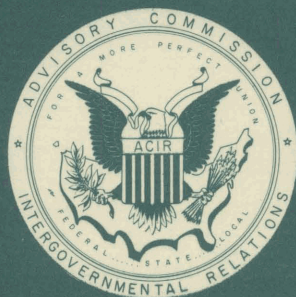


A COMMISSION REPORT

*Governmental Structure,
Organization and Planning
In Metropolitan Areas*



THE ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS

JULY 1961

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**GOVERNMENTAL STRUCTURE,
ORGANIZATION, AND PLANNING
IN
METROPOLITAN AREAS**

**SUGGESTED ACTION BY LOCAL, STATE, AND
NATIONAL GOVERNMENTS**

**A REPORT
BY THE
ADVISORY COMMISSION ON
INTERGOVERNMENTAL RELATIONS**



**First issued as committee print for use of
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87th Congress, 1st Session**

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LETTER OF TRANSMITTAL

ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS,
Washington, D.C., May 22, 1961.

HON. L. H. FOUNTAIN,
*Chairman, Intergovernmental Relations Subcommittee, Committee on
Government Operations, House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: Pursuant to our earlier discussion there is enclosed a corrected copy of the draft of the report on "Governmental Structure, Organization, and Planning in Metropolitan Areas" which, as you know, was adopted by the Commission at its April 27-28 meeting. We understand that your subcommittee is considering the advisability of holding hearings on this report; let me assure you of the full cooperation of the Commission and its staff in such an undertaking. I am sure that such hearings would be helpful both to the Congress and to the Commission in drawing attention to the many important and difficult problems treated in the report.

We understand also that you may wish to have the report printed as a committee print. With that in mind we will delay formal transmittal of the report to the President, the Congress and State and local Governments until determination is made as to its printing.

Sincerely yours,

FRANK BANE, *Chairman.*

PREFACE

The Advisory Commission on Intergovernmental Relations was established by Public Law 380, passed by the first session of the 86th Congress and approved by the President September 24, 1959. Section 2 of the act sets forth the following declaration of purpose and specific responsibilities for the Commission:

Sec. 2. Because the complexity of modern life intensifies the need in a federal form of government for the fullest cooperation and coordination of activities between the levels of government, and because population growth and scientific developments portend an increasingly complex society in future years, it is essential that an appropriate agency be established to give continuing attention to intergovernmental problems.

It is intended that the Commission, in the performance of its duties, will—

(1) bring together representatives of the Federal, State, and local governments for the consideration of common problems;

(2) provide a forum for discussing the administration and coordination of Federal grant and other programs requiring intergovernmental cooperation;

(3) give critical attention to the conditions and controls involved in the administration of Federal grant programs;

(4) make available technical assistance to the executive and legislative branches of the Federal Government in the review of proposed legislation to determine its overall effect on the Federal system;

(5) encourage discussion and study at an early stage of emerging public problems that are likely to require intergovernmental cooperation;

(6) recommend, within the framework of the Constitution, the most desirable allocation of governmental functions, responsibilities, and revenues among the several levels of government; and

(7) recommend methods of coordinating and simplifying tax laws and administrative practices to achieve a more orderly and less competitive fiscal relationship between the levels of government and to reduce the burden of compliance for taxpayers.

Pursuant to its statutory responsibilities, the Commission from time to time singles out for study and recommendation particular problems, the amelioration of which in the Commission's view would enhance cooperation among the different levels of government and thereby improve the effectiveness of the Federal system of government as established by the Constitution. One area of problems so identified by the Commission concerns the increasingly complicated governmental structure of the large metropolitan areas in this country and the existence of many friction points in Federal-State-local relations which are brought about by these complexities.

In the following report the Commission has endeavored to set forth what it believes to be the essential facts and policy considerations bearing upon these problems and respectfully submits its conclusions and recommendations thereon to the appropriate executive and legislative bodies of National, State and local governments.

The Commission desires to make clear that the concentration of this report solely upon the intergovernmental problems associated with large metropolitan areas does not indicate a lack of concern with effective local government structure and operation in the smaller communities and rural areas across the United States.

This report was adopted at a meeting of the Commission held on April 28, 1961.

FRANK BANE, *Chairman.*

ACKNOWLEDGMENTS

In the conduct of the staff work for this report, the staff of the Commission received the benefit of constructive criticism from a variety of sources, including representatives of the American Municipal Association, Council of State Governments, National Association of County Officials, and the U.S. Conference of Mayors. George Deming and Ray Wilson, consultants to the Commission, and John Bebout, Delphis C. Goldberg, Thomas J. Graves, W. I. Herman, Frank Keenan and I. M. Labovitz reviewed the draft material. The Commission and its staff express appreciation for this assistance but of course assume final responsibility for the staff work reflected herein.

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[COMMITTEE PRINT]

GOVERNMENTAL STRUCTURE, ORGANIZATION, AND PLANNING IN METROPOLITAN AREAS

CHAPTER I. INTRODUCTION

A. SCOPE OF THE REPORT

At no point in the structure of the American Federal system of government are problems of intergovernmental relations so marked, varied, and difficult as in the large metropolitan areas, where the activities of all three levels of government function in close proximity. Within such areas, Federal, State, county, and municipal agencies, often supplemented by a small host of special purpose units of local government, must carry on their functions in close juxtaposition, subject to an extremely complicated framework of Federal, State, and local laws and administrative regulations.

The purpose of this report is to examine, within the existing political and economic setting, the problems of local government structure that commonly characterize metropolitan areas, with two objectives in mind: (1) to ascertain some possible courses of action by State governments which would permit governmental units and citizens in the metropolitan areas to bring about improved coordination between governmental structure and governmental functions in these areas; and (2) to develop possible courses of action by the National Government which would both encourage State and local efforts in behalf of metropolitan area development and insure that functional programs in the National Government facilitate rather than impede coordination efforts at the local level.

Excluded from treatment in this report are the following:

(1) Substantive aspects of the wide variety of governmental services provided in metropolitan areas, e.g., law enforcement, water supply, transportation, etc.: Treatment of special intergovernmental problems associated with particular functions can best be done through separate reports on those subjects.

(2) Local school system organization: In some metropolitan areas, the existence of extremely numerous independent school districts is a contributing factor to certain of the problems of local government structure which are discussed below, and has an important bearing upon various aspects of State-local relationships. However, efforts at improved organization for local public education commonly call for attention on a statewide basis, rather than being subject to special handling with respect to metropolitan areas.

(3) Recommended levels or dollar magnitudes of proposed programs: The relative size of governmental programs in the various

functional categories are primary concerns of legislative policy-making bodies at the various levels of government and depend upon many factors other than intergovernmental relations.

(4) Tax coordination and tax reform: Although problems brought about through disparities between tax and service boundaries are discussed in the report, State-local tax relations are best treated on a statewide basis rather than with concern only for metropolitan areas. For example, the relative role of the State government on the one hand and local governments on the other with respect to the assessment and administration of real property taxes involves many questions equally applicable to both rural and urban areas.

(5) State legislative apportionment: While the apportionment of State legislatures has an important bearing upon metropolitan areas, this question is not limited in its impact to such areas.

This report is intended to deal with the intergovernmental problems which are associated in some degree with all metropolitan areas. However, because of the unique situations that characterize the New York-northeastern New Jersey and Washington metropolitan areas—the extreme size and complexity of the former and the special governmental status of the latter—readers of the report are cautioned not to test the applicability of all the details of this report against either of these two areas.

A great deal has been spoken and written about “the metropolitan area problem” in recent years. The Commission is aware of the large amount of research and attention which has already gone into the subject and, except for the direct approach to legislative action employed herein, the Commission does not presume that this report affords a significant addition to the large fund of information which already exists. The Commission does believe, however, that by setting forth certain legislative proposals for consideration by the States and the Federal Government, this report may help to provide a basis for specific action which is so urgently needed toward more effective local government in metropolitan areas. The Commission, through its own members and through organizations concerned with its work, intends to move vigorously in presenting to legislative and administrative officials throughout the country the recommendations contained in this report.

B. DEFINITIONS

For purposes of this report, the term “metropolitan area” will follow the definition established by the U.S. Bureau of the Budget and followed by the Bureau of the Census for “standard metropolitan statistical areas.” According to that definition, an SMSA generally— is a county or group of contiguous counties which contains at least one city of 50,000 inhabitants or more or “twin cities” with a combined population of at least 50,000. In addition to the county or counties containing such a city or cities, contiguous counties are included in an SMSA, if, according to certain cri-

teria, they are essentially metropolitan in character and are socially and economically integrated with the central city.¹

Like any definition established for widespread application, this one may be found to have limitations in certain special circumstances. In the drafting of legislation relating especially to "metropolitan areas"—as recommended in subsequent portions of this report—particular State legislatures may well find it appropriate and desirable to apply a somewhat different definition, or to take action initially with respect to only the most populous metropolitan areas that are subject to their jurisdiction.

One characteristic of the "standard" Federal definition, however, makes this concept more directly relevant to the interests of the Commission than would be some alternative concept, such as economic trading areas or "urbanized territory"—namely, the fact that the boundaries of each SMSA follow county lines (or, in New England, town lines). Accordingly, we are dealing with areas which directly reflect and express local government structure, and within and for which public policies can be specifically authorized. It is to be expected that State legislation which deals specially with problems of "metropolitan areas" will, similarly, define such areas by reference to the boundaries of counties or other entire local government jurisdictions.

Figure 1 depicts the location of the 212 metropolitan areas in the United States meeting the above criteria in the 1960 Census of Population. Appendix A lists these areas, showing their composition by political subdivisions.

¹ U.S. Bureau of the Census, "Population of Standard Metropolitan Statistical Areas: 1960 and 1950," 1960 Census of Population, Supplementary Reports, PC(S1)-1, Apr. 10, 1961, p. 4. Cited below by series designation. In New England, cities and towns, rather than counties, are the geographical components of an SMSA. To quote further from the cited definition, as to outlying counties:

"The criteria of metropolitan character relate primarily to the attributes of the outlying county as a place of work or as a home for concentration of nonagricultural workers. Specifically, these criteria are:

"3. At least 75 percent of the labor force of the county must be in the nonagricultural labor force.

"4. In addition to criterion 3, the county must meet at least one of the following conditions:

"(a) It must have 50 percent or more of its population living in contiguous minor civil divisions with a density of at least 150 persons per square mile, in an unbroken chain of minor civil divisions with such density radiating from a central city in the area.

"(b) The number of nonagricultural workers employed in the county must equal at least 10 percent of the number of nonagricultural workers employed in the county containing the largest city in the area, or the outlying county must be the place of employment of at least 10,000 nonagricultural workers.

"(c) The nonagricultural labor force living in the county must equal at least 10 percent of the nonagricultural labor force living in the county containing the largest city in the area, or the outlying county must be the place of residence of a non-agricultural labor force of at least 10,000. * * *

"6. A county is regarded as integrated with the county or counties containing the central cities of the area if either of the following criteria is met:

"(a) If 15 percent of the workers living in the given outlying county work in the county or counties containing the central city or cities of the area, or

"(b) If 25 percent of those working in the given outlying county live in the county or counties containing the central city or cities of the area.

"Only where data for criteria 6a and 6b are not conclusive are other related types of information used. * * *

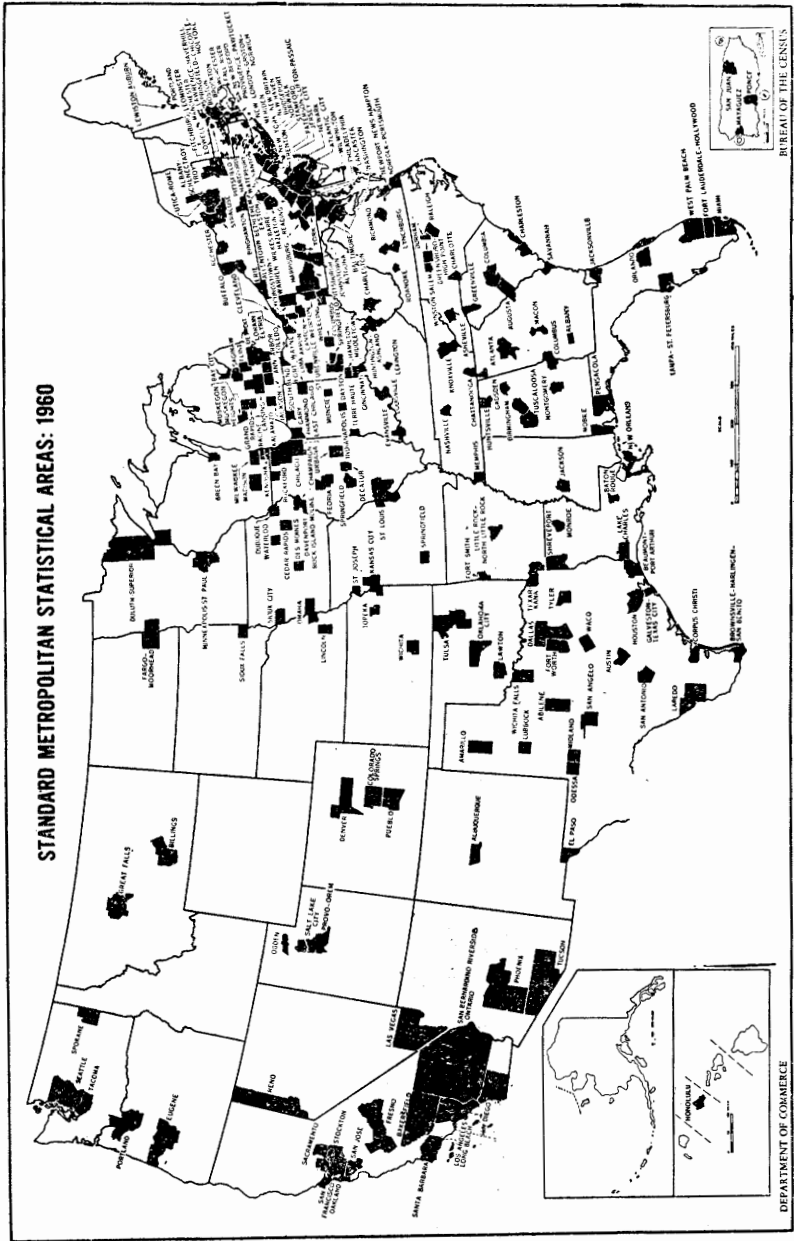


Figure 1

CHAPTER II. SOCIAL AND POLITICAL SIGNIFICANCE OF THE METROPOLITAN AREA

A few statistical highlights indicate the rapidly growing prominence of the metropolitan area on the American scene.

A. POPULATION AND ECONOMIC ACTIVITY

The 1960 Census of Population found nearly two-thirds of the entire population of the United States residing within metropolitan areas—112.9 million persons of the nationwide total of 179.3 million.² The 212 areas recognized as “metropolitan” in 1960 accounted for 84 percent of all the increase in the Nation’s population during the 1950–60 decade. For these areas, the growth was 23.6 million persons, or 26 percent, while the population of the remainder of the country changed only from 62 to 66.4 million, an increase of 7 percent. Similarly during the previous decade, 1940–50, these 212 areas had accounted for nearly 80 percent of the total population growth of the United States. In the past two decades, accordingly, the 212 areas now recognized as metropolitan have increased in population from 72.8 million to 112.9 million persons, or 55 percent, while the population of the rest of the United States has grown only from 59.3 million to 66.4 million persons, or 11 percent.

In three of the four broad geographic regions of the United States, a majority of the entire population is found within metropolitan areas, as indicated by the following figures from the 1960 Census of Population:

Region	Population (in millions)			Percent in SMSA's
	Total	In SMSA's	Outside SMSA's	
Northeast.....	44.7	35.3	9.3	79.1
North Central.....	51.6	31.0	20.7	60.0
South.....	55.0	26.4	28.5	48.1
West.....	28.1	20.1	7.9	71.8

In three of the four regions also, between 1950 and 1960, there was a considerably faster population growth within metropolitan areas than outside such areas. The exception was the Northeast, where SMSA population went up 13 percent while the population of other territory increased 13.6 percent. Comparative percentages of population increase within and outside of metropolitan areas were as follows for the other three regions: North Central, 23.5 percent as against 6.6 percent; South, 36.2 percent as against 2.7 percent; and West, 48.5 percent as against 19.4 percent.

² U.S. Bureau of the Census, Report PC(S1)-1 of the 1960 Census of Population (op. cit.), p. 7. Except as otherwise cited, the other population figures reported below are also from this source.

Metropolitan areas account for more than two-thirds of the total population in 17 of the 50 States; for one-half to two-thirds in another 9 States. The following list ranks the States in terms of the proportion of all their inhabitants who lived within metropolitan areas in 1960:

	Percent in SMSA's		Percent in SMSA's
District of Columbia.....	100.0	Louisiana.....	50.0
California.....	86.5	Indiana.....	48.1
Rhode Island.....	86.2	Wisconsin.....	46.3
New York.....	85.5	Georgia.....	46.0
Massachusetts.....	85.2	Tennessee.....	45.8
Hawaii.....	79.1	Oklahoma.....	43.9
New Jersey.....	78.9	Nebraska.....	37.6
Maryland.....	78.2	Kansas.....	37.4
Pennsylvania.....	77.9	Kentucky.....	34.1
Connecticut.....	77.6	Iowa.....	33.2
Illinois.....	76.9	South Carolina.....	32.2
Nevada.....	74.2	West Virginia.....	30.9
Michigan.....	73.1	New Mexico.....	27.6
Arizona.....	71.4	North Carolina.....	24.6
Ohio.....	69.5	Montana.....	22.6
Delaware.....	68.9	Maine.....	19.7
Colorado.....	68.0	Arkansas.....	19.1
Utah.....	67.5	New Hampshire.....	17.7
Florida.....	65.6	South Dakota.....	12.7
Texas.....	63.4	North Dakota.....	10.6
Washington.....	63.1	Mississippi.....	8.6
Alabama.....	63.0	Alaska.....	0
Missouri.....	57.9	Idaho.....	0
Minnesota.....	51.3	Vermont.....	0
Virginia.....	50.9	Wyoming.....	0
Oregon.....	54.0		

In the United States as a whole, only about half of the inhabitants of metropolitan areas—58.0 million out of 112.9 million persons—reside within the central cities of such areas. Most of the population growth of metropolitan areas between 1950 and 1960 took place in territory outside their central cities. In fact, in terms of their 1950 boundaries, the central cities altogether showed a population rise of only 767,000, or 1.5 percent during the 1950-60 decade. Territory added to some of these cities by annexation gave them another 4.9 million inhabitants in 1960, so that their total increase of population during the decade was 5.6 million, or 10.7 percent. Meanwhile, the "fringe" portion of the metropolitan areas showed a population growth of 17.9 million, or 48.6 percent—which was in addition to the shift to the central cities, during the decade, of formerly outlying territory having 4.9 million inhabitants in 1960, as mentioned above.

Individual metropolitan areas range tremendously in size. Three such areas have more than 5 million inhabitants each; at the other extreme are 22 areas with fewer than 100,000 inhabitants apiece. The 1960 Census of Population showed marked recent population growth for every size group of metropolitan areas, as indicated by the following figures:

SMSA population	1960 population (in millions)	Percentage of population growth, 1950-60
3,000,000 or more.....	31.8	23.2
1,000,000 to 3,000,000.....	29.5	25.0
500,000 to 1,000,000.....	19.2	36.0
250,000 to 500,000.....	15.8	25.6
100,000 to 250,000.....	14.5	25.8
Under 100,000.....	1.8	24.4

Altogether, recent trends and current developments suggest that within another two decades—i.e., by 1980—the United States will have a population of about 260 million persons, with approximately three-fourths of this number then residing in metropolitan areas—i.e., more than 190 million persons.

Population is tending to be increasingly distributed within metropolitan areas along economic and racial lines. Unless present trends are altered, the central cities may become increasingly the place of residence of new arrivals in the metropolitan areas, of nonwhites, lower-income workers, younger couples, and the elderly. Table 1 portrays the racial composition of recent population growth in the Nation's 22 largest cities—those with a 1960 population of 500,000 or more.³

TABLE 1.—White and nonwhite population of major cities, 1950 and 1960

City	Total population		Nonwhite population		Nonwhite as a percent of total population		Percent change in population 1950-60	
	1960	1950	1960	1950	1960	1950	White	Nonwhite
New York.....	7,781,984	7,891,957	1,141,322	775,516	14.7	9.8	-6.7	+47.2
Chicago.....	3,550,404	3,620,962	837,656	509,437	23.6	14.1	-12.8	+64.4
Los Angeles.....	2,479,015	1,970,358	417,207	211,585	16.8	10.7	+17.2	+97.2
Philadelphia.....	2,002,512	2,071,605	535,033	378,968	26.7	18.3	-13.3	+41.2
Detroit.....	1,670,144	1,849,568	487,174	303,721	29.2	16.4	-23.5	+60.4
Baltimore.....	939,024	949,708	328,416	226,053	35.0	23.8	-15.6	+45.3
Houston.....	938,219	596,163	217,672	125,660	23.2	21.1	+53.1	+73.2
Cleveland.....	876,050	914,808	253,108	149,544	28.9	16.3	-18.6	+69.3
Washington.....	763,956	802,178	418,693	284,313	54.8	35.4	-33.3	+47.3
St. Louis.....	750,026	856,796	216,022	154,448	28.8	18.0	-24.0	+39.9
San Francisco.....	740,316	775,357	135,913	81,469	18.3	10.5	-12.5	+66.8
Milwaukee.....	741,324	637,392	65,752	22,742	8.9	3.6	+9.9	+189.1
Boston.....	697,197	801,444	68,493	42,744	9.8	5.3	-17.1	+60.2
Dallas.....	679,684	434,462	131,211	57,263	19.3	13.2	+45.5	+129.1
New Orleans.....	627,525	570,445	234,931	182,631	37.4	32.0	+1.2	+28.6
Pittsburgh.....	604,332	676,806	101,739	82,981	16.8	12.3	-15.4	+22.6
San Antonio.....	587,718	408,442	43,221	29,545	7.4	7.2	+43.7	+46.3
San Diego.....	573,224	334,387	44,712	18,364	7.8	5.5	+67.2	+143.5
Seattle.....	557,087	467,591	46,528	27,167	8.4	5.8	+15.9	+71.3
Buffalo.....	532,759	580,132	73,388	37,700	13.8	6.5	-15.3	+94.7
Cincinnati.....	502,550	503,998	109,682	78,685	21.8	15.6	-7.6	+39.4
Honolulu.....	500,409	353,020	321,548	298,311	64.3	84.5	+226.9	+7.8

The metropolitan areas of the United States account for the major portion of the country's economic activity. Following are a few examples of this concentration. As of June 1960 metropolitan areas accounted for 78.6 percent of all bank deposits in the United States.⁴ In

³ Calculated from U.S. Bureau of the Census, "General Population Characteristics," PC(1)B reports of the 1960 Census of Population.

⁴ Federal Reserve System, "Distribution of Bank Deposits by Counties and Standard Metropolitan Areas." (Information reflects 212 metropolitan areas.) December 1960.

1958 metropolitan areas accounted for more than three-fourths (76.8 percent) of the value added by manufacture, contained 67.2 percent of the country's manufacturing establishments, accounted for 73.8 percent of the total number of industrial employees and 78.5 percent of all manufacturing payrolls. Of the total amount of value added by manufacture in that year, 55.2 percent was attributable to 40 major metropolitan areas, in which 52 percent of all industrial establishments were located with 62.8 percent of industrial employees and 57.1 percent of the payrolls.⁵

A major portion of building activity in the Nation takes place in metropolitan areas. In 1959 and again in 1960, 69 percent of all "housing starts" occurred in these areas.⁶

As might be expected, metropolitan areas also account for a large share of the costs of local government in the United States. At the time of the 1957 Census of Governments, there were only 174 standard metropolitan statistical areas, as against 212 designated in connection with the 1960 Census of Population. In that year, nonetheless, local governments in the 174 SMSA's collected over 70 percent of all local tax revenue, including 84 percent of local nonproperty taxes; accounted for 74 percent of all local government debt; and made 66 percent of all local government expenditure. With 52 percent of all public school enrollment, the local governments in the 174 SMSA's in 1957 accounted for 61 percent of all local expenditure for education. Their proportion of local expenditure for other governmental functions was even higher, averaging 70 percent, and exceeding 80 percent of the nationwide total for such functions as parks and recreation, fire protection, and sanitation.⁷

B. THE POLITICAL LEVERAGE OF THE METROPOLITAN AREA—WEAK AT THE STATE CAPITAL; STRONG IN WASHINGTON

Much has been written about the "rural domination" of State legislatures; the basic facts are well established and there is no need to document here the various examples—e.g., California, Maryland, Michigan—of the relative underrepresentation, from a population standpoint, of urban areas in one or both houses of State legislatures. "Rural domination" of State legislatures has frequently been a cause for just complaint by metropolitan areas when they have sought permissive legislation from the State for use in coping with some local problem. Also, frequently, "rural domination" has afforded a made-to-order argument for municipal and other local governments in the metropolitan areas to seek redress from the Congress in the form of financial assistance from the National Government. It is a much more satisfying endeavor for a publicly elected official to push a bill for a Federal grant with the Congressmen and Senators concerned than it is to push a bill at the State House for authorization to levy a new type of local tax or to raise an existing limitation on property taxes or borrowing.

⁵ Bureau of the Census, "1958 Census of Manufactures" (Information pertains to the 188 metropolitan areas then designated).

⁶ Construction Review (March 1961), p. 15.

⁷ U.S. Bureau of the Census, "Local Government Finances in Metropolitan Areas" (vol. III, No. 6 of the 1957 Census of Governments).

Since World War II the "rural domination" problem in terms of State legislative apportionment has become worse statistically in a number of States.⁸ However, in various instances, the situation has begun to ease through changes in attitudes on the part of State legislators. This gradual alleviation has been attributed to the following factors:

(1) The growth of the large metropolitan areas and the increasing diversity of economic and social activity within the suburbs—wherein the suburbs no longer can be typified as "bedroom communities," although there are still many of these—seems to be blurring the earlier split between central city and suburb on a number of legislative issues at the State level. The increasing complexity and seriousness of a number of the metropolitan area problems has forced a more cooperative attitude on the part of local subdivisions within the area. This has resulted in improved opportunities for legislative cooperation within the delegation from the metropolitan area as a whole, in contrast to earlier instances of alliances between rural and suburban legislators against the measures desired by the central city. This is not to say that all is harmony within metropolitan area delegations to State legislatures; it is only to say that the proportion of issues upon which common ground can be found seems to be on the increase.

(2) The spread of industrial activity into the hinterlands and the springing up of small business establishments in some previously agricultural areas, coupled with the heavy migration of manpower from farming into other pursuits, are decreasing the number of strictly rural constituencies. With each passing year urban-type problems such as zoning, planning, building regulation, water supply and sewage disposal are showing up on the doorsteps of heretofore "rural" legislators. The growth of the small urban constituencies in heretofore rural areas is tending to obscure the earlier battle lines in the State legislature between rural and urban legislators.

(3) In recent years there has been some progress in transferring the function of apportionment from the hands of the legislature into the hands of the Governor and/or other statewide elected officers who can be mandamus-ed by the courts to do the reapportionment job required by the State constitutions.⁹ Some legislators apparently have less reluctance to get rid of the obnoxious reapportionment task altogether than directly to recarve the districts of their fellow members.

(4) The increasing threat of judicial intervention is causing some State legislators to reexamine the whole question of apportionment. There is a feeling on the part of "rural" legislators in some States that it might be wiser to make some concessions voluntarily than to risk a greater political loss through action of State or Federal courts.

Generally speaking, complaints of metropolitan areas with respect to their treatment by their respective State governments have been directed primarily against the legislative bodies rather than the executive. The reason for this is clear. Governors run for office on a state-

⁸ Findings from a survey of the National Municipal League, published in "Compendium of Legislative Apportionment," November 1960, show that in 20 States there is little complaint of apportionment disparity and no conscious array of urban versus rural forces in legislation; at the other extreme were found 12 States where complaints of injustice were bitter.

