Policies that Work

A Governors' Guide to Growth and Development

To America's Governors, their Cabinets and Staffs,

It is with pleasure and a sense of optimism that we invite your attention to *Policies that Work: A Governors' Guide to Growth and Development*, a helpful new publication produced by the Governors' Institute on Community Design. Between its covers you will find hundreds of examples of proven programs that can help you and your state encourage smarter and more environmentally sustainable patterns of development. As former governors, we can unequivocally say that we wish we had a document like this when we were in office to serve as a roadmap to smarter growth.

As this *Governors' Guide* aptly suggests in its introduction, you should think of this document as a shortcut to the policies, administrative actions, and spending decisions that can help your state effectively address growth and land use issues. Other states have worked on many of the same problems your state currently faces. Why not adopt or adapt their good ideas?

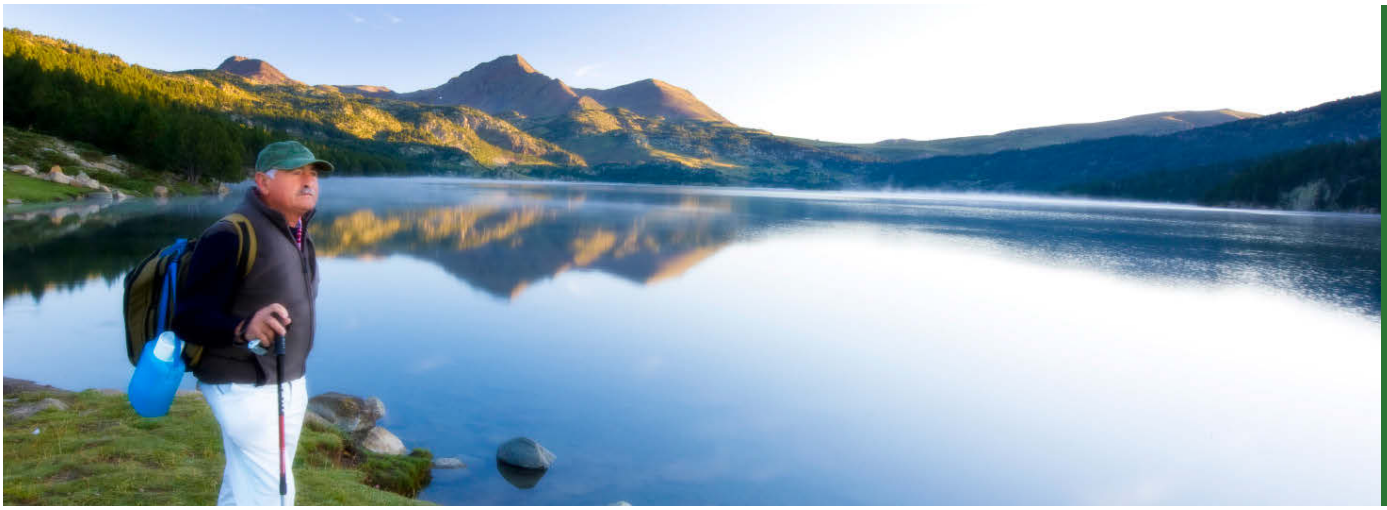
A number of people had a hand in putting this document together, including staff at the two agencies that provide funding for the Governors' Institute on Community Design: the U.S. Environmental Protection Agency and the National Endowment for the Arts. The document also benefited from review by several well-respected experts.

The real credit for this document, however, must go to those governors, staff assistants, and cabinet secretaries who tackled the difficult problems related to growth and development and created the thoughtful, innovative approaches to them. As former governors, we understand how politically difficult it is to address land use issues, but also how important it is to our future for states to do so. We hope that this *Governors' Guide* allows you to find the programs, approaches, and strategies that will help you lead your state to a more sustainable future.

With best wishes for every success,

Parris N. Glendening
Governor of Maryland
(1995-2003)

Christine Todd Whitman
Governor of New Jersey
(1994-2001)



Introduction

All across America — from Maine to Arizona, from Washington State to Florida, and from Louisiana to Michigan — governors have recognized how important their actions are in shaping the communities of their states. Even when most land use authority rests at the local level, state actions still have a large and direct impact on economic development, land conservation, environmental protection, transportation, education, and the provision of water, sewer, and other infrastructure. State actions directly or indirectly help determine whether land should be developed or protected, farmed or subdivided, served by transit or crisscrossed by roads, and much more. In state after state, governors are searching for ways to make smarter land use decisions. An increasing number of governors are looking for tried and trusted policies that can help them produce more cost-efficient and environmentally sustainable patterns of growth.

Policies that Work: A Governors' Guide to Growth and Development is intended to help governors make that happen. Taken in total, this Governors' Guide lays out a systematic approach to smart growth policymaking at the state level. It is designed to provide governors and their staff and cabinet secretaries with hundreds of ideas about policies, administrative actions, and spending decisions that have actually produced smarter growth in other states – ideas and outcomes that they may be able to replicate in their own states.

The phrase "smart growth" as used in this guide generally refers to development that supports the economy, the community, the environment, and public health through encouraging mixed land uses, fostering a sense of place, preserving open space, and creating walkable communities. There are 10 Smart Growth Principles.

We hope governors and their aides will use this Governors' Guide as a shortcut to good ideas.

continued on next page

This Governors' Guide is divided the way state governments are usually divided: by areas of departmental responsibility. It begins with a section on Comprehensive Approaches that any state interested in smarter growth should consider. That is followed by sections that specifically deal with actions most likely to be taken by a single agency, such as a Department of Housing, a Department of Economic Development, or a Department of Planning. But to squeeze the most usefulness out of this Governors' Guide, governors, their staff, and cabinet officials should not look at one set of "departmental" recommendations as if they stand alone, unrelated to the policies of other departments. Instead, users of this Governors' Guide are encouraged to look at how the policies in one department can support and even enhance the policies of another: How, for instance, the policies of a Department of Transportation might also mesh with and support the goals of a Department of Health. A fundamental goal of the Governors' Guide is to encourage governors and their aides to look at the activities that state departments typically take on and see them in a new light.

There is, of course, no single action in this document, or even a single set of actions, that by itself will produce smarter growth. Rather, the comprehensive application of as many of these policies as possible will be most likely to produce smarter, more sustainable growth.

Those who compiled the ideas contained in this Governors' Guide recognize that every state is different; every state has its own history, geography, economy, and political culture. Growth presents a variety of pressures and challenges from state to state and even from region to region within states. Some states have already implemented many of the policies suggested in this Governors' Guide; others may find these ideas to be new and innovative ways to address old problems.

We hope *Policies that Work: A Governors' Guide to Growth and Development* is used by governors as a resource, that it is shared with staff and cabinet, and that many of the ideas contained here can be replicated or adapted for use in as many states as possible. State leaders who do so, we believe, will help bring vitality to their towns and cities, protect the most beautiful and ecologically sensitive lands that remain in their states, increase public health, and reap economic rewards from providing their citizens with a better quality of life.

This document is available on the Internet at www.govinstitute.org/policyguide. It will be periodically updated.

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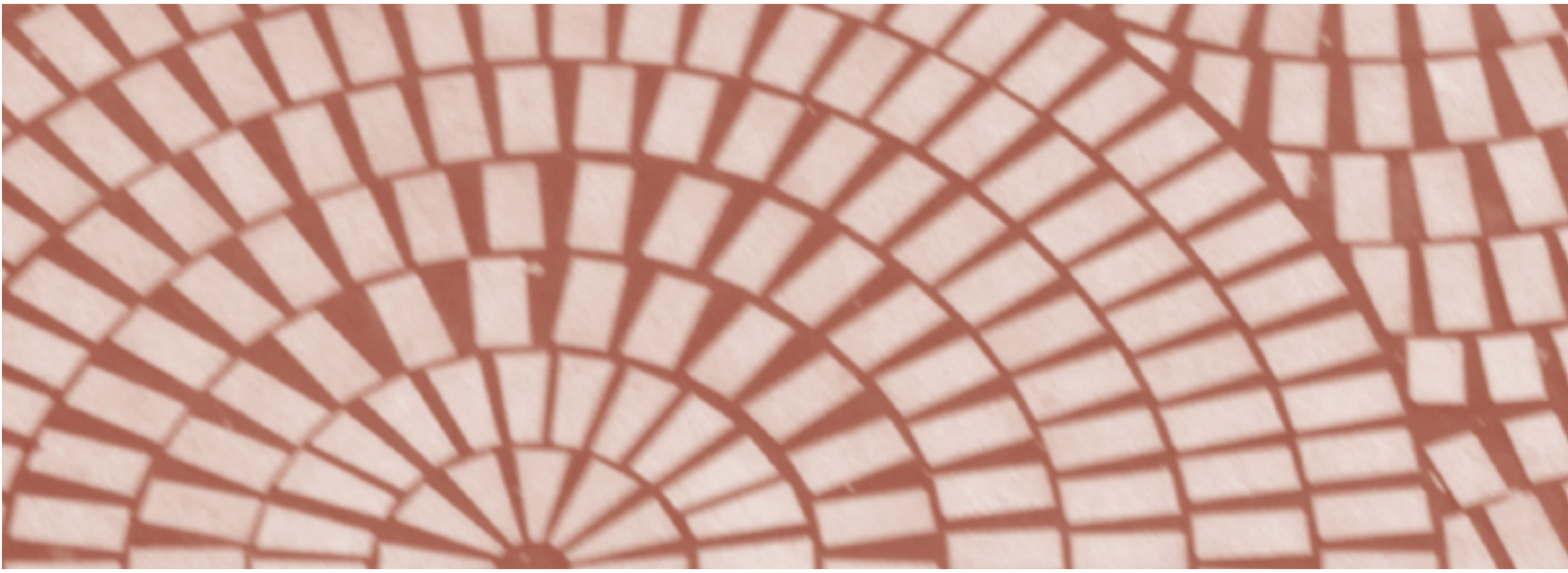

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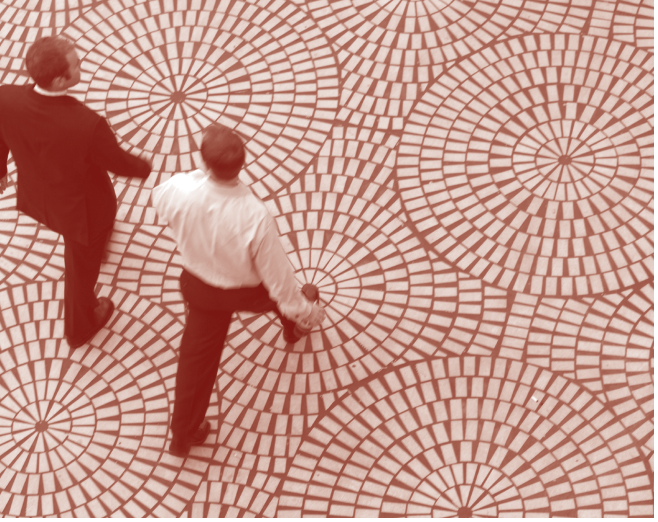


01

Comprehensive Approaches

POLICIES

1 Provide leadership from the top

2 Articulate a vision for how the state should grow

3 Establish a set of state development principles

4 Establish a set of measurable state development goals

5 Develop a communications campaign to achieve the state's growth vision

6 Align state programs with state development principles and goals

7 Create a growth cabinet

8 Integrate the state's growth criteria into discretionary funding decisions

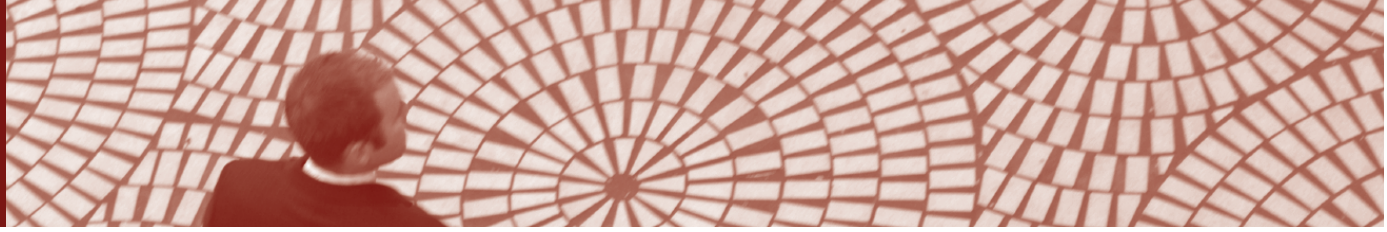
9 Create an office to coordinate growth Issues

10 Adopt a "fix-it-first" policy

11 Require state facilities to be located within designated growth areas and downtowns

To effectively address the challenges posed by growth and development, states must put in place programs, policies, and structures that allow them to see and respond to the "big picture" of statewide development patterns. State government needs to be structured in ways that foster collaborative policies and investments instead of inhibiting them. Many specific policies must be administered on a department-by-department basis, but states must unify these efforts by adopting comprehensive approaches that not only integrate, but add value to individual department actions.

There is no substitute, of course, for leadership from the top. Beyond that, any State that is serious about improving its land use decisions needs to work with citizens to create a development and preservation vision for the state and a set of development principles that all parties agree to abide by. This vision could include statewide approaches to transportation, housing, and job creation, as well as a consistent strategy to communicate these ideas to the public and to local decision makers. Once a program is underway, states need to create realistic goals, develop objective measures of progress toward those goals, and report the results periodically to the public.



1

Provide leadership from the top

ACTION

State government actions play an enormous role in the way growth, development, conservation, and other related land use issues unfold in each state, even when the bulk of land use authority rests at the local level. No single action a state can take is more important than having strong leadership from the top. By force of personality, as well as by specific action, governors — or, by extension, their cabinet secretaries — can and do set the tone for the policies their 's pursue. Every policy in this primer is more likely to be successful if it is fully backed by the state's chief executive and the heads of individual agencies. There is absolutely no substitute for leadership from the top.

PROCESS

There is no single process by which governors can demonstrate leadership on growth issues, but rather multiple ways. Governors and department heads can demonstrate leadership internally by making clear to their staff their vision for high quality growth and community design and then by insisting that state agencies work together to develop and implement policies to achieve that vision. To make this happen, governors must designate an internal leader and vest that person with clear authority to make the changes the governor envisions. Externally, governors, secretaries, or agency directors can use the enormous power of their 'bully pulpit' to exhort local governments, federal partners, the private sector and the state's citizens to demand more sustainable housing and transportation, historic preservation, and other actions that contribute to smart land use. Governors and their cabinet secretaries should highlight for the public and the press times when they have departed from 'business as usual' to make difficult decisions in support of smarter development.

Governors need to recognize and understand the roles that their policies, regulations, and investments play in influencing how the private sector invests and builds. The private sector plays an important part in reshaping the state's landscape, but still operates within the mélange of processes and procedures created by the government. States that align these procedures across various departments can encourage the private sector to contribute greatly toward the achievement of state goals.

EXAMPLES

Governors in Virginia, California, Arizona, New Jersey, Maryland, and Maine — from all across the political spectrum — have assumed strong leadership roles on growth issues. The list includes Virginia Governor Tim Kaine, California Governor Arnold Schwarzenegger, Arizona Governor Janet Napolitano, former New Jersey Governor Christine Todd Whitman, former Maryland Governor Parris N. Glendening, and former Maine Governor Angus King. These governors — and many others — have used their positions to engage the public and empower their cabinet secretaries and staff to make more aggressive growth decisions that offer a more sustainable future for their state's citizens.

2

Articulate a vision for how the state should grow

ACTION

To assure that citizens are given a voice in how their state grows and develops, state officials should launch a visioning process to help citizens articulate what they want their state to look like in the future. Successful implementation of smarter growth practices and policies requires a place-based vision and broad public support. Without such a vision, it is difficult for a state to achieve significant results despite strong state leadership, investment, incentives, and partnerships. A vision can help create consensus and build new partnerships in support of a governor's growth agenda. The creation of such a vision may be what enables a state to move beyond incremental improvements to growth and development toward a change in the very nature of growth.

PROCESS

The state government should partner with the non-profit and private sectors to conduct a statewide visioning process, or a visioning process concentrated on key regional or metropolitan centers in the state. The administration should reach out to private sector partners from the business, education, and non-profit sectors and encourage them to initiate or participate in a visioning process. These interests can bring capital and visibility to a visioning effort. Their involvement also can help counter concerns that state involvement in community visioning threatens local control of land use

decisions. Organizing these business and community interests around a visioning effort can lead the creation of a permanent non-governmental entity or alliance of organizations that can coordinate the continued advocacy regarding development in the state or key regions within the state.

Alternatively, the state's transportation or planning department could provide grants to metropolitan planning organizations or other regional planning organizations in the state to fund regional visioning efforts. Such a program could engage regional planning entities, provide flexibility in addressing regional variations, and potentially lead to the creation of a number of models that could be disseminated among regions in the state.

However it is done, the visioning effort should incorporate a discussion of how the vision is to be implemented to achieve a set of specific, measurable goals.

EXAMPLES

Envision Utah

State business leaders who felt that protecting Utah's high quality of life required coordinated development and implementation strategies initiated the Envision Utah effort. The Quality Growth Strategy was developed in 1999, following two years of citizen involvement and education. Getting local communities to focus on implementation has been important to Envision Utah's success. The state provided technical support to the effort. Envision Utah has been instrumental in changing the overall understanding and readiness of the private sector as well as public agencies to embrace quality growth concepts. Envision Utah continues to educate various municipalities and communities while the Wasatch Front Regional Council, a voluntarily formed regional association of five counties and their municipalities, has been promoting the quality growth principles to local municipalities for incorporation into their comprehensive and transportation plans.

Envision Utah: *http://www.envisionutah.org*

The California Blueprint Planning Program

Administered by the California Department of Transportation, the California Blueprint Planning Program has provided approximately $15 million in federal transportation funds to metropolitan planning organizations over two years as seed money for regional visioning efforts since 2005. Grant recipients were required to contribute at least 20 percent match from non-federal funds. This is a competitive grant program that seeks to support efforts by metropolitan planning organizations to create a consensus among local planning agencies and stakeholders on a preferred growth scenario for the next twenty years.

The California Blueprint Planning Program: *http://calblueprint.dot.ca.gov*

The Urban Land Institute's Reality Check

District councils of the Urban Land Institute have joined forces with other partners in various metropolitan regions around the country, such as Los Angeles, California; Washington, D.C.; Fredericksburg, Virginia; and four separate regions in Maryland to conduct growth visioning exercises that generally go under the title of "Reality Check." Using table-top regional maps and blocks or chips to represent projected growth in housing and jobs, a cross section of citizens are asked to determine where the growth projected to come to their region over the coming decades should be located. The exercises have been valuable in raising public awareness of the growth pressures and choices facing a region.

Urban Land Institute Reality Check Guide: *http://www.uli.org*

Maryland Reality Check: *http://www.realitycheckmaryland.org*

Louisiana Speaks

The Louisiana Recovery Authority, a state agency, adopted the Louisiana Speaks Recovery Plan in 2007. This plan was the culmination of an 18-month public process in which more than 27,000 residents of the state articulated a post-hurricane development vision for Southern Louisiana. The state has initiated implementation of many key components of the plan, including the development of model smart growth codes for local governments, planning for a passenger rail system between New Orleans and Baton Rouge, and an effort to create a new State Office of Planning that can

coordinate the roles and funding of state, regional, and local agencies and jurisdictions.

Louisiana Speaks: *http://www.louisianaspeaks.org*

3

Establish a set of state development principles

ACTION

To make sure everyone in a state administration is focused on issues of growth and development, governors should initiate a process to articulate a broad set of development principles for their states. A shared set of development principles for the state, its regions, and localities provides a basis for determining how a state can most effectively deploy its leadership, investments, incentives, and partnerships to achieve desired development objectives. The development principles should be rooted in a state development vision. The principles will help add predictability to the development process by sending a signal to the private sector and local governments regarding the type of development patterns that the state will support.

PROCESS

Development principles should articulate the development pattern the administration envisions and will support through investments, capital spending, and permitting actions. A state should articulate specific development principles with the expectation that local governments and the development community will support and implement programs based on those principles. The principles can be initially developed by a state Office of Smart Growth, Growth Sub-Cabinet, or comparable office or cabinet group as part of a collaborative and interagency process. To gain credibility and acceptance, the principles must incorporate input from the public through a comprehensive statewide visioning or related outreach campaign. Once developed, these principles could be issued via executive order or codified in state statute that requires all state agencies to incorporate the development principles into their program planning, spending and permitting decisions.

A communications campaign should reinforce the principles *(see Policy #5, Develop a communications campaign, in this section)*. Model developments and policy actions should be used to exemplify the principles. This will not only define and clarify the development principles, but also illustrate progress and motivate additional communities and developers to pursue the goals outlined in the development principles.

