains in the changed district, the unexpired term of the in-  
34 cumbent elected from the original district shall be unchanged,  
35 but at the election next preceding the expiration of his term of  
36 office a trustee shall be elected from the changed district;

37 (b) If the entire territory of a district from which an in-  
38 cumbent was elected is attached to two or more other districts  
39 and a separate new district is established, the term of such in-  
40 cumbent shall expire at 12 o'clock noon on January 1 of the  
41 next even-numbered year. The new district shall have the same  
42 number as the former district and the term of office of the  
43 trustee first elected from the new district shall be for the un-  
44 expired term, if any, of the incumbent of the former district;

45 (c) If the entire territories of two or more districts are com-  
46 bined into a new consolidated district and one or more separate  
47 new districts are established, the terms of office of all incum-  
48 bents whose districts are so combined shall expire at 12 o'clock  
49 noon on January 1 of the next even-numbered year. The new  
50 consolidated district shall have the lowest number of any of  
51 the former districts and the term of office of the trustee first



1 elected from such district shall be for the unexpired term, if  
 2 any, of the incumbent elected from the former district of the  
 3 same number. The separate new district or districts shall be  
 4 assigned the remaining number or numbers of the former dis-  
 5 trict or districts and the term of office of the trustee or trustees  
 6 first elected from any such separate new district or districts  
 7 shall be for the unexpired term, if any, of the incumbent or in-  
 8 cumbents elected from the former district or districts of the  
 9 same number or numbers.

10 62171. At any time between the decennial adjustments of  
 11 the regional election district boundaries, the agency board of  
 12 trustees may make an interim readjustment of the district  
 13 boundaries.

14 An interim redistricting shall be made on the basis of the  
 15 populations or estimated populations contained in the most re-  
 16 cent of any of the following: any census of a county, taken as  
 17 provided in Section 26203; any census of a city, taken as pro-  
 18 vided in Chapter 17 (commencing with Section 40200), Part  
 19 2, Division 3, of Title 4; any census or population estimate of  
 20 a city or a city and county, taken or made as provided in Sec-  
 21 tions 2107.1 and 2107.2, Streets and Highways Code; popula-  
 22 tion estimates contained in any official document prepared by  
 23 the State Department of Finance and issued to the public.

### 24 25 CHAPTER 3. SPECIAL ELECTIONS

26  
27 62180. Except as otherwise provided in this title, all special  
 28 elections shall be called, conducted and canvassed in accordance  
 29 with the Elections Code provisions for statewide general elec-  
 30 tions.

31 62181. Chapter 4 (commencing with Section 23300), Part  
 32 2, Division 12 of the Elections Code pertaining to the consolida-  
 33 tion of elections shall apply to special elections called by the  
 34 agency board and the agency board may provide for any such  
 35 special elections to be consolidated pursuant to the chapter.

36 62182. The agency board shall adopt a resolution calling a  
 37 special election at least 60 days prior to the date of such  
 38 election; no proclamation of such election shall be made by the  
 39 Governor.

40 62183. Each resolution calling a special election shall:

41 (a) Call, provide for and give notice of the special election;

42 (b) Determine whether the special election is to be held  
 43 throughout the entire region or within only a portion of the  
 44 region, in which case such portion shall be described or other-  
 45 wise identified;

46 (c) Fix the election date and, if the special election is not  
 47 consolidated with another election, specify the hours during  
 48 which the polls will remain open;

49 (d) Provide for the measure to be submitted to the voters  
 50 and state the vote required for approval thereof;

1 (e) Contain such other matters as may be necessary to call,  
2 provide for and give notice of such special election and to  
3 provide for the conduct thereof and the canvass of the returns.  
4 62184. At least 45 days prior to the date of a special  
5 election, the agency clerk shall mail a certified copy of the  
6 resolution calling such election to the county clerk of each  
7 county within which such special election is to be held.

8 62185. The agency clerk shall publish each resolution call-  
9 ing a special election (i) in the official agency newspaper and  
10 (ii) in a newspaper of general circulation within each county  
11 within which the special election is to be held. All such  
12 publications shall be made at least 30 days prior to the  
13 election date. No other notice of election need be given.

14 62186. If a special election is called throughout the region  
15 and is not consolidated with a statewide election, the county  
16 clerk of each county shall conduct the election within his  
17 county. If any such special election is called within only a  
18 portion of the region containing territory of two or more  
19 counties, the county clerks of such counties may agree among  
20 themselves for one of them to conduct the election.

21 62187. At least 30 days prior to the date of an uncon-  
22 solidated special election, the county clerk shall:

23 (a) Establish a convenient number of election precincts and  
24 define their boundaries;

25 (b) Designate a polling place for each precinct;

26 (c) Appoint officers to the precinct board for each precinct  
27 and notify each such precinct officer of his appointment,  
28 precinct and polling place.

29 The county clerk need not publish any notice containing the  
30 names of the precinct officers or designating their precincts and  
31 polling places.

32 62188. At an unconsolidated special election, the voting  
33 shall be conducted, the canvass at the polls made and the  
34 returns delivered to the county clerk substantially in accord-  
35 ance with the general elections provisions of the Elections  
36 Code.

37 62189. The county clerk shall commence a public canvass of  
38 the returns of an unconsolidated special election on the first  
39 Monday after such election.

40 62190. As soon as the county clerk has completed the  
41 canvass and declared the result of an unconsolidated special  
42 election, he shall immediately prepare, sign and mail a state-  
43 ment of the result to the agency clerk. The statement shall  
44 show the total number of votes cast upon each measure and the  
45 number of votes cast in favor of and against such measure.

46 62191. When the agency clerk has received statements of  
47 results from the county clerks of all counties within which an  
48 unconsolidated special election was held, the agency clerk shall  
49 present such statements to the agency board at its next meet-  
50 ing. Thereupon the agency board shall declare the results of  
51 such special election.

1 62192. When a special election is not consolidated with a  
2 statewide election, the agency shall reimburse each county  
3 within which such special election was held for the actual costs  
4 incurred by the county clerk in conducting the special election  
5 and canvassing the returns thereof.

6 62193. If the agency board orders a special election con-  
7 solidated with any election or elections other than a statewide  
8 election, it shall be the duty of the election board conducting  
9 such other election or elections to so consolidate, to cause the  
10 special election to be conducted, to canvass the returns thereof  
11 and to furnish a statement of the results thereof to the agency  
12 clerk. The regional agency shall reimburse the agency whose  
13 election board conducted such election for the additional costs  
14 incurred by such agency in conducting the special election and  
15 canvassing the returns thereof.

#### 16 17 CHAPTER 4. ARGUMENTS CONCERNING MEASURES

18  
19 62205. As used in this chapter, "measure" means any  
20 question or proposition for the enactment of an initiative  
21 ordinance, for the repeal of an ordinance by referendum or for  
22 any other question or proposition submitted by the agency  
23 board to the voters of the region.

24 62206. As soon as a measure qualifies for a place on the  
25 ballot, the agency clerk shall transmit a copy of the measure  
26 to the agency attorney. The agency attorney shall prepare an  
27 impartial analysis of the measure showing the operation of the  
28 measure and its effect on existing law. Such analysis shall not  
29 exceed 500 words in length and shall be printed preceding the  
30 arguments for and against the measure.

31 62207. Based on the time reasonably necessary to prepare,  
32 print and mail the arguments, analysis and sample ballots for  
33 the particular election, the agency clerk shall fix and determine  
34 a reasonable date prior to the election after which no argu-  
35 ments for or against the measure may be submitted to him for  
36 printing and mailing to the voters. Notice of such date shall  
37 be published in the official agency newspaper. Arguments may  
38 be changed until and including the date so fixed and may be  
39 withdrawn by the persons submitting the same at any time  
40 prior to being printed.

41 62208. Arguments, not exceeding 500 words in length, may  
42 be filed with the agency clerk by:

43 (a) The agency board or any member or members thereof  
44 authorized by the board;

45 (b) Bona fide sponsors or proponents of the measure, con-  
46 sisting of one or more voters or bona fide associations of  
47 citizens or any combination thereof;

48 (c) Bona fide associations of citizens;

49 (d) Individual voters.

50 If more than one argument for or more than one argument  
51 against a measure is filed, the agency clerk shall select one of

1 the arguments in favor of and one argument against the meas-  
 2 ure for printing and distribution to the voters. In selecting  
 3 such argument, the agency clerk shall give preference and pri-  
 4 ority in the order above set forth.

5 62209. Arguments, when filed, must be accompanied by the  
 6 name or names of the person or persons submitting the same  
 7 or, in the case of an association, the name of such association  
 8 and the name of at least one principal officer thereof. No more  
 9 than five names shall appear on the printed argument and, if  
 10 more than five names accompany the filed argument, the first  
 11 five shall be printed.

12 62210. The agency clerk shall mail a copy of the agency  
 13 attorney's analysis and the arguments to be printed to the  
 14 county clerk of each county within which the special election  
 15 is to be held. Such mailing shall be made in ample time for  
 16 each county clerk to prepare, print and mail such arguments  
 17 and analysis. The arguments and analysis are deemed to be  
 18 "official matter," within the meaning of Section 10012 of the  
 19 Elections Code and each county clerk shall mail the same to  
 20 the voters, together with the sample ballot.

## 21 PART 6. INITIATIVE, REFERENDUM AND 22 RECALL

### 23 CHAPTER 1. IN GENERAL

24  
 25  
 26  
 27 62211. This chapter shall apply to initiative, referendum  
 28 and recall.

29 Before circulating any petition, the proponents shall file  
 30 with the agency clerk a circulation notice declaring their inten-  
 31 tion to circulate such petition. The circulation notice shall set  
 32 forth the request to be made in said petition and contain a  
 33 statement, not exceeding 500 words, of the reasons for the pro-  
 34 posed petition. The statement is intended solely for the infor-  
 35 mation of voters and no insufficiency or inaccuracy therein  
 36 shall affect the validity of the petition or any election held  
 37 pursuant thereto.

38 62212. Within 10 days after the filing of a circulation  
 39 notice, the agency clerk shall give mailed notice of such filing  
 40 to the county clerk of each county. Such notice shall indicate  
 41 the request to be made in the petition and the date of filing  
 42 the circulation notice; if a referendum against an ordinance is  
 43 to be requested, the notice shall also state the date of adoption  
 44 of the ordinance.

45 62213. A petition may be circulated as a single instrument  
 46 or in separate counterparts. The petition shall contain a copy  
 47 of the circulation notice. A recall petition shall state the name  
 48 of the trustee sought to be recalled; it may only be circulated  
 49 in and signed by residents of the region.

50 62214. The circulator of a petition shall be a registered  
 51 voter and resident of the region.

1       62215. Each signer of a petition shall sign his signature  
2 and affix the date thereof and his place of residence, giving the  
3 street and number or a designation sufficient to enable his place  
4 of residence to be readily ascertained. Prior to filing such  
5 petition, the name or number of the election precinct in which  
6 each signer resides shall be added thereto.

7       62216. The circulator of each petition shall attach his  
8 affidavit thereto stating, according to information and belief,  
9 that:

10       (a) Each signature appearing on the petition is the genuine  
11 signature of the person whose name it purports to be;

12       (b) Each signer, at the time of his signature, was a resident  
13 of the region and a registered voter of the county;

14       (c) The circulator personally observed each signer as he  
15 signed his signature and affixed the date thereof and his  
16 residence address.

17       62217. The petition shall be filed with the county clerk of  
18 the county within which it was circulated. All counterparts  
19 circulated in any county shall be filed at the same time.

20       62218. Upon the filing of a petition, the county clerk shall  
21 examine the petition and determine, from the records of  
22 registration, the number of residents of the region and regis-  
23 tered voters within his county who have signed such petition.  
24 The board of supervisors shall allow the county clerk addi-  
25 tional assistance for the purpose of examining the petition and  
26 provide for their compensation.

27       62219. Within 20 days after the filing of a petition, the  
28 county clerk shall complete his examination of the petition,  
29 shall execute his certificate showing the result of his examina-  
30 tion and shall transmit such certificate to the agency clerk,  
31 together with a certified copy of the petition. Such copy need  
32 not contain any of the signatures or names appearing on the  
33 original petition.

34       62220. The county clerk shall retain a copy of each certifi-  
35 cate executed by him and all original petitions and supplemen-  
36 tal petitions with their respective signatures and names. Such  
37 petitions shall be retained on file for four years, after which  
38 they may be destroyed unless they are material to some action  
39 or proceeding then pending.

40       62221. All sufficient initiative and referendum petitions  
41 must meet the signature requirements of Chapter 2 (commenc-  
42 ing with Section 62235) and Chapter 3 (commencing with  
43 Section 62255) of this part. However, referendum petitions,  
44 and all initiative petitions must be circulated in at least three  
45 counties and be signed by voters within the region in each of  
46 such counties not less in number than 3 percent of the entire  
47 vote cast within the region in each of the counties for all  
48 candidates for Governor at the last gubernatorial election.

49       62222. The agency clerk shall immediately present to the  
50 agency board a copy of the petition and the certificates of the  
51 county clerks when he shall have received certificates:

1 (a) From the county clerks of three or more counties showing  
2 ing that an initiative or referendum petition has been signed  
3 by a sufficient number of voters; or

4 (b) From the county clerk or clerks of the county or  
5 counties within which a recall petition has been circulated  
6 showing that such petition has been signed by a sufficient  
7 number of voters.

8 62223. The agency board shall call any special election  
9 required as a result of the presentation to it of a sufficient  
10 petition. Such election shall be called not sooner than 60 days  
11 or later than 75 days after the date of presentation of the  
12 petition, except where the petition is presented within six  
13 months prior to any statewide election, in which case the  
14 agency board may order the special election consolidated with  
15 such statewide election.

16 62224. Any number of measures for initiative ordinances,  
17 referenda against ordinances, or both, may be submitted to the  
18 voters at the same election. If there shall be any conflict be-  
19 tween the provisions of two or more measures approved at the  
20 same election, the measure receiving the highest number of  
21 affirmative votes shall prevail.

## 22 CHAPTER 2. INITIATIVE ORDINANCES

23  
24  
25 62235. Initiative ordinances may be enacted pursuant to  
26 this chapter.

27 62236. After the filing with the agency clerk of a circula-  
28 tion notice, the proponents shall cause the notice to be pub-  
29 lished once in the official regional newspaper. The proponents  
30 shall file an affidavit of publication of such notice with the  
31 agency clerk within 10 days after publication. Fifteen days  
32 after publication, the petition may be circulated.

33 62237. No petition or supplemental petition shall be ac-  
34 cepted for filing by any county clerk unless all signatures were  
35 affixed thereto within 180 days after the date of filing with the  
36 agency clerk of the circulation notice.

37 62238. Within 30 days after the county clerk shall have  
38 transmitted a certified copy of the original petition and his  
39 certificate pertaining thereto, a supplemental petition identical  
40 with the original, but containing additional signatures, may be  
41 filed with such county clerk. Within 10 days thereafter, the  
42 county clerk shall examine the same, execute his certificate  
43 showing the results of such examination and transmit such  
44 certificate, together with a certified copy of the supplemental  
45 petition, to the agency clerk.

46 62239. Each initiative petition or counterpart shall have  
47 printed across the top of the first page in at least 12-point  
48 boldface type: "Petition for an initiative ordinance, Conserva-  
49 tion and Development Agency of the Bay Area". The title and  
50 the text of the proposed ordinance shall appear on the first  
51 page or pages of the petition.



1 62256. Any ordinance, other than one which takes effect  
2 immediately, may be repealed, pursuant to this chapter.

3 62257. A referendum petition may be circulated at any  
4 time after the filing with the agency clerk of a circulation  
5 notice. The circulation notice need not be published.

6 62258. A referendum petition against an ordinance shall be  
7 filed with the county clerk not later than 40 days after the date  
8 of adoption of such ordinance. No supplemental petitions may  
9 be filed.

10 62259. Each referendum petition shall have printed across  
11 the top of the first page in at least 12-point boldface type:  
12 "Petition for referendum against an ordinance, Conservation  
13 and Development Agency of the Bay Area". On the first page  
14 or pages of the petition the ordinance proposed to be repealed  
15 shall be identified by its date of adoption and its number or  
16 title and the text of the ordinance, or a concise summary of  
17 the text, shall be set forth.

18 62260. A referendum petition shall be sufficient and the  
19 operation and effect of the ordinance shall be suspended, if,  
20 prior to the effective date of the ordinance, the agency clerk  
21 shall have received certificates from county clerks showing that  
22 a referendum petition has been signed by voters numbering  
23 more than 5 percent of the entire vote cast within the entire  
24 region for all candidates for Governor at the last gubernatorial  
25 election.

26 62261. The agency clerk shall immediately present a suffi-  
27 cient petition to the agency board. Within 10 days thereafter,  
28 the agency board shall either:

29 (a) Repeal the ordinance; or

30 (b) Call a special election within the entire region at which  
31 the repeal of the ordinance shall be submitted to the voters.

32 62262. The ballots, in addition to matters otherwise re-  
33 quired by law, shall state: "Shall the ordinance of the Conser-  
34 vation and Development Agency of the Bay Area (stating the  
35 nature of the ordinance) be repealed?"

36 Opposite the statement the words "Yes" and "No" shall be  
37 printed on separate lines, with voting squares.

38 62263. If a majority of the voters voting on a referendum  
39 measure vote for repeal of the ordinance, the ordinance is re-  
40 pealed. A repeal shall be deemed adopted upon the declaration  
41 by the agency board of the results of the election. If less than a  
42 majority of the voters voting on a referendum measure vote  
43 for repeal, the ordinance is approved and becomes operational  
44 and effective upon the declaration by the agency board of the  
45 results of the election.

46 62264. Unless otherwise authorized by the referendum  
47 measure, no ordinance repealed by the agency board without  
48 an election or repealed by the voters at an election shall be  
49 reenacted, within one year from the date of repeal.



## CHAPTER 4. RECALL OF TRUSTEES

1  
2  
3 62270. Any trustee may be recalled, pursuant to this chap-  
4 ter, if a sufficient petition for his recall is presented to the  
5 regional board at any time (i) after six months from the  
6 commencement of his term of office and (ii) prior to six months  
7 before the expiration of his term of office.

8 62271. A separate petition is necessary to propose the re-  
9 call of each trustee.

10 62272. After the filing with the agency clerk of a circula-  
11 tion notice, the proponents shall cause the notice to be pub-  
12 lished once in the official agency newspaper. The proponents  
13 shall file an affidavit of publication of such notice with the  
14 agency clerk not later than 10 days after the last such publica-  
15 tion. Fifteen days after the last such publication, the petition  
16 may be circulated.

17 62273. Any trustee proposed to be recalled may file an  
18 answer, not exceeding 500 words in length, with the agency  
19 clerk answering any statement of reasons contained in the  
20 circulation notice. Such trustee, at his own expense, may cause  
21 the answer to be published, in which case he shall file affidavits  
22 of publication thereof to be filed with the agency clerk.

23 62274. No petition or supplemental petition shall be ac-  
24 cepted for filing by any county clerk unless all signatures  
25 thereon were affixed within 180 days after the date of filing  
26 with the agency clerk of the circulation notice.

27 62275. Within 30 days after the county clerk shall have  
28 transmitted a certified copy of the original petition and his  
29 certificate pertaining thereto, a supplemental petition identical  
30 with the original, but containing additional signatures, may be  
31 filed with such county clerk. Within 10 days thereafter, the  
32 county clerk shall examine the same, execute his certificate  
33 showing the results of such examination and transmit such  
34 certificate to the agency clerk, together with a certified copy  
35 of the supplemental petition.

36 62276. Each recall petition or counterpart shall have  
37 printed across the top of the first page in at least 12-point  
38 boldface type: "Petition for recall of trustee, Conservation  
39 and Development Agency of the Bay Area".

40 62277. If a recall petition is signed by voters numbering  
41 more than 5 percent of the entire vote cast within the regional  
42 election district for all candidates for Governor at the last  
43 gubernatorial election, the agency clerk shall present such peti-  
44 tion to the agency board. Within 10 days thereafter the agency  
45 board shall call a special election within the regional election  
46 district to determine whether the incumbent trustee shall be  
47 recalled.

48 62278. The ballots, in addition to matters otherwise re-  
49 quired by law, shall state: "Shall (name of person proposed  
50 to be recalled) be recalled from the office of trustee of the  
51 Conservation and Development Agency of the Bay Area?"

1 Opposite the statement, the words "Yes" and "No" shall be  
2 printed on separate lines, with voting squares.

3 62279. At least 10 days prior to the recall election, the  
4 county clerk shall mail a sample ballot and a separate printed  
5 copy of the statement of the proponents of the recall and the  
6 answer, if any, of the elective trustee sought to be recalled, as  
7 theretofore filed with the agency clerk.

8 62280. If less than a majority of the voters voting on the  
9 question of recall vote "Yes," the incumbent trustee shall  
10 continue in office. If a majority vote "Yes," the incumbent  
11 trustee shall be deemed recalled from office upon the qualifica-  
12 tion of his successor.

13 62281. If the vote recalls the incumbent from his office as  
14 a trustee, a successor shall be appointed to serve out the  
15 remainder of his term in the same manner as the original  
16 appointment was made.

## 17 PART 7. RULES OF CONSTRUCTION

18  
19  
20 62290. This title shall be liberally construed to effectuate  
21 its purpose. No act, determination or procedure shall be in-  
22 validated by any error, irregularity or omission therein if such  
23 error, irregularity or omission does not adversely and substan-  
24 tially affect the rights of any private person or public agency.

25 62291. All determinations made by the agency board under  
26 the provisions of this title shall be final and conclusive in the  
27 absence of fraud or prejudicial abuse of discretion. In any  
28 action or proceeding to review any quasi-judicial determination  
29 made by the agency board the sole inquiry shall be whether  
30 there was fraud or prejudicial abuse of discretion. Prejudicial  
31 abuse of discretion shall be established if the court finds that  
32 any determination of the agency board was not supported by  
33 substantial evidence in light of the whole record.

34 62292. If any provision of this title or the application  
35 thereof in any circumstance or to any private person or public  
36 agency is held invalid, the remainder of this title or the appli-  
37 cation thereof in other circumstances or to other private per-  
38 sons or public agencies shall not be affected thereby.

## 39 40 DIVISION 2. ORGANIZATION OF THE CONSER- 41 VATION AND DEVELOPMENT AGENCY

### 42 43 PART 1. GOVERNMENT

44  
45 62300. The legislative and governing powers of the agency  
46 shall be vested in the agency board which shall constitute the  
47 legislative and governing body of the agency.

48 62301. The agency board shall consist of 40 trustees.

1           **PART 2. LOCATION OF AGENCY OFFICES**

2  
3       62310. The headquarters offices of the agency and the prin-  
4       cipal meeting places of the agency board and its committees  
5       shall be located at such place or places as the agency board  
6       may designate.

7       62311. The principal place of duty of all agency officers  
8       and heads of departments shall be the headquarters offices.

9       62312. The agency board may establish branch offices and  
10      subsidiary meeting places of the agency board and its commit-  
11      tees at any place or places within the region.

12      62313. The headquarters and branch offices and the princi-  
13      pal and subsidiary meeting places of the agency board and its  
14      committees may be located in the same or different buildings  
15      or at the same or different sites, as may be most convenient.

16      62314. Except as otherwise authorized by the agency board,  
17      all permanent records of the agency shall be maintained on file  
18      in the headquarters office. Such permanent records, or copies  
19      thereof, which the agency board may authorize to be filed at  
20      any branch office shall be maintained on file in that office.

21  
22                   **PART 3. AGENCY BOARD**

23  
24           **CHAPTER 1. COMPOSITION OF AGENCY BOARD**

25  
26      62320. The agency board shall consist of 40 members.

27      62321. The 40 trustees shall be nominated and elected by  
28      regional election districts established within the region.

29      62322. The term of office of all elective trustees shall be  
30      four years, except that the term of office of the elective trustees  
31      of the first agency board shall be either two or four years. At  
32      the organizational meeting of the first agency board, the elec-  
33      tive trustees shall determine, by lot, whether the trustees  
34      elected from the even- or the odd-numbered regional election  
35      districts shall have two- or four-year terms of office, as the  
36      case may be.

37      62323. All trustees shall hold office until their successors  
38      are duly elected or appointed and qualified.

39      The term of office of all trustees of the first agency board  
40      shall commence at 12 o'clock noon on August 1, 1971, there-  
41      after the term of office of all trustees for a full term of office  
42      shall commence at 12 o'clock noon on the first monday after  
43      January 1 in even-numbered years following their election.

44      62324. Any vacancy in the office of a trustee, other than as  
45      a result of recall, shall be filled as provided in this section.

46      (a) If the unexpired term of any vacant office shall be one  
47      year or less, a majority of the remaining trustees, appointive  
48      and elective, may appoint a trustee for the unexpired term of  
49      such office.

50      (b) If the unexpired term of any vacant office shall be more  
51      than one year, within 30 days of the date the vacancy occurs,  
52      the agency board shall call a special election within the re-

1 gional election district represented by such vacant office for the  
2 purpose of filling the vacancy.

3 Nominations of candidates to succeed a vacant office shall be  
4 made as provided in Chapter 3 (commencing with Section  
5 6800) of Division 5 of the Elections Code.

6 62325. The agency board may elect and, at any time may  
7 remove, a president and a vice president.

8 62326. Both the president and the vice president shall be  
9 members of the agency board.

10 62327. In the absence or disability of the president, the  
11 vice president shall exercise all powers of the president.

12

### 13 CHAPTER 1.5. COMPENSATION OF AGENCY BOARD

14

15 62330. Each trustee shall receive an annual compensation  
16 of two thousand four hundred dollars (\$2,400) payable in  
17 equal monthly installments.

18 62331. In addition to the compensation provided by Sec-  
19 tion 62330 each trustee engaging in necessary travel in attend-  
20 ance upon agency business shall be entitled to payment of his  
21 transportation expenses and other reasonable and necessary  
22 travel expenses incurred by him. The agency board shall adopt  
23 rules specifying what constitutes necessary travel and provid-  
24 ing for payment of transportation and other travel expenses  
25 for travel, inside or outside the region. For travel inside the re-  
26 gion, transportation expenses shall not exceed fifteen cents  
27 (\$0.15) per mile traveled plus an amount, not exceeding five  
28 dollars (\$5) per day, for parking charges and bridge tolls  
29 paid. For travel outside the region, the transportation allow-  
30 ance shall not exceed the cost of travel by common carrier  
31 (regulated aircraft, watercraft, railroad or bus service). If  
32 feasible common carrier service is available, but a trustee trav-  
33 els by other means, he shall be paid an amount equal to the  
34 published fare of the available common carrier service. If  
35 feasible common carrier service is unavailable, the trustee shall  
36 be entitled to a transportation allowance, as fixed by such  
37 rules, not exceeding fifteen cents (\$0.15) per mile of travel.

38 62332. The president and vice president shall continue to  
39 receive the compensation provided by Section 62330. In ad-  
40 dition to this amount the president and vice president shall  
41 receive additional compensation, not to exceed four thousand  
42 dollars (\$4,000) per year, as may be fixed by the agency board.

43

### 44 CHAPTER 2. STANDING AND SPECIAL COMMITTEES

45

46 62375. The agency board shall establish at least one stand-  
47 ing committee for each of the mandatory elements of the  
48 agency general plan, as set forth in Section 62751. The agency  
49 board may establish such other standing and special commit-  
50 tees as it deems advisable and shall specify the affairs of the  
51 agency government to be assigned to each such committee.

1 62376. The president shall determine the number of trust-  
2 ees to serve on each standing committee and shall make all  
3 appointments of trustees to standing committees. In making  
4 appointments, the president shall give consideration to the  
5 preferences and experience of the trustees and, insofar as  
6 practical, provide for representation from each of the several  
7 areas within the region. The president shall not be a member  
8 of any standing committee but he may participate in the meet-  
9 ings and deliberations of any committee, except that he shall  
10 have no committee vote.

11 62377. Any matter coming before the agency board shall be  
12 referred to such committee or committees as the president shall  
13 designate unless the agency board by a majority vote of its  
14 entire membership orders such matter referred to another  
15 committee or committees.

16 62378. A standing or special committee shall have no ad-  
17 ministrative control over the functions of the agency govern-  
18 ment. It shall be the duty of each such committee to keep itself  
19 fully informed of those affairs of the agency government  
20 assigned to it and to report to the agency board such informa-  
21 tion and recommendations as may be necessary to permit the  
22 agency board to properly legislate upon such affairs.

#### 23 24 CHAPTER 2.5. EXECUTIVE COMMITTEE

25  
26 62380. The regional board shall appoint an executive com-  
27 mittee consisting of the president and not less than six or  
28 more than 10 of the trustees. Any member of the executive  
29 committee, other than the president, may be removed at any  
30 time by the regional board.

31 62381. In addition to the annual stipend provided for by  
32 Section 62330, members of the executive committee, other  
33 than the president or vice president, shall receive such addi-  
34 tional annual stipend, not to exceed two thousand dollars  
35 (\$2,000) per year, as may be fixed by the regional board.

36 62382. The executive committee shall adopt rules concern-  
37 ing its governance and the time and place of its meetings.  
38 A majority of the members of the committee, other than the  
39 president, shall constitute a quorum for the transaction of  
40 business and a majority vote of those present shall carry any  
41 matter before the committee. The presiding officer of the ex-  
42 ecutive committee shall be the president or, in his absence, the  
43 vice president, or in the absence of both, any member desig-  
44 nated by the committee. The president or vice president, in  
45 addition to the vote possessed as a member of the committee,  
46 shall have one vote for the purpose of breaking any tie  
47 vote.

48 62383. The regional board may authorize the executive  
49 committee to exercise any powers possessed by the regional  
50 board and shall adopt rules specifying those powers delegated  
51 to the executive committee. The executive committee shall  
52 exercise any delegated powers in substantially the same man-

1 ner as may be provided by law for their exercise by the  
 2 agency board. Any ordinance, resolution, order or regulation  
 3 adopted by the executive committee may be amended or re-  
 4 pealed by a majority vote of all members of the agency board.

### 5 6 CHAPTER 3. MEETINGS

7  
8 62390. The agency board or any committee thereof may  
 9 meet and transact business at any place or places within the  
 10 region.

11 62391. The agency board shall adopt rules establishing the  
 12 location of its principal meetingplace and fixing the dates  
 13 and times of its regular meetings at such place. Such rules  
 14 shall also establish a subsidiary meetingplace in each county  
 15 where any meetings in such county shall be held, unless other-  
 16 wise ordered by the agency board, but need not fix any dates  
 17 or times for holding meetings at such places.

18 62392. The Conservation and Development Agency shall be  
 19 deemed a local agency under the Ralph M. Brown Act, Chapter  
 20 9 (commencing with Section 54950), Part 1, Division 2, Title  
 21 5, and shall be subject to the provisions of that act and to the  
 22 extent of any inconsistency between that act and this title,  
 23 the provisions of this title shall control.

24 62393. The president, or in his absence, the vice president  
 25 shall be the presiding officer of the agency board. In the  
 26 absence of both the president and the vice president, the  
 27 agency board may elect a president pro tem from among the  
 28 trustees present at any meeting.

29 62394. The agency administrative officer, the agency attor-  
 30 ney, the agency clerk and such other officers as the agency  
 31 board designates shall attend all meetings of the agency board.  
 32 Any such officer shall have the right to take part in any  
 33 discussions relating to his duties and responsibilities but shall  
 34 have no vote.

35 62395. A majority of the trustees shall constitute a quorum  
 36 for the transaction of business and a majority vote of those  
 37 present shall carry any matter before the agency board.

38 62396. Each trustee shall have one vote on the agency  
 39 board. The president, or the vice president acting in his  
 40 absence or during his disability, shall have no veto power but  
 41 shall have a tie-breaking vote. The president and the vice  
 42 president, in addition to the vote possessed as a trustee, shall  
 43 have one vote for the purpose of breaking any tie vote.

### 44 45 CHAPTER 4. LEGISLATION

46  
47 62405. Acts of the agency board may be expressed by the  
 48 adoption of ordinances, resolutions or orders.

49 62406. The enacting clause of all ordinances shall be:  
 50 "The Agency Board of the Conservation and Development  
 51 Agency of the Bay Area does ordain as follows:"

1 62407. All ordinances shall become effective 60 days after  
2 the date of their adoption by the agency board, except the  
3 following ordinances which shall take effect immediately:

4 (a) Those calling or otherwise relating to any election;

5 (b) Those relating to taxes, the amount of money to be  
6 raised by taxation or the rate of taxes;

7 (c) Those authorized or required by any law to take effect  
8 immediately;

9 (d) Those necessary for immediate preservation of public  
10 peace, health or safety, which shall contain a statement of facts  
11 constituting the necessity and shall be passed by a two-thirds  
12 vote of all trustees.

13 62408. Within 15 days after adoption of any ordinance,  
14 the agency clerk shall cause such ordinance to be published  
15 in the official agency newspaper.

16 62409. Every ordinance and resolution shall be signed by  
17 the president and attested by the agency clerk.

18 62410. The agency clerk shall file all ordinances and reso-  
19 lutions in separate books and shall prepare an index of all  
20 such ordinances and resolutions.

21 62411. Violation of an ordinance or the violation of any  
22 rules or regulations adopted pursuant to the authority of such  
23 ordinance is a misdemeanor. Such a violation may be prose-  
24 cuted by the agency attorney in the name of the people of the  
25 State of California. Alternatively, violation of an ordinance  
26 may be redressed by civil action.

27 62412. The agency board may impose fines, penalties and  
28 forfeitures for violation of ordinances or rules or regulations  
29 adopted pursuant thereto. A penalty may be fixed by fine or  
30 imprisonment or both. A fine shall not exceed five hundred  
31 dollars (\$500) and imprisonment shall not exceed six months.  
32 Imprisonment may be made in any county or city jail and  
33 the expenses of confinement shall be paid by the agency gov-  
34 ernment.

## 35 PART 4. AGENCY OFFICERS AND EMPLOYEES

### 36 CHAPTER 1. IN GENERAL

37  
38  
39  
40 62420. The agency board shall appoint and may remove the  
41 following agency officers:

42 (a) Agency administrative officer;

43 (b) Agency attorney;

44 (c) Agency clerk;

45 (d) Agency auditor.

46 62421. The agency board may authorize and provide for  
47 such additional agency officers as the agency board may deem  
48 advisable and shall determine the nature of their duties and  
49 responsibilities.

50 62422. The agency administrative officer shall appoint and  
51 may remove:

52 (a) Agency treasurer;

1 (b) Agency planning director;

2 (c) All additional agency officers authorized and provided  
3 for by the agency board;

4 (d) All officers and employees included within the civil  
5 service system, subject to the provisions of the civil service  
6 ordinance.

7 62423. The agency board shall determine the number of  
8 employees and the character of their positions, as may be  
9 necessary to carry out the functions of the agency government.

10 62424. The agency board shall determine the compensation  
11 to be paid to each appointive officer and employee and for that  
12 purpose shall establish appropriate salaries or wages or ranges  
13 of salaries or wages.

14 62425. The agency board may also authorize the payment of  
15 the actual and necessary expenses incurred by any appointive  
16 officer or employee in the performance of his duties and shall  
17 establish criteria and standards for determining the nature  
18 and amounts of such expenses to be paid.

19 62426. The agency board may provide for assistants to or  
20 deputies of any appointive officer in such numbers as the  
21 regional board may specify. Any such assistant or deputy may  
22 perform any and all acts that the principal may perform, when  
23 so authorized by the agency board. Unless the context otherwise  
24 requires, any reference in this title to an appointive officer shall  
25 include all authorized assistants and deputies of such officer.

26 62427. All appointive officers shall have an indeterminate  
27 term of office. Prior to undertaking the performance of any  
28 official duties, all appointive officers shall take and subscribe  
29 the oath of office and cause the same to be filed with the agency  
30 clerk.

31 62428. Each appointive officer and such employees as the  
32 agency board may designate shall furnish the agency govern-  
33 ment with a bond or bonds of such character and in such  
34 amounts as the agency board may specify. The agency board  
35 may provide that all or any part of the premiums due on  
36 account of any such bond shall be paid by the agency govern-  
37 ment. All such bonds shall be filed with the agency clerk.

## 38 39 CHAPTER 2. AGENCY ADMINISTRATIVE OFFICER

40  
41 62440. The agency administrative officer shall be selected  
42 on the basis of his demonstrated administrative qualifications  
43 and his knowledge of the functions, responsibilities and opera-  
44 tions of local and regional governments and the relationship of  
45 the state and federal governments thereto.

46 62441. The agency administrative officer need not, when ap-  
47 pointed, be a resident of the region but, upon his acceptance  
48 and qualification for office, he shall immediately become such  
49 a resident.

50 62442. The agency administrative officer may be removed  
51 by a majority in number of the agency trustees. The agency  
52 administrative officer may demand written notice containing a



1 statement of the reasons for his proposed removal and the right  
2 to a public hearing by the agency board prior to his removal  
3 but, during the pendency of his proposed removal, such agency  
4 board may suspend him from office. Any such hearing shall be  
5 held at least 14 days after the giving of said written notice.  
6 The action of the agency board in removing the agency ad-  
7 ministrative officer shall be final and conclusive.

8 62443. The agency administrative officer shall receive a  
9 salary to be fixed by the agency board.

10 62444. Except as otherwise provided in this title, the agency  
11 administrative officer shall have the duty of supervising and  
12 administering the affairs of the agency. Such duties shall  
13 include: the making of recommendations to the agency board  
14 concerning the affairs of the agency; advice to the agency  
15 board concerning the financial condition and future needs of  
16 the agency; preparation and submission to the agency board  
17 of an annual budget estimate and such reports as may be re-  
18 quired by the agency board, including an annual report upon  
19 all appointive officers and departments of the agency; enforcing  
20 the ordinances and regulations of the agency board; and  
21 performance of such other duties as may be prescribed by the  
22 agency board.

23 62445. All administrative powers not conferred by this title  
24 upon some other appointive officer shall be exercised by the  
25 agency administrative officer.

26 62446. All appointive officers, other than the agency attor-  
27 ney, the agency clerk and the agency auditor, shall be im-  
28 mediately responsible to the agency administrative officer for  
29 the efficient administration of the functions of their respective  
30 offices. The agency administrative officer may set aside any  
31 action taken by an appointive officer and may supersede him  
32 in authority in the functions of his office.

33 62447. If there shall be a vacancy in the office of any ap-  
34 pointive officer, other than the agency attorney, the agency  
35 administrative officer shall assume and discharge the duties  
36 and functions of such office until such time as a successor has  
37 been appointed and qualified.

38 62448. The agency administrative officer shall be responsi-  
39 ble for planning the activities and affairs of the agency and  
40 for adjusting such activities and affairs to the finances availa-  
41 ble. The agency administrative officer shall annually prepare  
42 a complete financial plan for the ensuing year and shall be  
43 responsible for the administration of such plan when adopted  
44 by the agency board. He shall prepare estimates covering the  
45 financial needs of the agency, together with the budget esti-  
46 mate and supporting schedules.

47 62449. The agency administrative officer shall execute all  
48 contracts, deeds and other instruments not expressly required  
49 by this title to be executed by some other officer.

50 62450. The agency administrative officer may prescribe  
51 such general rules and regulations as he deems necessary or  
52 expedient for the administration or conduct of various offices.

1 Each officer may likewise prescribe rules and regulations as  
2 may be deemed necessary or expedient for the proper conduct  
3 of his office provided that any such rules and regulations shall  
4 conform to those prescribed by the agency administrative  
5 officer.

#### 6 CHAPTER 3. AGENCY ATTORNEY

7  
8 62460. The agency attorney shall be the chief legal advisor  
9 and attorney for the agency, the agency board and all officers  
10 of the agency.

11 62461. The agency attorney shall have the following duties:  
12 (a) To prepare all ordinances, resolutions, contracts and  
13 other instruments;

14 (b) To furnish legal advice to the agency board and all  
15 agency officers concerning their duties and responsibilities and,  
16 when requested, to furnish his written opinion thereon;

17 (c) To prosecute or defend all actions or proceedings to  
18 which the agency government, the agency board or any agency  
19 officer may be a party;

20 (d) To prosecute for all offenses against any ordinance or  
21 regulation adopted pursuant to an ordinance and for such  
22 offenses against other laws, as may be authorized or required  
23 of him by such laws;

24 (e) To perform such other legal services as the agency board  
25 may require or as are required by the laws and Constitution.

#### 26 CHAPTER 4. AGENCY CLERK

27  
28  
29 62470. The agency clerk shall act as the clerk of the agency  
30 board and the executive committee and as the chief custodian  
31 of the official records of the agency.

32 62471. The agency clerk shall have the following duties:

33 (a) To attend all meetings of the agency board and execu-  
34 tive committee;

35 (b) To prepare and index a journal of all proceedings of  
36 the agency board and of the executive committee;

37 (c) To prepare and index books of ordinances and of resolu-  
38 tions;

39 (d) To have custody of all official records of the agency not  
40 required by this title or by ordinances to be in the custody of  
41 other officers;

42 (e) To perform such other services as are provided in this  
43 title or as the agency board may require.

#### 44 CHAPTER 5. AGENCY AUDITOR

45  
46  
47 62480. The agency auditor shall be the chief fiscal, account-  
48 ing and auditing officer of the agency.

49 62481. The agency auditor shall have the following duties:

50 (a) To exercise supervision of all accounts showing financial  
51 transactions of the agency and all officers, boards and depart-  
52 ments thereof;

1 (b) To prescribe the forms and methods of keeping all such  
2 accounts;

3 (c) Upon order by the agency board, to audit the books,  
4 accounts, and records of the agency and all officers, boards and  
5 departments thereof;

6 (d) To perform such other fiscal, accounting and auditing  
7 services as the agency board may require or as are required  
8 by the laws and constitution.

9 62482. No contract or other obligation for the expenditure  
10 of moneys of or under the control of the agency shall be  
11 entered into and no such contract or other obligation shall be  
12 valid unless the agency auditor shall certify in writing that an  
13 appropriation has been made for the expenditure and that  
14 there is a sufficient balance in the agency treasury to provide  
15 for payment thereof.

16 62483. The agency auditor shall examine all payrolls, bills,  
17 demands and claims against the agency, except for claims of  
18 damage.

19 62484. Claims against the agency shall be paid only upon  
20 the issuance of a warrant by the agency auditor. The agency  
21 auditor shall not issue a warrant unless he finds that: The  
22 payroll, bill, demand or claim is in proper form, correctly  
23 computed and duly approved; that it is due and payable; that  
24 an appropriation has been made therefor and is available; and  
25 that there is money in the treasury for payment.

26 62485. Within 15 days after the end of each month, the  
27 agency auditor shall prepare and submit to the agency board  
28 and to the agency administrative officer a summary statement  
29 of the revenues and expenses for such month. The summary  
30 statement shall be detailed as to appropriations and funds and  
31 shall show the exact financial condition of the agency and all  
32 officers, boards and departments thereof as of the end of the  
33 month.

#### 34 CHAPTER 6. AGENCY TREASURER

35  
36 62490. The agency treasurer shall be the custodian of all  
37 moneys of, or under the control of the agency.

38 62491. The agency treasurer shall have the following  
39 duties:

40 (a) To receive, have custody of and disburse all moneys;

41 (b) To select all depositories for all moneys;

42 (c) To keep books, records and accounts and to record  
43 therein all receipts and expenditures and all amounts deposited  
44 with any depository;

45 (d) To perform such other services relating to the receipt,  
46 custody or disbursement of moneys, as may be required by the  
47 agency board, agency administrative officer or agency auditor  
48 or by the laws and constitution.

49 62492. Every officer, board or department of the agency  
50 receiving moneys of or under the control of the agency shall

1 deposit the same daily with the agency treasurer, unless other-  
2 wise provided by ordinance.

3 62493. The agency treasurer shall disburse moneys only  
4 upon a warrant issued by the agency auditor. Payment of a  
5 warrant shall be made in such form as the agency auditor may  
6 direct and he may authorize the agency treasurer to issue his  
7 check, order or draft upon the funds that are on deposit with  
8 any depository.

9 62494. Within 10 days after the end of each month, the  
10 agency treasurer shall prepare and submit to the agency  
11 auditor a written report of all receipts, disbursements and  
12 fund balances in such detail as the agency auditor may re-  
13 quire.

14 62495. The agency treasurer shall comply with all laws  
15 governing the deposit and securing of public funds and the  
16 handling of trust funds in his custody.

17  
18 CHAPTER 7. AGENCY PLANNING DIRECTOR  
19

20 62500. The agency planning director shall have the duties  
21 and perform the services provided in Part 6 (commencing with  
22 Section 62715), Division 3 of this title.

23  
24 CHAPTER 8. CIVIL SERVICE  
25

26 62510. Not later than the end of the calendar year after the  
27 organization meeting of the first agency board, the board shall  
28 adopt a civil service ordinance establishing a civil service  
29 system. The ordinance shall provide for the selection, employ-  
30 ment, classification, advancement, suspension, discharge and  
31 retirement of all appointive officers and employees included in  
32 the civil service system.

33 62511. All appointive officers and employees shall be in-  
34 cluded in the civil service system except the following:

- 35 (a) Members of all boards and commissions;  
36 (b) The agency administrative officer and his assistants and  
37 deputies;  
38 (c) Assistants to the president;  
39 (d) The agency attorney and his assistants and deputies;  
40 (e) The agency clerk;  
41 (f) The agency auditor;  
42 (g) The agency treasurer;  
43 (h) The agency planning director;  
44 (i) Such other officers, the assistants and deputies of any  
45 officer, and any employee when the agency board determines  
46 that their duties and responsibilities are such that they re-  
47 quire:  
48 (1) Only temporary employment;  
49 (2) Persons of special training, experience or competence  
50 and that the services of such persons cannot be expeditiously  
51 obtained through the operation of the civil service system; or

1 (3) A relationship of special confidence between any such  
2 persons and their superiors.