⁹ For example, a 1956 constitutional amendment in Arkansas created a board of apportionment to carry out the redistricting function after each census. Similar provisions are in effect in a number of States including relatively recent adoptions in Illinois (1954), Michigan (1952) and North Dakota (1960).

wide basis and the votes of the metropolitan areas loom large in their primary and general election campaigns. The same principle, of course, applies to U.S. Senators and to Congressmen representing urban districts. Consequently, mayors and other local government officials from metropolitan areas receive careful attention from the U.S. Congress, and their requests for Federal financial assistance are often seconded strongly by the Governors.

The Kestnbaum Commission quoted from one of its study committees the following comments on the disparity between the urban political leverage in Washington and the statehouses: ¹⁰

If States do not give cities their rightful allocation of seats in the legislature, the tendency will be toward direct Federal-municipal dealings. These began in earnest in the early days of the depression. There is only one way to avoid this in the future. It is for the States to take an interest in urban problems, in metropolitan government, in city needs. If they do not do this, the cities will find a path to Washington as they did before, and this time it may be permanent, with the ultimate result that there may be a new government arrangement that will break down the constitutional pattern which has worked so well up to now.

A significant footnote should be placed to the above quotation, one which has assumed marked importance since the release of 1960 census data—namely, that some major cities, as such, have become less underrepresented in the State legislatures than in the past. The quoted observation of the Kestnbaum Commission study committee would be more accurate today if it referred to urban areas, because the migration of population from the central cities to the suburbs has made the latter the principal victims of underrepresentation in many cases. In fact, in some instances, based on 1960 census data, central cities have approached parity in legislative representation from a proportionate population standpoint.

C. INTEREST GROUPS

A variety of economic and political interest groups are deeply concerned, in different ways, with the direction toward which local governmental structure evolves in the metropolitan areas. Specific economic interests include: (1) Industrial and commercial real estate investment interests; (2) real estate developers; (3) the construction industry and trades; (4) retail mercantile interests generally; and (5) private transit companies and commuter railroads. Areawide governmental functions having to do with land-use planning, zoning and building regulation and transportation vitally affect these interests. Further, the ways in which these interests are reconciled at the various stages of governmental and political decisionmaking set the pattern and tone of much of the governmental activity in the metropolitan area.

The political interests which must be taken into account in appraising the structure of local government in the metropolitan areas include not only the elective or appointed officialdom of the central city, suburban municipalities, the county, and the various special districts and functional authorities. There are also various private persons and groups having both special and public interests in the future of the metropolitan area. As Robert Wood has pointed out, the competitive position of the local governments within metropolitan areas—

¹⁰ Commission on Intergovernmental Relations, "A Report to the President for Transmittal to the Congress" (1955) pp. 39-40.

municipalities, special districts, counties, authorities, and so on—frequently forecloses the opportunity for policymaking on an areawide basis. Consequently, what he terms an “embryonic coalition” of politicians, editors, businessmen, and labor leaders must often take the lead in tackling areawide problems—usually on a piecemeal basis, problem by problem. He concludes by observing:¹¹

However active and well intentioned, none of the present spokesmen for the region at large, public or private, individually or collectively, can be said to be providing coordinated policy leadership. First of all, even though they may speak for important interests in the regions, these groups still represent only a small minority of the areas' population. More important, they lack what effective policymaking requires; an adequate institutional base, legal authority, direct and regularized relationships with the metropolitan constituency, and established processes for considering and resolving issues as they emerge.

Lacking these things, they are not governments and they do not speak with the voice of governments. For the most part, the leaders of the interlocking directorate of metropolitan civic activities appear in the role of political diplomats, agitators, and brokers. Regional policy is bootlegged into existing councils of state, where its reception is uncertain and its application dependent on voluntary acceptance.

¹¹ Robert C. Wood, “Metropolis Against Itself” (New York: Committee for Economic Development, March 1959), p. 38.

CHAPTER III. PROBLEMS OF GOVERNMENTAL STRUCTURE AND SERVICES

A. FRAGMENTATION AND OVERLAPPING OF GOVERNMENTAL UNITS

As of the 1960 Census of Population, standard metropolitan statistical areas included territory in 46 States and the District of Columbia. The only States that did not have at least part of such an area were Alaska, Idaho, Vermont, and Wyoming. Of the 212 metropolitan areas, 133 consisted of a single county each. The other 79, representing intercounty areas, had 80.5 million inhabitants in 1960, or nearly half of the Nation's total population. In terms of number of counties included, the 212 standard metropolitan statistical areas were distributed as follows:¹²

TABLE 2.—Metropolitan areas by number of counties they include, 1960

Number of counties in SMSA ¹	Number of SMSA's	Population, 1960		
		Number (in millions)	Percent of SMSA population	Percent of U.S. population
1.....	133	32.4	28.7	18.1
2.....	39	22.8	20.2	12.7
3.....	22	15.2	13.5	8.5
4.....	5	5.2	4.6	2.9
5.....	5	15.9	14.0	8.8
6.....	5	14.2	12.6	7.9
7.....	1	2.0	1.8	1.1
8.....	2	5.2	4.6	2.9
Total.....	212	112.9	100.0	62.9

¹ Counting, for New England, counties of which any portion is within an SMSA. New York City is counted here as a single area, rather than in terms of its 5 component county areas. Because of rounding, detail may not add to totals.

The significance of the foregoing is that many metropolitan territories are not within the limits of any one political unit of government.

Of the 79 intercounty areas, 24 include territory in 2 or more States, and several others make up parts of the interstate "standard consolidated areas" which have been designated by the U.S. Bureau of the Budget for New York-northeastern New Jersey and for Chicago, Ill.-northwestern Indiana. Altogether, these interstate areas had in 1960 a population of 38.3 million persons, or 21.4 percent of the Nation's total. Table 3 lists these interstate areas individually, in descending population-size order.

¹² Calculated from detail shown in U.S. Bureau of the Budget, "Standard Metropolitan Statistical Areas" (1961).

TABLE 3.—*Interstate metropolitan areas*

Metropolitan area	States with part of territory ¹	Number of county areas	1960 population
New York-northeastern New Jersey ²	New York-New Jersey	13	14,759,429
Chicago, Ill.-northwestern Indiana ³	Illinois-Indiana	8	6,794,461
Philadelphia	Pennsylvania-New Jersey	8	4,342,897
St. Louis	Missouri-Illinois	6	2,060,102
Washington	District of Columbia-Maryland-Virginia	7	2,001,897
Cincinnati	Ohio-Kentucky	3	1,071,624
Kansas City	Missouri-Kansas	4	1,039,493
Portland	Oregon-Washington	4	821,887
Providence-Pawtucket	Rhode Island-Massachusetts	8	816,148
Louisville	Kentucky-Indiana	3	725,139
Allentown-Bethlehem-Easton	Pennsylvania-New Jersey	3	492,168
Omaha	Nebraska-Iowa	3	437,872
Wilmington	Delaware-New Jersey	2	366,157
Chattanooga	Tennessee-Georgia	2	283,169
Duluth-Superior	Minnesota-Wisconsin	2	276,596
Davenport-Rock Island-Moline	Iowa-Illinois	2	270,058
Huntington-Ashland	West Virginia-Kentucky-Ohio	4	254,780
Columbus	Georgia-Alabama	3	217,985
Augusta	Georgia-South Carolina	2	216,639
Evansville	Indiana-Kentucky	2	199,313
Wheeling	West Virginia-Ohio	3	190,342
Lawrence-Haverhill	Massachusetts-New Hampshire	2	187,601
Staubenville-Weirton	Ohio-West Virginia	3	187,756
Fall River	Massachusetts-Rhode Island	2	138,156
Fargo-Moorhead	North Dakota-Minnesota	2	108,027
Texarkana	Texas-Arkansas	2	91,657

¹ The State containing the central city (or the more populous one when there are 2 central cities) is listed first.

² A "standard consolidated area" consisting of 4 standard metropolitan statistical areas (New York, Newark, Jersey City, and Paterson-Clifton-Passaic) plus Middlesex and Somerset Counties, N.J.

³ Counting New York City as a single area, rather than in terms of its 5 component "counties."

⁴ A "standard consolidated area," consisting of 2 standard metropolitan statistical areas (Chicago and Gary-Hammond-East Chicago).

The local government pattern in metropolitan areas is unbelievably complex. At the time of the 1957 Census of Governments, when 174 standard metropolitan statistical areas had been designated, a total of 15,658 separate local governments were identified in such areas: 266 counties, 3,422 municipalities, 2,317 townships, 9,185 independent school districts, and 3,180 other special purpose districts. This indicates an average of about 90 local governments per metropolitan area, but there is a range from a few units in some instances up to several hundred in some metropolitan areas. As designated in 1957, the Chicago-northwestern Indiana area had 954 local governments, and the 13 counties making up the New York-northeastern New Jersey complex had 1,074.

Changes which have been made in metropolitan area designations since 1957—largely as a result of findings of the 1960 Census of Population—have added territory which altogether had over 2,500 local governments in 1957. Pending conduct of the 1962 Census of Governments, a comprehensive up-to-date count of local governments in present SMSA's is not available. However, from a special survey that was conducted in 1960 by the Government Division of the Bureau of the Census, it is apparent that these areas have shared in the reduction widely taking place in numbers of independent school districts as a result of school reorganization efforts. The 212 areas designated as metropolitan in 1960 had, that year, some 6,563 school districts. In 1957, 10,413 other local governments were counted for these 212 areas. As of 1960, therefore—with no allowance for the probable 1957-60 increase in municipalities and (nonschool) special districts—

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the 212 SMSA's altogether had some 16,976 local governments. The following table distributes this total by size-groups of metropolitan areas: ¹³

TABLE 4.—Local governments in the 212 standard metropolitan statistical areas, by population—Size of area

[School districts as of 1960; other local governments as of 1957]

Population size of SMSA	Number of SMSA's	1960 population (in millions)	Number of local governments			Dependent school systems 1960 ¹
			Total	School districts	Other	
All SMSA's	212	112.9	16,976	6,563	10,413	600
SMSA's with a 1960 population of—						
2,000,000 and over.....	10	43.6	4,397	1,685	2,712	187
1,000,000 to 2,000,000.....	14	18.0	2,131	790	1,341	32
500,000 to 1,000,000.....	29	19.2	2,623	864	1,759	79
200,000 to 500,000.....	69	20.6	4,691	1,908	2,783	187
100,000 to 200,000.....	68	9.8	2,571	985	1,586	99
Less than 100,000.....	22	1.8	563	331	232	16

¹ School systems operated as part of another government—county, city, or town, rather than as independent districts.

The indicated recent drop in school district numbers would suggest that many of the former small-enrollment districts in metropolitan areas have been combined into larger school-administering units. It seems likely, however, that relatively minor units still account for a majority of the other kinds of local governments in metropolitan areas, as was the case at the time of the 1957 Census of Governments.

Local governments in metropolitan areas present a bewildering pattern both because of their extreme numbers and their frequent territorial overlapping. In many instances, school districts and special districts increase the overlapping maze and function in an area regardless of what other governments exist there. As a result, several types of special districts may occupy portions or all of the area of one another, as well as territory of other local governments. Where townships can overlies municipal areas, an additional layer appears. One extreme example of multiple and complex layering may be cited. In 1956, people in Park Forest, a suburb near Chicago, were directly concerned with the following local governmental entities: ¹⁴ Cook County; Will County; Cook County Forest Preserve District; village of Park Forest; Rich Township; Bloom Township; Monee Township; Suburban Tuberculosis Sanitarium District; Bloom Township Sanitary District; Non-High-School District 216; Non-High-School District 213; Rich Township High School District 227; Elementary School District 163; South Cook County Mosquito Abatement District.

In interstate metropolitan areas the variations of local government structure are especially pronounced, because otherwise comparable units situated on opposite sides of a State boundary operate under different State constitutions and laws, and with differing kinds of functional and financial authority.

¹³ Calculated from detail shown in U.S. Bureau of the Census, "Governments in the United States" (1957 Census of Governments, vol. 1, No. 1) and "Public School Systems in 1960," by reference to current designations of SMSA's as indicated by U.S. Bureau of the Budget, *op. cit.*

¹⁴ Edward C. Banfield and Morton Grodzins, "Government and Housing in Metropolitan Areas" (New York: McGraw-Hill Book Co., Inc., 1958), p. 18.

B. DISPARITIES BETWEEN TAX AND SERVICE BOUNDARIES

The late Carl Chatters once observed, "The metropolitan area problem is primarily a public finance problem." The most astute fiscal policies and the highest possible degree of technical competence in financial administration are of little avail for the equitable and adequate financing of governmental services in metropolitan areas unless the basic fact of non-coincidence of service areas and areas of tax jurisdiction for the support of such services is clearly recognized and effectively met. Lyle Fitch has described this financial "fact of life" as follows:

The extension of activities across jurisdictional boundary lines makes it more and more difficult to relate benefits and taxes at the local government level. In the modern metropolitan community, a family may reside in one jurisdiction, earn its living in one or more others, send the children to school in another, and shop and seek recreation in still others. But to a considerable extent, the American local financial system still reflects the presumption that these various activities are concentrated in one governmental jurisdiction.¹⁵

Generally speaking, the larger the number of independent governmental jurisdictions within a metropolitan area the more inequitable and difficult becomes the process of financing those governmental services which by their nature are areawide in character. This is especially the case with respect to such services as water supply, sewage disposal, and transportation. These services by their nature require large and integrated physical facilities with service boundaries economically dictated by population density and topography, often involving little or no relationship to boundaries of political jurisdiction. Even services which do not demand areawide handling, such as education, law enforcement, and health, also involve serious problems of equity with respect to financing and of awkwardness in administration where numerous local governments are involved.

Difficulties in terms of equity and administration in raising revenue sufficient to support governmental services in the metropolitan areas are the most severe with respect to those services financed through local property taxation. Relatively small taxing areas, the uneven distribution of valuable industrial properties, and the low correlation in many instances between the location of the domicile and the consumption of governmental services altogether compound into a most difficult and potentially unfair situation.¹⁶ The fiscal impact of this situation often falls heavily upon the central city, particularly in those metropolitan areas characterized by heavy migration of higher income classes to the suburbs and lower income classes into the central city.

Aside from adjustments in the structure and boundaries of local governments, various devices to limit the severity of the problems involved in equitable financing of local government in metropolitan areas have been advanced, including, for example, heavier reliance upon State grants and shared revenues, or upon service charges, the use of locally imposed nonproperty taxes (sometimes with State-col-

¹⁵ Lyle C. Fitch, "Metropolitan Financial Problems," *The Annals* (November 1957), p. 67.

¹⁶ The report of the Governor's Commission on Metropolitan Area Problems (California) December 1960, observes: "Though much of the tangible and intangible wealth of the State is concentrated in metropolitan communities, such wealth is not evenly distributed throughout the constituent local units of government. For example, though the city of Los Angeles has 10,000 times the population of the city of Vernon, it has only 20 times the assessed valuation. The property tax base in Vernon amounts to about \$1 million per person, while in Los Angeles it is only \$1,600 per person."

lection arrangements), and the use of countywide property tax levies to help finance certain functions or types of governments, such as school districts. Each of these approaches will no doubt be found helpful in some situations, though each has its problems or limitations. Even altogether, however, they cannot be expected to solve the problem of inequitable financing in metropolitan areas having a highly fragmented pattern of local government.

C. STATE CONSTITUTIONAL AND STATUTORY RESTRICTIONS

Many metropolitan areas suffer under restrictions and limitations imposed by the State. These restrictions commonly grow out of a system of local government spelled out in the State constitution, originally tailored to a society predominantly rural. This is particularly true with respect to county government. Unlike municipal corporations, counties constitute administrative and jurisdictional areas of the State, and county boundaries laid down decades ago bear little relationship to current concentrations of population and economic activity. The result has been that many urban counties are handicapped by constitutional rigidity as to functions and personnel in rendering services of an urban character. Efforts on the part of metropolitan residents to secure amendments to constitutions or State laws with respect to the structure, functions, and personnel of county government in urban areas are sometimes opposed by rural counties because of fear of increased costs of county government and resistance to change in general.

As noted earlier, constitutional and statutory restrictions on the number of urban representatives in State legislatures place additional barriers in the way of modernizing the structure and functions of local government in metropolitan areas.

Stringent statutory requirements with respect to the annexation by municipal corporations of surrounding territory have constituted an important contributing factor to the complexity of local government in the metropolitan areas. These statutory restrictions upon the annexation powers of cities have often made it impossible for political boundaries to keep step with the spread of population and commercial activity in urban areas. Since the residents in the fringe areas have insisted upon obtaining municipal-type services, they have often established new municipal corporations. This process has resulted in the typical situation of a large central city tightly ringed with incorporated suburbs.

Additionally, restrictions imposed by State constitutions and statutes upon the borrowing and taxing powers of municipalities and counties have complicated the task of local units of government, in metropolitan areas in financing necessary governmental service and have given birth to a variety of devious special devices designed to evade the restrictions imposed, with a resulting increase in complexity of local governmental structure.

D. THE INTERSTATE METROPOLITAN AREAS

As mentioned earlier, there are numerous metropolitan areas which cross State lines. These interstate metropolitan areas contain more than one-fifth the Nation's population and nearly a third of its manu-

facturing activity. They have more than 5,000 local governments—1,851 schools districts as of 1960 and 3,297 other local governments as of 1957.

The problems cited with respect to the difficulty of matching political jurisdiction and responsibility with the needs, requirements, and financial resources for governmental services are compounded in the case of the interstate metropolitan areas. In these areas additional sets of State constitutional provisions, statutory requirements, and State administrative regulation and control are involved. To achieve simplification and restructuring of governmental services in these areas requires not only that the local governments of a particular State obtain a meeting of the minds and successfully fight for permissive legislation or friendly administrative action at the State capital. In addition, the local governments of the other State or States concerned must join in the combined local effort and pursue parallel paths and endeavor to obtain parallel success at their respective State capitals. If one group succeeds and the other fails, the obvious temptation of "going it alone" presents itself to the successful group.

Although the interstate compact device has been used with success in many areas of State government responsibility, its use in solving or ameliorating metropolitan area problems has been relatively limited. The most notable example of activity in this field is that of the Port of New York Authority, established by interstate compact in 1921. The authority, created under a compact between New York and New Jersey, has carried on extensive operations in the New York metropolitan area (although opinion differs as to the wisdom or effectiveness of some of the port authority's operations with respect to the mass transportation problem in the metropolitan area). Except for a limited early use in the Kansas City region, compacts have been employed in only two other major interstate metropolitan districts, with the creation in 1949 of the Bi-State Development Agency for the St. Louis area and the Pennsylvania-New Jersey establishment of the Philadelphia Port Authority and a broadened Delaware Bridge Commission in 1951. The recent administrative approval of the compact for the Delaware River Basin Commission, yet to be ratified by the State legislatures and subject to approval by the Congress, will have a significant impact upon the metropolitan areas of New York, northeastern New Jersey, and Philadelphia.

CHAPTER IV. VIGOROUS ACTION REQUIRED—RECOMMENDATIONS TO THE STATES

A. GENERAL APPROACH

Except to observe both the significant progress made by some of the States and the generally increasing seriousness of the problems of political structure and relationships in the large urban centers, the Commission must echo the admonition to the States set forth by their own Council of State Governments in its 1956 study for the Governors' Conference:

Although the roles of local governments and the National Government are indispensable, the States are the key to solving the complex difficulties that make up the general metropolitan problem. To achieve adequate results the State governments—the legislative and executive branches and the people—need to exert positive, comprehensive, and sustained leadership in solving the problem and keeping it solved.¹⁷

As the Kestnbaum Commission observed a year earlier and as emphasized by many other studies both before and since, State inaction in asserting vigorous leadership in strengthening local government in this country only tends to make more persuasive the argument for increased intervention by the National Government. This is not to imply that interest and concern on the part of the National Government with respect to the problems of metropolitan areas is undesirable or unwise; as recommended later in this report an enlarged role for the National Government with respect to certain of these problems should be undertaken. However, Federal action unaccompanied by necessary steps on the part of States would have to be more direct and of such a specific programmatic character that real harm might be done to the overall structure of National-State-local relations under our Federal system.

Admittedly, it is much more difficult to stimulate more or less simultaneous activity by a number of States through the processes of the State legislatures than it is to foster a broad program of Federal activity via the congressional route. Many books and articles on the problems associated with the large metropolitan areas speak piously of the inherent responsibility of the States in this matter, but after a suitable amount of hand wringing about rural-dominated legislatures, outmoded constitutions, tax and debt limitations, etc., come to the regretful conclusion that the only practical approach to the prob-

¹⁷ Council of State Governments, "The States and the Metropolitan Problem" (Chicago, 1956), p. 132.

lem lies with the National Government.¹⁸ The Commission does not intend to follow this course; we are fully aware that in our specific recommendations for State constitutional, legislative, and administrative action, we will incur criticism from "centralists" and "States' righters" alike. The test, of course, will be the relative success which these proposals encounter in the proceedings of future Governors' conferences and in the legislatures of the major urban States.

In the recommendations which follow, the Commission sets forth no single "pat" solution for easing the problems of political and structural complexity at the local government level. The Commission is convinced that no single approach can be identified as the most desirable, whether from a national standpoint or within a given State. Neither does the Commission believe it can be a profitable effort for the legislature of any State having within its borders a number of metropolitan areas to endeavor to legislate a single solution; rather, the approach recommended in this report is one of legislative provision by the State of permissive authority to all of its metropolitan areas to employ whichever of these principal methods is determined by the residents of the areas and their political leaders to be the preferable one in the light of all the attendant circumstances. It should go without saying that, aside from the types of action specifically proposed here, State legislatures need to take full account of the possible effect upon local government structure and financing in metropolitan areas of contemplated statewide action on various subjects, such as the local property tax system, and State grant and revenue-sharing programs.

In brief, the Commission is proposing the enactment by State legislatures of a "package" of permissive powers to be utilized by the residents of the metropolitan areas as they see fit. Additionally, the Commission is proposing that States establish within the structure of State government a dual function of oversight and technical assistance to local units of government, thereby asserting a determination to assist continually and to intervene where necessary in ameliorating political jurisdictional problems in the metropolitan areas.

B. PROVISION BY THE STATE OF "ARSENAL" OF REMEDIAL WEAPONS TO BE DRAWN UPON BY METROPOLITAN AREAS

1. Assertion of legislative authority regarding metropolitan areas

The Commission subscribes firmly to the principle of maximum flexibility and freedom of action for local units of government in meeting the needs of their citizens; however, the Commission also believes that

¹⁸ For example A. A. Berle has commented: "Conceivably, the entire tax fabric of the United States might be overhauled, its design reworked, and its bases sorted out. In some improbable world, assignment of tax bases and burdens (with consequent credit facilities based on revenue) accurately corresponding to each element of local, metropolitan, State, and Federal productivity might be arranged. But there is no visible probability that anything of the sort will happen. Indeed there is no certainty that any accurate imposition of tax burdens respectively on local, metropolitan, State, or National productivity could be worked out at all even if the attempt were made. The only practical line is, therefore, in the direction of greater assumption of responsibility by the Federal Government * * * Consequently the time has almost come for a Federal local government "Assumption Act," analogous to Alexander Hamilton's famous act assuming the war obligations of the Thirteen Colonies after the Constitution was adopted. This would mean, in substance, that a system should be constructed by which the credit and credit needs of local governments, including metropolitan areas, will be provided for through federally guaranteed bonds. Where necessary, Federal aid may assist financing metropolitan needs—as, in fact, it does at present in a wholly hit-or-miss way." "Reflections of Financing Governmental Functions of the Metropolis," Proceedings of the Academy of Political Science, May 1960, the Academy of Political Science, Columbia University, pp. 77-79.

*certain limitations must be introduced against the historical concepts of home rule as applied to political subdivisions located within metropolitan areas. The Commission recommends that the States, when considering either general constitutional revision or undertaking constitutional changes with regard to local home rule, reserve sufficient authority in the legislature to enable legislative action where necessary to modify responsibilities of and relationships among local units of government located within metropolitan areas in the best interests of the people of the area as a whole.*¹⁹

The Commission proposed to the States a modification of the traditional home rule concept, to wit: Local home rule for strictly local problems; metropolitan home rule for areawide problems but with the State free to legislate and otherwise act with respect to problems which transcend county boundaries and which are not soluble through interlocal cooperation. The Commission believes that the States would be well advised to lose no opportunities in the normal processes of constitutional change to make sure that constitutional home rule provisions are so modified as to insure that the authority of the State with respect to its metropolitan areas is not unduly restricted.

The Commission is a firm believer in the principle of local home rule. The basic fact, however, which underlies much of this report is that functions which in the 19th and early 20th centuries could be dealt with separately by local areas may now be matters of concern to a large metropolitan community or to the State as a whole. The Kestnbaum Commission made the following observation regarding the need for updating our traditional concepts of home rule to meet the practical governmental problems of our large urban communities:

The principle of home rule should not be carried to an extreme * * * Self-determination in one isolated local unit of a large community often restricts the opportunity for genuine home rule in the whole community. Unfettered local control can be injurious to local as well as to broader interests. For example, it is generally agreed that houses cost more than they need to because local building codes, sanitary regulations and inspections, licensing requirements for artisans, and zoning and subdivision controls are often inadequate, outmoded, or conflicting. Complete home rule with respect to these matters by ill-equipped local units has been frustrating for the building industry and the public, and has produced complications for National and State housing programs.²⁰

Because of the rapid changes taking place in the large metropolitan areas with respect to the methods by which particular governmental services are provided, it is necessary that the State be in a position to afford leadership, stimulation and, where necessary, supervision with respect to metropolitan area problems. This is especially the case where the metropolitan area embraces more than one county, because in such a situation there is no authority short of the State which can be brought to bear upon the area involved. Constitutional provisions which confer home rule upon municipalities or counties and proceed to spell out functions of government with respect to which the State legislature may not intervene have the effect of placing handcuffs upon the State legislature and Governor in helping the local area meet a functional problem which has grown beyond effective local administration. For example, if water supply and sewage disposal are among

¹⁹ Secretary Ribicoff refrained from registering a position regarding this and subsequent recommendations appearing in this report.

²⁰ Commission on Intergovernmental Relations, *op. cit.*, pp. 54-55.

municipal-type functions enumerated in a constitutional home rule provision for municipalities, the State becomes powerless in the attempt to exert any authority with respect to an areawide approach to water supply or sewage disposal. In other words, problems today have grown beyond city limits but the city's power to cope with a situation ends abruptly at its boundary lines. The complexity of the problems and the inability of many smaller units to cope with them defeats both the theory of local home rule and popular control and the ability of the local government to provide services. One may ask, where everybody is concerned but no one unit has the power to act, of what avail is local popular control?

The Commission shares the view expressed by Luther Gulick who has stated that municipal home rule in the mid-twentieth century is not the right to be left alone behind a legally defined bulwark, but rather, the right to participate as an equal partner in arriving at decisions which affect community life. This concept has been stated in a slightly different way by Hugh Pomeroy:

Local governmental autonomy can have justification—and, ultimately, validity—only as it is accompanied by responsibility, a realization by the individual municipality, government, and people, of being an integral part of an intercommunity composite, with an acceptance of obligations based on that relationship. And the primary obligation is that of acceptance of some limitation of freedom of action in the interest of the greater good.²¹

2. Authorization of municipal annexation of unincorporated areas without consent of areas annexed

The Commission recommends that the States examine critically their present constitutional and statutory provisions governing annexation of territory to municipalities, and that they act promptly to eliminate or amend—at least with regard to metropolitan areas—provisions that now hamper the orderly and equitable extension of municipal boundaries so as to embrace unincorporated territory in which urban development is underway or in prospect. As a minimum, authority to initiate annexation proceedings should not rest solely with the area or residents desiring annexation but should also be available to city governing bodies. There is also merit to the proposition that the inhabitants of minor outlying unincorporated territory should not possess an absolute power to veto a proposed annexation which meets appropriate standards of equity. The Commission further urges States generally to examine types of legislation which in certain States have already been adopted to facilitate desirable municipal annexations, with a view to enacting such facilitative provisions as may be suitable to their respective needs and circumstances.