EXAMPLES

Pennsylvania's Keystone Principles

In 2005 Pennsylvania adopted a series of development principles known as the Keystone Principles for Growth, Investment, and Resource Conservation. They are intended to help coordinate and guide the investment and funding decisions of state agencies. In addition to the 10 principles, the state also developed "core criteria" and "preferential criteria" to aid agencies in integrating the principles into their decision-making process. The principles were developed over a two-year period by a state interagency working group.

Pennsylvania's Keystone Principles:
http://www.phmc.state.pa.us/bhp/pkp.pdf

4

Establish a set of measurable state development goals

ACTION

To help assure that a citizen-inspired vision for how a state should grow comes to fruition, state officials should establish a set of specific goals that must be reached in order to achieve the vision. This list of goals could include specific actions that each state agency is expected to take or an assessment of changes in land use patterns (e.g., growth inside cities and towns vs. growth outside cities and towns) or behavior (e.g., the number of vehicle miles traveled per capita per year). It is important that these goals be ambitious, yet achievable. Above all, they must be measurable. If necessary, new methods of collecting data may have to be instituted to assure that progress toward specific goals can be tracked. Without a method of tracking progress, states have no credible way of determining if their land use policies are having the desired effect.

PROCESS

As with the development principles mentioned above *(see Policy #3, Establish a set of state development principles, in this section)*, an initial set of goals could be developed by a department of planning or similar state agency, an Office of Smart Growth, or a growth sub-cabinet. Goals must be developed in cooperation with

local governments and the private sector and would gain greater credibility and acceptance if developed as part of a public outreach campaign. Once developed, the set of goals can be adopted internally within the administration via executive order, overseen by a semi-independent planning commission or similar outside group, or be placed in state statute. They also may be adjusted over time as conditions warrant. To date, only a handful of states have developed, maintained, and amended statewide land use goals. Each state has created goals that are specific to that state's own land use vision.

In 1979, Oregon's Department of Land Conservation and Development developed the Nineteen Statewide Planning Goals. These 19 goals serve as guidelines and must be consistent with the comprehensive plan of each municipality and county. Since their adoption, other states have followed suit. Washington developed a Growth Management Act, which lists a number of goals that municipalities and counties should follow and implement as part of their comprehensive plans. In 2001, the New Jersey Planning Commission adopted the New Jersey State Development and Redevelopment Plan, which lists eight goals or visions which the state would like to accomplish by the year 2020. Delaware, Connecticut, Rhode Island, New Hampshire, Hawaii, and Florida have all adopted different sets of goals.

Clearly, such an effort can be constrained (seriously, in some cases) by limitations on the availability of certain data or inconsistencies between jurisdictions on how and when certain data are collected and/or maintained. There are undoubtedly potential indicators of the progress of a state's land use program that could be or should be measured, but for which no one currently keeps data or the data are unreliable or incomplete. So, states that wish to establish meaningful land use goals must pay appropriate attention to the data that must be collected in order to measure progress against those goals.

EXAMPLES

Oregon's Statewide Planning Goals:
http://www.oregon.gov/LCD/goals.shtml

New Jersey State Development and Redevelopment Plan:
http://www.nj.gov/dca/osg/plan/stateplan.shtml

Washington Growth Management Act: *http://www.mrsc.org/Subjects/Planning/gma/GMAupdates.aspx; http://www.gmhb.wa.gov/gma/*

5

Develop a communications campaign to achieve the state's growth vision

ACTION

To successfully implement a statewide growth management program, it is imperative that the Governor and his or her administration develop a communications campaign that explains the State's growth and development vision, principles and goals to the public and what will happen if the vision is not attained.

PROCESS

The Governor should direct the Office of Smart Growth, state planning office, or other appropriate agency, as well as his or her communications staff, to develop a carefully planned and comprehensive communications campaign focused on the state's growth vision and strategy. The campaign, which should be led by a designated communications director, must target the public, local government officials, and even state agency employees. A successful campaign will not only convince the public of the need for a new approach to development, but also of the ability and will of the state to transform the built environment for the betterment of the state's citizens. An important part of such a campaign is to identify and highlight local champions, especially local officials, as well as worthy models of action at the local level. This will position the overall effort so that it is not viewed as driven from the top down, but rather as an approach that is responding to local demand and which has local support.

A communications strategy should have the following elements:

- If appropriate, the Governor should be promoted as the leader of this effort.
- The Governor's speechwriter, press staff, and the public information officers in state agencies should be involved in discussions about the elements of this campaign so they thoroughly understand the overall approach and each government agency's specific role.
- The campaign should have an appealing, aspirational name. The Governor and top members of the administration should refer to the campaign by name at every opportunity until it becomes a household phrase.

- The campaign should focus on "quality of life" issues such as providing vibrant, attractive communities, protecting the scenic beauty of remaining green spaces; ensuring plentiful and safe drinking water (the primary reason Americans vote to increase their taxes for conservation is to protect their sources of drinking water); dealing with traffic congestion (the "time tax"); and addressing public health issues ranging from air pollution to a built environment that discourages exercise and promotes obesity.
- The campaign should be about offering citizens choices — choices in housing, choices in transportation, choices in lifestyles.
- The campaign should develop a list that can be used to explain clearly to the public the negative impacts of growth on the state and what is almost certain to happen if the challenges of growth and development are not addressed.
- A campaign should include media field trips to visit examples of good development or wise preservation — examples that the administration hopes will be replicated elsewhere in the state. These field trips could include legislators, local government officials, business leaders, and others.

EXAMPLE
State of Maryland

Both leading up to and following the enactment of its Smart Growth and Neighborhood Conservation initiative in 1997, the State of Maryland engaged in active communications campaign that was critical to generating legislative, stakeholder, and public support for the effort. The Governor participated in numerous public events to highlight aspects of the smart growth initiative, and consistently referred to the effort in his speeches. A GIS-based video showing the change in development patterns over time was created and used widely to show how dispersed the state's development pattern had become. Cabinet secretaries were expected to use their positions to discuss how their agencies were contributing to the smart growth effort. The staff developed a smart growth Web site and produced a variety of printed documents, ranging from "toolbox" brochures listing various state smart growth programs to pocket-size fact sheets about various smart growth issues or bumper stickers with smart growth slogans ("More Choices — Better Places"). A smart growth speakers' series was initiated, as were annual Youth Environmental Summits for high school students and a "Picture the Maryland You Want" art and photo contest for school students. Cabinet and staff made regular and frequent presentations to a broad array of groups, from local governments to stakeholder groups to non-profit and advocacy organizations. Individual news reporters were taken on tours of smart growth sites. The state gave out smart growth awards, and sought awards for its activities as evidence of outside validation for the smart growth effort. Staff to the Governor also helped identify and celebrate the contributions of local officials or other local supporters as "Smart Growth Champions."

6

Align state programs with state development principles and goals

ACTION

The Governor should task each state agency with aligning its programs with the state's development vision, principles, and goals *(see Policies #2, Articulate a vision for how the state should grow; #3, Establish a set of state development principles; and #4, Establish a set of measurable state development goals in this section).* In order to be successful, the state's development vision, principles, and goals must be institutionalized and implemented at every level within the state's agencies.

PROCESS

The Governor should require each state agency to conduct an evaluation of all its programs to determine if they are consistent with the state's development vision, principles, and goals. The analysis should review and propose changes to all actions — administrative, organizational, regulatory, budgetary, or statutory — that are affected by or that can be used to support the state's growth agenda. The results of the inventory and analysis should be used by each agency to develop an implementation plan that should set forth actions, create a schedule for undertaking actions, and propose measures to gauge the agency's progress toward achieving its growth-related goals. Each agency should be required to align all investments and regulatory actions to support the overarching mission.

The implementation strategy could be released publicly or used for internal purposes only. This effort could be coordinated by the state planning agency, Office of Smart Growth, or development sub-cabinet.

EXAMPLES

Livable Delaware

In 2001, Governor Ruth Ann Minner of Delaware signed an executive order directing all state agencies to inventory and evaluate programs and identify policy changes — including budget, legislative, and administrative changes — that would support the objectives of her Livable Delaware agenda. Each state agency was required to produce a Livable Delaware Implementation plan within seven months. The plans were then used to develop an integrated and comprehensive state smart growth strategy. In 2004, Governor Minner issued an executive order requiring each state agency to update its Livable Delaware Implementation plan.

Livable Delaware: *http://stateplanning.delaware.gov*

California's SB 375

In September 2008, Governor Arnold Schwarzenegger signed SB 375. The bill requires the California Air Resources Board (CARB) to establish regional goals for reducing greenhouse gas emissions across all economic sectors, including land use and transportation. Each of the seventeen metropolitan planning areas in California will have specific emissions reduction targets for 2020 and 2035. The bill requires that funding decisions for regional transportation projects align with the regional planning agencies' plans to meet the emission goals.

California's SB 375: *http://www.leginfo.ca.gov/*

7

Create a growth cabinet

ACTION

The Governor can create a sub-cabinet or other subset of his or her cabinet that can bring interagency focus to the growth issues facing the state. A sub-cabinet can share information, encourage interagency collaboration, and jointly target growth-related state spending and investment. Sub-cabinet members could include the secretaries of transportation, housing, planning, natural resources, environment, economic development, education, health, administration or general services, and budget and finance. Although these agencies control the majority of capital spending in most states, they too often operate independently. As a result, state infrastructure spending is underused as a tool for achieving growth objectives. Sharing information, cross-departmental cooperation, and coordinating spending decisions across state agencies through a growth sub-cabinet is critical to supporting a balanced and equitable development pattern.

PROCESS

The sub-cabinet could be established administratively, by executive order, or by statute and given the responsibility and authority to share information, require cross-departmental cooperation, and coordinate the budget decisions of the transportation, environment, housing, education, and state facilities agencies. The sub-cabinet should have clear goals and consistent direction *(see Policy #4, Establish a set of measurable state development goals, in this section)*. Specific goals for each agency should be defined through a process in which agencies propose how to implement the vision and principles described in Policies #2, Articulate a vision for how the state should grow and #3, Establish a set of state development principles, in this section. The Governor should appoint someone to head the sub-cabinet and grant that person the authority to make investment decisions. The chair of the sub-cabinet should answer directly to the Governor. The chair should have authority to press individual departments to strengthen their implementation efforts. *(see Policy #6, Align state programs with state development principles and goals, in this section)*. The sub-cabinet must also designate senior staff from within member agencies who are responsible for follow-up actions. The sub-cabinet should meet regularly, ideally every week or two, to engage in joint decision making.

EXAMPLES

Massachusetts Office of Commonwealth Development

The Massachusetts Office of Commonwealth Development, established in 2003 under Governor Mitt Romney, was created to coordinate the capital and discretionary spending decisions of the state's transportation, housing, environment, and energy departments. This "super secretariat" coordinated these departments at different levels starting from the OCD cabinet to staff working groups. Among its accomplishments are increasing multi-family housing by three times over three years, the passing of the Smart Growth Zoning Act, the development of the Massachusetts Climate Action Plan, successful city revival

projects, such as in Worcester, and the thwarting or transformation of destructive projects.

EPA 2006 Naitonal Award for Smart Growth Achievement: *http://www.epa.gov/smartgrowth/awards/sg_awards_publication_2006.htm#overall_excellence*

Pioneer Institute for Public Policy Research 2005 Better Government Competition: *http://www.pioneerinstitute.org/pdf/bgc_2005.pdf*

Arizona's Growth Cabinet

Governor Janet Napolitano established Arizona's Growth Cabinet by Executive Order in January 2007. The Cabinet coordinates state agency activities and collaborates with cities, towns, and Tribal communities to develop and implement a smart growth and development process that integrates land and water use planning and development with the planning and development of existing and future state infrastructure. The Cabinet is made up of the directors (or their designees) of fifteen state agencies.

Arizona Department of Commerce, Office of Smart Growth: *http://www.azcommerce.com/SmartGrowth*

New York's Smart Growth Cabinet

In December 2007, New York Governor Eliot Spitzer issued Executive Order 20 creating a Smart Growth Cabinet. The cabinet consists of high-level policy-makers from various state agencies that have an impact on growth and development patterns. The cabinet is chaired jointly by the Governor's Deputy Secretary for the Environment and the Deputy Secretary for Economic Development and Infrastructure.

Executive Order 20: *http://www.ny.gov/governor/executive_orders/exeorders/20.pdf*

Virginia's Sub-Cabinet on Community Investment

Virginia Governor Tim Kaine signed Executive Order 69 in June 2008 creating the new Sub-Cabinet on Community Investment and directed his cabinet and executive branch agencies to work with the sub-cabinet to make investment decisions. Membership includes the secretaries of Natural Resources, Administration, Commerce and Trade, Finance, and Transportation. The purpose of the sub-cabinet is "to provide advice to the Commonwealth on the use of existing state discretionary funds to ensure that investment decisions promote economically and environmentally sustainable communities."

Executive Order 69: *http://www.governor.virginia.gov/Initiatives/ExecutiveOrders/2008/EO_69.cfm*

8

Integrate the state's growth criteria into discretionary funding decisions

ACTION

There is no better way to determine what an administration values than to look at where and how it spends taxpayer money. If a state is concerned about the challenges of growth and development, the state's discretionary spending should support its development principles and goals *(see Policies #3, Establish a set of state development principles and #4, Establish a set of measurable state development goals, in this section)*. One effective way to do this is to use a scorecard system that allots discretionary funding on the basis of how well projects follow the state's growth principles and meet state goals. The Governor can direct the Office of Smart Growth, growth sub-cabinet, or other appropriate agency to develop a scorecard that integrates the state's development principles and goals into the state's discretionary funding programs. Discretionary funding programs support infrastructure and capital investments, which in turn affect the location and character of growth. Importantly, states can spur local reform of zoning and other land use regulation/management policies at the local level by providing — or withholding — state discretionary funds. Integrating growth criteria into these programs can encourage growth in existing communities, reward communities for policy changes that support smarter growth outcomes, and make sure that state investment is consistent with state development objectives.

PROCESS

The first step is to ask the growth sub-cabinet, Office of Smart Growth, or other appropriate agency to translate the state's development principles and goals into criteria that will be used in evaluating funding requests. These

criteria should be used to formulate a mock scorecard. The mock scorecard can be used to get the public involved and get local buy-in through a process to refine, finalize, and institutionalize the scorecard. As part of this process, staff will also need to determine whether the growth criteria will supplement or replace existing program criteria.

While criteria are being developed, all available discretionary funds should be inventoried in such areas as housing, economic development, infrastructure, water and sewer, schools, transportation, and recreation. This inventory should include not only state funds, but also federal funds, passed through the state, over which the state has discretionary control. The inventory typically can be completed in two to three months.

It is important that local government officials not see the growth scorecard as an insurmountable barrier. Therefore, it is crucial to educate community leaders so that they understand the scorecard, its purpose, and how it can be useful to them. In addition, the state should provide targeted technical assistance to local governments, especially to help those that need to improve their scores to gain access to state funding. The scorecard provides an important incentive for communities to avail themselves of technical assistance programs that are provided or supported by the state, including technical assistance to help local governments that wish to revise their zoning, building, subdivision or other codes.

EXAMPLES

Massachusetts' Commonwealth Capital Program

In 2008, $500 million in low interest funds and $50 million in discretionary grants were distributed through the Commonwealth Capital Program using the commonwealth capital scorecard to evaluate funding requests against a set of smart growth criteria. The resulting score counts for 30 percent of the decision on whether they get a grant or loan in the Commonwealth Capital "family" of grants and loans. The checklist is kept as simple as possible and is filled out electronically.

To help local governments with low scores, technical assistance was made available through the Internet, as well as through site visits. Scores were posted on the Internet, as was all education and support material, to make the process as transparent as possible. Relevant state funding programs were identified on the Internet and consolidated. As a result, many towns without professional planning staff discovered programs for which they were eligible but did not know existed.

Massachusetts' Commonwealth Capital Program:
http://www.mass.gov

Massachusetts Chapter 40R and 40S

The Massachusetts legislature adopted a smart growth zoning statute (Chapter 40R) that provides incentives for local governments to establish smart growth zoning districts. Smart growth zoning districts must fulfill certain density, affordability, and location requirements. Communities receive some incentives upon making zoning changes and receive further incentives based upon building permits issued, which ensures that the funding is supporting actual implementation, as well as planning and zoning. The legislature also enacted Chapter 40S, which created a Smart Growth School Cost Reimbursement Fund to compensate schools for additional costs incurred due to more compact development in the smart growth zoning districts.

Massachusetts' Chapters 40R and 40S:
http://www.bos.frb.org/economic/neppc/briefs/2006/briefs061.pdf

9

Create an office to coordinate growth issues

ACTION

The Governor should form an independent office to coordinate issues related to growth and development. This office, whether an Office of State Planning or an Office of Smart Growth, should be a direct arm of the Governor's office. Such an office would answer directly to the Governor and be responsible for looking at the "big picture" of land use, development, and preservation in the state. The office would be expected to assure that all state agencies are aligned behind the state's common development vision *(see Policies #2, Articulate a vision for how the state should grow; #3, Establish a set of state development principles; and #4, Establish a set of measurable state development goals, in this section).* The office could also be tasked with coordinating outreach and message development around the Governor's growth agenda, as well as overseeing the formation and

implementation of growth-related policies and programs across state agencies. It is imperative that this office have the authority to speak on behalf of the Governor and to work not only with individual state agencies, but also with the private sector.

PROCESS

In some states, the Governor can create an Office of State Planning, Office of Growth Coordination, or Office of Smart Growth administratively or by executive order, while legislation may be required in other states. Even if legislation is unnecessary, it may be the preferred method of creating the office because it would then be institutionalized within state statute and less subject to the whims of future administrations. This office should be staffed with employees with substantive knowledge of agency programs and with the ability to form direct links to various state agencies. This can be accomplished by requiring that each state agency detail experienced employees to the growth coordination office, possibly on a rotating basis.

Among its potential duties, the office could lead an interagency process to develop a set of principles that articulate the Governor's growth vision *(see Policy #3, Establish a set of state development principles, in this section)*. This vision should be the foundation for the administration's education and communications strategy *(see Policy #5, Develop a communications campaign to achieve the state's growth vision, in this section)*, and be used to evaluate all state programs for consistency with growth management goals. The office should task each agency with inventorying all of its programs and proposing changes that would align the programs with state smart growth goals. The office should coordinate this effort and use the results of the inventory and analysis to develop a plan for growth and development that prioritizes state actions to support a more sustainable pattern of growth. This plan could be released publicly or used for internal purposes only.

The growth office could also establish subcommittees that are responsible for coordinating agency actions. These subcommittees should consist of senior agency officials and could be organized by topic, such as technical assistance, GIS, and communications. These subcommittees should meet at least monthly. In addition to these subcommittees, the office could also establish cross-departmental "swat teams" to provide coordinated assistance to developers and local governments who are attempting to get quality growth projects built but are running into regulatory, policy, or financial obstacles. Demonstrated results on the ground can create early successes and help build support for the state's growth agenda.

EXAMPLE

Maryland Office of Smart Growth

The Maryland Office of Smart Growth was created in 2001 as an arm of the Governor's Office. It was responsible for encouraging cooperation among departments and providing technical advice on specific development projects to builders, developers, and local governments. The Office also coordinated the state's overall communications strategy for smart growth, drafting speeches and publications, updating websites, and hosting events with smart growth speakers. The Office of Smart Growth was staffed with personnel from various state agencies who were expert in how the actions of their home agencies affected the state's broader smart growth goals. Recent administrations have shifted the functions of the Office of Smart Growth to within the Maryland Department of Planning, a change that has made it more difficult for the office to influence the activities of other departments.

Maryland Office of Smart Growth:
http://www.smartgrowth.state.md.us/subcab.htm

Maryland Department of Planning:
http://www.mdp.state.md.us/

10

Adopt a "fix-it-first" policy

ACTION

A fix-it-first strategy can serve as an integral part of a state's comprehensive approach to growth. A fix-it-first strategy prioritizes infrastructure spending to support the maintenance and upgrading of existing structures and facilities instead of incurring the cost of constructing or installing new infrastructure. Fix-it-first approaches generally are used in funding transportation infrastructure (e.g., roads, bridges, and rail systems) *(see Policy #2, Adopt a "fix-it-first" approach, in the Transportation section)* and water infrastructure (e.g., sewers and drinking water treatment/distribution systems), but may also apply to schools, public or civic buildings, and housing.

A fix-it-first strategy maximizes the value of past investments, minimizes the use of state funds on new projects, stretches limited resources, and reinvests in and revitalizes existing communities. These qualities make the fix-it-first strategy appealing to both government officials and the public.

PROCESS

A fix-it-first approach can apply to all infrastructure spending decisions and could be implemented in a number of ways. The Governor could direct his or her cabinet, growth sub-cabinet, Office of Smart Growth, or other applicable state agencies to integrate a fix-it-first approach into their review and approval of state capital investments. Fix-it-first should also be an explicit criterion used in the review of discretionary grant programs. A fix-it-first criterion could be included in any growth management scorecard a state might use in assessing the impact of spending decisions *(see Policy #8, Integrate the state's growth criteria into discretionary funding decisions, in this section*). To be consistent with a fix-it-first strategy, state policies regarding the rehabilitation of existing schools as well as the state's rehabilitation building code should be revised to ensure they support reuse and redevelopment.