3 62512. The agency board may provide for a civil service  
4 commission or a personnel officer to whom it may delegate such  
5 powers and duties in the administration of the civil service  
6 system, as it deems advisable.

7 62513. The agency board may contract with any city,  
8 county or the state, or any officer, board or department of any  
9 thereof, for the performance or exchange of any services or the  
10 utilization of any facilities required in connection with the  
11 administration of the civil service system.

## 12 13 CHAPTER 9. RETIREMENT BENEFITS

14  
15 62520. The agency board may provide for the payment of  
16 retirement benefits to any or all of the appointive officers and  
17 employees of the agency. The retirement benefits may include  
18 any or all of the benefits which shall be authorized by any  
19 general law or charter providing for the establishment of a  
20 retirement system for the officers and employees of the state  
21 or of any county or city within the region.

22 62521. The agency government is authorized to participate  
23 in or to become a member of one or more retirement systems  
24 established by the state or by any city or county within the  
25 region. All retirement benefits to be provided for any appoint-  
26 ive officers or employees of the agency shall be provided by  
27 such participation or membership.

28 62522. The agency board and any officer of the agency may  
29 perform or authorize the performance of any act or the execu-  
30 tion of any instrument required by any general law or charter  
31 as a condition for participation or membership in any retire-  
32 ment system provided for by such general law or charter.

## 33 34 PART 5. CONSULTANTS; ADVISORY COMMITTEES

35  
36 62530. The agency may contract with and employ any  
37 specially trained, experienced and competent person to furnish  
38 the agency or any officer thereof special services and advice in  
39 financial, economic, accounting, legal, engineering, geological,  
40 architectural, planning or administrative matters and to pay  
41 such compensation to any such expert as it deems proper for  
42 the services rendered.

43 62531. The agency board may appoint technical advisory  
44 committees to review and to make recommendations and re-  
45 ports to the agency board or to any officer of the agency on  
46 such regional subjects as the board may assign to any such  
47 committee. Persons appointed to any such committees shall be  
48 specially trained, experienced and competent in the subject as-  
49 signed to any such committee and need not be inhabitants of  
50 the region.

51 62532. The agency board may appoint public advisory  
52 committees to review and to make recommendations to the

1 agency board or to any officer of the agency on such subjects  
 2 as the board may assign to any such committee. Persons  
 3 appointed to any such committees shall have an interest, either  
 4 as a member of the public or otherwise, in the subjects assigned  
 5 to any such committee and shall include persons with broadly  
 6 representative points of view on any such subjects. Persons  
 7 appointed as members of any public advisory committee shall  
 8 serve without compensation but the agency board may provide  
 9 for the payment of the necessary and reasonable expenses of  
 10 the committee and its members.

11 62533. Persons appointed to technical or public advisory  
 12 committees may include any officers or employees of the agency  
 13 or of any other public agency.

14 62534. The agency board may make any facilities of the  
 15 agency available to any technical or public advisory commit-  
 16 tee and may provide for the officers and employees of the  
 17 agency to furnish advice, assistance or services to any such  
 18 committee. Such officers and employees shall make available for  
 19 examination by any such committee all records and documents  
 20 pertaining to the subject assigned such committee.

## 21 DIVISION 3. POWERS

### 22 PART 1. CORPORATE POWERS

23  
 24  
 25 62600. The agency is a public body corporate and politic,  
 26 has perpetual succession and may adopt a seal and alter it at  
 27 its pleasure.

28  
 29 62601. The agency has and may exercise any express pow-  
 30 ers granted to it, any powers necessary to, implied in or  
 31 incidental to express powers and any powers essential to the  
 32 declared objects and purposes of the agency.

### 33 PART 2. PROPERTY

34  
 35 62610. The agency may acquire any real or personal prop-  
 36 erty, within or without the region, or any interest in any such  
 37 property, by deed, purchase, lease, contract, gift, devise, con-  
 38 demnation or otherwise.

39  
 40 62611. The agency may dispose of any real or personal  
 41 property, within or without the region, or any interest in any  
 42 such property by deed, sale, lease, contract, or otherwise.

### 43 PART 3. CONTRACTS

44  
 45 62620. The agency government may make contracts for any  
 46 purposes necessary or convenient for the full exercise of its  
 47 powers.

48  
 49 62621. The provisions of Article 4 (commencing with Sec-  
 50 tion 1090), Article 4.5 (commencing with Section 1100) and  
 51 Article 4.6 (commencing with Section 1120) of Chapter 1,

1 Division 4, Title 1, prohibiting certain financial interests in  
2 public contracts shall apply to the agency and to all of its  
3 officers and employees.

4 62622. Division 5 (commencing with Section 4000), Title 1,  
5 relating to public work and purchases and Chapter 1 (com-  
6 mencing with Section 1720), Part 7, Division 2 of the Labor  
7 Code relating to public works apply to the agency.

8 62623. The agency may contract for and obtain insurance  
9 against any insurable risk reasonably anticipated to result  
10 from the exercise of any powers or functions of the agency or  
11 the performance of any duties by the officers and employees  
12 of the agency. Such insurance shall be of such character and  
13 in such amount as the agency board shall specify.  
14

## 15 PART 4. CONTROVERSIES

### 16 CHAPTER 1. ACTIONS AND PROCEEDINGS

17  
18  
19 62640. The agency may sue and be sued, except as other-  
20 wise provided by law, in all actions and proceedings and in all  
21 courts and tribunals of competent jurisdiction.

22 62641. An action to determine the validity of any contract  
23 or of any bonds, warrants, obligations or other evidence of  
24 indebtedness may be brought pursuant to Chapter 9 (commenc-  
25 ing with Section 860), Title 10, Part 2 of the Code of Civil  
26 Procedure.

27 62642. All claims and actions for money or damages against  
28 the agency and its officers and employees are governed by  
29 Division 3.6 (commencing with Section 810), Title 1. The  
30 agency shall be deemed a "local public entity," within the  
31 meaning of Division 3.6.  
32

### 33 CHAPTER 2. SUBPOENAS

34  
35 62650. The agency board may issue subpoenas (i) requir-  
36 ing attendance of witnesses before it or before the executive  
37 committee or any standing or other committee of the agency  
38 board or (ii) compelling the production of books, records,  
39 documents or other instruments relating to any subject or  
40 matter within the jurisdiction of the agency.

41 62651. The agency board may authorize the executive  
42 committee to issue subpoenas.

43 62652. Subpoenas shall be signed by the presiding officer  
44 of the agency board or the executive committee, as the case  
45 may be, and attested by the agency clerk. Subpoenas shall  
46 be served as subpoenas are served in civil actions.

47 62653. If any person subpoenaed neglects or refuses to  
48 obey a subpoena or, upon appearing, refuses to testify or  
49 answer any questions which a majority of the agency board  
50 or the executive committee, as the case may be, decide proper  
51 and pertinent, the presiding officer of the board or executive  
52 committee shall report the fact to the presiding judge of the

1 superior court of the county where the person was required  
 2 to appear. The judge shall issue an attachment directed to  
 3 the sheriff of such county commanding him to attach the per-  
 4 son subpoenaed and forthwith bring him before the judge.  
 5 On return of the attachment and production of the subpoe-  
 6 naed witness, the court has jurisdiction.

7 62654. The right of a subpoenaed person to purge himself  
 8 of the contempt and the proceedings, penalties and punish-  
 9 ment shall be the same as if the contempt had been committed  
 10 in a civil trial in a superior court.

## 11 PART 5. INTERGOVERNMENTAL RELATIONS

### 12 CHAPTER 1. INTERGOVERNMENTAL COOPERATION

13  
 14  
 15  
 16 62660. The agency, by contract or otherwise, may accept  
 17 contributions from any public agency or private person and  
 18 may make contributions to any public agency. Contributions  
 19 may be in the form of money, labor, materials, real or personal  
 20 property or the construction, maintenance and operation of  
 21 any facility.

22 62661. The agency and any public agency may make any  
 23 of their property or facilities available for the use of the  
 24 other and may authorize their respective officers and employ-  
 25 ees to furnish advice, assistance or services to the other.

26 62662. The agency upon request, may provide any local  
 27 agency with advice and assistance in filing and processing  
 28 applications for financial assistance with the state or federal  
 29 government and in obtaining any such financial assistance.

30 62663. To the maximum extent practical, the agency shall  
 31 obtain and maintain available data and information concern-  
 32 ing the operations, functions and responsibilities of local and  
 33 regional governments, the relationship of state and federal  
 34 government thereto and public and private sources of financial  
 35 and other assistance available to local and regional govern-  
 36 ments. Local agencies shall cooperate by furnishing the agency  
 37 with any data and information requested by the agency. Any  
 38 such data and information obtained by the agency shall be  
 39 made available, upon request, to any public agency.

40 62664. The agency may disseminate, by publication,  
 41 posting, mailing or any other form of communication, any  
 42 data and information which is relevant to regional affairs  
 43 or to the operations, functions and responsibilities of local  
 44 and regional governments and may sponsor conferences, work-  
 45 shops, programs and lectures pertaining thereto.

### 46 CHAPTER 2. REVIEW OF APPLICATIONS FOR FINANCIAL 47 ASSISTANCE

48  
 49  
 50 62680. As used in this chapter, "financial assistance"  
 51 means financial assistance extended to any local agency by  
 52 the state or federal governments or any other public agency,



1 including grants and contractual arrangements, such as, loans,  
2 loan guarantees, insurance and any other form of financial  
3 assistance, but shall not include financial assistance extended  
4 by one local agency to another local agency.

5 62681. If any application by a local agency for financial  
6 assistance relates to or substantially affects any matter within  
7 the scope of any of the mandatory elements of the agency  
8 plan, as set forth in Section 62751, such application must be  
9 submitted to the agency for comment and recommendation  
10 prior to being submitted to the agency from whom financial  
11 assistance is proposed to be requested. In making comments  
12 and recommendations upon any such application, the agency  
13 shall take the following factors into account:

14 (a) Whether the project or purpose for which financial  
15 assistance is requested is in conformity with the agency plan;

16 (b) The relative priority of such project or purpose with  
17 respect to other projects or purposes for which financial  
18 assistance is being or may be sought by other public agencies;

19 (c) Any other factors deemed to be relevant.

20 62682. A copy of every application by a local agency for  
21 financial assistance, other than applications subject to the  
22 provisions of Section 62681, shall be submitted to the agency  
23 not later than the date of its submission to the agency from  
24 whom financial assistance is requested.

25 The agency may submit comments and recommendations  
26 concerning the application to the applicant and to the agency  
27 from whom financial assistance is requested. Such comments  
28 and recommendations may include any of the factors men-  
29 tioned in Section 62681.

30 62683. The agency is designated as the agency authorized  
31 to comment upon and make recommendations with respect to  
32 any applications for financial assistance from the state or fed-  
33 eral government which are required to be reviewed by an  
34 area-wide agency designated to perform metropolitan or re-  
35 gional planning.

36 62684. The agency board shall adopt an ordinance pre-  
37 scribing a procedure and providing standards and criteria to  
38 be followed by the agency in reviewing applications for fi-  
39 nancial assistance and the making of comments and  
40 recommendations thereon. The ordinance may exempt from  
41 review certain classes of applications described by amount,  
42 project, purpose of assistance sought or other relevant criteria.  
43 The ordinance may authorize the agency administrative officer  
44 to review, comment or make recommendations upon certain  
45 classes of applications and to prescribe by rule supplementary  
46 standards and criteria not inconsistent with those contained  
47 in the ordinance.

48

49

### CHAPTER 3. REGIONAL STUDIES AND RESEARCH

50

51 62695. The agency, by itself or jointly with others, may  
52 undertake studies and investigations and make reports and

1 recommendations pertaining to any subject matter of the re-  
2 sources plan as set forth in Section 62751. Such studies, investi-  
3 gations, reports and recommendations shall not be limited to  
4 subjects pertaining to powers and functions expressly vested  
5 in the agency but shall extend to any subject which, in the  
6 opinion of the agency board, is of regional concern.

7 62696. The agency board may also make studies, investiga-  
8 tions and reports and recommendations pertaining to any sub-  
9 ject of regional concern, including powers or functions vested  
10 or proposed to be vested in the agency or any other public  
11 agency and may recommend the enactment of legislation to  
12 implement any recommendation made by the board.

13 62697. To the maximum extent feasible, the agency shall  
14 cooperate with any other public agency or private person  
15 undertaking a study or investigation on the same or a similar  
16 subject and shall make the maximum use of any data and in-  
17 formation available from any public or private sources.

18 62698. The agency, by itself or jointly with other public  
19 agencies or private persons, may undertake any kind of re-  
20 search and development program pertaining to any of the  
21 matters provided for in the agency resources plan, including  
22 planning and development and also any other functions, ac-  
23 tivities, systems or facilities which are affected by the agency  
24 resources plan.

25 62699. Research and development programs may be con-  
26 ducted either by the officers and employees of the agency or  
27 by others pursuant to contract authorized by the agency board.  
28 Any such contracts shall not be subject to the competitive  
29 bidding requirements of Part 3 (commencing with Section  
30 62620) of this division.

31 62700. The agency may apply for and receive financial as-  
32 sistance from any public or private source for the purpose  
33 of paying all or any part of the costs and expenses of any  
34 studies and investigations or any research and development  
35 program undertaken by the agency.

36 62701. The results of research and development programs  
37 shall be made available to any public agency and to interested  
38 private persons within the region. A research and development  
39 program may provide for a demonstration program to test or  
40 publicize the results of research and development.

41 62702. "Research and development programs," as used in  
42 this chapter, mean programs of the types customarily under-  
43 taken by scientific or investigatory organizations for the dis-  
44 covery or verification of facts, principles or knowledge and the  
45 application of the results thereof to obtain practical benefits.

#### 46 47 CHAPTER 4. JOINT EXERCISE OF POWERS

48 62710. The agency by agreement with any other public  
49 agency may provide for the joint exercise of any powers com-  
50

1 mon to the contracting parties pursuant to Article 1 (com-  
2 mencing with Section 6500), Chapter 5, Division 7, Title 1.  
3 62711. In addition to powers authorized by Section 62710  
4 and as an alternative thereto, the agency may by contract, or  
5 otherwise, join with any other public agency or private person  
6 for the purpose of carrying out any of the powers of the  
7 agency. Any such contract may provide for financing or con-  
8 tributions by the parties thereto, for the apportionment of  
9 costs and expenses and for the allocation of benefits, services  
10 and products to the parties. Any contract may provide for  
11 it to be administered by any or all of the parties or by  
12 an agency separate from the parties, in which case, the con-  
13 tract shall provide for the creation of such agency, the powers  
14 to be vested in the agency and the procedure to be followed  
15 in the exercise of such powers. For the purpose of providing  
16 any financing or contributions required by any such contract,  
17 the agency may use any available and unencumbered funds or  
18 may incur indebtedness and issue bonds pursuant to Part 4  
19 (commencing with Section 63720), Division 4 of this title.  
20

## 21 PART 6. CONSERVATION, MANAGEMENT AND 22 DEVELOPMENT OF REGIONAL RESOURCES

### 23 CHAPTER 1. GENERAL PROVISIONS

24  
25 62715. This part shall apply to all private persons and,  
26 unless expressly exempt by law, to all public agencies.

27  
28 62716. No existing or future statute and no ordinance  
29 adopted pursuant to this part shall be construed as granting  
30 an exemption or as being inapplicable to any public agency  
31 unless such statute or ordinance expressly so provides.

32 62717. Statements of policies, objectives, rules or regula-  
33 tions in any plan adopted by the agency board shall be en-  
34 forceable only to the extent that the agency board shall have  
35 adopted a development ordinance expressly providing for the  
36 effectuation of any of the same.

37 62718. Any plan, amendment to a plan or any other in-  
38 strument authorized by this part may be in such form as the  
39 agency board prescribes and may consist of any combina-  
40 tion of words, maps, graphic and other appropriate forms.

41 62719. Copies of any plan, ordinance, amendments thereto,  
42 rules, or any other instrument authorized by this part, either  
43 as adopted or as proposed to be adopted by the agency board  
44 or agency planning director, shall be furnished upon request  
45 to any private person or public agency. The agency board may  
46 require payment of fees covering the costs of reproducing and  
47 distributing any copies so furnished.

1                   CHAPTER 2. AGENCY PLANNING DIRECTOR;  
2                   PLANNING BOARDS AND COMMITTEES

3  
4                   Article 1. Agency Planning Director

5  
6           62725. The agency planning director shall be the chief  
7 planning officer, technical planning adviser, and administrator  
8 of agency plans and development ordinances.

9           62726. The agency planning director shall:

10          (a) Prepare all proposed plans of the agency and all  
11 proposed amendments to any plan adopted by the agency  
12 board;

13          (b) Direct and administer the preparation, maintenance,  
14 regular review and revision of all plans adopted by the agency  
15 board;

16          (c) Perform such other duties and exercise such other pow-  
17 ers as are provided herein or as the agency board may delegate  
18 to the director.

19           62727. In preparing the agency plan, the agency planning  
20 director shall consult with and seek the advice and recommen-  
21 dations of the officers and planning representatives of local  
22 agencies within the region. The director may delegate the  
23 preparation of all or any part of such discretionary portions  
24 to the officers or planning representatives of any local agencies  
25 or to any agency, entity, commission or board constituted by  
26 agreement of two or more local agencies. The director may  
27 approve or disapprove, in whole or in part, any portions of the  
28 plan so prepared and may make any changes therein which he  
29 deems advisable.

30           62728. The agency planning director shall prepare and  
31 submit to the agency board periodic progress reports upon all  
32 or any part of an agency general plan theretofore adopted by  
33 the agency board. Such progress reports shall be submitted  
34 every five years, or such shorter periods as the agency board  
35 may direct. Progress reports shall contain statements of:

36          (a) The major problems in the region at the time of their  
37 preparation relating to development, physical deterioration,  
38 and the location of activities that use land and the social and  
39 economic effects thereof;

40          (b) The extent to which there have been significant changes  
41 in the assumptions upon which the agency resources plan is  
42 based;

43          (c) Specific changes recommended for the agency resources  
44 plan including reformulated objectives, policies and standards;

45          (d) The extent to which the immediately preceding inter-  
46 mediate program accomplished the objectives for which it was  
47 designed;

48          (e) Specific changes recommended for the intermediate pro-  
49 gram;

50          (f) Whether a new agency resources plan should be pre-  
51 pared.

1 62729. When provided by any ordinance enacted pursuant  
2 to this part, the agency planning director shall adopt rules for  
3 the effectuation and administration of any plan adopted pursu-  
4 ant to this part. All rules shall comply with the provisions of  
5 this part and any ordinance authorizing or requiring such  
6 rules.

7 62730. The agency board may authorize the planning direc-  
8 tor to review and process applications which may be required  
9 under this part.

10 62731. The agency planning director shall index and main-  
11 tain on file in his office, open to public inspection:

12 (a) All plans and amendments of plans adopted by the  
13 agency board;

14 (b) A certified copy of all ordinances adopted pursuant to,  
15 this part;

16 (c) All rules adopted or proposed to be adopted by the  
17 director;

18 (d) All applications filed with the director;

19 (e) All permits issued by the director;

20 (f) All written findings, determinations, or orders made or  
21 adopted pursuant to this part by the director or any adminis-  
22 trative tribunal;

23 (g) Any other instrument authorized or required to be filed  
24 with the director.

25 62732. The agency planning director shall prepare a parcel  
26 index in such a manner that persons seeking information as to  
27 a particular parcel of land can locate all pending applications  
28 and all permits, decisions or orders issued relating to such  
29 parcel.

## 30 Article 2. Planning Boards and Committees

31  
32  
33 62740. The agency board may appoint any boards, panels,  
34 hearing or review officers which may be necessary or convenient  
35 for the administration of this part.

36 62741. If, pursuant to Part 5 (commencing with Section  
37 62530), Division 2 of this title, the agency board shall have  
38 appointed a technical or public advisory committee to review  
39 and make recommendations and reports on any subject relating  
40 to planning, the agency planning director shall make available  
41 to the committee all plans, ordinances, regulations or other  
42 instruments pertaining to such subject and shall confer with  
43 the committee on such subject. Upon the making and filing of  
44 a committee report and recommendation, the director shall  
45 consider such report and recommendation and give them such  
46 weight as he deems advisable.

## CHAPTER 3. RESOURCES PLAN

## Article 1. Scope of Resources Plan

1  
2  
3  
4  
5 62750. The agency board shall adopt a resources plan.  
6 The plan shall contain statements of objectives, policies and  
7 standards to guide development and conservation of resources  
8 within the region. In addition, the plan may contain state-  
9 ments of objectives, policies and standards to guide the effects  
10 of other social and economic activities which are regional in  
11 nature.

12 62751. The resources plan shall contain at least the follow-  
13 ing correlated elements prepared in accordance with Sections  
14 62754, 62755, 62756, and 62757:

15 (a) A San Francisco Bay plan for the conservation, devel-  
16 opment, management and utilization of the bay, bay lands, bay  
17 waters, shoreline lands and land and water sites for waterfront  
18 industries. This plan shall be the San Francisco Bay Plan as  
19 adopted and hereafter amended pursuant to the provisions of  
20 Chapter 5 (commencing with Section 66650) of Title 7.2.

21 (b) A transportation plan for the development and manage-  
22 ment of an integrated regional system of transportation of  
23 persons and goods within the region, including: the regional  
24 highway system; bridges, tunnels, tubes or other crossings for  
25 highways or mass transit over, under or across bay lands and  
26 bay waters; mass transit systems; airports; seaports; any  
27 facilities appurtenant to any of the foregoing.

28 (c) An environmental quality plan for the integrated devel-  
29 opment, management and control of contaminants or waste  
30 materials discharged into or deposited in, under or upon any  
31 land, air or waters within the region.

32 (d) An open-space plan for identifying, preserving, manag-  
33 ing and utilizing open-space, scenic and natural resources  
34 within the region.

35 (e) A regional parks plan for establishing, improving, man-  
36 aging and expanding regional parks.

37 62753. The resources plan and each individual element  
38 thereof shall consider and seek to harmonize the needs and  
39 goals of the entire region, the plans of local agencies within  
40 the region and the plans or planning activities of federal,  
41 state and other governmental or nongovernmental agencies and  
42 organizations which affect or are concerned with planning and  
43 development within the region.

44 62754. The resources plan and each individual element  
45 thereof shall include statements, based on studies as compre-  
46 hensive as feasible, concerning the following factors relevant  
47 to the region:

48 (a) Population and population distribution by age, educa-  
49 tional level, income, employment, race, and other relevant  
50 characteristics;

- 1 (b) Amounts, types, levels, and general locations of com-  
2 mercial and industrial activities;
- 3 (c) Amounts, types, quality, and general locations of hous-  
4 ing units;
- 5 (d) General location and extent of major transportation,  
6 utility and regional facilities and the plans, if any, of other  
7 public agencies to provide such facilities;
- 8 (e) Amount and general locations of land uses by categories  
9 such as agricultural, commercial, industrial, residential, recrea-  
10 tional and open space, and the patterns of relationships be-  
11 tween the different categories;
- 12 (f) Areas, sites, or structures of aesthetic, historic, educa-  
13 tional, or recreational quality or usefulness;
- 14 (g) Natural resources, including air, water, forests, soils,  
15 rivers and other waters, waterfronts, shorelines, fisheries, wild-  
16 life and minerals.
- 17 Such statements shall identify the present conditions and the  
18 major problems relating to development, physical deteriora-  
19 tion, and the location of activities that use land and the envi-  
20 ronmental, social, and economic effects thereof. The statements  
21 shall show the projected nature and rate of change in present  
22 conditions for the reasonably foreseeable future in the ab-  
23 sence of new governmental action and the probable environ-  
24 mental, social, and economic consequences which will result  
25 from such changes.
- 26 62755. The resources plan and each individual element  
27 thereof shall include statements of objectives, policies and  
28 standards respecting the matters enumerated in Section 62754  
29 and also respecting any:
- 30 (a) Changes proposed in population densities, patterns of  
31 population distribution by characteristics, and directions of  
32 physical growth;
- 33 (b) Changes proposed in amounts, types, levels, and general  
34 locations of future commercial and industrial activities;
- 35 (c) Changes proposed in amounts, types, quality, and gen-  
36 eral locations of housing units for expected population in  
37 accordance with the desired patterns of population distribu-  
38 tion;
- 39 (d) Proposed general locations, types, characteristics and  
40 schedules of development of transportation, utility and re-  
41 gional facilities;
- 42 (e) Changes proposed in the patterns and characteristics of  
43 land use for agriculture, commerce, industry, residence, recrea-  
44 tion, open space and other major types of development, includ-  
45 ing building densities, and the relationships between them;
- 46 (f) Areas, sites, or structures of aesthetic, historic, educa-  
47 tional or recreational quality or usefulness;
- 48 (g) Conservation, development, and utilization of natural  
49 resources including air, water, forests, soils, rivers and other  
50 waters, waterfronts, shorelines, fisheries, wildlife and minerals;
- 51 (i) Other planning matters of regional concern.

1 62756. The resources plan and each individual element  
2 thereof shall contain statements coordinating the objectives,  
3 policies and standards stated therein, analyzing their probable  
4 environmental, social, and economic consequences, and evaluat-  
5 ing, to the extent feasible, alternative objectives, policies and  
6 standards and their probable environmental, social and eco-  
7 nomic consequences.

8 62757. The resources plan, and each individual element  
9 thereof, shall identify and list the specific policies and pro-  
10 grams necessary for the implementation of the plan, and each  
11 individual element thereof, including:

12 (1) An immediate and long-range program of specific pub-  
13 lic actions, including governmental development, state legis-  
14 lation, enactment of ordinances, preparation of detailed specific  
15 plans for areas within the region, and expenditure of public  
16 funds, to be undertaken in stated sequence by specified agen-  
17 cies in order to achieve the objectives, policies, and standards  
18 contained in the plan and the individual elements thereof.

19 (2) Estimates of the amounts, types, characteristics and  
20 general locations of land to be acquired by public agencies,  
21 and the transportation, utility and regional facilities to be  
22 provided by public agencies in order to carry out the imme-  
23 diate and long-range programs of public actions, and an esti-  
24 mate of the number of persons and activities to be displaced  
25 by such acquisitions, the consequences of displacement and the  
26 provisions, if any, to be undertaken by the government to  
27 relocate them.

28 (3) A statement of types of development controls and gen-  
29 eral provisions thereof which should be adopted within the  
30 period of the immediate and long-range programs of public  
31 actions to achieve objectives, policies and standards of the  
32 resources plan and the individual elements thereof and an  
33 estimate of the additional trained personnel, if any, required  
34 to administer such controls.

35 (4) Estimates of the costs of acquisitions, development, and  
36 enforcement of development controls necessary to implement  
37 the immediate and long-range programs of public actions and  
38 a statement of sources of the public funds of all types which  
39 are, will be, or could be made, available for such purposes.

40 (5) An estimate of the environmental, social, and economic  
41 consequences of the immediate and long-range programs of  
42 public actions including the impact on population distribution  
43 by characteristics and income, employment, and economic con-  
44 dition within the region and an evaluation, to the extent fea-  
45 sible, of the consequences of alternative programs of public  
46 action.

47 (6) A statement of the assumptions regarding private devel-  
48 opment, and future development for public use by public  
49 agencies upon which the immediate and long-range programs  
50 are based.



1 Article 2. Adoption and Amendment of Resources Plan

2  
3 62765. Not later than three years from the date of the or-  
4 ganization meeting of the first agency board, the agency board  
5 shall adopt a resources plan containing all of the elements  
6 specified in Section 62751. From time to time during the three-  
7 year period, the agency board may adopt one or more elements  
8 of the plan; provided, that at least one such element shall be  
9 adopted during each year of the three-year period.

10 62766. Except as provided in subdivision (a) of Section  
11 62751, the agency board at any time may amend or repeal all  
12 or any part of the resources plan or any element thereof and  
13 may adopt all or any part of a new resources plan or element  
14 thereof. The agency planning director and the agency board  
15 shall continuously review the resources plan and the various  
16 elements thereof and the board shall make such changes therein  
17 as it deems advisable.

18 62767. The agency board may by resolution direct the  
19 agency planning director to prepare and submit all or any part  
20 of a proposed resources plan or any amendment thereof. The  
21 resolution shall describe, in brief and general terms, the nature,  
22 location and extent of the proposed plan or amendment. The  
23 agency planning director, on his own initiative, may prepare  
24 and submit proposed amendments to the resources plan.

25 62768. Upon completion of all or any part of a proposed  
26 resources plan or any amendment thereof, the agency planning  
27 director shall submit the same to the agency board. Thereupon  
28 the board shall adopt a resolution providing for a hearing on  
29 the question of whether the proposed plan, portion of a plan  
30 or amendment should be approved and adopted by the board.

31 62769. A resolution providing for a hearing shall:

32 (a) Concisely summarize the substance of the proposed plan,  
33 portion of a plan or amendment and refer to the same, on file  
34 with the agency planning director, for a full and complete de-  
35 scription thereof;

36 (b) Indicate where the proposed plan, portion of a plan or  
37 amendment may be examined and where copies thereof may be  
38 obtained;

39 (c) Fix a time, not less than 15 days or more than 75 days  
40 after adoption of such resolution, and the place of hearing by  
41 the agency board on the question of whether the proposed plan,  
42 portion of a plan or amendment should be approved and  
43 adopted by the board.

44 62770. The agency clerk shall give notice of any such hear-  
45 ing by publication and by posting. Mailed notice of hearing  
46 shall be given to each county and city and to any other public  
47 agency or private person who shall have filed a written request  
48 with the agency clerk for mailed notice thereof.

49 62771. After the hearing, the agency board may, wholly or  
50 partially approve or disapprove the proposed resources plan,  
51 portion of a plan or amendment, as filed with the agency di-  
52 rector, or it may order any changes therein which it deems

1 advisable. The agency board shall approve and adopt any such  
2 plan, portion of a plan or amendment by ordinance. Such  
3 ordinances shall be adopted by majority vote of the agency  
4 board.

5 62780. A specific plan shall be based upon and conform to  
6 the resources plan or to any individual element thereof and  
7 may cover any portion or portions of such such plan or ele-  
8 ment thereof. A specific plan shall be prepared in such detail  
9 as may be necessary to provide for the particular and syste-  
10 matic effectuation of the portion or portions of the resources  
11 plan covered thereby. A specific plan shall contain such state-  
12 ments, objectives, policies and standards as may be necessary  
13 for its effectuation.

#### 14 15 Article 2. Adoption and Amendment of Specific Plan

16  
17 62790. At any time after the adoption of all or any portion  
18 of a resources plan, the agency board may adopt or amend one  
19 or more specific plans covering any portion or portions of the  
20 resources plan.

21 62791. A specific plan or any amendment thereto shall be  
22 prepared and adopted in the same manner provided for a  
23 resources plan, as set forth in Article 2 (commencing with  
24 Section 62765), Chapter 3 of this part.

### 25 26 CHAPTER 5. EFFECTUATION OF THE RESOURCES PLAN

#### 27 28 Article 1. Mandatory Elements

29  
30 62930. This article shall apply only to the elements of the  
31 resources plan designated in subdivisions (b) to (e), inclusive,  
32 of Section 62751. For the purpose of effectuating the objec-  
33 tives and policies set forth in the plan for such elements, the  
34 agency board by one or more ordinances may prescribe rules  
35 and regulations which must be complied with by affected pri-  
36 vate persons and in any plan or in any ordinance or regula-  
37 tion of a local agency relating to planning or to the regulation  
38 and control of development.

39 62931. The rules and regulations prescribed in any ordi-  
40 nance shall be limited to those specific matters which have a  
41 direct and substantial effect upon the accomplishment of the  
42 objectives and policies set forth in the resources plan or indi-  
43 vidual elements thereof and shall be no broader or more strin-  
44 gent than is reasonably necessary for the accomplishment of  
45 such regional objectives and policies. The agency board may  
46 not exercise any powers vested by law in local agencies per-  
47 taining to plans for development or ordinances regulating and  
48 controlling development or preexisting uses and structures but  
49 any local agency exercising such powers shall comply with the  
50 rules and regulations prescribed by the agency board.

51 62932. The plans of all local agencies shall be consistent  
52 with any regional rules or regulations prescribed pursuant to

1 Sections 62930 and 62931. The ordinances or regulations of all  
2 local agencies regulating and controlling development shall be  
3 consistent with the regional rules and regulations of the  
4 agency board prescribed pursuant to Sections 62930 and  
5 62931.

6 62933. If the regional planning director concludes that  
7 there is any inconsistency between the agency resources plan  
8 or individual elements thereof and the existing or proposed  
9 plans of a local agency or between the rules and regulations  
10 prescribed by the agency board and the provisions of any  
11 existing or proposed ordinance or regulation of a local agency,  
12 the director shall give mailed notice of nonconformity to the  
13 local agency. The director shall notify any affected private  
14 persons of any inconsistency in the same manner.

15 62934. A notice of nonconformity shall identify the inconsis-  
16 tency and contain a statement of facts and reasons support-  
17 ing the agency planning director's conclusion of inconsistency.

18 62935. Within 90 days after the giving of mailed notice of  
19 nonconformity or within such additional time as the agency  
20 planning director may authorize, the local agency or affected  
21 private person shall either (i) take such steps as may be nec-  
22 essary to eliminate the inconsistency or (ii) file an application  
23 with the director requesting a hearing and determination by  
24 the agency board on the question of inconsistency. Any such  
25 application shall contain a statement of facts and reasons sup-  
26 porting the conclusion that there is no inconsistency.

27 62936. Upon the filing with the agency planning director  
28 of an application requesting a hearing and determination by  
29 the agency board on the question of inconsistency, the director  
30 shall fix a time and place of hearing on the question and give  
31 mailed notice thereof to the local agency or affected private  
32 person. The date of the hearing shall be at least 15 days after  
33 the date of mailing of the notice.

34 62937. At the hearing the agency board shall consider the  
35 agency planning director's written notice of nonconformity  
36 and the application for a hearing. The agency board shall  
37 receive evidence from the director, authorized representatives  
38 of the local agency and any other interested public agency or  
39 private person. At the conclusion of the hearing, if the board  
40 is of the opinion that an inconsistency exists, the board may  
41 adopt an order directing the local agency to cease and desist  
42 from enforcing any inconsistent provisions of any existing  
43 plan, ordinance or regulation of the local agency or from  
44 adopting any proposed plan, ordinance or regulation, or any  
45 amendments to any thereof, containing inconsistent provisions;  
46 in the case of a private person the order shall direct the pri-  
47 vate person to cease and desist from the specific action found  
48 inconsistent with the resources plan. Any violation of a cease  
49 and desist order may be enjoined by the superior court in any  
50 county on application of the agency. Injunctive proceedings

1 shall be governed by Chapter 3 (commencing with Section  
2 525), Title 7, Part 2 of the Code of Civil Procedure except  
3 that no undertaking shall be required in any action com-  
4 menced by the agency.

#### 5 CHAPTER 6. INTERIM PLANS

6  
7  
8 62955. Pending adoption of a resources plan containing all  
9 of the mandatory elements specified in Section 62751, the  
10 agency board is authorized to adopt, on an interim basis, any  
11 or all of the plans and ordinances authorized by Chapters 3  
12 (commencing with Section 62750) to 5 (commencing with  
13 Section 62930), inclusive, of this part.

14 62956. The following plans, insofar as they relate to terri-  
15 tory within the region, are hereby approved and shall consti-  
16 tute interim plans of the agency:

17 (a) The San Francisco Bay Plan as adopted and hereafter  
18 amended pursuant to the provisions of Chapter 5 (commenc-  
19 ing with Section 66650) of Title 7.2.

20 62957. Not less than 30 days or more than 270 days from  
21 the date of the organization meeting of the first agency board,  
22 the board shall adopt an interim resources plan containing all  
23 other of the elements specified in Section 62751.

24 62958. Interim plans and ordinances may be amended by  
25 the agency board any time prior to adoption of the resources  
26 plan.

27 62959. Interim plans and ordinances shall be adopted and  
28 amended in the manner elsewhere provided in this part for the  
29 adoption and amendment of other plans and ordinances.

#### 30 CHAPTER 7. LOCAL PLANS

##### 31 Article 1. Adoption of Local Plans and Ordinances

32  
33 62965. Except as otherwise provided in this article, the  
34 legislative body of any local agency may adopt plans and  
35 ordinances and regulations relating to planning or to the  
36 regulation and control of development.

37 62966. The agency board may authorize the agency plan-  
38 ning director, by rule, to specify data, including projections of  
39 population growth and economic activity, which must be em-  
40 ployed by local agencies in the preparation of local plans and  
41 ordinances or regulations relating to planning or to the regula-  
42 tion and control of development or of preexisting uses or  
43 structures. If the legislative body of the local agency deter-  
44 mines that such data is inaccurate, it may employ data which  
45 in its opinion is accurate, in which case, it shall furnish the  
46 director with a statement of reasons why it has rejected the  
47 director's data.

48 62967. The adoption by the agency board of any plan or  
49 ordinance authorized by Chapters 3 (commencing with Sec-  
50  
51

1 tion 62750) to 6 (commencing with Section 62955), inclusive,  
 2 of this part shall not preclude the adoption by a local agency  
 3 of any plan or any ordinances or regulations affecting any of  
 4 the mandatory elements of the resources plan, as designated  
 5 in Section 62751.

6 Each such local plan, ordinance or regulation, however, shall  
 7 be subject to the provisions of Article 1 (commencing with  
 8 Section 62930) of Chapter 5 of this part.

9

## 10 Article 2. Filing of Local Plans and Ordinances

11

12 62975. Upon written request by the agency planning direc-  
 13 tor, the officers of each local agency shall furnish lists of or  
 14 make available to the director full and complete information  
 15 concerning the nature and extent of all existing local plans and  
 16 ordinances and regulations relating to planning or to the  
 17 regulation and control of development which may have a  
 18 direct or substantial effect upon any of the matters covered  
 19 by the mandatory elements of the agency plan.

20 62976. The agency board may adopt an ordinance designat-  
 21 ing, or authorizing the agency planning director to designate  
 22 by rule, those existing plans, ordinances and regulations of  
 23 each local agency, certified copies of which must be filed with  
 24 the agency planning director pursuant to Section 62975. The  
 25 agency planning director shall give mailed notice to each such  
 26 local agency designating the instruments, certified copies of  
 27 which must be filed with the director. Such certified copies  
 28 shall be filed with the director within 30 days of the date of  
 29 giving notice or such additional periods as the director may  
 30 authorize.

31 62977. Any local agency proposing to adopt or amend any  
 32 local plan or ordinance or regulation pertaining to planning  
 33 or to the regulation and control of development in such a  
 34 manner as to have a direct or substantial effect on any of the  
 35 matters covered by the mandatory elements of the agency plan  
 36 shall cause mailed notice thereof to be given to the agency  
 37 planning director at least 30 days prior to the date of adoption  
 38 or amendment thereof. Upon request by the local agency, the  
 39 director may waive the requirement of such notice of the  
 40 proposed adoption of an urgency ordinance.

41

## 42 DIVISION 4. FINANCE

43

### 44 PART 1. IN GENERAL

45

46 63400. The Legislature finds and declares: that property  
 47 taxes are one of the principal sources of income and revenue  
 48 to local agencies providing essential public services within the  
 49 region; that in many areas high property taxes result in  
 50 unduly heavy burdens upon property owners, inhibit the fur-  
 51 nishing of needed public services; that the functions of the

1 agency are not intended to supplant the functions of local  
2 governments but rather to assist local governments by relieving  
3 them of those functions that cannot be adequately discharged  
4 on a local basis; that taxes to finance the agency should not  
5 unreasonably burden property taxation.

6 63401. The Legislature further finds and declares: that the  
7 costs and expenses of the agency should be financed from  
8 income and revenue other than property taxes.

9  
10 **PART 2. BUDGET**

11  
12 **CHAPTER 1. BUDGET**

13  
14 63405. The fiscal year of the agency shall begin on July 1  
15 of each year and end upon June 30 of the following year.

16 63406. At such time as the agency board may prescribe, but  
17 not later than the first regular meeting of the board in May  
18 of each year, the agency administrative officer shall prepare  
19 and submit to the board a budget estimate of the expense of  
20 conducting the agency for the ensuing fiscal year.

21 63407. The budget estimate shall be in such form as the  
22 agency may prescribe. The budget estimate shall contain a  
23 summary of the fiscal policy of the agency for the budget year  
24 and shall include data showing the relation between the total  
25 proposed expenditures and the total anticipated income or  
26 other means of financing the budget for the ensuing year,  
27 contrasted with the corresponding data for the current year.  
28 The budget estimate shall also contain a statement of the  
29 resources of the general reserve fund to be carried over to  
30 the ensuing fiscal year. The budget estimate may include an  
31 unappropriated balance item to be available for appropriation  
32 in the ensuing fiscal year to meet unforeseen contingencies,  
33 other than contingencies resulting from temporary insufficiencies  
34 in the revenues of the agency.

35 63408. After submission of the budget estimate, the agency  
36 board shall fix a time and place for hearing by the board  
37 thereon. The agency clerk shall publish notice of such hearing  
38 in the official agency newspaper and give mailed notice of such  
39 hearing to each county and city.

40 63409. The agency board may increase or decrease any item  
41 in the budget estimate and may delete any item therefrom or  
42 add any new item thereto.

43 63410. Upon the conclusion of the hearing and not later  
44 than June 30, the agency board shall approve the budget  
45 estimate, as submitted by the agency administrative officer or  
46 as revised by the board, and thereupon the same shall consti-  
47 tute the final budget for the ensuing fiscal year.

48 63415. The several items of the final budget shall be deemed  
49 appropriated for the ensuing fiscal year in the amounts and  
50 for the purposes specified in the final budget.

51 63416. For the purpose providing against temporary in-  
52 sufficiencies in the revenues of the agency and of keeping the

1 payment of the operating expenses of the agency on a cash  
 2 basis, the regional board shall cause to be created and main-  
 3 tained in the regional treasury a permanent revolving fund  
 4 known and designated as the "general reserve fund." The  
 5 fund shall be maintained in such amount as the agency board  
 6 may specify but shall be sufficient to meet all estimated  
 7 demands against the treasury for a period of not less than  
 8 three months or more than six months.

9 63417. If at any time the revenues of the agency shall be  
 10 insufficient to pay any demand against the agency treasury, as  
 11 the same becomes due and payable, the agency auditor may  
 12 transfer moneys from the general reserve fund to the fund or  
 13 account in the treasury from which any such demand is  
 14 payable. Any amount so transferred shall be deemed a loan to  
 15 the fund or account to which transferred and, upon receipt of  
 16 revenues, the auditor shall retransfer such amount to the  
 17 general reserve fund.

### 18 PART 3. REVENUE AND TAXATION

19  
 20  
 21 63445. The agency may impose, by ordinance, on each  
 22 deed, instrument, or writing by which any lands, tenements,  
 23 or other realty sold within the agency shall be granted, as-  
 24 signed, transferred or otherwise conveyed to, or vested in, the  
 25 purchaser or purchasers, or any other person or persons, by  
 26 his or their direction, when the consideration or value of the  
 27 interest or property conveyed (exclusive of the value of any  
 28 lien or encumbrance remaining thereon at the time of sale)  
 29 exceeds one hundred dollars (\$100), a tax at a rate not to  
 30 exceed twenty cents (\$.20) for each five hundred dollars  
 31 (\$500) or fractional part thereof.

32 63446. The documentary transfer tax shall be paid by any  
 33 person who makes, signs, or issues any document or instru-  
 34 ment subject to the tax, or for whose use or benefit the same  
 35 is made, signed or issued.

36 The tax shall not be imposed upon any instruments con-  
 37 tained within the provisions of Chapter 3 (commencing with  
 38 Section 11921) of Part 6.7 of Division 2 of the Revenue and  
 39 Taxation Code.

40 63447. (a) Every document subject to the documentary  
 41 transfer tax which is submitted to a county for recordation  
 42 shall show on the face of the document the amount of tax due.  
 43 If the party submitting the document for recordation so re-  
 44 quests, the amount of tax due shall be shown on a separate  
 45 paper which shall be affixed to the document by the recorder  
 46 after the permanent record is made and before the original is  
 47 returned as specified in Section 27321.

48 (b) The county recorder shall not record any deed, instru-  
 49 ment or writing subject to the documentary transfer tax, un-  
 50 less the tax is paid at the time of recording. A declaration of  
 51 the amount of tax due, signed by the party determining the  
 52 tax or his agent, shall appear on the face of the document or

1 on a separate paper in compliance with subdivision (a) of this  
 2 section, and the recorder may rely thereon; provided he has  
 3 no reason to believe that the full amount of the tax due has  
 4 not been paid. The declaration shall include a statement that  
 5 the consideration or value on which the tax due was computed  
 6 was, or that it was not, exclusive of the value of a lien or en-  
 7 cumbrance remaining on the interest or property conveyed at  
 8 the time of sale. Failure to collect the tax due shall not affect  
 9 the constructive notice otherwise imparted by recording a  
 10 deed, instrument or writing.

11 (c) The county recorder of each county within the agency  
 12 shall transfer the amount of documentary transfer taxes col-  
 13 lected for the agency to the agency treasurer.

14 (d) The tax collected by the county for the agency shall be  
 15 in addition to any documentary transfer taxes collected by the  
 16 county for a city or for the county.