For purposes of this report, annexation may be described as the absorption of territory by a city. Prior to 1900 annexation was the most common method for adjusting municipal boundaries to keep pace with population expansion. By the use of annexation many of what are now the large central cities of metropolitan areas gained large numbers of square miles. During this stage of our history the use of annexation enabled the large cities to become the focal points of what are today the major metropolitan areas and for a long time

²¹ Hugh Pomeroy, "Local Responsibility" (an address before the National Conference on Metropolitan Problems, East Lansing, Mich., Apr. 29, 1956).

prevented the subsequent rise of numerous small satellite cities. However, beginning with the widespread use of the automobile, people began to settle outside city limits in such numbers that a feeling of community spirit and local home rule began to assert itself in these outlying areas. Many of these areas incorporated themselves into small municipalities while others remained as populous unincorporated areas subject to control of the county and depending upon either the county or contractual arrangements with neighboring municipalities for the provision of urban services. As the territory beyond the central cities became increasingly urbanized the people living in these incorporated suburbs and unincorporated areas successfully obtained from their State legislatures legal provisions to make more difficult the annexation of their areas to the central city. In some instances the people in outlying areas were granted exclusive authority to initiate annexation proceedings. In most States they were given a conclusive veto over annexation proposals through the proviso that an annexation action would have to receive a favorable majority within the area being annexed.

These handcuffs upon the annexation process have contributed considerably to the present metropolitan problem insofar as the complexity of local governmental structure is concerned. In some situations imaginative and vigorous leadership on the part of the central city, coupled with fortuitous provisions of State annexation laws, has enabled the city to annex unincorporated territory as it became urbanized and consequently has enabled the city to keep abreast of the geographic spread of the urban population. Where this has occurred many of the difficulties associated with complex governmental structure in metropolitan areas have been avoided. Unfortunately, these instances have tended to be the exception rather than the rule. Much more typical has been a situation where annexation is severely limited by restrictive legislation. The effects can be illustrated by data for the 130 most populous cities in the Nation—those having at least 100,000 inhabitants in 1960.

During the 1950-60 decade, only 22 of these 130 cities annexed as much as 30 square miles to their respective areas, and in only 12 of these instances was the territory added to the city during the decade as much as 60 square miles. Furthermore, 44 of the 130 largest cities experienced no change in area during the entire decade, while 36 others each added only from 1 to 10 square miles of territory. The 130 largest cities are located in 38 States. In only 12 of these States, however, were there major cities with a territorial increase of 30 square miles or more in 1950-60. At the other extreme are States in which no major city added as much as 10 square miles of territory—New York State, with 8 cities of over 100,000 population; New Jersey, with 6; Massachusetts, Michigan, and Pennsylvania, with 5 each; Connecticut, with 4; and Minnesota with 3; as well as 10 other States having each a single city of over 100,000 inhabitants. Table 5, below, provides supporting detail by States, and appendix B gives land-area figures for each of these 130 cities.²²

²² From city-area information assembled by the Bureau of the Census for 1950 and 1960 population censuses.

TABLE 5.—Distribution of cities having a 1960 population of 100,000 or more according to change in their land area between 1950 and 1960, by States

State	Total	Cities with no change in land area, 1950-60 ¹	Cities with a 1950-60 increase in land area of—			
			1 to 10 square miles	10 to 30 square miles	30 to 60 square miles	60 square miles or more
All States.....	130	44	36	28	10	12
California.....	14	2	5	5	1	1
Texas.....	111	-----	-----	3	4	4
New York.....	8	6	2	-----	-----	-----
Ohio.....	8	3	4	-----	1	-----
Indiana.....	6	2	1	3	-----	-----
New Jersey.....	6	5	1	-----	-----	-----
Massachusetts.....	5	4	1	-----	-----	-----
Michigan.....	5	3	2	-----	-----	-----
Pennsylvania.....	5	3	2	-----	-----	-----
Connecticut.....	4	3	1	-----	-----	-----
Florida.....	4	2	1	-----	-----	1
Tennessee.....	4	1	2	1	-----	-----
Virginia.....	4	1	1	1	-----	1
Alabama.....	3	-----	2	-----	-----	1
Georgia.....	3	-----	-----	2	-----	1
Illinois.....	3	-----	1	2	-----	-----
Kansas.....	3	-----	-----	3	-----	-----
Louisiana.....	3	2	-----	1	-----	-----
Minnesota.....	3	2	1	-----	-----	-----
North Carolina.....	3	-----	-----	1	2	-----
Washington.....	3	1	1	1	-----	-----
Arizona.....	2	-----	-----	-----	-----	2
Missouri.....	2	1	-----	-----	1	-----
Nebraska.....	2	-----	1	1	-----	-----
Oklahoma.....	2	-----	-----	1	-----	1
Wisconsin.....	2	-----	-----	1	1	-----
Other States ²	12	3	7	2	-----	-----

¹ Including some cities with an apparent land-area change of less than 1 square mile; at least some of these undoubtedly involve reporting or mapping differences, rather than the effects of annexation actions.

² One city each in Arkansas, Colorado, District of Columbia, Hawaii, Iowa, Kentucky, Maryland, Mississippi, New Mexico, Oregon, Rhode Island, and Utah.

As stated earlier, the Commission believes that the concept of municipal home rule must be modified to minimize the extent to which individual local units of government or the inhabitants of a small geographic area are able to veto and otherwise thwart the orderly development of governmental structure and services within the metropolitan areas. The Commission believes that liberalized annexation laws are an important and fruitful possibility for State government action to facilitate metropolitan area development. However, the Commission recognizes that it is not feasible to endeavor to turn the clock back and through the annexation process try to abolish units of local government which are already in existence. The principal fruitful application of liberalized annexation laws is with respect to unincorporated territory.²³ Admittedly, this will not solve or appreciably help a situation where a city is already closely ringed with satellite municipalities. However, it should facilitate orderly growth of newer urban centers.

The Commission believes that in the assertion of invigorated leadership by the State with respect to metropolitan area problems as emphasized throughout this report, the question of municipal boundary extension should be a matter of statewide policy rather than

²³ The degree to which the unincorporated area is already under an urban-type government obviously affects the demand for municipal annexation in the particular case. If the area is already receiving the full range of urban services from a county, township, or town government the pressure either for annexation or for incorporation of the area is not likely to be strong.

entirely a matter of local self-determination. The Commission believes that the State should define the type and character of land which should be encompassed in the boundaries of municipal corporations. The Commission suggests that the concept of a veto power over municipal annexation by residents of unincorporated areas be reexamined carefully. Mention might be made of three distinct approaches used in the respective States of Texas, Virginia, and North Carolina, none of which permit the exercise of such a veto power.

Except for Alaska, the Texas home rule constitutional amendment adopted in 1912 represents the most liberal home rule provision in the country. Legislation implementing this provision includes, among the powers a home rule charter may provide, "power to fix the boundary limits of said city, to provide for * * * the annexation of additional territory lying adjacent to said city, according to such rules as may be provided by said charter." Under this authority, at least 75 home rule cities, including most of the larger cities of Texas, have written into their charters procedures for unilateral annexation by the city governing body.

In Virginia, where "city-county separation" prevails, municipal annexation of unincorporated territory may be initiated either by municipal ordinance or by petition of voters in the area affected. If the annexation is contested, a special "annexation court" is convened to hear all aspects of the issue after which it hands down a decision upholding, modifying, or setting aside the annexation action.

Legislation enacted in 1959 in North Carolina lays down specific statutory standards under which municipalities above a certain size may proceed unilaterally by ordinance to annex contiguous unincorporated territory provided it is currently or imminently of urban character in terms of population density and other measures. The statute provides that the annexing municipality within a specified time must extend municipal services to the annexed area on a basis comparable to that prevailing in the rest of the municipality. Finally, judicial review is made available to determine if the annexation action as finally taken has conformed to the standards set forth in the statutes.

In a later section of this report dealing with "direct State action" the Commission presents recommendations for the imposition of stricter requirements by the States with respect to the creation of new municipal corporations within metropolitan areas. The Commission believes that liberalized annexation of unincorporated areas on the one hand and tighter rules against "defensive incorporation" of fringe areas on the other will greatly reduce the future increase of new units of government in metropolitan areas.

3. Authorization of interlocal contracting and joint enterprises

The Commission recommends the enactment of legislation by the States authorizing, at least within the confines of the metropolitan areas, two or more units of local government to exercise jointly or cooperatively any power possessed by one or more of the units concerned and to contract with one another for the rendering of governmental services.

Intergovernmental cooperation at the local level either by formal written contracts or by informal verbal agreements often provides a workable method of meeting particular problems within metropolitan

areas when separate action by individual local units is uneconomical and when the consolidation or transfer of the function is not economically or politically feasible. These interlocal arrangements are of two major types—(1) the provision of governmental services on a contractual basis by one unit of government to one of more additional units, and (2) the joint conduct by two or more units of government of a particular function or the joint operation of a particular governmental facility. Intergovernmental contracts have been used extensively in the Los Angeles metropolitan area. California laws have permitted extensive local option in developing contractual relationships, and local city and county administrators have been aggressive in working out arrangements. Many municipalities in Los Angeles County contract for the provision of particular services by the county. Many of the cities have transferred health services to the county and many of them contract with the county to enforce city health ordinances. The contract system has been used dramatically by the city of Lakewood to the extent that this city of nearly 100,000 population contracts with Los Angeles County to supply all of its services.

The contract system has many obvious advantages. One commonly cited disadvantage is that in the event of scarcity of trained personnel to carry on a given function both for the contracting unit itself and for the others, the contracting unit will tend naturally to take care of its own needs first.

In numerous situations over the country, cities and counties have found it advantageous to conduct certain functions or operate certain facilities on a joint basis. Illustrative are the joint financing and maintenance of government buildings in the Chicago, St. Paul, and Berkeley, Calif., areas, joint operation of hospital facilities in the Louisville and Chattanooga areas and the joint operation of sewage disposal facilities in the Atlanta area. In certain situations the joint enterprise approach has an advantage in that it requires cooperative participation of all units on an equal basis and avoids the difficulty mentioned above for the contract approach in that the needs of each participating unit must receive equal consideration. On the other hand, joint action requires considerable unanimity and cooperation for success. The necessity for getting the consent of each participant may impede proceedings and prevent solution of the problem on a comprehensive basis.

Since State legislative authority is usually required for interlocal contracting or for the joint operation of enterprises, the Commission recommends that States enact enabling legislation to authorize such interlocal cooperation, at least in the metropolitan areas. While a case might be made for such authorization on a statewide basis, it may be that in certain States passage of this type of legislation would be facilitated if it were limited, at least at the outset, to metropolitan areas. By this means, the possibility of objection from county and municipal officials in the nonurban areas, who might see in statewide legislation some potential threat to their jurisdictional responsibilities, could be minimized. Set forth in appendix C is a draft State law to authorize interlocal contracting and joint services, which the Commission commends for the consideration of State legislatures in those States where such authority does not currently exist. The draft contained in appendix C was developed by the Council of State Gov-

ernments as a result of its report on "The States and the Metropolitan Problem" in 1956. The draft law was proposed to the States in the council's suggested program of State legislation for 1957. At least seven States have already enacted laws along this line.

In some States, in addition to the lack of statutory authorization, constitutional barriers may exist to interlocal, and other forms of intergovernmental cooperation. In this connection the Commission proposes that such States enact a constitutional amendment along the lines set forth in appendix D. This constitutional amendment would authorize not only interlocal cooperation but also State participation in interstate and Federal-State cooperative activities. This proposed amendment would also facilitate membership of municipal and county officials on boards of directors of municipal service corporations as recommended in a subsequent section of this report. The proposed constitutional amendment was developed in 1960 by the Council of State Governments after a survey of State constitutions showed that at least 30 States have provisions in their constitutions which could be construed to bar the service of State and local officials on interlocal or Federal-State bodies. The draft constitutional amendment shown in appendix D was drafted by the Council of State Governments and is carried as part of the council's suggested program of State legislation for 1961.

4. *Authorization for the creation of functional authorities*

The Commission recommends that States consider the enactment of legislation authorizing local units of government within metropolitan areas to establish, in accordance with statutory requirements, metropolitan service corporations or authorities for the performance of governmental services necessitating areawide handling, such corporations to have appropriate borrowing and taxing power, but with the initial establishment and any subsequent broadening of functions and responsibilities being subject to voter approval on the basis of an areawide majority.²⁴

As stated at the outset, the Commission does not see any single pattern or any "pat" solution to the problems of governmental structure in the metropolitan areas. The Commission believes that the States should place at the disposal of the people in the metropolitan areas

²⁴ Messrs. Michaelian and Burton dissented from this recommendation. Mr. Michaelian states:

"I am opposed to this proposal in that, on the basis of an areawide majority vote, a local unit of government within a metropolitan area would have to accept, if such legislation were enacted by the State legislature, metropolitan service corporations or authorities that would perform governmental services on an areawide basis, with such corporations or authorities having borrowing and taxing powers. It would seem to me that no municipality should allow another municipality to encroach upon its own taxing powers, or to become liable for payment into the coffers of any metropolitan service corporation or authority moneys for the performance of governmental services which it must accept, whether it wants to or not, once an areawide approval has been given by means of a referendum. This, despite the fact that the local government itself might have some objection within its own confines. While I recognize the difficulty that would arise from an effort to establish a necessary service within a metropolitan area by obtaining the consent of every local governmental subdivision on the basis of a public referendum, it would seem to me that no such blanket authority should be granted by any State legislature, but that application rather should be made to the State legislature on each individual proposal to establish such a corporation dealing with such specific service or services. Then, and at that time, a proper appraisal of the situation can be made initially on each proposed project, before a referendum is held on each proposed project in a metropolitan area."

Mr. Burton states:

"The metropolitan service corporation or authority is a concept of significant merit, but to permit the creation of one by a majority vote of an enlarged area as a whole does not protect adequately the rights of residents of smaller local units of government who might be subjected against their desires and needs, to the power and costs of such an agency imposed upon them by an areawide majority."

a variety of possible measures from which they can make a selection based upon their own desires and the peculiar needs of their area. The Commission further believes that functional authorities constitute one of several methods by which residents of metropolitan areas should, if they so choose, be able to proceed. This is not to dismiss the arguments which have been advanced against the use of authorities in certain situations. However, in the view of the Commission, it is possible through careful procedure to avoid most if not all of the difficulties most frequently associated with the use of the authority device.

A notable phenomenon of the past decade has been the proliferation of local public "authorities" or "special districts," generally created to provide a single type of governmental service or facility. Between 1952 and 1957, the number of special district governments in the United States increased from 12,319 to 14,405. A considerable portion of this development took place in metropolitan areas; between 1952 and 1957, the number of special districts in the 174 areas which were officially recognized as SMSA's in 1957 increased from 2,661 to 3,180 or 22 percent.²⁵ Most of the special districts identified with metropolitan areas in 1957 were located outside the central city boundaries, but approximately 300 of them served or included the central city. Of these, only a handful were concerned with more than a single public function; the rest were specialized, and responsible for only one kind of service—e.g., housing, some phase of natural resources activity, sewage disposal, parks, hospital service, water supply, or other utility services.²⁶

What accounts for the increase in popularity of the "authority" or "special district?" Generally, five interrelated factors account for the recent trend. (1) In most States, statutory hurdles to the creation of functional authorities are far less formidable than those for the adoption of many of the other approaches to the problem of local government structure in metropolitan areas, such as annexation, city-county consolidation, or the transfer of functions from municipalities to counties. The principal difference in the relative stringency of statutory requirements has been that authorities may often be set up by action of a single existing government, such as the county, or at most require a favorable vote on an areawide basis, whereas annexations or consolidations require separate approvals from each major area affected. (2) The creation of a functional authority frequently has constituted a last resort choice on the part of residents of metropolitan areas after having tried and been thwarted in efforts for charter reform, annexation, or consolidation of functions. (3) It is possible to create authorities or special districts without threatening the status of any of the already existing local units of government in the metropolitan area. In other words, neither the vested interests of office-holders nor civic pride are very much offended by proposals for the creation of functional authorities. Only the organizational unit responsible for the function in question within each of the local units of government concerned is directly affected through the establish-

²⁵ U.S. Bureau of the Census, 1957 Census of Governments, "Local Government in Standard Metropolitan Areas." These figures are limited to autonomous local government units, and do not include those local "authorities" which are sufficiently attached to a municipality or county as to be classified by the Census Bureau as an agency of that government.

²⁶ Derived from table 5, U.S. Bureau of the Census, 1957 Census of Governments, "Local Government Employment in Standard Metropolitan Areas."

ment of an authority; the tenure of political leaders of the local units of government is not disturbed. (4) The temptation is always great to "cut through the red tape and get things done." Area residents who become dissatisfied with the way a particular service is being handled on a fragmented basis among several competing local units of government may band together in a common effort to make sure that the particular service they are concerned about gets set up on a "businesslike" basis free of the restrictions and entanglements involved in the existing units of government. (5) Through authorities, debts and tax limitations can often be evaded or avoided.

Along with the increased popularity of the functional authorities, however, has come increasing concern by public administrators, scholars, and political leaders in the metropolitan areas. The authority approach is frequently denounced as "supergovernment," arrogant and irresponsible. The severity with which particular authorities are condemned is frequently correlated directly with their size, success, and power. Three principal arguments are advanced against the use of functional authorities. (1) It is a piecemeal approach to metropolitan problems; the practice of pulling out single functions for independent handling—even though on an areawide basis—could, if carried to its logical conclusion, lead to a whole "nest" of powerful authorities, each operating with respect to a particular function and each unrelated in planning, programing and financial management to all of the others. (2) The creation of authorities adds to the number of local units of government within the metropolitan area, of which there are already too many. (3) Authorities, being typically governed by a board of directors of private citizens appointed for staggered terms, are not directly responsive to the will of the people and to a considerable extent are beyond the reach of any one level of government. One of the members of the Commission has referred to functional authorities as "The Untouchables."

The problems and limitations of the authority device, as it has been widely used, cannot be taken lightly. They need to be recognized and avoided in any legislation designed to permit metropolitan areas to utilize this device where it seems more desirable or feasible than alternative changes in the existing pattern of local government. Accordingly, the Commission commends for the consideration of State legislatures a draft bill contained in appendix E of this report, providing for the permissive establishment by local governments of metropolitan service corporations. The draft bill contained in the appendix is largely patterned after the metropolitan municipal corporation law enacted by the State of Washington in 1957 and is similar in some respects to the type of legislation proposed for the State of California by the Governor's Commission on Metropolitan Area Problems in its December 1960 report. This legislation would not, obviously, provide for all the problems involved where an authority is needed to serve metropolitan territory in two or more States. However, some of the principles expressed in this proposed general authorizing statute might well be extended to any legislation providing explicitly for such agencies.

In summary: (1) The draft bill would authorize the establishment of a "metropolitan service corporation" on the basis of a majority vote in the area to be served by the corporation, the resolution for such an election arising from either the city council of the central city or the board of commissioners of the largest county in the metro-

politan area. (2) The corporation would be authorized by statute to carry on one or more of several metropolitan functions, such as sewage disposal, water supply, transportation, planning, etc. However, the function or functions to be performed by the corporation either upon its initial establishment or subsequently would be subject to a vote of the people in the service area; if the function of comprehensive planning were voted to the corporation, performance on a metropolitan area basis would be required, in contrast to a permissive, smaller "service area" in the case of other functions. (3) The corporation would be governed by a metropolitan council consisting of representatives from the boards of county commissioners, and from the mayors and councils of the component cities. (More specifically, as outlined in the draft measure, one member would come from each component county board, one member would be the mayor of the central city, one member would come from the mayors and councilmen of each of the three largest component cities and one member would be selected by the smaller component cities. In the case of metropolitan areas having an extremely large number of governmental units, this pattern of representation would of course need to be modified to fit the particular situation.) (4) The corporation would have power to impose service charges and special-benefit assessments; to issue revenue bonds; and—subject to referendum—to issue general obligation bonds repayable from property taxes imposed for this purpose. (Whether the corporation would also possess property taxing power for other purposes would depend on the range and nature of its authorized functional responsibilities.)

Thus, the proposal contains safeguards against the three arguments most often cited against authorities. The metropolitan service corporation proposed would be of a multifunctional type and would meet the argument that the authority inevitably leads to a piecemeal and fragmented approach. In the form proposed it would be susceptible, if the area residents so chose, to absorb numerous areawide services and functions. On the other hand, if the residents of the area so chose they could keep the corporation limited to a single function, but they would be precluded from establishing separate corporations for the performance of other functions on an areawide basis.²⁷

Secondly, by providing for a board of directors made up of members ex officio from boards of county commissioners, city councils, and mayors, the affairs of the corporation would be kept in the hands of elected officials and not entrusted to an independent, "untouchable" body. Poor performance of the corporation would carry the possibility of retribution at the polls for its board of directors. Third, the corporation could at the most result in the addition of a single unit of government in any given metropolitan area, while holding the potentiality of absorbing the functions and responsibilities of a considerable number of separate organizational units within the existing units of local government in the area.

In summary, the proposed legislative act would enable, not require, the residents of any metropolitan area to have a multipurpose functional authority or a single-purpose functional authority, or neither,

²⁷ However, in those States which already have laws authorizing numerous types of authorities or special districts, this phase of the proposal as to "metropolitan service corporations" may offer little obstacle to further proliferation of functional units in metropolitan areas unless there is also appropriate amendment of such earlier enactments.

as they chose, by popular vote. To the extent that State legislation is adopted for liberalized annexation, permission for interlocal contracting, and the transfer of municipal and county functions, and to the extent that existing units of government make use of such discretionary methods and succeed in rendering services at a satisfactory level of adequacy and cost to the residents of the metropolitan area, presumably the residents would not then feel the need to vote an authority into existence. However, if needs are not met and services are not provided the people should not be denied the use of the authority device for dealing with particularly urgent governmental functions and services.

5. Authorization for voluntary transfer of functions from municipalities to counties and vice versa

The Commission recommends the enactment of legislation by the States authorizing the legislative bodies of municipalities and counties located within metropolitan areas to take mutual and coordinate action to transfer responsibility for specified governmental services from one unit of government to the other.

The Commission is convinced that the "urban county approach" constitutes a fruitful possibility in a number of metropolitan areas for meeting the problems created by the growth of municipal service needs beyond municipal boundaries. The phrase "urban county approach" is used here in a rather broad fashion to refer to any one of several developments concerning certain counties. One is the piecemeal transfer of individual functions from local governments to the county. Another is the gradual expansion of some counties from the status of rural local governments and administrative agents of the State governments to include an array of urban activities which they perform in unincorporated urban areas. A third is the simultaneous granting, usually accompanied by "charter reorganization," of a number of functions to counties located in metropolitan areas. In metropolitan areas that are predominantly single-county in character, the county unit, provided it is adequately organized to meet modern day problems, can effectively carry out a number of functions which may have outgrown municipal boundaries. For example, the "urban county" approach has been extensively used in New York State, California, and in the Miami area. Also the Atlanta-Fulton County reorganization in 1952 resulted in the exchange of a considerable number of functions between the city and county.

Another version of local government structural reform in metropolitan areas has embraced the concept of "city-county consolidation." This has been proposed in a number of areas but has not had notable success at the polls. The best known adoption of this plan was in Baton Rouge, La., where a considerable number of functions of East Baton Rouge Parish and the city of Baton Rouge were consolidated. The lack of success of the consolidation idea is attributable to the fact that such plans generally require both the enactment of a State constitutional amendment and the consent of the local voters, the latter on a jurisdiction by jurisdiction basis, rather than areawide. Constitutional amendments drafted in general terms to permit city-county consolidation have commonly met with organized opposition from associations of county and city officials in rural as well as urban areas.

While the Commission does not disagree in theory that authority should be granted on a State-wide basis to the people in counties and cities to vote to merge functions or consolidate units of government, the practical political possibilities of such a step are not inviting. Consequently, the Commission proposes a more limited approach—one which it believes should be relatively noncontroversial and yet which would pave the way for the increased use of the county in meeting service needs in metropolitan areas. Specifically, it is proposed that the States enact a simple statute authorizing the voluntary transfer of functions between municipalities and counties within metropolitan areas to the extent agreed by the governing boards of these respective types of units. If desired, the statute could spell out the functions authorized for such voluntary transfer in order to make sure that responsibilities carried on by counties as agents of the State were not transferred to municipal corporations. Within a particular metropolitan area for example, such a statute would enable the board of county commissioners and the mayors and city councils of the municipalities within the county to collectively assess the manner in which particular service-type functions were being carried out and to arrange through appropriate administrative action of the governing boards for the assumption by the county of functions such as water supply, sewage disposal, etc., throughout the county area, relieving the municipalities of their respective fragmented responsibilities in those functional areas. Conversely, they might agree that the county would cease to carry on certain functions within the boundaries of the municipalities, with the municipalities assuming such responsibility on an exclusive basis.

As pointed out earlier, the Commission is interested in securing action to improve intergovernmental relations in the United States, through the development of practical recommendations having reasonable degrees of political feasibility. In this context the Commission suggests that the type of enabling legislation recommended herein for the voluntary transfer of functions between counties and cities might well be limited in its scope, at least initially, to units of local government located within metropolitan areas. Through such a limitation the possible opposition of legislators representing rural counties and smaller municipalities might be avoided and the legislation obtained for areas currently needing it the most. This of course is a matter of practical political judgment, which the sponsors of the legislation would need to decide in each particular State.

6. *Authorization for creation of metropolitan area study commissions*

The Commission recommends that where such authority does not now exist, States enact legislation authorizing the establishment of metropolitan area commissions on local government structure and services, for the purpose of developing proposals for revising and improving local government structure and services in the metropolitan areas concerned, such commissions to be created, optionally, by either mutual and concurrent action of the governing bodies of the local units of government within the area or by initiative petition and election of the voters of the metropolitan area, and with the proposals developed by such commissions to become effective if approved at a special election held for the purpose. The enabling legislation should

*contain provisions designed to assure that the membership of such commissions is balanced in such a way as to provide general equity of representation to the population groups and governmental constituencies making up the metropolitan area as a whole.*²⁸

The Commission believes that State constitutions and statutes should permit the people residing in metropolitan areas to examine and, if they so desire, to change their local government structure in order that their needs for effective local government in the area can be met. Such reassessment and subsequent action should be possible either through mutual decision of the governing boards of the existing governmental units or by the people themselves. Consequently, the Commission proposes that permissive legislation be enacted by the several States which would authorize the creation of metropolitan area study commissions for the purpose of studying and recommending such changes as might appear necessary in the structure and responsibilities of local units of government within the area.

Specifically, the following would constitute what the Commission believes to be an orderly and equitable procedure for the establishment of such commissions. (1) The question of whether or not a commission should be established for the purpose of studying and recommending changes in local government structure could be placed before the voters of the area, either through a decision of the governing boards of the local units of government or by initiative petition of the voters. (2) If a majority of the voters favored the creation of such a commission, then it would be formally constituted, following whatever procedures as to appointment and membership were spelled out either in the State statute or in the precept for the special election on the question, taking care that the membership be representative of the area as a whole. (3) The study commission would undertake its task and upon completion thereof its proposals would be placed before the voters for approval. Recommendations calling for abolition, consolidation or territorial revision of existing units of government should be separately approved by the voters of such units; any recommendations for the creation of a new unit should be acted upon by the voters of the area encompassed by the particular recommendation.

Here again the Commission would propose that a general enabling statute of the kind proposed above should perhaps be limited in its scope to the metropolitan areas of the State.

7. Authorization for creation of metropolitan area planning bodies

The city and its suburbs are interdependent parts of a single community, bound together by the web of transportation * * *. Increasingly, community development must be a cooperative venture toward the common goals of the metropolitan region as a whole * * *. This requires the establishment of an effective and comprehensive planning process in each metropolitan area embracing all activities, both public and private, which shape the community. Such a process must be democratic—for only when the citizens of a community have participated in selecting the goals which will shape their environment can they be expected to support the actions necessary to accomplish these goals * * *. (From President Kennedy's housing message to the Congress, March 9, 1961.)