The administration's communications strategy should emphasize the importance of applying a fix-it-first approach to state investments. A sense of urgency can be created by issuing a report on the "state of the state's infrastructure" that could compare the costs of fix-it-first strategies against the costs of building new infrastructure.

EXAMPLE

Michigan's Preserve First Program

In her first campaign for governor, Governor Jennifer Granholm promised to fix Michigan's roads. Within months of taking office, she freed up approximately $400 million for repairs by delaying nearly 40 expansion projects. When the state legislature attempted to restore the projects though the budget process, she used a line-item veto to preserve her fix-it-first priorities (July 8, 2003 news release, Michigan Office of the Governor). In April 2003, the Michigan DOT established the Preserve First program. This program set goals of having 95 percent of freeways and 85 percent of non-freeways in "good" condition by 2007 and to increase the life of roads to 50 years.

11

Require state facilities to be located within designated growth areas and downtowns

ACTION

It is important for states to lead by example. One way of doing this is for the Governor to establish a policy that requires all state offices to be located within existing and designated growth areas, such as downtowns, main street areas, and transit oriented developments, unless there is a justifiable reason for an exception. By locating state offices — both owned and leased — in existing and designated growth centers, or by not moving them out of those locations to begin with, the Governor can send a powerful signal about the importance of in-town locations and contribute to the resurgence of existing communities. Locating state offices within existing communities creates jobs, increases street activity, supports local businesses and can create a demand for in-town living. State investments in existing communities often trigger additional public and private investment.

PROCESS

The Governor could issue an executive order or convince the legislature to pass legislation establishing requirements and guidelines for the location of state facilities. These guidelines should:

- define which types of properties need to be included (because of their function, some state facilities may need to be excluded);
- identify areas where buildings should be sited (i.e., in downtowns, urban areas, town or community centers, areas with diverse transportation options, within a street network that supports walking and is safe for pedestrians, areas targeted by local/regional/or state plans for higher density or mixed-use development); and
- include language that allows for the siting of facilities in targeted areas that lack pedestrian infrastructure and transportation options, if it is determined that putting the facilities there would accelerate the full development of that area consistent with smart growth goals or policies.

Once established, guidelines should be integrated into the site selection process, including the evaluation of potential sites.

EXAMPLES

Oregon's Facility Siting Policy

In 1994, Oregon Governor Barbara Roberts issued Executive Order 94-07, "Siting State Offices in Oregon's Community Centers." To implement the order, the Oregon Department of Administrative Services developed a facility siting policy manual. The Department of Administrative services maps areas of the state that meet location criteria established under the executive order, including locations that are highly accessible by multiple travel modes, pedestrian friendly, have high-quality transit service, and are designated as urban centers by local or regional plans. These locations receive priority in siting decisions.

Oregon's Facility Siting Policy Manual:
http://egov.oregon.gov/DAS/FAC/docs/1256115.pdf

Pennsylvania's Downtown Location Law

Pennsylvania's Downtown Location Law was passed in 2000. Under guidelines that implement the law, state agencies are required to consider downtown location as a factor in location decisions. They are encouraged to consider rehabilitation or reuse of existing structures or new construction on available land in existing downtowns when making facility decisions.

Pennsylvania's Downtown Location Law:
http://www.dgs.state.pa.us/dgs/lib/dgs/realestate/Downtown__Guidelines.pdf

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/ComprehensiveApproaches/helpdesk.html*

Reports

Sprawl and Smart Growth Communication: Strategies and Options, Smart Growth Funders' Network; *Action Media Focus Group Report*, Smart Growth Funders' Network; *Smart Growth Translation Papers*, Smart Growth Funders' Network, *Final Report of the Maine Task Force on State Office Building Location, Other State Growth-related Capital Investments and Patterns of Development*

Organizations

Governors' Institute on Community Design; Smart Growth America; National Center for Smart Growth; Research and Education

Web Sites

Smart Growth Online

Department of Agriculture | 02

02

Department of Agriculture

POLICIES

1 Protect farmland by coordinating state spending and permitting decisions

2 Establish a program for purchase of agricultural conservation easements

3 Provide grants to develop Farmland Protection Plans

4 Establish an agricultural district program

5 Help localities adopt right-to-farm ordinances

6 Help localities adopt zoning codes that support agricultural tourism

7 Establish direct marketing and institutional purchasing programs

8 Establish an Agricultural Viability Program

Farming creates jobs, contributes to the global food supply and increasingly provides fresh produce for local markets. It also helps to shape a state's character.

When agricultural land is converted to development, residents must obtain their food from more distant sources, agriculture industries suffer, open space disappears and communities often lose a sense of where they came from and who they are. The change also can place a burden on local and state governments. New land uses require new infrastructure, and developed land — particularly housing — tends to demand more services than farms do.

This section offers policy ideas that can help preserve farmland, so that agriculture continues to be a source of community stability, economic vitality and environmental sustainability for generations to come. Specifically, we discuss strategies to keep farmland in production, to reduce development pressure and to support conservation.

1

Protect farmland by coordinating state spending and permitting decisions

ACTION

The Governor can minimize the conversion of farmland to developed land by requiring state agencies to better coordinate their spending and permitting. Sometimes, for example, an economic development agency might fund a sewer project or the Transportation Department might fund a new road that inadvertently encourages the development of prime agricultural land into an industrial park. By coordinating spending and permitting, governors and their department heads can dodge such unintended consequences.

PROCESS

In many cases, a Governor can improve coordination simply by directing the Department of Agriculture to review state infrastructure and permitting decisions that could lead to the conversion of prime farmland. If the Governor has created an Office of Smart Growth, a Growth Cabinet or an equivalent entity responsible for cross-agency collaboration on development issues (*see Policies #7, Create a growth cabinet and #9, Create an office to coordinate growth issues in the Comprehensive Approaches section*), that entity could include among its duties the review of other agencies' infrastructure and permitting decisions for their impact on farmland conversion. Under that arrangement, relevant agencies would regularly submit a list of anticipated infrastructure projects and permits to the growth coordinating agency, which in turn would identify instances where state actions might result in lost farmland and would recommend appropriate action. The Governor might also require that each agency update its funding criteria to assess whether its spending decisions might result in a loss of farmland. Any of these actions could likely be put in force by executive order or simply through a gubernatorial directive.

EXAMPLE

Pennsylvania's Agriculture Land Preservation Policy

Gov. Edward Rendell issued an executive order in 2003 establishing the Pennsylvania Agriculture Land Preservation Policy, which requires all state agencies to review and amend their programs and actions to meet the goal of preserving prime farmland. Rendell designated Pennsylvania's Department of Agriculture as the lead agency to implement his order.

Pennsylvania's Agriculture Land Preservation Policy: *http://www.pabulletin.com/secure/data/vol33/33-29/1397.html*

2

Establish a program to purchase agricultural conservation easements

ACTION

The Department of Agriculture should establish a program to purchase of agricultural conservation easements. Many farmers want to keep their land in farming but could make more money by selling it for development. Conservation easement programs keep land in agriculture by paying farmers the difference between the farm value of their property and the market or development value. In return for the incentive, the farm owner must agree not to develop the property either for a specified period of time or in perpetuity. At least 27 states currently have such programs, which are sometimes called Purchase of Development Rights or Agricultural Preservation Restriction programs.

PROCESS

Conservation easements usually are administered by a state-appointed board. Governors typically name all or a portion of the members, although that authority varies by state. The board must establish funding criteria, make funding decisions and ensure that local conservation easement programs comply with state requirements. State requirements typically are set by enabling legislation that also establishes program parameters and authorizes the State, or local governments, to purchase development rights directly from landowners. Program funding can come from various sources, including bond sales, user fees, dedicated tax revenue (such as cigarette taxes or real estate transfer taxes), and federal programs (such as the Farm and Ranch Lands Protection Program).

In making easement purchases, agriculture boards typically consider the quality of the farmland, the risk of development, consistency with zoning and development plans, and the land's development potential. Easement purchases can get more "bang for the buck' — and may support the preservation of large, contiguous parcels of

farmland — if the land to be purchased is adjacent to other protected farmland or anchors farming in a region.

EXAMPLE
Maryland's Agricultural Land Preservation Program

In 1977, the Maryland General Assembly created the Maryland Agricultural Land Preservation Foundation (MALPF). The Foundation, which falls under the Maryland Department of Agriculture buys agricultural preservation easements that forever restrict development on prime agricultural lands. MALPF has permanently protected more than 265,000 acres from development on close to 2,000 farms in all of Maryland's 23 counties.

Maryland's Agricultural Land Preservation Program: *http://www.malpf.info*

3

Provide grants to develop Farmland Protection Plans

ACTION

The State can help communities protect working farms and other land by giving grants to cities and counties to develop Farmland Protection Plans. Farmland Protection Plans are valuable tools in local land preservation efforts, often encouraging predictable, coordinated and strategic preservation. They also can work with economic development plans to promote local agriculture.

Local officials often want to develop protection plans but lack the resources. Grants can help them develop plans and, at the same time, provide an opportunity for the State to partner with communities in developing and implementing a successful farmland preservation strategy.

PROCESS

The Department of Agriculture must establish the criteria for awarding farmland protection planning grants to local governments, set up an application process and develop a list of expenses eligible for reimbursement. The State should consider reimbursing expenses most clearly related to the development of Farmland Protection Plans (e.g., consultant, secretarial and legal services; conducting public hearings; travel; and printing.). The State also may wish to develop procedures for approving protection plans.

EXAMPLE
New York's County Farmland Protection Planning Grants

Under its County Farmland Protection Grant program, the New York Department of Agriculture & Markets provides up to $50,000 to counties to cover up to 50 percent of costs related to the development of Farmland Protection Plans. Grants are awarded each year on a rolling basis. Since the program's creation in 1994, the Department has awarded more than $2 million to approximately 50 counties. Many counties are now implementing recommendations from their plans, which range from hiring Ag Protection Planners in county planning offices to setting up local Purchase of Development Rights programs to protect viable farms. Recent legislation permits any county with a plan that is at least 10 years old to reapply to the Department of Agriculture & Markets for up to $50,000 in matching funds to develop a new plan or to update its existing one.

New York also has developed an agriculture planning grant program to help municipalities with revisions of the agricultural sections of their local planning documents. The grants will fund up to $25,000 or 75 percent of the cost (whichever is less) of developing a local protection plan. Since the start of the municipal program in late 2007 the New York State Department of Agriculture and Markets has awarded 47 municipal agricultural protection planning grants.

New York's County Farmland Protection Program: *http://www.agmkt.state.ny.us/APIagservices/farmprotect.html*

4

Establish an agricultural district program

ACTION

Agricultural district programs address the challenges that farmers face in developing areas. Agricultural districts are designated areas where commercial agriculture is encouraged and protected. Farmers enroll in these programs voluntarily and receive a package of locally tailored benefits, such as tax relief, protection from local regulation and nuisance suits, and eligibility for Purchase of Agricultural Conservation Easement programs (*see Policy #2, Establish a program to purchase of agricultural conservation easements, in this section*).

In return, enrolled farmers agree to restrict use of their land to agricultural use or open space for the term of the contract. The programs are authorized by state legislatures and implemented locally.

PROCESS

In designing the program, the State must first decide where it wants to develop agricultural districts, based on the importance and value of the agricultural land, development pressure, and other relevant factors. The State will also have to determine the package of benefits that will be made available to the landowners, as well as which farmers will be eligible to enroll in the program and the procedures and incentives for enrollment. Another important element for the State to determine is how farmers will be able to withdraw land from an agricultural district, and who has the authority to terminate agricultural district agreements.

EXAMPLE

Pennsylvania's Agricultural Security Area Program

In 1981 the Pennsylvania Department of Agriculture created the Agricultural Security Area program to protect agricultural land. The program allows municipalities to create security areas with the cooperation of landowners. Agriculture is the designated primary activity within the security areas and farms within the areas are given special consideration by state and local government agencies and are protected from nuisance challenges.

Pennsylvania's Agricultural Security Area Program: *http://www.agriculture.state.pa.us/agriculture/cwp/view.asp?a=3&q=129076*

5

Help localities adopt right-to-farm ordinances

ACTION

All 50 states have some version of a "right-to-farm" statute. Such statutes are implemented to protect established agricultural operations that use good management practices from nuisance lawsuits. Not all statutes have the same requirements, but most say that if an agricultural operation is in compliance with environmental regulations, is properly run, and existed at least a year before a change in the area surrounding the operation, then it cannot be found to be a nuisance under tort law. The Department of Agriculture can strengthen the right of farms to operate by helping local governments implement right-to-farm ordinances to supplement the protection provided by the state law.

PROCESS

The Department of Agriculture should create a model local right-to-farm ordinance, and can assist towns and counties in drafting or revising right-to-farm ordinances that work for them. In addition, the Department can create a Web site that provides information on all the right-to-farm ordinances established by the State's towns and counties.

EXAMPLE

New Jersey's Department of Agriculture's Right to Farm Program

New Jersey's Right to Farm Program assists municipalities in drafting and revising local right-to-farm ordinances, has developed a model right-to-farm ordinance and maintains a statewide list of New Jersey's local right-to-farm ordinances.

New Jersey Department of Agriculture, Local Right-to-Farm Ordinances: *http://elktwp.org/agriculture/sadc/rtfprogram/resources/localordinances.html*

New Jersey Department of Agriculture, Model Right-to-Farm Ordinance: *http://www.state.nj.us/agriculture/sadc/rtfprogram/resources/modelrtfordinance.pdf*

6

Help localities adopt zoning codes that support agricultural tourism

ACTION

Farms, orchards, wineries, greenhouses, hunting preserves, and animal or livestock shows are becoming increasingly popular destinations for recreation and education. Agricultural tourism supports working farms by providing farmers with an additional source of revenue.

Local zoning codes can be an impediment for farmers who want to expand their operations to include agri-tourism. In many localities, farmers are required to obtain variances or special-use permits before they can offer agri-tourism. Just applying for a permit can be

time-consuming and costly enough to discourage the effort. States can help by supporting efforts by local governments to zoning codes that are friendly to agri-tourism.

PROCESS

Departments of agriculture can assist interested localities by helping to review their codes and in drafting changes to permit agri-tourism where appropriate. Departments also can choose to take a more proactive role by crafting model language supporting agri-tourism that local governments can insert in existing codes. The Farmland Information Library includes an online compilation of tourism-friendly codes.

Because it is important to make sure the code is permitted under state zoning law, the Department of Agriculture should work with the state planning agency in developing a model code. The Department should also ask for input from farmers, small business owners, business organizations, municipal officials and other stakeholders.

Another way departments can support agri-tourism is by responding directly to requests from farmers who are interested in expanding their operations but are limited from doing so because of local zoning. In this instance, the department should work with farmers on a case-by-case basis to review local requirements and to propose changes.

EXAMPLE

Michigan's Model Zoning Ordinance for Agricultural Tourism

In 2007, the Michigan Agricultural Tourism Advisory Commission developed a model ordinance to assist local governments that wish to adopt zoning practices to support agri-tourism. The ordinance also discusses the benefits of agri-tourism and its impact on the Michigan economy.

Michigan's Agricultural Tourism Advisory Commission: *http://www.michigan.gov/agtourism*

7

Establish direct marketing and institutional purchasing programs

ACTION

Economically viable small and mid-sized farms are crucial to preserving agricultural land. States can assist family farmers by establishing direct marketing programs that help the farmers reach consumers and retailers, promote their products, and diversify their operations. By requiring state agencies and facilities to purchase a certain percentage of the food they buy from local sources, states also can provide small and mid-sized farms with stable customers.

PROCESS

Agriculture departments can support direct marketing of farm products by partnering with other agencies to allow for the use of state properties, such as parking lots, for farmers' markets. They also can develop model contract language to be used by organizers to set up and operate farmers' markets.

Many agriculture departments have developed branding programs that market meats, seafood, produce and other products from small and mid-sized farms. In most states, such programs are facilitated by the Department of Agriculture in partnership with the food industry and small-farm interests. A branding program can be supplemented by grants that provide seed money for farmers' cooperatives or other organizations that can in turn bolster the marketing programs.

States are large food purchasers. Agriculture departments often work with other agencies to encourage or even require them to purchase homegrown agricultural products. An executive order can put some muscle behind that effort. Some states also offer financial incentives to school districts for buying from local farmers.

EXAMPLES

Kentucky's Kentucky Proud Program

Established in 2004, the Kentucky Proud program promotes the sale of Kentucky-produced agricultural products and helps farmers diversify. The state's Department of Agriculture has focused on getting Kentucky-grown produce into retail stores, from local groceries to Wal-Mart, and on establishing farmers' markets. The Department developed an aggressive marketing campaign, which utilizes point-of-sale

materials, as well as television and radio commercials. In addition, the State helps farmers conduct direct-to-consumer marketing through the Kentucky Proud Country Store, an online directory of in-state producers.

Kentucky Proud: *http://www.kyagr.com/kyproud*

Maryland's Agtrader and Foodtrader Websites

In 2008, the Environmental Finance Center, a unit of the University of Maryland's National Center for Smart Growth Research and Education, launched two Web sites that immediately became popular with Maryland farmers and consumers. The first, the Maryland Agricultural Exchange, provides farmers with an online marketplace that can help them buy, sell, and trade. Farmers use the website to exchange anything from fruits and vegetables to equipment, livestock, hay and manure.

The other site, Foodtrader.org, is a virtual farmers' market that allows consumers to buy the freshest food Maryland farms have to offer. Using the site, independent farmers can create listings describing their produce, prices and the location. Both sites provide the services at no cost.

Maryland Agricultural Exchange: *http://www.agtrader.org*

Maryland Food Trader: *http://www.foodtrader.org*

8

Establish an Agricultural Viability Program

ACTION

Agricultural Viability Programs assist farmers in developing business plans to diversify and modernize their operations. In addition, some states provide funding to help farmers implement their business plans.

PROCESS

The Department of Agriculture must first determine the type of farmers and farms it wishes to assist with an Agricultural Viability Program. Eligibility criteria can target agricultural operations that, for example, are threatened by urban encroachment, are particularly well-suited for direct-to-consumer marketing, serve environmental objectives or have historical significance.

To provide direct assistance to farmers in developing their plans, the State will have to assemble and train advisers from a variety of disciplines, including marketing, finance, management and environmental sciences.

The State also can provide seed money to farmers to assist them with the implementation of their plans. To ensure that the program actually helps preserve farmland, the State should obtain commitments from the farmers in return for the funding. Some states, for example, require farmers to sign an Agricultural Use Only Covenant before receiving funding, with the amount of money calibrated to the length of the covenant.

EXAMPLE

Massachusetts' Farm Viability Enhancement Program

Massachusetts' Farm Viability Enhancement Program was created in 1996 to assist farmers with modernizing their operations. The program helps them develop business plans. If the farmer is willing to implement the recommended changes, as well as sign a limited term agricultural-use-only covenant, the Department of Agriculture may make money available to implement the changes. Since the Farm Viability Program was initiated, more than 300 farms have received grant funding and been protected by covenants.

Massachusetts' Farm Viability Enhancement Program: *http://www.mass.gov/agr/programs/farmviability/index.htm*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Agriculture/helpdesk.html*

Reports

Agricultural Sustainability and Smart Growth: Translation Paper #5; *Purchase of Development Rights Fact Sheet*, American Farmland Trust; *Agricultural Districts Fact Sheet*, American Farmland Trust; *Protecting Farmland Fact Sheet*, American Farmland Trust; *New York State Farmers Direct Marketing Association – Model Zoning Laws for Farm Direct Marketing*

Organizations

American Farmland Trust; American Farm Bureau

Websites

Agriculture Innovation Center Program; Farmland Information Center

Department of Economic Development | 03

03

Department of Economic Development

POLICIES

1 Give existing communities priority for economic development dollars

2 Establish a statewide redevelopment readiness certification program

3 Consider using tax increment financing or district improvement financing districts

4 Create or support a State Main Street Program

5 Increase options for brownfield financing

6 Establish a "smart sites" program

7 Help universities and hospitals grow in place

8 Increase access of local governments and non-profits to economic development funds

9 Promote access to healthy foods

Economic development can create jobs, increase tax revenues, expand existing businesses and attract new ones. It also can worsen traffic jams, gobble up open space, pollute the environment and even make neighborhoods unfriendly to pedestrians.

But citizens do not have to trade in their quality of life to reap the benefits of growth. If economic development agencies adopt policies that encourage the enhancement of existing communities - rather than the creation of entirely new ones - they can make it easier for states to grow while avoiding unnecessary strain on their infrastructure, services and tax base.

Often, that involves restoring places that have fallen on hard times, whether it's through "Main Street" enhancements or brownfield cleanups. Other times, it simply entails ensuring that older communities get an edge in qualifying for tax incentives.