## 17 18 PART 4. INDEBTEDNESS

### 19 20 CHAPTER 1. TEMPORARY BORROWING

21  
22 63720. For the purpose of payment of operating and other  
 23 expenses during the period ending with the second full fiscal  
 24 year following the organization meeting of the first agency  
 25 board, the board may borrow money and issue notes in anti-  
 26 cipation of receipt of any taxes imposed pursuant to Chapter 1  
 27 (commencing with Section 63445), Part 3 of this division.  
 28 Any such notes may mature and may be made payable  
 29 not later than the end of said second full fiscal year. The prin-  
 30 cipal sum borrowed, together with all interest and any other  
 31 amounts to become due and payable to the holders of the notes,  
 32 shall not exceed the estimated amount to be received from  
 33 taxes imposed pursuant to Chapter 1 (commencing with Sec-  
 34 tion 63445) of Part 3 of this division. Except as otherwise pro-  
 35 vided in this section, the notes shall be authorized and issued  
 36 pursuant to Sections 53853 to 53857, inclusive.

37 63721. At any time prior to the first receipt by the agency  
 38 of funds from taxation, any local agency within the region may  
 39 loan any available money to the agency for the purposes of  
 40 organization and operation. Such expenditures shall constitute  
 41 a proper expenditure of local agency funds.

42 63722. The provisions of Article 7.6 (commencing with  
 43 Section 53850), Chapter 4, Part 1, Division 2 of Title 5 are  
 44 incorporated by reference and shall apply to temporary bor-  
 45 rowing by the agency.

## 46 47 PART 5. TERMINATION OF THE METROPOLITAN 48 TRANSPORTATION COMMISSION

49  
50 63800. Notwithstanding any other provision of law the  
 51 Metropolitan Transportation Commission shall cease to exist  
 52 upon the adoption of an ordinance by the agency governing



1 board providing for the termination of the Metropolitan  
2 Transportation Commission and the assumption of the agency  
3 of the responsibility for regional transportation planning pur-  
4 suant to the provisions of this title upon the date prescribed in  
5 the ordinance. The ordinance shall provide for the orderly  
6 transfer of the employees, documents, and commission prop-  
7 erty to the agency. The agency shall have no other responsi-  
8 bilities with respect to the Metropolitan Transportation Com-  
9 mission and shall not assume any transportation planning  
10 functions except those provided in this title.

Chairman BOLLING. Thank you very much, Mr. Knox.

Mr. Brown.

Representative BROWN. I noted in the Bay area plan the areas of activity of the regional organization which I guess is what, ABAG?

Mr. Knox. Correct.

Representative BROWN. Could you put together a generalized list of those areas of problems that to you are appropriate to a regional organization?

Mr. Knox. Yes, I can. As a matter of fact, they are listed in the legislation I am carrying in the California Legislature at the present time.

The pressing regional problems are mostly environmental, those are the ones we are dealing with, open space, water quality, air pollution, transportation, as it is related to the environment, freeways, and rapid transit.

Representative BROWN. You separate transportation into an environmental problem?

Mr. Knox. Yes, sir.

Representative BROWN. Alone?

Mr. Knox. Yes sir. You see, that is why I think we need the multipurpose organization. All of these problems are interrelated. If you are going to build a freeway you are making a smog decision. If you are building an airport you are making a decision with respect to traffic, open space, and we are saying we have to have a multipurpose decisionmaking potential so you don't have one fellow worrying about airports and another fellow worrying about something else.

My favorite example is we have spent over \$1 billion on the transportation system, it is supposed to be the finest in the world, and they didn't run it to either of the metropolitan airports. In fact, it goes right by the Oakland Airport.

You have one guy worrying about commuters on trains and somebody else worrying about airports, and now they are going to have to spend additional funds in order to connect that up. But they are environmental primarily.

There are other regional problems which are adverted to which is very difficult and controversial and housing is probably the plainest one.

Representative BROWN. Well, I have three generalized areas, if I may, out of that.

Rather than environmental and housing, I would separate transportation out as a specialized problem that perhaps cuts across the environmental lines, but is also an individual problem in itself.

Are there others that you think would be appropriate to an area as large as the Bay area?

Mr. Knox. Those are the principal problems.

Representative BROWN. This is a game anyone can play, if you have a thought to contribute.

Mr. Borr. Yes, the plan of ABAG involves certain actions and I think we haven't talked about the most important one in the plan. That is land use, open space preservation of green belts, recreation, and parks. Very frankly, our work has indicated, and John Knox has indicated, that everything has a relationship to the other factors,

and he and I agree completely that there needs to be a comprehensive plan and a rather thorough study of the impact of one plan to another, and I think transportation is perhaps the best example because people are going to go where they can go and you probably can direct housing, industrial development, open space, better by a transportation plan than you can anything else.

Representative BROWN. That is why I would separate transportation from environment. I think it applies to housing, although I suppose you made a point of housing as it relates to the environment.

Mr. BORT. For instance, in the Bay area, one of the most emotional plans is the discussion of whether we should build a seventh bridge across the bay. We have six bridges. The seventh is called the Southern Crossing and it raises questions as to whether it will get more automobiles into downtown. San Francisco, whether it is unduly competitive with our billion-dollar rapid transit system, whether it will cause more air pollution, by encouraging more cars, and whether it will damage the Bay by construction of access roads. I would say, 10 years ago there would have been no possibility not to have had public support for the building of the Southern Crossing. Today they will probably vote against it and very frankly the reason they are going to vote against it is air pollution. That is the major issue.

Representative BROWN. Who is "they"?

Mr. BORT. The people.

Representative BROWN. Who?

Mr. BORT. The whole constituency of the San Francisco Bay area.

Mr. KNOX. We have a peculiar situation. The bill passed the legislature to prevent the bridge, without further legislative authority, and Governor Reagan in his wisdom vetoed it and announced he would go for a bill allowing a plebiscite of the people. I think six of the counties are going to vote. It is bad government, in my judgment, but that is what is going to happen.

Mr. BORT. I don't agree with the plebiscite, either.

I would say the majority opinion is against that bridge, on an environmental basis—air pollution plus the fact that access roads, the freeways, might well have to be built on the shoreline of the bay.

Transportation is a very special project but to do the planning in isolation from its impact on housing, industrial development, the environment, open space, air pollution, would not be acceptable by either side in the bay area today.

Representative BROWN. What you are saying is that the area has been educated to a regional approach to their problems and also an interconnected look at these problems, or a look at the problems as they are interconnected with one another?

Mr. BORT. I would say yes to a very substantial extent, certainly by those people who show vital interest in government.

Representative BROWN. Do you recommend, then, a view of regional government as being imposed from above, or as springing up from the community and the people in those communities in the Bay area region?

Mr. KNOX. It is coming from both directions. We have to remember all of the regional agencies except ABAG were created by legislative act. The people who are interested in this are an interesting

variety. The strongest support we have comes from the industrial community, the bay area council, a very highpowered industrial group. The businessmen are now seeing that they simply have to have some regional decisionmaking machinery or they can't achieve their corporate objectives.

Representative BROWN. Did you leave out a step? Do you have to have regional decisionmaking machinery where they can't achieve their corporate objective? What is the intervening step? Is it used if they could not previously reach a decision?

Mr. KNOX. They can't get decisions, and I can give you one example: The Santa Fe Railroad owns a great deal of the waterfront on the east side and they spent a great deal of money on a plan for that some years ago. They put their vice president on the road, going to lunches with the various—I don't know how many cities are on that shore, five or six in seven counties—and it was impossible because you couldn't get these people to agree. There was no way that a decision could be made on a broad basis, on an intercity-intercounty basis.

We have ABAG which gives the illusion of decisionmaking power but all they do is produce very extensive plans and you pay for it.

ABAG has a budget this year of over \$1.3 million and for the life of me, I can't see what value the spending of a single dollar of that is going to do for the people of the Bay region.

They have said we have had our hearings and talked the thing over and unless everyone of them agrees to it, which is patently impossible—

Mr. BORT. This is where he and I disagree.

ABAG has for a number of years, asked the State Legislature to give us the authority to implement and make a decision, and very frankly, the State Legislature has been very negative, I think they have been very backward and slow and they could have had the job done a long time ago if they merely had passed a statute which said the majority vote of the cities and counties of the area would bind the others.

If John Knox had to get 100 percent decisions through one of his committees, he would be a do-nothing something. The plans have been very valuable, they are there, but without implementation I agree with you they won't be particularly valuable in the future.

However, there has been more value there than he will acknowledge. For example, ABAG signed a contract, a memorandum of understanding, with the state-created Metropolitan Transportation Commission and that Metropolitan Transportation Commission will use the ABAG general plan in making its regional plan.

ABAG is negotiating a memorandum of understanding with the Air Pollution Congrol Board and has a memorandum of understanding with the state-created Bay Conservation Development Commission.

When he says ABAG doesn't have the muscle and can't do the job, I say, of course, we can't, but the reason we can't do it is because he doesn't want us to do it. If you wanted the job done it would be pretty simple.

Chairman BOLLING. May I interject that we knew we were going to have a conflict of views, but we didn't know it was going to be so delightful.

Mr. KNOX. I want to respond briefly to Joe Bort here. ABAG it is true, desires to become a sovereign agency, and they sent us a bill several years ago, an incredible document, which in effect said they have this very complicated procedure for constituent representation and four-fifths of them agreed to it.

They might be able to agree to it, but no city is going to put itself in the situation where the decision for what happens in that city would not be subject to that city's control.

The consensus argument, which is the nature of these constituent assemblies, is made much more eloquently by Mr. Cole from the Minneapolis-St. Paul area and they are moving toward that because that is what the people want and that is what will provide them with the decisionmaking process.

Now, ABAG's wish to have power is kind of a vain wish. A vain wish because they have never told us just exactly what power they have and how they go about exercising it.

There is one argument I must mention and it was a Missouri case, I believe the Hadley case, on the one man-one vote. It made it clear any government that has any kind of sovereign power is subject to the one man-one vote rule.

Under the ABAG system of constituency representation, we have a city of Hercules with 300 people. It is a company town that has a powder plant and then we have other cities, several of them with 80,000-plus.

In the selection of the delegates to ABAG, Hercules gets the same vote as Richmond, which has 85,000.

Representative BROWN. That is your hometown?

Mr. KNOX. Yes, sir. There is no way on earth to comply with the one-man-one-vote rule under the constituency representation system, and if we did it that way I am satisfied the first suit filed would have the Supreme Court of California, if not of the United States, order us to comply.

The Hadley case has taken us down the road. It is quite obvious to me the one-man-one-vote is the rule of the day in any government.

Representative BROWN. Is it your thought that the system of resolving the ABAG problems then become a statewide system that really reposes the legislature. Apparently there is agreement here that ABAG has possibilities and that it obviously has specific limitations in terms of what it can do and enforce; or would you leave it as it is, which would require a consensus due from beneath?

Mr. KNOX. Well, ABAG was self-created, it was not created by the legislature, where the agencies can contract with each other and it is a contract. Incidentally, if they did want to contract to give the agency power, they could, but they obviously are unable to do so. Their desire to gain power is to have us impose it. They are unable to create it themselves.

Representative BROWN. The ABAG would like to have the legislature impose it?

Mr. BORT. As long as you give me a chance I will let you go but John Knox has told you several things that just aren't accurate. It isn't that we disagree philosophically, his statement of fact is wrong.

Representative BROWN. Let me proceed and then I will return to you. Having started the fight, I will leave the chairman to referee it.

I ascertain that it is your feeling that the ABAG has certain opportunities to accomplish matters and that it has limitations in its power to impose solutions to these problems.

What is your feeling about it with reference to how the problems can be solved, or should they be solved at the local government level, or some system be worked out to provide for this regional government?

Mr. KNOX. No, I don't think ABAG, as it is constituted, is ever going to be of any substantial assistance in solving the problems because now we have reached the tough decisionmaking era. They have hired planners and put out plans in several colors.

I will modify my remarks to say I think that is useful work up to a point, but if it is going to put the plans on the shelf and say wouldn't it be nice if things were like that, it is not of much value to anyone. I think we have to create a new organization. I think it is incumbent upon the legislature to do it, which is directly elected and charged with certain defined responsibilities, and I think that is the only way we are ultimately going to solve our regional problems.

Representative BROWN. A governmental organization or ABAG drawing its authority from—

Mr. KNOX. Not for ABAG, a new governmental authority. I have the proposal here. We call it a planning and conservation agency, I believe, and it is a 40-man legislative body directly elected from districts with procedures so we are sure that people in the ghetto have representation and the suburban people have representation, on so on. They would meet and be a legislative body and have sovereign powers in certain defined areas.

Representative BROWN. Are you prepared to put that in the record? Is it in such form?

Mr. KNOX. Yes, sir; I have attached it to my statement.

Chairman BOLLING. Without objection, the material will be included in the record.<sup>1</sup>

Representative BROWN. Would that be only a regional constituency, then, or would it be a statewide constituency?

Mr. KNOX. Only for the bay area. The demand we are getting is for the San Francisco Bay region. There are studies under way in Southern California. I am in hopes the one regional county we have, San Diego, will strengthen its board of supervisors and become the regional agency.

In the bay area we have nine separate county governments and our problem was created by the King of Spain many years ago, through the issuance of land grants and they have no relation in most cases whatsoever to the population trends or problems. Also, we have 90 cities-plus, and we have to have some way to coordinate.

I remember describing this to Governor Reagan several years ago

<sup>1</sup> The material referred to may be found on p. 628.

and he had an original reaction after I got through explaining why we needed it and he said, "John, why can't you form it into one county?"

And I responded that the fellows at the Geneva Test Ban really have a much easier job than to try to confine those nine counties.

Representative BROWN. Mr. Bort, and Mr. Knox, I am sorry to leave but I have a meeting in my office. I am sure that you will find the chairman eminently fair.

Mr. KNOX. I appreciate that.

Representative BROWN. If you will excuse me, I must say to Mr. Knox in conclusion, that you sort of described the pocket bureaus. I thought that as bad a system as it is, the English Government seems to have survived. Now you are on to the Spanish Government, and I guess if I have a choice, I will take the English system, because Spain doesn't seem to have survived so well.

Chairman BOLLING. The conflict that you have is sort of a classic one, as I am sure you know.

I don't want to be too personal about this, but if there is anything you need about my background it is that I was born in the city of New York, that I grew up in northern Alabama, but I had the opportunity to work in the Far West and in the upper Middlewest and I have been in every State in the Union except one for more than a plane stop.

I approach the dilemma that we all confront. We confront the common dilemma of whether we can make the institutions of the society work adequately enough for the society to continue as not a homogeneous whole but at least a related whole, and I have come to some conclusions something like this: A very broad and general and very untheoretical term—that is, as far as solving the problems of the country as a whole. What we need to do is to develop some kind of an umbrella approach at the national level that will enable the infinite variety of local constituencies and present institutions to follow pretty much their own devices in developing the new techniques which are effective for them.

We have so many unique accumulations of people if we can put it in those highly impersonal terms, which are governed in so many different ways that it seems to me that the dilemma that we deal with at the national level is the dilemma of two kinds of power.

We are dealing with the problem of maintaining a valid opportunity for people to exercise their ultimate power, and we are dealing with the power that stems from their conscious or unconscious, but in any event, actual delegation of an enormous amount of power to the Federal Government.

Now, I don't know what it is like out in your territory and I am sure you can tell me more explicitly, but I do know about my own, for obvious reasons.

One agency of the Federal Government in Jackson County, Mo., of which my district, Kansas City, is a part one agency of the Federal Government, the Veterans' Administration, spends substantially more in that area than does the county government.

One agency of the Federal Government, and this is relatively unfair, as you all recognize, the Social Security Administration spends

a great deal more than the city government. That may not be representative of all of the various governmental institutions, but the truth of the matter is that right or wrong, a vast amount of the money power in terms of the expenditure of tax dollars starts up here. Maybe it shouldn't have, maybe we shouldn't have gotten involved in all of these programs I have always been for, but in any event we did, and it seems to me it would not be a bad idea, given the infinite variety of the society in the country, to figure out some way to decentralize the exercise of that power.

I don't mean in a legislative sense, I mean in the sense of getting the decisionmaking on how the chunks of money that will be used away from Washington. I am not afraid of big government, or anything like that, but how do we get it out of here, and how do we get it out of here without having it arrive in these regions so fractionalized? When HUD and HEW with regional directors aren't speaking to each other, you can't get any coordination and how do you get it out of there so that the decision that is made out there is a final decision so that you aren't always watching your plan nicely approved because you have an opportunity to deal with the guys there, come back up here to where they never heard of it before and they have a different view.

How do you get it approved out there? One of the things I have been playing with, and I want you to shoot at this, you both are obviously good shooters, I want you take a good hard shot at it from your different views of how you solve the regional problems.

Suppose we just took that little portion of the Presidential power that deals with domestic affairs, which is presently delegated to his top assistants, the deputy secretaries, that they don't have any life of their own unless Congress gets silly and gives it to them, as they did to Ickes when they gave him helium before World War II, just to slap Roosevelt. They didn't like Ickes or Roosevelt, but they could not slap Roosevelt who they liked less than Ickes. No department man has really any powers of his own except when Congress makes the mistake of disintegrating the decisionmaking power of the Chief Executive.

How do you get out there and how do you get it reasonable?

Now, the thing that occurs to me, and it seems to me that may or may not make any sense, is that you get the President to put that portion of his powers that have nothing to do with foreign affairs in the hands of 10 regional directors, who do not stem from this department or that department but who are above it, and call them regional czars. They don't have any new power. It is just changed so they have a power there instead of here and it is subject to a veto only on very carefully defined terms laid down presumably by a President.

Now, that is all they can do. They have the line function of deciding the conflicts between the departments when there is the inevitable overlap.

I don't know what experience you have had but I know what I have had and it's awful. Unless you get really superior people as the regional directors you are dead, really.

Now, at the same time you do something else on planning and I don't really much care how they work it out, how it is worked out in



the areas. I am just talking about one power. You write a law, a Federal law that describes some limits on planning; that planning decisions can be made only by elected officials; that they can be made only by elected officials involved in that particular, whatever the planning entity is. It could be a metro plan, it could be a regional plan, it could be something else.

We will leave that to the people out there to make up their minds. They can hire anybody they want to, planners, lawyers, practical men, deep thinkers who are practical men, deep thinkers who are not.

I think all of them play a useful role and those plans never go above the region, they never come up here.

Those plans and the expenditures of Federal money in connection with those plans never come up here except when the very people who make them, the certain substantial percentage of the very people who approve those plans ask for consideration of the veto at the regional level.

We are talking about the power of man and the power of planning and the power of money being exercised as the leverage on the planner.

MR. KNOX. I have argued that the way to reverse the trend of power fully from a whole—a home rule situation to Sacramento and to Washington is by getting a proper decisionmaking process at the local level which you can't do with the vulcanized situation we have in many urban regions of this country. Anything that would encourage the taking of reins by people in the urban regions is bound to be valuable, in my judgment. If by having a regional czar you could solve the interdepartmental problems with the Feds, and in addition too that if the region can get together to decide what their priorities are, then they might have some place to go to say this is what we want, and it would be their decision.

But we like to think that it might be extremely persuasive if the Federal Government was convinced there was a truly responsive public agency that after proper evaluation did decide what their priorities are. We feel very strongly there would be a good possibility that the Federal Government would accede to those wishes which in and of itself would remove the power from Washington and give it back to the local people. And if the plan you describe would give them some way of communication with the interdepartmental Federal officials, I think it could be.

Chairman BOLLING. The real key to this thing, if it makes any sense at all, is that you don't have some guy who came from Department X moving in as a Federal czar. I have been around here long enough to watch, during the Korean thing, there were only two places you could go. You could go to the industry, which you usually had to do to get the guys who knew enough about the material or go to the academic—or to go to some miracle man who with such quick study would know nothing about it one day and all the next. There are such people and the dilemma is what you have to have out there is a man who is a little president, who has a generalist's job rather than a particularist's job. Otherwise you have this ball bouncing,

this yo-yo business, of never being quite able to get it finally done on a coordinated basis.

The three of us must make a good representation of a variety of dilemmas and we happen to have right here in one room three of the major dilemmas, because we confront each area, we each have a different constituency and different problems. But I only deal with one kind of thing. I have nothing to do with your State government. I have nothing to do with your local government. And I have a lot to do with a lot of money that gets into your government, and all I am trying to figure out is how to do my job, which is to get this power, this enormous money power—and you can tell me I don't know how much is spent in the Bay area, but it is quite a lot—we get it away from here so that the decisions are actually made there. In any sanity, I would think, that a President, when he got around to appointing a regional man, might conceivably appoint somebody from that region.

Mr. KNOX. Yes.

Chairman BOLLING. So there are a lot of possibilities.

Mr. BORT. Let me make a comment. If you look at my prepared statement, it gives a breakdown of the money expenditures in the Bay area. It shows the Federal Government is the largest even though we have excluded Social Security, FHA and Federal contracts.

What I have asked for, in a sense, was a council which could be well directed by the Presidential appointment. As long as the Federal Government is divided up the way it is, that is, with a lot of money and power coming from HUD or from the Department of Transportation, of HEW, etc., I have suggested that you have a Federal representative from each field which could be directly related to the President, that the State government supply five people and that the local government five, and this council would be the overseer of the priority and regional level of performance.

I might point out something I was unaware of previously. After World War II there was a San Francisco field office of the Bureau of the Budget in collaboration with Governors, mayors, county supervisors for five Western States that operated a successful Pacific Coast Board of Intergovernmental Relations, and in a sense I am asking for a return to this type of operation. I have tried to emphasize that we have a lot of functional planning. However, we are not relating the money we get from HUD or HEW or the Department of Transportation, with each other, and in many cases the planning is done independently.

So I very much favor something in the direction that you suggested. I have asked that it be called an intergovernmental planning act, and that it would have an opportunity to allocate funds on a priority basis.

Chairman BOLLING. In other words, you don't really have any problem with the idea of the guy being out there and having power to make the Presidential decision instead of coming around and coming back here to be decided?

Mr. BORT. That is right. My reaction against it was only to a setup that might create a little president or a little czar.

Chairman BOLLING. Well, there you get into a constituency problem. I have been involved in congressional reform and what I have tried to look at is the power. That is what politics is all about. I don't have to tell either of you gentleman. You get elected to office and you have a little power and somebody gave it to you and they gave it to you for a relatively short term and you are answerable to them, and that is really what we are talking about.

There is no point in pretending it is something else. The President is clearly the guy with the bigger constituency and the biggest powers and he organizes his exercise of that power in a certain way.

This President has made some changes that I happen to approve of thoroughly. He set up 10 regions, he has shifted the Bureau of the Budget to the Office of Management and Budget, and it just seems to me we are at a point where it is very important and even possible to consider the kind of drastic shift that will, to use the fancy words, "rationalize the present insanity of the Federal Government."

I have a regional office in Kansas City. It is a great convenience. I have fought like hell successfully to keep it when the President tried to take it away, but out there you have this situation where HUD and HEW are looking at each other, unless they finally get together, as if they had never seen each other, as if they came from different countries. It doesn't make any sense.

I should think it would drive you insane. It bothers me up here.

Mr. KNOX. It does.

Chairman BOLLING. What I am trying to figure out is how do you get there and I don't much care, frankly. I happen to believe that different groups of people in the United States evolve their governmental systems their way. For example, your state is so much more modern in my view, in a whole range of ways, than mine, in its treatment of people, and it is almost as if we were not part of the same country.

But I think we have to have diversity. What I am trying to figure out is the way you blow the power out of here and still allow for the diversity, and I have got another sort of ingenious thing that I have been kicking around and I wouldn't want you to think I started out these hearings with my mind made up, as so many of us do, because I still haven't made up my mind.

But I have a strong suspicion we need, each of us, you and I, need to be harassed a little more by our constituents. I know I am more insulated than any of you, I am farther away, but I think we have to figure out some way to get an elected official available who represents so small a constituency that the people can actually walk around the block and see him, and I haven't figured that one out yet.

But the Federal official represents the smallest number of people at the Federal level, and I represent 460,000 people after the next redistricting, and that is too many. I am the last Federal official that can have personal relationship with his constituents, I and my 430-odd colleagues, and we have got to figure out some way to break it down unless there is an awful lot of good will on the part of a Congressman he really hardly ever talks to people.

Mr. KNOX. I remember opposing a bill that Jess Unruh had years ago to create an ombudsman in the State and I opposed it on the

theory that the elected official is the ombudsman now or should be, if he isn't, and if he had the civil service type of ombudsman he would do the easiest job—

Chairman BOLLING. That is absolutely true. I have never been for an appointed ombudsman but I think I am for the appointment of an elected official who represents 5,000 or 10,000 people and who harasses everybody.

The idea comes from something that a man named Stickley, who was a witness here, said.

What he says, frankly, is that we lose something when we lose the Old Line Republican-Democratic precinct worker. We lose, and for very good reasons, we lose them because the machine in my town and in Philadelphia, to balance it, where it was Republican, were so corrupt that you couldn't afford the system. But the precinct worker who had block workers could really communicate reasonably effectively or he didn't last as a precinct worker.

I am no theoretician and this is my 23d year, but I do think that we have to figure out some way to give the people of the country a real feeling that they have got somebody nearby to get at, that they don't have to call you up to find out they should be talking to the other guy or three other guys. They don't have to constantly write me and I have been here a long time and I am pretty well known. I get more letters than you may believe that maybe should be going to either a city councilman or a State assemblyman, and I don't mind it. Quite often I answer them, sometimes I refer them.

But it seems to me this is a desperately important part of the thing we are all talking about and I am just interested in having people shoot down the business of blowing the power out of here, not increasing it or changing it, just replacing it.

Mr. BORT. I agree fully with your comment and you know the old story about the fellow that got lost hunting and he was half wandering through the woods until he was pretty nearly exhausted and he found an old cabin with a guy sitting on the porch and he said, "Look, I am lost, how do you get to Atlanta?" And the fellow said, "You go down there and turn left. No, you had better not go that way, the bridge, you know, has fallen down. You go down and go through this way. No, the swamp is too full, that wouldn't be good, you go another way."

Finally he looked at him and said, "Mister, if I wanted to go to Atlanta I wouldn't start from here."

Very frankly, it appears to me that a lot of theory that people put together for governmental structures, is on a basis of how they would do it if they didn't have to start from where they were. My approach has been to try to strengthen and use what we have. I want to make it more useful, not less useful, and very frankly, I think the politician closest to the people is the city councilman, and my whole approach to this idea is not to make him less useful. But to preserve the councilman and the supervisor and to give him the responsibility of making total decisions.

Chairman BOLLING. I recognize that.

What I am in essence saying to two people who represent two legitimate but opposing points of view, I can't see what I am thinking

about interferes with your fighting it out in whatever kind of process—

Mr. BORT. It doesn't.

Mr. KNOX. It is helpful, as a matter of fact.

Chairman BOLLING. All I am suggesting is we do something here and get it out of here and it isn't impossible, it is clearly possible both theoretically and practically. You would have an awful struggle on the part of the brothers up here because they would have to figure out a way to develop their countervailing force out in the field because one of the great dilemmas of the Federal Government, one of the reasons that you confront these incredible conflicts and duplications in the Federal Government is the system that we have evolved here where the Reorganization Act of 1946 reduced the number of standing committees in the House of Representatives from 50 to 19 and today we have more standing full committees and subcommittees by three or four than we had in 1946.

It is convenient for us to be chairman of something.

There are some subcommittees around in the House that you never heard of and I never heard of, and we fractionalize ourselves, our powers, to the point where nobody can hold anybody responsible in Congress for what happens, really, neither party, nor the speaker, nor the committee. And to make it more complicated we have allowed those institutional disarrangements to establish serious relations with all the departments and bureaus and the fact that you only have to deal with something like 200 in a thousand categorical programs is some kind of a miracle. It is amazing we didn't get 2,000.

I can't find out how many categorical programs we have. I am going to find out. You get responsible, capable, able people coming up here telling me there are 200, 500, and 1,000, and that is nuts.

If the fact that I feel strongly about it comes through, that is good.

Mr. BORT. That is the way we feel.

Chairman BOLLING. In other words, I have two people who disagree intensely about how you do it locally, who agree that if we do anything to get the Federal power coordinated and more local would be a damned good thing.

Mr. BORT. I would anticipate nine-tenths of John Knox's ideas and my ideas are in agreement except on the one issue of how you constitute the legislative body.

Chairman BOLLING. Shouldn't I really leave that to you?

Mr. BORT. Yes.

Mr. KNOX. You are not leaving it to us. But by the funding processes that you have engaged in, you are actually retarding the development of a regional decisionmaking power, in my judgment. I think you are really meddling in this affair, now, but the way the Federal Government allocates funds and really the support of a cog approach in my judgment is hurting the development of the legitimate regional decision making power.

It would be better if the Federal Government could use its influence in the other direction, toward having people encourage people to set up some kind of sovereign power for those decisions which

must be made on a regional basis which cannot be made by individual cities and counties, despite all of the liberals in the world, their borders don't include the regional area.

Chairman BOLLING. Basically, you would agree with me and I don't know which point of view is going to win the fight in your area.

Mr. BORT. He is in a stronger position.

Chairman BOLLING. I don't pretend to know and I didn't know we were going to have, as I said, such a delightful confrontation. I think it is great and I mean it. It is a great help to us and to the record in terms of demonstrating the dilemma, but it does seem to me that really and truly that the Federal Government should at best be really neutral because I can conceive a situation in this country, I am not going to side with you, I can conceive a situation in the country where the only thing that would work would be one or the other, but I can always conceive of reversing the other or the one, because diversity in the United States is so great.

Nobody has ever successfully challenged me when I said there was a greater difference between some states in the Union and some regions of the United States than there is between France and Germany, or the Scandinavian countries or Italy.

Mr. KNOX. I have always said with, respect to regional organizations, it has to be designed for each particular area, like the fellow going to the men's store who is too fat or too tall, he has to have a tailor-made suit.

Chairman BOLLING. Clearly there is one other component. We have managed, for the reason that I have indicated, I think, with some general accuracy, also to convey to every local official the clear fact that we don't have any priorities. We have not established priorities. In this the Congress, not the various administrations, but the Congress is clearly the major delinquent. The administrations aren't perfect on it. But any administration that I have served with, Republican or Democratic, has had a better sense of priorities, its priorities, than any Congress I have ever served in. Then you get into a very complicated problem I won't discuss but we do need to state the national priorities.

Mr. KNOX. You still really, to a large extent are operating under the old pork barrel system with regard to much of the Federal money.

Chairman BOLLING. It seems so to me.

Mr. KNOX. The fellow who can reach his arm down the farthest gets something good for his area and it is a competing situation, rather than someone making some judgment about priorities.

Chairman BOLLING. There is too much of that, I think. I think that is true. And you take this regional office, I don't think there is anything wrong with recognizing that and getting it out on the table. That is why I try in the hearings not to be so sanitized.

Mr. KNOX. Well, the Federal thinking on the problem, I think, it has been very therapeutic and the intergovernmental council has had excellent thoughts and the collection of reports in your report, I think, are very useful, but I would like to see the Federal Government move in the direction that we have described and I think we would actually get something done.

Urban affairs is where it is. That is where our serious problems are.

Chairman BOLLING. There you have that one wonderful problem I mentioned in my peculiar background for a politician from Missouri.

I grew up in the southern highlands just at the time when you could tell then what the problems of the cities were going to be in the 1950's and 1960's, because almost all of the problems in the city in my area stemmed from the southern highlands', the black or white problems, as far as population is concerned.

Well, gentlemen, unless you have some further comment I really want to thank you very much. This has been very helpful and very useful and I hope that the whole endeavor will at some point in time come to something more than conversation.

Mr. KNOX. Thank you very much.

Chairman BOLLING. The subcommittee will stand adjourned until Tuesday next, at 2 p.m., in this room, when we will hear Mr. Stuart Eurman, Mr. John Keith, and Mr. Robert Wood.

(Whereupon, at 11:35 a.m., the subcommittee recessed to reconvene at 2 p.m., Tuesday, May 25, 1971.)

(The following information was subsequently supplied for the record by Chairman Bolling:)

[Editorials from *Regional Review*, vol. IV, No. 1, January 1971, published quarterly by the National Service to Regional Councils]

#### WHAT REGIONAL COUNCILS ARE DOING

A recent NSRC Newsletter reported on a visit to the White House by our President Tom Bradley to discuss regional councils. White House advisors asked three pointed questions:

(1) Can you demonstrate the productivity and effectiveness of councils in implementing programs?

(2) Would local community financial support continue if federal funding incentives were cut off?

(3) Can you demonstrate citizen awareness and support of regional efforts?

These questions can best be summed as "That's fine, but what have regional councils done?" We sense that this question about regional councils is being raised by many important people throughout the country.

This issue of the *Regional Review Quarterly* is entirely devoted to responding to the questions raised at the White House. Our thrust in 1971 must be—"This is what regional councils are doing!"

In dealing with this question, we must remember that councils operate in two frames of reference. First, is the longer range, immeasurable world of ideas and innovation, where regional councils are serving to strengthen local government's effectiveness and to improve working relations with state and federal governments. This frame of reference is the most difficult to document in concrete terms and understandably the least acceptable to those who require visible evidence and/or dollars-saved. These activities deal with future payoff, rather than immediate, high-visibility benefits.

Our second frame of reference is the specific project and dollar saving accomplishments, which are highly visible to the public. In this instance, we have summarized and given examples of specific projects and program activities being accomplished by regional councils.

Our job here was difficult, but possible. We cannot relate regional council accomplishments in the same manner as a city or county government, which builds roads, picks up trash, collects taxes, or provides police and fire protection. Regional councils, as presently organized, are not operating, taxing units of government.

They do not provide direct services to the public. If they did, they would probably not be supported by their member local governments. The voluntary,

nongovernmental nature of regional councils is what makes them acceptable to existing local governments. As presently structured, regional councils are not a threat to local government power or resources.

If regional councils are not doing enough, then some more fundamental experiments and changes must be made in the existing structure of local governments and state-federal agencies and programs.

To those who evaluate our performance, I would suggest they consider these four observations;

(1) In five years, regional councils, without any authority or power have changed local government relationships with each other, within the federal system. There is now a process, a stage, for cooperation between central city and its suburban or rural communities.

(2) The average citizen is conscious that there is a regional community beyond his or her city or county, but more intimate than the state. The citizen is also increasingly aware that his present community cannot meet all of his needs. But he doesn't want the state or federal governments to take over local responsibilities either.

(3) The powers and responsibilities of local government are changing. For political, economic and technological reasons, local government structure is being remodeled. The regional approach is basic to that remodeling.

(4) At this point in history, regional councils are diverse experiments to make local governments more effective and responsive. Their effectiveness on specific substantive matters, such as how many housing units they got started may be measured. But a more important contribution is that regional councils are working to provide more democratic and effective ways to serve people.

Now is the time to begin evaluating regional council performance, but let's do so with a clear understanding of what we are evaluating. Let's not lose patience because experimentation has not yet found all the answers, nor had the resources and time to realistically prove our assumptions.

This is that regional councils are doing. It is not a comprehensive summary . . . it is merely a glimpse of what councils have done and are trying to do. They are moving in the right direction, but they must move fast enough to meet the challenges confronting them. This is not a time to be cautious—it is time to move ahead.

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#### REGIONALISM: THE QUIET REVOLUTION

Local government is changing itself in an effort to better meet the needs of people. Across the nation, cities, counties, towns and school districts that serve a common area are joining together in a regional effort to solve mutual problems. In a quiet way, regionalism is a revolution in the structure of our federal system.

#### A REGIONAL OUTLOOK

One of the most important changes in local government in recent years has been the growing awareness of the need for cooperative activity. People are no longer restricted to the boundaries of a single city or county, whether rural, suburban or urban. The rapid growth and modernization of our nation has brought with it a highly mobile, highly demanding public which is involved daily with a number of local governments. Today's citizens rarely works, lives, shops and enjoys his recreation within a single jurisdiction.

Then too the cost of local government is increasing, requiring that local government officials pool administrative operations for economy and efficiency.

Finally, many problems facing local governments cross jurisdictional boundaries and can be solved only on a broader geographic basis. Such problems include transportation, economic development, environment, law enforcement, health protection, and many other activities. Local governments have been forced to find new solutions to these problems. This has resulted in a search for new cooperative mechanisms to more effectively meet the needs of people on a large and more coordinated basis.

#### REGIONAL COUNCILS

The most promising development in our federal system and for local communities, in the search for new mechanisms, is the regional council. Regional councils are areawide organizations which involve cities, counties, towns and



often school districts within a total community. Their prime purpose is to increase communication, cooperation and coordination among local governments in planning and implementing programs to meet mutual challenges and problems. Each local government has the opportunity for full involvement in the policy-making and programming of the council.

Regional councils are *advisory* in nature and lack the normal governmental powers of taxation, regulation and direct operation of public facilities. Their purpose is to provide a forum for dialogue and joint decision-making within a regional context. Regional councils have no direct power to implement these decisions. They must rely on the elected representatives of member local governments to see that the decisions become a reality.

#### BASIC PROGRAMS

Regional councils operate through a planning/decision-making process, which includes essentially data collection, identification of area challenges, review of means to meet those challenges, adoption of a plan for action, and finally initiating the implementation of that action.

A basic regional council program would fall into the following framework:

Regional programs to better meet the needs of people at the local level.

Regional planning and management in specific functional areas such as air pollution control, solid waste disposal, transportation, law enforcement, water quality, land use and settlement, manpower and economic development.

Relate functional planning in these areas to each other and to overall planning for the region.

Establish goals and priorities for the region.

Forum for communication among local governments.

Technical assistance and joint services for local governments, which provide economies of scale when carried out on a regional basis. Cooperative purchasing, regional training academies, regional jails, and correction centers, and areawide solid waste disposal facilities. All of these projects save the taxpayers money when performed on a larger, regional scale.

Coordination and review of local government activities within the region to avoid duplication and overlap. It is poor economy for two adjacent jurisdictions to build new crime labs, when they can pool their resources and have a better facility at a lower cost to each.

#### GROWTH OF REGIONAL COUNCILS

Currently, there are about 560 regional councils in the United States. These councils involve 80 per cent of the nation's population and 55 per cent of its land area. Fifty-five per cent are in metropolitan regions; 45 per cent are located in nonmetropolitan, less densely populated areas.

Only 10 per cent of existing regional councils were formed prior to 1960. The bulk, 60 per cent, have been created since 1966. The rapid growth of regional councils in the last four years is due to two basic reasons: (1) Stimulation from the federal government in terms of legislative and administrative requirements for federal aid; (2) An increasing awareness on the part of local governments that there is a need for regional cooperation and new solutions to domestic problems.

#### FUNDING

The typical budget of a regional council is between \$100,000-\$200,000. Councils receive their funds from three basic sources: federal, state and local governments.

On the average, councils receive 60 per cent of their funds from federal grants for functional planning (i.e., land use, transportation, housing, etc.). Local communities provide about 34 per cent of a council's funds, usually on a per capita basis.

About 15 state governments provide general support funds to regional councils. These general support funds are not earmarked for any specific program; the funds are used to encourage a regional approach to problem solving. General state support amounts to about five per cent of a council's budget.

The final one per cent comes from miscellaneous private sources, such as foundations.

The total expenditures for all regional council efforts is about \$80-\$100 million a year. This would only purchase about four 747 jet airplanes. A small price, considering that we are forming a foundation for better, more responsive local government.

## REGIONAL PLANNING ISSUES

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TUESDAY, MAY 25, 1971

CONGRESS OF THE UNITED STATES,  
SUBCOMMITTEE ON URBAN AFFAIRS  
OF THE JOINT ECONOMIC COMMITTEE,  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 2 p.m., in room 1202, New Senate Office Building, Hon. Richard Bolling (chairman of the subcommittee) presiding.

Present: Representative Bolling; and Senators Humphrey and Percy.

Also present: James W. Knowles, director of research; and Walter B. Laessig and Leslie J. Barr, economists for the minority.

### OPENING STATEMENT OF CHAIRMAN BOLLING

Chairman BOLLING. The subcommittee will be in order.

This is the third and final week of this set of hearings by the Urban Affairs Subcommittee on the issues involved in the concept of regional planning. We have gained important insights into the problems confronting municipal and State governments, as well as private interest groups, in trying to unscramble overlying and often conflicting jurisdictions with respect to serving the people. We have been fortunate in receiving testimony from outstanding men on these issues—both from the academic and business worlds. Today we will hear from Prof. Robert Wood, currently the president of the University of Massachusetts, formerly Under Secretary of HUD during the Johnson administration, and, before that, head of the Political Science Department at the Massachusetts Institute of Technology. Our second witness is Stuart Eurman, executive director of the Metropolitan Planning Commission in Kansas City, Mo. Our third witness is John P. Keith, president of the Regional Plan Association of New York City. We will hear from each of you gentlemen in turn and then proceed with questions. Mr. Wood, will you please begin?

### STATEMENT OF ROBERT WOOD, PRESIDENT, UNIVERSITY OF MASSACHUSETTS

Mr. Wood. Mr. Chairman, it is a pleasure to be before this committee again, and this particular chairman, and I will summarize my comments and conclusions as you have requested.

As I see it, the committee is pursuing two closely related inquiries: Has the character of regional and metropolitan planning in the United States advanced sufficiently to cope with the simultaneous problems of population change and land development?

Does the new Federal administrative reorganization into 10 separate districts provide a special opportunity for increasing planning effectiveness?

Let me comment on each question and then try to specify their relationship.

The state of the art in regional and metropolitan planning has come a long way in the past decade. Starting from the heritage of the river basin studies authorized by President Harry S. Truman, and the workable program requirements in urban renewal, Federal grant-in-aid programs for planning to States and communities took on increasing scope and sophistication in the 1960's. We learned a great deal about the blending of economic and public works planning in the initial excursion into Appalachia and the subsequent establishment of interstate planning commissions. We profited from the "floating" voluntary metropolitan planning commissions of the same period and from the first Federal attempts to get the reactions of those agencies to local development projects.

Until they were struck down by amendment to HUD's appropriation legislation in its first year, these developments gave promise of a planning process that considered both related components of development—highways, housing, water and sewage, open space and related jurisdictions—central city, suburb, distressed rural area. Robert Weaver's foresighted appointment of an assistant administrator for planning while still head of the HHFA and the provisions for relating planning and projects approval in the 1964 Housing and Urban Development Act were other strong steps. Taken together they went a long way toward overcoming the antagonism most Americans felt about having Government intervene in guiding regional and community growth and toward dissipating the propaganda that related planning to socialism in the 1930's and 1940's.

But these tentative efforts to expand the capacity of public planning and make it respectable as an instrument of public policy were modest advances compared to the growth and intensification in power of the forces they were supposed to constrain. We barely anticipated the centrifugal pulls of suburbia in the late 1940's and early 1950's, and so made little or no provision for making Federal assistance to suburban governments contingent on some modicum of cooperation with the central city. We also underestimated the resilience of the downtown, in retrospect oversubsidizing the business community to persuade it to continue to invest in the central business district. Most of all none of the planning legislation and programs contemplated the massive black migration from South to North and West that broke the back of so many cities' welfare and housing programs in the late 1960's. In short, while American city and regional planning capability grew arithmetically, the pressures that capability was supposed to cope with expanded exponentially.

The high-water mark of the essentially professional drive to make the planning process a cornerstone of public development policy was

probably the first draft of the Housing and Urban Development Act that President Johnson was to submit to the Congress of 1966. I have recounted elsewhere the thinking of the task force that the President established to work on that legislation. The twin aim was both to restore entire neighborhoods in central cities and to shape the inevitable future suburban development in more orderly and effective fashion. Suffice it to say here that the metropolitan development provisions of that legislation which provided financial incentives to local governments to plan cooperatively in such metropolitan ventures as transportation, open space, education, health, and housing were enacted but never funded. Despite the best efforts of Secretary Weaver and Assistant Secretary Charles Haar, the principal architect of the specific provisions, the majority of the Appropriations Committee failed to recognize that the proposal was anything but "another grant." At a time when all categorical grants were seriously underfunded, as they still are today, the members did not recognize that the requirement for metropolitan collaboration on the planning level could operate both as a screening device and as an impetus for relating specific projects to general plans. Without funds, with Federal guidance continued almost surreptitiously by the Bureau of the Budget, under a cloud of continuing Congressional debate that denounced "planning dictatorships" and praised grassroots autonomy, we missed a significant opportunity to make planning an effective force in the distribution of people and jobs in the United States.

That need to relate planning to project, Mr. Chairman, is my main point, so far as the integrity and effectiveness of the planning process is concerned. One can debate the appropriate boundary lines of a metropolitan region or interstate region with a fixation approaching debates over angels on pinheads and one can opt for community control or shared power or expert dominance in the consultative pattern. But until planning decisions can alter resource allocation or management decisions, questions of size and participation are not very important.

The most important of resource management and allocation decisions to be faced is that which deals with land values at the point in time when rural land becomes available for urban use. The National Commission on Urban Problems chaired by former Senator Douglas, the President's Committee on Urban Housing that Edgar Kaiser led, both provide abundant testimony to the runaway, crippling, extraordinary inflation in land prices at the fringes of our urban areas. From a welter of statistics, let me simply cite one series. The average land value of a new FHA-insured house rose from \$1,035 in 1950 to \$4,128 in 1968—up from 12 percent to 21 percent of total cost. Until planning provides regulation as well as subsidy and returns to the public sector some portion of the speculative value created by public investment in roads, public utilities, and subsidized housing, we cannot say we are serious about dealing with the urban crisis.