²⁸ Messrs. Michaelian and Burton dissented from this recommendation. Mr. Michaelian states: "My objection is the same as outlined earlier with regard to the creation of metropolitan service corporations, in that I believe this could lead to an abridgment of right and self-determination, or sensible home rule if you will, by the wishes of a majority of people who reside outside of the limits of a municipality imposing their will upon said municipality by altering or changing their governmental structure and services."

Mr. Burton dissented from the areawide vote provision of the above recommendation for the same reason that he expressed on p. 26 with respect to the creation of metropolitan service corporations by an areawide majority.

The Commission recommends the enactment of legislation by the States authorizing the establishment of metropolitan area planning bodies to comprise representatives from the political subdivisions of the metropolitan area. The functions of such a planning body should consist at least in providing advisory recommendations to the local units of government in the area with respect to the planned development of the metropolitan area; desirably they should include the development of areawide plans for land use and capital facilities and the review of zoning ordinances proposed by the component units of government in the area.

The Commission views with concern the tendency in some of the literature dealing with administrative and structural problems of the metropolitan areas to assume glibly that the first primary requisite for the alleviation of these problems is the construction of a "metropolitan area plan." The concept of a "metropolitan area plan" is frequently enshrined as a deity to which administrators, politicians and taxpayers generally are expected to render complete and continued obeisance.

The Commission is not antagonistic to the planning function at National, State and local levels of government; we wish to state a strong aversion, however, to the viewpoint which considers the construction of plans an end in itself. We prefer to view planning, regardless of the level of government to which it is taken, as a staff function to facilitate the policy formulating process. Planning indeed is a necessary tool for many of the technical and administrative judgments, both political and economic, which units of local government in the large metropolitan areas are required to make continually. To be worthwhile and to serve a useful rather than an academic purpose, *the respective facets of metropolitan area planning must be closely geared into the practical decisionmaking process regarding land use, tax levies, public works, transportation, welfare programs, and the like.* A land use plan, for example, must be of such a nature as will facilitate the adoption, following the approval of the plan, of appropriate zoning and building regulations and will guide their effective administration. A transportation plan must be sufficiently based on reality to serve as the mechanism in the first stages of the decisionmaking process which triggers the preparation of detailed budget estimates and looks toward right-of-way acquisitions for either the short or the long term. In short, the Commission desires to emphasize that in the above recommendation directed toward the establishment of metropolitan area planning commissions, the Commission is talking about a necessary practical operation and not an academic exercise.

The Commission believes it to be highly desirable for area planning commissions to have the responsibility and authority to do something other than prepare plans for reading and subsequent filing away. The planning function needs to be integrated effectively with the basic decisionmaking processes affecting the development of the metropolitan area. Zoning ordinances, building codes and regulations, highway right-of-way plans and plans for major physical facilities proposed by the local units of government within the metropolitan area should be subject to the review of the area planning body. For this reason, the Commission doubts the efficacy of constituting area

planning commissions as independent bodies, comprised solely of part-time commissioners, and dominated by professional planning staff. Rather, a body including as exofficio members a small number of mayors, councilmen, and county commissioners in the metropolitan area, as well as private citizens, with adequate authority and funds to employ the requisite planning staff, is believed to be a preferable pattern. If the planning group is to be an integrated part of the political processes of the governments in the area it cannot be an insulated, independent group. Authority, responsibility, and responsiveness must all go hand in hand.

The Commission recognizes that a great deal of valuable work is being carried on by unofficial metropolitan area planning commissions in many parts of the country. Few of these planning commissions have status conferred by State law. Official status has not been sought in some instances because of fear of lack of success with the State legislature, fear of increased State intervention in local affairs and the belief that the lack of sanction by the State government would not unduly restrict the contributions which the body could make in its area of activity. The Commission believes that the time has come for the States to enter actively into the problems and responsibilities associated with metropolitan area planning and believes that the States have a responsibility for seeing to it that machinery is created for a comprehensive rather than a haphazard, piecemeal approach to metropolitan area development. Later in this report the Commission recommends Federal legislation to be enacted requiring that as a condition of Federal grants-in-aid going to political subdivisions in metropolitan areas for certain functions, applications for such grants be processed, for purposes of information and comment, through area-wide planning bodies. The concept which the Commission would like to emphasize at this particular point of the report, however, is that State enabling legislation is usually required before an areawide planning body can be brought into existence. The only exceptions would be in those situations where the present and likely future boundaries of the metropolitan area do not go beyond a single county, in which case of course a county planning commission could fulfill the responsibilities envisaged here.

The Commission recognizes that the foregoing comments may be impractical of immediate application in some areas. We also recognize that it is dangerous indeed to generalize to such a specific extent on a governmental function which is as elusive and complicated as that of metropolitan area planning. Therefore, in terms of suggested State legislation the Commission would propose that the area planning commission, where created, be authorized as a minimum to make recommendations to the local units of government concerned. Where the metropolitan area embraces more than one county, the Commission suggests that the planning commission have among its membership one or more representatives of the State government, as designated by the Governor. As discussed repeatedly in this report, the State government must begin to assert itself more vigorously in many metropolitan area problems; consequently, the Commission believes it to be highly desirable for the State to be a party to the establishment of metropolitan area planning commissions and to participate actively in many of the undertakings of such bodies.

The Commission is also of the mind that effective State action in urban areas will be significantly conditioned by the quality of the planning done by the State incidental to the exercise of its peculiar responsibility for the total development of the resources and institutions of the State and the harmonious correlation of State and local programs.

C. DIRECT STATE ACTION—ASSISTANCE AND CONTROL

1. *Establishment of unit of State government for metropolitan area affairs*

The Commission recommends the enactment of legislation by the States to establish (or adapt) an agency of the State government for continuing attention, review, and assistance with respect to the metropolitan areas of the State and associated problems of local government, planning, structure, organization, and finance.

In its report to the Governors' Conference in 1956 the Council of State Governments in its book, "The States and the Metropolitan Problem," recommended creation or adaptation of an agency of State government to "aid in determining the present and changing needs of metropolitan and nonmetropolitan areas in the State." At least insofar as metropolitan areas are concerned, the Commission reaffirms the recommendation contained in the council's report and urges its immediate consideration by those States which have not yet charged a unit of the State government with overall responsibility for assistance and attention with respect to the metropolitan areas. As stated earlier, the Commission believes that many of the recommendations contained herein are of application to State-local relations generally as well as to the special problems of the metropolitan areas. However, it may be that in a number of States the political situation is such that less resistance would be encountered if legislative measures at this juncture at least are limited to metropolitan areas.

Furthermore, the most urgent of State-local relations exist in the metropolitan areas because this is where the great majority of our people live. In limiting a number of these recommendations to metropolitan areas the Commission does not wish its position to be interpreted as reflecting a lack of interest in strengthening local government in general or in improving State-local relations in all areas. In those States where the political situation is favorable, the Commission would hope that the new unit of State government discussed here would be applicable to local government generally and not solely to metropolitan areas. Where this is the case, the State government becomes able to give considerable stimulus to the modernization of county government in general, as well as assisting urban counties in adapting to new responsibilities. In this connection, State organizations of municipal, county, and other local government officials can contribute much in the way of advice and assistance, both in the initial establishment of such a unit and in its subsequent operation.

Of direct pertinence here is the action of the New York State Legislature in 1959 which, on the recommendation of Gov. Nelson A. Rockefeller, established within the executive department of the State an office for local government with a director and an advisory board of nine members, including representatives of both the State and its local

governments. This law assigned the following responsibilities to the office for local government: (1) To assist the Governor in coordinating the activities of State departments and agencies to provide more effective services to local governments; (2) to inform the Governor as to the problems of local governments and to assist him in formulating policies and utilizing resources of the executive branch of the State government for the benefit of local government; (3) to serve as a clearinghouse of information relating to common problems of local governments and to other State and Federal services available for assistance in their solutions; (4) when requested, to advise and assist local governments in solving their particular problems; (5) to make studies and analyses of local government problems; (6) to encourage and assist cooperative efforts among local governments in developing solutions of their common problems; (7) to encourage expansion and improvement of inservice training facilities for local officers and employees; and (8) to consult and cooperate with local governments and officers of organizations representing them in order to carry out the functions of the office. It will be noted that the enumerated responsibilities apply to local government generally with no special mention of metropolitan areas.

On the other hand, the Governor's Commission on Metropolitan Area Problems in California, in its report to Gov. Edmund G. Brown in December 1960 recommends the establishment by statute of a State metropolitan areas commission to be appointed by the Governor and charged with the following responsibilities: (1) To exercise quasijudicial powers in the review and approval of proposals for the incorporation of, or annexations to, cities, and for the creation of, annexations to, consolidations of, or dissolution of special districts; (2) to study and make recommendations concerning State laws affecting boundary changes of local units of government; (3) to inform, advise, and assist the Governor concerning the present and changing problems and needs of metropolitan areas in the State and the general problems of metropolitan government; and to recommend policies and action for the treatment of these problems; (4) to identify and delineate, for the purpose of metropolitan area multipurpose districts, metropolitan areas in the State on the basis of specified criteria; (5) to initiate and submit for voter approval proposals for the consolidation of cities as well as for the creation of annexations to, consolidation of, or dissolution of special districts, after appropriate study and the finding of need; (6) to assist and encourage metropolitan areas in the initiation and undertaking of studies directed toward the development of a metropolitan government for their specific metropolitan area, if by January 1, 1963, these areas have not already done so; and (7) to prepare for a vote of the electorate a proposal for a federated form of metropolitan government for those specific metropolitan areas which by January 1, 1964, have not produced such a plan and submitted it to their voters, and, in the event such a proposal is voted down, to require that a proposal for a federated form of metropolitan government be submitted not later than 5 years after each such unfavorable vote.

It will be noted that the focus of the recommended California agency is confined largely to problems of the metropolitan areas and, in contrast to the New York agency, it is given broad powers of direct intervention in metropolitan area affairs. The Commis-

sion specifically endorses the legislative measure presented by the Council of State Governments in the council's program of suggested State legislation for 1957, which provides for the creation of an office of local affairs to be charged with responsibility for assisting local governments in general and metropolitan areas in particular. The draft bill prepared by the council in 1957 is contained in appendix F.

Whatever precise form State legislation may take for the establishment of a unit of State government concerned with metropolitan area problems, the Commission is convinced that further delay in this area, particularly by those States having within their borders a number of large metropolitan areas, will not only constitute a deprivation of State assistance and leadership from those areas but will give strong encouragement to much more direct intervention in metropolitan affairs by the National Government. It is highly inconsistent for States to object to a Department of Urban Affairs in the Federal structure or to direct intervention of the National Government in urban problems if they do not make adequate provision within their own administrative establishments for a channel of leadership and attention with respect to such problems.

2. Establishment of State program of financial and technical assistance to metropolitan areas

The Commission recommends that the States take legislative and administrative action to establish a program (or to expand existing programs) of financial and technical assistance to metropolitan areas in such fields as urban planning, urban renewal, building code modernization, and local government organization and finance.

In its report to the Governors' Conference in 1956 the Council of State Governments made the following observation:

The results of continuing population growth, inadequate governmental machinery, and unrelated and sometimes conflicting governmental and private programs of National, State, and local extent are readily apparent. In many localities an occasional glance at the newspapers can reveal some of the most obvious deficiencies—deficiencies that affect people in both metropolitan and nonmetropolitan areas. We have become very familiar with dwindling water supplies and disintegrated means of distribution, water and air pollution, contradictory and uneconomic land-use policies, and large-scale defects in various forms of transportation. Common also are archaic methods of sewage disposal, excessive noise, dirt and congestion, uneven provision of health and other protective services, and disruption of the metropolitan economy by unrelated decisions on industrial and commercial locations. Less publicized but highly important are the inconveniences and excessive costs of these shortcomings, the inequalities imposed upon various sections of metropolitan areas in financing services, and the impotence and frustration of attempts at citizen control.

As pointed out earlier, the metropolitan areas in general have within their borders sufficient administrative ability and financial resources to meet their needs; however, due to a fragmentation of responsibility among various units and due to the lack of coincidence between service needs and tax jurisdictions, it is frequently impossible for local government to marshal the necessary technical and financial forces to meet the needs of metropolitan area residents. Since a large share of State general revenue comes from the metropolitan areas and since, in many instances, the State represents the only single force which can be brought to bear upon the area as a whole, it is both

reasonable and necessary that the State governments direct an increased share of their technical and financial resources to the problems of the metropolitan areas. The need for State technical assistance lies not so much in the absence of technical expertise at the local level as in the lack of centralized grasp of problems which are areawide in scope. By becoming a partner with the local governments in such fields as urban planning, urban renewal, and building code modernization, the State can play a highly vital and necessary role.

There are in every State notable instances of significant technical assistance to local governments by a wide range of functional agencies. While these programs are of unquestioned value, they are usually unifunctional and generally unijurisdictional in their approach.

Some States, however, have made tangible progress toward assistance to urban areas on an areawide, integrated approach. In Connecticut, New Jersey, Pennsylvania, and Tennessee, the State planning agency has emerged as a useful vehicle for better coordinated State services for the urban area. Creation of the Minnesota Municipal Commission in 1959 gave that State the administrative means of reviewing municipal annexation and consolidation proceedings. Wisconsin vested a review responsibility for such proceedings in the State planning agency. The program of intergovernmental cooperation in the capital region of Salem, Oreg., is a demonstration of positive integrated effort between the State and local governments. Moreover, the accelerated interest of States as expressed in the activities of legislative and executive commissions and committees in nearly a score of States²⁹ can be a prelude to coordination of present programs and the provision of services on an areawide basis.

Pertinent here is a comment of the Kestnbaum Commission regarding direct financial relationships between the National Government and local units of government with respect to housing and urban renewal. That Commission observed that it would be highly discriminatory for Federal aid to be denied to local units of governments because of inaction by State governments—which might be the case were it required that all Federal aid be matched with State aid and flow through the administrative channels of the State government. The Kestnbaum Commission pointed out, however, that in those instances where the State, by vigorous action in inaugurating programs of its own in the field of housing and urban renewal, including a significant amount of State financial assistance, then the State should be brought into full partnership with the Federal Government in the administration of Federal aid in these fields within the State. In a later section of this report the role of the National Government with respect to the metropolitan areas is discussed and various recommendations are made for expanding that role. The Commission desires to point out at this juncture that the best assurance of a balanced set of relationships among National, State, and local governments in the metropolitan areas is not through inveighing by the State against Federal encroachment but rather through such assertive and vigorous action at the State level that the State automatically becomes a full partner in these future undertakings.

²⁹ In December 1960, the Conference on Metropolitan Area Problems reported major survey activities by State agencies in California, Colorado, Illinois, Indiana, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Oklahoma, Rhode Island, Texas, Vermont, Virginia, Washington, and Wisconsin.

3. Control of new incorporations

The Commission recommends that where such authority does not now exist, States enact legislation providing rigorous statutory standards for the establishment of new municipal corporations within the geographic boundaries of metropolitan areas and providing further for the administrative review and approval of such proposed new incorporations by the unit of State government concerned with responsibility for local government or metropolitan area affairs.

In an earlier section of this report dealing with the need for liberalized statutory provisions with respect to the annexation of unincorporated territory, it was pointed out that a necessary corollary to such liberalization was a tightening-up of statutory standards with respect to new incorporations, particularly those geographically proximate to large municipalities. Instances are frequent of incorporation action to avoid annexation or the extension of urban-type controls. For example, in St. Louis County, Mo., between 1945 and 1950, 44 new municipalities were incorporated—instigated in a large number of cases by builders who wished to be free of county zoning and building regulations.³⁰ Thus, zoning and building regulations, while made more difficult of enforcement by the multiplicity of local government units, sometimes in turn result in still more units of government. In its report to the 1959 Minnesota Legislature the Commission on Municipal Annexation and Consolidation cited examples of the incorporation of villages solely to preempt the tax base created by the establishment of a new industry; incorporation for the single purpose of providing a liquor license for the sponsors of the incorporation petition because under Minnesota law such license cannot be granted in an unincorporated area; and a maze of incorporation and annexation actions finally resulting in a township consisting of nine special and detached parts practically all of which were surrounded by incorporated municipalities. The Minnesota commission also cited examples from California, where the city of Industry was incorporated as a special haven for industrial location; another municipality was incorporated to preserve a climate favorable to continued use of land for dairying and to assure regulations not unduly burdensome to the dairy farmers; and another community was incorporated so that its inhabitants could continue to play draw poker without interference.

The foregoing examples constitute an obvious travesty upon orderly local government in the United States. Only the State has the power to halt the chaotic spread of small municipalities within existing and emerging metropolitan areas. The Commission strongly urges the adoption by State legislatures of legislation designed to tighten up drastically the standards and criteria for the incorporation of new local units of government. Such standards generally should specify minimums of total population and population density for new incorporations, with higher standards being imposed for areas within a designated distance of larger cities. (No specific standards of population density or distance are suggested here because such factors vary considerably from State to State and area to area.) The Commission also recommends that proposed new incorporations within or around metropolitan areas be subject to the review and approval of the unit

³⁰ Banfield and Grodzins, *op. cit.*, p. 83.

of State government concerned with metropolitan area affairs previously described. The State would thus be able to insure that (a) statutory standards are being complied with fully, and (b) the proposed incorporation would assist—not hinder—the orderly development of local government within metropolitan areas.

4. *Financial and regulatory action to secure and preserve open land*

The Commission recommends the enactment of legislation by the States (a) to provide for acquisition by the State of conservation easements designed to remove from urban development key tracts of land in and around existing and potential metropolitan areas and (b) to authorize local units of government to acquire interests and rights in real property within existing metropolitan areas for the purpose of preserving appropriate open areas and spaces within the pattern of metropolitan development.

The case against "urban sprawl" has been made abundantly in books and articles dealing with metropolitan area planning and in extensive testimony before congressional and State legislative committees and needs little elaboration here. It is practically unanimously agreed that for economic, conservation, health, and recreational purposes adequate amounts of open land need to be retained within the metropolitan areas as the spread of population reaches ever outward from the central city. For example, the acquisition and preservation of open land areas could be justified on the basis of watershed protection alone. Many of the areas most likely to be selected for preservation would be stream valleys. The protection of some of these valleys from intensive urban development is essential from the standpoint of drainage, flood control, and water supply. The need for adequate areas of park and other open land for recreational purposes is obvious. Finally, the provision of adequate open space within the general pattern of metropolitan development helps to prevent the spread of urban blight and deterioration. All of these are compelling economic and social reasons for appropriate steps by different levels of government to acquire and preserve open land. Over and above these considerations are those of a strictly esthetic nature. As Senator Williams of New Jersey, has observed, this need also derives—

from a growing awareness—if not alarm—over the chaotic and enormously wasteful sprawl of our urban areas and the consequent disappearance of our lovely old farms and pastures, quiet streams, and wooded hills under the on-rushing blade of the bulldozer.²¹

Responsibility for action to acquire and preserve adequate areas of open land in and around metropolitan areas involves both the State and local governments. The Commission recommends that the States equip themselves to take positive action in the form of direct acquisition of land or property rights therein by the State itself, especially in (a) the emerging and future areas of urban development and (b) those emergency situations within existing metropolitan areas where, for one reason or another, local governments cannot or will not take the necessary action. The Commission also recommends the enactment of State legislation authorizing (where such authority does not now exist) such action by local governments. Additionally,

²¹ Congressional Record, vol. 107, Feb. 9, 1961, p. 1774.

State or local zoning powers can be employed in a variety of ways to achieve some of the objectives cited above.

The Commission envisages in these proposals not only the outright acquisition of land but more frequently the acquisition of easements or options designed to retain particular tracts of land in an undeveloped state. In other words, rights in the land rather than the land in itself is usually the most important consideration. By the acquisition of preemptive easements land can continue to be used for agricultural and other nonurban purposes but protected against subdivision for urban development. This type of direct approach is more effective and subject to less controversy than are various tax incentive plans designed to encourage owners of farmland to withhold their land from real estate developers and subdividers. Appendix G contains a draft State law for purchase of interests and rights in real property. These draft legislative proposals are based largely on legislation already in effect in California and legislation under consideration by the State of Pennsylvania.

In summary, the draft bill authorizes acquisition by the State of "conservation easements." It authorizes a designated agency of the State to plan, designate, acquire, and maintain such easements in appropriate areas wherever and whenever such is deemed to be in the public interest. Such easements could include restrictions against erecting buildings, removal or destruction of trees, dumping of trash, erection of billboards, and changes detrimental to existing drainage, flood control, or soil conservation or any other activities inconsistent with the conservation of open spaces in the public interest. Under the draft proposal the acquisition of such easements by the State would not confer any immunity to the property for purposes of local taxation; the existence of easements would of course affect the level of assessment. The draft bill further authorizes counties, cities, and other local units of government to expend public funds for acquiring outright ownership, development rights, easement, covenant, or other contractual right necessary to preserve open land.

The Commission believes that the enactment of such legislation would pave the way for a highly useful activity by State and local governments in facilitating the orderly and esthetic development of metropolitan areas. While the Commission is not prepared to recommend that the use of the powers discussed above should be contingent upon, or pursuant to, a comprehensive State or local plan for land use, it does recognize that States and local governments having well-conceived plans are in a decidedly better position to implement effectively the proposed measures.

5. Resolution of disputes among local units of government in metropolitan areas

The Commission recommends that the States, where necessary, take legislative or administrative action to encourage and facilitate exercise of discretionary authority by the Governor and his office, to resolve those disputes among local units of government within metropolitan areas which (a) cannot be resolved at the local level by mutual agreement, (b) are not of sufficient scope or subject matter to warrant special legislative action and (c) which, however, in the determination of the Governor, are of such moment as to impede the effective performance of governmental functions in the area.

In the absence of the establishment of areawide units of government, no authority exists short of that of the State by which disputes between or among counties or cities within metropolitan areas may be resolved. As a part of the general thesis expressed in this report the Commission believes that the States must exercise much larger degrees of both assistance and control with respect to metropolitan area problems. This is not to suggest that the State endeavor to impose a particular form of government upon a metropolitan area but rather to use its authority and good offices in the resolution of residual problems remaining unresolved after the local governments in the area have utilized all of the available methods of local self-determination suggested earlier in this report.

The Commission therefore recommends that the discretionary authority of the chief executive of the State to resolve certain types of problems arising within the metropolitan areas be clarified and reaffirmed, through legislative action if necessary. The Commission does not presume to be specific in this recommendation because the area of authority involved obviously depends upon a number of factors including (a) the manner in which executive power is concentrated or dispersed within the State government under the State constitution; (b) the extent to which specific State legislation already exists for the resolution of certain local government problems and (c) the general philosophy of the State as between general and special legislation for local units of government. However, the following are illustrative of types of matters which in a number of States might be best handled through gubernatorial and quasi-judicial action in contrast to the seeking of special legislation in the specific instance: boundary and annexation disputes; disputes between local units of government and agencies of the State, concerning matters such as routes for State highways; conflicts growing out of overlapping zoning and building regulations imposed on the same area by two or more local units of government; and conflicting provisions of land use and other urban development plans proposed for adoption by different local units of government within the metropolitan area.

The Commission believes that the exercise of a friendly, but firm hand by the office of the Governor would often avoid a drift into expedients which could complicate rather than facilitate the evolution of orderly local government within the metropolitan areas. The suggestions above confer no new power or responsibility on the State. Rather, their adoption will serve to make effective a prerogative traditionally inherent in the corporate nature of the State albeit sometimes limited in the popular exercise of the constitution-making power. It should be pointed out that the exercise of gubernatorial authority recommended here is by no means unusual at the present time. Examples of intercession by State Governors in the interest of resolving interlocal disputes have been numerous.

CHAPTER V. EXPANDED AND INTEGRATED ACTIVITY BY THE NATIONAL GOVERNMENT

Even though the States and the local units of government involved face up to their responsibilities with regard to metropolitan area planning and organization as recommended in the preceding chapter, the national character of a number of the metropolitan area problems dictates increased attention and concern on the part of the National Government, including efforts to coordinate more effectively the impact at the local level of a considerable number of separate Federal programs.

For example, planning organizations must struggle for an allocation of scarce funds from commissions and councils besieged with urban pleas for more investment in schools, streets, highways, parking lots, parks and airports. In these days of continual urban financial crisis, neither the States nor the localities have shown readiness to marshal the financial resources necessary to do an adequate planning job. It can be argued persuasively that the Federal Government has at least as great a responsibility to provide financial assistance for comprehensive metropolitan area planning as it does to provide financial assistance in functional activities such as housing, highways, and hospitals.

Also, there has tended to develop a pattern of direct national-local relations in some of these functional areas which has prevented the States from exercising their rightful role in the Federal system. In this connection, the Kestnbaum Commission emphasized that "the National Government has an obligation to facilitate State action with respect to metropolitan problems. It should begin by analyzing the impact of its activities on metropolitan areas and by working with the States for better coordination of National and State policies and programs in such areas."³² This report also quoted approvingly from the "Project East River" civil defense report which stressed the need for metropolitanwide planning as a basis for directing future development in a manner that would reduce urban vulnerability to enemy military attack. While the primary responsibility for solving metropolitan problems lies with State and local governments, many considerations, including the number and size of the interstate metropolitan areas, make these problems a national issue, demanding national action. Economic considerations alone, and the predominant position of the metropolitan areas in the national economy, are enough in themselves to make the fullest development of those areas a vital concern of the Federal Government.

A. EXPANDED AND IMPROVED FEDERAL FINANCIAL AND TECHNICAL ASSISTANCE

Urban renewal programs to date have been too narrow to cope effectively with the basic problems facing older cities. We must do more than concern ourselves with bad housing—we must reshape our cities into effective nerve centers for

³² The Commission on Intergovernmental Relations, *op. cit.*, p. 53.

expanding metropolitan areas. Our urban renewal efforts must be substantially reoriented from slum clearance and slum prevention into positive programs for economic and social regeneration * * *. (From President Kennedy's housing message to the Congress, March 9, 1961.)

In the preceding chapter, the Commission proposed that the States take a number of actions designed to provide increased latitude to metropolitan areas in adjusting the jurisdiction, organization, and functions of local units of government to meet more effectively a variety of problems which have become areawide in scope. The National Government, also, in the opinion of the Commission, must be prepared to accept, as a permanent and continuous responsibility, the stimulation and support of State and local efforts to achieve an effective and orderly pattern of metropolitan area development.

1. Federal financial assistance to metropolitan area planning agencies

*In order to stimulate the creation of metropolitan area planning bodies so essential to dealing properly with metropolitan area problems, the Commission recommends that in addition to current support of urban planning projects, the National Government provide continuing financial support on a matching basis for the establishment and operation of such bodies.*³³

The only significant program of Federal grants to facilitate metropolitan and regional area planning began with the enactment of the Housing Act of 1954. Section 701 of the act (shown in appendix H) was originally intended to provide for Federal financial assistance in the form of grants not to exceed 50 percent of the estimated cost of urban planning projects of smaller communities lacking adequate planning resources. As indicated by a pamphlet published by the Housing and Home Finance Agency explaining this urban planning assistance program, the 1959 Housing Act amended the language of section 701 by omitting the reference to the adequacy of planning resources and stating the purpose of section 701 to be threefold:

To assist State and local governments in solving planning problems resulting from increasing concentration of population in metropolitan and other urban areas, including smaller communities; to facilitate comprehensive planning for urban development by State and local governments on a continuing basis; and to encourage State and local governments to establish and develop planning staffs.

Two supplementary statements of purposes were included in section 701 as follows: "Planning assisted under this section shall, to the maximum extent feasible, cover entire urban areas having common or related urban development problems" and "it is the future intent of this section to encourage comprehensive planning for States, cities, counties, metropolitan areas, and urban regions, and the establishment and development of the organizational units needed therefor." A definition of the term "comprehensive planning" is provided which indicates among other things an awareness of the need for intergovernmental coordination of all related planning activities among State and local governmental agencies concerned.