These policies will allow economic development agencies to steer development in a direction that is likely to take advantage of existing assets, to reduce development pressure on open space, and ultimately to save taxpayers' money.

1

Give existing communities priority for economic development dollars

ACTION

State leaders can revise the criteria that govern the distribution of economic development funds to encourage development within existing communities. The criteria should favor projects that are near transit, involve the reuse of existing structures, increase the mix of land uses in a neighborhood, have a range of densities, provide affordable housing and support walking.

PROCESS

Economic development spending usually falls into one of three categories: 1) "as of right" spending, or money to which a project or locality simply is entitled; 2) geographically targeted subsidies, such as Enterprise Zones or Tax Increment Financing, for which a project must qualify; and 3) competitive-incentive programs, such as infrastructure revolving loan funds.

The first two categories account for the bulk of economic development spending in most states, and legislative approval usually is required to change the criteria for distributing their funds. Competitive-incentive programs could be easier to change because the criteria often can be tweaked administratively.

Rather than changing the criteria for each program, the State can adopt a policy that targets all state investments, including economic development spending, to existing communities and designated growth areas. This was done in Maryland under the Priority Funding Areas Act and in Massachusetts as part of its Commonwealth Capital Program (*see Policy #8, Integrate the state's smart growth criteria into discretionary funding decisions, in the Comprehensive Approaches section*). Such a comprehensive approach helps states avoid piecemeal changes to individual subsidy programs.

EXAMPLE

California's Smart Investments Program

In 1999, the California State Treasurer's office revised its criteria for the distribution of its investments, along with investments by the state's two pension funds, CalPERS and CalSTRS. The new criteria give priority to investments in existing communities, projects that increase transit use, and those that support historic preservation, the rehabilitation of affordable housing or urban infill.

Between 1999 and 2005, the Smart Investments strategy guided $24 billion in state infrastructure and pension-fund investments toward smart growth projects and increased development in existing communities.

Smart Investments 2006: Five keys to Smart Investment in California's Future: *http://treasurer.ca.gov/publications/smartinvest/dec2005.pdf*

2

Establish a statewide redevelopment readiness certification program

ACTION

Many older communities have lost so many people and jobs that they're now considered underdeveloped. Efforts at redevelopment often are complicated by outdated zoning regulations and building codes, inadequate infrastructure, lack of coordinated planning, and an unpredictable and time-intensive development review process. Such problems often deter developers because they raise costs and increase risks.

Older communities can increase the likelihood of redevelopment by updating codes and development regulations, streamlining their development review process and making their planning process more predictable. States can support older communities that reform their development process by certifying them as "Redevelopment Ready"; the stamp of approval can sooth the concerns of developers.

PROCESS

Economic development agencies can take the lead in certifying communities. Alternatively, they can provide grants to other agencies or universities to establish a "Redevelopment Ready Certification Program." In any case, the state planning agency should be involved in the program's development and implementation. One of the first steps should be to establish standards that can be used to evaluate a community's development process and regulations.

Many communities won't be able to meet Redevelopment Readiness standards upon initial evaluation, and are likely to require technical and financial assistance. The certification process can be used to educate local elected officials about how changing codes and development processes can stimulate investment.

To encourage communities to modernize their codes and development programs, the State could include criteria in grant and loan programs that give points to communities that are certified or are in the process of becoming certified. Points can be awarded as communities hit designated milestones.

EXAMPLE
Michigan's Redevelopment Readiness Program

The nation's first Redevelopment Readiness Program was established by the Michigan Suburbs Alliance in 2005. The program is partially funded by the Michigan Department of Labor and Economic Growth. Seven local governments have been certified to date, with 15 more in process.

To be certified, cities must pass through an eight-step process that includes community visioning, training for public officials, evaluation and streamlining of development regulations and tools, marketing, and plan review processes. State support has increased interest in the program and has enhanced the value of the certification to communities.

3
Consider using tax increment financing or district improvement financing

ACTION

Tax Increment Financing (TIF) is a tool cities and counties can use to help desirable projects become reality. Under a TIF, a local government taps the anticipated benefits of future development (such as increased property tax revenues) to pay for infrastructure improvements or other current expenditures that are critical to the success of the proposed project. TIFs can stimulate private investment by assuring developers that the infrastructure needed to support a proposed development will be built in a timely fashion. District Improvement Financing (DIF) is similar, although it funnels the tax dollars toward redevelopment districts rather than toward improvements for specific developments.

TIFs and DIFs can be used for a variety of purposes, including assisting local governments in revitalizing blighted areas, reimbursing developers for some of their project costs, and shifting some costs that would normally fall on the developer to local government. When they're used to revitalize economically distressed areas, they can provide a nucleus that spurs more development, which in turn lifts property values and generates new tax revenues.

PROCESS

The first Tax Increment Financing program was put in place in California in 1952. By 1998, similar programs were authorized in 48 states and the District of Columbia. Authorizing legislation is generally required and, in some instances, constitutional amendments are needed at the state level before a city or county can engage in TIF financing.

The next step is for the local government to establish the boundaries of the TIF area, the duration that the TIF will remain in place and the specified "tax increment" that will be used.

EXAMPLE
Massachusetts' TIF and DIF Programs

Cities and towns that wish to set up DIFs in Massachusetts must first be certified by the State Economic Assistance Coordinating Council. DIF districts can be as small as a single parcel or as large as a quarter of a municipality's land. Once a district has been certified, a city or town may use the program to acquire land, build improvements (schools, parks, etc.), or incur indebtedness by pledging tax increments or other project revenues for repayment of debts.

4
Create or support a State Main Street Program

ACTION

Main Street programs are community-driven efforts to revitalize older business districts. Main Street programs are distinguished from other revitalization approaches by their use of the Main Street approach to commercial revitalization, which was developed in 1970 by the National Trust for Historic Preservation.

According to the National Trust, the approach encourages "the rebuilding of traditional commercial districts based on their unique assets, such as distinctive historic architecture, pedestrian-friendly environments, personal services, local ownership, and a sense of community." More than 2,000 communities benefited from Main Street programs between 1980 and 2007,

with the average reinvestment per community being approximately $11 million, the National Trust says. The programs are credited with generating more than 370,000 jobs.

PROCESS

Forty-three states have a state Main Street Program. State programs help local Main Street efforts with technical assistance and training, and in obtaining funding from public and private sector sources.

But state programs are often stretched thin. Funding can be provided through the budget appropriation process. Also, many states designate an increment of state tax revenue, such as a portion of the state real estate transfer tax or a conservation tax, to fund their Main Street programs. Washington state's recently established Main Street Trust Fund draws on a variety of funding sources including use receipts from private contributions, federal funds, legislative appropriations and fees for services.

EXAMPLE

Iowa's Main Street Program

The Iowa Main Street Program claims credit for creating nearly 9,000 jobs and for stimulating $712 million in private investment in downtown buildings since its creation in 1986. Iowa localities compete to receive technical and financial support from the state program.

Selected communities receive approximately $100,000 worth of onsite visits, training and technical assistance in their first three years. During the startup phase, Main Street Iowa, the National Main Street Center and private consultants provide training for local directors and volunteers. After the startup phase, the state annually invests approximately $10,000 in each certified Main Street and Rural Main Street community.

Iowa's Main Street Program: *http://www.iowalifechanging.com/community/mainstreetiowa*

5

Increase options for brownfield financing

ACTION

Brownfield cleanup and redevelopment can support development in existing communities, which often has the effect of sparing open spaces from development. Reducing cleanup and redevelopment costs increases the likelihood that brownfield property will be reused.

States should ensure that brownfield cleanup and redevelopment are allowable activities under their infrastructure and capital programs, and that there are no barriers to using brownfield-specific tax credits and incentives.

PROCESS

Economic development agencies regularly provide loans and grants for capital needs such as land acquisition and provision of infrastructure, but the money often is underutilized for brownfield redevelopment. States could steer a larger share of loans and grants toward brownfield redevelopment by expanding eligibility requirements to cover brownfields or elements of brownfield redevelopment, such as site assessment or site preparation.

In addition to broadly defined economic development incentives, state economic development agencies should examine and refine their brownfield-specific tax credits and incentives. A 2005 study by the Northeast-Midwest Institute identified improvements that can make brownfield financing programs more enticing to developers and business owners. Among the suggestions:

- allow the transfer of incentives and credits from developer to eventual property owner;
- allow developers to defer property taxes;
- forgive taxes for owners of brownfield properties;
- increase the tax credit a developer can receive for redevelopment or cleanup;
- expand allowable uses for Tax Increment Financing to cover delinquent taxes and the removal of contaminants;
- allow the valuation of brownfields to be zero to maximize the tax increment that results from redevelopment; and
- provide developers with a menu of tax credits (property, income, and job creation) so they can tailor the incentives to best meets their needs.

EXAMPLE

Wisconsin's Blight Elimination and Brownfield Redevelopment Grants

The Wisconsin Department of Commerce uses Community Development Block Grant to support brownfield redevelopment. Local governments are eligible for up to $500,000. Funds can be used for site

assessments, environmental investigations, cleanup, asbestos and lead paint abatement, building renovation, demolition and infrastructure improvements. To qualify, a site must have a redevelopment plan that indicates how it will be reused in a way that benefits the community.

Wisconsin's Brownfields Initiative: *http://www.commerce.state.wi.us/CD/CD-bfi-programs.html*

6

Establish a "smart sites" program

ACTION

States should establish an Internet-based "smart sites" program to market land they have an interest in developing. Economic development agencies often offer online databases of sites available for commercial development. Making sure that such databases include sites that the State would like to see developed can ensure that they won't be overlooked by site selectors.

A "smart sites" database should include meaningful information on site characteristics, as well as federal, state and local incentives available for redevelopment. Providing such information raises awareness about incentives that can support cleanup and redevelopment.

In addition, state incentives should be targeted or redirected to smart sites. This could be done by revising the criteria of state incentive programs, such as infrastructure loans, to make sure the programs reward projects on designated "smart sites."

PROCESS

The first step in developing a "smart sites" program is to establish criteria that define what a smart site is. The criteria should capture locations where the State would like to see development activity occur and where the State would be willing to provide financial support. If the smart sites qualify for state funds or receive priority in the distribution of state funds, they'll be marketable.

Smart sites should include brownfields, greyfields (such as declining shopping malls and strip centers), vacant lands, underutilized historic properties, parking lots, and sites that already are served by transit and other infrastructure.

The State should develop an inventory of potential smart sites. This can be done by using the GIS resources and will likely require coordination among state agencies that have property information. Regional, county and city governments, as well as colleges and universities, could help as well.

Additionally, the economic development agency can solicit landowners to provide information about their properties. Linking state incentives to smart sites would likely increase the willingness of property owners to submit their property for inclusion.

EXAMPLE

New Jersey's Site Mart

New Jersey's Site Mart is an online database that provides information on brownfield properties to developers. Property owners who list their sites are eligible for financial and technical assistance from the State to redevelop their properties. The site also contains a message to property owners inviting them to list their sites even if they are not planning to sell in the near future.

New Jersey's Site Mart: *http://www.njsitemart.com/*

7

Help universities and hospitals grow in place

ACTION

Universities and hospitals are fixed assets that can fuel economic growth and create good jobs, most often within metropolitan areas. Helping major "med and ed" institutions grow in place is likely to spur highly desirable development nearby.

It can be difficult, however, for a community to leverage the opportunities created by either a university or a hospital if there are strained relationships between the institution and the community, a lack of available land for growth, little coordination between the institution's planning and the community's infrastructure spending, and disinvestment in the immediately surrounding area.

Such barriers can be overcome by establishing nonprofit, community economic development corporations to facilitate collaboration between major institutions and the community. This has helped "eds and meds" grow and provide jobs in a way that is balanced and responsive to their neighbors and community partners and that catalyzes area-wide investment.

PROCESS

Most state economic development agencies provide venture capital to technology businesses. Similarly, many economic development agencies provide capital that could be used to help establish nonprofit, community economic development corporations.

While both types of investments support job creation, the latter differs in that it is a place-based economic development strategy. The objective is to provide seed money to cover the initial administrative costs of the organization and support some planning activities.

The State can also help "eds and meds" grow by providing funds for infrastructure, neighborhood and campus planning, brownfield assessments and cleanups, and even market analysis. The economic development agency and other state agencies could change the criteria of their discretionary and capital spending programs to allow nonprofit community economic development organizations to qualify for those state funds.

EXAMPLE

New York's Buffalo-Niagara Medical Campus

The Buffalo-Niagara Medical Campus (BNMC) is a non-profit corporation in downtown Buffalo, N.Y., that consists of the region's premier healthcare, life sciences research and medical education institutions. The institutions on the campus have been instrumental in shepherding a revitalization of the city's medical district and establishing it as a recognized center for biotechnology. According to the BNMC website, each year, the institutions spend approximately $600 million and more than 8,000 people currently work on the campus every day.

New York's Buffalo-Niagara Medical Campus: *http://www.bnmc.org/*

8

Increase access of local governments and non-profits to economic development funds

ACTION

Traditionally, economic development agencies use money to help businesses expand or to lure businesses to the State. Local governments and nonprofits draw on the economical development funds less frequently because they lack access to them or knowledge about them.

States can advance their own growth objectives, however, by allowing local governments and nonprofit organizations to apply for state economic development funding of smart growth projects.

Economic development funds can support a range of activities, such as the provision of infrastructure, brownfield assessment and cleanup, marketing, land assembly, planning, and property acquisition or demolition, all of which can be used for community building.

PROCESS

Economic development agencies should inventory their programs to identify grants, loans, tax credits and technical assistance that can be used to support community building and smart growth efforts. The inventory could be expanded to include agencies that address community development, the environment, housing, natural resources, planning and transportation. Efforts should then be made to ensure that local governments or nonprofit organizations are eligible for the relevant programs.

The inventory's results - along with such vital information as application deadlines and program contacts - can be packaged together online or in brochures as a "smart growth toolbox," and distributed to local governments and nonprofits. A single application for funding should also be developed to make it possible for communities to apply for all programs in the toolbox at one time.

Economic development agencies can also help communities gain access to state funds by designating staff members as "community caseworkers" to help local governments figure out which programs will work for them and to help with funding requests.

EXAMPLE

Michigan's Cool Cities Initiative

Michigan's Cool Cities Initiative focuses on expanding the state's economy by encouraging communities to develop diverse working and living environments that can attract a talented workforce. Communities compete to become "Cool Cities." The designation entitles them to $100,000 to develop and implement a smart growth plan and gives them access to more than 100 types of grants, tax credits, loans and services from different state agencies.

Michigan's Cool Cities Initiatives: *http://www.coolcities.com/*

9

Promote access to healthy foods

ACTION

States should promote access to healthy foods. Healthy, affordable food is not readily available in many communities, especially in those that are rural or in low-income urban areas. This lack of access to healthy food contributes to obesity and poor overall health.

PROCESS

There are many ways that states can promote access to healthy food, but a key step is to educate business owners. States can provide business development assistance to store owners, vendors, and farmers on a range of business practices including accounting, marketing, and product management. For example, states can target small-scale food retailers in low-income communities, providing them with financial and technical assistance in exchange for their commitment to improve their selection of healthy foods or make other changes to better meet the needs of local customers.

States can also work to link small grocers with local farmers. By connecting farmers market associations with existing markets, states can help locally grown, healthy food get into food retail outlets. Participating farmers are able to sell more products in more outlets, while sharing costs for transportation and storage.

Farmers markets can play an important role in providing access to healthy food. States can encourage farmers markets to locate in low-income communities by providing grants and space. In order to best serve low-income shoppers, farmers markets should be encouraged to accept electronic benefit transfer cards. States can provide electronic benefit transfer systems to farmers markets, as well as coupons to participants in the Women, Infants, and Children (WIC) program and to seniors that can be used to purchase fresh fruits and vegetables at farmers markets.

EXAMPLES

Pennsylvania's Fresh Food Financing Initiative

In 2004 the Pennsylvania Department of Community and Economic Development teamed up with three Philadelphia-based nonprofits — The Food Trust, the Reinvestment Fund, and the Greater Philadelphia Urban Affairs Coalition — to establish the Fresh Food Financing Initiative, a statewide financing program designed to attract grocery stores to underserved urban and rural communities. The Fresh Food Financing Initiative leverages capital and private sector investment to provide grants and loans that offset the higher costs of developing new stores and refurbishing existing stores in low-income urban and rural areas.

The Food Trust: *http://thefoodtrust.lightsky.com/*

New York's Farmers Market Nutrition Program

New York's Farmers Market Nutrition Program provides checks to low-income, nutritionally at-risk families enrolled in the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) and Senior Nutrition Programs. The checks are redeemable for fresh fruits and vegetables at participating farmers markets.

New York's Farmers Market Nutrition Program: *http://www.agmkt.state.ny.us/AP/agservices/marketing.html*

California's Farmers Market Electronic Benefit Transfer Program

California's Farmers Market Program started as a demonstration program in 2003 to support Electronic Benefit Transfer in nontraditional markets, such as farmers markets, produce stands, and similar open-air markets. The Farmers Market Program is now implemented statewide, and current participation includes farmers markets, individual produce stands, fish vendors, and flea markets. This successful program continues to grow in participation.

New York's Farmers Market Nutrition Program: *http://www.ebtproject.ca.gov/farmers.aspx*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/EconomicDevelopment/helpdesk.html*

Reports

Michigan's Cool Cities Initiative: A Reinvestment Strategy; *Tax Increment Financing – Can You? Should You?*, Squire and Sanders

Organizations

National Trust for Historic Preservation Main Street Center; Good Jobs First; CEO for Cities; Northeast-Midwest Institute

Department of Education | 04

04

Department of Education

POLICIES

1 Reduce or eliminate acreage standards for K-12 schools

2 Help communities coordinate school siting and land use planning

3 Revise school construction funding formulas

4 Increase State share of education costs in communities that are increasing density

5 Establish a "Safe Routes to School" program

6 Start a Walk to School Day

7 Encourage the sharing of school facilities for community use

8 Develop a land use and development curriculum for K-12 students

9 Encourage universities to develop Smart Growth Centers

Schools have traditionally been the focal points of our communities. They provide a place to educate our children, but can also add architectural beauty, anchor a community's "public realm" and give citizens access to recreational, civic and public space.

If located far from neighborhood centers, however, schools no longer serve as the hub of community life. Students, teachers and parents cannot walk or bicycle to school, but must drive, leading to traffic congestion, commuting costs, road-building expenses, poorer air quality and more dangerous streets for those students who do walk. Young families that otherwise might stay in urban centers and existing communities are forced to uproot themselves as their children get older.

In this section, we discuss ways that the school can remain, or once again become, the heart of community life and at the same time save taxpayer money, encourage efficient development patterns, and promote more active and healthy lifestyles for our children.

1

Reduce or eliminate acreage standards for K-12 schools

ACTION

In 27 states, school boards must follow acreage guidelines when preparing plans and requesting financial assistance for new construction. The same goes for the maintenance, repair and renovation of existing school buildings.

Schools and communities would benefit, however, if states reduced or eliminated such guidelines. Requiring unnecessarily large lots for public schools often forces school boards to build outside existing towns or developed neighborhoods, and the remoteness makes it difficult for schools to serve as centers of community they once were.

The location also can increase costs - for everyone. If schools are far from where they live, students must get there by car or bus, which is more expensive than walking. Locating schools far from the community also can lead to increased taxpayer expenses, because water lines, sewer lines and roads often must be built to service the schools.

Minimum acreage standards prevent community and education leaders from choosing the best site based simply on the school's and the community's needs. School investments can spur economic development, yet minimum acreage standards make it difficult for communities to take full advantage of their investment.

PROCESS

The process for reducing or eliminating acreage minimums varies from state to state. The standards may be set by statute or as a departmental guideline. Where acreage standards are not established by statute, the Department of Education can issue new guidelines. In 2004, the Council of Educational Facility Planners International established model acreage standards that encourage smaller, neighborhood-centered schools. States can adopt these model standards or modify them to fit their needs.

EXAMPLE

South Carolina's Minimum Acreage Requirements

In 2003, South Carolina Governor Mark Sanford signed legislation eliminating the state's minimum acreage for K-12 schools. The Office of School Facilities in South Carolina's Department of Education has revised its planning and construction guidelines to reflect the elimination of the minimum acreage requirements. It now encourages districts to consider the standards set by the Council of Educational Facility Planners International.

South Carolina Office of School Facilities: *http://ed.sc.gov/agency/offices/sf*

2

Help communities coordinate school siting and land use planning

ACTION

In many communities, school-siting decisions and land-use planning are disconnected. In some instances, school districts are even exempt from local land-use laws. States can provide incentives to increase coordination between school districts and local planners so that school siting reflects the values and needs of the community.

PROCESS

States can encourage coordination of school-siting and land-use decisions by offering incentives to school boards and local governments to build schools that students can easily and safely reach on foot. The incentives could take the form of planning grants to either entity, or state-level resources, ranging from supportive guidelines to technical assistance provided directly from the state planning agency or the Department of Education.