If we have some sense of the substance of genuine planning, we come to the second issued posed: Can the new Federal regional reorganization into 10 districts help to relate good clear goals to timely action? More specifically, your letter of invitation asks what Federal

standards of procedure and objectives should be enacted and whether or not the establishment of regional coordinators tied to the President's office in Washington would help.

The new regional offices constitute a major step forward in Federal organization, capping a generation of effort to rationalize national field operations. The administration is to be congratulated for their timely introduction.

The proposal to establish regional coordinators has roots in the 1966 Housing and Urban Development Act where we proposed metropolitan coordinators. We later amended the legislation to change the name to "expeditors" in the unsuccessful attempt to reduce the fears of local governments and Congress. We believe these effected and contemplated steps are healthy ones—and I wish you luck on their reception.

I would support the decentralizing of Federal planning assistance programs, the introduction of a pool of unrestricted funds as in the Model Cities program, and multi-year planning, and categorical grant consolidation but three reservations are in order:

First, the geographical boundaries of the Federal administration districts should not be confused with boundaries appropriate for regional and metropolitan planning. The 10 districts are the product of the "least-pain" principle in shuffling departmental personnel and projects among Federal domestic departments and agencies. The new patterns relate to past territories of HUD, HEW, Commerce, and Labor and to related congressional representation on specific committees. They have no inherent relationship to historic or community groupings, river basins, or resource areas. Accordingly, the planning process must be prepared for subgroupings in interstate and metropolitan complexes and, occasionally, the encouragement of planning processes that overleap the Federal Districts.

Second, the principle of Federal substantive standards should be maintained. Despite the shrill denunciation of Federal bureaucracy, redtape, and inefficiency that is now abroad in the land, the United States is not a Nation of villages—urban or rural. And the Federal Government stands for something more than a banking mechanism for income redistribution. We have national goals, domestic as well as foreign that we can only pursue collectively. The effectuation of the Bill of Rights is one—and open housing is its contemporary name. The consideration of—and compensation for—the social costs of migration brought about almost exclusive consideration of the efficiency of metropolitan areas for private industry is another. The reclamation of interstate lakes and rivers is a third national endeavor. As critical as the need for tax revenue is at the State and local level—and I acknowledge that Massachusetts and its 351 cities and towns at least are in severe straits—we must never suppose that the American dream and the national will are simply the sum total of adding the individual desires of cities, suburbs, farms, and resorts. They are something different and no revenue sharing plan or block grant program should leave a Federal regional administrator defenseless against the necessarily self-centered aspirations of local and State officialdom.

Third, while I applaud the concept of interprogram collaboration at the regional level among Federal departments and agencies, I do

not believe that coordination should be directed from the White House. A set of quite different experiences lead me to that conclusion: continuing participation in five Presidential efforts to establish regional planning; direct engagement in the planning and operations of multi-purpose neighborhood centers; general responsibility in the first phases of the model cities program; and sustained participation in the Under Secretaries group that functioned from 1968 to 1969.

All these experiences lead me to conclude that the line of reasoning starting with Louis Brownlow represented today in the Office of Management and Budget and devoted to the establishment of Presidential oversight by the expansion of Presidential staff is obsolete. I believe that Presidential agencies can allocate resources and in some ways evaluate performances. But they cannot manage, operate, or coordinate.

If ever there was a Presidency in which the doctrine of central staff direction had its opportunity it was that of President Johnson, with all the energy and knowledge and determination that the President personally possessed. I do not believe that central management worked very well in domestic affairs in those years. I believe Cabinet cooperation and coordination proved possible. I think the trend is toward the orchestration of a number of centers and levels of management capability and decisions and new structure for the management of American political affairs.

Accordingly, I would ask the committee to review carefully the administrative experience of the first years of the war on poverty, model cities, the related health, job, and industrial program. The lessons of the so-called Convener Order for HUD and Agriculture are instructive; so is the joint HEW-HUD stand on the Newark hospital case; so is the lead agency principle as it came to be applied by HUD and Commerce in the Oakland task force. We can find more effective, constructive, timely ways for collaboration than we have so far imagined if we explore seriously at the regional level the opportunities and rewards for interdepartmental collaboration.

I am conscious, Mr. Chairman, of the cynicism with which Cabinet-oriented administrative reform is now greeted. But I am persuaded that realism is on the side of this approach. The day when single administrators could authoritatively direct single programs within the confines of their own specialty is over. Passing the buck upstairs to a White House already overloaded with the volume and importance of the decisions it has to make is no answer. The 10 new regions need more resources and clear guidelines as to what constitutes good planning for regions and metropolitan areas. They need precise national standards so that Federal resources move other American governments to more professional, more humane, more equitable standards of performance. But given resources, guidelines, and standards, the regions need to stand on their own feet. They need to learn how to work with one another on those tangible, specific, real cases that expose agency power grabs and demonstrate the benefits of working together.

Thank you, Mr. Chairman.

Chairman BOLLING. Thank you. Mr. Eurman, you may proceed.

**STATEMENT OF STUART EURMAN, EXECUTIVE DIRECTOR, METROPOLITAN PLANNING COMMISSION, KANSAS CITY, MO.**

Mr. EURMAN. Thank you, Congressman Bolling. Actually my statement is almost a blueprint to do the very things on which Mr. Wood has elaborated.

I suspect you may have asked me to attend these hearings with an awareness of the complexity of Kansas City's metropolitan region because it is the area which you represent. As you know, there are many major developments in the Kansas City region which are illustrative of the regional issues throughout the metropolitan regions of the United States. For example, the Kansas City International Airport will be opened in June of 1972, some \$200 million of investments are in the regionwide facility, but it is owned by the city of Kansas City, Mo. The Truman sports complex, which is also scheduled to open next year with the Chiefs and the Royals playing in a nice new set of facilities is being built out of tax moneys of the residents of Jackson County, Mo. This facility, however, will be used by all the people throughout the region. Then you go to the joint efforts of Kansas City, Kans., and Kansas City, Mo., in trying to work together to get a new hockey rink for the Kansas City Blues hockey team. This is an effort between the two States that will probably be located near the State line in the American Royal complex there.

Going to the private sector, Crown Center, being built by Hallmark Cards, contains some \$200 million worth of hotels, and convention centers, office buildings and apartment houses, et cetera. Other developments include the major freeways that are being built by the hundreds of millions of dollars, and the recent Federal administrative region which has been located at Kansas City, Mo., to serve the four State region of Kansas, Missouri, Iowa, and Nebraska.

It seems to me, as presented in my prepared statement, that this is a golden opportunity for the Federal Government to try to put a few strings on these categorical grants, of which there are some 600, available to local governments.

How did such grants come about? In a sense, these grants are a recognition by the Federal Government that by 1980, 80 percent of the population of the United States will be living in our some 235 metropolitan regions. Achieving some kind of order and cooperation amongst these many governments and metropolitan areas is no mean task. Tracing history back to 1954 when HHFA began the 701 Federal grants, they tried to get metropolitan groups to work on an intergovernmental basis, to talk to each other. Soon after that, during the 1960's came the many, many categorical grants for construction and operation of community facilities and social and economic programs. Later legislative and administrative requirements were tacked on to these grants. Then, came section 204 and later the A-95 review which was to require some kind of a metropolitan review of these grants that passed through to the individual local governments to build sewers, or parks, or hospitals, or airports, or libraries. The next step in attempting to achieve metropolitan viability were the categorical programs that required individual

planning operations. So, we now have the Federal Highway Administration through the State highway departments encouraging land use plans as they relate to highway plans. Section 314B of the Comprehensive Health Planning Act says there should be social and economic planning on a regional basis to carry out health planning. The Urban Mass Transportation Administration says transit plans should be based on an overall plan to be able to evaluate how many people would take mass transit as opposed to other means of transportation. It is not often that all these programs are truly coordinated with one another. Therefore, the result may well be that the coordination is only a matter of "touching base" between these various programs. Also, these programs are seldom administered under one metropolitan agency roof. Rather, as I indicated, they are each performed by ad hoc as agencies, whether it is transportation, or transit, or health, or law enforcement. I think we all are familiar with the story.

Now, this is not to imply that a lack of coordination is deliberate. I think what I am trying to say is that coordination is very difficult where we do have a multitude of metropolitan agencies, or a single metropolitan planning agency because the first allegiance of the local governmental representative is probably to the locality which he represents. Oftentimes decisions are made by arriving at the lowest common denominator as to which local government will permit something of a regional nature.

I think within the last 3 years, we have seen another step in the process of the Federal Government in trying to encourage and cajole regional coordination, cooperation, and regional implementation. This was in the area of what is called the certification process where, for example, under HUD or under EPA Federal grant programs require a regional planning commission to establish priorities. So, in a HUD 701 program for sewer and water analysis they are asking us now to provide priorities as a basis for any categorical grant; to build such facilities to make sure that the most important sewers get built first; or the most important water facilities get built first. However, we have found that at the regional level of planning it is very difficult to establish such priorities; at least to the level of detail that you could actually implement through A-95 review process—say this priority system of this sewer over that sewer. The priorities that we have been able to develop with the resources and staff capabilities and cooperation—or lack of it—in general categories of priorities, and based on the fact that this community has money and resources to build right away and the other ones are still in the preliminary engineering level. These types of priorities do not help implement regional plans by saying this is the area where the next 50,000 people ought to be living and, therefore, the sewers and the highways and the parks and the libraries ought to be put into those areas, because this would produce urban development.

But what I am getting to is I think the missing link in this whole process has been the lack of one additional string over and above the planning incentives and the A-95 review procedures that I have mentioned before. This element is a requirement that some form of governmental reorganization or restructuring of the multiplicity of



local governments within a metropolitan area take place and be considered as a basis for allocation of hardware and other types of categorical grants. So, I think the main thrust of my presentation, therefore, is to explain the need for a Federal encouragement to a metropolitan community to achieve some form of restructuring government to achieve better utilization of Federal grants.

Now, how to do this? First by way of introduction, I think you are all aware of the various kinds of key issues with which the metropolitan area is always perplexed. There are some 235 major metropolitan areas in the country today. I think people do not have allegiances at the metropolitan scale, for whatever reason. Maybe it is because of legislation which has resulted in an excess of cities in many metropolitan areas. In the Kansas City region, for example, we have 106 incorporated places ranging in size from 507,000 people in Kansas City, Mo., 35,000 in Raytown and all the way down to smaller places such as Unity Village with 125 people. What kind of financial capability do such small cities really have to carry out a part of an overall regional planning implementation? They do not have the capability to implement on a regional base. So, what has happened is a continuation of urban sprawl because each government is still trying to encourage growth in its own community without being able to see the forest, for the trees so to speak. We have also seen the outbreak of a myriad of individual single-purpose governments such as drainage districts, school districts, fire districts, sewer and water districts.

I think a lot of these deficiencies stem from archaic legislation on the State level. States, so often, do not have a strong allegiance for urban areas. Even with reapportionment suburban legislators are sometimes thinking antiurban.

I think that even with councils of governments which HUD has been recommending and encouraging through 701, which provided extra Federal bonus money to do areawide planning or areawide implementation, the representatives to the councils always have had an allegiance first to their own communities, and second to the region. So, as a proposed regional reorganization, I would like to recommend the following blueprint. This suggests that there be a consortium of local, regional, and State agencies. How can this be done? Let me just describe a few ways.

I am suggesting that there be recognized by the Federal Government, a single areawide council responsible for planning and administration of carrying out a regional program, similar to what is now underway in the Minneapolis-St. Paul area.

This proposes that every metropolitan region prepare a comprehensive regional plan based on the six major categories of metropolitan activity, including: community development, education, transportation, manpower, human resources, and natural resources, instead of the more definitive breakdowns that now exist today. Now, these plans should follow the Federal guidelines as to content and should be detailed enough to show how these six categories can be implemented for the region, particularly including a priority of need.

All of the participating local governments in the metropolitan region would sign an interlocal cooperation agreement to implement various portions of the plan through this regional council. What I am suggesting here is that if the money flowing from the Federal Government would be to this regional council, based on these six categories of grants, then this regional council would have the prerogative, through its plans and priorities, to evaluate how best to implement these plans. This gets it right down to local decisionmaking, and the metropolitan collection of representatives to make their own decisions on how development ought to take place. For example, take sewers. If \$200 million were available in 1 year to a regional agency to build sewers in accordance with a set of priorities called for in the plan, and if a local government did not have the capability of implementing that sewer plan, then it would be the jurisdiction of this metropolitan agency to designate who can do it. Maybe it would be they, themselves, on a reorganized basis or intercontractual basis. This scheme would not even need any new State legislation. If there were available viable public works agencies, for example, like the city of Kansas City, Mo., or sewer district No. 1 in Johnson County, very viable agencies, they could easily pick up the bulk of the work, take the money and build the necessary sewers in accordance to the plan.

The local matching share of any Federal grant would be provided by the regional council on a 75- to 25-percent basis, instead of the many different formulas that now exist. Some grants are 50-50 money, others are 90-10, some are two-thirds, one-third and I am sure there are many other formulas that are being considered.

I would suggest that the matching formula should be standardized at 75 percent Federal money, 25 percent local, and with the 25 percent local coming from the State agency. The State, of course, has to become involved in this process as well, and whereas they have not given as much weight to urban needs, this is a way at least to provide the necessary funds to the metropolitan regional council to carry out this type of work. In a way, this can be considered a form of revenue sharing from the State level. It would also be a way of regionalizing taxes because if the States use their taxing powers on all governments in a metropolitan area and funnel it through the State and the State allocated the necessary 25-percent local to match the Federal money back at the regional level, every local government would be kicking in or participating on an equitable basis.

What would be the role of the 10 Federal administrative regions? We are suggesting that there be appointed a full-time administrator for the FAR, the Federal administrative region, responsible to the President, and that the FAR should be composed of all the heads of all of the departments responsible for the various categorical grants and funding programs.

We are also suggesting for coordination that the FAR include the Governors of those States in particular Federal administrative regions. So, the major role of the FAR would be to serve as a distributing agency for the allocation of the Federal funds to the States who would be responsible for implementing plans throughout the whole State, including the metropolitan regions. Then there would

be a direct flow of funds from the FAR to the metropolitan regions in accordance with the plans which will also have been coordinated at the State level.

Now, what is the role of the State? Each State, of course, would be responsible for developing a State plan and coordinating that with the metropolitan plans because there are some guidelines that the States would still have to provide. For instance, allocation of population, in theory, for the whole State. The sum of the pieces should end up a totality for the whole State. The same would be true as to the allocation of natural resources and the distribution of manpower. Of course, the State should be encouraged to adopt legislation that would permit the allocation of this 25-percent matching money to match the Federal money for the six categorical grants.

By metropolitan regions being responsible for carrying out the plans by detailed priorities with the FAR providing the funds; by the States providing the local share and coordination; it would seem to me that this would cut through a lot of the administrative procedures that are presently bogging down many of these categorical grants to the metropolitan areas. I think it would certainly work in an area such as the Kansas City region, even though the region itself straddles State boundaries. There are a couple of dozen such metropolitan areas throughout the United States. I think it would force the metropolitan region to consider which services must be regionalized, and at the same time assure a local autonomy. It would force intergovernmental cooperation and certainly would achieve economies of scale, because the smaller local governments would not have to be sending out contracts on such a small scale that the costs would become inordinate, also regional councils could be composed of members directly elected by the regional citizenry which is one of the things not done in our own area. The representation on the metropolitan agency still comes from specific governments—for example, from Jackson County or Kansas City or Johnson County. But, by having representatives to the metropolitan council actually elected, maybe on a sector basis, these elective representatives would then have a true allegiance to the metropolitan area as a whole instead of having first allegiance to the community from which they come.

I think I will close there, and answer any questions.

Chairman BOLLING. Thank you, Mr. Eurman.

(The prepared statement of Mr. Eurman follows:)

#### PREPARED STATEMENT OF STUART EURMAN

Mr. Chairman and members of the subcommittee, I am Stuart Eurman, Executive Director of Metropolitan Planning Commission—Kansas City Region.

I appreciate your giving me this opportunity to present my ideas and suggestions on how Federal involvement in regional planning matters can be more efficiently utilized to insure that regional planning maintains, and in fact strengthens, its role in the urban development process.

To set the stage for my specific recommendations, I should like to briefly recapitulate the previous efforts in regional planning that have occurred at the local and Federal level. Since 1954, the Housing and Home Finance Agency, and later its successor, the Department of Housing and Urban Development, has been providing Federal grants to metropolitan planning commissions and councils of governments to formulate plans for the orderly growth and development of metropolitan regions. The basis for such grants and planning pro-

grams was to insure that growth was coordinated on a region-wide basis and in an orderly manner. Such a regional approach could then look beyond the artificial boundaries which limited local political jurisdictions.

During the decade of the 1960's the Federal government initiated categorical grant programs for construction and operation of community facilities and social and economic development programs. However, these grants were dispersed only to individual governments within the region. Over 600 Federal categorical grant programs are now available to localities. At the same time, as the metropolitan planning process grew, the need to coordinate and evaluate such grants were appended to insure that the specific project or projects were in keeping not only with local plans, but also with regional plans. This is known as the "A-95" review.

Such requirements gradually evolved to the point where those Federal agencies dispersing funds for construction and operative programs also made grants available to formulate regional plans for a specific function to use as a basis for the ward of categorical grants. For example, planning funds are available through the state highway departments from the Federal Highway Administration as a basis for highway construction programs; planning funds are available from the Urban Mass Transportation Administration as a basis for highway construction programs; planning funds are available from the Urban Mass Transportation Administration as a basis for transit funding; and, planning funds are available through the Section 314B of the Comprehensive Health Planning Program of HEV. These are but a few of the Federal grant programs requiring planning as a basis for program implementation.

In some cases, such regional planning programs of the various Federal agencies were conducted by one metropolitan agency. However, in most instances, such planning has been carried out by separate metropolitan planning agencies within one metropolitan region. This obviously resulted in the duplication of efforts and overlap of planning programs by the various agencies. Each was concerned with its own program and the specific Federal requirements of the particular granting Federal agency. The need to coordinate such planning efforts and unite them in a comprehensive manner has often been discussed, but seldom accomplished. This is not to imply that such lack of coordination is deliberate, but rather that each administering agency is responsible for its own program and so involved in doing its own work that coordination becomes secondary and peripheral. Certainly, the establishment of coordinated priorities for utilizing limited financial resources cannot be established by each agency working on its own. Even where Councils of Governments have been established, the main function of which is to achieve such coordination of local efforts, there seems to have been an inability to actually dovetail individual planning programs into the comprehensive approach required.

Within the last three years, several Federal agencies such as H.U.D. and E.P.A. have developed a certification process.

This certification requires that regional planning commissions establish priorities for various categories of grants as a basis for future implementing grants to be awarded to the local governments within the region. The establishment of such priorities is most difficult because regional plans themselves are never detailed to the extent that they specifically identify one sewer over another, one neighborhood park over another. It is highly unlikely that through the A-95 review procedure a metropolitan planning agency would be able to insure that the most needed facility would be built at the right time and in the right place, thus implementing the regional plan.

The missing element in this process has been the lack of one additional string over and above planning incentives, A-95 clearinghouse review mechanisms, and certification processes. This element is the requirement that some form of governmental reorganization or restructuring of the multiplicity of governments within a metropolitan area be a consideration in the allocation of hardware and other grants.

The main thrust of my presentation, therefore, is to explain the need for Federal encouragement to metropolitan communities to achieve some form of restructuring of government to better utilize Federal grants. The vehicle for such encouragement can and should be the categorical grant. By doing this, grant programs for planning and operations could be insured of implementation on a truly metropolitan scale. This can be seen by identifying the key issues preventing such regional implementation today:

1. There presently exists in over 235 metropolitan areas of the United States a multiplicity of municipal and county governments all of which, generally speaking, have little allegiance to metropolitan solutions to urban growth problems.

2. Many of these municipal governments within metropolitan areas are of such size as to be unable to adequately maintain a decent level of services. Often such cities came into being due to state legislation which permitted incorporation of municipalities with minimum petition and minimum review. Such governments are often incapable of financing the needed urban improvements that are required within their incorporated boundaries. Therefore, such a disparity of financial capability within a metropolitan area makes it difficult to implement regional plans on an intergovernmental basis. As a result, sewers may not be built on a basin basis; schools may not be located to be accessible to the people living within a reasonable proximity; and public facilities may be limited.

3. Historically, counties and states have been highly permissive in permitting atomization of government. This has been done not only by permitting the incorporation of cities, but by permitting an outbreak of single purpose governments, such as sewer, water, schools, fire and other single purpose districts.

4. Many states have archaic legislation or constitutional rigidities which severely restrict metropolitan planning or council of government agencies to implement recommendations in solving the problem of multiple governments or trying to restructure taxes on a more equitable basis.

5. In metropolitan regions which straddle two states, it is even more difficult to obtain the needed legislation to bring about restructuring of government because the legislative battle is often doubled.

6. Many state governments, in spite of reapportionments, are still highly oriented to the rural areas. The representatives from reapportioned suburban areas of the metropolitan region are also anti-urban in their thinking. Often times this brings on a breakdown in state/metropolitan relationships.

7. In general, there is an inability in most of our metropolitan regions to organize structurally and functionally at a metropolitan scale. Councils of Governments, which have been urged upon metropolitan areas in the recent past by H.U.D., remain relatively weak organizations. In bi-state metropolitan regions, that portion of the metropolitan area in one state distrusts the other. On most metropolitan commissions (metropolitan planning or COG's) the representation is often disproportionate to the population of the individual governments. Lastly, in any metropolitan organization there is a fear of central city domination and of central city versus suburban desires.

#### PROPOSED REORGANIZATION

The following method is suggested for restructuring the Federal categorical grant programs. This format is based on the desire to maximize such programs to the extent that some restructuring of local government could be encouraged in order to ease implementation of the regional plans. If such a result were feasible, it would serve to maximize the benefits of Federal grant programs.

The proposed process would also encourage local governments to pool their resources and work cooperatively in the decision-making process for their own region.

In addition, a consortium of local, regional, state and Federal officials would be created which could insure that priorities and programs would be dovetailed on all levels.

The key to this proposal is the ten Federal Administrative Regions of the United States and their relationship to state, local and regional governments or councils.

#### A. LOCAL REGIONAL COUNCIL

1. A single area-wide council responsible for the planning and administration of a regional program would be established in each metropolitan region. This regional council probably should be basically composed of persons elected directly to the council on a per capita basis similar to the metropolitan council in Minneapolis/St. Paul.

2. Every metropolitan region must prepare a comprehensive regional plan for the following six categories of metropolitan activities: community development; education; transportation; manpower; human resources; natural resources.

The plan should follow general Federal guidelines as to content and must be detailed enough to show how each of these six categories can be implemented for the region including: (a) the reorganization of existing local governments where necessary; and (b) priority of need.

3. All the participating local governments would sign inter-local cooperation agreements to implement various portions of the plan through the regional council. Governments not signed in to such cooperative agreements as provided in the plan will be ineligible for Federal funds.

4. The local matching share of any Federal grant would be provided by the regional council which in turn would obtain the bulk of its funds from the state(s). These funds would be held by the regional council in separate accounts matching the six categorical grant areas. This approach will in effect regionalize the tax base.

a. In financing categorical grants to metropolitan regions the Federal government should provide grants to implement the plan on a 75%/25% matching basis.

b. The regional council would be the disbursing agency within the region for Federal funds. Such funds may be disbursed either to local governments for their own use in accordance with the plan; or, may be reserved for use by the regional agency itself; or, may be disbursed to other agencies within the region.

#### B. STRUCTURE AND FUNCTIONS OF FEDERAL ADMINISTRATIVE REGION AND ITS ROLE IN IMPLEMENTING THE REGIONAL PLAN

1. There would be appointed a full time administrator for the Federal Administrative Region (FAR) responsible to the President.

2. The FAR should be composed of the heads of all the departments responsible for categorical grant allocations.

3. The FAR should also include the governors of the states in the Federal Administrative Region and the chairman of each metropolitan council in the region.

4. The FAR would be the distributing agency for the allocation of Federal funds to states and metropolitan regions after their respective detailed plans are prepared and adopted by the metropolitan councils, coordinated through their respective states and certified by the FAR. The funds should be distributed to each state and metropolitan region based on the priorities set forth in each plan by the six categories.

5. The FAR would evaluate the progress of the state and metropolitan regions in carrying out the plan.

6. The FAR would coordinate state plans for issues transcending state boundaries (e.g. water basins, air sheds, transportation corridors, etc.). When coordination is required for issues crossing FAR's, this responsibility should be assumed by the Federal government.

#### C. ROLE OF THE STATE

1. Each state would be responsible for developing a state plan for all areas outside of metropolitan regions.

2. The state would coordinate the metropolitan plans submitted by the metropolitan regions with the state plan to insure their compatibility and proper allocation of human and natural resources throughout the state.

3. The state would be encouraged to adopt legislation which would provide to the metropolitan regions 25% matching funds plus additional funds for state matching grants.

#### ADVANTAGES OF CONSOLIDATING FEDERAL CATEGORICAL GRANTS AS THEY APPLY TO METROPOLITAN REGIONS

1. The various categorical grants would be made directly to the metropolitan regional council instead of being funneled directly to each local government. This procedure would assure the true regional impact of such funds being in accordance with regional priorities agreed to by the regionally elected council. While this mechanism does not achieve metropolitan government nor direct pooling of local financial resources, it does in an indirect way equalize the tax base of the region by having substantial state involvement in the matching

process. The state would in effect be taxing a metropolitan area as a whole and retaining such funds for expenditure within that metropolitan region. Therefore, a presently financially weak city would have the help of its stronger neighbors. If the state provided its own state funds as the main matchable portion to the categorical grant to the metropolitan regions, the state would be directly involved in regional urban development.

2. This proposed funding program would force the metropolitan region to consider which services must be regionalized while at the same time ensuring that local autonomy is retained.

3. It fosters intergovernmental cooperation and economies of scale. However, by placing the responsibility for the allocation of the categorical grants in the hands of the regional council and giving it the responsibility of deciding which local government should be responsible for spending the funds, hopefully the small, inefficient governments will eventually choose to consolidate into larger, more viable units.

4. By providing for regional councils to be composed of members directly elected by the regional citizenry, the decision-making would be brought closer to the people effected by the implementation of the regional development program.

5. By having the members of the regional council elected by the metropolitan citizens, such members would owe direct allegiance to the metropolitan plans, principles and policies incorporated into the regional plans.

6. By having a metropolitan council elected on a population basis throughout the region there would also be achieved a total metropolitan allegiance with the suburbs becoming more concerned about central city issues and priorities.

7. In bi-state metropolitan regions, there would be developed a more forceful effort to obtain stronger cooperation on both sides of the state line leading to compatible state legislative programs directly concerned with urban issues.

#### IMPLICATIONS OF THIS PROPOSED CATEGORICAL GRANT PROGRAM TO THE KANSAS CITY METROPOLITAN REGION

The Kansas City Metropolitan Region is probably one of the most complex metropolitan areas in the United States in terms of structure of government. This is due to the fact that it not only is made up of eight counties within which are located some 106 cities (including the twin cities of Kansas City, Missouri and Kansas), 96 school districts and innumerable sewer and water districts, but also because it straddles the state lines of Kansas and Missouri. It is a metropolitan region of 1,311,000 people located almost in the geographic center of the United States experiencing present day growth patterns as are other metropolitan regions.

Because of its complexity, it was probably one of the last major metropolitan regions to establish a regional planning program. In fact, in 1965, based on the strong recommendation of the Bureau of Public Roads a two-county planning effort was established on the Kansas side and a duplicate effort on the Missouri side for four counties. This recommendation was accompanied by the threat of loss of Federal Highway funds unless there was close coordination and cooperation in the planning process as well as land use planning interlocked with transportation planning. Only after the Department of Housing and Urban Development further urged that there be one regional metropolitan planning agency to review Federal grants under Section 204 of the Housing Act of 1966 to insure compatibility with the regional plan, did the local governments pool such planning into what is now the Metropolitan Planning Commission for the Kansas City Region. The Commission, over the last five years, has prepared many detailed plans for the orderly development of the region with substantial backup and coordination with transportation planning with the Missouri and Kansas Highway Departments. It has also developed an excellent set of maps and socio-economic information about the region which has been used not only by governments but by private enterprise in decisions affecting the region's development.

Again, with the "carrots" offered by the Department of Housing and Urban Development through "701g" funds, the Mid-America Council of Governments was established in 1967. This body consists entirely of elected officials of various governments in the region. The Metropolitan Planning Commission which

is a 32-man body consists of 12 members who are elected officials with the remaining 20 non-elected.

Subsequent to these two organizations being formed, there soon came into being the Mid-America Comprehensive Health Planning Agency. This agency was formed pursuant to another Federal grant program, Section 314b of the HEW Health Planning Program. The Northwest Missouri Law Enforcement Assistance Council with its counterpart on the Kansas side were also formed to carry out the LEAA program of law enforcement and criminal justice programs. In addition, there is also the Kansas City Area Transportation Authority which is responsible for the areawide transit system.

Presently, there is a strong recognition as to the need to consolidate this proliferation of metropolitan agencies. Proposals are now being considered on how these several agencies can be coordinated; and hopefully, to better utilize Federal planning funds to avoid duplication and to achieve better plans and programs and involvement of the entire citizenry.

The proposed restructuring of these metropolitan agencies into a new Mid-America Regional Council (MARC) is still being considered on the basis of the region's eight counties and the four largest cities each being represented by a single elected official. Additional representation would be provided for the smaller communities who would caucus on a county-by-county basis to send one city mayor from each county to the Regional Council. In addition, the proposed Articles of Agreement for this new Council call for a representative from each Governor of Missouri and Kansas, three members at large from the Kansas side, and the chairman of the Comprehensive Health Planning Agency, the Area Transportation Authority and the Law Enforcement Assistance Council. This proposed organization has not been finalized and is still subject to modification by the participating counties and cities.

If the above proposed categorical grant program with the strings set forth above were instigated, this would require the Kansas City Region to further reorganize its council on a basis of dividing the region in sectors with representatives to the Council elected by the citizens in each sector. Hopefully, the sectors could be so drawn as to achieve representation across state and county boundary lines which for purposes of regional activity are relatively meaningless.

Certainly as such a council takes on the responsibilities suggested above, a definitive regional plan could be drawn with priorities based upon areawide goals and objectives. An interchange of ideas between suburbanites and inner city families could result in a truly regional effort.

As the Federal Administrative Regions would provide Federal funds to the regional council, the Mid-America Regional Councils would have to undertake some hard thinking in deciding which local governments or special districts would have the capability and viability of truly implementing the priorities of the regional plan. This would have to be done for sewers on a basin basis, inner city playfields versus regional parks, urban streets versus regional expressways, suburban development versus inner city improvements. The exercise in such decision-making might well eventually knit the people of the region together into recognizing the true viability of the metropolitan economy.

Chairman BOLLING. Mr. Keith, you may proceed.

#### STATEMENT OF JOHN P. KEITH, PRESIDENT, REGIONAL PLAN ASSOCIATION, INC., NEW YORK, N.Y.

Mr. KEITH. Mr. Bolling, I am happy to be here for several reasons. One, to have an opportunity to discuss these matters with you, and also to join in this occasion with two old friends of mine, Bob Wood and Stuart Eurman. They have set the stage well for the few remarks that I would add.

My prepared statement has been filed with the committee's office, and I will make a few points to lead into the discussion.

First, I think it is obvious to us all, although perhaps it was not a



decade ago, that national policies and actions vitally affect metropolitan areas. These hearings would not be held, if the country were not firmly set on that course. I might remind Bob Wood that in 1959 when he was closing his book *1400 Governments for Regional Plan*, we had a discussion on just this point. As a gesture at the end of the book, he added a paragraph or two that said that the adverse trends exposed by the New York metropolitan region study, of which his book was one of the nine volumes, would come to pass unless the Federal Government took a hand in metropolitan problems. Well, a lot of water has gone over the dam since then, and Bob—when Under Secretary of HUD—had his chance to take a hand for the Federal Government in some of these issues.

It may not be as clear, conversely, to Federal agencies that State and local policies are affecting national programs very severely. We all know of the principal issues of welfare, and of education, and the fact that the handling of these in some parts of the country has had a catastrophic impact on other parts of the country. In particular, our own region has been severely impacted by the welfare and educational issues and the way they have been handled elsewhere.

Nationally, we have seized on regional planning as a way of bringing some of these problems into focus. I must admit that when the Congress first looked at these matters and decided in open space, transportation, and in other areas, that it was going to insist upon regional planning, in our office the comment was, "Now that we have been found, I hope we are not found wanting." It may be, we felt, that the Congress is calling for more than regional planning is prepared to deliver at this stage of development of the "state of the art." That can only be remedied by giving it the assignments and funding to work its way through to suitable answers.

I think perhaps the analogy might be made that regional planning agencies are like an egg timer, in which the sand pours from one end to the other through a small orifice. Federal policies likewise have to go through the neck of regional planning, and if you turn the egg timer over, State and local policies that impact on Federal policies have got to go through much the same process. So, you might look on regional planning as being that small funnel through which ideas and policies have to pass in either direction. In other words, regional planning is at the throat of the economic, social, and physical development process.

I would now like to suggest that there are some disabilities with regional planning. First, there is really no set of national urban policies within which we are working. It has become more and more evident in our metropolitan area as we have accomplished what we call the second regional plan that we are dealing with "deuces wild," if you will, with respect to issues beyond our control. It troubles people when we say that it is quite clear now that the New York metropolitan region, and I speak of an area roughly from New Haven to Trenton, could be in the order of 28-30 million people by the year 2000. The 1970 census figure was 20 million. People are really horrified and say, "Why can you not stop growth?" Well, no region can really stop growth by itself.

It has to be working within a set of national policies, and yet we have not seen them emerge. We have made representations at the national level, particularly to the Urban Coalition, Urban Institute and the A.C.I.R., and we understand there is a group in the White House that is considering this issue, and your own committee is. No regional planning agency, looking to the next three decades, can deal with a region and its growth without some consideration of national policies. Take, for example, the Aviation Advisory Commission that the Congress recently established. We were a party in suggesting that Commission because we were faced with a serious airport problem in our metropolitan area. It became clear to us that many of the answers that really counted lay in the Federal domain. I will not go through the whole matter, but I will just mention a few issues: Can electronic guidance increase the number of aircraft landings per minute? That is not an issue that a regional planning agency can settle. That is an issue that only the FAA can settle. Can you transfer short-haul passengers to other forms of aircraft; for example, VSTOL or to surface modes, for example, rail? Another question, can scheduling be revised so as to increase the number of passengers to be carried on any given aircraft so as to decrease the number of landings? My main point being that regional planning has to relate to some set of national policies.

Since it has taken us over 40 years to learn how to do regional planning in the New York region, and because it took a decade to accomplish the 1929 Plan of New York and Its Environs, and a similar span for the second regional plan to emerge, I suspect it might take at least that long or longer to develop a set of national urban policies. I urge you, therefore, to get on with the job, because it will be then about 1980 or 1985 before those national policies begin to take hold.

The second disability, as I see it, is that there is little recognition of what is a regional. The question of scale enters here, and I am struck more and more in recent years with this point: We find that we have more in common with the planning in Paris, in London, in Tokyo, and if you will, even the planning in Moscow, than we do with the planning in most of the metropolitan areas of the United States except for two, the Chicago and Los Angeles metropolitan areas. In this country, they are what I would call the two other metropolitan giants. You are dealing with various sizes of metropolitan areas. Take Dade County, Miami, to use an example. It is a metropolitan area which is basically a county in size, and the things that are regional on a county scale are not necessarily regional at a 31-county scale, as is the New York region. I would illustrate by saying that about 10 years ago, with the help of The Twentieth Century Fund, we brought together representatives of the major metropolitan areas along the east coast. As we thought about our common concerns along megalopolis (Boston to Washington), it quickly became apparent that there were three things we really needed to get our hand on to shape that kind of superregion. One was transportation, which I think is obvious. Another was water supply. The third was open space. Regional Plan has since called, as you may know,

for 10,000 square miles of mountain parkland as a backdrop to the megalopolitan area, whether in Federal, State, or local ownership, for capturing all of the remaining seashores that remain along the Atlantic urban seaboard, and for putting good sections of the river valleys into parkland in order to shape this great megalopolitan region. The point is, at that scale there are only a few things that are truly "region shaping" and, therefore, that must be dealt with in megalopolitan-scale planning. At the regional scale of the New York area—and I do not want to sound like I am touting our size—the location of regional activities as identified in our second plan shape the area in our judgment. These regional activities consist of office-service jobs; higher education, cultural and health facilities, major department stores, and the like—the kinds of destinations which people get on our region's major transportation network to reach. Regional planning at the New York region scale consists, therefore, of being able to affect the location of those regional activities in order to shape the region. It is not like dealing at the scale of a county, where many more things are region shaping.

That brings me to my third point on the disabilities of regional planning as it exists today. There is little democratic review of the process or of the goals and the values that are being established. This is truer with respect to the metropolitan giants. For example, our Tri-State Transportation Commission, which is our official planning agency, indicates in its plan that the direction things are going is the direction that people want to go because that is what they are buying. In my judgment that is only because people have not seen any other options that they could select. They do not know what the alternatives are nor the costs, and until they are shown other possibilities by regional planners, they are naturally going to go the only way they know. And so, planners that determine the public's values from their own or from what the public is doing at any given time seem to me to be a little off course. There is no way to determine what the public is thinking about official planning in our region; as a matter of fact, there are very few people in our area that know there is any regional planning going on at all or who does it. So, the question is how would you insert into the process some sort of democratic review? At Regional Plan Association we have tried, and I again remind you, though, that we are a private agency. We have taken our concepts to the public via television and the written word, and used a feedback process to get readings on public reactions. We have done essentially the same thing in major meetings county-by-county, relating the impact of second plan concepts to those counties, what would happen if those concepts were adopted. We solicited feedback through a written questionnaire. Through this process we are getting an understanding of what the public wants and not too surprisingly the feedback is not always what the planners would think it would be. We are all walking on dangerous ground, and it is understandable why the public is not necessarily following. People are uneasy; they are aware planning is going on, but they are not sure where it is taking them.

So, these four points, I think, are very important in terms of any judgment that you might be making about improving regional planning. One, we need a national set of policies within which we are

working at a regional scale. Two, we need to understand that there are regions, and regions, and regions: They are not all the same in terms of their size and their requirements. Three, we have to relate what is regional to the matter of scale, it being different depending on the region. I get the impression that Federal agencies take cookie cutters to all of us; we are all supposed to fit into the same mold. And fourth, the question of democratic review of regional planning, which again is related to scale. If the metropolitan area is the scale of one county, then perhaps the regional plan can be reviewed by the county legislature; but if the area extends into three States, there is no legislative body coterminous with the region.

I had several points in my prepared statement that dealt with what we might do to answer some of these disabilities. I am firmly committed to the view that you need an urban growth policy center. Now, somewhere in the National Government several agencies are thinking in these terms, but nobody seems to be really assigned the function. I have said that it is going to take a good long time to understand how to do this. Second, I think you need a metropolitan desk as I call it, or a chairman of a Federal council, or whatever you might call it, to deal with Federal relations with respect to metropolitan giants, at a minimum. That is to say, I am not sure that because you would have a Federal administrator dealing with urban activities within the great metropolitan area, we will say at the scale of the metropolitan giants, that you need to have something comparable for every SMSA. That may not be necessary, but at least at the metropolitan scale that I am familiar with, I believe that it is. And, I might remind you that the Federal Government seemed to be heading in that direction some years ago when the Bureau of the Budget had a group working out on the west coast bringing together through a Federal council, I believe they called it, Federal, State, and local agencies to establish common directions. And finally, I would think that any process dealing with regional planning would insist upon some experimentation with public participation. You see, there is evolving a concern, even a distrust, on the part of the public that they do not know where the great decisions are being made. I do not think we are going to get the public's cooperation unless they do know where and what in the good old spirit of the way this country runs. These actions I think respond in part at least to some of the disabilities of regional planning which I have described.

I will not go into the basic concepts of our second regional plan which has been described to you, Senator Humphrey, by one of your old friends, Bill Shore. It is set forth, in part, at page 285 of part 2 of your hearings. I would hope, however, that these observations would start the ball rolling.

Thank you.

(The prepared statement, with attachments, of Mr. Keith follows:)

PREPARED STATEMENT OF JOHN P. KEITH

My name is John P. Keith. I am responding to your invitation to Regional Plan Association to testify on our experience in the New York Urban Region with intergovernmental relations, regional planning and urban development,

with particular reference to federal responsibility for urban development patterns. Regional Plan Association, of which I am President, has been planning for New York City and its environs since the 1920's; our precursor agency produced the first regional plan the world had ever seen and then established itself as this Association in 1929.

Though all too slowly and with occasional backsliding, the federal government has been moving in a logical direction in regard to urban development. No one would favor detailed federal planning for the nation; yet no one can deny that federal actions and policies have a tremendous effect on urban development and should be rationally contemplated rather than allowed to buffet urban areas whimsically. Federal mortgage guarantees for one-family houses but not for apartments is a well-known example of such buffeting. Similarly, no one can deny that state and local actions often have national implications; therefore, there should be national input on those actions so that all affected by a public decision have a voice in its determination. For example, some states' decision to pay very low welfare grants and offer minimal education to some of their citizens has had a catastrophic impact on regions like mine who have received these impoverished and poorly educated people.

Similarly, our states take action which shape the growth pattern of the New York Region, again with little over-all idea of what they are doing or what they should be doing to shape that growth. An example is the haphazard location of state college campuses. And as the nation is affected by state and local policies, so our states are affected by county and local decisions. And the states, like the federal government, now choose not to exercise much influence over these decisions even though that leaves a large portion of the states' residents without any voice in what vitally affects them. The most obvious example is zoning, which—our Association has demonstrated—actually is cutting down the total housing that is being built in our Region despite a need that grows desperate. Further, zoning is separating rich from poor, black from white and workers from their jobs or job opportunities.

What we are after, then, is a framework for planning and decision-making on urban development that (1) coordinates federal and state policies with regional planning, county planning and local planning, but also (2) influences regional, county and local planning where they deal with issues strongly affecting their neighbors throughout the state or nation.

We understand that the White House has assigned a team to work out a set of urban growth policies for the nation. Our recommendation would be that these policies identify development issues which are national in impact and which therefore require a national input on state or even local policies. To some degree, the U.S. Department of Transportation does this on highway routing and priority, but not enough. Often federal money is used for very low-priority, but not enough. Often federal money is used for very low-priority highways because the money is available and the routes can be taken with little public outcry, but seen nationwide, it is a poor use of federal funds. Furthermore, state and local policies that exacerbate racial tensions or limit the construction of desperately-needed housing or slow down the economy by inefficient accommodation of jobs do not have any national input although the whole nation suffers from adverse state and local decisions.

A somewhat different kind of issue relates to where the nation's population should grow. This is of tremendous importance to every urban area, and only federal policy can affect it much. Both ingredients of regional growth are nationally affected: (1) natural increase in any region is a function of national growth rates and (2) migration from one area to another—both more affected by national conditions than local. We often are urged to propose a policy to stop growth in our Region. We must reply that until there is zero population growth nationally, only a national population location policy can begin to achieve that and then only after many years and imperfectly, if European experience is any guide. But as our Region's population reaches about 28 million by the end of the century, we may run out of adequate nearby open recreation lands—beachfronts and ski slopes and quiet paths. We suspect it will take that long to gear up a population distribution policy so we would recommend that the machinery be considered soon.

On the other hand, as we have said, federal policies should not run counter to regional plans where there is little national implication. Somehow, when a

region plans its destiny, the federal forces unleashed on that region should help to implement the plan rather than flying in the face of it.

To this second need, there has been a reasonable federal approach in recent years: requiring regional planning agency to determine whether they conform. This at least has the beginnings of a logic; in fact, however, there are two serious disabilities. First, federal policies allow too little flexibility. For example, a region that chooses to rely more heavily on public transportation than other regions is penalized by not being able to use Highway User funds for public transportation even where it would improve travel for the motorist as well as the transit rider. Second, because the federal government has accepted too little of the financial burden of poverty, that burden has devolved unbearably on the older cities, where poverty tends to locate. Poverty is clearly a national problem, not a local problem; it grows out of shifts in the national economy and it grows urgent because of national communication media which raise expectations and demands. By burdening the older cities with much of the problems of poverty and its costs, the federal government has sentenced most older cities to decline rather than allowing them to fulfill the functions of cities: bringing people together for easy interchange.

The theory of regional planning enforced by federal grants has a second weakness. Regional planning is not a democratic process; nor do we have any clear idea of how to plan a region democratically.

Regional Plan Association has pioneered in public participation in regional planning, and I commend to you a volume of ours called Public Participation in Regional Planning in which the issues are raised. Suffice to say now that unless an official regional planning agency has found some democratic procedure for producing or ratifying a regional plan, a blind submission to that plan by the federal government would be a mistake.

Our Association is trying to do the next best thing to creating a democratic procedure—we are opening the discussion of basic issues as broadly as possible. With a television series in 1963 and a long string of well-attended public meetings complete with small-group discussion and written questionnaire responses, we have been walking step by step with that public which has been willing to take part in regional planning. Now we are contemplating a massive Town Meeting of the Region to which every single television station in the Region has pledged itself. We are now raising the funds needed to do the job. In it, we will compare our concept of where the New York Region should be heading with the official planning organization's concept—Tri State Transportation Commission's and other official plans for sectors of the Region.

To recapitulate my major point: the goal is a set of federal growth policies that (1) influence regional and even local plans where these affect national interests and (2) coordinate with regional and local plans where they do not substantially affect national interests but conversely where federal action can affect regional and local interests. The coordination, however, must take into consideration that existing regional planning is not yet geared to the democratic process, at least in the instances in which I am aware.