³³ Congressman Fountain does not wish to associate himself with this recommendation pending further consideration. Governor Smylie does not concur in this recommendation. He states: "I can see little justification in the assumption of a permanent financial responsibility by the National Government for a function which in a great many of our metropolitan areas is and will continue to be an intrastate affair. Our Federal system of Government under the Constitution is already characterized by a large number of grants-in-aid which began as stimulative devices but evolved quickly to the status of permanent subsidies."

Under the provision of the act, the Urban Renewal Administration is given the authority to make grants of up to 50 percent of the estimated cost of the planning work to be done by the State and local planning agencies. All the grants are subject to terms and conditions prescribed by the Administrator and no portion of any grant may be used for the preparation of plans for specific public works. Not only metropolitan or regional agencies are eligible for grants, but also State planning agencies which do metropolitan or urban planning (or State instrumentalities designated by the Governor and acceptable to the Administrator as capable of carrying out planning functions). Among the governmental units to which the States can provide planning assistance with these grants are: Cities and other municipalities with populations of less than 50,000 people; counties of less than 50,000 people; groups of adjacent communities with a total population of less than 50,000 people; as well as metropolitan and regional planning agencies. Thus, metropolitan area planning agencies can receive financial assistance under this program either directly or through an approved State planning instrument. In extending financial assistance, however, the Administrator may require such assurance as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning.

As of September 30, 1960, and covering the period 1954 to 1960, the Urban Renewal Administration had approved grants totaling almost \$13 million and had disbursed over \$8 million for 463 projects in 42 States and 1 Territory. Of the approved amount, almost \$5 million has been earmarked for metropolitan or regional areas, on the basis of about a 4 to 1 ratio in terms of direct grants as opposed to grants channeled through State planning agencies. One hundred and nineteen direct grants have been approved for 74 different metropolitan areas, while only 36 indirect grants have been approved for 28 such areas. Ten States have also had 12 Federal grants approved for comprehensive urban planning totaling about \$265,000. Thus, it can be seen that the localities of under 50,000 population have received considerably more of the funds approved, reflecting the initial mandate of section 701 to focus on smaller communities.

In reviewing the history of urban planning and current status of Federal financial assistance under section 701, the Commission is struck by two facts. First, considering the size and complexity of metropolitan area planning, and considering that there are now 212 such areas in the United States a \$5 million Federal contribution over a 6-year period is very small indeed. Second, although the planning grants are not restricted by the terms of the statute to "one-shot" use, the tendency both locally and nationally has been to use these grants for the development of comprehensive plans, in contrast to the continual maintenance and updating of such plans, which, of course, requires professional staff.

The Commission considers the maintenance of the comprehensive planning function in metropolitan areas to be important from the standpoint of the general national interest. Financial participation by the National Government in this activity is at least as well justified as in many other functions of State and local government in which the Federal Government shares in the administrative costs. Federal par-

ticipation in administrative costs is currently authorized in the fields of agricultural research, highways (planning and research), civil defense, vocational education, and public assistance, among others.

It should be assumed, in the extension of financial support on a continuing basis, that the structure and program of the planning agency would be required to meet certain standards of adequacy established by the administering Federal agency. Without attempting to spell out here what those standards should be, they might include such factors as the need for metropolitanwide land-use plans including the "open spaces" at the urban fringe, thoroughfare plans, mass-transportation plans, community facilities plans, review of zoning and building regulations, et cetera.

The Commission recognizes the need for continued Federal support of urban planning projects by small communities, but believes greater emphasis should be placed on metropolitanwide planning and that section 701 assistance to the under-50,000 population localities should be restricted to subdivisions of the State outside of metropolitan areas.

A brief discussion of present metropolitan planning agencies and their current budgets appears in appendix I.

The Commission also believes that the State role in metropolitan area planning should be increased, and that where a State planning instrument exists and is deemed suitable by the Federal agency, the metropolitan area planning agency's request for financial assistance should be channeled through that State instrument. In this way, the State can provide the useful service of examining all metropolitan areawide planning proposals within the State in terms of overall State policies. Stimulation of the State role in metropolitan planning will be examined in the next recommendation; it is important to note here, however, that the work of metropolitan area planning agencies should be significantly improved if the States have the opportunity to review the planning grant requests.

2. Federal technical assistance to State and local agencies concerned with metropolitan area planning

The Commission recommends that Federal technical assistance for metropolitan area planning be provided on an adequate and sustained basis to both State and metropolitan planning agencies. This should be in the form of continuing aid in the development and maintenance of comprehensive areawide plans. Technical assistance should also be made available with regard to special projects designed to meet unusual situations arising in certain metropolitan areas.

When one examines the activities carried out in many substantive fields by Federal departments and agencies, it is found that many of them include making technical assistance available to States and to individual communities. The Department of Agriculture does so through the Federal Extension Service (at both the State and local level), the Forest Service, and the Soil Conservation Service; the Department of Commerce through (a) the Office of Area Development which maintains close liaison with other planning and development agencies and assists communities in initiating and carrying out industrial and area development programs involving technical guidance in securing new industry and expanding existing industry, (b) the Bureau of the Census, which provides consistent and comparable data in detail for all kinds of geographic areas, (c) the Bureau of

Public Roads, which provides technical information covering a wide variety of subjects and assistance to State highway departments. The Department of Health, Education, and Welfare has for many years provided technical assistance to State and local governments in the fields of public welfare, health, and vocational education and rehabilitation. Finally, at the regional level, the Tennessee Valley Authority has a history of cooperation with State planning agencies in the Tennessee Valley States in providing technical assistance to local communities on planning and development matters.³⁴

As pointed out earlier, the Housing Act of 1954 contains a section requiring that the community to be assisted develop a workable program for urban renewal, which includes a comprehensive community plan. There is also provision made for furnishing an "urban renewal service" to localities. The HHFA is authorized to assist localities, at their request, in the preparation of a workable program and to provide them with technical and professional assistance for planning and developing local urban renewal programs, and for assembling, analyzing, and reporting information pertaining to such programs. While the HHFA regional offices provide this service in the first instance, supplemental assistance is available through the central office.

The same 1954 Housing Act, as amended in 1959, authorized the HHFA Administrator, under section 701, to provide technical assistance for planning on a unified metropolitan basis, but this authority has not been extensively utilized. The Commission recommends an enlarged and invigorated program of Federal technical assistance to State and local governments with respect to urban planning. The Commission suggests that this technical assistance be made available through regional offices of the Housing and Home Finance Agency. It is assumed that HHFA representatives would call on representatives of other Federal agencies to deal with any special aspects involved in the formulation of such plans which have direct relevance to the activities of those agencies. While the Federal Government has recognized that States and metropolitan units need technical assistance to prepare comprehensive plans, the tendency has been for the assistance to be too limited, too centralized, and too much of a "one-shot" character. Therefore the Commission recommends to the Congress that it provide adequate funds to enable the HHFA to render this service on a continuing basis.³⁵

In order to insure that the States be given an opportunity to play their proper role in the planning process, the Commission recommends that the requests for technical assistance on the part of metropolitan area planning agencies be channeled through State planning agencies, where such agencies are organized to provide technical assistance. In this manner, the States will be able to meet metropolitan needs in the first instance and only turn to the Federal Government when additional technical help is required.

³⁴ Tennessee Valley Authority, "TVA Program, the Role of the States and Their Political Subdivisions" (Knoxville, October 1960).

³⁵ There is a closely related need for adequate development and support of basic Federal statistical programs which can properly be expected to supply some of the data essential to sound planning and development in metropolitan areas. "Guiding Metropolitan Growth," a report recently issued by the Committee for Economic Development, emphasizes the need for an inventory of available data and steps to fill major present gaps. Similarly, the Federal Statistics Users Conference, in its "Long Range Program for Improvement of Federal Statistics," has emphasized the importance of additional figures bearing upon important areas of localized decisionmaking.

3. *Congressional approval in advance of compacts creating interstate planning agencies*

The Commission recommends the enactment of legislation giving advance congressional approval to compacts among two or more States for the purpose of creating metropolitan planning agencies in those metropolitan areas which cross State lines.

If the problems treated in this report are to be coped with on a practical basis, some organizational arrangement must be provided for the development and maintenance of areawide comprehensive plans in those 20-odd metropolitan areas which cross State lines. The device of a compact between the relevant States to establish an interstate planning agency is one way of providing the necessary planning organization that does not do violence to the principle of State responsibility and still gives the planning function a status beyond that achieved from simple ad hoc cooperative arrangements between the States concerned. (This is not to say that a compact is an absolute requirement of an effective planning agency for an interstate metropolitan area; it is possible to establish such an agency through enactment of identical or parallel statutes by the States concerned.)

The objections to the use of an interstate compact to carry out certain functions run from its being too inflexible to its inadequacy or inapplicability to activities of a continuing nature. Much of this reasoning is associated with the need for the participant States to arrive at some form of unanimity within which the activity is carried out. Since what is being sought with respect to metropolitan area planning is the achievement of a common denominator for all of the geographic area involved, the compact device has the virtue of bringing the relevant parties together in a formal way to arrive at a sound and mutually agreed upon program of development.

When States enter into an interstate compact, it must be approved by the Congress, as provided under article 1, section 10 of the Constitution. While the initiative with respect to entering into compacts rests with the States, one now assumes that there is a national interest in having such compacts negotiated for the purpose of providing for metropolitanwide comprehensive planning.

The general procedure for obtaining congressional consent to a compact is for legislation to be introduced in the normal manner of the legislative process. Since this procedure can mean a considerable delay in establishing the metropolitan planning agency needed, it would appear to be in the national interest to provide machinery for a more rapid congressional consideration of the matter. Such a device is available through congressional granting of consent in advance to compacts dealing with a specified subject matter. This device has been employed in the fields of crime control and civil defense, among others. Such an approach has the advantages of not only speeding up congressional consideration, but also of indicating to the States a potentially favorable national attitude toward such compacts.

In the 1959 Housing Act, Public Law 86-372, the Congress amended section 701(a)(5) to add planning agencies set up by interstate compact to the groups of agencies eligible to receive Federal planning grants to perform metropolitan or regional planning. Thus the Congress indicated its recognition of the need for the establishment of interstate planning agencies when the metropolitan area

crossed State lines. The fact that the Congress provided by law for the financial support of up to 50 percent of the cost of developing a comprehensive metropolitan area plan by an interstate compact agency should be taken as some indication that the Congress would view with favor a proposal to speed up the creation of such agencies.

The Commission believes that the Congress should spell out in sufficient detail the nature of the consent in advance granted so that the States will have clear guidelines in negotiating the compacts, with the additional safeguard of congressional amendment of the enabling legislation as experience warrants. It is recognized that this procedure is related exclusively to the planning process and in no way applies to substantive programs such as sanitation, transportation, waterfront and port development, etc. The Commission believes that the States should continue to have primary responsibility for initiating the necessary compacts but assistance from the National Government should be available when needed.

Since the HHFA has the authority to provide financial assistance to the interstate compact planning agencies, it would seem appropriate for the HHFA Administrator, pursuant to general policies of the administration, to serve as the agent of the National Government in reviewing the compacts entered into and reporting to the Congress and the President any relevant findings on the actual operation of the compact agencies. Thus the Congress would be kept informed of the activities carried on under compacts formed pursuant to the consent legislation.

4. Review, by a metropolitan planning agency, of applications for certain Federal functional grants-in-aid

The Commission recommends the enactment of legislation to require that—after a specified subsequent date—all applications for Federal grants-in-aid for airport construction, waste treatment works, urban renewal, public housing, hospital construction, and urban highways, received from political subdivisions located within metropolitan areas or which pertain to projects in such areas, bear evidence of having been reviewed and commented upon—not necessarily approved—by a legally constituted metropolitan planning agency having scope and responsibility for comprehensive planning for the metropolitan area and being representative of the population and governmental units of the area as a whole.

The Commission has noted repeated instances where an official of a political subdivision in a metropolitan area learns through the newspapers of a Federal grant for a hospital, sewage treatment plant or other large physical facility in a neighboring subdivision. Quite often recriminations follow regarding the need for improved interchange of information and for improved coordination in planning for governmental facilities in the metropolitan area. The Commission believes that considerations of economy alone, in addition to all of the other factors mentioned in this report, demand a firm requirement for full exchange of information within metropolitan areas prior to sizable Federal contributions for physical facilities in the area. To this end the above recommendation is directed.

The existence of comprehensive planning at the metropolitan level is not an end in itself. As has been pointed out earlier, there is always

the danger of such plans attaining an "ivory-tower" aspect and not having a clear-cut role in the governmental process. It would appear advisable to build the metropolitan area planning function into that process, especially as it applies to Federal functional grants-in-aid.

Precedent already exists for such a procedure. As already mentioned earlier in this report the Housing Act of 1954 requires that urban renewal and public housing grant requests from localities to the Urban Renewal Administration of HHFA must be in the context of an acceptable workable program which includes a comprehensive community plan. (See appendix J.) This provision stemmed from the report of the President's Advisory Committee on Government Housing Policies and Programs, issued in December 1953, which emphasized that the Federal Government should do everything possible to insure that the aid provided "will actually do the job intended and that it will cover the maximum ground." This legal requirement has obviously motivated communities with urban renewal and public housing needs to do the kind of planning jobs that are recommended herein for metropolitan areas.

Another example, in limited form, of the concept embodied in the above recommendation is found in Senate bill 3877 of the 86th Congress, designed to provide for more effective coordination between highway planning and other types of community and land-use planning and which called for the establishment of a system whereby the State highway department would submit for comment that part of its highway plan which deals with metropolitan areas to the unit approved by the State which has metropolitanwide planning responsibilities. This would build together the planning aspects of the highway program on the one hand and the metropolitan area comprehensive planning program on the other on an advisory basis at the metropolitan area level, with the planning work of two State bodies coordinated at that level. While no veto power is provided, the metropolitan area planning agency would become an integral part of the process of regional highway planning.

The practical effects of the Commission's recommendations for the channeling of applications for Federal functional grants-in-aid through metropolitan planning agencies would be to require the enactment of State enabling legislation providing for the creation of an areawide planning agency in each metropolitan area of the State. Some may argue that such a proposal invades the prerogatives of the State or that it forces cooperation where the desire to cooperate may not exist. The Commission believes that the time has come to insure cooperation among local units of government in the metropolitan areas and that the main continuing burden of so insuring rests with the State governments. However, the Commission also believes that both as a means of backing up the efforts of the State and as a means of assuring improved coordination of Federal programs, the requirement recommended above would serve many useful purposes, while still providing freedom of action to State and local units of government with regard to the kinds of Federal grants applied for, and flexibility of decision to the Federal agencies concerned. Under the Commission's proposal, the metropolitan planning agency would not have a veto power over a Federal grant application; the Federal agency concerned could still approve the grant in the face of a negative recom-

mentation by the planning agency. However, as a minimum, information exchange among units of governments at the local level and among Federal agencies at the Washington level would be facilitated, and better coordinated planning locally, at the State capital, and in Washington a hopeful result.

In the foregoing recommendations the Commission is urging that the National Government take action to stimulate, assist, and itself use the services of State and local government agencies concerned with metropolitan area planning. It may be useful, in conclusion, to anticipate and comment on two queries that might reasonably be raised concerning these proposals: "Cannot State and local governments themselves afford to finance metropolitan area planning without Federal assistance?" and, "Where are the people to be found to handle competently the proposed additional activity with regard to metropolitan area planning?"

It can readily be agreed that the amount of money which can be effectively invested in governmental planning for metropolitan areas will, in the early future, be limited by delays inherent in the establishment and staffing of appropriate agencies. At least during the next few years, there is directly involved a total sum which for the Nation as a whole could be measured at most in tens of millions rather than hundreds of millions of dollars. The case for Federal underwriting of a portion of these costs does not rest on any argument that States and local governments could not carry this financial load. It is the Commission's belief, however, that the Nation has a legitimate and direct concern in adequate forward planning for its metropolitan communities, and that the National Government's participation in the relatively limited costs involved can help to strengthen our Federal system.

On the question of potential shortages of "planning" personnel, it should again be emphasized that the Commission envisages the planning function as a necessary, practical part of the process of effective local government in metropolitan areas, rather than as an isolated activity remote from the controlling political instrumentalities and day-to-day problems of local government in such areas. As this will suggest, the expansion of agencies charged with comprehensive planning for metropolitan areas will call for persons with various background and skills—not only "planners" in the traditional sense, but engineers, economists, and others having a background in particular fields—no doubt in many cases based on experience in the existing structure of local and State government. Certainly, as studies of the Municipal Manpower Commission show, local governments already are handicapped—in common with other employers—by a shortage of people qualified to handle difficult professional and technical responsibilities. Vigorous and continuing efforts will need to be made by public and private agencies and by institutions of higher education toward augmenting the resources of skilled manpower required by government at all levels. The Commission hopes and believes that the development of vigorous and effective agencies for metropolitan area planning will increase incentives to enable young people to become qualified for work in this field.

B. IMPROVED COORDINATION OF FEDERAL PROGRAMS IMPACTING UPON METROPOLITAN AREAS

The Commission recommends that steps be taken within both the executive and legislative branches of the National Government to bring together in better coordination and interrelationship the various Federal programs which impact upon orderly planning and development within the large urban areas.

The fragmented and conflicting impact at the State and local level of disparate Federal programs concerning urban highways, urban renewal, housing, airport and sewage facility construction, and so on, are well known. If improvements in governmental structure and metropolitan area planning are to be made by the State and local level as recommended in the earlier chapters of this report, there must be corresponding improvement at the national level.

Several major proposals have been advanced for increased activity by the Executive Office of the President and by the Congress, including the establishment of a new special assistant to be "Mr. Urban Affairs," the creation, on a basis parallel to that of the Council of Economic Advisers, of a Council on Metropolitan or Urban Affairs, and the establishment of an Interagency Coordinating Committee. These are important proposals, but they involve detailed considerations of the internal organization of the executive branch of the National Government upon which this Commission does not proffer a specific recommendation, since our statutory mandate is confined to relationships among levels of government, in contrast to the administrative reorganization of any particular level. The Commission desires to emphasize, however, that intergovernmental relations with respect to urban affairs are being unnecessarily impaired because of inadequate coordination of Federal programs and urges prompt and effective steps toward improvement of this situation.

The Federal response to metropolitan problems has not only tended to bypass the States; it has also operated on a single-purpose functional basis, with insufficient attention paid to the need for planning or coordination of the various functions on a comprehensive basis at the Federal level. While large sums of Federal money have been spent on such programs as urban renewal, public housing, highways, airports, hospitals, sewage treatment facilities, river and harbor improvements, etc., little attention has been given to developing a coordinated plan of action at the national level to overcome the conflicts and gaps in their impact upon particular metropolitan areas. Such Federal coordination includes the need for Federal institutional arrangements for properly relating those aspects of the activities of the various Federal departments which are concerned with urban affairs.

1. Formulation of national goals and policies

The Federal Government has developed machinery in the Executive Office of the President for the formulation of a national economic policy (the Council of Economic Advisers) but it has not as yet come to grips with the implications of various grant-in-aid and other programs directly affecting the urban areas. In other words, the existing machinery does not meet the need for breaking down each of these programs into its component parts as they affect metropolitan areas and then reconstructing these parts into a new metropolitan area policy which is reconcilable with the national goals.

It is interesting to note, however, that as far back as 1937 the President's Committee on Administrative Management recommended the establishment of a permanent planning agency "to serve as a clearing house of planning interests and concerns in the national effort to prevent waste and to improve our national standard of living;" and "to cooperate with departmental, State, and local agencies and in general to use the Board's good offices to see that planning decisions are not made by one group in ignorance of relevant undertakings or research going on elsewhere." The Committee felt that "this cooperation constitutes an important guaranty against overcentralization in governmental planning and against decay of local governmental interest."⁸⁶

During this same time the National Resources Committee (later the National Resources Planning Board) recommended that a unit be set up in an appropriate Federal agency to conduct urban research and perform functions for urban communities comparable to those performed for rural communities by the Department of Agriculture. It went on to urge that the Bureau of the Budget undertake a study of the best methods for bringing about the closer coordination of Federal activities in urban communities and for improving and facilitating collaboration between the cities and the Federal Government. While no action was taken to implement these recommendations, the NRPB itself set up 11 regional offices which were not only largely oriented around State planning agencies and organizations, but also made a real attempt to deal with regional and subregional planning in terms of problem areas rather than solely on a political unit basis. The fact that the NRPB was legislatively "dismissed" in 1943 indicates, among other things, that the real need for Federal coordination in this field was not yet recognized, possibly because the Federal programs impinging on metropolitan areas had not yet reached sizable proportions.

Currently, when the President's program is prepared, the national needs in a given number of fields are considered. The Federal activities scheduled to be carried out in each of these fields tend to be viewed in terms of meeting the requirements of that field alone. While the total of all these activities appears to add up to a national policy, in fact considerable friction develops in the metropolitan areas where many of the component parts of each of the activities come into conflict with the corresponding component parts of other activities. However, our Federal form of government makes it essential that the policy coordination function be carried out not only in Washington and the Federal field offices, but also in conjunction with State and local agencies. The interaction of all interested parties is essential to effective programs at the level of the metropolitan area.

At the fourth meeting of the Ad Hoc Interagency Committee on Metropolitan Area Problems, a report to incoming President Kennedy was approved which emphasized that "large-scale urban development programs are a recent phenomenon * * *. The coordination problems created by these programs are only now becoming recognized and understood."⁸⁷ Thus, it is not surprising that no truly

⁸⁶ U.S. President's Committee on Administrative Management, "Administrative Management in the Government of the United States, 1937," pp. 25-26.

⁸⁷ Ad Hoc Interagency Committee on Metropolitan Area Problems, "Coordination of Federal Metropolitan Area Development Activities," (January 1961) pp. 10-11.

formal device for coordination has yet been developed at the White House level. The executive branch over the past 2 or 3 years has been feeling its way, with the assignment of relevant duties to a Presidential assistant in the White House and with staff assistance from the Bureau of the Budget and from the former Ad Hoc Interagency Committee serving an essentially catalytic function.⁸⁸

2. Coordination of operating programs

The Ad Hoc Interagency Committee on Metropolitan Area Problems developed a list of the programs of the Federal Government operating primarily in metropolitan areas which shows how many agencies and what varied activities are now involved in meeting metropolitan area requirements (see appendix K). The Committee report indicates that a number of conflicts between these agencies have arisen and have served to impair the effectiveness of each of the programs involved. The fact that there was not more evidence of lack of coordination was attributed to (1) the existence of gaps as well as overlaps in the activities; (2) the tendency of Federal agencies to draw away from each other in administering their programs rather than duplicate activities; and (3) the lack of a policy framework against which to evaluate the Federal activities.

While the agencies involved in metropolitan activities run the gamut from the Department of Defense to the Veterans' Administration, the Housing and Home Finance Agency has more program involvement with most metropolitan communities than any of the others. The Agency itself consists of two constituent units (the Community Facilities Administration and the Urban Renewal Administration) and three constituent agencies (the Federal Housing Administration, the Public Housing Administration, and the Federal National Mortgage Association), all under varying degrees of oversight by the Office of the Administrator, HHFA.

Interagency problems were dramatized by the differences of approach between HHFA and the Bureau of Public Roads of the Department of Commerce with regard to the relationship between the interstate highway program and urban renewal activities. While it would appear obvious that these two functions should be geared together closely, until recently the planning and actual physical activities involved in each function were proceeding independently. With the highway program making no provision for the relocation of the families forced to move by the construction involved, Mayor Richardson Dilworth of Philadelphia pointed out that—

if people are given no help in relocating from the path of highways, this obviously augments the housing problems which the renewal program is trying to solve. And renewal activities must be closely related to the programming of highways if we are to avoid, on the one hand, the creation of new blight along new highways, and, on the other hand, the churning up of a newly renewed area to make way for a new highway.⁸⁹

And to carry this possible oversight one step further, the housing mortgage insurance activities often have been developed with little regard for the metropolitan problems created, of a political, economic, and social nature, by new patterns of housing development.

⁸⁸ The Ad Hoc Interagency Committee was abolished by President Kennedy in March 1961 and its functions assigned to one of the special assistants to the President.

⁸⁹ Robert H. Connery and Richard H. Leach, "The Federal Government and Metropolitan Areas" (Cambridge: Harvard University Press, 1960), p. 19.

There has been one significant exception to this long history of unilateral functional programming. This exceptional approach was adopted on the assumption that the best way to see that coordination takes place is to require that the community involved develop a "workable program" before being assisted. Thus the Housing Act of 1954 requires that in order to be eligible for certain forms of Federal assistance to urban renewal and public housing, the community must convince the HHFA Administrator that the purposes of that urban renewal will be achieved. The community does this by preparing a workable program that includes among its provisions a comprehensive community plan. If such a plan is in existence, it is expected that the coordination of Federal and other public and private community development activities will be facilitated.

One other device has been used for Federal interdepartmental coordination, but only in the field of housing. Under Reorganization Plan No. 3 of 1947, a National Housing Council was established under the Housing and Home Finance Agency. The Council consists of representatives from the Veterans' Administration, the Departments of Agriculture, Defense, Commerce, Labor, and Health, Education, and Welfare, and the heads of the three HHFA constituent agencies. The Housing Administrator serves as the Chairman of the Council. The object of the Council is to coordinate the activities of all agencies of the Federal Government concerned directly or indirectly with housing. There is, however, little indication that this Council has made any outstanding strides in the direction of coordinating Federal Government housing and financing activities, but rather it has served primarily an educational purpose.

Within the Office of the HHFA Administrator, there is an Office of Program Policy. This Office assists the Administrator in analyzing the type and magnitude of metropolitan developments which exist or are likely to occur, and carries on other duties designed to help the HHFA meet the metropolitan needs that arise. While this Office identifies problems requiring coordination between HHFA and other Federal agencies, and recently helped work out an important program agreement between the agency and the Department of Commerce, it is obviously limited in the powers it has to achieve interagency coordination. In any event, it would have difficulty in objectively evaluating the metropolitan area programs of other Federal agencies and in getting such evaluations accepted.

One of the recent constructive steps forward in interagency coordination has been the agreement negotiated between HHFA and the Department of Commerce in November 1960 to make highway (1½ percent) funds and urban planning funds (sec. 701 funds) available for joint use in comprehensive urban and metropolitan planning (see appendix L). Thus, we find one of the basic difficulties we mentioned earlier apparently on the threshold of resolution. The Federal highway legislation referred to authorizes the use of 1½ percent of total program funds for planning and research work in connection with the federally aided highway program.

Under the terms of the agreement a joint steering committee (representing the Bureau of Public Roads and the Urban Renewal Administration) is to be appointed with overall responsibility for encouraging joint planning projects and reviewing and evaluating the

success of this joint effort at the metropolitan area level. Regional joint committees from the two agencies will be set up to encourage and assist the States and local governments to undertake this comprehensive planning. Either State or local agencies may initiate a proposal for a jointly financed planning project, but the project must be sponsored jointly by (1) a State, metropolitan, or regional planning agency eligible for urban planning grants, and (2) a State highway department. It was presumably the hope of further developments such as this that led the ad hoc interagency committee to recommend that the internal structure of the HHFA be strengthened to vest full operating and policymaking authority in the Administrator, so that his Office could increase its leadership function among the Federal agencies with respect to metropolitan activities.

With respect to the coordination of Federal field activities, one example may merit consideration for future application. From 1943 to 1952, the Budget Bureau maintained four regional offices located in Dallas, San Francisco, Denver, and Chicago. More were planned but never approved by Congress. Among its functions, the Bureau's field service was assigned responsibility for promoting coordination of Federal field programs, consulting with State and local officials with respect to Federal programs affecting them, and appraising the effect of Federal fiscal policies on State and local governments. The San Francisco office achieved the highest degree of success of the units created, being instrumental in the establishment of the Pacific Coast Board of Intergovernmental Relations, known as PACBIR. This board developed into a striking example of the successful coordination of all three levels of government.