EXAMPLE

Maine's School Construction Policy

Beginning in the mid-1990s, Maine recognized the relationship between land use planning, school construction and the costs associated with dispersed development patterns. State planning and education officials noted that despite declining enrollments, spending on school construction was rising significantly. In addition to passing legislation that made renovation of existing schools easier, the State Education Department and the Office of State Planning launched an education and technical assistance effort that encouraged coordinated land-use and school-siting decisions. By directing the State Planning Office to work with the Education Department and by providing state funds to be used for renovation and technical assistance, Maine has encouraged more collaboration between local school districts and municipal planners.

Maine School Construction Policy: *http://www.maine.gov/spo/landuse/docs/techassist/ngcsprawlspeech.pdf*

3

Revise school construction funding formulas

ACTION

Some states' school funding formulas favor new construction in outlying areas over building or renovating schools in existing cities and towns. Those funding formulas arbitrarily take investment decisions out of the hands of school districts and their communities.

State policies and formulas often cap funding for school renovations, which unnecessarily pushes administrators to build new schools - even when they'd prefer to rehabilitate of an existing building. Many states have a "two-thirds rule," under which school districts are required or at least encouraged to build a new school when renovation costs exceed two-thirds, or some other set portion, of the construction costs of a new school. Not following the guideline can lead to forfeiture of state funding in some states.

The State should revise the formulas to instead favor the rehabilitation of existing schools, or at least the construction of schools in centrally located districts.

PROCESS

Governors can encourage rehabilitation of existing schools by supporting legislation that modifies the "two-thirds" rule or by encouraging the Department of Education to modify the rule so that school rehabilitation or construction in older communities is generally favored over new construction outside existing communities. The change would give school districts more flexibility in using state money to rehabilitate older buildings.

The state Department of Education also may need to conduct outreach to school districts about the benefits of renovation and may need to help local districts adopt policies and practices that support renovation. After years of pushing in the opposite direction, it may be necessary to point out that improving existing schools provides community benefits that are greater than can be seen through a simple test of comparative building costs. The two-thirds rule is so ingrained in the educational community that school districts often follow it even when state funding or approval is not involved.

EXAMPLE

Pennsylvania's School Construction Requirements

In 1998, the Pennsylvania Department of Education rescinded its "60 percent rule." It reaffirmed that decision in 2002. At the same time, Pennsylvania rescinded a prohibition on building multi-level schools made out of wood-frame construction. Together, the changes have encouraged rehabilitation of existing schools. Currently, 80 percent of all school reimbursements in the state involve work on existing buildings. The Pennsylvania Code also supports rehabilitation projects. PA Code § 349.24, "Building and equipment reimbursement considerations," reads: "Renovation of a school building to achieve current educational standards and reasonably current construction standards shall be reimbursable. The Department will maintain guidelines which differentiate between educational renovation and deferred maintenance or structural alteration."

Pennsylvania Building and Equipment Reimbursement Considerations: *http://www.pacode.com/*

Pennsylvania School and Facilities Construction: *http://www.pde.state.pa.us/constr_facil*

4

Increase State share of education costs in communities that are increasing density

ACTION

Local governments often resist high-density developments because they fear they will result in increased school costs. In such cases, the state can encourage high-density development by providing "density bonuses" that help local governments offset their projected higher school costs. Such density bonuses can take the form of additional education funding for communities that change local zoning regulations to allow for higher density development in walkable, infrastructure-rich areas.

PROCESS

First, the State must determine what zoning actions local governments would have to take to be eligible for more funds. The State also would have to decide how much in additional funds to allocate for each new housing

unit approved and built. Such an action would likely involve collaboration with the state planning and housing offices or their equivalent departments, and with local governments. Finally, the State would need to decide whether to provide funds when a unit is permitted, built, or — preferably — some combination of the two. The Governor may need to restructure the way some state discretionary funding is allocated to communities.

EXAMPLE

Massachusetts' Chapter 40S

Under Massachusetts law 40R, localities that revise zoning regulations to support denser development receive density bonus payments and an additional $3,000 when each unit is built (*see Policy #8, Integrate the state's growth criteria into discretionary funding decisions, in the Comprehensive Approaches section*)

Under companion legislation, Chapter 40S, localities that adopt 40R zoning districts can qualify for additional state aid to cover school costs associated with the higher densities. The Massachusetts Department of Housing and Community Development reviews the zoning districts under 40R to determine whether they meet the State's objective.

Massachusetts 40R: *http://www.mass.gov/legis/laws/mgl/gl-40r-toc.htm*

Massachusetts 40S: *http://www.mass.gov/legis/laws/mgl/gl-40s-toc.htm*

5

Establish a "Safe Routes to School" program

ACTION

According to the U.S. Centers for Disease Control and Prevention, between 1969 and 2001, the number of schoolchildren who walked or bicycled to school declined from 48 percent to 16 percent. The decline contributes to traffic congestion and poor air quality around schools. A growing body of evidence has shown that children who lead sedentary lifestyles are at risk for such health problems as obesity, diabetes and cardiovascular disease. Is it any wonder that childhood obesity rates are increasing when we make it more difficult for kids to walk or bike to school?

The Department of Education should work together with the state transportation and health agencies to develop an effective "Safe Routes to School" program. Safe Routes to School programs provide funding to help states and communities assess bike and pedestrian conditions around schools, and then facilitate the infrastructure and program changes needed to make the routes safer.

Sprawling land-use patterns can make it difficult to implement Safe Routes to School many communities (*see Policy #3, Revise school construction funding formulas, in this section*). In 2008, however, 29 states already had a Safe Routes to School program.

PROCESS

Most Safe Routes to School programs are funded through a combination of federal, state and local sources. Funding is typically necessary for the assessment, planning, and construction of Safe Routes to School infrastructure as well as for programming, including awareness-raising events and pilot walks. Federal funding, mostly through transportation appropriations (TEA-21 and SAFETEA-LU) is available to pay for infrastructure. Some government funds can be used to cover the programmatic costs as well.

According to the Federal Highway Administration, funding levels for Safe Routes to School programs began at $54 million in FY 2005 and could increase to $183 million by FY 2009. Each state is eligible to receive at least $1 million. To receive federal funding, states are required to have a Safe Routes to School coordinator to manage the program.

EXAMPLE

Colorado's Safe Routes to School Program

The Colorado Department of Transportation administers the state's Safe Routes to School program. Federal funds are awarded through a statewide competitive process. The money is then distributed according to the geographic distribution of the K-8 student population. Between 10 and 30 percent of the funds ($1.6 million in 2008) is spent on programming. The remaining funds support infrastructure projects as well as a full-time Safe Routes Coordinator at the Colorado Department of Transportation.

Colorado Safe Routes to School: *http://www.dot.state.co.us/BikePed/SafeRoutesToSchool.htm*

6

Start a Walk to School Day

ACTION

Walk to School Day originated in Chicago in 1997. By 2006, schools in all 50 states and the District of Columbia held Walk to School events to promote physical activity, safety and concern for the environment. It's one way for communities to increase opportunities for students to walk to school — and for both students and adults to begin identifying the barriers that can make walking to school unsafe.

Many communities and states use Walk to School events as a first step toward developing Safe Routes to School programs or to build more interest and support for walking and bicycling (*see Policy #5, Establish a "Safe Routes to School" Program, in this section*).

PROCESS

The State can encourage local governments and school boards to designate a "Walk to School Day" by funding or otherwise supporting local efforts through the departments of education, transportation, and health. Starting a "Walk to School Day" involves gathering interested parties at schools and throughout communities to promote the idea that students should walk in supervised groups along safe routes.

Interested schools are encouraged to register their intentions at www.walktoschool.org. Doing so will increase awareness of local and statewide support for the event. Also, community leaders will be able to learn about practices in other communities.

EXAMPLES

California's Walk to School Day

Five California schools participated in Walk to School Day in 1998, and the state Department of Public Health began funding Walk to School programs in 1999. California's Walk to School headquarters provides resources such as letters and fact sheets for schools and organizations looking to implement Walk to School activities.

Taking into account California's diverse population, many of the resources are available in multiple languages. The Walk to School headquarters estimates that 1,800 schools in California will participate in this year's activities.

California's Walk to School Day: *http://www.cawalktoschool.com/*

Washington's Walk to School Day

The Washington State Department of Health in collaboration with Safe Kids Washington has sponsored a Walk to School Day for a variety of schools throughout the state. The program raises awareness of how walkable the community is (or not), promotes pedestrian safety, and allows community leaders, parents and children to share time together.

The event is timed each to coincide with the annual International Walk Your Child to School Day in October. Safe Kids Coalition volunteers, healthcare workers, police, firefighters and other safety advocates come together to raise awareness of and provide support for safe walking and biking programs. Many schools hold Walk to School assemblies, where children are given reflective zipper pulls and T-shirts to reinforce their awareness of the rules for safe walking. And parents and grandparents are encouraged to join the students on their walks.

Washington Department of Health: *http://www.doh.wa.gov/*

7

Encourage the sharing of school facilities for community use

ACTION

Schools traditionally have been the centers of their communities. They can both educate our children and provide access for others to recreational, civic and public space. If community members view a local school as an asset, they will seek rather than oppose the increased presence of schools in the community.

Laws and policies in many states limit the joint use of schools, however, making it difficult for communities to transform them into neighborhood centers and to realize the cost savings that come from sharing facilities for other activities. The need for joint use of school facilities is particularly acute in communities that are built-out and growing. In those places, land is scarce and allowing the joint use of facilities makes it possible to meet the needs of the community while using land efficiently.

States can support the joint use of school facilities by changing statutes, revising funding formulas, and

developing guidelines and standards that allow public schools to be used for both educational and community functions.

PROCESS

In many states, enabling legislation is needed to allow for the joint use of school facilities. The legislation should allow communities to partner with private and non-profit organizations to provide community services at school locations. In addition, the legislation should spell out the roles of the school district and its partners; it should delineate who has the authority to make employment or funding decisions, and to lead "joint-use" events. Funding criteria must be flexible enough to allow communities to make their own decisions on what uses are most appropriate.

EXAMPLES

California Department of Education's Joint Use Program

The California Department of Education's Joint Use Program provides supplemental funding for the construction of joint-use facilities such as gymnasiums, libraries, childcare facilities and teacher education facilities. Both new construction and additions are considered. The state provides a maximum of $2 million for facilities to be used by Grades 9-12, with lower limits for lower grades.

California Department of Education's Joint Use Program: *http://www.cde.ca.gov/*

California's Department of General Services, Public School Construction: *http://www.opsc.dgs.ca.gov/*

Connecticut's Hartford Learning Corridor Project

The state-supported Hartford Learning Corridor Project is a school- and community-use facility in the city's Frog Hollow neighborhood, adjacent to Trinity College. Government, private and foundation investment in the project totaled $175 million. The project includes a public Montessori elementary school, a middle school, a science and math center, an arts academy, an early childhood education center, and a performing arts theater. The Learning Corridor is part of a multi-year effort to revitalize the neighborhood with new schools, housing, jobs, recreation and social services.

Connecticut's Hartford Learning Project: *http://www.learningcorridor.org/*

8

Develop a land-use and development curriculum for K-12 students

ACTION

Today's students will become tomorrow's decision makers. Improving their understanding of land-use issues will enable them to better understand the choices before them when they become adults. To foster this understanding, the State should help develop a curriculum on land-use and development issues for K-12 students.

Land-use and development also can be integrated into broader school curricula, including environmental science, geography, government and social studies, so students understand the patterns of growth and development in the United States and, more specifically, in their own State.

PROCESS

Integrating land-use and development into the K-12 curriculum is generally a three-step process. First, an assessment and examination of the current K-12 standards is required. State curriculum standards will likely have at least minimal references to the migration of populations, settlement patterns, urban development and suburbanization. The assessment will help determine whether or not the current standards provide enough of a foundation for the implementation of a land-use and development curriculum.

Once the assessment is completed, the Department of Education can take the second step of determining what additions need to be made to strengthen the curriculum standards to ensure that land-use and development trends and policies will be taught. The final step will be to adequately fund the production of materials and training for K-12 teachers charged with teaching the expanded or new element of the curriculum.

EXAMPLES

Connecticut's Social Studies Curriculum Framework

In Connecticut, the social studies standards include: "Standard 11, Human Systems: Students will interpret spatial patterns of human migrations, economic activities, and political units in Connecticut, the nation and the world." This standard requires that students understand development patterns, changes in

transportation technology, and the influences on urban, suburban and rural development.

Connecticut's Social Studies Curriculum: *http://www.sde.ct.gov/*

Maryland's Teacher's Smart Growth Resource Guide

The state of Maryland developed a Teacher's Resource Guide on smart growth to assist social studies and science teachers integrate growth and development issues into their regular curriculum. The resource guide is available online and includes 20 lesson plans on topics ranging from demographics, and watershed planning to school siting and neighborhood design.

Maryland's Teacher's Smart Growth Resource Guide: *http://www.dnr.state.md.us/education/growfromhere/TOC.htm*

9

Encourage universities to develop Smart Growth Centers

ACTION

Many communities, local governments and state agencies are in need of support as they implement planning and zoning reforms. States can help provide that support by funding colleges and universities to conduct research, provide technical, and train citizens and officials.

Schools of agriculture, architecture, engineering, geography, historic preservation, planning and public policy can offer significant, relevant expertise in the areas of community development, environmental protection, land use, public policy and smart growth. States should take advantage of the expertise by providing seed money and continuing support to universities to create research and technical assistance centers that can be leverage for communities and government agencies.

PROCESS

The Smart Growth Centers should concentrate on three main tasks: research, technical assistance and training. The research focus would be broad and includes analysis of statewide and national trends. Funding for this type of work would come mostly from grants.

Technical assistance would focus more narrowly on helping communities, local governments and state agencies solve land-use and development-related issues. After the initial seed money, much of the work could be done using a variety of grants and fees.

The training segment could include educational opportunities for elected officials, state employees, planners and professionals in land-use related fields. Funding for training would come from enrollment fees.

EXAMPLE

University of Maryland's National Center for Smart Growth Research and Education

The National Center for Smart Growth Research and Education was founded in 2000 and given the mission to bring the resources of the University of Maryland at College Park and national experts to bear on issues of land development, resource preservation and urban growth.

The Center, which is affiliated with the schools of agriculture; architecture, planning and preservation; engineering; and public policy, received initial funding from both the university and the state. About 90 percent of its work is research, with the balance in the education category.

National Center for Smart Growth Research and Education: *http://www.smartgrowth.umd.edu/*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Education/helpdesk.html*

Reports

Joint Use Facilities Case Studies from New Schools, Better Neighborhoods; *Schools for Successful Communities*; *Travel and Environmental Implications of School Siting*

Organizations

21st Century School Fund; National Trust for Historic Preservation; Council of Educational Facility Planners International; National Center for Safe Routes to School

Websites

UrbanPlan; State Policies and School Facilities (National Trust for Historic Preservation); Federal Highway Administration Safe Routes to School

Department of Energy | 05

05

Department of Energy

POLICIES

1 Help cities and counties understand the link between smart growth and energy efficiency

2 Price utility infrastructure to support infill development

3 Leverage energy-efficiency funds for better development patterns

4 Promote district energy and Combined Cooling, Heating and Power systems

5 Promote energy efficiency in multifamily housing

6 Expand commuter tax credit programs to support walking and bicycling

7 Develop a tax incentive for alternatives to the automobile

Land use can have a profound impact on a State's energy consumption, just as energy consumption can have a profound impact on a State's land use.

A regulatory structure that fails to encourage energy efficiency inevitably encourages sprawling development and wasteful construction practices. But promoting compact development that offers a variety of transportation choices can reduce energy use, air pollution and greenhouse gas emissions. In a time of wildly fluctuating energy prices and rising costs associated with climate change, energy-efficient development also can save money for governments, businesses and private citizens.

In this section, we discuss ways to discourage sprawl, reduce greenhouse emissions and provide citizens with more efficient transportation alternatives.

1

Help cities and counties understand the link between smart growth and energy efficiency

ACTION

Compact, mixed-use development generally reduces per-unit energy consumption. For example, high density provides more transportation choices, which allow for a reduction in vehicle miles traveled. It also facilitates use of highly efficient district energy systems to help heat and cool buildings. But policies and codes in many communities do not allow for smart growth approaches to development. States therefore should help local governments understand the link between smart growth and energy efficiency.

The state agency responsible for energy planning should work with local governments to ensure that land-use planning goals and state energy planning goals are coordinated (*see Policy #2, Articulate a vision for how the state should grow, in the Comprehensive Approaches section*). Such coordination can create opportunities to identify and capture major energy savings in development projects.

PROCESS

The state energy agency can work with the state planning department to produce a set of technical bulletins or other materials that discuss the connection between development patterns and energy efficiency, as well as regulatory barriers to compact, mixed-use development. The materials can be used by cities and counties to update their land-use plans, policies and codes, and to otherwise advance the case for the adoption of smart growth policies.

Where funds are available, the state energy agency can work with the planning agency to create a small grant program to provide technical assistance to localities to aid them in updating their regulations and codes to promote smart growth.

States also can examine the regulatory framework that relates to energy planning. The regulatory framework will determine the method by which energy agencies can link their planning activities to state and local level land-use planning. In some states, legislation may be required to direct agencies responsible for energy planning to work with local planners; in others states, an executive order will suffice.

EXAMPLES

California's PLACE3S program

The California Energy Commission teamed with energy commissions from Oregon and Washington to develop the PLACE3S software in 1994. PLACE3S is a GIS-based land-use and energy planning tool that allows both energy and land-use policymakers to see the relative and combined impacts of their activities. The program incorporates community, economic, energy and environmental policy concerns through a scenario-development model. Land-use planning and energy facility siting can be linked through the software, thus bringing transparency to a process that influences decision making related to energy and land use.

The Sacramento Council of Governments used PLACE3S in its scenario planning exercise, Blueprint: Transportation Land Use Study. The analysis provided by PLACE3S became part of the information used by public participants as they compared four different growth scenarios throughout a multi-year, community-wide exercise.

Sacramento Region Blueprint Transportation Land Use Study: *http://www.sacregionblueprint.org/*

California's Public Interest Energy Research Program

California's Public Interest Energy Research (PIER) program, supports energy research, development and demonstration projects in an effort to bring environmentally safe, affordable and reliable energy services and products to the marketplace. While the program is not a perfect template for the institution of a technical assistance program for local governments, its structure may be replicated to serve the technical assistance need.

California PIER Program: *http://www.energy.ca.gov/research/index.html*

2

Price utility infrastructure to support infill development

ACTION

The state agency that regulates energy-utility pricing should revise its pricing and cost recovery structure to reflect the true cost of energy delivery and to

support development in existing communities. It costs significantly more to provide energy service to greenfield sites than it does to provide service to existing ratepayers or to add new service to communities with existing service. This is because energy is lost as it is transmitted through power lines. The further the power line from its source, the more energy is lost. This often makes greenfield development more energy consumptive than infill development. Additionally, compact development consumes less energy on a per unit basis than low-density development.

Most utilities typically charge all consumers the same rate, irrespective of their location. They also charge developers the same average price to extend utility service, irrespective of where a ratepayer lives or development occurs (greenfield vs. infill). Utilities can modify their pricing and cost-recovery approaches to reflect the true cost of providing utility infrastructure.

In some instances, the distribution system in urban core areas are in need of major upgrades, so costs even for infill development need to be carefully assessed. To address this issue would involve using a marginal cost-pricing structure for rates and using a tiered system of cost recovery when charging developers for utility extensions. Such a pricing structure would result in a fairer outcome. Developers and consumers would pay for the true costs of development. Infill development no longer would subsidize the energy consumption of greenfield development.

PROCESS

The regulatory structure for the provision of energy varies from state to state. The State should examine energy utility regulations for their impact on land use and determine whether it is possible for utilities to price based on marginal costs. To modify the energy-utility reimbursement structure, the state utility regulating agency could require up to 100 percent reimbursement of projects in designated growth areas or infill sites. Additionally, the regulatory structure could be modified to require that the cost of infrastructure projects on greenfield sites be borne entirely or at least partially by the developer, rather than passing on the costs to the rest of the rate-paying population.

EXAMPLE

New Jersey's Smart Growth Main Extension Rule

New Jersey's "Smart Growth Main Extension Rule" allows for different pricing and cost recovery for new infrastructure extensions based on the location of the extension. The state is divided into areas that are either designated for growth or not designated for growth. In areas that are designated for growth, developers bear less of the cost for public utility infrastructure than they do in areas not designated for growth, where they are required to pay the full cost of the infrastructure.