Now, if you are to move toward these goals, a number of conditions should be kept in mind:

#### METROPOLITAN SCALE

At some point of size, the largest urban agglomerations become different and require separate, if not unique, handling. At Regional Plan Association we have often been struck that in planning the New York Region we have more in common with London, Tokyo, Paris and even Moscow, than we do with most cities of the United States. The exceptions are Chicago and Los Angeles, this country's other metropolitan giants. Nevertheless, the Congress and federal agencies tend to view all metropolitan areas alike. For example, Dade County (Miami) is a major metropolitan area, but the New York Region has several countries among its thirty-one that are of comparable scale. I am not bragging about our size, Chamber of Commerce fashion but simply pointing out that what is metropolitan in some urban areas is county scale in a larger region and perhaps should be considered in the same way as one of our counties rather than as you would treat our whole urban region. How to organize the federal bureaucracy to respond to the similarities and the differences is the issue.

## WHAT IS REGIONAL?

The question of what is regional and what is not is of large consequence to any consideration of how to deal with urban development. To illustrate: in the early sixties, Regional Plan Association (with the help of The Twentieth Century Fund) gathered representatives of the major metropolitan areas along the Atlantic Urban Seaboard (Boston to Washington). We all quickly agreed that we have only a very few matters in common which should be considered together—inter-city transportation, major open spaces and, in part at least, water. To affect these is to shape megalopolitan growth, we concluded.

At the New York Region scale, probably the most difficult task encountered in fashioning our Second Regional Plan was the question of what is of significance in shaping the Region. To the above, we added most importantly, the location of employment (especially office and service jobs) and other large activities, viz., major shopping and health facilities, higher education, the arts. These activities attract many people to come a long way. They therefore travel on the regional, rather than local, transportation network to reach them.

In a smaller metropolis, undoubtedly more factors would be of region-shaping consequence.

Now to propose some administrative machinery for coming close to the suggested goals.

## NATIONAL URBAN GROWTH POLICY CENTER

We would recommend that the White House group which we have heard has been assigned the responsibility for producing a suggested urban growth policy at least begin by opening up the agenda for wide discussion. I believe that our organization was among the first to urge that such a policy be formulated. We suggested that the National Urban Coalition establish a study of urban growth policy. In addition, there is the Advisory Committee on Intergovernmental Relations, with a great deal of experience of relevance, and now your own committee is developing an expertness. I suggest that all of us have something to contribute to The White House deliberations—if, indeed, they are deliberating.

From the New York Region's viewpoint, we think we can accommodate the growth projected for the duration of our Second Regional Plan, even up to 30 million by the year 2000 or shortly after but beyond that a national growth policy probably will be needed. Since our first Plan of the 1920's took a decade to create as did the Second Plan, a national growth policy could take as much more time, say to 1980 or 1985 if begun now. Its real impact, then, would only be felt during the closing years of the century. And since it has taken five decades of regional thinking to reach our present limited state of understanding, it is none too soon to commence a national urban growth policy effort.

## FEDERAL ORGANIZATION TO RELATE TO URBAN REGIONS

The federal Bureaucracy must meld the national urban growth policy with regional plans to guide actions, to achieve commonality of purpose.

For the three metropolitan giants, at least, a "metropolitan desk" or "chairman of a federal council" might prove salutary.

The function of this office would be to coordinate the many arms of the federal government operating within the area of the largest metropolises along the lines of national and regional policies. The role would be similar to that of the ambassador abroad whose role is to see that agencies of this country operate within the over-all foreign policies of the nation.\* New York City has experimented along these lines for specific growth centers, as suggested by Regional Plan Association's Second Regional Plan. A direct officer of the Mayor oversees all City development actions in Jamaica, Queens, a potential new sub-center, for example. Not that all City agencies are not in accord with the Jamaica Center concept, but the coordination, timing and dedication of their efforts cannot be left to chance. In much the same fashion, coordination of federal actions bearing on the growth and shape of this country's metropolitan giants needs attention. The manner of implementation requires consideration, and it might differ somewhat by area; however, it is much needed.

\*See Amory H. Bradford, *Oakland's Not for Burning*, David McKay Company, Inc., New York (1968)

## SUMMARY

We therefore recommend that a set of national urban growth policies be worked out more openly than they seem to be now, tapping the wide experience available. Second, we urge that the largest urban regions be able to deal with the federal government in a coordinated way with a chairman of urban agencies in the area or a direct White House representative able to work with all related federal agencies to focus U.S. programs toward a conscious set of regional goals.

But we remind you that existing regional planning processes need more democratic characteristics.

Finally, let me conclude where I began : federal-regional relations must coordinate federal policies to fit with regional goals but also must influence regional policies where national issues are at stake.



# PLANS FOR THE NEW YORK REGION

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## THE SECOND REGIONAL PLAN: A DRAFT FOR DISCUSSION

Boris Pushkarev, Vice President, Research and Planning, Regional Plan Association, New York City

The Plan for New York City often has been criticized for not being a plan in the traditional sense—no map on the wall to show the end-state as of the year 2000. I must admit that The Second Regional Plan, in contrast to its illustrious predecessor, the 1926-1931 *Regional Plan of New York and Its Environs*, shares the same failing—no map on the wall to show the year 2000.

In fact, when we first published *The Second Regional Plan: A Draft for Discussion* almost two years ago, it was with some trepidation that we omitted the traditional map; we were glad to see the New York City Planning Commission follow our example. Now we are in good company.

Seriously, it appears that the world around us is becoming too complex and moving too fast for traditional graphic design exercises relating to the far future to be the focal point of a plan. What is needed instead is a package of policies for today, based on a rigorous framework of analysis directed at key strategic issues. The analysis includes, of course, projections into the future—these are indispensable for judging the validity of today's decisions. But, just as importantly, the analysis should not be comprehensive. This is another iconoclastic innovation of The Second Regional Plan. Instead of trying to be comprehensive, we deliberately were selective and strategic; instead of dealing with all of a multitude of urban activities, the plan focuses on those which it believes to be region-shaping. Hence our interest in the location of such region-shaping activities as offices, universities, and department stores, which few regional plans explicitly consider.

Our analysis starts, conventionally enough, with a projection of employment and population for the Tri-State Region, an area which extends from New Haven to Trenton, and from Ocean County, New Jersey to Poughkeepsie; and in our present definition, it covers 12,750 square miles and 31 counties in New York, New Jersey, and Connecticut. Our latest projection indicates that the population of this region will grow from 20 million in 1970 to 28.2 million in 2000, assuming that the nation's population will reach about 300 million in the year 2000. Employment is projected to grow accordingly from about 8.4 million to about 12.3 million. The story gets really interesting, however, if we stratify employment by type. Employment in blue-collar jobs is projected to remain virtually stable, increasing only about 7 per cent over the next 30 years. White-

collar employment, in contrast, will increase by about 66 per cent and will account for close to two-thirds of total employment in the region 30 years from now. Service jobs will grow at a comparable rate, and will account for about one-seventh of total employment.

The white-collar revolution expected will have profound implications for the type of urban facilities required. For example, we project that floorspace in office buildings will roughly double—from almost 500 million square feet today to almost 1 billion square feet 30 years from now. Anybody who had misgivings about 10 million square feet of office space in the World Trade Center should think about where to locate the equivalent of 50 World Trade Centers over the next 30 years.

College enrollments will grow at a rate even faster than office space, increasing about two and one-half times. The demand for floorspace in hospitals, department stores, and apartment houses also will grow at a faster rate than population as per capita income doubles, in real terms, and household size and age composition shift.

The sum total of these projected office buildings, universities, hospitals, department stores, and apartment houses represents a huge market of regional activities which could prosper in environments of high interaction—in existing and new urban centers. They have great potential to affect regional form. Today, of course, a great majority of these regional activities are scattered randomly by a multitude of public and private decision-makers, each concerned with minimizing his own short-run costs in money and aggravation and not concerned at all with building a coherent urban region. The result is "Spread City"—or Los Angeles wrapped around Manhattan. This observation leads us then to the first policy of The Second Regional Plan.

*1. Those regional activities which are amenable to concentration should be clustered in a relatively few, large, diverse urban centers, both existing and new.* Specifically, this means:

(a) Manhattan should be allowed to accommodate its anticipated demand for central office space. To those who suggest that Manhattan is already too crowded, we retort that the net increment of 160 million square feet of office floorspace, which we project for 1972-2000, would, at densities prevalent in new construction, consume only 180 acres, or about 1.5 per cent of the island's total land area. If densities of new office construction were doubled, this land requirement would shrink by half.

Pedestrian congestion in the Manhattan central business district today is not the result of high densities, but rather the result of misallocation of space at surface level when 40-story buildings were erected on sidewalks designed to serve four-story buildings. With reduced building coverage, reduced areas for vehicular circulation, and increased space in below- and above-ground passageways and mezzanines, much higher building densities can be accommodated at *very* much higher levels of pedestrian comfort. To achieve this, changes are needed in zoning regulations, in street width standards, and in cooperative procedures

## Plans for the New York Region

between builders, the City Planning Commission, and the Transit Authority in regard to reconstruction of subway stations and mezzanines. Our forthcoming pedestrian environment design report will recommend just such changes. Moreover, the current program of transit expansion has to be viewed as just a first phase, with more to come.

(b) Investment should focus on three subcenters in the region's declining core: Jamaica, Downtown Brooklyn, and Newark. A number of programs toward this end are already underway in Jamaica and Brooklyn. They will help relieve office pressures on Manhattan and the suburbs, capitalize on a lot of existing investment, and place the dynamic part of the region's economy in immediate proximity to the region's largest ghetto areas.

(c) In the established suburban counties, emphasis should be placed on concentration of metropolitan-scale activities in existing downtowns such as White Plains, Bridgeport, or New Brunswick, or in quasi-downtown areas which can become new centers, such as Central Nassau County. About 10 centers of this type are indicated.

(d) In the farther-out, newly developing suburbs, markets will not be sufficiently large and compact to generate truly multi-purpose centers, but metropolitan activities there, too, should be nucleated, even if at a smaller scale. Our forthcoming work on the Mid-Hudson Region will provide examples.

Aside from providing interaction for activities located there, centers will yield the added benefits of: (1) facilitating public transportation, which can only work if the density of trip destinations is high; (2) providing a focus for civic life and civic pride for the growing metropolitan population beyond the reach of Manhattan; and (3) being visually distinctive, sparing both the roadside and the countryside.

To achieve a pattern of centers, state and county public policies and private decisions must be coordinated. Universities should not be located under airport runways anymore, offices or shopping centers should be located in consonance with a feasible transportation program, and public land banking and equitable tax-sharing will be necessary.

This principle of clustering activities in high-density centers with easy pedestrian circulation leads us to the second principle of The Second Regional Plan.

2. *A key measure of the performance of an urban region is how many opportunities for contact it offers within a reasonable range of time and cost.* If many people are packed closely together in space, but travel within that high-density space is so slow that more opportunities can be reached with the same effort in a low-density area, the advantages of clustering are negated. To save the old cities, to fully capitalize on the advantages of high density, much higher internal speeds than the present 4 to 8 m.p.h. door-to-door are essential in Manhattan and the smaller old downtowns.

Investment in high-speed transportation within the high-density older areas will yield the greatest payoff in terms of time-savings per dollar

invested because the number of people affected is so large and the present speeds are so slow.

Transportation investment in high-density areas has to take the form of a few additional freeways, such as tunnels under Manhattan and the completion of some circumferentials. But the lion's share clearly has to go to public transportation. The problem is that existing rapid transit technology cannot be very rapid within New York City given our requirements for station spacing and the more general limitations on acceleration. In the new technology currently being offered, we have seen only one item that fills the bill for a true breakthrough in trunk-line travel in high-density areas, and that is gravity-vacuum transit. For the first time in five years, the federal government seems to be taking it seriously.

It is our conviction that the current program of conventional rapid transit expansion in New York City—to be completed by about 1980—should be the last one. The next round of transit expansion should be based on radically new technology which would enable us to make the trip from 241st Street in the Bronx to Grand Central Station not in 43 minutes (if on schedule), but in 14.5 minutes, with 10 intermediate stops, and which would enable us to phase out, economically, some 70 miles of elevated lines which are still defacing the outer parts of the city.

Further, only a combination of high-speed and high-amenity access, such as gravity-vacuum transit can provide, can make the decaying "gray areas" of the city outside Manhattan sufficiently desirable to attract substantial capital for large-scale housing reconstruction. Otherwise, the suburbs will keep attracting all who can afford to live there and the city will keep losing.

3. *Open spaces are the lungs of the region just as job centers and transportation links are its heart and arteries.* It will do us no good to have a region with strong centers and a high degree of accessibility if it will suffocate for lack of open space. We see two areas where there is a danger of this:

(a) In the built-up parts there is increasing pressure to nibble away at open space in a shortsighted response to immediate fiscal and political pressures. Farsighted open space planning of earlier decades, for example, is being negated as highway lanes are carved out of marginal landscaping. Open space in built-up areas is irreplaceable; housing and commercial buildings are not. It is impossible for the region to grow without relocating existing uses, and the frictions of relocation must be compensated as part of the improvement cost, not at the expense of the long-term livability of the region (nor at the expense of those persons and businesses in the way).

Like in the Manhattan central business district, the land surface in the outer boroughs of New York City and in other older cities of the region is quite inefficiently used; it could support much higher densities with much more green open space. As we embark on large-scale pro-

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grams to reconstruct the region's older places, built in a hurry for a different era, we can and should gain hundreds of acres of new parks right where the bulk of the population is living—large waterfront parks along our great waterways, as well as green urban squares and corridors, something more than the vest-pocket asphalt lots we seem to take pride in now.

(b) Beyond the built-up parts of the region, along mountain ridges and bodies of water, dispersed accessibility by auto is sprinkling ultra-low density development and quasi-recreational activities all over the landscape, so that even though the landscape will in fact be largely empty, it will increasingly look like one continuous neon strip. Therefore, large-scale public land acquisition of permanent green reserves, similar to RPA's 10,000-square-mile Appalachian park proposal, is the order of the day now, not 20 years from now.

4. A "good region" is incompatible with a growing separation of rich and poor from their jobs and from each other, and with racial separation. What we are witnessing is a kind of socioeconomic "inversion," the white-collar jobs are where the poor people live and the blue-collar jobs go begging in areas accessible only to the well-to-do. If current trends continue, New York City will be 50 per cent black and Puerto Rican by 1985, while the suburbs will barely increase their proportion of blacks and Puerto Ricans to about 10 per cent.

The goal must be to reverse this inversion: to open housing opportunities for blue-collar workers near the new blue-collar jobs in the suburbs and to make central cities attractive to middle-class families with children. The above three policies on metropolitan centers, high-speed access within the core, and open space are all aimed in this direction, but must be augmented by three more.

(1) The costs of poverty-linked services must be lifted from the old cities and assumed by the national government at roughly twice their present level. This will give the old cities the financial ability to fulfill traditional municipal services at a high level with substantial improvement in income-maintenance and compensatory education, public health, and housing.

(2) The fiscal and zoning responsibilities for building the new urban fabric in the suburbs must likewise be partially transferred from local municipalities to higher levels of government. The bottleneck in the housing market, from which the middle class and not just the poor are beginning to suffer, cannot be uncorked unless unrealistic zoning practices which inflate housing costs are broken.

(3) Educational and training programs must be geared to fill the white-collar jobs the economy is offering and to overcome the skills gap. By 1985, 60 per cent of the available jobs in the region will be white-collar but only 37 per cent of the non-white labor force will be trained to perform them.

In summary, The Second Regional Plan calls for higher density, greater accessibility, much more open space, and an opportunity for all

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the metropolitan communities of the region to be better balanced economically, socially, and racially.

In traditional thinking, some of these "more of everything" objectives may seem incompatible. We believe we have shown that much of this traditional thinking is false, and that seemingly contradictory objectives are complementary in fact. It is possible for a region of 30 million to become a much better place than our present region of 20 million. To what extent it will, depends on its own faith in its own future.

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# **THE NEW YORK SUBURBS**

by William B. Shore, Vice President for Public Affairs,  
Regional Plan Association

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# New York Suburbia 'is so spread out and scattered that there is no sense of belonging to a large community.'

In the New York urban region, the suburbs are not the frontier. We stopped building suburbs 20 years ago. And what people still call suburbia is not the frontier, it is the end of the line — a logical conclusion to fiscal zoning and escapism that cannot work and soon must end.

Suburbs are local communities that use a metropolis, mother city, for activities that a local community isn't large enough to support. They have the best of both worlds — identification with a small town without giving up the choice and variety of the great city. New York City and Newark still have many real suburbs — some of them national symbols of suburbia: Scarsdale, Bronxville, Great Neck, Summit, Madison, Ridgewood, Westport, New Canaan, Darien. They remain as they started, communities primarily of the well-to-do. But many there recognize their dependence on the metropolis and their responsibility for its problems.

A few of these older suburbs have changed. New Rochelle, Mount Vernon, Englewood, Montclair, all have large percentages of black people and probably much lower percentages of white-collar commuters to Newark and Manhattan. Physically, these suburbs remain, in large part, attractive and well-maintained, though there are significant racial tensions in some.

All the commuter railroad suburbs seem likely to remain suburbs and pleasant places to live now that the three states — Connecticut, New Jersey, and New York — have pledged their treasure and their sacred honor to modernize the rail network.

The scale of the New York urban region must be understood to compare it to other urban areas. There are 20 million people, nearly a 10th of the nation, in an area of 13,000 square miles. Its 26 counties outside New York City include seven with populations of about three-quarters of a million or more; two have crossed the million mark.

Over the past two decades, more than five million people have moved onto land in the New York urban region that was vacant in 1950. Their settlements are not suburbs. Some of the new residents work in Manhattan or Newark, but only a small percentage. Altogether, commuting from outside the city into the Manhattan central business district is increasing, but the increase — spread through a widening urban area — is not strongly felt in most residential areas. The rest of the residents work in every direction. Offices have joined factories and research units at highway, interchanges or on roomy campuses.

As to services:

- Small shopping centers for day-to-day needs; "regional" shopping centers, usually with two department stores and many smaller shops, for major purchases.

- Small hospitals dot the landscape, though many people travel to larger hospitals in nearby older cities, e.g., Bridgeport, Morristown, New Haven.

- New college campuses outside New York City and Newark are scattered, inaccessible except by car.

The arts? Some 12 million people live in the New York urban region outside New York City and Newark — the wealthiest 12 million in the world, the best-educated, purchasers of more books and magazines than any other group in the country. Yet they are unable to support any first-class cultural institutions — no museum, no symphony orchestra, no repertory theatre of the first rank. Compare this to the 1½ million people in the Minneapolis-St. Paul metropolitan area who support two first-class museums, an excellent symphony, and a nationally respected repertory theatre.

Why are these 12 million unable to organize themselves to provide excellence in health care, the arts, and other specialized entertainment? Not because so many depend on Manhattan's offerings. Studies indicate they do not. In any case, Manhattan's cultural institutions could not possibly serve the artistically inclined of the entire region if they all did try to use them. No. The reason first-class artistic institutions and hospitals are lacking outside of New York City and Newark seems to be that people living there do not see themselves as residents of a community large enough to support the arts or major hospitals. There is no metropolis, no center of specialized activities around which a metropolitan community might form. The people are there, with their jobs and all the things of the city, but it is all so spread apart and scattered there is no sense of belonging to a large community. And they are pretending they don't live in a city at all. This is spread city.

In short, the development of the New York urban region in the last 20 years has provided residents with the worst of both worlds. In some ways, they have little more variety and choice and opportunity than the small-city resident. Yet they are imbedded in a huge urban region — everywhere there are people. Houses march over hillsides, cut into forests, fragment stream valleys. "Downtown" is the highway strip.

Spread city is not attractive. It is not efficient. It offers no community: "Where do you live?" "I live in a subdivision, along some highway, somewhere between

Boston and Washington."

Yet spread city continues to be built — for two reasons.

First, for what it is not: it is not old city. Residential neighborhoods are spacious; there is room everywhere for the automobile (indeed, it is shaped by the demands of the auto); and the poor and their problems are kept at arm's length.

Second, because of the present rules of the game. Each municipality retains the power to zone. Municipalities are not complete communities. They do not provide all the housing, all the jobs, all the services a well-rounded community will need. In most cases, they should not; they are too small to be well-rounded urban communities (as Great Britain found with its new towns — small cities are not big enough). But being only a piece of community, each looks to the others to take what none of them wants. And New York region municipalities have become expert at not paying their full share of social costs.

What is acceptable to municipalities? One-family houses on large lots — half-acre or larger; many municipalities allow no lots smaller than an acre. Garden apartments whose units are too small for families with children (these usually are allowed on leftover bits of land that no one claimed for one-family housing). Low, asphalt-surrounded commerce along the highways. Large offices surrounded by 300 acres of landscaping. Factories, if non-polluting, usually allowed only along roads that lead through the adjacent town.

## Only the rich need apply

There is no new unsubsidized housing being constructed in the New York urban region for families earning under about \$12,000 a year — that's 70 per cent of the region's households. And no municipality is volunteering to subsidize housing for another municipality's poor. In these newly urbanizing areas, there is little older housing that might be cheaper. So there are huge areas where only the rich need apply.

Segregation by income also segregates by race. About 18 per cent of the New York region's population is black and Puerto Rican. In the counties outside the old urban core, the percentage is less than half that. Furthermore, the ratio of black and Puerto Rican in the population went up 30 per cent in the region as a whole between 1960 and 1968. In these counties it went up more slowly. Finally, within these outer counties, blacks and Puerto Ricans are tightly segregated in the older cities. In Morris County there are fewer than 3 per cent and nearly all in Morristown and Dover. In Middlesex County, there are 6 per cent, nearly all in New Brunswick and Perth Amboy. In Fairfield County there are 9½ per cent, nearly all in Bridgeport, Stamford and Norwalk. If trends continue, New York City's population will be half black and Puerto Rican by 1985, Newark's 90 per cent, but the region's outside the dozen older large cities will be only about 10 per cent.

Because housing on large lots is costly



to build, there are no new freestanding houses anywhere in the region at less than \$30,000 and few at less than \$40,000. This cuts the market for which private builders can provide. As a consequence, fewer housing units are being built in the New York urban region than there are new households forming. In addition, some 70,000 units a year are becoming obsolete and should be replaced—but they have not been replaced over many years, creating a huge backlog of sub-standard housing.

Of course high interest rates have contributed to slowing housing construction. But builders could construct housing for families with children earning \$8,000 to \$12,000 a year, another 30 per cent of the region's households, if municipalities set aside some of their vacant land for attached housing and one-family houses on small lots.

Builders have demonstrated this in the few places where it has been allowed. They roam the countryside looking for sites for such housing and spend unproductive hours arguing with municipal councils and planning and zoning boards. As a suburban newspaper in the region remarked: "There are families looking for housing and builders willing to provide it, but they find their own local governments telling them it can't be done."

So the newer areas house the upper 30 per cent of the population by income. But over the past decade they have received almost all of the new factories in the region and about half of the new office space.

Until the recent recession, spread city suffered severe shortages of low-skilled employees. In Rockland County, New York, for example, three state government facilities alone were short some 1,100 employees recently—in a county with a total labor force of about 50,000. Factories there could not expand. One national corporation's major plant in the region is said to be its most inefficient because workers have to travel by car such long distances to get there. Often the assembly line cannot start on snowy, slippery mornings.

In the meantime, New York City is losing factory production jobs, the largest source of low-skilled jobs in the economy. But their resident factory workers are barred by all the rules of the game from moving outward with their jobs.

This trend cannot continue, of course. Every locality cannot have only the rich people and the tax-profitable facilities.

In the developed suburban ring (15 to 25 miles out), and the developing spread-city ring (25 to 50 miles out), there were some older cities to dump the lower-income elements into—Paterson, Passaic, Bridgeport, Perth Amboy—so blue-collar people could reach the spread-city jobs without threatening spread-city neighborhoods. But as the region spreads outward, there are fewer and smaller older cities.

Second, insufficient housing in the region as a whole is beginning to affect the middle-income family and the children even of the rich. This will add considerable

political pressure against spread zoning.

Third, corporations are hesitating to locate large facilities where lower-skilled and semiskilled people cannot easily reach them, and corporate spokesmen are publicly calling for more housing for their workers outside the older cities.

Fourth, popular resistance to new highways is increasing, but spread city is totally dependent on new highways. Nothing is within walking distance; there is no one place that enough people want to reach to support public transport; homes are too far apart to permit walking to bus stops.

Seeds of change have begun to sprout: court cases threatening to limit the discretion of municipal zoning; the New York State Urban Development Corporation, empowered to build without reference to local zoning or building codes; study commissions in New Jersey, New York, and Connecticut whose purview includes the issue of local real estate taxation for schools and its impact on urban development; citizen groups intending to build subsidized housing in newer areas, some backed by major financial institutions; large corporations speaking out against one-class areas; counties speaking more forthrightly about housing needs of their whole area which municipal zoning and housing action fail to provide.

#### The best of both worlds

But change to what? These awakening forces are all negative—they are against one-class areas, against separation of jobs from the people who can fill them, against lacing the countryside with highways. But what positive vision is there of a good society?

Regional Plan Association offers one. Instead of the homogenized urbanization of spread city, we propose centers, communities, and green spaces. Local centers in which day-to-day shopping and services, meeting places, and government are brought together and around which a local community can form; metropolitan centers made up of higher education, major hospital-health complexes, department and specialty stores, corporate offices, and the arts, around which a metropolitan community would form—the metropolitan community made up of groups of local communities. And again we would build suburbs; the best of both worlds. A local small town surrounded by green spaces but without loss of the urban opportunities of metropolitan living. Wherever possible, these centers would be renewed and enlarged older centers. New settlements would accrete onto the old.

Housing would cluster around the centers as iron filings cluster around a steel magnet, close together at the centers, spreading out more as distance from the center increases. In the metropolitan center, high-rise apartments for households without children; surrounded by lower apartments and town houses, then houses on small lots and, at the periphery, houses with more space around them. People would have a choice—greater access or

greater space: whether to be near places they want to reach frequently or instead have more space around their homes. Regional Plan questionnaires indicate that many more people would choose less space around their homes than they now have if there were a metropolitan center worth going to outside of Manhattan.

Within each metropolitan community, there should be a full range of population by income and skills, achieved by assuring a well-rounded housing supply. In newer areas, subsidies will be needed because there is too little older housing for families with incomes below that for which private builders can construct new housing.

This positive conception of whole metropolitan communities with a range of housing types and prices for everyone's wider choice, related to jobs and major facilities, is distinguished from the "liberal" attitude one hears: every local community must take some poor, some blacks, and some Puerto Ricans. What a great welcome!

Transportation, too, should relate to the centers. Centers should be the easiest places to reach in their areas, the focal point of public transportation as well as highways. Public transportation should have priority in reaching centers during peak periods, e.g., exclusive bus lanes or priority in entering the expressway system leading to the center.

Centers and communities offer these advantages over spread city:

- A sense of community, both local community and metropolitan community. With that, the capacity to support high quality activities that require large numbers of people, e.g., specialized medical services, the arts, other entertainment, social services.
- A conceptual clarity of how the place is organized as opposed to spread city's randomness.
- Wider choice of jobs for the employee and of talent for the employer.
- More efficient environment for many office jobs, the fast-growing element in this region's economy.
- Making good public transportation possible and so cutting down some on highway needs.
- More open countryside retained. The typical office campus takes about 19 times as much space as the same office activity in the kind of center we recommend. In addition, by scattering offices, they penetrate more countryside that otherwise would have remained natural.
- Wider choice of living patterns.
- More esthetically satisfying public places. Clustered in a center that has had design attention, stores and offices are more likely to look good than if each has to shout its wares at speeding motorists along a highway. In a center, covered parking substitutes for the sea of asphalt and painted steel that is the typical spread-city landscape. And there is more variety in sizes and shapes.
- Facilities right at hand, encouraging people to do more than they otherwise

might—to attend continuing education classes if they are near one's job, to go to a museum because it is next door to the department store.

• Avoidance of local traffic jams caused by large facilities going wherever they please.

• Benefits for each facility from sharing services with the others. One illustration: shopping centers are beginning to add theaters and offices and other "downtown" activities; businessmen are now advocating putting department stores in office parks. These seem to be natural links we forgot for a time.

• Government can remain smaller and yet effective. If spread city continues so there is no beginning of urbanization and no end, so subdivisions and jobs and commerce are related at random like a chain-link fence built by blind and mad workmen, then some sprawling regional governmental body will be needed to coordinate the whole. But if there are metropolitan communities, most interaction will take place within each so they become reasonable areas for most decisionmaking. Trying to encircle a constantly enlarging region with a governmental jurisdiction will not be necessary to allow everyone significantly affected by a policy to participate in its deciding—most metropolitan

communities will be large enough. In this region, a metropolitan community can be governed by existing strengthened county governments for now. Later, perhaps, their boundaries will be somewhat redefined to fit the community that develops.

In numerous public discussions followed by written questionnaire responses to Regional Plan, the choice of centers, communities, and green open spaces over spread city has been decisive.

But under present rules, spread city is faster, easier, and in the short run cheaper for those making the decisions. Spread city results from everyone doing his own thing. Centers and communities require some planning, some coordination.

First, we must eliminate the pressures of local property taxes for schools which force each municipality to emphasize their fiscal needs rather than physical needs. A wider taxing jurisdiction—the whole state or perhaps each county—might solve this problem.

Second, since most metropolitan and local centers (though not all) would be enlarged and modernized existing downtowns (in this region, for example, Bridgeport, Stamford, White Plains, Paterson, Jamaica (Queens), downtown Brooklyn, New Haven, Poughkeepsie, and probably others), urban renewal processes must

be made to work much faster.

Third, the federal government must relieve the older cities of the tremendous burden that poverty places on them—for some cities a financial burden (New York City spends well over half a billion dollars a year from its own taxpayers on poverty-related public services) and for all cities a social and psychological burden. One of the main reasons the older downtowns cannot fulfill a metropolitan center function is the fear of poverty and its consequences. The federal government should assume the whole financial burden of poverty-related public services—not just welfare but also compensatory education, public health, job training, housing—and the nation's investment in eliminating poverty should be greatly enlarged. Poverty is a national problem that happens to take place mainly in older cities because that is where the old housing stock has come together with the greatest job opportunities.

Fourth, highway priorities must favor the centers.

Fifth, more funds must be available for bus and rail service; the federal government should give each state discretion to spend federal highway grants on public transportation. Often a dollar spent on bus or rail services provides more benefits for the motorist than a dollar spent on added highway construction.

Sixth, the states should consciously locate their own facilities to create the desired urban form—primarily the state colleges and highways, but also facilities in which the state has some investment, such as libraries, hospitals, the arts.

Seventh, this is the time for a crash program of public land acquisition—large national and state parks in the Appalachians as a green backdrop for the 70 million people who will be living along the urbanized Eastern Seaboard around the turn of the century, all the remaining open Atlantic oceanfront, and much of the major river valleys. In addition, the states and counties and municipalities should buy now all the open space they will need for the rest of the century or longer. Future new-town sites should be reserved at key transportation points: historic and unique scenic or ecological areas should be acquired. Borrowing to buy now land that will be needed when an area is developed will be far cheaper than waiting for urbanization to encroach and then trying to snatch it from the developer.

Finally, the counties of the New York urban region should have stronger powers and more staff to plan for local and metropolitan communities, manage wastes more efficiently, and improve the design of what is built. Eventually, county boundaries may be adjusted to fit metropolitan communities as they naturally grow up, but for now, they are reasonable areas to plan for and to serve these communities.

With these steps, we can tame spread city and shape our urban areas with natural countryside surrounding and demarking real local and metropolitan communities and with housing for all.

#### Contributors to the Survey

**New York:** William B. Shore, vice president for public affairs, Regional Plan Association. **Los Angeles:** Mitchell Gordon, West Coast editor, Barron's Weekly and author of "Sick Cities." **Denver:** Anthony Ripley, Denver bureau, New York Times. **Indianapolis:** Gordon Englehart, Indianapolis bureau, Louisville Courier-Journal. **Minneapolis-St. Paul:** Ted Kolderie, executive director, Citizens League. **Baltimore:** Peter Paul, architect and planner. **Atlanta:** Reese Cleghorn, director of the Southern Regional Council's Leadership Project and editor of its monthly publication, South Today, and coauthor of "Climbing Jacob's Ladder." **Chicago:** Brian J. L. Berry, professor of geography and director of academic programs at the Center for Urban Studies, University of Chicago, and Katherine B. Smith, research project analyst, Center for Urban Studies. **Philadelphia:** Lenora Berson, free-lance writer. **Cleveland:** Roldo Bartimole, writer of a biweekly pamphlet, Point of View, about social and political events in Cleveland. **Washington:** George Grier, senior associate, the Washington Center for Metropolitan Studies.

Chairman BOLLING. Thank you, Mr. Keith. I would like to start, and be relatively brief, the first round by asking Mr. Wood to define the meaning of two sentences of his testimony, starting with the first sentence: "I believe that Presidential agencies can allocate resources and in some ways evaluate performances." I would like to know what you mean by allocating resources. Let us assume for fun that we have something like a national plan, that by some miracle the President and the Congress have decided on a series of general national priorities; that we do not have this constant competition in the educational field between one kind of educational program authorized by law and another authorized by law. Let us say we have national priorities. How would you envisage that allocation function?

Mr. Wood. Well, I meant, Mr. Chairman, simply to acknowledge the well-established budgetary review and resource allocation capacity of the Executive Office and of the former Bureau of the Budget and its ability to move both between programs and between regions or resources at various times. I also wanted to acknowledge there the properly applied planning programs and budgeting developments that came on in the 1960's. The case I was making is that too often, in my judgment, the Presidential agencies went beyond making these resource allocations and the capacity to evaluate, try to manage. And the specific instances that I have in mind deal with the multiservice neighborhood centers and model cities programs where the Presidential staff was very energetic in terms of undertaking to follow specific developments in many instances, but where they delayed making these allocations.

The practice I would envision as proper Presidential oversight in the new regional planning experience is that they make clear decisions as to priorities among programs and relative needs in regions. Thus, I think that if there is a continual line back to the White House about each request of each metropolitan council or each new development, we are going to choke the White House with a flood of communications again. So, I prefer to keep the White House central review process, urban development at the level of policy planning and work on other mechanisms for the coordination of the region.

Chairman BOLLING. Now, tell me how these other mechanisms would work. The problem that I have, and I think this is a good time to make it clear, is that I have approached my concern about the failure to have a set of national priorities and to effectively implement even the ones that we have with a rather brutal look at the way Congress operates, because I frankly believe that most of our ills begin here. And I come to the conclusion that what we do here is that we take the power that the Congress has as a whole, and fractionalize it to such a degree that it then impinges very much on the unitary power of the Executive by establishing a whole series of what I call incestuous relationships between the bureaucracy downtown and the power structure up here, which is essentially the same kind of bureaucracy that is called something else in a subcommittee, and a subcommittee system. You end up with such a fractionalization of power that you inevitably sense power has something to do with the making of policy, and you inevitably destroy any unitary policy

that the Executive has or make it much more difficult for the ability of the Executive to have a unitary policy. Well, if looking at power and the exercise of power as important, then you have to try to figure out some method, even with Congress not perfect, and not likely to be perfect in the foreseeable future, any more than Executive or local government is, some manageable way in which you can get power away from here in terms of operation, but not attempt to deny to the National Government the right to set national policy. Thus, there is an attempt to try to get the operational action out into not one kind of region, but all of the different kinds of regions, and that I think requires some kind of acceptance of the vagaries of the democratic process as Mr. Keith has suggested, and as suggested, might end up with all kinds of different regions, and you would end up with all kinds of different methods of solving the same kind of problems, not the problems of the great city, but the problem of the smaller region. I am perfectly willing to have a great variety of solutions of management and planning around the country, just so long as there is not fundamental violation of a national policy once clearly stated. For example, it would be assinine, it seems to me, to allow for much regional difference in the enforcement of civil rights laws. Clearly, we have got finally, some kind of a national policy and we should not allow for very much deviation.

But, the problem that I have, and the reason that I center on your two sentences to begin with is the agencies cannot manage, operate, or coordinate, and I am curious as to the kind of interdevelopmental management or operational coordination and the relationships to the localities. I, for example, have gotten to the extreme position that I suspect that it might not be a bad idea not to have any planning body that did not consist of the same elected officials that would have to implement the plan. They could employ anybody or they could have any advisers that they wanted, but no plan could be approved by anybody except the people who would have the authority to execute the plan.

Mr. Wood. That is a terribly persuasive suggestion, Mr. Chairman, as long as you are prepared to let the time of the duration of the plan equal the time of office.

Chairman BOLLING. I think politicians should be required to take greater risks than that.

Mr. Wood. Let me respond on two points. First of all, I think your diagnosis and analysis of the fragmentation of American power and the American political practice is acute and accurate. It is the triple alliance between a subcommittee chairman, an interest group, and a bureau chief that all of us in our public lives have wrestled with too many times in trying to get something done. But the automatic response to somehow place back in the Presidential hands the power for cohesion, it seems to me, may not be right.

I can recall in those very dark days of August 1967 when Senator Humphrey, then Vice President, led the special Cabinet group in which we tried to come up with reasonable responses to the problems of the cities at that time. And the Senator, of course, can comment on his own perception of that experience. I think we worked long and hard and we tried to develop a response at that period. We

found ourselves frequently frustrated at the lack of knowledge as to what the Federal Government was doing, could do, might do in the great cities at that time, and the gap between the policy gain and the feasibility of operations was a major experience that I brought away from that endeavor.

Now, I think it is possible to reach a new level, to build on the Federal boards, the long work of the Civil Service Commission, and its regional executive boards, and what have you, and to build on to the principle of lead agencies. I believe it is clear that once the Congress and the President establish guidelines in the regions and priorities, it is possible to say that the Department of Agriculture, or the new Department of Community Development would take the lead, and when the Department of Labor would lead and in what areas it would operate. I think it is well to recognize that probably the most underestimated official in American Government today is the regional administrator in the great Federal Departments. They manage to come to grips at the margin with at least desires of localities and pressures of their Departments in a very superb way, and I guess Bill Collins has shared this in your region, Mr. Chairman. These people are reasonable, they can work with the government, and I would prefer to see them begin to operate in a pattern of coordination, to circulate around, I think, rather than putting in a new man who is going to find out what can happen always and only at 1600 Pennsylvania Avenue. I guess my principal reservation is that as regional councils come up, you have established the Federal presence, and State and local have found appropriate ways to function as representatives. But you miss the problems the chairman, I think, has put his finger on so rightly, that we have got to coordinate the Federal Government before we can ask the people at the local and State level to do much better.

Chairman BOLLING. Senator Humphrey.

Senator HUMPHREY. I regret that I was not here earlier. We had a little matter or two to take care of over on the Senate floor today, and I am also very regretful that I have not fully participated in these hearings of your Urban Affairs Subcommittee, because the subject of regional planning is one very close to me and close to my interests. But, I am fortunately finding enough time late at night to look over some of the testimony, and hopefully will look through what has been presented today.

Professor Wood, the lead agency concept is one that you found to be effective, I gather, and I believe the testimony here is from your colleagues that those associated here with you today emphasize also the possibility of a sort of special representative to coordinate Federal activities at the regional level. Why do you feel that a lead arrangement is better or more effective than let us say to have a special representative? I have called him a White House ambassador, or whatever you wish to call him, to coordinate the activities of the regional Federal offices.

Mr. Wood. The advantages, I think, Senator, are the capacity for specific knowledge in a given area of expertise that a lead agency representative possesses and, therefore, his capacity to deal with his counterparts at the State and local level without in some degree

being just a general, some specifics rather than generalities; and his capacity to understand generally the working relationships with his colleagues, the operations level, and what it takes to get home.

Its disadvantage is the so-called inability to have the clout that will push people together, and to represent a central figure. And one weighs these pros and cons different times. I think it was hard before the 10 regions were made simultaneous in boundaries, to get the lead agency principle to work. In our times certainly we were frustrated in a couple of major areas but, of course, one of the problems that the chairman has indicated is that we have had at least three simultaneous theories about coordination operating all through the 1960's at the same time, and the signals were a little hard to straighten out. We have the desire that everything should come up together at the White House, in the so-called Haveman report that now I think has found effectuation, in OMB the super-agency doctrine that Secretary McNamara and then Secretary Gardner began to advance; and, third, the notion that it was possible for the domestic agencies to come to some reasonable agreement on their own and recognize what is best.

I think that specific empirical knowledge, I think, in operations would probably be more important than a symbolic representation and coordination. The Oakland task force which the Department of Commerce, HUD, and HEW went forward with proves that the Department of Commerce could lead a coordinated and cohesive effort of analysis, and in my judgment we were able in the Newark Hospital case in HEW and HUD to work responsibly together and solve problems. So, it is the focus to the problem, and the focus on cooperation and the simplification now within coordinated regions that gives me hope.

Senator HUMPHREY. One of the things that has bothered me about Federal Government, outside of what Chairman Bolling has had to say here about the structure of the Congress, which I think is a separate subject, but very much involved in this whole process, or the lack of the effective process of Government, is the way we draw the Federal budget. The Federal budget is drawn by the Bureau of the Budget and then, of course, what is in it is what we call the White House operation where all the differences between agencies are supposedly ironed out, and where finally it becomes the President's budget. As I gather, it is about the only planning instrument for allocation of resources; that is, Federal resources, that we have. We have no planning office in the Government, we have no planning board, we have no way of ascertaining any priorities except by accident or by the sheer impact of Presidential leadership, which may be rejected by other areas of the Government. Is it not possible to open up the budget process at some stage so that we get some input from people around the country who have to cooperate with the Federal program if they are to be effectuated; to wit, I have yet to hear of any leaders from a State legislature or any representatives of any legislative bodies being consulted on matters of governmental reorganization, or Bureau of the Budget recommendation? I do not recall that any of the mayors of the giant-sized cities, for example,

where a great amount of the Federal funds will be utilized particularly for certain agencies of Government like HEW or HUD, Labor, none of them are ever involved in the preparation of the budget.

What has also worried me is how we got the idea that somebody here in Washington could be so all intelligent and perceptive about the needs of the rest of the country and the differences in the rest of the country. Now, I would hope that somewhere along the line we could get to a point where at a certain stage in the preparation of budgetary data on which the ultimate budget decisions are based that Governors and mayors and legislators might have some input, so that we can find out at the regional levels as well as the governmental structural level what people have to say, and what they think ought to be priorities. I would just appreciate any commentary you have.

The best kept secret in this Government is the budget. I mean, even our best newsmen do not know what is going to go into the budget by the time the budget documents come up here. It is really a secret. There is nothing that the CIA has, the FBI has, that is nearly as secretive as what the Bureau of the Budget has and the President protects it like it is his only child, no matter what President it is. What is your observation?

Mr. WOOD. Well, Senator, just quickly, for myself, that is the point where central presidential direction can operate with great force on national policy. I observe as you do that we are the only so-called developed nation that operates with a budget that does not separate capital from operating expenditures. We have advised governments all over the world, in Africa, South America, Asia how they ought to reform their budgetary process to show what they spend this year and what they spend down the road, and yet we still budget our housing start for 40-year mortgages on an annual basis in this country. So, I think the need for reform on the budget is major, and I believe that this is the time in which the very different experiences of the different regions ought to come into play.

After that, if then the central mechanism does its job—allocates funds, indicated priorities—I think you will find the process local, State and Federal officials use in the regions of adjusting themselves to specific problems work very well. So, I think the absence of anything purporting to be a planning mechanism, except the counsel of economic advisers, is a tragedy in this country. I think we all have to admit that as superbly served as we are by the Office of Management and Budget, and the Office of Economic Advisers, that when the final chips are down, bankers values are expressed. There are other values that must be considered if we are to be fair and in accord.

Senator HUMPHREY. Well, this has been a matter of considerable concern to me as I have gotten around the country in talking with legislators. I met with legislative leaders down at San Juan and I asked them if any of them had ever been consulted on any of the Federal programs that the budget or the Bureau of the Budget had at that level. I mean, they are consulted by Congressmen and Senators as to a piece of legislation which might be introduced, which we

also know is modified greatly, if it ever gets out to committee and passes, it has been changed considerably, but, for the implementation of these programs it is an in-house operation. There is just not any outreach to find out really what sums of money might be needed, or whether those sums of money can be appropriately expended or how best they could be expended. It is a terribly distressing matter because I think we are not only without a plan, I think that the Bureau of the Budget itself is in a very real sense without any genuine, solid information as to what other people think our priorities in this country should be and how they would like to expend these moneys.

I have just one other—well I might say again, Mr. Chairman, we are at a loss as to know in Congress to start something like this. We can think in terms of the Committee on Government Operations, I guess, and that is one possibility, but you run into incredibly difficult jurisdiction problems when you start to move to a matter that relates to the Departments of the Government.

The National Urban Growth Policy Center, Mr. Keith, is one that you commented upon. You indicated that there is a White House group that has been assigned the responsibility for producing a suggested urban growth policy, and you are recommending the opening up of the agenda for wide discussion. What about some other part of the growth policy, what are—well, one of the things that keeps disturbing me is that ever larger numbers of people are living on a smaller proportion of our national domain, crowding into our cities with no policy, no concerted national policy for what you might call population growth, or a national growth distributions policy, as a national growth policy. I possibly missed out on it in the testimony, but what do you have to suggest in terms of growth centers, of the other side of the coin of the urban crises which is the rural crisis? I have just been looking at the census statistics, and they are very distressing in terms of what is happening and the demographic projections of this country.