Every major component of government on the Pacific coast participated in this effort at intergovernmental cooperation. Created on a purely voluntary basis, it served the purpose of mutual discussion and cooperation in administrative efforts to solve mutual problems. Membership among levels of government was carefully balanced so that no level would be put at a disadvantage. While it had no power to enforce any decisions, its discussions often led to consensus and resolution of conflict. Among the items on its agenda were many of direct significance to metropolitan areas, including housing, industrial development, administration of Federal grant programs, public works planning and timing, etc.⁴⁰ While the factors which led to the discontinuance of PACBIR are many and varied, it is relevant to note that such a device was able to command enthusiastic support from State and local officials alike, even though objections to it were raised at the national level.

3. *A Department of Urban Affairs*

The issue of whether or not there should be established within the National Government a Department of Urban Affairs, or a comparable Cabinet-rank agency, is excluded from treatment in this report. The Commission is conducting a separate study relating to this question, and any views or recommendations thereon by the Commission will be issued as a separate document.

⁴⁰ Stanley K. Crook, "The Pacific Coast Board of Intergovernmental Relations," *Public Administration Review*, vol. 11, No. 2 (spring 1951), and Miriam Roher, "Coast States Try Cooperation," *National Municipal Review*, vol. 34, No. 10 (November 1945).

CHAPTER VI. CONCLUDING OBSERVATIONS

In this report the Commission has presented a considerable number of recommendations for action by the States and by the National Government, designed to facilitate intergovernmental cooperation and simplify governmental structure in the large metropolitan areas. Seventeen recommendations are presented, of which 13 are directed to State legislatures. Of these, seven would provide a series of grants of permissive authority to local units of government which, through individual choice, the people of metropolitan areas concerned would utilize to improve local arrangements for the performance of necessary governmental services. The other five recommendations to State legislatures are designed to assert the leadership of the State with respect to metropolitan area problems, both through the rendering of financial and technical assistance to the areas and in the imposition of necessary regulation and control. Five recommendations are presented to the executive and legislative branches of the National Government, of which four are designed to provide Federal stimulation and to otherwise facilitate metropolitan area planning and associated activities, and one is directed toward improved coordination of Federal agency programs which have a strong impact upon metropolitan areas.

The Commission does not presume to have spoken any "final words" with respect to the problem of intergovernmental relations in metropolitan areas. It is the sincere belief of the Commission that the legislative and administrative proposals contained in this report would, if placed into effect, constitute significant steps forward in the amelioration of Federal-State-local relations with respect to the metropolitan areas and would provide a base for far-reaching improvements in the adequacy and efficiency by which governmental services are provided to over 100 million people living in these vast urban areas. However, the problems considered herein are so inter-related that no single proposal, standing alone, can be considered an effective approach toward this objective. Rather, concurrent and persistent efforts on a number of fronts by each of the levels of government concerned are considered by the Commission to be absolutely necessary to sound progress in this very important segment of our overall governmental structure.

The Commission therefore urges that legislators and officials at all levels of government give sympathetic consideration to these proposals, recognizing that each level of government and each branch of government may find some propositions here with which they heartily disagree as well as some which they can strongly endorse. The Commission believes that the problems of governmental structure, organization, planning, and cooperation in the metropolitan areas are so urgent and critical as to require the ushering-in of an "era of reciprocal forbearance" among the units of government concerned. For example, unless counties and cities are willing to yield some autonomy

to each other and unless the States take necessary, though controversial action along a number of fronts, the final result can only be a much wider assertion of direct Federal action and control than either States or local government officials or the people themselves would be willing to accept under normal circumstances. This result will come about if the battle lines among levels of government continue to harden and there is continued thwarting of the desires of the people for adequate and efficient local government in the metropolitan areas. Wholesale assumption of metropolitan area functions by the Federal Government is now recommended by few, if any, thoughtful people; but it will surely come to pass if the only alternative is chaos, disintegration, and bickering at the local level. To those who question the justification for the degree of increased Federal responsibility recommended in this report, the Commission would point out that moderate Federal action now, designed to stimulate more effective State and local action, is much to be preferred to a more unitary approach at a later date.

APPENDIXES

APPENDIX A

Standard metropolitan statistical areas, 1961

Area title	Area definition
Abilene, Tex.	Taylor and Jones Counties, Tex.
Akron, Ohio	Summit County, Ohio.
Albany, Ga.	Dougherty County, Ga.
Albany-Schenectady-Troy, N.Y.	Albany, Rensselaer, Saratoga, and Schenectady Counties, N.Y.
Albuquerque, N. Mex.	Bernalillo County, N. Mex.
Allentown-Bethlehem-Easton, Pa.-N.J.	Lehigh and Northampton Counties, Pa.; Warren County, N.J.
Altoona, Pa.	Blair County, Pa.
Amarillo, Tex.	Potter and Randall Counties, Tex.
Ann Arbor, Mich.	Washtenaw County, Mich.
Asheville, N.C.	Buncombe County, N.C.
Atlanta, Ga.	Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties, Ga.
Atlantic City, N.J.	Atlantic County, N.J.
Augusta, Ga.-S.C.	Richmond County, Ga.; Aiken County, S.C.
Austin, Tex.	Travis County, Tex.
Bakersfield, Calif.	Kern County, Calif.
Baltimore, Md.	Baltimore City; Anne Arundel, Baltimore, Carroll, and Howard Counties, Md.
Baton Rouge, La.	East Baton Rouge Parish, La.
Bay City, Mich.	Bay County, Mich.
Beaumont-Port Arthur, Tex.	Jefferson and Orange Counties, Tex.
Billings, Mont.	Yellowstone County, Mont.
Binghamton, N.Y.	Broome County, N.Y.
Birmingham, Ala.	Jefferson County, Ala.
Boston, Mass.	Suffolk County (Boston, Chelsea, and Revere cities; Winthrop town); Middlesex County (part) (Cambridge, Everett, Malden, Medford, Melrose, Newton, Somerville, Waltham, and Woburn cities; Arlington, Ashland, Bedford, Belmont, Burlington, Concord, Framingham, Lexington, Lincoln, Natick, North Reading, Reading, Stoneham, Sudbury, Wakefield, Watertown, Wayland, Weston, Wilmington, and Winchester towns); Essex County (part) (Beverly, Lynn, Peabody and Salem cities; Danvers, Hamilton, Lynnfield, Manchester, Marblehead, Middleton, Nahant, Saugus, Swampscott, Topsfield, and Wenham towns); Norfolk County (part) (Quincy city; Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Holbrook, Medfield, Milton, Needham, Norfolk, Norwood, Randolph, Sharon, Walpole, Wellesley, Westwood, and Weymouth towns); Plymouth County (part) (Duxbury, Haver, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland, and Scituate towns), Mass.
Bridgeport, Conn.	Fairfield County (part) (Bridgeport and Shelton cities; Fairfield, Monroe, Stratford, and Trumbull towns); New Haven County (part) (Milford town), Conn.
Brockton, Mass.	Plymouth County (part) (Brockton city; Abington, Bridgewater, East Bridgewater, Hanson, West Bridgewater, and Whitman towns); Norfolk County (part) (Avon and Stoughton towns); Bristol County (part) (Easton town), Mass.
Brownsville-Harlingen-San Benito, Tex.	Cameron County, Tex.
Buffalo, N.Y.	Erie and Niagara Counties, N.Y.
Canton, Ohio	Stark County, Ohio.
Cedar Rapids, Iowa	Linn County, Iowa.
Champaign-Urbana, Ill.	Champaign County, Ill.
Charleston, S.C.	Charleston County, S.C.
Charleston, W. Va.	Kanawha County, W. Va.
Charlotte, N.C.	Mecklenburg County, N.C.
Chattanooga, Tenn.-Ga.	Hamilton County, Tenn.; Walker County, Ga.
Chicago, Ill.	Cook, Du Page, Kane, Lake, McHenry and Will Counties, Ill.
Cincinnati, Ohio-Ky.	Hamilton County, Ohio; Campbell and Kenton Counties, Ky.

Standard metropolitan statistical areas, 1961—Continued

Area title	Area definition
Cleveland, Ohio.....	Cuyahoga and Lake Counties, Ohio.
Colorado Springs, Colo.....	El Paso County, Colo.
Columbia, S.C.....	Lexington and Richland Counties, S.C.
Columbus, Ga.-Ala.....	Chattahoochee and Muscogee Counties, Ga.; Russell County, Ala.
Columbus, Ohio.....	Franklin County, Ohio.
Corpus Christi, Tex.....	Nueces County, Tex.
Dallas, Tex.....	Collin, Dallas, Denton, and Ellis Counties, Tex.
Davenport-Rock Island-Moline, Iowa-Ill.....	Scott County, Iowa; Rock Island County, Ill.
Dayton, Ohio.....	Greene, Miami, and Montgomery Counties, Ohio.
Decatur, Ill.....	Macon County, Ill.
Denver, Colo.....	Adams, Arapahoe, Boulder, Denver, and Jefferson Counties, Colo.
Des Moines, Iowa.....	Polk County, Iowa.
Detroit, Mich.....	Macomb, Oakland, and Wayne Counties, Mich.
Dubuque, Iowa.....	Dubuque County, Iowa.
Duluth-Superior, Minnesota-Wisconsin.....	St. Louis County, Minn.; Douglas County, Wis.
Durham, N.C.....	Durham County, N.C.
El Paso, Tex.....	El Paso County, Tex.
Erie, Pa.....	Erie County, Pa.
Eugene, Oreg.....	Lane County, Oreg.
Evansville, Indiana-Kentucky.....	Vanderburgh County, Ind.; Henderson County, Ky.
Fall River, Massachusetts-Rhode Island.....	Bristol County (part) (Fall River City; Somerset, Swansea, and Westport towns), Mass.; Newport County (part) (Tiverton town), R.I.
Fargo-Moorhead, North Dakota-Minnesota.....	Cass County, N. Dak.; Clay County, Minn.
Fitchburg-Leominster, Mass.....	Worcester County (part) (Fitchburg and Leominster cities; Lunenburg town); Middlesex County (part) (Shirley town), Mass.
Flint, Mich.....	Genesee County, Mich.
Fort Lauderdale-Hollywood, Fla.....	Broward County, Fla.
Fort Smith, Ark.....	Sebastian County, Ark.
Fort Wayne, Ind.....	Allen County, Ind.
Fort Worth, Tex.....	Johnson and Tarrant Counties, Tex.
Fresno, Calif.....	Fresno County, Calif.
Gadsden, Ala.....	Etowah County, Ala.
Galveston-Texas City, Tex.....	Galveston County, Tex.
Gary-Hammond-East Chicago, Ind.....	Lake and Porter Counties, Ind.
Grand Rapids, Mich.....	Kent County, Mich.
Great Falls, Mont.....	Cascade County, Mont.
Green Bay, Wis.....	Brown County, Wis.
Greensboro-High Point, N.C.....	Guilford County, N.C.
Greenville, S.C.....	Greenville County, S.C.
Hamilton-Middletown, Ohio.....	Butler County, Ohio.
Harrisburg, Pa.....	Cumberland and Dauphin Counties, Pa.
Hartford, Conn.....	Hartford County (part) (Hartford city; Avon, Bloomfield, Canton, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Manchester, Newington, Rocky Hill, Simsbury, South Windsor, Suffield, West Hartford, Wethersfield, Windsor, and Windsor Locks towns), Middlesex County (part) (Cromwell town); Tolland County (part) (Vernon town), Conn.
Honolulu, Hawaii.....	Honolulu County, Hawaii.
Houston, Tex.....	Harris County, Tex.
Huntington-Ashland, W. Va.-Ky.-Ohio.....	Cabell and Wayne Counties, W. Va.; Boyd County, Ky.; Lawrence County, Ohio.
Huntsville, Ala.....	Madison County, Ala.
Indianapolis, Ind.....	Marion County, Ind.
Jackson, Mich.....	Jackson County, Mich.
Jackson, Miss.....	Hinds County, Miss.
Jacksonville, Fla.....	Duval County, Fla.
Jersey City, N.J.....	Hudson County, N.J.
Johnstown, Pa.....	Cambria and Somerset Counties, Pa.
Kalamazoo, Mich.....	Kalamazoo County, Mich.
Kansas City, Mo.-Kans.....	Clay and Jackson Counties, Mo.; Johnson and Wyandotte Counties, Kans.
Kenosha, Wis.....	Kenosha County, Wis.
Knoxville, Tenn.....	Anderson, Blount, and Knox Counties, Tenn.
Lake Charles, La.....	Calcasieu Parish, La.
Lancaster, Pa.....	Lancaster County, Pa.
Lansing, Mich.....	Clinton, Eaton, and Ingham Counties, Mich.
Laredo, Tex.....	Webb County, Tex.
Las Vegas, Nev.....	Clark County, Nev.
Lawrence-Haverhill, Mass.-N.H.....	Essex County (part) (Lawrence and Haverhill cities; Andover, Groveland, Methuen, and North Andover towns), Mass.; Rockingham County (part) (Plaistow and Salem cities), N.H.
Lawton, Okla.....	Comanche County, Okla.
Lewiston-Auburn, Maine.....	Androscoggin County (part) (Auburn and Lewiston cities; Lisbon town), Maine.
Lexington, Ky.....	Fayette County, Ky.
Lima, Ohio.....	Allen County, Ohio.
Lincoln, Nebr.....	Lancaster County, Nebr.
Little Rock-North Little Rock, Ark.....	Fulaski County, Ark.

Standard metropolitan statistical areas, 1961—Continued

Area title	Area definition
Lorain-Elyria, Ohio.....	Lorain County, Ohio.
Los Angeles-Long Beach, Calif.....	Los Angeles and Orange Counties, Calif.
Louisville, Ky.-Indiana.....	Jefferson County, Ky.; Clark and Floyd Counties, Ind.
Lowell, Mass.....	Middlesex County (part) (Lowell City; Billerica, Chelmsford, Dracut, Tewksbury, and Tyngsborough towns), Mass.
Lubbock, Tex.....	Lubbock County, Tex.
Lynchburg, Va.....	Lynchburg City; Amherst and Campbell Counties, Va.
Macon, Ga.....	Bibb and Houston Counties, Ga.
Madison, Wis.....	Dane County, Wis.
Manchester, N.H.....	Hillsborough County (part) (Manchester city and Goffstown town), N.H.
Memphis, Tenn.....	Shelby County, Tenn.
Meriden, Conn.....	New Haven County (part) (Meriden city), Conn.
Miami, Fla.....	Dade County, Fla.
Midland, Tex.....	Midland County, Tex.
Milwaukee, Wis.....	Milwaukee and Waukesha Counties, Wis.
Minneapolis-St. Paul, Minn.....	Anoka, Dakota, Hennepin, Ramsey, and Washington Counties, Minn.
Mobile, Ala.....	Mobile County, Ala.
Monroe, La.....	Ouachita Parish, La.
Montgomery, Ala.....	Montgomery County, Ala.
Muncie, Ind.....	Delaware County, Ind.
Muskegon-Muskegon Heights, Mich.....	Muskegon County, Mich.
Nashville, Tenn.....	Davidson County, Tenn.
New Bedford, Mass.....	Bristol County (part) (New Bedford city; Acushnet, Dartmouth and Fairhaven towns); Plymouth County (part) (Marion and Mattapoisett towns), Mass.
New Britain, Conn.....	Hartford County (part) (New Britain city; Berlin, Plainville and Southington towns) Conn.
New Haven, Conn.....	New Haven County (part) (New Haven city; Branford, East Haven, Guilford, Hamden, North Haven, Orange, West Haven and Woodbridge towns), Conn.
New London-Groton-Norwich, Conn.....	New London County (part) (New London and Norwich cities; East Lyme, Groton, Ledyard, Montville, Preston, Stonington and Waterford towns), Conn.
New Orleans, La.....	Jefferson, Orleans and St. Bernard Parishes, La.
New York, N.Y.....	New York City (Bronx, Kings, New York, Queens and Richmond Counties); Nassau, Rockland, Suffolk and Westchester Counties, N.Y.
Newark, N.J.....	Essex, Morris and Union Counties, N.J.
Newport News-Hampton, Va.....	Newport News and Hampton Cities; and York County, Va.
Norfolk-Portsmouth, Va.....	Norfolk, South Norfolk, Portsmouth and Virginia Beach cities; Norfolk and Princess Anne Counties, Va.
Norwalk, Conn.....	Fairfield County (part) (Norwalk city; Westport and Wilton towns), Conn.
Odessa, Tex.....	Ector County, Tex.
Ogden, Utah.....	Weber County, Utah.
Oklahoma City, Okla.....	Canadian, Cleveland, and Oklahoma Counties, Okla.
Omaha, Nebraska-Iowa.....	Douglas and Sarpy Counties, Nebr.; Pottawattamie County, Iowa.
Orlando, Fla.....	Orange and Seminole Counties, Fla.
Paterson-Clifton-Passaic, N.J.....	Bergen and Passaic Counties, N.J.
Pensacola, Fla.....	Escambia and Santa Rosa Counties, Fla.
Peoria, Ill.....	Peoria and Tazewell Counties, Ill.
Philadelphia, Pa.-N.J.....	Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa.; Burlington, Camden, and Gloucester Counties, N.J.
Phoenix, Ariz.....	Maricopa County, Ariz.
Pittsburgh, Pa.....	Allegheny, Beaver, Washington, and Westmoreland Counties, Pa.
Pittsfield, Mass.....	Berkshire County (part) (Pittsfield city; Dalton, Lenox, and Lee towns), Mass.
Portland, Maine.....	Cumberland County (part) (Portland, South Portland and Westbrook cities; Cape Elizabeth and Falmouth towns), Maine.
Portland, Oreg.-Wash.....	Clackamas, Multnomah, and Washington Counties, Oreg.; Clark County, Wash.
Providence-Pawtucket, R.I.-Mass.....	Providence County (part) (Central Falls, Cranston, East Providence, Pawtucket, Providence and Woonsocket cities; Burrillville, Cumberland, Johnston, Lincoln, North Providence, North Smithfield and Smithfield towns); Washington County (part) (Narragansett and North Kingstown towns); Kent County (part) (Warwick city, Coventry, East Greenwich, and West Warwick towns); Bristol County (part) (Barrington, Bristol, and Warren towns); Newport County (part) (Jamestown town), R.I.; Bristol County (part) (Attleboro city, North Attleboro, and Seekonk towns); Norfolk County (part) (Bellingham, Franklin, Plainville, and Wrentham towns); Worcester County (part) (Blackstone and Millville towns), Mass.

Standard metropolitan statistical areas, 1961—Continued

Area title	Area definition
Provo-Orem, Utah.....	Utah County, Utah.
Pueblo, Colo.....	Pueblo County, Colo.
Racine, Wis.....	Racine County, Wis.
Raleigh, N.C.....	Wake County, N.C.
Reading, Pa.....	Berks County, Pa.
Reno, Nev.....	Washoe County, Nev.
Richmond, Va.....	Richmond City; Chesterfield and Henrico Counties, Va.
Roanoke, Va.....	Roanoke City; Roanoke County, Va.
Rochester, N.Y.....	Monroe County, N.Y.
Rockford, Ill.....	Winnebago County, Ill.
Sacramento, Calif.....	Sacramento County, Calif.
Saginaw, Mich.....	Saginaw County, Mich.
St. Joseph, Mo.....	Buchanan County, Mo.
St. Louis, Mo.-Ill.....	St. Louis City; Jefferson, St. Charles, and St. Louis Counties, Mo.; Madison and St. Clair Counties, Ill.
Salt Lake City, Utah.....	Salt Lake County, Utah.
San Angelo, Tex.....	Tom Green County, Tex.
San Antonio, Tex.....	Bexar County, Tex.
San Bernardino-Riverside-Ontario, Calif.....	Riverside and San Bernardino Counties, Calif.
San Diego, Calif.....	San Diego County, Calif.
San Francisco-Oakland, Calif.....	Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Solano Counties, Calif.
San Jose, Calif.....	Santa Clara County, Calif.
Santa Barbara, Calif.....	Santa Barbara County, Calif.
Savannah, Ga.....	Chatham County, Ga.
Scranton, Pa.....	Lackawanna County, Pa.
Seattle, Wash.....	King and Snohomish Counties, Wash.
Shreveport, La.....	Bossier and Caddo Parishes, La.
Sioux City, Iowa.....	Woodbury County, Iowa.
Sioux Falls, S. Dak.....	Minnehaha County, S. Dak.
South Bend, Ind.....	St. Joseph County, Ind.
Spokane, Wash.....	Spokane County, Wash.
Springfield, Ill.....	Sangamon County, Ill.
Springfield, Mo.....	Greene County, Mo.
Springfield, Ohio.....	Clark County, Ohio.
Springfield-Chicopee-Holyoke, Mass.....	Hampden County (part) (Chicopee, Holyoke, Springfield, and Westfield cities; Agawam, East Longmeadow, Longmeadow, Ludlow, Monson, Palmer, West Springfield, and Wilbraham towns); Hampshire County (part) (Northampton city; Easthampton, Hadley, and South Hadley towns); Worcester County (part) (Warren town), Mass.
Stamford, Conn.....	Fairfield County (part) (Stamford city; Darien, Greenwich, and New Canaan towns), Conn.
Staubenville-Weirton, Ohio-W. Va.....	Jefferson County, Ohio; Brooke and Hancock Counties, W. Va.
Stockton, Calif.....	San Joaquin County, Calif.
Syracuse, N.Y.....	Madison, Onondaga, and Oswego Counties, N.Y.
Tacoma, Wash.....	Pierce County, Wash.
Tampa-St. Petersburg, Fla.....	Hillsborough and Pinellas Counties, Fla.
Terre Haute, Ind.....	Vigo County, Ind.
Texarkana, Tex.-Ark.....	Bowie County, Tex.; Miller County, Ark.
Toledo, Ohio.....	Lucas County, Ohio.
Topeka, Kans.....	Shawnee County, Kans.
Trenton, N.J.....	Mercer County, N.J.
Tucson, Ariz.....	Pima County, Ariz.
Tulsa, Okla.....	Creek, Osage, and Tulsa Counties, Okla.
Tuscaloosa, Ala.....	Tuscaloosa County, Ala.
Tyler, Tex.....	Smith County, Tex.
Utica-Rome, N.Y.....	Herkimer and Oneida Counties, N.Y.
Waco, Tex.....	McLennan County, Tex.
Washington, D.C.-Maryland-Virginia.....	Washington, D.C.; Alexandria and Falls Church cities; Arlington and Fairfax Counties, Va.; Montgomery and Prince Georges Counties, Md.
Waterbury, Conn.....	New Haven County (part) (Waterbury city; Naugatuck Borough; Beacon Falls, Cheshire, Middlebury, Prospect, and Wolcott towns); Litchfield County (part) (Thomas-ton and Watertown towns), Conn.
Waterloo, Iowa.....	Black Hawk County, Iowa.
West Palm Beach, Fla.....	Palm Beach County, Fla.
Wheeling, W. Va.-Ohio.....	Ohio and Marshall Counties, W. Va.; Belmont County, Ohio.
Wichita, Kans.....	Sedgwick County, Kans.
Wichita Falls, Tex.....	Archer and Wichita Counties, Tex.
Wilkes-Barre-Hazleton, Pa.....	Luzerne County, Pa.
Wilmington, Del.-N.J.....	New Castle County, Del.; Salem County, N.J.
Winston-Salem, N.C.....	Forsyth County, N.C.
Worcester, Mass.....	Worcester County (part) (Worcester city; Auburn, Berlin, Boylston, Brookfield, East Brookfield, Grafton, Holden, Leicester, Millbury, Northborough, Northbridge, North Brookfield, Oxford, Shrewsbury, Spencer, Sutton, Upton, Westborough, and West Boylston towns), Mass.
York, Pa.....	York County, Pa.
Youngstown-Warren, Ohio.....	Mahoning and Trumbull Counties, Ohio.

Standard consolidated areas

New York-Northeastern New Jersey :

New York, N.Y., standard metropolitan statistical area

Newark, N.J., standard metropolitan statistical area

Jersey City, N.J., standard metropolitan statistical area

Paterson-Clifton-Passaic, N.J., standard metropolitan statistical area

Middlesex and Somerset Counties, N.J.

Chicago, Ill.-Northwestern Indiana :

Chicago, Ill., standard metropolitan statistical area

Gary-Hammond-East Chicago, Ind., standard metropolitan statistical area

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APPENDIX B

Land area of the 130 cities having a 1960 population of 100,000 or more as of Apr. 1, 1960 and 1950

City	Land area (square miles) as of Apr. 1		City	Land area (square miles) as of Apr. 1	
	1960	1950		1960	1950
Akron, Ohio.....	53.9	53.7	Memphis, Tenn.....	128.2	104.2
Albany, N.Y.....	19.0	19.0	Miami, Fla.....	34.2	34.2
Albuquerque, N. Mex.....	56.2	47.9	Milwaukee, Wis.....	91.1	50.0
Allentown, Pa.....	17.6	15.9	Minneapolis, Minn.....	58.5	53.8
Amarillo, Tex.....	54.8	20.9	Mobile, Ala.....	152.9	23.4
Anaheim, Calif.....	24.8	4.5	Montgomery, Ala.....	31.8	26.1
Atlanta, Ga.....	128.2	36.0	Nashville, Tenn.....	29.0	22.0
Austin, Tex.....	49.4	32.1	Newark, N.J.....	23.6	23.6
Baltimore, Md.....	79.0	78.7	New Bedford, Mass.....	19.1	19.1
Baton Rouge, La.....	31.0	30.2	New Haven, Conn.....	17.9	17.9
Beaumont, Tex.....	70.8	31.4	New Orleans, La.....	195.8	199.4
Berkeley, Calif.....	9.7	9.5	Newport News, Va.....	75.0	4.2
Birmingham, Ala.....	74.5	65.3	New York, N.Y.....	315.1	315.1
Boston, Mass.....	47.8	47.8	Niagara Falls, N.Y.....	13.5	12.7
Bridgeport, Conn.....	17.9	14.6	Norfolk, Va.....	50.0	28.2
Buffalo, N.Y.....	39.4	39.4	Oakland, Calif.....	53.0	53.0
Cambridge, Mass.....	6.3	6.2	Oklahoma City, Okla.....	321.5	50.8
Camden, N.J.....	8.7	8.6	Omaha, Nebr.....	51.2	40.7
Canton, Ohio.....	14.3	14.1	Pasadena, Calif.....	22.6	21.3
Charlotte, N.C.....	64.8	30.0	Paterson, N.J.....	8.4	8.1
Chattanooga, Tenn.....	36.7	28.0	Peoria, Ill.....	15.2	12.9
Chicago, Ill.....	224.2	207.5	Philadelphia, Pa.....	129.7	127.2
Cincinnati, Ohio.....	77.3	75.1	Phoenix, Ariz.....	187.4	17.1
Cleveland, Ohio.....	81.2	75.0	Pittsburgh, Pa.....	54.1	54.2
Columbus, Ga.....	26.4	12.0	Portland, Ore.....	67.2	64.1
Columbus, Ohio.....	89.0	39.4	Portsmouth, Va.....	18.0	10.2
Corpus Christi, Tex.....	37.8	21.5	Providence, R.I.....	17.9	17.9
Dallas, Tex.....	279.9	112.0	Richmond, Va.....	37.0	37.1
Dayton, Ohio.....	33.6	25.0	Rochester, N.Y.....	36.4	36.0
Dearborn, Mich.....	25.3	25.3	Rockford, Ill.....	26.0	14.0
Denver, Colo.....	71.0	66.8	Sacramento, Calif.....	45.1	16.9
Des Moines, Iowa.....	64.5	54.9	St. Louis, Mo.....	61.0	61.0
Detroit, Mich.....	139.6	139.6	St. Paul, Minn.....	52.2	52.2
Duluth, Minn.....	62.6	62.3	St. Petersburg, Fla.....	54.0	52.2
Elizabeth, N.J.....	11.7	11.7	Salt Lake City, Utah.....	56.1	53.9
El Paso, Tex.....	114.6	25.6	San Antonio, Tex.....	160.5	69.5
Erie, Pa.....	18.8	18.8	San Diego, Calif.....	192.4	99.4
Evansville, Ind.....	32.0	18.0	San Francisco, Calif.....	47.6	44.6
Flint, Mich.....	29.9	29.3	San Jose, Calif.....	54.5	17.0
Fort Wayne, Ind.....	36.8	18.8	Santa Ana, Calif.....	21.3	10.8
Fort Worth, Tex.....	140.5	93.7	Savannah, Ga.....	41.5	14.6
Fresno, Calif.....	28.6	15.0	Scranton, Pa.....	25.3	24.9
Gary, Ind.....	41.6	41.6	Seattle, Wash.....	83.5	70.8
Glendale, Calif.....	29.3	20.3	Shreveport, La.....	36.0	24.0
Grand Rapids, Mich.....	24.4	23.4	South Bend, Ind.....	23.8	20.2
Greensboro, N.C.....	43.6	18.2	Spokane, Wash.....	43.0	41.5
Hammond, Ind.....	23.5	23.5	Springfield, Mass.....	33.1	31.7
Hartford, Conn.....	17.4	17.4	Syracuse, N.Y.....	25.0	25.3
Honolulu, Hawaii.....	83.9	80.9	Tacoma, Wash.....	47.5	47.9
Houston, Tex.....	328.1	160.0	Tampa, Fla.....	85.0	19.0
Indianapolis, Ind.....	71.2	55.2	Toledo, Ohio.....	48.2	38.3
Jackson, Miss.....	46.5	27.0	Topeka, Kans.....	36.1	12.5
Jacksonville, Fla.....	30.2	30.2	Torrance, Calif.....	20.0	18.9
Jersey City, N.J.....	19.0	13.0	Trenton, N.J.....	7.4	7.2
Kansas City, Kans.....	40.6	18.7	Tucson, Ariz.....	70.9	9.5
Kansas City, Mo.....	129.8	80.6	Tulsa, Okla.....	47.8	26.7
Knoxville, Tenn.....	25.4	25.4	Utica, N.Y.....	17.0	15.8
Lansing, Mich.....	21.2	14.1	Washington, D.C.....	61.4	61.4
Lincoln, Nebr.....	25.4	23.8	Waterbury, Conn.....	27.6	27.6
Little Rock, Ark.....	28.3	21.0	Wichita, Kans.....	51.9	25.7
Long Beach, Calif.....	45.9	34.7	Wichita Falls, Tex.....	37.3	14.1
Los Angeles, Calif.....	454.8	450.9	Winston-Salem, N.C.....	31.1	18.8
Louisville, Ky.....	57.1	39.9	Worcester, Mass.....	37.0	37.0
Lubbock, Tex.....	75.0	17.0	Yonkers, N.Y.....	18.3	17.2
Madison, Wis.....	35.7	15.4	Youngstown, Ohio.....	33.2	32.8

Source: U.S. Bureau of the Census; based on city reports to the Bureau in connection with the decennial population census.