New Jersey's Smart Growth Main Extension Rule:
http://sgl.state.nj.us/hmfa/bpu.htm

3

Leverage energy efficiency funds for better development patterns

ACTION

Most states provide grants, loans, tax deductions and credits that support energy efficiency measures in homes, businesses and institutions. Investments in energy-saving technologies can yield additional environmental and fiscal savings if the State ensures that those dollars are spent on projects that support the re-use of existing buildings, infill redevelopment and compact, mixed-use new construction.

Energy efficiency benefits usually cover a wide range of improvements, including Energy Star appliances, solar and wind systems, insulation and weather stripping, and energy efficient lighting. If a State revises the criteria used to determine eligibility for state-funded energy efficiency programs to include geographic location and density, it can reap even more energy savings from the investments.

As states increasingly address the issue of global climate change, it will become necessary to reduce the "carbon footprint," or the measurement of carbon-related energy use. Therefore, in addition to changing eligibility criteria for various energy efficiency measures, the State could ask that a project's carbon footprint be calculated and made part of the funding decision-making process. States should provide larger incentives for development projects with lower expected carbon footprints.

PROCESS

State energy efficiency programs typically have basic criteria for participation. Changing the criteria to include geographic location usually can be done administratively as part of the award-making process. In some states,

nearly all building types and uses are eligible, while others limit the types of use to commercial, industrial, and public buildings.

EXAMPLE

North Carolina's Energy Improvement Loan Program

North Carolina's Energy Improvement Loan Program provides low cost loans for energy efficiency improvements to industrial and commercial businesses, local governments, schools, and non-profit organizations. One percent and three percent interest-rate loans are available for renewable/recycling energy projects and energy-efficiency projects, respectively. New construction projects may be eligible for the incremental cost of above-code improvements.

North Carolina's Energy Improvement Loan Program: *http://www.energync.net/funding/eilp.html*

4

Promote district energy and Combined Cooling, Heating and Power Systems

ACTION

The State should promote district energy and combined cooling, heating and power systems. District energy systems supply thermal energy (hot water, steam and/or chilled water) to buildings from efficient central plants through a network of underground pipes. Many downtown areas, colleges and hospitals are served by district energy systems, and there is significant potential to serve new high-density development with district systems.

District energy provides many opportunities to increase energy efficiency, use renewable resources, enhance power grid reliability, and increase our national security. Key energy- efficiency opportunities include recovery ("recycling") of waste heat from power generation through combined heat and power (CHP), industrial processes or municipal operations, and superior efficiency through state-of-the-art technology and controls. Major renewable-energy opportunities include bio-energy, geothermal and natural sources of air conditioning such as the use of lake or ocean water.

By using recycled energy or renewable sources, district systems can make significant contributions toward reducing reliance on fossil fuels and toward cutting emissions of air pollution and greenhouse gases. District energy systems boost reliability and energy security by cutting peak power demand by meeting air conditioning demand through delivery of chilled water, shifting power demand through thermal storage and generating power near load centers. District energy systems also enhance national security and boost local economies by tapping local energy resources.

PROCESS

The best way for the State to encourage district energy systems is to lead by example. State governments operate numerous buildings and facilities. The State should assess its current inventory of buildings for their potential to be incorporated into district energy systems, as well as evaluate the feasibility of developing district energy systems in those locations.

To encourage local governments and private institutions to consider district energy systems, States should provide information and education about them to government officials, developers, planners, architects and engineers. City and county governments can be become important allies if the State:

- provides information on the benefits of district energy and CHP and how to evaluate and implement community energy system opportunities, including training workshops and computer simulation tools;
- provides technical assistance and cost-shared funding for community energy resource assessments and district energy feasibility studies; and
- develops and operates an information clearinghouse on district energy system implementation.

Developers, planners, architects and engineers can become stronger advocates of district energy systems if provided with training materials, technical guidebooks, computer simulation tools and other programs that provide information on how district systems work and how to integrate them into development plans and designs.

States also can:

- ensure that CHP facilities are given fair and reasonable access to the electricity grid for purchase of stand-by power and sales of power to the grid without unreasonable fees;
- encourage waste heat utilization by including CHP in its power generation portfolio standard;
- provide information and incentives for new or existing

waste heat generators to (re)locate adjacent or close by to heat sinks. A key first step is an inventory of waste heat resources, identifying how much and where waste heat exists, how much of the heat is useable (of high enough quality) and how much is feasible to recover (near enough users of heat);

- include these types of energy-efficient infrastructure in grant and loan programs, tax credit programs, and other incentive measures; and
- mandate integrated planning and policy development by state agencies charged with power utility planning and regulation, waste management, energy efficiency, air quality, and other relevant concerns. Such planning should include evaluation of the State's full renewable thermal energy potential, including a comprehensive assessment of bio-energy resources, geothermal heating, and the potential to use natural sources of air conditioning from cold deep surface water.

EXAMPLES

Pennsylvania's Alternative Energy Portfolio Standard (AEPS)

Pennsylvania's Alternative Energy Portfolio Standard requires that an annually increasing percentage of electricity sold to retail customers in the State come from alternative energy sources. In 2004, Pennsylvania Governor Edward Rendell signed Act 213, which created two tiers of alternative sources. The standard calls for utilities to generate 3.5 percent of their electricity by using Tier I energy sources and 6.2 percent by using Tier II sources by 2012. Tier II could include certain forms of combined heat and power systems.

Pennsylvania's Alternative Energy Portfolio Standard (AEPS): *http://paaeps.com/*

Connecticut's Energy Independence Act

In 2005 Connecticut enacted Connecticut House Bill 7501, "An Act Concerning Energy Independence," that includes numerous provisions that encourage CHP, including a New Efficiency and CHP Portfolio Standard. The law provides incentives for local electric utilities to purchase the excess electricity from CHP facilities rated less than 65 MW and sets up a funding mechanism to support the program.

Connecticut General Assembly: *http://www.cga.ct.gov/*

5

Promote energy efficiency in multifamily housing

ACTION

Multifamily housing — particularly multifamily housing for low- and moderate-income families — is a particularly challenging area for energy conservation. Tenants have little financial incentive to invest in retrofitting their homes for energy efficiency because they do not own the building and often live there for only a short time. Landlords are often able to pass energy costs on to tenants, so they don't bear the cost of inefficiencies.

PROCESS

The State can encourage energy efficiency in multifamily housing by providing incentives to developers and owners. A large portion the low- and moderate-income multifamily housing is developed with the help of such public financing as low-income tax credits, housing trust funds, or bonds.

The State should attach "green strings" to this funding by requiring that developers meet energy efficiency standards in order to receive funding. Developers could qualify for more funding if they took more steps for higher levels of efficiency. Criteria should include such things as: insulation with an R-value suitable for the local climate; energy-efficient windows; Energy Star appliances; low-flow, water-sense faucets and showerheads; low-flow toilets; and highly efficient boilers and air conditioning systems. In most states, the Low Income Housing Tax Credit program provides the greatest financial incentive for affordable housing development, so the program has become a prime green strings opportunity.

The State also can offer incentives by providing low-interest financing for measures that also reduce a property's operating costs. Loans could be made available to install, repair or replace heating systems, insulation, weather stripping, windows, appliances or other such energy-saving updates.

EXAMPLES

Washington's Evergreen Sustainable Development Standard

The Washington State Department of Community, Trade and Economic Development created the Evergreen Sustainable Development Standard, a set of green building criteria that is required for any affordable housing project applying for state funds through the

Washington State Housing Trust Fund. The standard is based on a system that awards points for a variety of sustainable building practices, including site locations and neighborhood planning; water conservation; energy efficiency; the incorporation of renewable technologies; improved indoor-air quality; and environmentally conscious construction practices and building materials.

Washington's Evergreen Sustainable Development Standard (ESDS): *http://www.cted.wa.gov/*

Maine's Multifamily Home Energy Loan Program

The Maine State Housing Authority's Multifamily Home Energy Loan Program (HELP) provides low-interest loans for multifamily housing improvements that increase energy efficiency and conservation of resources. The program requires borrowers to have an energy audit conducted and to prepare a plan to address deficiencies. According to the Housing Authority, property owners who make improvements identified in an energy audit may reduce energy consumption by 15 to 20 percent.

Maine's State Housing Authority: *http://www.mainehousing.org/*

California's Statewide Multi-family Energy Efficiency Rebate Program

The California Statewide Multifamily Energy Efficiency Rebate Program (MEERP) is a collaboration between the state's four major investor-owner utilities: Pacific Gas and Electric Company, San Diego Gas and Electric Company, Southern California Gas Company, and Southern California Edison. Under the program, both owners and tenants of multifamily properties can receive rebates on energy-efficient equipment, such as dishwashers, windows, and water heaters.

Alliance to Save Energy: *http://www.ase.org/*

6

Expand commuter tax credit programs to support walking and bicycling

ACTION

The State should implement or expand a commuter tax credit program to include additional energy saving modes of travel, such as walking and biking. This would provide an incentive for employers to locate and citizens to live in compact, walkable, and transit-accessible communities. To lead by example, the State should offer its own employees these benefits.

PROCESS

Commuter tax credit programs exist in most states. For example, in Minnesota, the state allows corporations to claim a 30 percent credit on state corporate franchise taxes when the corporation provides a transit benefit to its employees. In addition, corporations are allowed to claim net expenditure on transit as a business expense, which can be itemized and deducted in both state and federal tax filings.

Most commuter tax credit programs focus on encouraging transit use. It is possible, however, to expand the range of the program to provide incentives for other non-automobile modes, including walking and bicycling. Credits can be provided to the employer to cover the cost of providing features such as bike racks, showers and sidewalk improvements that make biking and walking safer and more comfortable. Alternatively, the commuter can be given the credits directly. Credits provided to the commuter could help to defray such costs, the price of the bicycle, cycling gear, or even walking shoes. If the credit was large enough, it could help defer housing costs to allow the commuter to live within walking or bicycling distance of their place of work.

Under most programs, the credit amount is modest. The city of Palo Alto, for instance provides bike commuters $20 per month in taxable cash benefits if they commute by bicycle to 60 percent or more of their scheduled shifts. Similarly, under the U.S. Bicycle Commuter Tax Credit, bike commuters can receive a monthly federal tax credit of $20 for bike commuting.

EXAMPLE

Washington's Commute Trip Reduction Program

In 1991 the Washington State Legislature passed the Commute Reduction Law. The act allowed employers to receive a tax credit for subsidies they provided to their employees for using public transit, carpooling, bicycling or walking to work. In 1999, the credit was discontinued. In 2006, the legislature passed the Commute Trip Reduction Efficiency Act, requiring the nine counties with the greatest traffic congestion to develop strategies to reduce single-occupant vehicle trips. In addition, the largest employers in those counties are also required to

develop plans. The participating counties and employers are provided with technical assistance by the State Department of Transportation.

Washington Commute Trip Reduction Tax Credit: *http://www.wsdot.wa.gov/TDM/CTR*

7

Develop a tax incentive for alternatives to the automobile

ACTION

To reduce greenhouse gas emissions and provide citizens with more transportation alternatives at a time of rising fuel costs, the State should establish a tax credit program for households that do not own an automobile and that demonstrate their use of more energy-efficient transportation choices such as biking, walking or public transportation.

The policy of providing a tax credit or deduction to heads of households who choose not to own an automobile is intended to provide an incentive to reduce energy consumption. People who choose transportation other than the automobile generally consume less energy per capita than do people who drive — even if they're driving hybrid vehicles. The tax benefit not only can reduce energy use and traffic congestion, but also may increase the demand for housing located in mixed-use neighborhoods that are walkable or served by public transportation.

PROCESS

The process for implementing this policy will vary from state to state, depending on the existence of energy tax credit programs. Some states already offer tax credits or deductions for the purchase of a variety of energy-saving goods. These often include hybrid vehicles, as well as efficient washing machines, dryers, and other appliances. In states with existing programs, adding the alternative transportation category may be a matter of rewriting the rule or regulation that outlines the energy-saving activities and products eligible for the tax credit. In states without existing programs, new legislation may be necessary.

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Energy/helpdesk.html*

Reports

Energy and Smart Growth: Translation Paper #15, Funders Network; *Greener Policies, Smarter Plans: How States are Using the Low-Income Housing Tax Credit to Advance Healthy, Efficient and Environmentally Sound Homes*, Enterprise

Organizations

Environmental and Energy Study Institute

Websites

Carbon Footprint

Department of Health | 06

06

Department of Health

POLICIES

1 Educate state and local public health officials on the relationship between public health and the built environment

2 Build a coalition to foster healthy communities

3 Support local health impact assessments

4 Promote community walking and bicycling audits

5 Establish a "Safe Routes to School" program

6 Start a Walk to School Day

The built environment can have a significant impact on public health. Compact development patterns promote healthy living by encouraging walking, bicycling and other physical activity. This, in turn, can improve the quality of life for residents and can drive down healthcare costs.

On the other hand, the physical design of many communities creates barriers to a healthy lifestyle. When adults are forced to commute long distances by car and children find it difficult to walk or bicycle, obesity, diabetes and other health problems tend to rise. Our dependence on automobiles also harms air quality, which can lead to more cases of asthma, especially in children.

In this section, we discuss ways to build awareness about the impact of development patterns on community health; to increase the capacity of public health officials to support development patterns that promote healthy lifestyles; and to integrate public health considerations into land-use decisions. Some of the policies discussed in this section are also featured in other sections of this primer, because they could be undertaken by any of several state agencies. The policies therefore provide an ideal opportunity for multi-agency collaboration.

1

Educate state and local public health officials on the relationship between public health and the built environment

ACTION

Until recently, few public officials gave much thought to the ways that a place's design might affect a person's health. Now, civic and public health leaders may be aware of those impacts, but they still face political and regulatory barriers to change. Therefore, states should train state and local public health workers to raise awareness of the relationship between the built environment and public health, and should help them build the capacity to educate officials in other agencies about potential solutions.

States can take several steps to ensure that local public health officials raise awareness by becoming engaged in the land-use decision-making process. Increasing the involvement of state and local public health officials in development decisions leads to more support for development patterns that benefit public health, such as neighborhoods that are friendly to bicyclists and pedestrians. Another approach would be to convene multi-agency state government task forces where these issues could be discussed and where cross-departmental solutions could be considered.

PROCESS

The State can take several steps to increase awareness of the impact of development patterns on community health. First, it should develop a communications strategy that includes outreach to the public health community and state, local, and county officials. Such a strategy could involve hosting speakers, distributing written materials in hardcopy and online, holding regular conference calls on the built environment and public health, and establishing a listserv.

Second, state agencies should consider hiring planners and other professionals who are versed in the development process, and should encourage both state and local public health officials to become more involved in development decisions as members of local planning boards, development review commissions and regional planning councils. Increasing the involvement of state and local public health officials in development decisions by providing relevant training and convening cross-agency meetings can lead to more support for development patterns that benefit public health.

Third, state health departments can compile a list of assistance programs and financing sources, such as federal transportation enhancement and Congestion Mitigation and Air Quality (CMAQ) funds, that can be used to make communities and neighborhoods pedestrian and bicycle friendly. In addition, the agency can collect and disseminate data that can be used by local health officials to make the case for compact, pedestrian-friendly neighborhoods. If possible, such data should address not only the health impacts of development features, but also relevant economic impacts, such as savings in health costs associated with the addition of sidewalks.

EXAMPLES

Florida's Division of Environmental Health

The Florida Division of Environmental Health has used many of the approaches discussed above to build its capacity on development and public health issues. It operates with the understanding that urban planning and land-use patterns have a direct impact on public health and neighborhood prosperity. The Division of Environmental Health, a division of the Department of Health (and the first public health agency to become a partner in the national Smart Growth Network), was instrumental in the signing of a Memorandum of Agreement on Smart Growth among four state departments: Community Affairs, Environmental Protection, Health, and Transportation.

Florida's Division of Environmental Health:
http://www.doh.state.fl.us/environment

California's Healthy Transportation Network

California's Healthy Transportation Network is a state initiative coordinated by the California Center for Physical Activity, which was established by the California Department of Health Services. The Healthy Transportation Network provides technical assistance to local officials with planning walkable and bike-able communities by drawing upon relevant case studies and a comprehensive database. The network receives funding from the Department of Transportation's Enhancement Funds and from the California Department of Transportation.

California's Healthy Transportation Network:
http://www.healthytransportation.net/

2

Build a coalition to foster healthy communities

ACTION

Creating healthy communities requires coordinated action at all levels of government, as well as the involvement of stakeholders outside government. The State can promote collaboration and coordination by establishing a "healthy community" or "active living" task force made up of health agencies, local and state land-use planners, bicycle and pedestrian advocates, health advocacy groups, smart growth organizations, the building industry, environmental groups, health promotion professionals, nutritionists, public safety officials and other interested parties.

The task force should explore ways to promote healthier communities through changes in programs and policies. States may also prefer to strengthen the role of existing intergovernmental coordinators by mandating that they perform specific tasks and goals related to creating healthy communities.

PROCESS

The first step in building a coalition focused on community health is to convene leaders who are interested in promoting healthy lifestyles. It's important to include stakeholders outside the public health realm whose actions can have a direct impact on health and safety.

The group should develop suggestions for policy changes and set a course for implementation. When considering policies, the group should be focused on measurable results that can be achieved and replicated in a range of communities. Regular group contact and dialogue are essential to ensure that goals are established and commitments are fulfilled. Information exchange tools, such as Web sites and listservs, handy ways for participants to share of best practices.

EXAMPLE

Colorado's Active Community Environments

Colorado's Active Community Environments task force is a product of the Colorado Physical Activity and Nutrition Program, the Colorado Department of Public Health and Environment's statewide initiative to promote healthy, active lifestyles. The Active Community Environments Task Force includes representatives with knowledge of public health, transportation, planning and design issues. The task force has developed programs that have helped to create better walking and biking environments for communities across the state, has sponsored annual statewide workshops, and has delivered assistance and training to communities and local health departments. In fiscal year 2007-8, five communities received Active Community Environments' grants for policy and infrastructure improvements that can contribute to achieving active communities.

LiveWell Colorado: *http://www.livewellcolorado.com/*

3

Support local health impact assessments

ACTION

States should encourage communities to assess the health impact of comprehensive land-use plans, zoning proposals, planned investments in transportation and other proposed infrastructure changes. Such assessments also can be applied to specific developments, including subdivisions, shopping centers, and streetscape or sidewalk redesigns.

Health impact assessments are similar to environmental impact assessments. While environmental impact assessments focus on such environmental outcomes as air and water quality, health impact assessments focus on health outcomes, such as obesity, physical inactivity, asthma and injuries. They also may address equity and other social issues tied to the impact of land-use changes. A major benefit of the process is that it brings public health issues to the attention of policy-makers outside the traditional public health realm, including transportation and land-use officials.

PROCESS

States can develop assessment tools and provide training on their use. Existing tools include the World Health Organization's Health Impact Assessment, Florida's Protocol for Assessing Community Excellence in Environmental Health, Michigan's Promoting Active Communities Self-Assessment tool, and North Carolina's Health and Wellness Trust Fund's Fit Communities Program.

State health agencies generally are well suited to carry out health impact assessments. In addition, the State can

encourage local health impact assessments by providing financial and technical support to communities that choose to conduct them.

EXAMPLE
Michigan's Promoting Active Communities Program

As part of a state initiative to encourage residents to be physically active, the Michigan Department of Community Health, the Michigan Governor's Council on Physical Fitness, Health and Sports, the Prevention Research Center of Michigan, and Michigan State University created the Promoting Active Communities Self-Assessment Program. The online tool allows communities to evaluate their policies and transportation networks. It is meant to facilitate cooperation between community leaders and residents so that they can identify ways to improve policies and designs. The State provides awards to communities each year based on their success in changing policies to encourage active living.

Michigan's Promoting Active Communities Program: *http://www.mihealthtools.org/*

4
Promote community walking and bicycling audits

ACTION

State health departments can improve access to walking and bicycling by helping local jurisdictions conduct walking and cycling audits. The audits survey the physical design of communities to determine the barriers that may inhibit walking and biking, and to identify opportunities to encourage such activities by increasing connectivity, installing sidewalks and designing streets to adequately accommodate pedestrians and cyclists.

The audits can then be used to suggest or justify land-use changes that will make walking or bicycling more viable. States can employ the audits in conjunction with development of their own statewide bicycle and pedestrian plans. This requires coordination among various agencies, including transportation, planning, and health departments.

PROCESS

Walking and bicycling audits can be joint efforts of various state agencies. States also can provide grants directly to jurisdictions to fund audits of their own communities.

With limited resources, prioritizing funding is crucial. Audits can be connected to performance measures so that communities can work with planning departments and other land-use agencies to identify opportunities for improving their conditions for pedestrians and bicycles, and to ensure that those projects will be given funding priority.

EXAMPLE
California Center for Physical Activity's Walk Kit

The California Center for Physical Activity, in partnership with the University of California-San Francisco's Institute for Health and Aging, created a Walk Kit. The Walk Kit is designed to give local residents and health officials the tools they need to create successful walking groups and advocate for safe and accessible walking routes in their communities. The kit suggests that community members perform a walking audit to survey their community's existing road networks and cultural and historical features as a first step in the process of achieving improved walkability. The kit includes a link to the Centers for Disease Control and Prevention's walkability audit tool and an attached walkability checklist that can help residents identify walkable areas in their communities.

