

The federal role in regional governance

Regional governance is not regional government. In the United States, the federal government has no role in either municipal or regional government. Metropolitan regions include multiple layers of governments: municipalities, townships, counties, special use districts, public authorities and regional governments. These layers of governments are established by state governments, not the federal government. Regional governance on the other hand, is the set of complex, institutional responses that develop in order to overcome political fragmentation and work toward collective goals without establishing another government.

Concerned about the lack of metropolitan-wide planning, Congress initiated two significant pieces of legislation: the Federal Aid Highway Act of 1962 and the Housing and Urban Development Act of 1965. The Federal-Aid Highway Act required the establishment of a metropolitan planning organization (MPO) for any urbanized area with a population greater than 50,000. With the 1964 Urban Mass Transportation Act, the federal government extended federal support to mass transit systems. The federally mandated and funded MPOs channel the federal funding for transportation projects (highways and mass transit) through a continuing, cooperative, and comprehensive (3-C) planning process.

In 1964, the federal government passed the Housing and Urban Development Act of 1965 which authorized grants for the purpose of comprehensive regional planning. In addition to transportation planning, housing, social equality, and quality of life issues were important considerations in the planning process. Applicants for federal funds were required to submit their plans for re-

view with an area wide agency. The area wide agency, in turn, was required to be composed of “public officials representative of the political jurisdictions within the region.” The politicians in each metropolitan region could, with the consent of the Secretary of HUD, choose the membership in these councils of government (CofGs).

In addition to the programs designed to devolve greater responsibility for planning to metropolitan planning organizations and councils of government, the federal government established the Community Development Block Grant program (CDBG) in 1974 targeted to municipalities with populations over 50,000 as well as urban counties with populations over 1 million. The CDBG program is allocated on a formula basis to entitlement communities. The formula to determine the amount of each grant is based on measures of community need, such as the extent of poverty and housing overcrowding. The funds are targeted for affordable housing, anti-poverty, and infrastructure programs and must benefit low and moderate income households. The funds can also be used for community development programs.

These programs represented a significant shift from a concentration on the nation’s central cities to the nation’s urbanized regions. Equally important, the three federal programs represented a change from a “top down” approach in which federal planners would dictate how and where the funds were spent to a “bottom up” approach in which local governments would decide their priorities and the most important needs of their communities. The three programs required increased planning and professional expertise and fostered greater collaboration and consen-

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sus-building on the local level without major metropolitan restructuring or incorporating new governments (Stephens and Wikstrom 2000).

FEDERAL INITIATIVES FOR REGIONAL PLANNING

In 1991, Congress passed the Intermodal Surface and Transportation Efficiency Act (ISTEA), significantly altering the institutional structure and importance of the nation's Metropolitan Planning Organizations. Under the new regulations of ISTEA, the MPOs were given greater authority and independence to tailor transportation policies to their specific metropolitan region. The MPOs were tasked with establishing funding priorities for federally assisted transportation projects in each metropolitan area and to choose which projects would be funded. While ISTEA provided for the maintenance of existing transportation facilities and preserving the existing system, the funding guidelines permitted flexibility in using highway funds for transit. Two new priorities, congestion mitigation and air quality, were included in determining the Transportation Improvement Projects (TIPs). In addition, ISTEA required that the TIP submitted to the federal government be fiscally constrained (the cost of the projects cannot exceed the expected federal assistance).

These changes required greater cooperation among the local governments and gave the MPOs greater discretion and flexibility in allocating funds among highway, mass transit, and bicycle/pedestrian projects. In 1998, the Transportation Equity Act for the 21st Century (TEA-21) and in 2005 the Safe, Accountable, Flexible,

Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) were enacted, continuing the emphasis on multimodal transportation planning by local governments.

REGIONAL PLANNING AND COOPERATION IN THE CHICAGO REGION

A CASE STUDY

As mandated by the federal government, two planning and transportation agencies were established in the six county northeastern Illinois region¹: the Northeastern Illinois Planning Commission and the Chicago Area Transportation Study (the Municipal Planning Organization). The two agencies were mandated to cooperate in developing the long range plans for the region. The Northeastern Illinois Planning Commission (NIPC) was established as the state chartered comprehensive regional planning agency for the six county northeastern Illinois region in 1957. The agency was established to develop and adopt comprehensive plans for the region in the areas of public health (water supply, storm water management, and sewage and garbage disposal) and land use, to offer technical assistance to local governments and to conduct research. NIPC was also mandated to work with the Chicago Area Transportation Study, the Municipal Planning Organization (MPO) for the region, in developing transportation plans. NIPC's board was comprised of elected officials from the city of Chicago and the suburbs, representatives appointed by the governor, and representatives from transportation, park districts, and waste water agencies.