APPENDIX C

SUGGESTED STATE LEGISLATION ON INTERLOCAL CONTRACTING¹

[Title should conform to State requirements]

(Be it enacted, etc.)

Section 1. Purpose. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

Section 2. Short Title. This act may be cited as the Interlocal Cooperation Act.

Section 3. Public Agency Defined. (a) For the purposes of this act, the term "public agency" shall mean any political subdivision (insert enumeration, if desired) of this State; any agency of the State government or of the United States; and any political subdivision of another State.

(b) The term "State" shall mean a State of the United States and the District of Columbia.

Section 4. Interlocal Agreements. (a) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this State may be exercised and enjoyed jointly with any other public agency of this State, and jointly with any public agency of any other State or of the United States to the extent that the laws of such other State or of the United States permit such joint exercise or enjoyment. Any agency of the State government when acting jointly with any public agency may exercise and enjoy all of the powers, privileges and authority conferred by this act upon a public agency.

(b) Any two or more public agencies may enter into agreements with one another for joint or cooperative action pursuant to the provisions of this act. Appropriate action by ordinance, resolution, or otherwise pursuant to law of the governing bodies of the participating public agencies shall be necessary before any such agreement may enter into force.

(c) Any such agreement shall specify the following:

1. Its duration.

2. The precise organization, composition, and nature of any separate legal or administrative entity created thereby together with the powers delegated thereto, provided such entity may be legally created.

3. Its purpose or purposes.

4. The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor.

5. The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination.

6. Any other necessary and proper matters.

(d) In the event that the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to items 1, 3, 4, 5, and 6 enumerated in subdivision (c) hereof, contain the following:

1. Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. In the case of a joint board public agencies party to the agreement shall be represented.

2. The manner of acquiring, holding, and disposing of real and personal property used in the joint or cooperative undertaking.

(e) No agreement made pursuant to this act shall relieve any public agency of any obligation or responsibility imposed upon it by law except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, said performance may be offered in satisfaction of the obligation or responsibility.

(f) Every agreement made hereunder, shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general who shall determine whether the agreement is in proper form and compatible with the laws of this State. The attorney general shall approve any agreement submitted to

¹ Developed by Committee of State Officials on Suggested State Legislation of Council of State Governments and contained in the Council's "Suggested State Legislation, Program for 1957," pp. 95-97.

him hereunder unless he shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. Failure to disapprove an agreement submitted hereunder within (----) days of its submission shall constitute approval thereof.

(g) [Financing of joint projects by agreement shall be as provided by law.]

Section 5. Filing, Status, and Actions. Prior to its entry into force, an agreement made pursuant to this act shall be filed with (the keeper of local public records) and with the (secretary of state). In the event that an agreement entered into pursuant to this act is between or among one or more public agencies of this State and one or more public agencies of another State or of the United States, said agreement shall have the status of an interstate compact, but in any case or controversy involving performance or interpretation thereof or liability thereunder, the public agencies party thereto shall be real parties in interest and the State may maintain an action to recoup or otherwise make itself whole for any damages or liability which it may incur by reason of being joined as a party therein. Such action shall be maintainable against any public agency or agencies whose default, failure of performance, or other conduct caused or contributed to the incurring of damage or liability by the State.

Section 6. Additional Approval in Certain Cases. In the event that an agreement made pursuant to this act shall deal in whole or in part with the provision of services or facilities with regard to which an officer or agency of the State government has constitutional or statutory powers of control, the agreement shall, as a condition precedent to its entry into force, be submitted to the State officer or agency having such power of control and shall be approved or disapproved by him or it as to all matters within his or its jurisdiction in the same manner and subject to the same requirements governing the action of the attorney general pursuant to section 4(f) of this act. This requirement of submission and approval shall be in addition to and not in substitution for the requirement of submission to and approval by the attorney general.

Section 7. Appropriations, Furnishing of Property, Personnel and Service. Any public agency entering into an agreement pursuant to this act may appropriate funds and may sell, lease, give, or otherwise supply the administrative joint board or other legal or administrative entity created to operate the joint or cooperative undertaking by providing such personnel or services therefor as may be within its legal power to furnish.

Section 8. (Insert severability clause, if desired.)

Section 9. (Insert effective date.)

APPENDIX D

[Suggested State Legislation]

INTERGOVERNMENTAL COOPERATION

SUGGESTED CONSTITUTIONAL AMENDMENT ¹

[Title, format and procedural practice for constitutional amendment should conform to state practice and requirements.]

Subject to any provision which the legislature may make by statute, the state, or any one or more of its municipal corporations and other subdivisions, may exercise any of their respective powers, or perform any of their respective functions and may participate in the financing thereof jointly or in cooperation with any one or more other states, or municipal corporations, or other subdivisions of such states, or the United States, including any territory, possession or other governmental unit thereof, or any one or more foreign powers, including any governmental unit thereof.

Any other provision of this constitution to the contrary notwithstanding, an officer or employee of the state or any municipal corporation or other subdivision or agency thereof may serve on or with any governmental body as a representative of the state or any municipal corporation or other subdivision or agency

¹ Developed by Committee of State Officials on Suggested State Legislation of the Council of State Governments and contained in the Council's "Suggested State Legislation, Program for 1961," p. 66.

thereof, or for the purpose of participating or assisting in the consideration or performance of joint or cooperative undertakings or for the study of governmental problems, and shall not be required to relinquish his office or employment by reason of such service. The legislature by statute may impose such restrictions, limitations or conditions on such service as it may deem appropriate.

APPENDIX E

DRAFT "MODEL STATE METROPOLITAN SERVICES LAW"¹

AN ACT Providing for the creation and operation of metropolitan service corporations to provide and coordinate certain specified public services and functions for particular areas

Be it enacted by the Legislature of the State of -----:

Title I. Purpose of this Act, and Definitions

SECTION 1. It is hereby declared to be the public policy of the State of ----- to provide for the people of the populous metropolitan areas in the State the means of obtaining essential services not adequately provided by existing agencies of local government. The growth of urban population and the movement of people into suburban areas has created problems of sewage and garbage disposal, water supply, public transportation, planning, parks and parkways which extend beyond the boundaries of cities, counties and special districts. For reasons of topography, location and movement of population, and land conditions and development, one or more of these problems cannot be adequately met by the individual cities, counties and districts of many metropolitan areas.

It is the purpose of this act to enable cities and counties to act jointly to meet these common problems in order that the proper growth and development of the metropolitan areas of the State may be assured and the health and welfare of the people residing therein may be secured.

SEC. 2. As used herein:

(1) "Metropolitan service corporation" means a municipal service corporation of the State of ----- created pursuant to this act.

(2) "Metropolitan area" means an area containing a city having 50,000 or more inhabitants and consisting of a county or group of contiguous counties.

(3) "Service area" means the area contained within the boundaries of an existing or proposed metropolitan service corporation.

(4) "City" means an incorporated city or town.

(5) "Component city" means an incorporated city or town within a service area.

(6) "Component county" means a county of which all or part is included within a service area.

(7) "Central city" means the city with the largest population in a service area.

(8) "Central county" means the county containing the city with the largest population in a service area.

(9) "Special district" means any municipal corporation of the State of ----- other than a city, town, county, school district, or metropolitan service corporation.

(10) "Metropolitan council" means the legislative body of a metropolitan service corporation.

(11) "City council" means the legislative body of any city or town.

(12) "Population" means the number of residents as shown by the figures released from the most recent official Federal or State census.

(13) "Metropolitan function" means any of the functions of government named in Title I, Section 2 of this act.

(14) "Authorized metropolitan function" means a metropolitan function which a metropolitan service corporation shall have been authorized to perform in the manner provided in this act.

¹The text of this Model Act is based largely upon the provisions of Chapter 213, Laws of 1957, State of Washington.

Title II. Area and Functions of a Metropolitan Service Corporation

SEC. 1. A metropolitan service corporation may be organized to perform certain metropolitan functions, as provided in this act, for a service area consisting of contiguous territory which comprises all or part of a metropolitan area and includes the entire area of two or more cities, of which at least one has a population of 50,000 or more: *Provided*, That if a metropolitan service corporation shall be authorized to perform the function of metropolitan comprehensive planning it shall exercise such power, to the extent found feasible and appropriate, for the entire metropolitan area rather than only for some smaller service area. No metropolitan service corporation shall have a service area which includes only a part of any city, and every city shall be either wholly included or wholly excluded from the boundaries of a service area. No territory shall be included within the service area of more than one metropolitan service corporation.

SEC. 2. A metropolitan service corporation shall have the power to perform any one or more of the following functions, when authorized in the manner provided in this act:

- (1) Metropolitan comprehensive planning.
- (2) Metropolitan sewage disposal.
- (3) Metropolitan water supply.
- (4) Metropolitan public transportation.
- (5) Metropolitan garbage disposal.
- (6) Metropolitan parks and parkways.
- (7) -----
- (8) -----
- (9) -----
- (10) -----

SEC. 3. With respect to each function it is authorized to perform, a metropolitan service corporation shall make services available throughout its service area on a uniform basis, or subject only to classifications or distinctions which are applied uniformly throughout the service area and which are reasonably related to such relevant factors as population density, topography, types of users, and volume of services used. As among various parts of the service area, no differentiation shall be made in the nature of services provided, or in the conditions of their availability, which is determined by the fact that particular territory is located within or outside of a component city.

SEC. 4. In the event that a component city shall annex territory which, prior to such annexation, is outside the service area of a metropolitan service corporation, such territory shall by such annexation become a part of the service area.

Title III. Establishment and Modification of a Metropolitan Service Corporation

SEC. 1. A metropolitan service corporation may be created by vote of the qualified electors residing in a metropolitan area in the manner provided in this act. An election to authorize the creation of a metropolitan service corporation may be called pursuant to resolution or petition in the following manner:

(1) A resolution or concurring resolutions calling for such an election may be adopted by either:

- (a) The city council of a central city; or
- (b) The city councils of two or more component cities other than a central city; or
- (c) The board of commissioners of a central county.

A certified copy of such resolution or certified copies of such concurring resolutions shall be transmitted to the board of commissioners of the central county.

(2) A petition calling for such an election shall be signed by at least four percent of the qualified voters residing within the metropolitan area and shall be filed with the (official) of the central county.

Any resolution or petition calling for such an election shall describe the boundaries of the proposed service area, name the metropolitan function or functions which the metropolitan service corporation shall be authorized to perform initially and state that the formation of the metropolitan service corporation will be conducive to the welfare and benefit of the persons and property within the service area. After the filing of a first sufficient petition or resolution with such county (official) or board of county commissioners respectively, action by such ----- or board shall be deferred on any subsequent petition or resolution until after the election has been held pursuant to such first petition or resolution.

Upon receipt of such a petition, the _____ shall examine the same and certify to the sufficiency of the signatures thereon. Within thirty days following the receipt of such petition, the _____ shall transmit the same to the board of commissioners of the central county, together with his certificate as to the sufficiency thereof.

SEC. 2. The election on the formation of the metropolitan service corporation shall be conducted by the _____ of the central county in accordance with the general election laws of the State and the results thereof shall be canvassed by the county canvassing board of the central county, which shall certify the result of the election to the board of county commissioners of the central county, and shall cause a certified copy of such canvass to be filed in the office of the secretary of state.² Notice of the election shall be published in one or more newspapers of general circulation in each component county in the manner provided in the general election laws. No person shall be entitled to vote at such election unless he is a qualified voter under the laws of the State in effect at the time of such election and has resided within the service area for at least thirty days preceding the date of the election. The ballot proposition shall be substantially in the following form :

"FORMATION OF METROPOLITAN SERVICE CORPORATION"

"Shall a metropolitan service corporation be established for the area described in a resolution of the board of commissioners of _____ county adopted on the _____ day of _____, 19____, to perform the metropolitan functions of _____ (here insert the title of each of the functions to be authorized as set forth in the petition or initial resolution).

YES_____
 NO_____

If a majority of the persons voting on the proposition residing within the service area shall vote in favor thereof, the metropolitan service corporation shall thereupon be established and the board of commissioners of the central county shall adopt a resolution setting a time and place for the first meeting of the metropolitan council, which shall be held not later than thirty days after the date of such election. A copy of such resolution shall be transmitted to the legislative body of each component city and county and of each special district which shall be affected by the particular metropolitan functions authorized.

SEC. 3. A metropolitan service corporation may be authorized to perform one or more metropolitan functions in addition to those which it has previously been authorized to perform, with the approval of the voters at an election, in the manner provided in this section.

An election to authorize a metropolitan service corporation to perform one or more additional metropolitan functions may be called pursuant to a resolution or a petition in the following manner :

- (1) A resolution for such an election may be adopted by :
 - (a) The city council of the central city ; or
 - (b) The city councils of two or more component cities other than a central city ; or
 - (c) The board of commissioners of the central county.

A certified copy of such resolution or certified copies of such concurring resolutions shall be transmitted to the board of commissioners of the central county.

(2) A petition calling for such an election shall be signed by at least four percent of the registered voters residing within the service area and shall be filed with the (official) of the central county.

Any resolution or petition calling for such an election shall name the additional metropolitan function or functions which the metropolitan service corporation shall be authorized to perform.

Upon receipt of such a petition, the _____ shall examine the same and certify to the sufficiency of the signatures thereon. Within thirty days following the receipt of such petition, the _____ shall transmit the same to the board of commissioners of the central county, together with his certificate as to the sufficiency thereof.

² In a State where this procedure might face constitutional difficulties, provision would be made, instead, for individual county canvassing, and certification to the central county or the secretary of state.

(3) An election on the question of authorizing a metropolitan service corporation to perform additional metropolitan functions shall be conducted in the manner provided by Title III, Sec. 2 of this act concerning an election on the original formation of a metropolitan service corporation.

If a majority of the persons voting on the proposition shall vote in favor thereof, the metropolitan service corporation shall be authorized to perform such additional metropolitan function or functions.

Sec. 4. The service area of a metropolitan service corporation may be extended, subject to the general geographical conditions stated in Title II, Sec. 1, in the manner provided in this section.

(1) The metropolitan council of a metropolitan service corporation may make or authorize studies to ascertain the desirability and feasibility of extending the service area of the corporation to include particular additional territory within the metropolitan area which is contiguous to the existing service area of the corporation. If such studies appear to justify, the metropolitan council may adopt a resolution stating that it has formally under consideration the annexation of certain territory to the service area. The resolution shall clearly describe the area or areas concerned, and shall specify the time and place of a public hearing to be held on the matter by the metropolitan council. Such resolution shall be published in one or more newspapers having general circulation in the metropolitan area, at least 30 days before the date set for the public hearing.

(2) The metropolitan council shall hold the public hearing so announced, to receive testimony on the question of extending the boundaries of the service area, and it may hold further public hearings on the matter, subject in each instance to published notice in a newspaper having general circulation in the area, at least 3 days in advance.

(3) Following such hearings, the metropolitan council may, by resolution, authorize the annexation to the service area of all or any portion of the territory which was considered for annexation in accordance with the foregoing paragraphs of this section. Such resolution shall clearly describe the area or areas to be annexed and shall specify the effective date of the annexation, which shall in no event be sooner than either: (1) six months from the date when such resolution is published; or (2) one month after the date of the next regular primary or general election to be held throughout the metropolitan area. The resolution shall be published in one or more newspapers having general circulation in the metropolitan area.

(4) Any annexation to the service area of a metropolitan service corporation which is authorized in the manner provided above shall become effective on the date specified unless nullified pursuant to a popular referendum conducted as follows.

To be sufficient, a petition calling for a popular referendum on the prospective annexation of particular territory to the service area of a metropolitan service corporation shall be signed by at least either: (1) 4 percent of the qualified voters residing within the entire service area of the corporation as prospectively enlarged; or (2) 20 percent of the qualified voters residing within the territory concerning which a referendum is proposed. The petition shall indicate such territory, in terms of any one or more entire areas specified for annexation by the metropolitan council resolution which is described in paragraph (3) above. Such petition shall be filed with the (official) of the central county within 30 days of the publication of the annexation resolution by the metropolitan council. The (official) shall examine the same and certify to the sufficiency of the signatures thereon. If a sufficient petition is filed, the question specified by such petition shall be submitted at the next regular primary or general election held throughout the metropolitan area. If, at such election, a majority of the persons residing within the service area of the metropolitan service corporation as prospectively enlarged shall vote against the annexation of a particular area or areas, the action of the metropolitan council with respect to such area or areas shall thereby be nullified.

Title IV. Organization and Governing Body of a Metropolitan Service Corporation

Sec. 1. A metropolitan service corporation shall be governed by a metropolitan council composed of the following: *

* Numbers of members coming from cities as contrasted to counties, as well as the total size of the Council should of course be adjusted in terms of the general pattern of local government prevalent within the metropolitan areas of the particular State.

(1) One member selected by, and from, the board of commissioners of each component county;

(2) One member who shall be the mayor of the central city;

(3) One member from each of the three largest component cities other than the central city, selected by, and from, the mayor and city council of each of such cities;

(4) ----- members representing all component cities other than the four largest cities to be selected from the mayors and city councils of such smaller cities by the mayors of such cities in the following manner: The mayors of all such cities shall meet on the second Tuesday following the establishment of a metropolitan service corporation and thereafter on ----- of each even-numbered year at ----- o'clock at the office of the

(date)
board of county commissioners of the central county. The chairman of such board shall preside. After nominations are made, ballots shall be taken and the ----- candidate(s) receiving the highest number of votes cast shall be considered selected;

(5) One member, who shall be chairman of the metropolitan council, selected by the other members of the council. He shall not hold any public office other than that of notary public or member of the military forces of the United States or of the State of ----- not on active duty.

SEC. 2. At the first meeting of the metropolitan council following the formation of a metropolitan service corporation, the mayor of the central city shall serve as temporary chairman. As its first official act the council shall elect a chairman. The chairman shall be a voting member of the council and shall preside at all meetings. In the event of his absence or inability to act the council shall select one of its members to act as chairman pro tempore. A majority of all members of the council shall constitute a quorum for the transaction of business. A smaller number of council members than a quorum may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as the council may provide. The council shall determine its own rules and order of business, shall provide by resolution for the manner and time of holding all regular and special meetings and shall keep a journal of its proceedings which shall be a public record. Every legislative act of the council of a general or permanent nature shall be by resolution.

SEC. 3. Each member of a metropolitan council except those selected under the provisions of section 1, paragraphs (2), (4) and (5) of this title shall hold office at the pleasure of the body which selected him. Each member holding office ex officio may not hold office after he ceases to hold the position of mayor, commissioner, or councilman. The chairman shall hold office until -----

(date)
of each even-numbered year and may, if re-elected, serve more than one term.

SEC. 4. A vacancy in the office of a member of the metropolitan council shall be filled in the same manner as provided for the original selection. The meeting of mayors to fill a vacancy of the member selected under the provisions of section 1(4) of this title shall be held at such time and place as shall be designated by the chairman of the metropolitan council after ten days' written notice mailed to the mayors of each of the cities specified in section 1(4) of this title.

SEC. 5. The chairman of the metropolitan council shall receive such compensation as the other members of the metropolitan council shall provide. Members of the council other than the chairman shall receive compensation for attendance at metropolitan council or committee meetings of ----- dollars per diem but not exceeding a total of ----- dollars in any one month, in addition to any compensation which they may receive as officers of component cities or counties: *Provided*, That elected public officers serving in such capacities on a full-time basis shall not receive compensation for attendance at metropolitan council or committee meetings. All members of the council shall be reimbursed for expenses actually incurred by them in the conduct of official business for the metropolitan service corporation.

SEC. 6. The name of a metropolitan service corporation shall be established by its metropolitan council. Each metropolitan service corporation shall adopt a corporate seal containing the name of the corporation and the date of its formation.

SEC. 7. All the powers and functions of a metropolitan service corporation shall be vested in the metropolitan council unless expressly vested in specific officers, boards, or commissions by this act. Without limitation of the foregoing author-

ity, or of other powers given it by this act, the metropolitan council shall have the following powers:

(1) To establish offices, departments, boards and commissions in addition to those provided by this act which are necessary to carry out the purposes of the metropolitan service corporation, and to prescribe the functions, powers and duties thereof.

(2) To appoint or provide for the appointment of, and to remove or to provide for the removal of, all officers and employees of the metropolitan service corporation except those whose appointment or removal is otherwise provided for by this act.

(3) To fix the salaries, wages and other compensation of all officers and employees of the metropolitan service corporation unless the same shall be otherwise fixed in this act.

(4) To employ such engineering, legal, financial, or other specialized personnel as may be necessary to accomplish the purposes of the metropolitan service corporation.

Title V. Duties of a Metropolitan Service Corporation

SEC. 1. As expeditiously as possible after its establishment or its authorization to undertake additional metropolitan functions, the metropolitan service corporation shall develop plans with regard to the extent and nature of the services it will initially undertake with regard to each authorized metropolitan function, and the effective dates when it will begin to perform particular functions. Such initial basic plans shall be adopted by resolution of the metropolitan council.

SEC. 2. The metropolitan service corporation shall plan for such adjustment or extension of its initial assumption of responsibilities for particular authorized functions as is found desirable, and the metropolitan council may authorize such changes by resolution.

SEC. 3. It shall be the duty of a metropolitan service corporation to prepare comprehensive plans for the service area with regard to present and future public facility requirements for each of the metropolitan functions it is authorized to perform.

SEC. 4. If a metropolitan service corporation shall be authorized to perform the function of metropolitan comprehensive planning, it shall have the following duties, in addition to the other duties and powers granted by this act:

(1) To prepare a recommended comprehensive land use plan and public capital facilities plan for the metropolitan area as a whole.

(2) To review proposed zoning ordinances and resolutions or comprehensive plans of component cities and counties and make recommendations thereon. Such proposed zoning ordinances and resolutions or comprehensive plans must be submitted to the metropolitan council prior to adoption and may not be adopted until reviewed and returned by the metropolitan council. The metropolitan council shall cause such ordinances, resolutions and plans to be reviewed by the planning staff of the metropolitan service corporation and return such ordinances, resolutions and plans, together with their findings and recommendations thereon, within ninety days following their submission.

(3) To provide planning services for component cities and counties upon request and upon payment therefor by the cities or counties receiving such service.

Title VI. General Powers of a Metropolitan Service Corporation

SEC. 1. In addition to the powers specifically granted by this act a metropolitan service corporation shall have all powers which are necessary to carry out the purposes of the metropolitan service corporation and to perform authorized metropolitan functions.

SEC. 2. A metropolitan service corporation may sue and be sued in its corporate capacity in all courts and in all proceedings.

SEC. 3. A metropolitan service corporation shall have power to adopt, by resolution of its metropolitan council, such rules and regulations as shall be necessary or proper to enable it to carry out authorized metropolitan functions and may provide penalties for the violation thereof. Actions to impose or enforce such penalties may be brought in the _____ court of the State of _____ in and for the central county.

SEC. 4. A metropolitan service corporation shall have power to acquire by purchase, condemnation, gift, or grant, and to lease, construct, add to, improve, replace, repair, maintain, operate and regulate the use of facilities requisite

to its performance of authorized metropolitan functions, together with all lands, properties, equipment and accessories necessary for such facilities. Facilities which are owned by a city or special district may, with the consent of the legislative body of the city or special districts owning such facilities, be acquired or used by the metropolitan service corporation. Cities and special districts are hereby authorized to convey or lease such facilities to a metropolitan service corporation or to contract for their joint use on such terms as may be fixed by agreement between the legislative body of such city or special district and the metropolitan council, without submitting the matter to the voters of such city or district.

SEC. 5. A metropolitan service corporation shall have power to acquire by purchase and condemnation all lands and property rights, both within and without the metropolitan area, which are necessary for its purposes. Such right of eminent domain shall be exercised by the metropolitan council in the same manner and by the same procedure as is or may be provided by law for cities of the ----- class, except insofar as such laws may be inconsistent with the provisions of this act.

SEC. 6. A metropolitan service corporation shall have power to construct or maintain metropolitan facilities in, along, on, under, over, or through public streets, bridges, viaducts, and other public rights of way without first obtaining a franchise from the county or city having jurisdiction over the same: *Provided*, That such facilities shall be constructed and maintained in accordance with the ordinances and resolutions of such city or county relating to construction, installation and maintenance of similar facilities in such public properties.

SEC. 7. Except as otherwise provided herein, a metropolitan service corporation may sell or otherwise dispose of any real or personal property acquired in connection with any authorized metropolitan function and which is no longer required for the purposes of the metropolitan service corporation in the same manner as provided for cities of the ----- class. When the metropolitan council determines that a metropolitan facility or any part thereof which has been acquired from a component city or county without compensation is no longer required for metropolitan purposes, but is required as a local facility by the city or county from which it was acquired, the metropolitan council shall by resolution transfer it to such city or county.

SEC. 8. A metropolitan service corporation may contract with the United States or any agency thereof, any State or agency thereof, any other metropolitan service corporation, any county, city, special district, or other governmental agency for the operation by such entity of any facility or the performance on its behalf of any service which the metropolitan service corporation is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties.

Title VII. Financial Powers of a Metropolitan Service Corporation

SEC. 1. A metropolitan service corporation shall have power to set and collect charges for services it supplies and for the use of metropolitan facilities it provides.