California Center for Physical Activity's Walk Kit: *http://www.caphysicalactivity.org/resources/walkkit.html*

5
Establish a "Safe Routes to School" program

ACTION

According to the Centers for Disease Control and Prevention, the number of schoolchildren who walked or bicycled to school declined nationally from 48 percent in 1969 to just 16 percent in 2001. The decline in walking and bicycling contributes to traffic congestion and poor air quality around schools. A growing body of evidence shows that children who lead sedentary lifestyles are at risk for a variety of health problems, including obesity, diabetes and cardiovascular disease. Enabling children to safely walk and bike to school promotes a more active lifestyle, contributes to lower childhood obesity rates,

and can reduce transportation costs for both households and the public sector.

The Department of Health should work together with the state transportation and education departments to develop a "Safe Routes to School" program. Safe Routes to School programs provide funding to help states and communities assess bike and pedestrian conditions around local schools, and then to facilitate the infrastructure and program changes needed to make it possible for children to safely walk and bike to school.

Sprawling land-use patterns can make it difficult to implement Safe Routes to School in many communities (*see Policy #3, Revise School Construction Funding Formulas in the Department of Education section*). In 2008, however, 29 states did already have Safe Routes programs.

PROCESS

Most Safe Routes to School programs are funded through a combination of federal, state and local sources. Funding is typically necessary for the assessment, planning and construction of infrastructure along the route, as well as for programming, including awareness-raising events and pilot walks.

Government funding, mostly through TEA-21 and SAFETEA-LU transportation appropriations, can help pay for the infrastructure. Some governmental funds can be used to cover the programmatic costs as well. State health agencies are skilled and experienced in health promotion and education and can be a valuable partner to education and transportation agencies.

According to the Federal Highway Administration, funding levels for Safe Routes to School Programs began at $54 million in FY 2005 and could increase to $183 million in FY 2009. Each state is eligible to receive a minimum of $1 million. To receive federal funding, states are required to have a Safe Routes to School coordinator to manage the state's program.

EXAMPLE

Colorado's Safe Routes to School Program

The Colorado Department of Transportation administers the state's Safe Routes to School program. Federal funds are awarded through a statewide competitive process. Awarded funds are then distributed according to the geographic distribution of the K-8 student population. Between 10 and 30 percent of the funds ($1.6 million in 2008) are spent on programming. The remaining funds support infrastructure projects as well as a full-time Safe Routes Coordinator at the Colorado Department of Transportation.

Colorado's Safe Routes to School Program: *http://www.dot.state.co.us/BikePed/SafeRoutesToSchool.htm*

6

Start a Walk to School Day

ACTION

State departments of health should work together with departments of transportation and education to establish a Walk to School Day. Childhood obesity is an epidemic, and evidence has shown that sedentary lifestyles are a major cause. Walking is the easiest form of exercise for children and adults alike. Yet, most students do not walk to school because barriers that make walking unsafe, or because their homes are too far from their schools. Establishing a Walk to School Day can encourage communities to increase opportunities for students to walk to school and make them more aware of the barriers to such activity.

Walk to School Day originated in 1997 in Chicago. In 2006, schools in all 50 states and the District of Columbia held Walk to School events to promote physical activity, safety and concern for the environment. Many communities and states use Walk to School events to kick-off "Safe Routes to School" programs or to build more interest and support for walking and bicycling (*see Policy #5, "Establish a 'Safe Routes to School' Program, in this section*).

PROCESS

The State can encourage local governments and school boards to designate a Walk to School Day by funding or otherwise supporting local efforts through the departments of education, transportation and health. Starting a Walk to School Day involves gathering interested parties at schools and throughout communities to promote the idea that students should walk to school in supervised groups along safe routes.

Interested schools are encouraged to register their intentions at the International Walk to School Web site. Doing so will increase awareness of local and statewide support for the event. Also, community leaders will be able to learn about practices in other communities.

EXAMPLES

California's Walk to School Day

Five California schools participated in Walk to School Day in 1998, and the state Department of Public Health has funded Walk to School programs since 1999. California's Walk to School headquarters provides resources such as letters and fact sheets to schools and organizations looking to implement Walk to School activities.

Taking into account California's diverse population, many of these resources are available in multiple languages. The Walk to School headquarters estimates that 1,800 schools in California will participate in this year's activities.

California's Walk to School Day:
http://www.cawalktoschool.com

Washington's "Walk to School Day"

In collaboration with Safe Kids Washington, the Washington Department of Health has sponsored a Walk to School Day for schools across the state for many years. The program raises awareness about how walkable the community is (or is not), promotes pedestrian safety, and allows community leaders, parents and children to share time together.

The event is timed each October to coincide with International Walk Your Child to School Day. Safe Kids Coalition volunteers, healthcare workers, police, firefighters and other safety advocates come together to raise awareness of and provide support for safe walking and biking programs. Many schools hold Walk to School assemblies, where children are given reflective zipper pulls and T-shirts to reinforce their awareness of the rules for safe walking. And parents and grandparents are encouraged to join the students on their walks.

Washington Department of Health:
http://ww2.doh.wa.gov

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Health/helpdesk.html*

Reports

Healthy Food, Healthy Communities: Improving Access and Opportunities Through Food Retailing, PolicyLink; *Translation Paper #11: Health and Smart Growth*, Funders' Network For Smart Growth and Livable Communities

Organizations

Association of State and Territorial Health Officials, National Association of City and County Health Officials; National Center for Safe Routes to School

Websites

Centers for Disease Control and Prevention's Health Impact Assessment; Active Living by Design; North Carolina Division of Bicycle and Pedestrian Transportation; Pedestrian and Bicycle Information Center; Leadership for Healthy Communities; US DOT Federal Highway Administration; International Walk to School Day and Month

Department of Housing and Community Development | 07

07

Department of Housing and Community Development

POLICIES

1 Encourage cities and counties to permit more multi-family and higher density housing

2 Update or establish state sub-code for housing rehabilitation

3 Support redevelopment of vacant and abandoned properties

4 Provide incentives to encourage people to live near work or transit

5 Support Community Development Corporations

6 Modify allocation of Low-Income Housing Tax Credits to reinforce location efficiency

7 Adopt fair-share requirements for affordable housing

8 Establish a dedicated revenue source for affordable housing

9 Encourage upper-story development downtown

10 Align Community Development Block Grant funds with state land-use policies

One measure of a successful community is whether it provides an adequate supply of housing for residents of all levels of income and at all stages of life. The vitality of each community depends on how and where that housing is built.

Compact, mixed use and infill development near transit, jobs, shops, schools and other community centers can strengthen communities, expand housing choices and affordability, and promote the prosperity. On the other hand, sprawling "greenfield" development without mixes of uses tends to limit housing choices, segregate citizens by income level and force many to live in places that are far from their jobs. Poorly planned development also can negatively affect regional economic competitiveness if employers cannot attract workers due to high housing costs.

In this section, we describe ways that housing can foster comprehensive redevelopment, encourage neighborhood revitalization, improve air quality, reduce traffic and create more vibrant, livable communities.

1

Encourage cities and counties to permit more multi-family and higher density housing

ACTION

States should provide state aid and revise the state's planning laws to encourage local governments to permit more construction of higher density and multi-family housing near transit, jobs, retail, and other centers of the community.

Local zoning codes control the look, location, and supply of housing — including the location and number of apartments, duplexes, townhouses, and other higher density housing that can be built in a given jurisdiction. Most local zoning regulations limit or prohibit higher density development. Even where such development is allowed, it is often segregated from other housing types and isolated from schools, jobs, shops and other centers of community.

Overcoming local regulatory barriers to higher density and multi-family development is an important way to meet current housing needs and to increase housing choices statewide.

PROCESS

State planning enabling legislation usually establishes the topics or areas that communities must address when developing their comprehensive plans. Only 25 states currently have planning laws that require localities to indicate how their comprehensive plan will meet their citizens' housing needs.

As a first step toward getting cities and counties to increase housing choices, states should update their enabling legislation to require localities to plan for housing, and to develop strategies and policies that meet a variety of housing needs and that expand housing choices. As part of this process, local governments should be required to determine whether they have the capacity to meet housing needs for their jurisdiction's projected population size and mix.

States can also provide incentives that encourage local governments to change their development regulations and to increase housing choice. Incentives could include increased education funding for every additional unit of multi-family housing that is permitted or built in a community (*see Policy 4, Increase State share of education costs in communities that are increasing density, in the Department of Education section*).

States can require local governments to allow for a range of housing in their comprehensive plans and to zone for diverse housing in order to be eligible for state housing funds. This would require state review or certification of local plans and zoning regulations.

States can also give priority in the allocation of housing funds (such as HOME Investment Partnership Program and Community Development Block Grants) and other discretionary funding, including economic development funds, to communities that permit higher density or multi-family housing development. Changing the process of allocating federal funds would require updating the state housing agency's consolidated plan, because the U.S. Department of Housing and Urban Development requires states to develop consolidated housing plans that outline how they will spend federal dollars. Changing the criteria for allocation of state discretionary funding would not require a change in this plan.

EXAMPLES

Massachusetts' Chapter 40R and 40S

The Massachusetts Legislature adopted a smart growth zoning statute (Chapter 40R) that provides incentives for local governments to establish smart growth zoning districts. Smart growth zoning districts must fulfill certain density, affordability and location requirements. Communities receive some incentives upon making zoning changes and receive further incentives based upon building permits issued, which ensures that the funding is supporting actual implementation, as well as planning and zoning.

The legislature also enacted Chapter 40S, which created a Smart Growth School Cost Reimbursement Fund to compensate schools for additional costs incurred due to more compact development in the smart growth zoning districts.

Massachusetts' Chapters 40R and 40S: *http://www.bos.frb.org/economic/neppc/briefs/2006/briefs061.pdf*

Oregon's statewide housing goals

To be eligible for state assistance, localities in Oregon must meet statewide housing goals. The Oregon Housing and Community Services Department administers state assistance in the form of grants and tax credits to individuals, lending institutions, developers, and nonprofit organizations. Applicants are eligible for state funds if the Oregon Department of Land Conservation and Development certifies their plans as

being in accordance with state planning goals.

Oregon Department of Land Conservation and Development: *http://www.oregon.gov/*

Oregon Housing and Community Services: *http://www.oregon.gov/OHCS*

2

Update or establish state sub-code for housing rehabilitation

ACTION

America's housing stock is aging and homeowners are increasingly seeking to renovate their properties to meet their changing needs. While local building codes govern new construction, many states do not have codes for rehabilitation. Without specific and consistent guidance, rehabilitation of older properties often must conform to the same standards as new construction, standards that do not accommodate the specific needs and challenges of updating older homes.

A second factor in construction is state building codes, which are typically applied to the rehabilitation process. The State should ensure that its building codes not only allow for but encourage the rehabilitation of older homes.

Problems arise when there are no codes tailored for rehabilitation or when local governments seek to apply their own standards to the rehabilitation process, which are sometimes inconsistent from jurisdiction to jurisdiction. Action can be taken to revise or establish a sub-code that includes standards for rehabilitation and renovation. For example, states can review building codes for inconsistencies and suggest elements of the rehabilitation codes that can be updated.

PROCESS

States can develop a rehabilitation code either by writing the code from scratch or by adopting a model code. Starting from scratch requires willingness on the part of the State to administer and maintain the code, a factor that has deterred many states from following this approach. Due to a lack of model rehabilitation codes, Maryland and New Jersey effectively developed building codes from scratch, although Maryland borrowed heavily from New Jersey's code.

In response to the New Jersey and Maryland successes, the U.S. Department of Housing and Urban Development (HUD), the International Code Council, and the National Fire Protection Association developed a set of model rehabilitation codes that can be adopted by states and jurisdictions. Also, many states are adopting the 2006 International Existing Building Code, which contains requirements intended to encourage the use and reuse of existing buildings, as their building rehabilitation code.

EXAMPLE

New Jersey's Rehabilitation Sub-code

New Jersey adopted a rehabilitation sub-code in 1997. The sub-code applies to all rehabilitation activity in the state and is part of the State's Uniform Construction Code. The code had an immediate impact on redevelopment activity across the state. As a result, rehabilitation spending in New Jersey's largest cities increased. The success of the sub-code is attributed to the lower rehabilitation costs, a perception that the state is now in favor of rehabilitation, and a streamlined plan review process.

New Jersey's Rehabilitation Sub-Code: *http://www.state.nj.us/dca/codes/rehab/*

3

Support redevelopment of vacant and abandoned properties

ACTION

States should support the redevelopment of vacant and abandoned properties by removing barriers that hinder redevelopment efforts and by assisting local redevelopment authorities.

Abandoned buildings often prevent or hinder comprehensive urban redevelopment by depressing property values, reducing tax revenues, and discouraging development. In addition, redeveloping vacant properties rather than building on "greenfields" can prevent the loss of open space and is more fiscally responsible. In the typical large city, vacant and abandoned properties occupy more than 12,000 acres, or over 15 percent of the typical city area.

This is usable land already connected to urban infrastructure and services. For metropolitan areas looking to accommodate growth without consuming the surrounding countryside, such properties amount to a vast reservoir of land for well-planned development. To take advantage of the resource, local governments must take control of neglected properties, prioritize reclamation opportunities, and utilize technology to document and redevelop vacant properties.

PROCESS

States can support redevelopment efforts by removing barriers that hinder the revival of vacant properties, including state laws that govern land assembly, foreclosure and eminent domain. States can conduct statewide or citywide inventories of vacant properties and provide more targeted technical and financial assistance to local redevelopment authorities.

Downtown business associations can be instrumental in providing the assistance and contacts necessary to review tax rolls, coordinate with the tax assessor's office, and identify lots and buildings that have the greatest potential for redevelopment. States can also reform eminent domain laws and require all redevelopment authorities to automatically acquire property in distressed neighborhoods.

EXAMPLE

Michigan's Land Bank Fast Track legislation passed in 2004. The law facilitates the redevelopment of vacant properties by extending the rights of land banks. For example, much like private companies, land banks can borrow money, buy and sell land, and build on land. Land banks are also entitled to an expedited process for foreclosures and title clearing. Genesee County, and particularly the City of Flint, have benefited from this Fast Track Authority. The land bank is now more independent in financing and managing vacant properties, which facilitates the rehabilitation and sale of the properties.

Michigan Department of Labor and Economic Growth: *http://www.michigan.gov/dleg/*

4

Provide incentives to encourage people to live near work or transit

ACTION

When people can conveniently walk and bicycle to jobs, stores, transit and other destinations, they tend not to drive as much. This improves air quality, reduces greenhouse gas emissions, saves on commuting costs, and lessens traffic congestion.

State governments can encourage people to live in walkable communities by providing targeted mortgage assistance. The transportation savings that come with living near transit, jobs and shops can enable people who live in "location-efficient neighborhoods" to qualify for a higher amount of financing for home purchase.

PROCESS

States should promote homeownership near transit and in high-density areas by integrating location-efficiency criteria into their existing mortgage programs or by partnering with an existing lender to provide location-efficient mortgages statewide.

Housing finance authorities issue mortgages that contain eligibility and evaluative criteria that guide funding decisions. A state's housing finance agency could revise loan eligibility criteria so that applicants who live in neighborhoods or census tracts that are served by transit, that are within a half-mile of transit, or that are higher density (ranging from eight to 20 dwellings per acre) could qualify for greater housing assistance.

Another strategy is to require a development plan to outline transit and housing plans before the state provides economic development funds. The Department of Housing and Community Development can work with other agencies to establish appropriate criteria. Funds should be based on the proximity of projects to available workforce housing and transit.

EXAMPLE

Illinois' Business Location Efficiency Incentive Act.

Illinois' Business Location Efficiency Incentive Act was signed into law in 2006 and became effective in 2007. In the disbursement of tax credits from the Economic Development for a Growing Economy (EDGE) program, the Act gives preference to business locations that are transit and housing accessible.

EDGE offers tax incentives to companies that ultimately decide to locate, expand and invest in Illinois after seriously considering another state. Companies that locate in location-efficient sites can receive up to 10 percent more EDGE tax credits than the amount for which they would otherwise be eligible.

Illinois General Assembly: *http://www.ilga.gov/legislation*

5

Support Community Development Corporations

ACTION

All states are interested in strengthening their communities and promoting vitality and prosperity for their citizens. The work of government can be enhanced when it collaborates with not-for-profits, faith-based groups, or Community Development Corporations (CDCs). These organizations have generally demonstrated an ability to develop affordable housing and to provide services to community residents. States can assist these organizations by providing funding, education, and technical assistance that can enhance their capacity.

PROCESS

Community organizations often know what needs to be done to catalyze neighborhood revitalization but lack the financial resources to do it. States have several options for building the capacity of CDCs. They can create a funding stream that can be accessed directly by community organizations. They also can encourage private companies to become involved in helping fund local CDCs. Area corporations often have a desire to contribute to neighborhood improvement, but need guidance for effective investment in community organizations.

Programs directed at the state level can provide the financial incentive and infrastructure needed to bring local stakeholders together as partners in neighborhood revitalization. When funding is made available directly to CDCs, it can be done through tax-exempt bonds or via a grant program. Incentives for private corporations to engage in community development can include state tax credits in exchange for their contributions to community-based organizations.

EXAMPLE

The California Communities Program

The California Statewide Communities Development Authority or "California Communities" provides local governments and private entities access to low-cost, tax-exempt project financing. At least 495 cities, counties, and special districts are program participants.

The California Communities program has awarded more than $9.9 billion to local agency participants, including $147 million of community infrastructure bonds to plan future growth, to 59 agencies; and $481 million for water/wastewater treatment facility upgrades in 98 water and sanitation districts. California Communities also funds public benefits projects, including more than 51,000 affordable housing units, 131 educational facilities, and 16 solid waste disposal and alternative energy facilities.

California Communities program: *http://www.cacommunities.org/*

6

Modify allocation of Low-Income Housing Tax Credits to reinforce location efficiency

ACTION

The Low-Income Housing Tax Credit is a federal program that subsidizes the rehabilitation and construction of affordable and workforce housing. States should modify the allocation of Low-Income Housing Tax Credits to encourage affordable housing where walking to work, to school and for simple errands is an option.

A number of states have modified the allocation criteria for tax credits to encourage new affordable housing to be built near employment and transit centers. Nearly all states have allocation criteria that encourage rehabilitation and preservation of historic and existing low-income housing, target investment to existing communities or communities of most need, and restrict development in environmentally sensitive or undesirable areas. Many states award points to projects if they are located near or within a specific distance (1/4 mile, for instance) of retail, civic and recreational uses.

PROCESS

Each state is required by federal law to develop a Qualified Allocation Plan that establishes state policy goals for the use of housing credits. The Qualified Allocation Plan is adopted each year by the state housing credit agency. Federal law requires that the Qualified Allocation Plan give priority to projects that serve the lowest income households and remain affordable for the longest period of time. But states have the flexibility to establish additional criteria so that tax credits meet their housing goals.

States can promote their policy objectives via the Qualified Allocation Plan in several ways. The most direct one is to establish a threshold requirement whereby credits are restricted to projects that meet the requirement. States can also establish a credit set-aside or create a system where points are awarded based on certain development characteristics. Most states promote housing goals by modifying their scoring process because it retains flexibility.

EXAMPLE

Georgia's Qualified Allocation Plan

Georgia modified its project scoring system to support smart growth outcomes. Under its 2006 Qualified Allocation Plan, the state Department of Community Affairs evaluates projects to determine if they are located on infill sites, are brownfield or greyfield properties, are located adjacent to transit stations, or are part of a mixed-income project.

The Qualified Allocation Plan also grades projects based on their proximity to a set of desired or undesired activities. Projects that are located near desired activities (retail, grocery, jobs) and are connected to them through sidewalks or bikeways receive points. Points are deducted for projects located near undesirable activities (junkyards, hazardous or heavy manufacturing activities). This scoring process applies to the distribution of state low-income housing tax credits.

In 2008, Georgia updated its Qualified Allocation Plan by establishing a scoring system for the Department of Community Affairs to evaluate affordable housing projects and award available tax credits and other benefits. The updated program favors projects that promote the revitalization of urban areas and incorporate elements of smart growth such as walkability. For example, projects receive additional points if they are designated as Transit Oriented Development, are located on infill sites, are mixed-income projects, or preserve existing affordable housing. Additionally, Georgia has gained national recognition by promoting green standards by awarding extra points to projects that meet higher energy efficiency standards.

Georgia Department of Community Affairs: *http://www.dca.state.ga.us/*

7

Adopt fair-share requirements for affordable housing

ACTION

States across the nation have difficulty supplying affordable housing in a range of types and locations. It is one thing for select communities to address the deficit, but a more viable option is for regions and states to adopt fair-share housing standards. This requires all new housing developments to incorporate a portion of affordable units. Proportional requirements typically are in the 10-to-15 percent range, but can vary depending on the needs of communities. This system works best when there is clear consensus and buy-in on the process from local, regional and state stakeholders.