Mr. KEITH. Well, I would gladly amend my National Urban Growth Policy Center to be a national growth policy center. I guess that I am so urban oriented that I put the additional word in there. I really do think that any such center should deal with overall growth policies, both from the rural as well as the urban aspects. After all, national agricultural policies have helped get some of our cities into the disastrous trouble they are in. As a Nation, we created a machine intensive economy in agriculture and provided the cities no way of handling the movement of population from the land. So, I would be quite willing to amend my center proposal to cover the issue of growth wherever it might be.

This brings me to one of your earlier points, to the question of the budget, Senator. As you said, "There is no long-term plan on which the annual Federal budgets are premised." This is really what is lacking. The word planning is still not thought to be a proper word in this country. In the twenties it certainly was not when the Soviet Union was beginning planning. American industry, however, has long ago adopted long-range planning as essential. I do not see how it is possible or even conceivable to think about all of the things that go into a budget without having some main course, main policy in



mind, and this I think would emerge from a national growth center. And you and I might well differ on where the growth ought to take place.

Senator HUMPHREY. No, I am not so sure.

Mr. KEITH. Even if we did, that is the point. There ought to be a set of policies derived from the material that comes out of the census, the information that comes out of the Council of Economic Advisers, from social indicators, as Bob Wood has described. They should be pulled together into an interlocking set of national growth policies in such a center. Then the Congress would have something to wrestle with, and so would local officials, citizens, special groups, and all the rest. At present, if you invited local officials in to comment on the budget they might well say, "I do not know where you are going in the long term, but I will tell you what to put in the budget that will help me immediately." In order to have a sensible discussion concerning the course of the Nation in the long term, some group or agency has to be charged with setting forth courses of action based on the hard facts of what is possible. The basic ingredient missing then is what we have called a set of national growth policies.

Senator HUMPHREY. Well, you know, last evening we heard Mr. Rene Du Bois, Rockefeller University, and a great scientist-biologist in his own right, an environmentalist, and we were over at the Woodrow Wilson International Center for Scholars, and we heard Mr. Du Bois as well as Maurice Strong of the U.S. Secretariate on the Stockholm Congress or the pending Stockholm Congress. I was amazed when Mr. Du Bois said that we in America think of our cities as being crowded, and he said they are the least crowded cities in the world, that all over the world other cities are much higher in density in population. And we attribute most of our problems in cities to what we call the density of population, and I know that I have spent a good deal of time orating on that subject matter, when, in fact, to my surprise and at this late stage in my life I found out that our cities, the American cities are not particularly overcrowded, they are just poorly planned. But he then went on to show and describe what had happened when they blocked off certain streets in New York for getting the automobiles off the streets, and it was very interesting what this distinguished gentlemen had to say. He said people began to smile, they began to look up instead of down, and they started saying hello to each other, and in that area there were no assault and batteries, people almost acted like human beings. They acted as they should act, and he said it was a whole new social environment that took place simply on one planning effort; namely, to get the automobiles out of a certain number of blocks and let people walk, and let them go up and down the streets.

Well, again I attended a planning conference in Minnesota a year ago, the American Institute of Planners, and some of our friends there were kind enough to load me down with book after book on magnificent plans for cities. The trouble is that these plans had no relationship or little or no relationship to anything that was being planned in the Federal Government. I mean, if there was anything it was well, hopefully, HUD would have some money, and hopefully

that we would be able to do something in public transportation, but it did not fit, it was not a part of any design at all. I mean they were plans of great cities and I will not mention any particular one, which were planned in almost isolation from anything at the State level or at the Federal level. Now, are you willing to join me and say we ought to be willing to discuss plans like we discuss sex, or do something to get it out in the open so that we can really get at this, or are we going to have to hide behind the barn?

Mr. KEITH. I hope that we will get it out in the open. Just before you came in I was making a point that a great region cannot deal with its plans without knowing what a great Nation is doing. I illustrated this by reference to our airport policy—or lack thereof. We cannot locate an airport for any major city of the United States and know we are doing the right thing unless we know what the national transportation policy as it impacts on the air system is going to be; and we have no idea. Obviously, air transportation policy is not enough, because this also is related to what cities you want to grow, and which ones you do not want to grow. But unless you begin to put these matters down, get them in the open, such decisions cannot be arrived at by the American people and the Congress in their behalf.

I was also making the point that we are going to have to learn how to do national planning. I do not believe that anybody in this country really knows how to do it within our capitalistic system. We do not even know how to do regional planning well enough, and as I say, we have been at it for half a century. You have got to strike at what are the jugulars of moving a country. I can tell you what they are in the New York region, and I have tried to tell you what they are in the megalopolis area, but I have only the faintest idea what they are nationally. I know one might look at a map and say those are mountains, and you should not build there, or those are lakes, and they and their shorelines ought to be preserved. In other words, you might look at the geography; you might look at the economy; and then take into account social factors. This is what Bob Wood helped us with in the New York Metropolitan Region Study a decade ago. With those projections people in our region could say, "Okay, if that is where we are going, we do not like it, and we would like to alter course and go in this direction." So, we have created the Second Regional Plan that we think will take us in another direction. The problem is that when we look up and try to grab the hook from the Federal Government to help us in the process you are going off in every direction.

Mr. Wood. If I might add just a word there, Mr. Chairman, it is not only the absence of national planning, but it is the passivity of the Nation's departments and agencies to the kind of desires and plans at the local and State level, however they happen to come up. That is the part of the problem. I suppose that the Federal Government in the last 30 years, as it has gotten into the planning process, has underwritten almost any jurisdiction that could muster the talent to fill in a Federal application for assistance. It has never really asked itself whether this district or town or county or city, what have you deserved to exist or continue to exist, and that sort of pas-

sivity that once there is something in a grass roots community it deserves to be there and remain there always, that is a major part of the problem.

The other point is that while we have very good accounting as to why and how a private firm should locate in a great metropolitan area, be it New York, Boston, Minneapolis, we have no forms of accounting or social costs of that location, I remember that at the time the Pan American Building was being built next to Grand Central. We went to our architectural friends and said, in effect, what are you doing that for? And they said because that is the most effective location for a great home office building in New York, right around everybody else. We made a simple calculation, Mr. Chairman, that if you try to empty the Pan American Building in an emergency you would have nervous, excited people standing three deep around Grand Central and we took that back to them, and they said well, there will never be a bomb scare or an emergency like that in the Pan American Building in New York City.

So, without measuring the social costs of transportation and public safety we will never make progress. Where should people migrate to, how long do we just let free migration go on, and when is a time to start regulations in shifting the patterns of migration to a different form.

Senator HUMPHREY. I could keep this up all of the time, so I will turn this back to the chairman. This is fascinating.

Chairman BOLLING. More or less by accident, one of the witnesses the subcommittee had a few days ago happened to have had a long experience with first the National Resources Planning Commission, and then the National Resources Planning Board, and I have not had a chance to recheck this, but he said that he suspected that the work that that agency did, which died, was murdered by the Congress in 1943 because it had dared to talk about planning from cradle to give in imitation of a British report, that leads into the report on transportation or plans for transportation policy which would probably stand up today. I have not had an opportunity to recheck it, although I was aware of it before, and it seems to me that in a curious kind of fashion we are going to end up in the right place, because I do not see how there is any hope for doing anything rational in this country until we do have a national planning approach. And it would certainly have to be a national planning group, whatever its composition was, that was wise enough to know, and I think it is true, that the regions of this country are more different one from another than Scandinavia and Europe and Italy. And they are different, with fundamentally different attitudes, although we all live under the same umbrella, but are certainly more different than France from Germany. But, it seems to me, I hope you are wrong, Mr. Keith, when you despair of the acceptance of the word planning. I sort of thought we had gotten there in the last 20 or 30 years. We might be willing it seems to me, and this is an essential part of it.

Mr. EURLMAN, do you have something you would like to say?

Mr. EURLMAN. I think instead of the word "plan" we could use the word "policy," which I think is almost synonymous. Even though

Senator Humphrey pointed out that the budget is not based on a plan, I think these plans do exist. As you mentioned, the National Resources Planning Board produced the famous monograph entitled "The City." The appendix of that report provides a set of policies that are applicable today. It recommends the need to alleviate pollution and traffic congestion, and that there ought to be a decent home for everybody, and going right on down the social and economic list of things that are applicable. So, then, that effort was cut off in 1943. Another set of policies is in the Douglas report, "The Building of an American City." If you go through those recommendations, they are the finest set of policy recommendations which can be the basis for a national plan.

There are methods by which we could implement these fine national plans and policies that are already on the books. For example, through money in the defense program. I hate to bring it up again, but it is in the magnitude of \$70 billion. I do not know what proportion of that goes for private contracts. But, say if there is a large company that is receiving a \$200 million contract; a few strings could be attached to that contract for implementing a growth policy, the Federal Government could say, "We would be glad to give you this contract if you build it out in X city, Idaho or in some of the less built-up areas capable of absorbing this additional growth instead of continuing the impaction of the existing metropolitan regions."

There is a lot of talk, of course, about new towns and I see the HUD legislation has a new towns policy for about \$500 million for assistance in the development of new towns throughout the United States. But, that is not for the true infrastructure it is for land, water, sewers and roads. But what about the financial costs of the true infrastructure, such as the financial centers, the hospitals and the cultural centers which are really important parts of metropolitan regions buildup. If new towns are really going to be implemented by the United States I suspect it would have to be somewhat on the magnitude of the way Great Britain and many of the European countries have been doing it, which is a truly massive effort. I realize \$500 million is a lot of money, it is still a drop in the bucket compared to what it would really take to implement new towns.

What to do about the agricultural and depressed areas? Of course, there is EDA and the regional commission, which possibly should be expanded to blanket the whole United States. Couldn't these plans be implemented on some form of interstate basis, working through these Federal administrative regions?

Senator HUMPHREY. Can I interrupt you there?

Mr. EURMAN. Yes.

Senator HUMPHREY. I have been somewhat cognizant of EDA and the regional commission efforts. They are just not brought together at all. It is just like they are brothers from two different continents that have yet to meet, and you know \$50 million for EDA, loans for depressed areas in the United States, that is not even salt and pepper on a national sandwich.

Mr. EURMAN. Scale is the thing.

Senator HUMPHREY. It is ridiculous, it is absurd and it is an insult. I tell them that over there, by the way, too. And the regional commissions, they get, you know, they do not even get potato chips in this Federal lunch basket that they have got. It is ridiculous, but it is nice to think about them. I mean, it does make you feel good to hear the words.

Mr. EURMAN. It does, then, get down to the triad of Federal, State and local/regional governments. The Federal Government has the money; and the local/regional, have the problems; and the States have the power. The States are not truly using the power to transfer it to the region which could reorganize in some way to better achieve the density of livability and so solve the pollution and environmental problems. I do not think we will ever see ZPG in the country, and I suspect the metropolitan areas will continue to grow. The usual statistic is about 80 percent of the population of the country will still be living in the metropolitan regions by 1980, which is only 9 years away.

Until the Federal Government establishes a national urban growth policy, I would like to suggest that may be an interim way. It could aggregate, through an inductive process, the regional plans from the 235 regions in terms of need and priorities. These could be screened through these 10 Federal administrative regions which would have representatives from the States and from the metropolitan agencies themselves. The collectivity of these plans would indicate the dollars needed to implement these plans. Now, maybe the Federal Government could not fund all of these plans, but certainly if a portion of them could be funded yearly or hopefully on a 2 to 3 year basis some of the top urban priorities called for in the regional plans could be satisfied and would aggregate to some form of national plan implementation.

Chairman BOLLING. We thank you.

Senator HUMPHREY. I sure wish I could stay here. One of the little suggestions that I made here recently out at the California legislature, which none of this is, you know, highly significant, but at least it is an effort. We have, for example, the President meeting with Governors. That is generally a day with the Governors and their ladies. It is the day in which you bring the Cabinet officers to the Governors and then they have dinner. It is nice. I have participated in several of them. It is one of the better dinners at the White House, and there is a certain amount of information that you get during the day, but that is it, and nobody knows when it is going to take place. It is not planned particularly, except a month or so in advance. But, it would appear to me that one thing that we could do is to institutionalize in the sense in the Federal system more direct contact though not necessarily routine, but on a more normal basis between the President and his Cabinet and the Governors and some of the key administrative officers, not once a year, but two or three times a year.

Second, it would seem to me that legislative leaders of the State legislative level and legislative leaders from the Congress ought to get better acquainted on these grant-in-aid programs and these sharing programs that we have that require much greater harmony

between the two levels of Government, and surely somewhere along the line, we have got to bring in the mayors of the giant cities to meet with those executive branch officials and legislative leaders on all the problems that we have. On our task force, Bob, their meetings with the mayors were useful. You would be surprised how much we all learned from each other. I remember one mayor that spent 5 years trying to return \$75,000 to the Federal Government. He could not. He could not find anybody to accept it. I made a quick arrangement for him to get that back. But, every time he would send it to somebody it would be returned. They would say this is the wrong place. It is that kind of ridiculous thing, but it actually happened, and we would find that there were difficulties that even mayors of substantially larger cities could have in contacting and working out arrangements with Federal agencies. There just is, I think, a series of things to do that are rather prophylactic and do not necessarily have long-term effects but immediate effects that we could do to ease this. There are 10 regions now, I believe, designated, so there are some possibilities here to really do some coordinating, and if you did not do anything else but taking your idea of piling in these many other regional plans into these regions you would begin to get some idea of what we mean by priorities and what people are talking about.

Chairman BOLLING. We thank you, Senator.

Senator PERCY. While I am here I would like to say hello to Mr. Wood who has been such a tremendous help to me while I was at HUD, and I am sorry that the Government Operations Committee has prevented my being down here.

Mr. WOOD. I appreciate your sentiments.

Chairman BOLLING. Gentlemen, I hope you will not despair. I know that you will not. I have greater confidence in the capacity of the set of institutions that we call Government, and I am going to adjourn pretty soon, Hubert, but I think one of the great problems that we have had is that too few people in Government have attempted to look at the problem that we face now in any historic sense because I think most of the problems derive from the acts that we have taken to meet emergencies. I am not at all convinced that it is not possible to have relatively soon some kind of an approach to a national planning act. I am not at all convinced that there is not a possibility to experiment in the kind of institutional reforms that would be necessary to implement a set of national priorities. Of course, that is the real purpose of these hearings, to try to see if we can advance a little bit by thinking of at least a few ideas in the Congress, and by an exchange of ideas among others collected in a compendium of papers, to see if cannot advance the interchange among scholars and other people in the field as to the various approaches that need to be taken.

I suspect that one of the problems that most seriously affects our inability to perform with rationality is the lack of exchange among people who have some knowledge. I am less pessimistic after even my years in Congress than Mr. Keith with the acceptance of the word planning. I think there has been some progress.

Mr. KEITH. If you adopted a national policysetting process, one of the things that would be most helpful is if the Congress were to review the planning developed in the executive area. I really like the word policies better than plan, because it will be a set of policies. It cannot be one plan, even a great metropolitan plan now is a set of coordinate policies. Congress could then say this is where we are heading, and it would make it ever so much more sensible because you would then know the annual budget either fit or did not fit; and the people in the metropolitan areas would understand what direction they should be working toward.

One other comment in terms of this question on the administrator, and who should he be, whether he ought to represent the lead agency or not. We have had some experimentation along this line in New York City. There are particular growth areas called for in Regional Plan Association's Second Plan. One is Jamaica, Queens, downtown Brooklyn is another. There, the mayor of New York City has put a man in charge of the planning policy, the orderly growth of Jamaica. This does not mean that all of the other city agencies are not knowledgeable and interested in what we are trying to achieve; it does mean that the key issues are guided by one fellow. The maneuvering of all of the things that have to take place in a time sequence are handled by one person who is in charge of seeing that Jamaica goes: he has the assignment of bringing all the agencies together at the right moment in each of the steps. The Mayor has said that is your job, and I am wondering whether that analogy might not be useful for the Federal Government. The metropolitan giants have nobody, in a sense, in charge on behalf of the Federal Government. Whether it should be the lead agency is an issue that you can decide better than I. Our own experience would lead us to think the Federal Government ought to have a man in charge of putting through the policies that have been agreed upon for a region. He ought to have a small staff, not very large, so that he can see what the issues are and help tie Federal actions together. If he gets a large staff, he is going to be doing the wrong job—execution instead of coordination.

Finally, one thing that we have learned in the New York area is that our little operation, Regional Plan Association, which is privately funded by foundations and corporations like most civic agencies, is kind of a gadfly that pushes and prods and pulls public agencies. We have made up our minds on policies that we think are essential for economic, fiscal, and social development of the region.

One of the things we find with official planning is that it tends to sink to the lowest common denominator, whichever of the three States happens to be holding that position on any issue at any one time. A part of the gadfly function is to get out ahead and say, "Look, the public would be willing," after testing ideas out on the public, as I have explained. I do not know how you could institutionalize this gadfly function, however. There is only one other such unofficial planning agency in the Nation that I know of, in Pittsburgh. I do not know how you could institutionalize this function because there is not enough money in the foundations of this Nation to make them all go; but maybe there is a way Government can

fund such an outside force that can venture out ahead and work with the public in the process.

Chairman BOLLING. I expect one of the most remarkable examples of an actual official agency that did that with great imagination, and with great attention to the subtlety of the great democratic process is not enough noted in this country, although much studied by other countries, and that is the regional effort in the Tennessee Valley in the thirties. It would be nice if we could figure out how to institutionalize that particular brand of leadership.

Gentlemen, I am grateful to all of you. I myself have to get back to the House, so I am going to have to adjourn this. I am grateful to all of you and I hope that we will get something done on this subject in the place that I think is primarily at fault in the lack of a national policy, and that is right up here on the Hill, in Congress. Thank you very much.

The subcommittee will be adjourned until tomorrow at 10 a.m. in room S-407 in the Capitol. It is the Atomic Energy Commission hearing room.

(Whereupon, at 3:50 p.m., the subcommittee recessed, to reconvene at 10 a.m., Wednesday, May 26, 1971.)



## REGIONAL PLANNING ISSUES

WEDNESDAY, MAY 26, 1971

CONGRESS OF THE UNITED STATES,  
SUBCOMMITTEE ON URBAN AFFAIRS  
OF THE JOINT ECONOMIC COMMITTEE,  
*Washington, D.C.*

The subcommittee met, pursuant to recess, at 10 a.m., in room S-407, the Capitol Building, Hon. Richard Bolling (chairman of the subcommittee) presiding.

Present: Representatives Bolling, Fraser, and Frenzel.

Also present: James W. Knowles, director of research; and Walter B. Laessig, economist for the minority.

### OPENING STATEMENT OF CHAIRMAN BOLLING

Chairman BOLLING. The subcommittee will be in order.

This morning we will conclude our hearings on regional planning issues. Mr. Robert E. Merriam, chairman, Advisory Commission on Intergovernmental Relations in Chicago, who was scheduled to appear tomorrow, advised yesterday that unforeseen circumstances have arisen, forcing him to cancel his appearance. His statement, however, will be a part of the printed record of the hearings at the end of today's proceedings.

Today we will hear from Mr. Albert J. Hofstede, chairman of the Metropolitan Council of the Twin Cities Area, and from Mr. Ted Kolderie, executive director of the Citizens League.

Mr. Hofstede is accompanied by Mr. Robert Jorvig, executive secretary of the Metropolitan Council of the Twin Cities Area.

These gentlemen in principal will be introduced by Representative Don Fraser of that State. And we are glad to have Mr. Fraser here. He is not only a Member of Congress, but he is a Member of Congress who has contributed much to the attempts to arrive at some new thinking. And we would like to think that the subcommittee is working in that general area. So we are particularly pleased to have Mr. Fraser with us.

The testimony we will hear about regional planning in the Midwestern State of Minnesota will naturally round out what has been a most stimulating and instructive three weeks of hearings into the problems and culminations involved in providing services to the people through multitudinous and overlapping governmental jurisdictions.

We will hear from all the witnesses, and then begin the questions. And, Mr. Fraser, will you proceed with the introductions, and

then the witnesses may proceed as they wish, their statements being filed with the committee and included in full at the appropriate place.

Representative FRASER. Thank you very much, Mr. Chairman.

Since we began, our colleague, Congressman Frenzel, from the adjoining district, who is also intimately involved with this metropolitan council, has joined us at the table.

Chairman BOLLING. We are delighted to have Mr. Frenzel here.

Representative FRASER. He might want to say a word when I am through, because he served in the Minnesota Legislature at the time this metropolitan council was formed and was an active supporter of it.

Mr. Chairman, I really wanted to come and introduce these three gentlemen today because I have known them all, and I have found them to be unusually dedicated public servants. Albert Hofstede, who is chairman of our metropolitan council, was serving on the city council prior to his appointment a few months ago by the Governor to head the metro council. He is one of the younger stars on the political scene in Minnesota, and has shown an unusual capacity to identify and work toward the solution of issues that run beyond the immediate responsibilities which he has held. It has been our pleasure to work with him very closely in recent years.

With Mr. Hofstede is Mr. Robert Jorvig, who is just to my left. Mr. Jorvig worked in our city government before he became the executive director of the metro council. And he too combines the unusual talents of commitment, ability, and the capacity to work with people, which is, I think, one reason they were anxious to secure his services when the metro council was formed.

Ted Kolderie, on the left of Mr. Hofstede, is the executive director of the Citizens League. This is a nongovernmental group which has played a key role in helping to formulate the concepts and to provide support at every step for the development of our metro council. He is one of the most able and thoughtful students of government in the State of Minnesota.

Mr. Chairman, I just want to say one word about the metro council. It is a unique institution in the United States, I believe, in that it departs from the so-called COG concept, and has instead an area-wide representation. Each of the council members represents two senatorial districts. They are appointed by the Governor. Some of us would like to see them elected.

Here is an agency with authority over a whole metropolitan area which doesn't have the problem of resolving the conflicts inherent in a COG which represents local government.

I just want to conclude my remarks by telling you, Mr. Chairman, that I am pleased that these hearings are being held. I think one of the anomalies about urban American today is that it is in our urban centers where many of our fiscal problems are found, and yet that is also where all the wealth of the country is found. And somehow there is a mismatch in the capacity of government to tap that wealth and apply it effectively in the public sector.

I have other committee meetings and will have to leave. But I am sure Congressman Frenzel will probably want to say something.

Chairman BOLLING. Thank you very much, Congressman Fraser.

Congressman Frenzel, we will be glad to hear you.

Representative FRENZEL. Thank you, Mr. Chairman.

And thank you, Congressman Fraser, for yielding to me for a couple of minutes.

Mr. Chairman, I would like to echo the flattery—at least in the introduction—of these gentlemen, all of whom have been in the frontlines, building an entirely new concept in governmental structure at the local level. And I think what you are going to hear from them today is going to be terribly interesting, so I am not going to try to anticipate it, except to say that in this particular area we have built a new government structure which overlays about 300 lower units of government, and yet does so in a way which we hope will not interfere with their prerogative, but will help them to do the things that they want to do for their own people.

As Congressman Fraser pointed out, it is a leap past, a generation beyond, the council of governments approach. There is no other structure that we are aware of that is very much like it. We have done this not because we want to assist the Federal Government in this particular way, but we did it to serve our local needs. And yet now that we are past the dream and the gleam stage, and we have operating, functioning, sophisticated operation in the Twin Cities metropolitan area, it is probably about time to look to the Federal Government for some incentives for some of the things that we are doing.

In our consolidation and in our handling of areawide matters we have developed a system through which the Federal Government is greatly benefited, for it now needs to deal only with one entity in many of its grant programs. And there are many other benefits to the Federal Government. But in return we have received, of course, very little from the Federal Government to encourage us to proceed with the development of this structure.

I hope that these gentlemen today will perhaps in their testimony develop some thoughts as to ways in which the Federal Government might be interested in assisting or providing additional incentives which might inure to the mutual benefit of both the local citizenry and the Federal Government.

Thank you, Mr. Chairman.

Chairman BOLLING. Thank you very much, Congressman Frenzel.

I understand and I share the dilemma that both of you have of trying to be in two places at once. And we are grateful for your presence. And any time you feel like you have to leave, just go, or stay. We are grateful to you for coming.

The first witness will be Mr. Hofstede, who may proceed as he wishes.

**STATEMENT OF ALBERT J. HOFSTED, CHAIRMAN, METROPOLITAN COUNCIL OF THE TWIN CITIES AREA, MINNEAPOLIS-ST. PAUL, MINN., ACCOMPANIED BY ROBERT JORVIG, EXECUTIVE DIRECTOR**

Mr. HOFSTED. Thank you, Mr. Chairman. In summarizing my remarks, I will take probably the first part of it, which will be to discuss the beginning of the council, how it was formed, and why it

was formed, and how it operates. And Mr. Bob Jorvig will talk about the Federal Government's relationship to the council, and maybe make some recommendations on that.

The metropolitan council is a regional agency of local government with authority to coordinate the overall social, physical, and economic development of the Twin Cities metropolitan area. The Minnesota State Legislature launched an innovative experiment three and a half years ago when it created the Metropolitan Council as a regional planning and coordinating body. It provided strong policy leadership through members appointed by the Governor with sufficient funding to couple the policy leadership with the professional know-how necessary to shape future growth of the metropolitan area and to coordinated public and private actions towards the goals of our Twin Cities metropolitan community. We have tested the council in our local laboratory, and it has proven to be an acceptable and effective vehicle towards the resolution of our region's urban problems.

Prior to 1967, when the agency was formed, the Twin Cities metropolitan area could be physically described as follows:

1. Area—about 3,000 square miles.
2. Three hundred twenty separate, but overlapping, governmental units, each with taxing jurisdiction. Included in these 320 governmental units were the two large core cities of Minneapolis and St. Paul, 26 other incorporated cities, 105 incorporated villages, 77 independent school districts, 19 special service districts, and seven counties.
3. Population—about 1,800,000 people with approximately one-half of the population residents of the two core cities of Minneapolis and St. Paul.
4. Suburban population and expansion was increasing in intensity.
5. The physical condition of the two core cities was gradually deteriorating from age and lack of restoration.
6. Serious problems existed in the area involving sewage treatment and disposition of sewage effluent.
7. Water quality available to the citizens of the metropolitan area for domestic, recreational, and commercial use was deteriorating rapidly.
8. The public transportation system was antiquated.
9. No regional park or open space agency existed and public access to lake areas and public dedication of large open space areas within the seven-county metropolitan area was minimal.
10. Minneapolis and St. Paul no longer had sanitary landfill areas located within their corporate boundaries to dispose of increasing amounts of solid waste.
11. Municipal government was suffering under the strain of limited tax resources and increasing demands for governmental services. Tax resources of local government depended primarily on local real estate taxes. Commercial and industrial prosperities were not located uniformly in the municipalities throughout the metropolitan area resulting in great disparity of tax resources existing between the various school districts, municipalities and counties.

The Twin Cities approach to regional coordination did not happen overnight, but has and will continue to be an evolving structure of government. It began with the creation of a number of special purpose districts over a number of years beginning with the creation of the Minneapolis-St. Paul Sanitary District in 1932. Among these special service districts was the Metropolitan Planning Commission, created by the State legislature in 1957. The planning commission was created with the broad powers to develop a regional plan for the seven-county metropolitan area. It was unique at the time in that it was given power to levy a tax over the seven-county area to support its function. The commission was composed of local elected officials appointed by their governmental units and appointed citizen members. The commission is completing its charge to prepare a development guide for the metropolitan area, recognized that the best of regional plans could not be translated into action by an advisory body. It felt strongly enough about its conviction that it recommended that a metropolitan council with review and operating powers be established and that the commission itself be abolished. This action, together with the support previously indicated, resulted in the creation of the Metropolitan Council by the State legislature in 1967. The newly created Metropolitan Council was a planning and coordinating agency rather than an operating agency as recommended by the planning commission.

In figure 1 of my prepared statement, we see the number of special districts that we had within the area, the metropolitan sanitary commission, Hennepin Park mosquito control, watersheds and others, et cetera.

Phase 2 in 1967 was a concept of the Metropolitan Council as a planning and coordinating agency, where you see the metropolitan council above in trying to coordinate all the other special district groups.

And in figure 2 of my prepared statement, we see again the chart and a brief description of the creation and organization of the council. In 1967, to meet the major intra-related problems of the 299 governmental units—which is wrong there—governmental units in Minnesota's major metropolitan area, the State legislature created the Metropolitan Council to coordinate the planning and development of the metropolitan area.

Of its membership, 14 are appointed by the Governor for a term of 6 years. Each is a resident of the council district he represents. Council districts are culminations of the legislative and representative districts within the metropolitan area.

The chairman, who is a voting 15th member, is appointed by the Governor to serve at the Governor's pleasure.

All appointments are made by and with the advice and consent of the State Senate.

The council's executive director is appointed by the council upon the recommendation by the chairman, and serves at the pleasure of the chairman.

The council's responsibilities include:

1. Preparation and adoption of a Comprehensive Development Guide for the metropolitan area.

2. Metropolitan sanitary sewage collection and treatment.
3. Metropolitan park and open space planning.
4. Preparation of metropolitan airport zoning and development standards.
5. Local comprehensive plan review.
6. Review of applications for federal moneys by local units.
7. Research study of (a) pollution; (b) parks and open spaces; (c) tax structure; and (d) unification of common services.
8. Review of metropolitan special purpose districts' comprehensive planning.
9. Metropolitan comprehensive health and criminal justice planning.

And its fiscal powers include:

1. Issuing general obligation bonds (for the sewer board only).
2. Unlimited taxing powers for debt service of the metropolitan disposal system.
3. Power to make an areawide annual operating levy of 0.7 mill.

An example of actually how the council relates to a particular district is found in figure 4 of my prepared statement, and here you see the metropolitan council on top, and its job is system plan, fiscal policy, tax, bonding, capital budgeting, and approval of facilities.

Under that is the sewer board, whose primary function is operating, and that includes facility design, construction, administration, annual budget preparation, operation and maintenance policy, and supervision.

And then the sewer board staff is under the sewer board, and then the municipalities. Their job or rule is to determine a method of payment, and to establish a service area advisory board if desired.

In summary, Mr. Chairman, the experiment in Minnesota has worked. It is, however, an evolving structure which will be subject to modification with experience. It is anticipated, for example, that it may ultimately become an elected metropolitan agency as it matures and its functions are expanded. The initial establishment of its membership by direct representation of the metropolitan citizen on a one-man-one-vote principle will facilitate its transition to an elected council if and when that decision is made by the legislature. Such a chance is likely to take place in event the council is given general taxing powers including allocation of funds between functions.

While this structure has worked in Minnesota, we believe we must look on the structure as a flexible matter with variations suited to the unique characteristics of each metropolitan region and one which can adjust to changing needs. It is this flexible approach that we believe has enabled Minnesota to provide innovative means to deal with regional planning and development problems. Our experience, we think, can have general application to similar large heterogenous multi-county areas. In other places where the urbanized area is included in the single county, some form of county consolidation may be more appropriate. Initial metropolitan structure can be most readily achieved by the council of government approach when other alternatives are not available. In this case, however, efforts should be made to establish such organizations by statute to ensure a continuing organization with appropriate powers to deal effectively with metropolitan problems.

In any event, efforts should be directed to state legislatures to recognize the need for effective regional governmental structure.

The metropolitan council was created through the interest and innovations of the Minnesota State Legislature. Our Attorney General has defined it as "a unique governmental unit standing a step above local governmental units and a step below State agencies and that it is clothed with certain attributes and powers of each." As such, it maintains appropriate ties to the State and is more responsive to the special problems of local governmental units.

Based upon our Minnesota experience, the minimum requirements for the successful operation of a regional agency include:

1. The agency should be a planning and coordinating agency, rather than an operating agency, but should have certain minimal powers to accomplish the essential coordination, and these minimal powers are:

(a) It should be representative of the people of the region on a one-man-one-vote basis.

(b) It should have the clear responsibility for the preparation of general system plans for major regional services, with the further requirement that operating or functional agencies are mandated to follow the system plan.

(c) It should have the authority to review and approve capital programs.

2. The agency must establish an effective and continuous means for community and citizen participation.

Thank you.

(The prepared statement of Mr. Hofstede follows:)

PREPARED STATEMENT OF ALBERT J. HOFSTEDE

I am pleased to be here today representing the Metropolitan Council of the Twin Cities Area and through it nearly two million metropolitan citizens who reside in the largest urban area in Minnesota. I am delighted to be a participant in the very important task facing the sub-committee, and am encouraged by your interest in what is being done in Minnesota and your efforts to seek new ways to solve the nation's urban problems.

The Metropolitan Council is a regional agency of local government with authority to coordinate the over-all social, physical, and economic development of the Twin Cities Metropolitan Area. The Minnesota State Legislature launched an innovative experiment three and a half years ago when it created the Metropolitan Council as a regional planning and coordinating body. It provided strong policy leadership through members appointed by the Governor with sufficient funding to couple the policy leadership with the professional know-how necessary to shape future growth of the Metropolitan Area and to coordinate public and private actions towards the goals of our Twin Cities metropolitan community. We have tested the Council in our local "laboratory", and it has proven to be an acceptable and effective vehicle towards the resolution of our region's urban problems.

I would like to examine the keys to unlocking the reasons for the Council's successes for this sub-committee, since some of the questions you have raised may be in part answered by what has occurred in our urban setting.

These keys lie in the unique character and composition of the Council, the local communities' initial and continuing support for it, the heterogeneous nature of the Area and its urban problems, and the Council's efforts to involve local governmental and other units of government in the management of metropolitan programs.

## A. CHARACTER AND COMPOSITION

1. *The Council is a local unit of government.*—The Council is similar to a state administrative agency in the sense that its authority evolves from the Minnesota State Legislature. Yet it is not a state agency. It is, rather, a unique unit of local government with Area-wide limited taxing authority. However, the Council is not regional government either. It does not undertake to perform traditional governmental services normally the responsibility of county or municipal government.

2. *The Council has an independent taxing authority.*—It presently receives a seven-tenths of a mill metropolitan-wide property tax levy, which produces just over one million dollars a year. Local revenue sources, other than federal funds, are critical if a regional agency is to have the capacity to perform functions required in the local region, but for which federal programs may not provide federal funding. Regional agencies, unfortunately, are often bound by current federal programs which may or may not be compatible with the real need of the local region and are subject to changing priorities and levels of funding.

3. *Council members represent people.*—Members are appointed by the Governor from districts transcending political boundaries of sub-units of government. They represent population-equal districts, primarily in recognition of the time commitment required by Council members and the difficulty that part-time municipal officials would have in performing their elected municipal duties and at the same time attempting to effectively make decisions at the regional level. If Council members have insufficient time to spend determining regional policy, the result is decision-making by staff persons rather than by the appointed representatives. Direct representation of the citizens' metropolitan interest provides a more visible structure for metropolitan decision making and eliminates the "two hat" problem resulting from representation by local governmental officials which requires such representatives to make decisions at both the local and metropolitan level on the same issue.

## B. INITIAL COMMUNITY SUPPORT

Demand for some form of regional agency to serve the Twin Cities Metropolitan Area was united and vocal:

*First*

*Municipalities.*—Municipalities through their local organization, the metropolitan section of the Minnesota State League of Municipalities, after substantial studies of questions involving municipal and school services, recognized that survival of local municipal government depended upon transferring certain regional services to a metropolitan agency, thus relieving the municipal governments of responsibility for performing those services. The municipalities concluded that municipal governments were attempting to perform services that transcended their political governmental boundaries, even with joint agreements. Performing such service by voluntary agreement was generally inefficient and uneconomical. Many municipalities avoided their governmental responsibilities by not joining in the joint power agreement, thus casting a greater burden on the other municipalities. Unique service obligations were imposed upon the two core cities of Minneapolis and St. Paul, because of their size and location, to provide regional services for the emerging suburban governmental units. For example, the two core cities were expected to provide area-wide services such as sewage treatment service, water supply, and transportation. The tax base of the two core cities was depreciating primarily through the removal of industrial locations from their corporate boundaries to suburban locations. Annexations, mergers, or consolidations were generally opposed by the larger established cities and by the new suburban municipalities. The inability of municipalities to reach agreement on the provision of sewage service was a primary factor in their conclusions to support the creation of a metropolitan-wide unit of local government to coordinate regional services.

*Second*

*Business Community.*—The business community of Minneapolis and of St. Paul realized that competition between those two cities for expanded commercial and industrial locations was creating a competitive atmosphere that was detrimental to the over-all development of the Twin City Area. The business



community recognized that the real economic competition was with the other metropolitan areas in the United States and not between municipalities within the Twin City metropolitan region. Business also recognized that the Twin City area was attractive to national commercial and industrial concerns because of the desirable quality of life available to the Twin City area. Maintenance of the environmental quality of life could be effectively preserved only through some form of regional coordination. Clustering of commercial locations into larger blocks would be beneficial for over-all development patterns, but would be impossible if internal governmental economic competition for tax base existed in its present patterns. Therefore, the business community supported the creation of a regional agency to coordinate the over-all development in the Area and to insure maintenance of environmental quality during the period of rapid physical expansion.

#### *Third*

*Civic Organizations.*—Civic organizations for years had been concerned about the lack of development controls for over-all development of the metropolitan region. Civic organizations were also concerned about the legislative propensity to create independent single purpose service districts as a solution for metropolitan problems. Over-all coordination of regional services was impossible under the existing structure. Civic organizations demanded some form of regional coordination. The special service districts have no built-in incentives to recognize the needs of other governmental units or the effect their programs will have upon other governmental units. The special or single purpose districts were regarded as unresponsive to public needs and demands and their existence made it impossible to use advanced technology such as information gathering, storage and dissemination, or computerized management of sewage treatment plants. The Citizens League, currently directed by Mr. Ted Kolderie, who is also appearing before your committee today, was one of the key civic agencies which has provided initial and continuing support to the Twin Cities Area concept of metropolitan development coordination.

#### *Fourth*

*Political Parties.*—Both major political parties, and their legislative candidates, adopted platforms advocating the need for effective regional coordination. The political parties were responding to the pressures of urbanization and the difficulty of responding to urban problems with a local governmental structure. Legislators desired a regional agency capable of expressing the needs and desires of the metropolitan community. This need was recognized because of the substantial and diverse programs urged upon the metropolitan legislators by their local governmental units, each advocating a program most beneficial to the particular local unit, but inconsistent with programs urged by other local governmental units. As a result, legislators expended an extraordinary amount of time on local problems with little or no opportunity during the legislative session to acquire the necessary fact background nor time to analyze possible alternative solutions. A regional agency could act as an administrative arm of the legislature in considering and recommending solutions for many regional problems.

Thus at the beginning of the 1967 Minnesota state legislative session the issue of effective regional coordination was not whether or not such coordination was required, but rather the form that such coordination should take. The primary legislative debate centered around the question of whether the regional agency should be more closely aligned as an administrative arm of the state or whether the regional agency should be more closely aligned as an elected unit of local government.

### C. A HETEROGENEOUS AREA

In 1966, prior to the enactment of the Metropolitan Council legislation, the Twin Cities Metropolitan Area could be physically described as follows:

1. Area—about 3,000 square miles.

2. 320 separate, but overlapping, governmental units, each with taxing jurisdiction. Included in these 320 governmental units were the two large core cities of Minneapolis and St. Paul, 26 other incorporated cities, 105 incorporated villages, 77 independent school districts, 19 special service districts, and 7 counties.

3. Population—about 1,800,000 people with approximately one-half of the population residents of the two core cities of Minneapolis and St. Paul.

4. Suburban population and expansion was increasing in intensity.

5. The physical condition of the two core cities was gradually deteriorating from age and lack of restoration.

6. Serious problems existed in the area involving sewage treatment and disposition of sewage effluent.

7. Water quality available to the citizens of the metropolitan area for domestic, recreational, and commercial use was deteriorating rapidly.

8. The public transportation system was antiquated.

9. No regional park or open space agency existed and public access to lake areas and public dedication of large open space areas within the seven county metropolitan area was minimal.

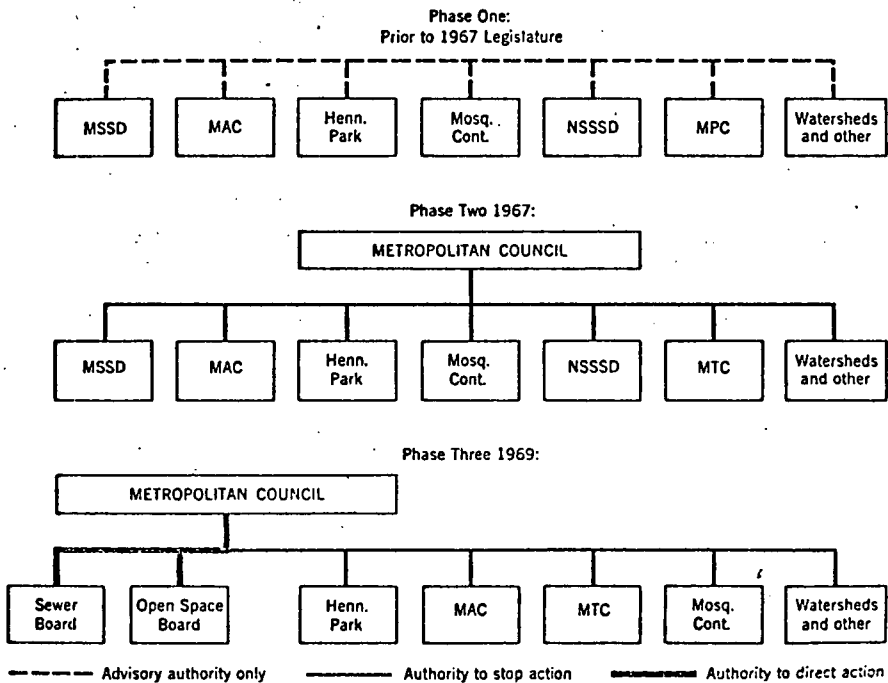
10. Minneapolis and St. Paul no longer had sanitary landfill areas located within their corporate boundaries to dispose of increasing amounts of solid waste.

11. Municipal government was suffering under the strain of limited tax resources of local government depended primarily on local real estate taxes. Commercial and industrial properties were not located uniformly in the municipalities throughout the metropolitan area resulting in great disparity of tax resources existing between the various school districts, municipalities and counties.

#### D. INTERGOVERNMENTAL ORGANIZATION : A COOPERATIVE ONE

The Twin Cities approach to regional coordination did not happen overnight, but has and will continue to be an evolving structure of government. It began with the creation of a number of special purpose districts over a number of years beginning with the creation of the Minneapolis-Saint Paul Sanitary District in 1932. Among these special service districts was the Metropolitan Planning Commission, created by the State Legislature in 1957. The Planning Commission was created with the broad powers to develop a regional plan for the seven-county Metropolitan Area. It was unique at the time in that it was given power to levy a tax over the seven-county area to support its function. The Commission was composed of local elected officials appointed by their governmental units and appointed citizen members. The Commission in completing its charge to prepare a Development Guide for the Metropolitan Area, recognized that the best of regional plans could not be translated into action by an advisory body. It felt strongly enough about its conviction that it recommended that a metropolitan council with review and operating powers be established and that the Commission itself be abolished. This action, together with the support previously indicated, resulted in the creation of the Metropolitan Council by the State Legislature in 1967. The newly created Metropolitan Council was a planning and coordinating agency rather than an operating agency as recommended by the Planning Commission. The method of implementation was a negative one, in that it provided a veto power over functional special purpose districts. Among the powers the Council had inherited all the planning powers assigned to its predecessor, the Metropolitan Planning Commission, and was charged to prepare a Development Guide for the Metropolitan Area and to carry out studies of a variety of regional problems. These studies were to include recommendations as to the governmental organization required. In its initial 15 months of operation prior to the 1969 legislative session, the Council developed the concept of operating agencies under the Council to affirmatively carry out system plans by the Council. This concept was implemented by the 1969 Legislature for metropolitan sewer and open space programs. Additional such programs are currently under consideration by the 1971 Legislature. This evolving structure of the Metropolitan Council is illustrated in Figure 1.

Figure 1



Although the Council developed a recommended structure for operating agencies under the planning and fiscal control of the Council in its proposals for sewer and open space, there remained a variety of slightly different relationships to other regional agencies that were existing at the time the Council was created. Further, the Council felt there should be some flexibility in this relationship to recognize activities and other units of government had capabilities to carry out regional functions without modification of the structure. This was the case in solid waste disposal where the counties had authority to acquire and operate landfill sites. Special structure were also set up in certain functional planning areas to provide effective involvement of those agencies responsible for implementation, such as transportation, criminal justice and health planning. Figure 2 shows in broad terms this varied Council-Agency-Unit of Government relationship which is further explained below.

*State Legislature.*—The Council reports formally to the Legislature every other year and in the interim testifies before its committees on various subjects as requested. The Council staff provides reports and data to the Legislature to aid it in considering metropolitan and urban issues. In addition, as the Council prepares parts of the Metropolitan Development Guide, legislative proposals are generated. These are brought to the Legislature for consideration and action. By this process, the 1969 Legislature passed bills in the fields of sewers, parks and open space, highways (local consent), solid waste disposal, the state zoo, and airport development.

Figure 2

**THE COUNCIL**

**CREATION, ORGANIZATION**

In 1967, to meet major intra-related problems of the 299 governmental units in Minnesota's major metropolitan area, the State Legislature created the Metropolitan Council" . . . to coordinate the planning and development of the metropolitan area . . ."

Since then the Council has done a nationally recognized job of implementing its charge.

Of its membership, fourteen are appointed by the Governor for a term of six years. Each is a resident of the Council district he represents. Council districts are combinations of legislative and representative districts within the metropolitan area.