The Chicago Area Transportation Study (CATS) was established in 1955 by an intergovernmental

agreement among the state of Illinois, the city of Chicago, and Cook County, with the U.S. Bureau of Public Roads as an advisory body to the sponsoring agencies. In 1973, the governor of Illinois designated CATS as the MPO for the region. The Illinois Department of Transportation had fiduciary and administrative responsibility for the agency.

In allocating federal transportation funding as the Metropolitan Planning Organization, CATS divided Cook County into sub-regions, establishing six sub-regional councils of mayors (CofMs). The mayors have the responsibility to allocate federal funds for surface transportation for their sub-region. At first, the suburban mayors' input was on an individual basis with no organizational connection with CATS. In 1965 the councils were asked to endorse a cooperative arrangement with CATS and the Northeastern Illinois Planning Commission that formalized the arrangement. In 1969, the Chicago Area Transportation Study established twelve regional councils of mayors². When the Federal Urban Aid system was passed in 1971, the councils became part of the process programming transportation capital improvements. The boundaries of each of the twelve councils of mayors were permanently established in 1974.

After the mayors began to work together on transportation planning, they saw the advantages of cooperation and formed councils of government (CofGs). One additional reason for the mayors and managers in DuPage and northwest Cook counties to move from a monthly dinner format to a more formally organized structure was based on the perception that a paid staff would enable them to develop a municipal political

agenda separate from agendas of the region's political machines. The suburban councils of government assumed different functional responsibilities, including membership services (employee assistance and joint purchasing agreements); legislative lobbying; transportation planning; economic development; and land use planning.

In December 1997, at a meeting of the mayors and suburban leaders, Mayor Richard M. Daley proposed that the suburban councils of governments form the Metropolitan Mayors Caucus as a forum to foster regional cooperation and to work together to improve the quality of life of Chicago area residents and maintain the region's economic vitality. The original concerns of the Caucus were compliance with the Clean Air Act standards on ozone, electric deregulation, and regional economic development.

By 2000, the structural weaknesses of the two planning agencies was obvious. NIPC did not have an assured revenue stream; CATS was a department of the Illinois Department of Transportation. Under the new regulations from ISTEA and TEA-21, the bifurcation of the two planning agencies and their structural weaknesses could adversely impact the region's ability to meet the federal requirements for future transportation funding. Chicago's business community took the lead in proposing that the two agencies needed to be consolidated.

The Mayors Caucus agreed to the consolidation of the region's two planning agencies (the Chicago Area Transportation Study and the Northeastern Illinois Planning Commission) into one regional planning agency – the Chicago Metropolitan Agency for Planning (CMAP). The policy making boards of NIPC and CATS are committed

¹ The six counties are Cook (which includes the city of Chicago), DuPage, Kane, Lake, McHenry and Will.

² The twelve councils of mayors were: the city of Chicago, six suburban Cook councils, and one council for each of the five collar Counties.

es of CMAP. The oversight board is comprised solely of members selected by the county board presidents and the mayors.

THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

In 1974, Congress established the Community Development Block Grant program, targeted to municipalities with populations over 50,000 as well as urban counties with populations over 1 million. Rather than centralizing the programs at the county level, Cook County, as an urban entitlement county, used its CDBG funds to provide staff to administer the programs and encourage and build administrative capacity in suburbs with populations less than 50,000. Municipalities had flexibility in deciding how to target their CDBG funds and had to assume responsibility for the planning and administration of their housing programs. For those municipalities with limited administrative capacity, Cook County underwrote the funding for community development directors, planners, and housing rehabilitation administrators (Rich 1993).

Cook County established intergovernmental agencies comprised of municipalities in the two most depressed areas of the county, the near south suburbs and the west suburbs. The South Suburban Intergovernmental Agency, comprised of Dixmoor, Harvey, Markham and Phoenix, was established to administer a housing rehabilitation program. Similarly, the West Suburban Neighborhood Preservation Agency was established to provide administrative assistance to Bellwood, Broadview and Forest Park in west Cook.