SEC. 2. A metropolitan service corporation shall have the power to issue general obligation bonds and to pledge the full faith and credit of the corporation to the payment thereof, for any authorized capital purpose of the metropolitan service corporation: *Provided*, That a proposition authorizing the issuance of such bonds shall have been submitted to the electors of the metropolitan service corporation at a special election and assented to by three-fifths of the persons voting on said proposition at said election at which such election the total number of persons voting on such bond proposition shall constitute not less than ----- percent of the total number of votes cast within the area of said metropolitan service corporation at the last preceding State general election. Both principal of and interest on such general obligation bonds shall be payable from annual tax levies to be made upon all the taxable property within the service area of the corporation.⁴

General obligation bonds shall bear interest at a rate of not to exceed ---- percent per annum. The various annual maturities shall commence not more than ---- years from the date of issue of the bonds and shall as nearly as prac-

⁴ In the event that the authorized functions of the corporation extend beyond those subject to financing solely from user charges, benefit assessments, or borrowing, specific further provision for general property taxing power should be included.

licable be in such amounts as will, together with the interest on all outstanding bonds of such issue, be met by equal annual tax levies.

Such bonds shall be signed by the chairman and attested by the secretary of the metropolitan council, one of which signatures may be a facsimile signature and the seal of the metropolitan corporation shall be impressed thereon. Each of the interest coupons shall be signed by the facsimile signatures of said officials. General obligation bonds shall be sold at public sale as provided by law for sale of general obligation bonds of cities of the ---- class and at a price not less than par and accrued interest.

SEC. 3. A metropolitan service corporation may issue revenue bonds to provide funds to carry out its authorized metropolitan sewage disposal, water supply, garbage disposal or public transportation functions, without submitting the matter to the voters of the metropolitan service corporation. The metropolitan council shall create a special fund or funds for the sole purpose of paying the principal of and the interest on the bonds of each such issue, into which fund or funds the metropolitan council may obligate the metropolitan service corporation to pay such amounts of the gross revenue of the particular utility constructed, acquired, improved, added to, or repaired out of the proceeds of sale of such bonds, as the metropolitan council shall determine. The principal of, and interest on, such bonds shall be payable only out of such special fund or funds, and the owners and holders of such bonds shall have a lien and charge against the gross revenue of such utility.

Such revenue bonds and the interest thereon issued against such fund or funds shall be a valid claim of the holders thereof only as against such fund or funds and the revenue pledged therefor, and shall not constitute a general indebtedness of the metropolitan service corporation.

If the metropolitan service corporation shall fail to carry out or perform any of its obligations or covenants made in the authorization, issuance and sale of such bonds, the holder of any such bond may bring action against the metropolitan service corporation and compel the performance of any or all of such covenants.

SEC. 4. The metropolitan service corporation shall have the power to levy special assessments payable over a period of not exceeding ----- years on all property within the service area specially benefited by any improvement, on the basis of special benefits conferred, to pay in whole, or in part, the damages or costs of any such improvement, and for such purpose may establish local improvement districts and enlarged local improvement districts, issue local improvement warrants and bonds to be repaid by the collection of local improvement assessments and generally to exercise with respect to any improvements which it may be authorized to construct or acquire the same powers as may now or hereafter be conferred by law upon cities of the ----- class.

SEC. 5. A metropolitan service corporation shall have the power when authorized by a majority of all members of the metropolitan council to borrow money from any component city or county and such cities or counties are hereby authorized to make such loans or advances on such terms as may be mutually agreed upon by the legislative bodies of the metropolitan service corporation and any such component city or county to provide funds to carry out the purposes of the metropolitan service corporation.

SEC. 6. All banks, trust companies, bankers, saving banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business, all insurance companies, insurance associations, and other persons carrying on an insurance business, and all executors, administrators, curators, trustees and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a metropolitan service corporation pursuant to this act. Such bonds and other obligations shall be authorized security for all public deposits in the State of -----.

SEC. 7. A metropolitan service corporation shall have the power to invest its funds held in reserves or sinking funds or any such funds which are not required for immediate disbursement, in property or securities in which mutual savings banks may legally invest funds subject to their control.

Title VIII. Separability

APPENDIX F

SUGGESTED STATE LEGISLATION CREATING AN OFFICE OF LOCAL AFFAIRS¹

(Title should conform to State requirements)

(Be it enacted, etc.)

Section 1. Purpose. It is the purpose of this act to provide a continuing means of assisting local governments and citizens in the determination of present and changing governmental needs of metropolitan and non-metropolitan areas by establishing an agency of State government concerned with collecting information and making evaluations about metropolitan and local conditions and relations and aiding in the development of both remedial and preventive programs.^{2]}

Section 2. Creation of the Agency. There is hereby created the Office of Local Affairs to be located in [the office of the governor].³

Section 3. Chief and Staff of Agency. The Office of Local Affairs shall be directed by a chief who shall be appointed [by the governor and who shall serve at his pleasure]. The staff of the Office shall be appointed by the chief [subject to state civil service regulations].

Section 4. Functions. The Office of Local Affairs shall have responsibility for studying the following matters and for submitting its findings and recommendations to the governor and legislature:

(a) Legal changes necessary for the establishment of adequate metropolitan and local levels of government.

(b) The various methods of adopting forms of government for metropolitan areas.

(c) Voting procedures to be employed if local determination is used as the method of adoption.

(d) The need for adjustments in area, organization, functions and finance of reorganized governments.

(e) Interstate areas that include a part of the territory of this State.

(f) State advisory and technical services and administrative supervision to governments in local areas.

(g) The effects upon local areas of present and proposed national, State and local government programs, including but not limited to grants-in-aid.

(h) The means of facilitating greater coordination of existing and contemplated policies of the national, State and local governments and of private associations and individuals that affect local areas.

Section 5. [Insert severability clause.]

Section 6. [Insert effective date.]

¹ Developed by Committee of State Officials on Suggested State Legislation of the Council of State Governments and Contained in the Council's "Suggested State Legislation, Program for 1957," pp. 91-92.

² This bracketed section concerning purpose may be helpful in some States; in other States it may be unnecessary.

³ The Office could be located in an existing department of administration, department of finance, planning or planning and development agency, or agency responsible for the financial supervision of local governments. Or, the functions that are enumerated in Section 4 of this Act could be assigned to a new permanent commission composed of public officials or private citizens or both, or to an existing or new joint legislative interim committee that operates on a continuing basis.

⁴ In States in which part of their territory is within one or more interstate metropolitan areas, it is appropriate to add the following to Section 4(e): "Studies of interstate metropolitan areas in which the territory of this State is involved may be undertaken by the Office in cooperation with similar agencies in adjoining States."

APPENDIX G

DRAFT STATE LAW PROVIDING FOR "PURCHASE OF INTERESTS AND RIGHTS IN REAL PROPERTY"¹

TITLE 1

Statement of Legislative Purpose

SECTION 1. The Legislature finds that the rapid growth and spread of urban development is encroaching upon, or eliminating, many open areas and spaces of varied size and character, including many having significant scenic or esthetic values, which areas and spaces if preserved and maintained in their present open state would constitute important physical, social, esthetic or economic assets to existing or impending urban and metropolitan development.

SEC. 2. *Separability.*

TITLE 2

Conservation Easements

SEC. 1. *Definition of Conservation Easements.* For purposes of this Title, conservation easements are defined as an aggregation of easements in perpetuity designed to preserve in their natural state lands of cultural, scenic, historic, or other public significance. Such easements could include restrictions against erecting buildings or other structures; constructing or altering private roads or drives; removal or destruction of trees, shrubs or other greenery; changing existing uses; altering public utility facilities; displaying of any form of outdoor advertising; dumping of trash, wastes, or unsightly or offensive materials; changing any features of the natural landscape; and any changes detrimental to existing drainage, flood control, erosion control, or soil conservation; any other activities inconsistent with the conservation of open spaces in the public interest. Conservation easements will permit all present normal and reasonable uses, not conflicting with the purposes indicated above, to be engaged in by the landowners, their heirs, successors and assigns.

SEC. 2. *Authority to Designate and Acquire Conservation Easements.* The (State agency head), acting alone or in cooperation with any Federal, State, or local agency, is hereby authorized to plan, designate, acquire, and maintain conservation easements in appropriate areas wherever and to the extent that the (agency head) is of the opinion that the same will be in the public interest, by serving the objectives of this act, indicated in Title 1 of this Act. The (agency head) is authorized to issue appropriate rules and regulations governing the care, use and management of areas where conservation easements have been acquired.

SEC. 3. *Acquisition of Conservation Easements.* The (agency head) may acquire, in the name of the State of _____, conservation easements in private or public property, by gift, devise, purchase, or condemnation in the same manner as the State and its agencies are now or hereafter may be authorized by law to acquire property or interests in property for conservation, recreation, dam, or flood control purposes. All property rights acquired under the provisions of this Act shall be deemed to be in the nature of easements that "run with the land."

SEC. 4. *Tax Policy.* It is the intention of the Legislature that property covered by conservation easements be assessed on the basis of fair market value. For purposes of local taxation, accordingly, assessments made on such property should reflect the fact the property is not available for tract housing or commercial development. Conservation easement rights, as such, shall no longer be the object of local property taxation, anymore than other property which has been publicly acquired.

SEC. 5. *Unlawful Use of Conservation Easement Areas.* It is unlawful for any person to exercise any of the conservation easement rights in conservation easement areas after the (agency) has duly acquired such rights, as indicated in Section 3 of this title. Any person who violates any of the provisions of this act by the erection of structures in the conservation easement areas or by performing any other act contrary to this act or the rules and regulations promulgated by the (agency), shall be deemed to have created a nuisance, subject to

¹ Title 2 of this draft taken from "A Proposed Bill on Conservation Easements," Commonwealth of Pennsylvania (Appendix B, Technical Bulletin No. 36 of the Urban Land Institute, Washington, D.C.). Title 3 taken from Chapter 1658, Statutes, 1959, State of California.

public abatement without any compensation whatsoever. Any other enforcement powers now lodged with the (agency) with respect to any kind of facility or activity under its jurisdiction shall be available to the (agency) in conservation easement areas for purposes of this act.

TITLE 3

Purchase of Interests and Rights in Real Property by Political Subdivisions of the State

SEC. 1. For the purposes of this title an "open space" or "open area" is any space or area (1) characterized by great natural scenic beauty or (2) whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding urban development, or would maintain or enhance the conservation of natural or scenic resources.

SEC. 2. It is the intent of the Legislature in enacting this title to provide a means whereby any county or city may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, and through the expenditure of public funds, the fee or any lesser interest or right in real property in order to preserve, through limitation of their future use, open spaces and areas for public use and enjoyment.

SEC. 3. The Legislature hereby declares that it is necessary for sound and proper urban and metropolitan development, and in the public interest of the people of this State for any county or city to expend or advance public funds for, or to accept by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest or right in real property to acquire, maintain, improve, protect, limit the future use of or otherwise conserve open spaces and areas within their respective jurisdictions.

SEC. 4. The Legislature further declares that the acquisition of interests or rights in real property for the preservation of open spaces and areas constitutes a public purpose for which public funds may be expended or advanced, and that any county or city may acquire, by purchase, gift, grant, bequest, devise, lease or otherwise, the fee or any lesser interest, development right, easement, covenant or other contractual right necessary to achieve the purposes of this title. Any county or city may also acquire the fee to any property for the purpose of conveying or leasing said property back to its original owner or other person under such covenants or other contractual arrangements as will limit the future use of the property in accordance with the purposes of this title.

APPENDIX H

SECTION 701 OF THE HOUSING ACT OF 1954 AS AMENDED¹

URBAN PLANNING

SEC. 701. (a) In order to assist State and local governments in solving planning problems resulting from increasing concentration of population in metropolitan and other urban areas, including smaller communities to facilitate comprehensive planning for urban development by State and local governments on a continuing basis, and to encourage State and local governments to establish and develop planning staffs, the Administrator is authorized to make planning grants to—

(1) State planning agencies, or (in States where no such planning agency exists) to agencies or instrumentalities of State government designated by the Governor of the State and acceptable to the Administrator as capable of carrying out the planning functions contemplated by this section, for the provision of planning assistance to (A) cities, other municipalities, and counties having a population of less than 50,000 according to the latest decennial census, (B) any group of adjacent communities, either incorporated or unincorporated, having a total population of less than 50,000 according to the latest decennial census and having common or related urban planning problems resulting from rapid urbanization, and (C) cities, other municipalities, and counties referred to in paragraph (3) of this subsection and areas referred to in paragraph (4) of this subsection;

¹ (P.L. 560, 83d Congress, Approved Aug. 2, 1954, 68 Stat. 590), as amended by the Housing Act of 1956 (P.L. 1020, 84th Congress, Approved Aug. 7, 1956, 70 Stat. 1091, 1102), the Housing Act of 1957 (P.L. 85-104, 85th Congress, Approved July 12, 1957, 71 Stat. 294 et seq.), and the Housing Act of 1959 (P.L. 86-372, 86th Congress, Approved Sept. 23, 1959, 73 Stat. 654).

(2) official State, metropolitan, and regional planning agencies empowered under State or local laws or interstate compact to perform metropolitan or regional planning;

(3) cities, other municipalities, and counties which have suffered substantial damage as a result of a catastrophe which the President, pursuant to section 2(a) of "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes", has determined to be a major disaster;

(4) to official governmental planning agencies for areas where rapid urbanization has resulted or is expected to result from the establishment or rapid and substantial expansion of a Federal installation; and

(5) State planning agencies for State and interstate comprehensive planning (as defined in subsection (d)) and for research and coordination activity related thereto.

Planning assisted under this section shall, to the maximum extent feasible, cover entire urban areas having common or related urban development problems.

(b) A grant made under this section shall not exceed 50 per centum of the estimated cost of the work for which the grant is made. All grants made under this section shall be subject to terms and conditions prescribed by the Administrator. No portion of any grant made under this section shall be used for the preparation of plans for specific public works. The Administrator is authorized, notwithstanding the provisions of section 3648 of the Revised Statutes, as amended, to make advances or progress payments on account of any planning grant made under this section. There is hereby authorized to be appropriated not exceeding \$20,000,000 to carry out the purposes of this section, and any amounts so appropriated shall remain available until expended.

(c) The Administrator is authorized, in areas embracing several municipalities or other political subdivisions, to encourage planning on a unified metropolitan basis and to provide technical assistance for such planning and the solution of problems relating thereto.

(d) It is the further intent of this section to encourage comprehensive planning for States, cities, counties, metropolitan areas, and urban regions and the establishment and development of the organizational units needed therefor. In extending financial assistance under this section, the Administrator may require such assurances as he deems adequate that the appropriate State and local agencies are making reasonable progress in the development of the elements of comprehensive planning. Comprehensive planning, as used in this section, includes the following, to the extent directly related to urban needs: (1) preparation, as a guide for long-range development, of general physical plans with respect to the pattern and intensity of land use and the provision of public facilities, together with long-range fiscal plans for such development; (2) programing of capital improvements based on a determination of relative urgency, together with definitive financing plans for the improvements to be constructed in the earlier years of the program; (3) coordination of all related plans of the departments or subdivisions of the government concerned; (4) intergovernmental coordination of all related planned activities among the State and local governmental agencies concerned; and (5) preparation of regulatory and administrative measures in support of the foregoing.

(e) In the exercise of his function of encouraging comprehensive planning by the States, the Administrator shall consult with those officials of the Federal Government responsible for the administration of programs of Federal assistance to the States and municipalities for various categories of public facilities.

Approved September 23, 1959.

APPENDIX I

PUBLIC PLANNING AGENCIES SERVING METROPOLITAN AREAS

Cities.—Nearly all sizable municipalities have a city planning commission, but in most instances this is a relatively small-scale agency. According to information gathered by the International City Managers Association for the forthcoming 1961 Municipal Year Book, less than one-third of the cities with a population of at least 50,000 expend on planning as much as \$50,000 a year, and only one-sixth of them devote \$100,000 or more annually to this purpose. For those municipalities of 50,000 and over which reported some planning activity to editors of the Municipal Year Book, planning expenditure in 1960 altogether amounted to approximately \$18 million, or an annual per capita average of less than 30 cents.

States.—There is even less provision for planning activity by State governments. A majority of them, according to the Office of Area Development of the U.S. Department of Commerce, provide through one or more State agencies for State planning work, assistance to local planning agencies, or both. However, only eight States reported total expenditure of \$100,000 or more for such activities during fiscal 1960, and only four reported at least \$100,000 going into local planning assistance. Total identifiable State government expenditure for State planning and local planning assistance in fiscal 1960, according to Office of Area Development tabulations, was about \$4.3 million.

Regional and county agencies.—The Conference on Metropolitan Area Problems has recently undertaken to identify public "regional" planning agencies that operate in metropolitan areas. The following information can be drawn from findings to date of that effort, and from a previous enumeration of county planning agencies by the National Association of County Officials.

In about one-third of the 212 metropolitan areas in the United States, it is possible to identify some public planning agency in addition to those that serve only individual city areas. There appear to be about 105 such agencies, located in 30 States. Nearly two-thirds of these are clearly county government bodies, and at least 8 are joint county-city agencies. Only about 20 have been definitely identified as having concern for a multicounty area, but as many as 10 others may also have this characteristic.

Summary budget information as of a recent year has been obtained for many of these agencies, but not all. Most of them obviously involve very limited operations; only about one-third expend as much as \$100,000 a year, and a mere handful of these agencies have an annual budget exceeding \$250,000. It would appear that expenditure by all the "regional" and county planning bodies in metropolitan areas presently totals around \$10 million a year, with most of the sum accounted for by a relatively small number of agencies.

APPENDIX J

ONE OF "WORKABLE PROGRAM" REQUIREMENTS—HOUSING ACT OF 1954

A COMPREHENSIVE COMMUNITY PLAN

A general plan should be developed under procedures provided by State and local legislation, and should be supervised and administered by an official local planning body with adequate resources and authority to insure continuity of planning. The minimum requirements with respect to the general plan are:

(a) *Plans and programs for physical development*

(1) A land-use plan—which shows the location and extent of land in the community proposed to be used for residential, commercial, industrial, and public purposes.

(2) A thoroughfare plan—which indicates the system of existing and proposed major thoroughfares and distinguishes between limited access thoroughfares, primary thoroughfares, and secondary thoroughfares.

(3) A community facilities plan—which shows the location and type of schools, parks, playgrounds and other significant public facilities, and, where appropriate, indicates buildings required.

(4) A public improvements program—which identifies those future public improvements necessary to carry out the community development objectives envisioned in other general plan elements, and which recommends priorities for their execution.

(b) *Administrative and regulatory measures to control and guide physical development*

(1) A zoning ordinance—which establishes zoning regulations and zone districts covering the entire community (and surrounding territory where appropriate and authorized by law) to govern the use of the land, the location, height, use, and land coverages of buildings, and which may establish suitable requirements for the provision of off-street parking and off-street loading space.

(2) Subdivision regulations—which provide for control of undeveloped land in the community (and immediately surrounding it where appropriate and authorized by law), through review by the local planning agency of proposed subdivision plats to insure conformance to the general plan, adequate lot sizes, appropriate

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street grades and widths, provision of adequate street and utility improvements and establishment of proper official records.

INFORMATION TO BE SUBMITTED WITH THE WORKABLE PROGRAM

The locality should submit:

(a) A description of the progress already made by the community toward establishing a general plan as described above and covering the following as applicable:

(1) Status of each general plan element, program or regulatory control applicable to the community (in use, completed, or in preparation);

(2) Organization and functions of the local planning agency, its recent past and present staff and funds and its current work program.

(3) The extent to which the community uses its general plan to guide its development programs.

(b) One copy each (whether or not the material has been previously submitted) of appropriate plan elements, programs, and regulatory measures as available, any plan reports which indicate the progress of planning in the community, and a copy of the local ordinances creating the local planning agency and defining its powers and duties.

(c) If a general plan does not exist, a statement as to how and when it is proposed to establish an official planning agency, what funds are proposed and how, when, and by whom the essential elements of a general plan will be prepared and within what period of time.

APPENDIX K

Programs of the Federal Government operating primarily in metropolitan areas

Agency and program	Nature of activity		
	Physical development in—		Services
	Metropolitan areas	Metropolitan and rural areas	
Defense:			
Construction of military installations.....		X	
Flood control and prevention.....		X	
Improvement of rivers, harbors, and waterways.....		X	
HEW:			
Water and air pollution control.....		X	X
Control of communicable and environmental diseases.....			X
Services to crippled children.....			X
Health centers and clinics.....			X
School lunch program.....			X
Social security.....			X
Hospital planning and construction.....		X	
General welfare (including medical) assistance.....			X
Vocational rehabilitation.....			X
Assistance for schools in federally impacted areas.....		X	X
Labor: Employment security.....			X
OCDM:			
Disaster relief.....		X	X
Civil defense.....			X
HHFA:			
Housing mortgage insurance.....	X		
Public housing.....	X		
Urban renewal.....	X		
Public facilities loans.....		X	
Urban and public works planning.....		X	
FAA: Airports construction.....	X		
Justice: Suppression of crime, enforcement of water pollution control, and legal services for Federal agencies.....			X
VA: Hospitals, medical services, and veterans' benefits.....		X	X
GSA: Public buildings, surplus disposal.....		X	
Post Office: Post office location and services.....		X	
Commerce:			
Highway construction.....		X	X
Statistics for metropolitan areas.....			X
Area development.....			X

Source: Ad Hoc Interagency Committee on Metropolitan Area Problems.

APPENDIX L

JOINT POLICY AND PROCEDURAL STATEMENTS ON IMPROVED COORDINATION OF HIGHWAY AND GENERAL URBAN PLANNING

(Housing and Home Finance Agency—Norman P. Mason, Administrator; U.S. Department of Commerce—Frederick H. Mueller, Secretary)

I. Policy statement

The Federal Government is vitally interested in encouraging and assisting the sound growth and redevelopment of our cities and their surrounding urban areas. More and more of our rapidly growing population will live in urban areas, particularly in metropolitan areas. Future changes in the physical characteristics of these urban complexes will profoundly influence the health, happiness and prosperity of all our people and the strength of the Nation.

The States also have substantial and even more immediate interest in the sound future growth of their metropolitan areas. State highway departments and planning agencies are already concerned with municipal planning. The highway departments are spending substantial Federal and State funds for both planning and construction in urban areas and are legally responsible for initiation and execution of Federal-aid highway projects. State interest has been expressed by the Conference of State Governors which has recognized that better coordination of State activities is needed both to assure economical use of State and Federal funds and to enable metropolitan planning and development programs to be fully effective.

Local people must reach a working agreement upon what they want their communities to become since they should be the ones to initiate and carry out the plans. Many urban areas are making progress in this direction and a few are on the way to outstanding success. Successful planning in the larger metropolitan areas, however, is heavily dependent upon the active cooperation of almost all the political jurisdictions involved and of most private individuals and groups whose decisions will influence the pattern of future development and redevelopment.

The Federal Government assists various types of development which contribute significantly to the physical character of the urban environment, and it has a responsibility to see that these aids are used efficiently and economically.

The Federal-aid highway program is the largest program of Federal aid for capital improvement in urban areas and often constitutes the most crucial single factor in community development. The impact upon the community of the highways constructed under this program is direct, widespread, and often of massive proportions.

Federal and State highway officials have recognized this problem and have encouraged planning which meets both the objectives of sound community development and the purposes of the Federal-aid highway program. The availability under Federal highway legislation since 1934 of 1½ percent of total program funds for planning and research has been invaluable. These funds have facilitated planning aimed at assuring a highway system compatible with sound community development.

The various programs administered by HHFA have a continuing major impact on the character and direction of urban development. Urban renewal operations are beginning to transform our cities. The recently authorized program of grants for community renewal programing will help cities assess their total urban renewal needs and determine the best ways to satisfy them over a period of years, taking into account local land use objectives, prospective financial capacity, and other community development programs such as water, sewer and transportation systems. The FHA system of mortgage insurance, the public housing program, and advances and loans for the planning and construction of community facilities also directly influence the shape and quality of urban development.

The HHFA also provides matching grants for comprehensive planning of metropolitan areas in their entirety and of smaller cities and towns. The program authority is very broad. It is helping localities to look at their overall development problems and possibilities. It assists them to do the necessary planning and programing for future development.

While much has been done by both agencies, much more needs to be done by them and by other Federal agencies administering programs of Federal aid for community development. It is of the greatest importance that the impact on the

community of all federally assisted programs be harmonious and that the timing, character and location of all federally assisted improvements be compatible with desirable community development goals.

To assist in meeting these requirements, the Secretary of Commerce and the HHFA Administrator are establishing an experimental procedure for the joint financing, through Federal-aid highway planning funds and urban planning grants, of the planning required for a cooperative and comprehensive approach to metropolitan area development. The purpose of this undertaking is to stimulate a continuing process of planning and development coordination which will—

(a) Give consideration to all forces, public and private, shaping the physical development of the total community.

(b) Cover land uses and controls as well as plans for physical development and combine all elements of urban development and redevelopment into a clear-cut, comprehensive plan of what the citizens want their community to become.

(c) Cover the entire urban area within which the forces of development are interrelated.

(d) Involve in the planning process the political jurisdictions and agencies which make decisions affecting development of the metropolitan area.

(e) Link the process of planning to action programs.

The objective, then, is not merely a planning process but the development of effective cooperation and coordination both among the local governments within a metropolitan area, and between these governments and the State and Federal agencies involved in area development activities. This process must be continuing if it is to serve its purpose effectively as the areas grow and change. In the beginning, this joint activity may be limited to metropolitan areas where the need is greatest and the prospects for significant accomplishment are most promising. If local interest warrants, this effort will be extended as quickly as staff and funds permit.

II. Procedure for coordinating joint financing of comprehensive planning in metropolitan areas

1. *Joint steering committee.*—The Secretary of Commerce and the Housing and Home Finance Administrator shall appoint a Joint Steering Committee consisting of equal representation from both agencies to supervise and review this experimental program for coordination of the use of HHFA urban planning grants and 1½ percent highway planning funds. The Joint Committee will have responsibility for (a) developing procedures, (b) putting these procedures, into effect, (c) evaluating the effectiveness of this experimental program, and (d) recommending modifications based on experience.

2. *Regional Joint Committee.*—The Joint Steering Committee, in cooperation with the heads of the regional offices of HHFA and the Bureau of Public Roads, shall appoint regional joint committees consisting of an equal number of persons from each agency and who have responsibility for urban planning and highway planning activities, respectively. The duties of these committees shall be to (a) explore the interest and the capacity of agencies in any metropolitan area to carry on comprehensive planning for the entire area; (b) encourage the joint financing procedure in areas where it offers the greatest promise of constructive results; (c) advise and assist State and local planning agencies and State highway departments in the development of proposals for jointly financed planning projects; (d) review and make recommendations with respect to applications for such assistance; and (e) provide advice and assistance during the operation of an approved planning project.

3. *Project initiation.*—Any State or local agency may initiate a proposal for a jointly financed planning project, but such a project must be jointly sponsored by a State, metropolitan, or regional planning agency eligible for urban planning grants, and a State highway department. The regional joint committees will provide advice and assistance to any agency wishing to initiate such a project, and will work with the sponsoring agencies to develop an approvable project.

Proposals for coordinated planning will be approved for joint financial assistance only when the following conditions are met:

(1) The proposal aims at achieving a unified process of planning covering all relevant aspects of development and land use;

(2) Planning will cover the entire urbanized area involved;

(3) There are prospective problems in planning or locating Federal-aid highways in the area.

(4) Planning is to be conducted under the policy guidance of a metropolitan coordinating committee broadly representative of the governing officials of the local jurisdictions within the area and including representatives of major State planning and development agencies.

This procedure is an alternative to rather than a substitute for existing procedures for initiating comprehensive urban planning projects for federally aided highway planning projects for metropolitan areas. The possible need for coordinate planning under joint financial assistance should be considered, however, by the regional offices of the respective agencies in reviewing applications for either type of project. When such a need is believed to exist, the application should be referred to the regional joint committee for consideration.

Cost-sharing arrangements will be developed by agreement among the sponsoring agencies on the basis of the planning project prospectus, subject to the approval of the HHHFA and the Bureau of Public Roads. The regular eligibility requirements of the urban planning grants and highways planning programs will continue to apply.