The Chairman who is a voting fifteenth member is appointed by the Governor to serve at the Governor's pleasure.

All appointments are made by and with the advice and consent of the State Senate.

The Council's executive director is appointed by the Council upon recommendation by the Chairman and serves at the pleasure of the Chairman.

**THE COUNCIL'S RESPONSIBILITIES INCLUDE:**

1. Preparation and adoption of a Comprehensive Development Guide for the metropolitan area.

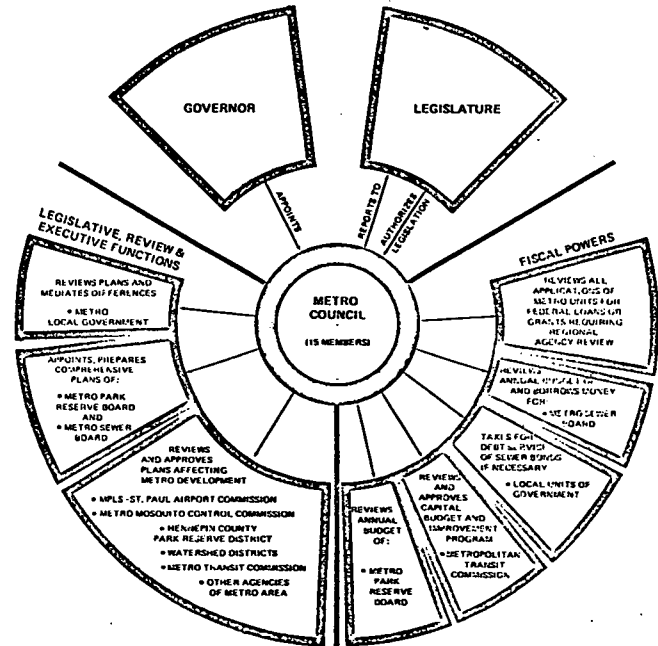
2. Metropolitan sanitary sewage collection and treatment.
3. Metropolitan park and open space planning.
4. Preparation of metropolitan airport zoning and development standards.
5. Local comprehensive plan review.
6. Review of applications for Federal Monies by local units.
7. Research study of:
  - a) Pollution
  - b) Parks and Open Space
  - c) Tax Structure
  - d) Unification of Common services.

8. Review of metropolitan special purpose districts' comprehensive planning.
9. Metropolitan comprehensive health and criminal justice planning.

**ITS FISCAL POWERS INCLUDE:**

1. Issuing general obligation bonds (for the Sewer Board only).
2. Unlimited taxing powers for debt service of the metropolitan disposal system.
3. Power to make an area-wide annual operating levy of .7 mill.

**INTRA - GOVERNMENT RELATIONSHIP**



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NOTE: The Metro Park Reserve Board is currently inoperative due to legislative procedural difficulties affecting the statute creating it. However, a new statute is now being proposed by the current session of the Legislature.

**Governor.**—The Council Chairman is appointed by the Governor and serves at his pleasure. Fourteen Councilmen are appointed by the Governor for specific terms within the consent of the Senate. They are appointed to serve an area comprising two legislative districts, thereby serving the metropolitan citizens on a one man-one vote basis. The Council provides information and reports to the Governor in support of his metropolitan and urban programs.

**Review of Local Unit Plans.**—The Council reviews comprehensive plans and matters of substantial metropolitan significance and can hold up a plan for 60 days for public discussion and Council mediation, but the Council's review is advisory only, and the unit can proceed after the 60-day period.

The Council also reviews and comments on a broad range of requests for federal funds, where the Council's comments are advisory only.

**Review of Special Purpose District Plans.**—The Council also reviews long-term comprehensive plans of special purpose districts and may approve or suspend all or parts of these plans, including agencies with responsibility for transit, parks, airports, mosquito control, watersheds, airports, and the new zoological garden. In addition the Council's review of the Metropolitan Transit Commission's plans has been extended to include fiscal controls through review of the capital budget, improvement program, and the acquisition of any private transit company.

**Transportation Planning.**—The Council took the lead in the restructuring of transportation planning in the Metropolitan Area. Its purpose was to consolidate the talents available to the community and continue cooperative transportation planning. The result was the Transportation Planning Program, in which the Council has the responsibility for over-all transportation planning, and is assisted by a five-member Management Committee made up of the Chairmen of the Council and the Metropolitan Transit Commission, the Commissioner of Highways, and one municipal and one county representative. Both the Council and the Management Committee have the resources of a core staff to assist them, plus part-time staff from participating agencies. The Management Committee is further assisted by two advisory committees, a Technical Advisory Committee of professionals, and a Policy Advisory Committee made up of elected officials (See Figure 3).

**Metropolitan Health Board.**—The Council is the Comprehensive Health Planning Unit for the Area, and is assisted by a 15-member Council appointed Health Board made up of citizens and professionals in the field. The Board advises the Council about the health of the region, and participates in the review of health-oriented funding requests.

**Criminal Justice Advisory Committee.**—The Council is the regional advisory body to the Governor's Crime Commission. The Council prepares the criminal justice plan and recommends Area projects for state funding. A 38-member Council appointed Criminal Justice Advisory Committee assists the Council in the plan's preparation and in review of funding proposals.

**Joint Solid Waste Planning.**—The Council, the Pollution Control Agency (PCA), and the metropolitan counties participate in a regional solid waste disposal effort under which the Council prepares the plan with standards and county site capacity allocations, and the county implements the plan subject to Council and PCA review to ensure standards have been met. The counties have prepared and submitted their plans to the Metropolitan Council and, after Council and PCA approval, are in the process of implementing them.

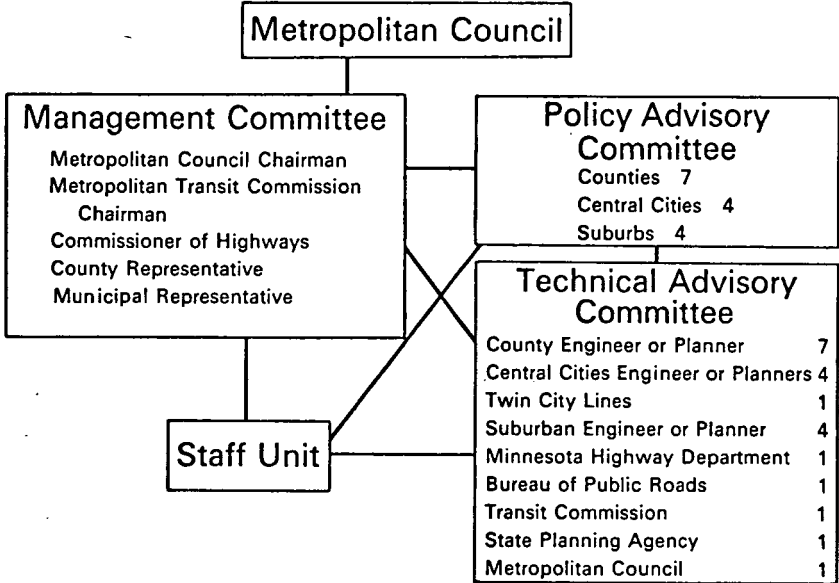
Full cooperation from the counties, the PCA, and the Metropolitan Inter-County Council has been most helpful in the plan's preparation.

**Metropolitan Sewer Board.**—The Sewer Board is an agency of the Council appointed by the Council from districts based on the one man-one vote principle. The Council directs the function through appointment of the Board, plan preparation, and capital budget review. The actors and their responsibilities are illustrated in Figure 4. The fourth and vital component, is Council and Sewer Board communication with and involvement by local citizens.

The Board assists in the preparation of the long-range plan, implements the capital program, and operates and maintains the system. The Council markets bonds to finance sewer system improvements and to date has sold \$70 million to finance approved capital projects.

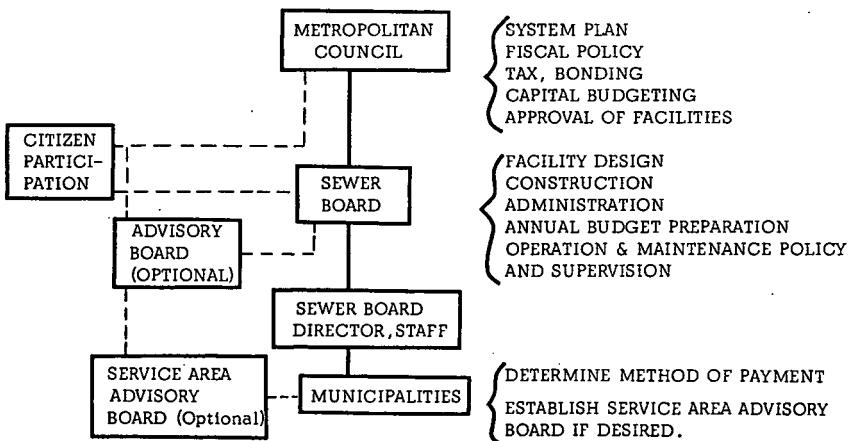
Figure 3.

## Transportation Planning Unit



The organizational diagram shows the relationship between the units comprising the transportation planning unit.

Figure 4.



*Metropolitan Park Reserve Board.*—The Council also appoints a seven-member Metropolitan Park Board similar in relationship to that of the Council and Sewer Board. Subsequently, a court decision invalidated the Park Board Act, and the Board has acted on in an advisory capacity to the Council. Legislation has been introduced into the current legislative session to create the Park Board which is expected to become law.

This trend to place autonomous special districts under the planning and capital budgeting guidelines set by the Metropolitan Council has been successful and holds great promise for the future. It enables metropolitan policy making bodies to spend time solving metropolitan problems, not running sewer systems or park systems. Boards under comprehensive planning bodies assures broader evaluation about the impact of single-function programs and may eventually lead to capital budgeting allocations between functions based on total metropolitan needs, rather than the special needs of a single function.

#### REGIONAL FEDERAL RELATIONSHIPS

The Council, we feel, is a prototype model of a local-regional planning and development agency that is being encouraged by the federal government to aid it in the administration of federal programs. Regional agencies are the logical body to take responsibility for problems that overlap existing political jurisdictions. Regional approaches provide organizations with greater territorial reach, particularly in multi-level jurisdictional metropolitan areas. Federal actions to encourage them in new areas and strengthen them where they are already functioning are laudable.

#### FLEXIBLE FEDERAL RESPONSIVENESS

It has been suggested that federal level planning and action programs be decentralized to regional offices. The substantial consolidation of the present 400 to 500 grant programs, together with an administrative organization capable of administration of all such programs from a single regional office, would be of substantial assistance to local regional agencies. We would, however, advise some caution for such federal efforts to establish and empower federal regionalization. The local need is for flexible federal programming. Local regional efforts to program innovative demonstrations that could shape national planning policy is curtailed by a federal structure that makes it difficult to get federal funding for the project. Our experience is that federal flexibility is greater in administrators at the top of the federal hierarchy. The more levels, the more reluctant are bottom level administrators in interpreting federal guidelines to allow projects funding. Implicit in the decentralized federal regionalism is the theory that the more localized it is, the more responsive it will be. This should receive careful evaluation. The consolidation of Federal programs with the capability to provide funding for multi-functional planning and development actions is perhaps more important than federal regionalization. The federal government perhaps should rather, as a policy, recognize established local regional structures as a basis for federal funding.

#### LONG-RANGE FEDERAL COMMITMENT

Continuous efforts at local programming are also affected by changing federal priorities. Lack of multi-year federal programming catches local groups  $\frac{1}{2}$  or  $\frac{2}{3}$ ds through studies, demonstration programs, or without funds to evaluate planning efforts. Program continuity and assurance of the availability of federal funds are essential at the local level. In addition, federal consolidation of current programs, if achieved, would greatly aid local ability to manage urban change at the local level.

#### REGIONAL AND FEDERAL FLEXIBILITY

Both management and the planning and programming process, if effectively tied in regional decision making, must be quite flexible. For example, revisions in the Metropolitan Council work program for 1971 will begin next week at the closing of the Minnesota Legislature to take into account actions of that body. Would the federal region be responsive to new requests midway through their budget year? The Federal Highway Administration and formerly the Bureau of Public Roads allocated considerable funds for long-term plan



making exercises. These plan development projects frequently run for three-to-five years and produce a blue-print type future physical plan for the region. The plans have generally been produced out of the decision making mainstream and were, therefore, easy to schedule but unresponsive to total community needs. What is needed is continuing funding for a planning process tied to regional decision making. Funding must cover plan making tasks to be sure, but also public information programs, technical assistance, aids to local advocate groups and other facets of support to the decision making process. Three-year programs of work should be prepared, but revisions must be allowed to accommodate constantly changing local conditions.

The other aspect of the funding—implementing plans and programs—has an opposite set of requirements. Here the need is assurance that a multi-year project can be completed. Change in funding rules on projects once committed is not desirable.

#### SEPARATE FUNDING CATEGORIES

There must also be a recognition of separate rules and standards for funds to plan and program and funds to implement those plans. It would be desirable if the federal agencies had consistent planning requirements to simplify the red tape necessary to adapt to programs of different federal departments. Even with such consistent planning requirements there should be two distinct categories of funds. One category should be available to area-wide planning and development agencies, like the Metropolitan Council, for general system planning. A second category of funds should be available to operating agencies for detailed planning, construction and operational purposes. Such a division of grant funds has been established in the Airport and Airway Act of 1970 for airport purposes. Similar allocations should be made of the 1½% of highway funds presently allocated to state highway departments for planning to regional agencies for developing and maintaining a regional transportation system plan. If the federal agencies policies but general planning funds into comprehensive planning units and funds for detailed site planning, construction and operation into operating districts, both needs would be served and special purpose districts tradition role of the one function special district is best served.

#### A-95 REVIEW PROCESS

The A-95 review process is probably the most important tool available to provide for the coordination of federal aid programs to state and local regional planning and development agencies. If this review process is closely followed by federal, state and regional agencies alike, the federal agencies can depend to an increasing extent upon state and regional agencies policies to assure that available federal funds are most effectively allocated. There should be a continuing evaluation of this review process. Although there is a requirement for reporting the ultimate federal action on A-95 reviews, this reporting process has not yet been effectively implemented. This is essential to permit the proper evaluation and improvement of this review process at the local, state and federal level.

The Committee has cited several specific questions for comment. Replies to these questions have been implied in the general presentation, however, the following additional specific comments are made.

#### *Question 1.—Popular Representation*

A key feature of the Council is the fact that its members directly represent people. This fact, plus the way the districts are formed in the Twin Cities Area, means that people have a sense of recourse to regional policy makers. The policy makers represent areas not defined by existing political units, but by where people live.

Policy makers can be appointed by some elected person or body, or directly elected from population equal districts. If elected, voter accessibility to policy makers increases. The Council presently is appointed. Proposals for the election of the Council have been made and are likely to take place as the Council matures.

The Council has used citizens task forces as advisory committees on tough metropolitan issues to good affect. Lay and professional advisory committees and subcommittees on highways, park and open space, the major zoo, health, housing, and criminal justice helped obtain a local consensus on these issues.

The Council has permanent advisory committees on health, criminal justice and on several levels of transportation planning.

Substantial and effective citizen involvement on a regional basis is of such a magnitude that it requires a variety of approaches. Representative organizations should be encouraged to become active advocacy groups on regional issues as a means of broadening interest and as a means of developing strong advocacy position for the consideration of the general purpose regional agency responsible for the ultimate planning and development decisions.

In addition, a 1971 Council priority is to find ways to involve citizens of the Metropolitan Area in regional problem solving. One way, which has been Council practice all along, is to hold public hearings on major issues before the Council. These have not been after the fact legal formalities, but real provoking informational participatory meetings at which basic policy is formed. The public has attended them in numbers and regularly. The Council has a large community liaison program and public information program to keep local units of government and the public abreast of Council activity. Local units, private developers and the Council are this year testing the effectiveness of cooperation and coordination in the joint planning and development of a major park site, housing, and several centers developments. In conjunction with local political jurisdictions, the Council is exploring the amount of lead time needed for different types of development activity in order to ensure that the programs may be simultaneously completed in conformance with regional policies. The appropriate level of detail necessary for effective coordination is also being studied. The Council is also working with local governments to arrive at an agreement on methods to coordinate development programming or scheduling at all levels to determine proper cost allocations, land-uses, and support services. We are requesting local people to advise us about our procedures, the meaning and transfer activity of regional policies for local application, and our general function to assist them.

Finally, funds should be available for local people to develop counter plans. Sound grass roots efforts can be an important input to assist in making proper policy decisions.

#### *Question 2.—Objectives and Goals*

Until such time as there is national planning and programming to achieve stated comprehensive national objectives, the goals and objectives should be to maximize the use of federal aids to achieve locally prepared objectives. Over the years there has been much legislation introduced into Congress to establish national planning. The Domestic Affairs Council and renamed Office of Management and Budget are steps toward that end. But by and large, national policy exists on an individual program basis. The sum of these programs may be the best balance for the nation, but is not for each local area.

Therefore, the emphasis must be on developing local decisionmaking mechanisms and planning and programming processes in support to effectively employ federal aids to achieve local objectives derived by due process.

#### *Question 3.—Standards*

The standards and requirements should all be of a performance type rather than specification type, i.e. the local organization form and membership should not be specified (COGs) as in recent housing legislation, but rather its ability to perform and be effective should be measured. Aid should be greater to those regions which perfect organizations that can implement decisions as opposed to debating. Aid should be greater (all other things equal) to those debating organizations that must stay at the job than to the loose voluntary ones where any dissenter can pull up stakes and go home if he doesn't like specific decision.

But the real measure must be performance of locally established programs. Those organizations which establish multi-year programs with due process and faithfully execute them should receive greater aid than those who prepare programs but never produce.

Again, lacking a national plan, any federal regional coordinator should be guided by local objectives and local performance. He should not interpose his own reviews of what should happen in the local region.

*Question 4.—Powers*

The prime power the regional coordinator will need is the ability to force federal agencies with varied and sometimes conflicting objectives into common programs, joint programs, within a given region. The Office of Management and Budget has been assisting some regional administrators in working out joint funding of local programs, but the authority to do this should be farther down with OMB review and assistance.

On the policy side, the regional administrator should be tied to the Domestic Affairs Council so that local objectives might be reviewed in a larger frame. But until there is true national planning to achieve national objectives on a multi-functional coordinated basis, this should be an exercise in coordination on the part of the regional administrator.

*Question 5.—Unrestricted Funds*

The extent of need and the amount of funds depends on two items: (1) degree of consolidation of federal programs, and (2; on the extent to which, as indicated above, the objectives of this regional set-up would be to further attainment of local objectives. If little is accomplished on either of these, the pool would be large; if much is accomplished, it would be small.

There is a substantial need for funding of demonstration projects designed to illustrate the policies and guidelines of regional development plans. Such demonstrations carried out in collaboration with local governmental units can expedite the accomplishment of both regional and local objectives. In addition, such reservoir of funds should be available for both planning and implementation projects which may rise due to changes in local priorities.

## SUMMARY

The experiment in Minnesota has worked. It is, however, an evolving structure which will be subject to modification with experience. It is anticipated for example, that it may ultimately become an elected metropolitan agency as it matures and its functions are expanded. The initial establishment of its membership by direct representation of the metropolitan citizen on a one man-one vote principle will facilitate its transition to an elected council if and when that decision is made by the Legislature. Such a change is likely to take place in event the Council is given general taxing powers including allocation of funds between functions.

While this structure has worked in Minnesota, we believe we must look on the structure as a flexible matter with variations suited to the unique characteristics of each metropolitan region and one which can adjust to changing needs. It is this flexible approach that we believe has enabled Minnesota to provide innovative means to deal with regional planning and development problems. Our experience, we think, can have general application to similar large herogenous multi-county areas. In other places where the urbanized area is included in the single county, some form of county consolidation may be more appropriate. Initial metropolitan structure can be most readily achieved by the Council of government approach where other alternatives are not available. In this case, however, efforts should be made to establish such organizations by statute to ensure a continuing organization with appropriate powers to deal effectively with metropolitan problems.

In any event, efforts should be directed to state legislatures to recognize the need for effective regional governmental structure.

The Metropolitan Council was created through the interest and innovations of the Minnesota State Legislature. Our attorney general has defined it as "a unique governmental unit standing a step above local governmental units and a step below state agencies and that it is clothed with certain attributes and powers of each." As such, it maintains appropriate ties to the state and is more responsive to the special problems of local governmental units.

Based upon our Minnesota experience, the minimum requirements for the successful operation of a regional agency include:

- (1) The agency should be a planning and coordinating agency, rather than an operating agency, but should have certain minimal powers to accomplish the essential coordination

- (a) It should be representative of the people of the region on a one man-one vote basis.

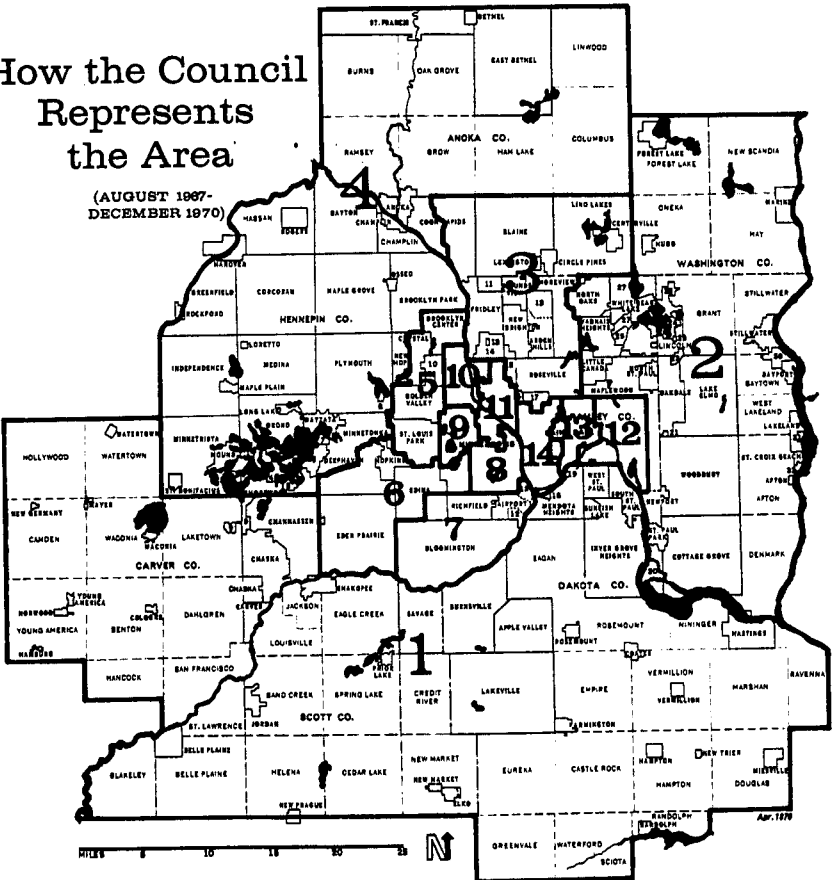
(b) It should have the clear responsibility for the preparation of general system plans for major regional services, with the further requirement that operating or functional agencies are mandated to follow the system plan.

(c) It should have the authority to review and approve capital programs.

(2) The agency must establish an effective and continuous means for community and citizen participation.

## How the Council Represents the Area

(AUGUST 1967-  
DECEMBER 1970)



The councilmen and their districts are as follows:  
Chairman — James L. Hetland, Jr., Minneapolis.

1. Marvin F. Borgelt,  
West St. Paul.
2. Milton L. Knoll, Jr.,  
White Bear Lake.
3. Joseph A. Craig,  
Coon Rapids.
4. Donald Dayton,  
Wayzata.

5. George T. Pennock,  
Golden Valley.
6. Dennis Dunne,  
Edina.
7. Clayton L. Le-  
Fevre, Richfield.

8. Glenn G. C. Olson,  
Minneapolis.
9. E. Peter Gillette,  
Jr., Minneapolis.
10. James L. Dorr,  
Minneapolis.

11. George W. Mar-  
tens, Minneapolis.
12. The Rev. Norbert  
Johnson, St. Paul.
13. Mrs. James L. Tay-  
lor, St. Paul.
14. Joseph A. Maun,  
St. Paul.

Chairman BOLLING. Thank you very much, Mr. Hofstede.

Mr. HOFSTEDÉ. Mr. Chairman, at this time I would like to call on Mr. Bob Jorvig to talk about the Federal-council relationship.

Mr. JORVIG. Mr. Chairman, the council as described by Mr. Hofstede has been in operation now about 3½ years. And I would like to just briefly talk about some of the Federal-regional relationships based on that limited experience.

I think we believe that this prototype model is one that can be effective in other places to accomplish regional coordination.

It has been suggested in some of the material that was forwarded to us that there might be a strong regional Federal agency to deal with a multitude of Federal problems. We believe that this would be desirable in the sense that it could consolidate the 400 to 500 various grant programs so they could be administered and made use of more effectively by local government and regional agencies such as ours.

I believe this kind of suggestion implies that by getting the Federal agencies closer to the local people that they could be more responsive. I think on the other hand that we have found in some of our relationships with Federal agencies that we are more likely to find innovative attention at the high levels rather than the local level. And it seems to us in this regard that probably what is most important is the consolidation of the federal programs, and increased capability to deal on a multifunctional basis in carrying out your planning and development actions.

In many of our efforts in the region we are trying to put together combinations of Federal programs to try to really illustrate what we are accomplishing on a metropolitan-wide basis. And to do this we need extensive flexibility on our own part as well as Federal funding from the various Federal agencies.

I think the second major concern is that in the provision of funds by the Federal Government we should have a more long-range commitment. In the preparation of our work in preparing a comprehensive development guide for the area and implementing it, we tried to deal with a 3-year kind of work program. And to do this means that you need to program your funding for some time in advance. And we need corresponding ability to depend on the necessary Federal funding. Here we would like to see this done on a programing basis so that funds could be made available for agencies such as ours to do their planning within a framework adopted by our local agency to carry out a long-range program of improvement. And these funds should be made available not simply to prepare the system plan we referred to, but also to be available and broadly used for information systems, information programs, technical assistance to local agencies that we deal with, and perhaps also to provide funds for capability of providing staff to local advocate groups that have specific input that they need to put into programs like highways, for instance.

Another key provision that we feel would be desirable would be to separate the grant funds between planning and development funds. An example of this, I think, would be the Airport and Airways Act of 1970, which provides grant funds to areawide agencies such as ours to prepare the system plan for such facilities, and provides grant funds to the aviation agency to do the detailed master plan-

ning of airports. And I think this illustrates the kind of concept that we are trying to develop in Minnesota to provide the full responsibility for general planning with the regional agency, and in turn have the operating agency mandated to follow those general plans, and given full authority to carry them out.

In this kind of relationship an agency like the council can continue to pay close attention to the integration of various functions like housing, parks, open space, sewer and water, and so forth, without getting involved in the details of operation and construction of the system.

I would also like to make a few comments on the A-95 review process. We think that this is the most important present tool available to us and to the Federal Government for coordination of planning and development programs in the region. Most of the programs are now included in this process. We think, however, that it needs to have a continuing evaluation. And particularly we feel the need to get reporting back from the Federal Government from the results of the reviews that are made by regional and State clearinghouses. This is being done, it has been started, and reports are feeding back to our State agency. But I think this whole process can be improved. And by evaluating what is happening as a result of those reviews I think we can improve both the Federal and the local ability to coordinate.

You have also suggested that we make some comments relative to citizen participation and how we involve the community in the kinds of programs that we are doing on a regional basis. I think one of the key points is the point that was made by Mr. Hofstede, that a regional agency such as this should be representative directly of the metropolitan citizen, the metropolitanwide interest. And in our case the council is appointed to serve directly that citizen interest. And I feel that ultimately they should be elected, because this will make that process clearer to the citizen.

Most of the people are more concerned in getting back and forth to work, and with who deals with how you built the highways and the transit system, then they are with the local government that really doesn't have control over that situation. And on questions of pollution, questions of airports and noise and these kinds of things, we think that by this direct representation process we can provide a clear representation of the citizens' interest directly in metropolitan problems.

However, we feel that there is no clear, simple way, or alternatives for dealing with the citizen participation. And we feel that this is a vital process of involvement of both local communities, citizenwide and civic organizations, and the citizen directly.

We have tried to do this in a number of ways. One of the things, of course, is that—that is always proposed is the public hearing process. This is a very limited process, but I think if this process is done early enough when the first concepts are perceived, that a real effective involvement of the people in the community can be accomplished.

For example, in dealing with the transportation problems and the highway problems we have a structure under the council involving local elected officials and technicians, and a management committee

involving the State highway commissioner, the chairman of the metropolitan council, the chairman of our transit commission, and a representative of county and municipal governments. And we are dealing with putting together a total transportation plan. And we are trying to delineate specific corridor designs both for transit and highways. And here we think that this kind of representation should be expanded to where it has really substantial involvement of not only the technicians and the local people involved, but the citizens that are involved in the particular sectors of those corridors. And we are proceeding to develop plans along those lines.

In most of our major programs we have had advisory committees broadly representative of both governmental and citizen interest.

In our internal organization of the council we have divided our departments into major departments. One of them is called the community service department. It is designed solely to maintain the liaison with these local governmental officials and citizens at large. And we use that department to process all our Federal referrals so that we try to make that process an affirmative one rather than a negative one, so that we can find out what local communities need and perhaps help them with applications for funding, rather than to merely respond to them.

Finally, we are trying in our present work program to develop demonstration programs working with local communities in multi-functional kinds of development. We have a couple of areas in which we are trying to put together park and open-space programs, housing programs, utility services, and the like, to where we could influence a large development in the community to provide a mix of housing units in a quality environment.

I think this kind of demonstration of use programs in a coordinated fashion, though rather localized in this specific instance, can be an effective way to develop close working relationships with both local, regional, and Federal need, and ultimately perhaps contribute to a total Federal policy in dealing with these programs.

In terms of goals and standards by the Federal Government, we feel that these should be performance type standards rather than specific directions for local and regional operations, the kind of requirements that HUD and some of the other agencies are now providing, where there is a requirement for an effective regional coordinating agency, there is a requirement for sewer and water plans and open-space plans in the region, general requirements of performance, and then evaluating communities and regions based on how they meet those general requirements in terms of local plans and programs rather than detailed specifications.

Thank you, Mr. Chairman.

Chairman BOLLING. Thank you.

Mr. Kolderie, you may proceed.

#### **STATEMENT OF TED KOLDERIE, EXECUTIVE DIRECTOR, CITIZENS LEAGUE, MINNEAPOLIS, MINN.**

Mr. KOLDERIE. Thank you, Mr. Chairman.

I would like to talk a little away from my statement, about what we have tended to think is one critical regional planning issue. And

that is the problem of developing from a metropolitan region an agency in State and local government structure with the real capacity to raise the tough questions about housing and transportation and open space and waste disposal, and with the capacity to come to fairly timely and politically meaningful decisions.

I do this because we feel that the delivery system for urban programs is overwhelmingly—and I assume is going to continue to be—institutions of State and local, rather than Federal Government. The Federal Government will deliver money to the local institutions to be spent. So it is terribly important to have these institutions develop a real decision making capacity.

I sensed a good deal of this same feeling in your hearing that I listened to yesterday afternoon. Certainly in Minnesota along about 1965 to 1967 we came to the point where we decided it was time to swing our emphasis away from making plans and to develop an ability to make decisions.

Now, there are two things about the metropolitan council that I think we have to underline that are very key. The first is that the structure is created by the Minnesota Legislature. It was not voluntary. It is an extension under the State legislature's responsibility for the social and political and economic health of the metropolitan area, and it has behind it the full weight of the legislature's authority over the system and local government organization and finance.

And second, as has been noted, it is built on the principle of equal-population-district representation. The map that is included in the council's current report to the legislature showing the districting of the council I think I might leave with you. I consider it one of the really important documents in the American federal system at this point. It is the only thing I think you will see where a population-equal system is laid over a metropolitan area.

The representation question, the system of membership selection and voting within such a regional agency, is absolutely central to its ability to make decisions.

That is why we feel that it is time to begin talking and thinking more about the question of representation in these metropolitan agencies. I would like to just touch on a couple of aspects of this for a few minutes.

The regional agencies that have been encouraged and assisted by the Federal Government, going back to 1962, and particularly through the 1966 act, are based on the essential principle, as I understand it, that what is to be represented at the metropolitan level is units of government rather than simply people.

You had a good deal of comment in your hearings last October, and in the written responses, which suggests that this type of representation and voting arrangement makes it difficult to face the kind of tough issues in the urban areas that need to be faced. And the evaluation of the agencies that have existed suggest that they tend not to be going about these kinds of gut questions.

Let me try to give three reasons as to why this representation/effectiveness issue is important.



First of all, having an agency that can make policy decisions is important to the Federal Government's own agencies.

Last fall I had a conversation with the Director of Planning for the Bureau of Public Roads. And he asked me a very interesting question. He asked, "When is your metropolitan council going to be come elected?"

I got to reflecting about this, and I think what he was really concerned about was the same thing that his predecessor was concerned about way back in 1962. Let me just read you a little bit of what Mr. Holmes said at that time, when the Federal highway program was being pressed very hard by its critics to relate to urban plans. He said:

Basic problems arise as to the extent to which transportation facilities will merely serve or will help to shape the future community. \* \* \* An example of this can be seen in the recent year 2000 plan for the Washington metropolitan area, which envisions radiating corridors within which will be found all cultural development and between which will be sectors of open space. \* \* \* The plan is advanced as a concept and widely published in the press. But there is no way by which public approval or disapproval of such a plan can be ascertained. \* \* \* The question must arise whether the Highway Administrator can rely on plans such as this one to indicate the demand or desire for highways, and whether he should deliberately follow this plan in an effort to bring about its intended results. The planners have given the Highway Administrator and his many colleagues in public and private life little to tie to.

In other words, a mechanism for meaningful metropolitan discussions is essential.

This leads to the second reason.

With a limited amount of money to distribute, and a general charge to assist projects that help to carry out metropolitan plans rather than projects that don't, how does the Federal agency—how can an administrator in Chicago, for instance—know how to do anything more than simply to see whether the papers are in order; and, second, to determine who got into line first?

I saw a wonderful case of this in the Twin Cities area not long ago, when I saw a copy of a letter that a suburban mayor had sent to his Congressman. He said basically three things: One, "A study of the property tax burden in the metropolitan area shows my community very nearly the most heavily burdened, while 'community *x*' at the other side of the metropolitan area, is one of the least burdened." Second, "I enclose a copy of a letter from the federal regional office rejecting our application for sewer and water grant." Third, "I enclose a clipping from yesterday's paper announcing the award of a comparable sewer and water grant to the other community. My question simply is, what in hell goes on here?"

I think this indicates that we are not getting decisions made on the basis of real priorities. Our Metropolitan Council, moreover, is structured in such a way that it can set those kinds of priorities and provide a checklist, if you want to call it that, to the Federal agencies as to the kinds of things to which it is our desire to give priority.

The third reason is a little more complicated, but I think it is terribly important also. One thing that you notice from what Mr. Hofstede said is that the State Legislature in Minnesota set up the

council partly to serve its own purposes. It needs to have proposals reflecting a really representative and politically meaningful consensus within the metropolitan area as to what it ought to do.

The Minnesota Legislature is not unresponsive to urban problems. It is very difficult, however, for the State legislature to act to change tax laws and zoning laws and systems of local government organization in the face of a great division within the area as to what the area really wants.

After 8 years of struggle and frustration over the problem of a sewage disposal system for the metropolitan area, the legislature finally understood that its basic problem was that there was no local "council" in which a meaningful vote could be taken about what the area wanted. So it created the metropolitan council precisely for that purpose and gave it in addition a whole set of things to study and come back with recommendations on.

What I am saying is getting the representation system in order—getting the metropolitan agencies set up so that they can take a really meaningful vote—is critical to opening up the institution where most of the powers that we have to have to solve urban problems exist. These do not exist in local government. And they do not exist in the Federal Government. It is only the State legislature that can get at the landlord-tenant laws, the tax laws, the land laws, and so forth.

It is time to raise this question about representation partly, also, because it is being raised around the country in the courts.

As I was coming down on the plane yesterday I was looking at an article by Professor Dixon here at George Washington University in which he mentions the *Hadley* decision involving the junior college district in the Kansas City area, where the court has introduced a requirement for a reasonable population representation in a special district. Professor Dixon concludes from this that the effort to solve the problem of metropolitan representation by adding so-called regional citizens to the existing councils of governments is not likely to stand up. There is also a case in the federal court for the northern District of Ohio brought by the city of Cleveland raising a fundamental challenge, on this point. So it may be that we will have, before long a kind of *Baker v. Carr* decision that lays down a whole new requirement about the organization of metropolitan agencies. If so, we are going to have to have some other principle of organization to put in place of what is there now.

Let me conclude, then, with a couple of recommendations that might make some sense as you try to move toward a new policy about Federal requirements for the organization of these State and local institutions that are reaching out to meet the Federal structure.

First of all, I think you have to work gradually. It would make some sense to try to encourage, little by little, the 204 agencies in the metropolitan areas to begin broadening their representation to include as board members others besides simply the elected officials of municipal and county government. For example, there has always been the question including school officials: They spend half the tax dollars, in almost every metropolitan area. Why should not they be part of the regional structure? You can go on through all kinds of

regional agencies and private agencies that ought to have some representation. There is also a trend toward weighted voting, to reflect the one-man one-vote requirement. This should also be encouraged. Second, it seems to us that the Federal Government ought to insist that the 204 agencies do more than just review and comment on the applications. It is something to have a review come in that says this project is "not inconsistent" with a metropolitan plan. But the question is: Is this the project that is top priority in terms of carrying out the metropolitan plan? If not, what would be?

Third, we need an improved ability to make tough decisions because Congress seems to be on the eve of a considerably expanded program of bloc-granting some of its categorical aid programs. And every bloc-grant program creates a different new little piece of metropolitan governmental structure. When the Partnership for Health Act came through, there had to be at the local level—typically undefined—the same structure to make the regional health plan, and to distribute the dollars in each year's grant allocation. We would like to see the responsibility for that job of planning and priority-setting assigned routinely to the existing metropolitan review agency. What this represents is a strategy of loading them up gradually with meaningful decisions to make. This will obviously raise the question of representation, and force some improvement.

Fourth, recognizing that the powers we all want to open up are the powers of the State legislature, we would like to see the Federal Government encourage or require these regional councils to make a legislative program—to speak not only to the Federal Government about the allocation of money, but to speak to the legislatures about what needs to be done in the way of housing, programs, taxes, changes in the system of local public finance, and so forth.

Finally, it would make sense if the Federal Government would open up a substantial program of assistance to the State legislatures to let them develop their own system for evaluating and analyzing these programs as the proposals come up to them from the regional councils.

I think there is probably much more to say about the relationship between representation and decisionmaking, and we may have raised more questions than we have answered. So I will stop and be glad to respond to some questions.

Chairman BOLLING. Thank you for a very interesting contribution. As the only living example, apparently, of this particular form of regional approach, you are very valuable to us.

(The prepared statement of Mr. Kolderie follows:)

#### PREPARED STATEMENT OF TED KOLDERIE

I would like to underscore here today two things about Minnesota's reorganization of the Twin Cities metropolitan area, which we think are the keys to its success and which we believe bear serious consideration by the federal government as it searches for ways to improve the governance of the great urban areas of this county.

The first thing to notice is that the agent for this change has been, and continues to be, the Minnesota State Legislature.

The second is that the system of representation within the Metropolitan Council is set up on an equal-population district basis, as a result of a deliberate decision to secure an ability to confront and to resolve difficult policy issues.

These two ideas are absolutely central. Let me briefly discuss each of them in turn, suggesting a few of the ways they affect the interests of the federal government.

First, as to the State Legislatures.

These continue, by and large, to have, I suspect, the poorest reputation of any major piece of the American federal system. Recent evidence—such as the study by the Citizens Conference on State Legislatures—indicates these institutions are, in fact, changing and modernizing quite rapidly, and are nowhere near so unresponsive, incompetent or corrupt as much of the comment about them would lead us to believe. Yet they do suffer from this image, and they do, therefore, tend to be overlooked by almost everyone searching for an approach to the solution of our urban problems.

Yet the truth is that it is precisely the State Legislature that holds most of the powers essential to everything we want to accomplish, this is an enormous potential here that is virtually unexploited. It is almost impossible to overestimate how much can be done, and how little has been tried, along this route.

Look at the experience in Minnesota, where we have found ways to activate the State Legislature and to make it responsive. The results have been impressive. The Metropolitan Council itself . . . the Metropolitan Airports Commission . . . an areawide sewerage program . . . in short, the whole evolving governmental structure for this urban area has been achieved through the use of the constitutional authority of the State Legislature over the organization, powers and finances of local government.

And the establishment of this areawide structure is only a part of what the Minnesota Legislature has done in the last decade. It has also totally rewritten the annexation and incorporation laws, providing a rational program for the extension of municipal government. It is currently rebuilding the system of state/local financial relationships . . . working in new measures of need and of ability to pay, and expanding the share of local revenues provided by the state. It is also, I might note, modernizing itself—staffing up, improving compensation, remodeling facilities, reorganizing its committee structure, and developing an ability to work productively throughout the full biennium for which its members are elected.

The experience in the Twin Cities area suggests that a state legislature is unresponsive partly, at least, because urban issues appear before it as a confusion of voices—city officials and suburban officials and interest groups of all kinds, with their special points of view. There is no voice speaking for the areas as a whole, separate from the local governmental units. Yet the Legislature *needs* some indication of consensus, from a formal representative and responsible for body, so that it can treat these issues as, in a sense, local bills. The existence of such a voice for the whole urban area would be no guarantee the Legislature would act, but, clearly, the Legislature is unlikely to act without it. Our experience has been, at any rate, that the Metropolitan Council working out a program of proposals of the Twin Cities area has served as a kind of “key” that is able to unlock the storehouse of powers represented by the State Legislature.

This has, clearly, become one of its principal functions . . . along with the preparation of the plan for the physical and economic development of the Twin Cities area itself.

Such an areawide body, structured so as to be able to reach hard decisions, is important, not only to the Legislature, but also to the federal government—as it tries to implement its own programs in the urban areas.

The problem was perfectly stated by the then Director of Planning for the U.S. Bureau of Public Roads, E. H. Holmes, in 1962, when the freeway program was being pressed hard by its critics to relate more closely to urban planning.

“Basic problems arise,” Holmes said, “as to the extent to which transportation facilities will merely serve or will help to shape the future community . . . An example of this very basic problem can be seen in the recent Year 2000 Plan for the Washington metropolitan area, which envisions radiating corridors within which will be found all cultural development and between which will be sectors of open space . . . The plan is advanced no way by which public approval or disapproval of such a plan can be ascertained . . . The question must arise whether the Highway Administrator can rely on plans such as this

one to indicate the demand or desire for highways, and whether he should deliberately follow this plan in an effort to bring about its intended results. The planners have given the Highway Administrator and his many colleagues in public and private life little to tie to."

The problem for the federal agency is the same as the problem for the Legislature: To know what, in some formal, official sense, the local area wants.

It is probably clear from what I have said so far how key—for all this—is a proper structure of representation in the areawide organization. Currently, this is not an actively debated issue, but it should be an issue and it will be an issue, we are convinced, as soon as the areawide agencies established under the Model Cities and Metropolitan Development Act of 1966 begin seriously trying (as certainly they should) really to direct federal grant monies first to those projects of highest areawide priority, and to those projects that best serve to implement metropolitan plans.

When this happens, the weakness of the existing arrangements for representation in most of these "204" agencies will be exposed. Most such agencies—as other witnesses before this subcommittee have pointed out—have been built on the essential principle that what is to be represented in our areawide agency is not people, but units of government. What we have, therefore, is a one unit, one vote, system. As a consequence, hard votes on controversial issues are seldom taken . . . or are taken only at risk of the survival of the organization itself. This is why the issue of representation in these agencies is not being pressed. Federal officials are aware of the problem and are concerned about it. But they are reluctant to raise the issue because they are hoping that, in time, local units will learn to cooperate toward solutions of some areawide problems. And they do fear that raising the question of representation would bring an end to such voluntary cooperation.

Probably they are right: Voluntary organizations can easily fall apart when a controversial issue is driven in. The question is, of course, whether the organizations ought to be set up on this basis at all.

This issue was extensively discussed in the Twin Cities area over the two years preceding the creation of the Metropolitan Council in 1967. In this discussion we forced the question: Will our areawide agency be able to reach decisions on issues where action is not in the interest of all concerned?

We had fresh in our mind an issue raised a year previously by the proposed construction of a 550-megawatt generating plant in a village of about 400 people in the St. Croix Valley—now a "scenic river"—east of St. Paul. Our then existing Metropolitan Planning Commission, structured essentially like a council of governments, agonized for some time over this issue . . . but, in the end, pressures from the areas that stood to gain financially from the location of the plant made it impossible for the MPC even to find that the question was a matter of areawide concern.

In Minnesota the decision was, therefore, made early to establish a metropolitan council in such a way as to avoid the conflicts that inevitably arise when members hold other, local office . . . and to establish the districts so each member's vote will be precisely equal to any other. Out of this came the proposal to create the districts simply by combining the reapportioned state legislative districts by twos—a principle that has been continued where possible in the structuring of the operating agencies subordinate to the Metropolitan Council.

The Twin Cities area has, at the same time, organized its local officials on an areawide basis. There are separate areawide organizations for municipal officials, for county officials, and for the school districts. We are following, at the metropolitan level, in other words, essentially the practice followed here at the county level . . . where municipal officials are organized to express their concern about decisions of the county board, but do not have themselves sit as members of the county board. In the same way, the Metropolitan Council exists to represent the interests of the local governmental units.