The intergovernmental agencies established by Cook County to the most distressed suburbs in the 1970s established the pattern for the establishment of three intergovernmental agencies established after the Recession of 2008. These agencies³, which target housing abandonment and community revitalization in their sub-regions, are supported by the Metropolitan Mayors Caucus and the region's business community.

CHICAGO, LOS ANGELES, NEW YORK CITY

After the federal government required the establishment of metropolitan planning organizations for transportation, housing, and economic development, some regions established separate agencies as councils of governments and a municipal planning organizations. The MPOs could be county or state staffed organizations or stand-alone transportation planning agencies. Other regions combined the council of governments and the transportation planning agency. How the agencies were structured depended on the local governments in each metropolitan region.

Beginning in the late 19th century with an agreement on selling Lake Michigan water, the municipalities in the six county Chicago region established inter-jurisdictional agreements (such as special districts) to provide basic services to the residents. The two public authorities (the Illinois State Toll Highway Authority and the Regional Transportation Authority) have limited jurisdiction and the six county governments are weak. The establishment of two planning agencies (CATS and NIPC) and sub-regional councils of mayors followed the precedent of dispersed

decision-making in the region. By 1997, the cooperation and collaboration developed within the sub-regional councils of governments had established the parameters for the Metropolitan Mayors Caucus. Seven years later, the Mayors Caucus was a major stakeholder in combining NIPC and CATS into the Chicago Metropolitan Agency for Planning. The devolution of responsibility for surface transportation planning and housing and economic development to the suburbs has established the basis for intergovernmental cooperation among the municipalities and administrative expertise and capacity for the smaller suburbs.

The New York City metropolitan region (which includes municipalities in three states) developed with two strong public authorities: the Port Authority of New York and New Jersey⁴ and the Metropolitan Transportation Authority⁵. The governors of New York and New Jersey control the Port Authority, not the mayor of New York City or the suburban mayors⁶. The New York Metropolitan Transportation Council (NYMTC) is the regional council of governments that is also the MPO for New York City, Long Island, and the lower Hudson Valley. The board members of the NYMTC include the county executives of the five counties, the head of the New York City Department of Planning, New York City and New York State Departments of Transportation, the MTA and the Port Authority of NY&NJ.

In the greater Los Angeles metropolitan region, the six counties provide many services to their residents, including welfare, the court system, jails and public health, parks and libraries. Each county has a transportation agency with fiscal and decision-making authority responsible for transportation planning and transportation carriers. The Southern California Association of Governments (SCAG) was founded in 1965 as an association of local governments and agencies meeting on a voluntary basis. The governing council of SCAG was expanded to a 70 member Regional Council in 1992⁷ to meet new state and federal requirements. It is now both the designated Council of Governments and the designated MPO for implementing projects under ISTEA.

CONCLUSION

By requiring regional planning and coordination before granting highway and mass transit funds, the federal government encouraged local governments to articulate their own regional plans, shaped by their values and vision. The Intermodal Surface Transportation Efficiency Act of 1991 and the Transportation Efficiency Act for the 21st Century gave metropolitan leaders greater certainty in funding and flexibility with greater accountability. In the Chicago and Los Angeles metropolitan regions, the devolution of the decisions and authority to the sub-regional and county level necessitated greater cooperation

³ The three agencies are the Chicago Southland Housing and Community Development Collaborative; the West Cook County Housing Collaborative, and the Northwest Suburban Housing Collaborative.

⁴ The Port Authority, created by agreement between New York and New Jersey in 1921, operates most of the region's transportation infrastructure (airports, tunnels, bridges, commuter railroads and seaports).

⁵ The Metropolitan Transportation Agency (MTA) operates the commuter railroads in the northern and eastern counties, the Tri-borough Bridge and Tunnel Authority and the metropolitan bus and subway system in New York and Connecticut.

⁶ The commissioners are appointed by the governors and are politically independent of the mayors (Berg and Kantor 1996).

⁷ It now has 86 members.

and collaboration on the metropolitan level in order to meet federal requirements. In Chicago, the municipalities and county governments agreed to consolidate the Northeastern Illinois Planning Commission and the Chicago Area Transportation Study into the Chicago Metropolitan Agency for Planning. In Los Angeles, the Southern Cali-

fornia Association of Governments, with an expanded board, coordinates the projects proposed by the six county transportation agencies. In the greater New York metropolitan region, the New York Metropolitan Transportation Council coordinates its plans with two powerful public authorities and with the governors of each state.

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