This system looks to be working in the Twin Cities area. Hard votes have been taken . . . over the location of the Metropolitan Council's own offices; over the location of the zoo; on the design of highway interchanges; on the extension of sewers; and, most significantly, on the location of a huge new international airport for the area. The most serious problem (not yet a fatal one, but a real one) is that the members of the Metropolitan Council are not

sufficiently responsive politically for their decisions on matters of this significance to be accepted easily, by local officials and by the public, as legitimate. For the moment, the prestige given them by their appointment by the Governor and their individual ability are serving to maintain their position. But they will need, soon, the authority and legitimacy that comes only from election.

All this is of importance for the federal government because there is, currently, we understand, some prospect that the system of representation encouraged and established in most areawide agencies will be declared invalid.

We are informed there is in federal court in Cleveland a case brought by Mayor Stokes challenging the approval by the area's "204" agency of a free-way interchange objected to by the city. Mayor Stokes has simply asked the obvious question: If this agency is going to be making decisions that significantly affect the city's interest, why is not the city given its proportionate representation?

If the decision goes in favor of the city, a new approach to representation in these areawide agencies may be required by the courts. And in this situation it will be important to understand that there is another model available. The Twin Cities Metropolitan Council, as William G. Colman, the former director of the Advisory Commission on Intergovernmental Relations, said to the first Council of Governments Conference, is "invulnerable on the one man, one vote requirement."

How, finally, might this general strategy be translated into specific actions by the federal government, as part of its attack on urban problems?

We suggest the following:

First, Congress and the Administration should encourage the gradual evolution of the "204" agencies from a system based on representing units of local government to a system based on representing people. Even as organizations of local officials, these areawide bodies have been inadequate. There has always been, for example, the question: Why not include the schools? After all, they spend, typically, half an area's tax dollars. There is also a growing problem of providing representation for racial and economic minorities . . . whose members typically are not elected to city and suburban councils in proportion to their numbers.

Any such trend will make the system for a while more cumbersome. Eventually, we suspect, the change will be made to a simple pattern of geographic representation, with all the various interests competing for influence with the district's local representative . . . and competing in the struggle to elect the district's representative. How fast this evolution takes place, and how the districts are arranged and the members selected, is something each area and each state's legislature will have to work out for itself.

Second, the federal government should encourage and assist these agencies, beginning immediately, to move toward their own state legislatures with proposals for action on key regional issues. The Department of Housing and Urban Development's "701" planning assistance funds should be available for this work. And a report on such proposals, and on their success, should be a required condition of future planning aid.

Third, financial assistance should be available from the federal government to the state legislatures themselves, to encourage the development of staff and the internal reorganization needed to handle proposals from the metropolitan bodies. Such aid would also stimulate the Legislature to make its own studies of urban issues. We are vaguely aware of a struggle here during the past several years over this issue . . . of whether "701" assistance should be extended only to the executive side of state government, or to the legislative side as well. We believe it must be available to the legislatures. Governors' proposals are futile if the Legislature is literally unable to respond.

Fourth, Congress and the Administration should routinely use these designated areawide agencies as the body to develop the "local" element of any plan required under a new block grant program. Failure to do this in the past has terribly complicated implementation of these programs and has led in effect to the creation of additional special purpose districts in the metropolitan structure.

For example, the Partnership for Health Act provided for the establishment of a health planning mechanism at both the state and the "local" levels. In

Minnesota, the Governor quickly designated the State Planning Agency. There was in the law, however, neither a definition of "local" nor a designation of any official whose job it would be to write such a definition. A struggle began, therefore, among health-related agencies in the Twin Cities area, which occupied the next eighteen months and which was resolved only when the Metropolitan Council intervened and applied for the public health service grant to design the needed local mechanism.

This study proposed the Metropolitan Council be designated the "814b" agency, covering the entire metropolitan area. It proposed also, in effect, that the Council create a Metropolitan Health Board, subordinate to it, to explore the issues in detail. The Board would have responsibility for planning, not only hospitals, but also health facilities in general . . . and not only facilities, but also programs. The Board was appointed by the Council with lay citizens making up a majority and with health providers—doctors and hospital administrators—playing an important, but minority, role. Additional state legislation this year will now enable this and other regional health planning agencies to treat the hospital system as essentially a public utility, with facilities henceforth to be expanded or reconstructed only under what will amount to a "certificate of public convenience and necessity."

Similar issues are raised, or will be raised, as similar programs develop for criminal justice planning, for transportation planning, for parks and open space . . . or for any other program area where categorical grants are gathered together. Plans must be made, and year by year money must be given out, in line with tough priorities set in the knowledge that limited dollars must be used for first things first.

All this again simply underscores, of course, the critical importance of structuring these areawide agencies so they can make controversial decisions . . . and brings us back, in the end, to questions about representation with which this whole discussion started.

Urban areas are different. And certainly the Twin Cities area is unique in many respects. Particularly it is different from New York or Chicago. But it is not so very different from Seattle, the San Francisco Bay area, or Denver, or Atlanta, or dozens of other medium-to-large metropolitan areas where the action of a single state legislature could be effective in restructuring the basic system of local government organization and finance.

The opening up of the tremendous powers available under state constitutions to the state legislatures is the single biggest thing that has not yet really been tried in our search for solutions to urban problems. It ought to have top priority attention over the next five years.

Mr. KOLDERIE. Thank you, sir.

Chairman BOLLING. I wonder if you would care to comment on the notion that in this particular area it might be the best service that the Federal Government could provide, to clarify its own policies in some coherent fashion in a somewhat more organized way than it has so far—would that be perhaps as important a contribution as we can make? It is absolutely fascinating to sit here for 8 or 9 days and listen to witnesses. And there is just one particular figure that keeps coming up, and that is the figure of how many categorical programs we have. And somebody said that the Federal Government has 200, and we get as high as a thousand. And it becomes to me a real mystery as to how many categorical programs we do have. And I would be interested to know how many programs—having probably voted for each one in the area of education, I would be interested to know how many educational programs I helped set up without really knowing that I was doing it. Would it be really helpful to any reasonable group if they knew what the national priorities were? Or is that an unfair question?

Mr. JORVIG. Mr. Chairman, I think it certainly would be helpful to regional agencies to have some idea of what the national priorities were. I think in various legislation the Federal Government has

been moving toward that. And one of the things you are talking about is a national growth policy. And I think if some of these general policies can be established by the Federal Government with some ideas of the Federal priorities, it will be very helpful.

On the other hand, I think the Federal Government should encourage the establishment of agencies like we have in Minnesota that have some capability to program priorities on a regional basis that the Federal Government can in effect depend on for using and distributing its funds in an effective way. I think it has to go both ways. And we look forward to a whole range of things ranging from the major regional programs to the things like urban renewal and housing, where you really need to encourage communities and regional agencies to develop long-range programs of how they are going to deal with each one of these issues, and then be able to depend on Federal program commitments to accomplish those. That probably implies substantially increased Federal commitments to these programs. But I think you need that kind of a program in the approach if we are going to resolve critical urban problems.

Chairman BOLLING. The thing that keeps occurring to me over the years that we have been trying to look at this subject from a somewhat rational point of view, using the advice of the best people that we can discover, it seems to me, is that it is becoming more and more clear that we are dealing with two problems which are inseparable. One is the problem of how one should plan or how a society should plan. And the other one is how you then relate good planning to good small "d" democracy, and there seems to me to be no essential conflict; that as our society develops, we have managed to get fractionalized, so that neither the goal of good planning or good use of the representative process on an equitable basis is made. And it seems to me that they may be two different things. It may be that you have to plan in large units first, and you have to execute in small units. And it seems to me that we may have two intellectual conceptions that need to be put together with an awareness of difference between planning on the one hand and execution on the other. And too often, it seems to me, what has happened to us around the country is that it has been virtually impossible to relate, at least from a national level, a process that lends itself to incredible variations that exist in States and localities in their political processes. I am not suggesting that one State is more democratic than another State, I am just saying that the mystery of how that State develops may make the kind of organization that it can create totally different from any other. We have heard enough different people from different areas to get a notion that perhaps totally different systems of delivery under a regional plan of some sort or another may work very well in one place and wouldn't work at all in another, because of the differences in the approach to the political process.

I don't know whether that is anything that is pertinent to this particular hearing or not. But I am more and more convinced that the fundamental dilemma that we all suffer from is that we don't really know how incredibly different we are from one State to the other, from one city to the other, from one region to the other. And



it is beginning to occur to me that this may be the most important part of the problem, just to recognize that about all that the National Government can do is come up with relatively broad general priorities which are made quite specific when they get down to certain kinds of brick and mortar things, and then leave to local entities a very wide range of self-determination as to how they will come up with their particular approach to the necessary broad plan, and then how that is delivered and how the plan is made something more than a set of papers.

I don't know whether that makes any sense at all to you. If it doesn't, say so. But I think we have got this terrible problem of diversity which we have been ignoring up here in some curious kind of way.

Does any one of you want to comment on that, or is that so obvious that you don't want to comment?

Mr. HOFSTEDE. No, it isn't. I think I understand what you are saying. And I think we touched on it very briefly in our discussion. And I guess that the Federal Government has to lay down certain broad criteria that States or regional areas or cities have to operate under. And I think that one of the criteria should be the actual involvement of the people themselves in helping formulate the plan, so that when the plans are presented, when they are ready to be presented so that they can be put into operation, there isn't that rebellion that is going to take place in the general population. And I think you are alluding to that, if I am not mistaken.

But I think that is a very important criteria. And maybe Bob could comment.

Chairman BOLLING. We have had so many disasters—the Federal Government has been responsible for so many disasters—if you only want to take one field, you can take housing. There has never been a complete evaluation of the disasters that we have perpetrated at any Federal level by the contribution of money in an unknowing way. It doesn't make any sense to build public housing for people who have recently come from certain areas in Puerto Rico that is entirely suitable for people that have come from an entirely different culture. And we have done a great deal of that kind of broad-brush damage. And I think it has to be said specifically that the way in which we set up policies made it inevitable that the programs wouldn't work. And don't misunderstand me, I voted for every nickel of every public-housing program that has ever been around in 20-odd years. But we were too inflexible. We set up a situation that was bound to be disastrous.

Mr. KOLDERIE. Could I comment for just a minute?

We are talking about substantially programs of Federal assistance. And I think everybody agrees that the Federal Government is entitled to set a floor under it, that no State is entitled to sink below a level of basic Federal policy. The problem is how you put that floor in without having it become at the same time a ceiling for a State or metropolitan area that wants to go beyond, or do better, or just be different, where it doesn't violate some essential—

Chairman BOLLING. Let's set some floors.

Mr. KOLDERIE. That question has come up in Minnesota. For example, last year, Murray Weidenbaum, the assistant secretary of the treasury, who is in charge of the revenue-sharing program, came out, and found himself in a serious argument with a number of people, editorial writers, and others in Minnesota, about this approach on revenue sharing.

Minnesota is faced with a couple of problems. Out on the western side of the State we have got a very serious depopulation—a real shift in the settlement pattern into fewer and larger urban centers, and a net loss of population, so that the unit cost of delivering services through the old governmental mechanism is getting very high. Half the counties in Minnesota have a population of under 20,000—this is close, it may not be exactly right. It just doesn't make any sense to carry on that old 19th century pattern of governmental organization. The Minnesota Legislature is close to a policy that would begin to phase out the townships, for example, as deliverers of services, and run services through the counties, and perhaps in some cases consolidate counties. So the question arises, when a formula is being written in Washington that provides for a distribution of funds to townships and counties, but particularly townships, as a matter of right, why is it critical for the Federal Government to do that? If Minnesota's policy makes sense, why shouldn't the Federal policy conform to it, and assist it, rather than conflict with it? I grant that the amount of dollars involved for townships isn't very large, but the principle is an important one.

In the lake country of Minnesota we have a very, very low-density suburbanization appearing. I have a summer place on a lake that is a very good one. The townships are never going to do anything about preserving that lake. There may be eight or ten townships that touch the lake. It is a good-sized one. And it is full of retired farmers from Iowa who want to be left alone. The last thing they want to do is recognize that they have any kind of problem. Many do recognize lake pollution. But the townships are not equipped to do anything about it. Cass County could do something. Why not have a revenue-sharing program that would let Minnesota policy on the responsibilities of local government prevail?

We talked a little bit with Murray about the kind of approach that was used just before the Federal Government went into the Interstate highway program. Before that was passed in 1956 the Government said: "Send us a plan for the expressways that you need to build." And by and large the States were allowed to put them where they wanted them so long as they didn't violate certain basic standards. Why not take this "State plan" approach with revenue sharing?

The man who talks better about this than anyone I know is Dave Walker, Assistant Director of the Advisory Commission on Intergovernmental Relations.

Chairman BOLLING. The point is a very valid one. The only problem I have with this is that I happen to think that the interstate highway program may be one of the disasters, because so many of the State programs were disasters as far as certain cities were concerned. And I wouldn't want you to get the impression that I am

trying to reach some kind of an ideal government. I often run into the problem of having people think that I am a little too impractical in this kind of a thing. I do come from the kind of an area that, if I were impractical, I wouldn't be here. And it just seems to me very clear that our dilemma is that there is such incredible diversity in the 50 States and in the various metropolitan areas and so on, that you can't really come up with any kind of a generalization. It would suit me fine if I could feel that we could leave it to the States. But the difference in the States in terms of the quality of government—I am not going to make any invidious comparisons in detail—but it is so incredible as to be very nearly unbelievable. It is almost the range from a society that has no democratic government to the most perfect kind of democratic government within the United States itself. I sympathize with the view, but I am not sure it fits my intellectual problem, nor my physical problem. I would like to get into the politics a little bit later.

Mr. HOFSTEDE. If I may comment, No. 1, you should set down general criteria. And hasn't the problem been that the Federal Government wanted to become so involved so that it could maintain control, in other words, become specialized, so that when you apply for this grant they could have certain criteria so that they could maintain control over the money and over where it was going; in so doing, you know, they became so specialized that they forgot the overall picture.

Chairman BOLLING. I think that is correct. That is the problem of the two refined categories, which comes back to our failure to organize ourselves in a more rational way. We have so many fractionalized subcommittees that deal with matters that ultimately become law that inevitably there is too much detail involved. But excepting—and I think I am probably one of the earliest critics of Congress in terms of its failure to organize itself in any rational way from the point of view of the policy product—I have done the outrageous thing of writing books about it and have been critical over the way the Congress works—but excepting that, and then going over into another area, which I know doesn't come up as any very significant problem in Minnesota, civil rights. You have got to be incredibly detailed about the use of money in this particular area, because there are areas in the country where it is a great issue. And even the tiniest loophole makes it impossible to go through with a clearly stated policy, or maybe a policy that has been stated by the Congress, accepted by the Executive, and further implemented by the courts, but unless you have this precise detail in this area, you are giving certain areas a great opportunity to do just the exact opposite of what this policy that has been established is. You see, there is a difficulty that we deal with. In some areas you have to have very great precision, and in other areas you should probably have very little, you should allow for great diversity. And what I am trying to get at is, how do we do that critically?

Mr. HOFSTEDE. I understand your problem, and I wish you luck. I would say that maybe you have to do it. But at the same time, then, the Federal Government has to become flexible enough to adapt to the changes if a particular State—we use States now—is trying to

use the law to do the reverse of what you are trying to do; in that case I guess my answer to that question would be that you would have to do that. But at the same time, once they are in line, whatever that means, I think then the Federal Government and its agencies have to become more adaptable, they can't become rigid, and they have to be willing to change. And that is a very general statement.

Chairman BOLLING. Yes, we all get to that.

Mr. HOFSTEDE. I guess that would be my only answer to that.

Chairman BOLLING. When you work in the kind of area that you are working in, where you are dealing with 2 million people, roughly, in a region which is a great metropolitan area, a very complex metropolitan area, do you find that there is any way that you can differentiate between the matters of policy? Can you divide them into two kinds? There is a difference in civil rights, in equality of opportunity, one-man one-vote on the one hand, and some of these other things. You could have a great diversity, for example, in what kind of housing was built, or what kind of—I suppose there could be diversity in highways. I have looked at highways in other countries that were designed in such a way that the primary criteria was to see to it that you didn't kill people, either by cars hitting people or by cars hitting each other or by cars hitting other things. And they are much better designed than any of our highways. And when they get near a town, and so on, they are much better designed from a human point of view. That type of criteria you would have and otherwise say, go ahead and build your highways where you want to, but keep the safety level up. Is there a way that you can categorize different kinds of problems? Civil rights and one-man one-vote are something that aren't physical. Does it fall into any such division, or am I looking for something that doesn't exist?

Mr. JORVIG. It seems to me that you can get wider variations in some programs than in others. But the Federal Government has tried to get into great detail on some of these that are more complicated, like civil rights.

But I think in your earlier comments you are asking the question really as to whether the Federal Government should have more generalized standards, and then leave those up to local prerogatives, subject to setting out certain areas in which the communities should come up with specific programs. That seems to me the way we should go. And then to get at some of the problems about loopholes, and so forth, if there is some kind of annual programing, whether they are fiscal programs or what have you, there can be an evaluation process—for instance, a community or a regional agency which doesn't follow the general guidelines and gets into some real trouble in some of these areas may not be treated so well in the next funding process, but leave it up to them to come up with a program and then have an evaluation process if they aren't doing what they said they were going to do. It seems to me that there is a real need to get substantial funding into regions for community development. And this has to be done on more this general kind of approach, or you are not going to get the job done.

Chairman BOLLING. The President has come up with a specific set of programs in connection with revenue sharing, some general and some specific. And it is much criticized, and for a variety of reasons; it is much criticized by certain people on the ground that there is some great futility in the multiplicity of categories. What is your experience in this setup, what kind of luck have you had in Hennepin County, compared to other areas, on the conventional tax problem? We hear a great deal about taxpayer revolts around the country. And we just lost, for example, in my county, my school district, we just lost another school levy; we had a majority, but our State law requires more than a majority to pass a school levy. How much responsibility could a regional entity such as yourself, as it develops, take for the underlying political problem of people in 20 kinds of regional areas taking more specific responsibility for providing the money for the things that they want? This is not a far cry from revenue sharing, it is right back to the guts of it.

Mr. JORVIG. In the metropolitan council we have been trying to get at one piece of this problem on the question that we call physical disparity, and have made that a major point of issue in our program for the last couple of years in working with Ted Kolderie and his people on this question as well. And if you are going to make rational development decisions in a region you need to relieve the property tax as a basis for a major support of urban programs. And what we have tried to do is come up with our own formula of revenue sharing, whereby we would share future commercial and industrial space among the communities in the region, at least a major proportion of that. So you take some of the incentives—you would put positive incentives on good development decisions rather than negative ones to achieve a tax base in a particular community.

We have legislation on this matter pending in the Minnesota Legislature at the present time. And we are hopeful that in the special session it will be given consideration, so that you begin to equalize the tax resources in the community. And I think that is a major help.

Also there are measures to relieve the property tax and get non-property tax revenues to support schools and municipal expenditures. And the combination of these two things, we think, will be more helpful in making decisions in the area.

Ted may want to comment further.

Mr. KOLDERIE. That is right on your point. The metropolitan council developed locally, and I think the State legislature will enact, a revenue-sharing formula for dividing among the municipalities of the Twin Cities area any amounts of money that happen to be put into it, whether they come from State sources or from a State-authorized metropolitan property tax or as a lump from the Federal Government. I haven't run these out as an economist. But my guess would be that this formula is going to be better tailored to the needs and ability to pay to the municipalities in the Twin Cities area than any formula that is written in Washington. So the question that comes before you is, why not use this? You could have somebody look it over, here, and if it does come through, as I suspect it will, as a really progressive kind of formula, why shouldn't that become

the funnel through which filter down any dollars provided to the metropolitan area as a part of the required pass through in a Federal revenue-sharing program?

We used to have the reverse kind of formula, that took the money and moved it out to the richer communities more than to poor ones. And would be entitled to call that off and say no. And at that point the Federal Government formula would kick in, because it at least passes the money out on a per capita basis or something else. But where a formula goes beyond per capita to recognize measures of the need and ability to pay, why not use it?

Chairman BOLLING. It makes sense.

Mr. KOLDERIE. One of the things I really have to comment on is that in my own experience the Federal people don't really know, they don't really understand much about our community. I don't know who the Federal people are. They come and they go to city hall, and to the metropolitan council and to the State government. But there is nobody who lives there. I don't see any intelligence function at all being run by the agencies, really to provide a feel of what this area is and basically what is going on. They are just operating in the dark.

Chairman BOLLING. It is a problem. That problem of communication is a fascinating one. I happen to know a little bit about your area. I guess the first or second thing that I did politically after World War II was to come up for a volunteer agency and work in a campaign in those areas in 1947, even before I got very heavily involved in my own area. So that I have a slight awareness of the fact that it can be said that you have a more progressive approach to government than some other States and some other communities. I am well aware of that. My own experience—and I have been quite blunt about it in my own district, so I don't mind doing it on the record here—is that I struggled—I have been in Congress more than 20 years, and I struggled for more than half of that time to get the mayor and the city council of my city and the government of the county in which my city is located to recognize that there were a lot of things going on in Washington that might affect the city and the county. That may seem incredible to you, but it is literally a fact that 10 years ago the city of Kansas City, Mo., and the county of Jackson in Missouri didn't have any awareness in any detail at all of what was going on in Washington, despite the best efforts of a reasonably, I hope, effective representative.

So you have got all kinds of problems—this is the reason that I am so aware of the diversity—and you have a greater awareness than most people who represent congressional districts of the diversity of the United States and the diversity of the problem. But you can have that kind of unbelievable unawareness.

My city has a budget which—and this is a little bit unfair—which is roughly the equivalent of the expenditure of a major Federal program in that area, the Social Security Administration. And those figures are a little out of date. And my county has a budget which is somewhat less, as is the city's, than that of the Social Security Administration and the expenditure of the Veterans' Administration in the area. And yet for years and years the leaders of the community were unaware of events at the national level.

Now that, I am sure, would seem incredible to you who have been suffering from the reverse experience. And this is despite the fact that in Kansas City and in Jackson County we have always had the great benefit of having regional offices of the various agencies in large numbers. And you somehow have to devise, if we need improvement—and I think we do at the Federal level, and all the other levels—you have to devise an approach somehow which will take into account the diversity from your situation to the broader different approach in the bay area of California and the different approach taken in the giant cities. And I don't mean for you to think that I am trying to make it too complicated, but it does not seem to me that it can be beyond the capacity of man to come up with program approaches that will, to use the word that is being used today, relate to all the different problems of all the different areas. And that is what I am sort of playing with, but with purpose. I wouldn't want you to think that this was just some kind of a thumb-sucking operation. We have so much of it.

Mr. HOFSTEDE. Mr. Chairman, one comment, I am a product of a city government. The relationship or the knowledge gap that developed between your city council and the Federal Government is probably as big as between the council members like myself and the people that we represent. There is a real knowledge gap. People apparently today are moving so fast that the officials have to make judgments and decisions and have to spend the money at a very rapid rate to solve a problem, so therefore they forget the one thing, and that is, they assume that people are more knowledgeable than they are, or they assume that they read the paper, or they travel in the same circles that people in government do, and they do not. And because of what is taking place in that sense the people just aren't sure what they are doing. And the faster we move, it seems to me, the greater the gap becomes between government and the people themselves. And I guess to provide those people with knowledge, to make them more knowledgeable, is a very expensive and time-consuming thing. And we decisionmakers have to make a decision again as to whether or not there is time to inform the public so that they are informed and they can respond and they can participate, so that when the crisis is such that you have to move and you make decisions, then you do not have to do it without the consent of the people and without the knowledge of the people as to what is going on. If you do it without the knowledge and consent of the people I think you run the risk of trouble. And I have a firm belief that a knowledgeable constituency is the best, but the trick is that it is a very expensive and time-consuming project. And maybe one of our problems happens to be that we think we have to make decisions right away, and we are constantly running and running, and maybe we should just slow up or just plain slow down.

Chairman BOLLING. I think that is a very valid point, and I think that is what I was trying to say earlier. I think you have got a problem of somehow or other bringing the opportunity to get the decisionmaking back to the people. And I think at one time it really was closer to the people. At least one of our witnesses has proposed—and he is a very practical fellow, he was at one time the head of

Tammany Hall in New York, so nobody is going to accuse him of being wholly impractical—he has suggested in a very interesting article in the *Saturday Review*—he was a witness last week—he suggested that what we need to do is to find some way to get an effective impact on government back into the hands of the citizen as existed in the days of the bad old machine. He understands that the Democratic and Republican machines of the great cities of the past were thrown out by the good clean county-city-manager type of government and they should have been thrown out, because they were corrupt. But they performed an enormously important service, because in those days, as recently as the thirties—and I come from a machine town where I have had to survive the fact that I am not a part of the machine—the effectiveness of the machine was based on the fact that the block worker or the precinct worker had some real access to the administrative agencies of the city. If there was trouble on a block or in a precinct, he went and tried to solve it himself, that precinct worker. If he had to go to his district leader, he did. And because that was a political patronage system, there was a relationship between the administrator, the district leader, the precinct worker, and the citizen.

Now, I am not yearning for the past. My first activities were trying to defeat machines. But it seems to me that this is a valid point in terms of the organization and the history of it. So that we have got to devise some kind of technique to get some political entity, some political individual who is close enough to people so that he feels that he has an impact on government.

Now, the quick answer there is, of course, the city councilman is closer to the people than a Congressman, that is correct, or could be, whether or not he always is in the political balance, because I think it is safe to say that there are a few people in my area who are city councilmen who might like to be Congressmen. So that is a balance-out political job. It seems to me we have got that fundamental problem of how to get back to where the citizen feels that he has some exchange with government. And I am not talking about any particular one, I am talking about all of them. I think the disaffection of the citizen is with all, not some.

Is that reasonable? Does that make any sense, that we have that problem?

Mr. HOFSTEDE. Yes, we do, Mr. Chairman. I guess if I had the answer to that question and to that problem I could become a multimillionaire.

Chairman BOLLING. I think you might get poor.

Mr. HOFSTEDE. But a part of the problem is, the way I see it—and again I can relate more back to a regional government—but part of the problem that the governments have or have had in the 1920's and 1930's, so many years ago, or maybe prior to that, is that the governments were designed for the problems of those particular times. And what has happened is that they have become so confined that they can no longer respond to the needs of 1971. Because it takes a major charter change of some sort or other, which becomes unpopular, because people are automatically against change, and because they are against change the people do not get the accountabil-



ity which they in turn want. So probably that is part of the problem. I guess that is where some of the answers lie, but that is not the total answer. I would say the inability of the Government itself, local governments and county governments and maybe some of the State governments, all of them, their inability to deal with the change, and to rapidly change to meet the things that are happening at the present day, I would say that that is the thing that you have to worry about, and that the coming up regional government, or regional councils, don't become that inflexible, that they don't get themselves in a position where they can't change 10 years from now, where it takes 45 years of debate among political scientists to actually change the system. And I guess that is a fear that bothers me even in ours, though we are so new, that we are setting some rules and regulations, but those rules and regulations are not cast in stone, and that someday when the need comes to change them, that the people may not be willing to change them.

Of course, when you start changing governments, whether it be State, local or county, or what have you, Federal, you are talking about a change in the power structure of that State or what have you, and that is where the resistance comes, because those that have it do not want to give it up.

Chairman BOLLING. Of course, Congress is a classic example of that. It is an almost perfect example of those who do not want to give it up. We have a system of selecting our leaders, not all of our leaders but many of our leaders, the committee and subcommittee chairmen, that is just absolutely mindless. We have just come to recognize that.

Mr. HOFSTEDE. But that is going to have to take place. There is going to have to be a reduction of power, and to do that is what the students are trying to do.

Chairman BOLLING. Of course, they don't really want to accept power.

Mr. HOFSTEDE. Yes.

Mr. KOLDERIE. I think the conditions you describe result partly from the fact that through the forties and fifties and early part of the sixties the States acting to try to solve problems, and the Federal Government acting to try to solve problems, very nearly destroyed the whole concept of the control by policy officials of general government. We just ripped general government into shreds. And this is what—at the regional level in the Twin Cities area—this is what the metropolitan council represents, a return to a concept of general government.

To come back to your objections about the highway program, you know the kind of problems that arose in your area and our area might have been avoided if the policy decisions in that program had been in the hands, not of engineers responsible to engineers in Washington, but in the hands of policy people. And this is what we are trying to build our way back to. You have to have a government of broad territorial jurisdiction with responsibility over the major areawide functions, whose policymaking people are representative and responsible.

Now, take our area, for example. We have 14 members of the metropolitan council, and this means that they represent on the average

a little over 100,000 people apiece. We have got some municipalities that are quite small, maybe 500 to 1,000 people. If we had gone the route of representing local units and having the members of the council selected from the units it would be perfectly conceivable that you would have a man serving as a regional representative who would be representing 100,000 people, but really owing political allegiance to only 1,000. You would at the same time, I think, make him an ineffectual regional spokesman, and would put him personally in a terrible conflict-of-interest position.

We do have councils of government in the Twin Cities area—three of them, in fact. We have an areawide association of municipalities which represents the interests of municipal governments on regional questions. We have an areawide policy association of county governments for the same purpose. And we have a metropolitan organization of school districts. But we distinguish between those kinds of things, on the one hand, and a representative regional decisionmaking agency representing people, on the other.

Chairman BOLLING. Gentlemen, unless you have something to add, I am very grateful to you for taking your time to prepare your statements and come and be with us.

I am sure that our product will be a very interesting compendium of testimony, and so on, and I think it will be of some use. And I hope that our product will ultimately make you feel that it was more than worthwhile to come. We thank you. And with that the subcommittee will stand adjourned.

(Whereupon, at 11:55 a.m., the subcommittee was adjourned, to reconvene subject to the call of the Chair.)

(The following information was subsequently supplied for the record by Chairman Bolling in the context of today's hearing:)

[Telegram]

MINNEAPOLIS, MINN., *May 27, 1971.*

Representative RICHARD BOLLING,  
*House Office Building,*  
*Washington, D.C.*

In regards to the congressional view of the Twin Cities Metropolitan Council, I wish to inform you that at the present time there are ten state-wide taxpayer's associations who have formed into one unit, speaking with one voice, upholding constitutional representative government. We also stand united and totally opposed to the metro regionalization concept of government by appointed officials. We are now proceeding to analyze the voting record. Also bills sponsored that would promote the metro regional program and will most vigorously oppose those legislators and other politicians who would usurp our constitutional right of selecting our political leaders. We would advise at this time that you contact the leaders of these taxpayers associations organized in 87 counties of this state and come to some agreement that would be more receptive to the grass roots voting block.

Yours truly,

JOHN R. BERGIN, Sr.,  
*President of the Minnesota Leadership Conference.*

(Mr. Robert E. Merriam, Chairman, Advisory Commission on Intergovernmental Relations, was invited to participate in the hearing of May 27, 1971, but was unable to do so. He subsequently submitted the following statement for the record:)

**STATEMENT OF HON. ROBERT E. MERRIAM, CHAIRMAN, ADVISORY  
COMMISSION ON INTERGOVERNMENTAL RELATIONS**

Mr. MERRIAM. The decade of the 1960's will be remembered as a period of severe stress for the federal system. Those years witnessed the growth of the so-called "metropolitan problem," and varied efforts on the part of Federal, State, and local officials to grapple with this phenomenon. Yet, in many cases the approaches that were attempted exacerbated rather than solved our problems. Hence, we entered the 1970's having some doubts as to the capacity of our institutions to effectively respond to the needs of an urbanized Nation. The search for successful solutions to the "metropolitan problem," then, still poses a major challenge to the viability of our Federal system.

**THE DYNAMICS OF DISPARITIES**

Most of today's most pressing domestic difficulties are rooted in the disparate, if not desperate, dynamics of the urbanization process. Certain facts concerning this process underscore this broad generalization and highlight the complexities of the "metropolitan problem."

First, since the end of World War II, nearly three-quarters of the Nation's population has concentrated in urban areas and over half of these citizens now reside in suburbs. Moreover, while nearly 80 percent of our taxable wealth and business activities are now produced in these same urban areas, the dynamics of recent urbanization have produced central cities with an increasing proportion of nonwhites, low-income, underprivileged, undereducated, and alienated citizens; with deteriorating community facilities and industrial plants; with a host of physical and environmental problems; with a largely "mined out" property tax; along with a gradual flight of much of the community's leadership and financial base to the suburbs.

Second, this same urbanization process has produced some old suburbs with many of the problems of their core city neighbors as well as a meandering maze of newer jurisdictions exercising local autonomy and separate spending, taxing, and planning authority. It has produced then metropolitan areas where few units have areawide decisionmaking procedures and programs that affect the region as a whole, and where none but the handful of consolidated city-county governments can effect a fair distribution of the cost of public services among their citizenry or constituent localities.

Third, our rural population is about what it was in 1960, but the farming population declined by 35 percent between 1960 and 1969. In terms of income levels, population growth, education, health facilities, and housing, rural America is on the deficit side of any urban-rural comparison. This crisis in our countryside is juxtaposed against the flight of much of its potential leadership and skilled working force to the cities, the erosion of its revenue base, and the desperate need to revitalize rural county government.

Fourth, in the States there are major legal, program, administrative, and fiscal powers to alleviate central city agonies to reduce core city-suburban disparities, to strengthen rural governments, to redraw the meandering urban government map; in short, to cope

effectively with one of the most critical yet less publicized weaknesses in contemporary intergovernmental relations: that is, the debilitating conflict between States and their own localities. In all too many instances State legislation works directly against central cities, encourages the jurisdictional jungle at the local level, impedes the development of fair and effective local revenue systems, and makes it difficult to attack areawide problems on a multijurisdictional basis. State tax collections did increase by more than 165 percent between 1959 and 1969, and State aid to localities—nine-tenths of it via conditional grants—nearly tripled during the same period, but central cities generally received a disproportionately smaller share of this aid than did suburbs and rural areas.

Moreover, a majority of States have not involved themselves significantly in either an administrative or financial way in Federal-local development programs—urban renewal, mass transportation, water and sewage facilities, hospital construction, model cities, and the like. Witness the fact that in 1969, 34 States provided only \$230 million in matching money for 12 Federal-local urban grant programs.

Fifth, the Federal response to these public service and finance pressures at the State and local levels has triggered an extraordinary, almost explosive, expansion of the grant-in-aid system. Federal aid to State and local governments experienced over a fourfold increase between 1960 and 1970. These grants now amount to more than 530 separate authorizations, an estimated \$30.3 billion for fiscal year 1971, and approximately 20 percent of State and local revenue. More than 340 of these programs were enacted since 1963.

Sixth, while this expansion in Federal aid has provided much needed fiscal assistance to State and local governments and while the 258-percent hike in the program funds going to urban areas between 1961-69 constitutes a noteworthy national response to the crisis, other trends accompanying this rapid growth have had an adverse effect on the overall system. The extraordinary number and variety of these programs have created problems of overlapping, duplication, and fragmentation at all levels. The increase in the number of eligible recipients, while frequently necessary to meet pressing problems at hand, has generated battle after battle over "bypassing" and program coordination problems among the affected jurisdictions. The highly technical nature of many of the newer programs—especially those relating to education, economic development, physical and mental health, law enforcement, poverty, and urban rehabilitation—have highlighted the need for additional and highly specialized manpower at the disbursing, intermediate, and receiving levels. The rapid expansion in the number of project grants—now over the 400 mark—while providing a means of targeting in on specific urban problems has also given rise to the "game of grantsmanship," a game that smaller and poorer local jurisdictions play poorly.

Seventh, the Federal Government has been a prime mover in developing a metropolitanwide problem solving focus. It has given strong financial and procedural support for councils of government and representative planning commissions through the 701 planning

program, section 204 of the Metropolitan Development Act of 1966, and title IV of the Intergovernmental Cooperation Act of 1968. It has encouraged areawide functional planning efforts by means of specific requirements in at least 19 grant programs but, at the same time, these requirements frequently work at cross-purposes. Moreover, the highway program, FHA and VA mortgage loans, and agricultural subsidies, in differing ways, have produced a series of developments that have not been beneficial from the standpoint of orderly overall metropolitan growth.

Finally, the heavy reliance on conditional grants by both the Federal Government and the States has tended to expand the influence of line agencies, middle management, and program specialists at all levels as well as encourage the proliferation of special districts and other single function areawide agencies. Neither the administrative position of top management and political executives, nor the oversight capacity of legislative bodies, has been strengthened commensurately, although various attempts have been made in this direction in the past few years. Moreover, at the metropolitan level, with its lack of a general unit of government in nearly all instances and only councils of government to represent locally elected officials, the functional folk with their separate districts, commissions, boards, and authorities are gaining a dominant position.

Well over 25,000 substate regional bodies now exist in this country, including approximately: 580 councils of government (230 in metropolitan areas); 375 State planning and development districts; 334 substate clearinghouses responsible for the A-95 review and comment function (202 serving as metropolitan "clearinghouses"); 21,000 nonschool special districts (over 7,000 of which are in SMSA's); 452 law enforcement and criminal justice planning regions; 879 single and multicounty Community Action agencies; 458 substate Camps committees; 122 regional comprehensive health planning agencies; 196 economic development districts; and 57 local development districts.

Effective interagency and interprogram cooperation and coordination, however, generally have not been achieved in comprehensive and functional planning efforts, in processing grant applications, or in administering action programs. The virtual isolation of top policymakers and generalists from the program planners and specialists, especially at the metropolitan level, has hindered the translation of plans into public policies. Consequently, more and more citizens view these areawide mechanisms established under Federal, State, or local auspices as being largely irrelevant to the everyday problems they face.

These are some of the ironies of the recent urbanization process and of our intergovernmental responses to it. These are some of the basic developments in our metropolitan areas that highlight the disparities which must be surmounted—disparities between services and resources, between most central cities and most suburbs, between areawide needs and responsible areawide mechanisms, between the governors and the governed.

## SOME PROMISING TRENDS

At the same time, however, some significant breakthroughs that occurred during the past decade should not be overlooked:

Major city-county consolidation proposals were approved in Nashville-Davidson County, Tenn.; Jacksonville-Duval County, Fla.; and Indianapolis-Marion County, Ind.

Procedures were established under OMB Circular A-95 (implementing the Intergovernmental Cooperation Act of 1968 and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966) for State and areawide bodies to review local grant applications for about 50 (now almost 100) programs to determine their intergovernmental impact. The intent of this approach was to improve the oversight capability of elected officials and to strengthen State-regional-local program and planning coordination.

At least six States—Alaska, California, Michigan, Minnesota, Oregon, and Washington—established boundary commissions to control the formation and reformation of local government units.

Several States gave their localities authority to enter into interlocal contracts and service agreements; by the end of the decade, about four-fifths of the States had enacted such permissive measures for dealing with areawide problems.

The Twin Cities, Minnesota, Metropolitan Council was created, the foremost example of a regional entity operating in a two-tier context that not only plans and coordinates, but also carries out line responsibilities. It also constitutes our chief example of a federated approach to urban reorganization.

More than 570 councils of government were established, with 230 located in urban areas.

## A METROPOLITAN ACTION AGENDA

In light of the inadequacies of our response to the metropolitan challenge, what can and should be done in the 1970's to foster responsive and responsible regionalism? Remedial action obviously must occur at the Federal, State, and local levels. No one level has the power, the purse, or the personnel to do the job alone. Reform clearly must involve more than merely fiscal adjustments, given the urgent need for institutional and jurisdictional overhaul. Moreover, changes must take place in the citizen attitudes toward elected political leaders, the bureaucracy, and new governmental forms. After all, no enduring reforms can be achieved if public opinion is apathetic, antagonistic, or alienated.

Since 1959, the advisory commission on intergovernmental relations has grappled with most of the tension-ridden topics that impede effective Federal-State-local relations in urban areas. As an independent, bipartisan commission composed of 26 members from the public-at-large and all levels of government, ACIR is a national body representing the various points of view found in our pluralistic political system.

With respect to the Federal Government's response to metropolitan problems, the commission has suggested a multifaceted urban action agenda for the seventies, including:

Consolidating Federal grant-in-aid planning requirements into a single set of standards covering both functional and comprehensive

planning; the latter was proposed in S. 3228 and H.R. 13217 (91st Congress);

Increasing Federal interagency coordination in urban development through, for example, better integration of the planning, review and comment, and grant administration activities of areawide instrumentalities that have been set up by at least 12 Federal agencies for manpower, poverty, law enforcement, health, and other purposes, and through greater reliance on existing machinery—such as the A-95 clearinghouses—for the planning administration of functions on a substate regional basis;

Beefing up the powers, personnel, and funding of Federal regional councils, and assigning OMB a greater leadership and coordinating role in terms of interagency relationships on such councils; peers after all do not coordinate peers and functional fragmentation within the Federal field offices is still pretty much the rule of their regional life;

Decentralizing signoff authority to regional offices of Federal agencies and streamlining the processing of grant applications;

Giving preference to general units of local government, and perhaps to combinations of such units, instead of to special districts in awarding Federal aid; this was called for in the Intergovernmental Cooperation Act of 1968 (P.L. 90-577), but it needs vigorous implementation;

Sharing Federal revenue with States and major units of general local government; and

Developing a national urban growth policy—initiated under title VII of the Housing and Urban Development Act of 1970—but with certain additional components, including provision for financial incentives for industrial location in large-city poverty areas and rural growth centers, migration allowances to facilitate population movement from labor surplus to labor shortage areas, preference in the award of Federal contracts and the location of public buildings and other facilities to areas designated for population growth, expansion of governmental assistance for family planning information to low-income families, and initiation of new types of Federal support for large-scale urban development and new communities.

#### TURNING TO POSSIBLE LINES OF STATE ACTION

More States should unshackle their local governments and, in particular, remove taxation and debt limits that tend to encourage the use of special districts.

More of the 35 States that have set up planning and development districts should take steps to coordinate effectively their activities with those of various Federal-State areawide instrumentalities and locally established councils of government and regional planning commissions.

Most States should move to promulgate statutory standards of economic, social, and political viability applicable to their political subdivisions; insure that State financial aid does not serve to prop up nonviable localities. A State or areawide body should be empowered to dissolve or consolidate jurisdictions failing to meet such criteria.

More States should follow the six that have exercised tighter control over new incorporations and special district creations and emulate the few that have eased restrictions on annexation of unincorporated territory.

More should join the 28 States that have set up offices for local or community affairs to provide financial aid and technical assistance to metropolitan and other areas.

More States should be aggressive in settling disputes among local governments in SMSA's stemming from the administration of interlocal contracts and agreements and other impasses that arise in interlocal relationships.

More States should join the handful that authorize and facilitate the creation of areawide multifunctional agencies to deliver certain services—mass transportation, antipoverty, school facilities, housing, water and sewer lines and waste treatment works, vocational education, and so forth—and permit such agencies to use taxing powers to carry on functions not wholly financed by user charges.

More States should provide procedures designed to insure prompt official action—in the form of referendums or other appropriate actions—on recommendations to restructure local government developed by duly constituted metropolitan study commissions.

More States should buy into Federal-local grant programs having an areawide impact—including mass transportation, airports, housing and urban renewal, and waste treatment—as a means of gaining greater leverage over metropolitan planning and programing.

More States should assume substantially all local costs of elementary and secondary education in order to remove disparities in educational opportunity, reduce the local property tax burden.

More States should act, as New Jersey, Maine, Colorado, and Virginia did last year, to begin work on the State components of urban growth policies.

All of these State actions are necessary because, as the ACIR has repeatedly stressed, the States occupy a pivotal role in the federal system. If in the seventies they continue to largely ignore and in effect sign off responsibility for the metropolitan problem to the Federal Government, then serious doubts will be raised as to their viability as instruments of government. Should the States fail to meet the metropolitan challenge and to reassert their keystone position in the partnership arch, then they may fatally erode federalism's foundations.

Finally, where State permissive authority has been given, it is imperative for local governments to overcome their traditional fear of certain regional mechanisms and to take the initiative in establishing effective areawide machinery to deal with problems transcending the boundaries of individual jurisdictions. Many local units, of course, have been involved in the formation of COG's, regional planning commissions, and metropolitan area study groups, as well as in the execution of interlocal contracts and joint service agreements. Yet, several have been reluctant to move beyond these ecumenical-, contractual-type devices and to adopt such approaches as:



City-county consolidation;  
 County performance of urban functions, and establishment of subordinate taxing areas;  
 Extraterritorial planning, zoning, and subdivision control;  
 Multifunctional metropolitan service corporations; and  
 Voluntary transfer of functions.

Moreover, many local governments have been hesitant to assume a bolder role in monitoring the activities of special districts, such as through reviewing and commenting on their proposals for land acquisition and capital improvements. Counties, cities, and towns in most of the Nation's urban areas, as well as their citizens, no longer face the issue of whether there will be forms of metropolitan governance, since they already have them, too many of them. The overriding question now is: Will these forms be fragmented, functionally unsound, and basically unaccountable, or representative and responsible? The sooner we recognize that these are the real options, the sooner we will move to make metropolitan areas more manageable.

#### CONCLUSION

Four and a half years ago, ACIR concluded " \* \* \* the tremendous task of financing, servicing, and governing metropolitan America clearly poses the greatest challenge to federalism since the Civil War." Although some progress has been achieved since then, for the most part the members of the intergovernmental partnership have been unwilling or unable to successfully come to grips with the multiple dimensions of the metropolitan challenge. This challenge, then, still threatens the very survival of our federal system.

The Advisory Commission on Intergovernmental Relations has developed a strategy for reallocating the roles and resources of the Federal, State, and local governments in dealing with the critical problems and great potential of the metropolis in the seventies. The time for action is late.