Inclusionary zoning, or planning ordinances that require a specific share of new construction to be affordable to people of low or moderate income, is another successful technique used by some jurisdictions. Several states, including Texas and Oregon, however, have established laws that forbid jurisdictions from enacting inclusionary zoning laws.

PROCESS

One common way to ensure the provision of a fair share of affordable housing is a top-down approach, in which all counties and municipalities with insufficient affordable housing are required to adopt an affordable housing plan. Other options include tying the funding of community development projects, housing tax credits and infrastructure improvements to compliance with an affordable housing plan. Another strategy is to exempt communities from a fair housing requirement if they can demonstrate they already provide an overwhelming supply of housing to residents who make 80 percent or less of the area median income.

EXAMPLE
Massachusetts' Chapter 40B Affordable Housing Zoning

Also known as the Comprehensive Permit Law, Massachusetts' Chapter 40B Affordable Housing Zoning law encourages all local governments to ensure that at least 10 percent of the housing in their community is affordable. It does this by applying more flexible and streamlined review standards to development projects with an affordable component in communities where the 10 percent threshold has not been met.

More specifically, in communities that do not meet the 10 percent threshold, developers of state or federally subsidized projects can apply for a comprehensive permit through a streamlined process before the local Zoning Board of Appeals — if at least 25 percent of their project is affordable. Such development can then be approved under rules that are more flexible and often more lenient than local zoning would permit. For example, the Zoning Board of Appeals is generally able to provide permits for 40B developments even if the density of the development exceeds that permitted by local zoning.

Not only does 40B enable the development of affordable housing by providing more flexible permitting standards, the statute also provides an incentive for local governments to reach the 10 percent threshold in order to avoid the loss of local zoning control. Since the early 1970s, 40B has contributed to the construction of 40,000 units. Between 2003 and 2006, 71 percent of new Subsidized Housing units in Boston were a result of 40B legislation.

Over time, Massachusetts discovered that projects occurring under Chapter 40B were often sprawl development. In response, smart growth criteria were added that called for favors redevelopment projects that are walkable to transit, village centers, schools, libraries or retail; meet a minimum of five of the Commonwealth's 10 development principles; are environmentally sensitive; include fair participation by the public; meet standards for diversity and social equity; are energy efficient; provide transportation choices; and increase job opportunities.

Massachusetts Department of Housing and Community Development: *http://www.mass.gov/dhcd*

8

Establish a dedicated revenue source for affordable housing

ACTION

Housing affordability has become a chronic problem for metropolitan areas. The lack of affordable housing can adversely affect regional economic competitiveness when companies are unable to attract workers because the cost of housing is too high. The private sector often will not produce affordable housing unless encouraged to do so by government. To address this challenge, local, regional and state governments need a coherent process for producing affordable housing. This can be done through directives from state housing finance agencies, and housing and mortgage finance agencies.

PROCESS

According to the Center for Community Change's 2007 Housing Trust Fund Progress Report, nearly 600 housing trust funds in cities, regions, and states generate more than $1.6 billion a year to meet housing needs. Thirty-eight states plus the District of Columbia have created 49 funds.

Most states base their housing trust fund financing on real estate or housing sources. Funding can come from real estate transfer taxes, document recording fees, excise taxes, developer impact fees, Tax Increment Financing, interest on various government-held accounts, loan repayments, and a whole slew of other taxes and fees. The revenue source will vary depending on whether the housing trust fund is established at the state or local government level.

The strong role of housing finance authorities in establishing rules gives them latitude to encourage smart growth. One looming problem is that many states are shifting their funding for affordable housing from grants to loan programs. This shift could reduce the efficacy of the program because many affordable housing developers cannot generate enough income from development to pay back even a small amount of interest on a loan.

EXAMPLE

Vermont's Housing and Conservation Trust

The Vermont Housing and Conservation Trust funds housing construction and land conservation projects by issuing loans and grants to local governments, non-profits, housing co-ops, and state agencies. The Vermont Housing and Conservation Board administers the fund. Eligible projects include affordable housing, as well as natural resource conservation, preservation and rehabilitation efforts.

Vermont's Housing and Conservation Board: *http://www.vhcb.org/*

9

Encourage upper-story housing development downtown

ACTION

In many aging central business districts, the upper floors above stores sit vacant. These spaces offer potential space for affordable housing.

Downtown housing produces numerous benefits. The town increases its tax base. Property owners gain additional income, which increases property values. The residents form a consumer group to anchor businesses, such as restaurants and stores. Encouraging affordable downtown housing can also help businesses by providing lower-paid service workers with nearby housing options. In addition, upper-story housing allows people to more easily walk, bike or take transit.

PROCESS

There are many ways that states can provide incentives to develop upper-story housing in downtowns. They should identify downtowns that would benefit the most from upper-story housing and assist those communities in conducting inventories of vacant space. States should ensure that the fire prevention and life safety code, and the accessibility code are applied in a predictable and flexible manner that supports state goals. States can provide financial incentives to encourage upper-story housing development, such as increasing tax credits, instituting property tax stabilization or reduction measures, utilizing Tax Increment Financing, or directing Community Development Block Grant funds to designated downtowns.

EXAMPLE

Vermont's Downtown Program

The Vermont Downtown Program was established in 1994 to provide technical assistance and training to communities and help local leaders develop skills and strategies for their downtown revitalization efforts. The program is an affiliate of the National Main Street Center, a division of the National Trust for Historic Preservation, which has worked in over 1,400 communities nationwide revitalizing and redeveloping downtown commercial districts in small towns and urban neighborhoods.

Vermont Division for Historic Preservation: *http://historicvermont.org/*

10

Align Community Development Block Grant funds with state land-use policies

ACTION

States receive a significant portion of funding for affordable housing and community development activities from the federal Community Development Block Grant program. The CDBG program provides funding to assist a wide range of activities, including housing improvements, public facilities such as water and sewer, buildings such as local health centers, and economic development projects.

Federal statutes require CDBG funds to support the needs of low- and moderate-income households and their neighborhoods. When distributing funds, states must meet this programmatic goal, but they have significant latitude in promoting or achieving other state housing and community development goals, including smart growth objectives.

Funds can be used, among other things, to locate affordable housing near transit, commercial center or employment centers; to promote rehab of historic buildings; and to fund brownfield cleanups. Governors should direct their housing agencies to revise the distribution criteria for CDBG funds to more effectively support smart growth.

PROCESS

To receive CDBG funds, states and jurisdictions must have a consolidated three-to-five-year plan that is approved by U.S. Department of Housing and Urban Development. The consolidated plan identifies housing and community development needs and objectives, and sets forth the criteria and process for distribution of CDBG funds. States can establish geographic criteria that prioritize the distribution of funds to designated locations, such as downtowns or designated growth locations.

EXAMPLE

Vermont's Consolidated Plan

Under Vermont's Consolidated Plan, funding preference for all programs is given to projects that maintain the historic settlement pattern of compact village and downtown centers separated by rural countryside. The plan also focuses resources on designated growth centers in the state and defines growth center characteristics.

Vermont Department of Housing and Community Affairs: *http://www.dhca.state.vt.us/*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Housing/helpdesk.html*

Reports

2006 International Existing Building Code; *State of the Nation's Housing; Shared Prosperity, Stronger Regions: An Agenda for Rebuilding America's Older Core Cities*; *Streamlining Building Rehabilitation Codes to Encourage Revitalization*; *A Greener Plan for Affordable Housing: How States are Using the Housing Credit to Advance Sustainability*; Stuart Meck, Rebecca Retzlaff and James Schwab, *Regional Approaches to Affordable Housing* American Planning Association, Planning Advisory Service Report 513/514; *Center for Community Change: Housing Trust Fund Progress Report 2007*

Organizations

National Vacant Properties Campaign; International Code Council; National Multi Housing Council; National Housing Trust; Policy Link

Websites

Policy Link; List of Housing Trust Web sites, USHUD

Department of Natural Resources and Environment | 08

08

Department of Natural Resources and Environment

POLICIES

1 Adopt a green infrastructure approach to open space, habitat and water resources

2 Identify natural lands and open space for preservation

3 Establish dedicated state funding for land conservation

4 Help local governments set and achieve land conservation goals

5 Increase funding and support for parks and urban forests

6 Integrate smart growth into the state's stormwater program

7 Change criteria for water and wastewater infrastructure

8 Align the state Total Maximum Daily Loads program with local plans for smart growth

9 Encourage zoning code and business licensing to protect and preserve drinking water sources

10 Take credit for land use changes under the State Implementation Plan

11 Utilize flexibility in federal water and coastal funding programs

12 Use smart growth and watershed planning as key features in flood prevention and management programs

How and where communities grow can have as much of an impact on the environment as can hazardous waste cleanups and vehicle mileage standards. Approaches that direct development toward existing communities tend not only to be efficient public investments. They also relieve the pressure to develop in and around the open lands that filter our water, grow our food, protect our wildlife and provide recreation for our citizens.

Encouraging growth in existing communities also supports the cleanup and reuse of brownfields and other degraded areas. And compact neighborhoods make it easier for people to get around in environmentally friendly ways like walking, cycling and using transit..

In this section, we present ways in which natural resource and environmental agencies can support smarter growth outcomes by refocusing their permitting and regulatory programs, modifying funding criteria and strategically using their land development and conservation dollars.

1

Align open space, habitat, and water resource programming under green infrastructure

ACTION

States should align open space, habitat, and water resource programming under green infrastructure. There are multiple benefits of a green infrastructure approach for states. First, green infrastructure allows the integration of inter-related programs such as natural resources management, mapping, parks conservation, floodplain management, and planning. Second, this approach requires an assessment of the full range of economic value and costs related to land conservation. By presenting a comprehensive picture of costs and benefits, including costs avoided, states can serve as stewards of the environment and the state budget at the same time.

The U.S. Environmental Protection Agency has a green infrastructure initiative that better characterizes the ecological services related to open space, parks, and undeveloped land. These services include source water supply and protection, flood control, natural water filtration, carbon sequestration, habitat, and recreation. Green infrastructure applies not only to permanently saved open space at the larger forest and National Park scales, but also to watershed restoration projects and site level use of watershed-friendly landscaping.

While engineers have developed sophisticated economic models and performance specifications for gray infrastructure (e.g., culverts, roads, and utilities), the same level of attention to ecological services has lagged. Historically, the economics of natural resources have focused on extraction, not the services rendered by land in its natural state. However, advances in modeling and successful demonstration projects show that green infrastructure can avoid costly mitigation projects and disaster response when natural areas, wildlife corridors and natural drainage come first in planning and project design.

In addition, the U.S. EPA has issued guidance allowing the use of local and state green infrastructure programs as official water pollution control practices for use within stormwater and combined sewer overflow compliance programs Finally, while public support for open space preservation has been high historically, there is little understanding of the environmental service the land provides. Speaking of open space as part of the "public utility system" strengthens the link between open space and the services it provides, such as clean and dependable water supplies, reduced flooding risks, and lower infrastructure costs.

PROCESS

Several states have initiated green infrastructure programs by coordinating forestry, Geographic Information Services (GIS) mapping, and habitat programs. Other programs related to green infrastructure can include watershed plans, aquifer recharge zones, wellhead protection, stream restoration, Total Maximum Daily Load (TMDL) compliance and carbon sequestration efforts.

One of the first considerations is to align a state's mapping capabilities. The use of GIS and mapping has rapidly expanded, but often these functions are fragmented among various state agencies, universities, and the private sector. States can help by designating a one-stop agency, or similarly, a mapping and reporting protocol that allows designated agencies or organizations to create one master map depicting various resources. Recognizing a state data clearinghouse as the state's official node for National Spatial Data Infrastructure makes a state eligible for federal grants for GIS development. Once established, this effort could help support a data base, land and easement tracking, and a land banking system.

A next step would be to create an inventory that characterizes land currently designated as open space. Over time, such a program could evolve to track both public and privately held open space. It could also be used to track preservation status, showing for example whether a tract is permanently preserved or under a time-limited easement.

EXAMPLES

Maryland's Green Infrastructure Program

Maryland's Green Infrastructure program is a GIS-based program operated by the Department of Natural Resources that was initially focused on forestland and wildlife habitat. Funding for the Green Infrastructure Program was established as a line item in the state budget. The program consisted of two phases: (1) The Green Infrastructure Assessment, which was largely a mapping process, and, (2) the GreenPrint program, which prioritizes and values lands based on which ones support multiple state objectives. Under the GreenPrint

program, the State assesses the relative conservation value of specific parcels offered for sale or easement.

Maryland's Green Infrastructure Program: *http://www.dnr.state.md.us/greenways/*

Delaware's Green Infrastructure Program

In 2003 Governor Ruth Ann Minner signed an Executive Order on Green Infrastructure, which formalized several mapping and planning activities underway. The Executive Order, which was launched under the Livable Delaware Program:

- tied state investment and grant decisions to green infrastructure goals;
- secured the appointment of a Green Infrastructure Conservation Coordinator within the Department of Natural Resources and Environmental Control to work with all state agencies;
- provided an inventory of state-owned land; and
- instituted a Green Infrastructure strategy to implement the planning effort.

The Departments of Agriculture and Natural Resources also produced a Green Infrastructure map in 2004, which was then incorporated into Delaware's Wildlife Plan.

Delaware's Green Infrastructure Program: *http://www.dnrec.delaware.gov/GI/Pages/index.aspx*

2

Identify natural lands and open space for preservation

ACTION

States should conduct an inventory of their natural lands and open space to identify which lands are most important to protect and which are best suited for development. Natural, undeveloped lands and open space deliver many important environmental services, including protection of drinking water sources, groundwater recharge, water and air quality protection, stormwater management, natural management of floods, critical wildlife habitat, crop pollinator habitat, and carbon sequestration. These lands also can provide recreation and tourism opportunities, support natural resource-based industries, and play a critical role in shaping regional development patterns. Importantly, residents place great value on efforts to protect the scenic beauty of the natural areas of their states.

Natural lands often are protected in an uncoordinated and fragmented fashion, if at all. This can make it difficult to realize the full environmental benefits of preservation and also can reduce the effectiveness of using land preservation to shape growth patterns and direct development to existing communities. A more systematic approach can help focus and coordinate conservation, planning, and investment efforts at the state and local levels to achieve statewide land preservation goals and objectives.

PROCESS

The Department of Natural Resources (or similar department) can pursue a more strategic and systematic approach to land preservation by working with local officials, stakeholders, and citizens to identify, prioritize, and map highly valued natural areas and open space that should be targeted for land conservation. Lands targeted for conservation should be identified through a criterion driven approach. To maximize environmental benefits, emphasis should be placed on defining contiguous corridors and hubs that link or restore high value areas of the natural landscape. The Department of Natural Resources can coordinate available GIS data across departments (e.g. natural resources, transportation, planning, historic resources, health and human resources) to assist in the inventorying effort.

Citizen and stakeholder involvement and support is important in this process and can help build support for subsequent acquisition and preservation of lands identified through the inventory process, and for selling the concept of conservation. In order to build a broad constituency for land preservation, states should develop public involvement, communications, and marketing strategies that target a wide range of interest groups and create a shared vision of what lands to protect. It is important that involvement activities reach environmental groups, land trusts, hunting and fishing interests, outdoor recreation groups, other natural supporters of land preservation, and other stakeholder groups, including potential opponents.

EXAMPLES

Maryland's Rural Legacy and GreenPrint Programs

The Maryland Rural Legacy Program was enacted in 1997 as the rural counterpart to the urban-focused portion of Maryland's then-new Smart Growth initiative. The program, designed to protect the state's remaining "rural

legacy," invites willing landowners, private land trusts and local governments to identify large, contiguous tracts of undeveloped (or relatively undeveloped) land that could be designated for permanent protection. Proposals from various parts of the state then compete against each other for a share of state funds that can be used to purchase development rights on properties within designated Rural Legacy Areas or, in rare circumstances, to purchase the properties outright.

In 2001, the State of Maryland created a companion land preservation program called GreenPrint. It was specifically designed to protect lands critical to the long-term ecological health of the state – the state's "green infrastructure." It was based on an extensive, comprehensive inventory of the most ecologically significant lands still remaining in the state. This effort attempted to identify larger "hubs" of environmentally important lands and more linear corridors – so-called "habitat highways" – that connected the hubs. The program identified more than 2 million acres of critical lands in Maryland (nearly one-third of the land mass of the state), of which about 75 percent was unprotected.

Maryland's GreenPrint Program: *http://www.greenprint.maryland.gov/*

Maryland's Rural Legacy Program: *http://www.dnr.state.md.us/land/rurallegacy/index.asp*

Arizona's Sonoran Desert Conservation Plan

The Sonoran Desert Conservation Plan, developed under the leadership of the Pima County (Arizona) Board of Supervisors, combined science-based planning with extensive public involvement and education. Information gathered at more than 400 public meetings contributed to the plan, as did a series of educational workshops, a citizens' steering committee with more than 80 members, and numerous advisory and technical teams. The resulting plan integrates natural resource protection with all county land use planning.

Sonoran Desert Conservation Plan: *http://www.pima.gov/cmo/sdcp/*

3

Establish dedicated state funding for land conservation

ACTION

One way of assuring that a state's natural resources are protected is to create programs that provide dedicated, continuous funding for land conservation. The State can do this by creating a funding source for land preservation and restoration, providing matching funds to local governments that create their own conservation funds, and giving matching grants to non-profit land conservation organizations. To ensure both action and commitment and to leverage scarce resources, states can require a match, implement a funding sunset provision, and require that all purchases be targeted to high-priority lands and linked to local smart growth plans.

PROCESS

States can provide funding to conserve, protect, and restore important natural and working lands through a variety of mechanisms. Some of the funding strategies used by states include:

- bonds (New Jersey, California, Florida);
- general fund appropriations (Arizona, Indiana, Georgia);
- environmental license plate sales (Connecticut, Mississippi, Pennsylvania);
- real estate transfer taxes (Washington, Illinois, Delaware, Maryland);
- cigarette taxes (Minnesota, Texas, Nebraska);
- sales taxes (Missouri, New Jersey, Arkansas);
- gas taxes (Idaho, California),
- lotteries (Maine, Oregon, Colorado);
- environmental penalty money (Alaska, Utah, Kentucky); and,
- state statutes (Massachusetts).

While there are numerous ways for states to dedicate money for conservation, there are best practices that allow states to leverage their investment. Local governments are important partners in successful conservation efforts. State conservation programs should have incentives to encourage good land conservation practices at the local level, such as matching grants. Local governments should be encouraged to conduct comprehensive planning that incorporates the results of a green infrastructure inventory and clearly defines high-priority areas for conservation and restoration, as well as areas for development. In order to assure that

state investment in land conservation is used effectively, the State should require local governments to institute strong conservation zoning as a condition before they may receive state funds.

EXAMPLE
North Carolina's Natural Heritage Fund

North Carolina supports land conservation through three separate trust funds: The Natural Heritage Trust Fund, The Parks and Recreation Trust Fund, and the Clean Water Management Trust Fund. Two of these funds draw upon a real estate transfer tax, one also relies on the sale of personalized license plates, and another relies on general appropriations.

North Carolina's Natural Heritage Fund: *http://www.ncnhtf.org/*

4

Help localities set and achieve land conservation goals

ACTION

Local land preservation efforts are critical to meeting statewide land preservation goals. Local efforts can benefit from both technical and financial support from the State. The State can support local efforts by inventorying open space and natural areas, providing mapping support, technical information and assistance, training, and matching funds that are contingent on demonstrated local leadership and commitment to land conservation.

PROCESS

States can provide a variety of technical and financial assistance to local preservation efforts.

- The state can provide localities with the technical information and maps generated by an open space inventory (*as discussed above in Policy #2, Identify natural lands and open space for preservation, in this section*) in order to help localities make informed decisions about which lands should be preserved and which might be targeted for development.
- The State can create a public-private partnership to coordinate, market, and deliver training and technical assistance to help municipalities plan for and fund conservation.
- The State can provide training and matching funds to local governments to support environmental restoration of degraded lands that have been identified as a high priority for establishing a functional green infrastructure network.
- The State could encourage counties to work with non-profit organizations, private industries, and citizen groups on land conservation initiatives. The State could provide technical assistance and financial support (contingent on a local match) to help every county establish a land trust.
- The State can make state financial assistance to local governments contingent on demonstrated smart growth commitments by localities through zoning that supports smart growth, local funding that is directed toward it, and so forth (*see Action #8, Integrate the state's growth criteria into discretionary funding decisions, in the Comprehensive Approaches section*).

EXAMPLE
New Jersey's Green Acres Program

New Jersey's Green Acres program provides grants and loans to local governments that have an open space plan and have enacted an open space tax. The program also gives grants to non-profit organizations to acquire land for public recreation and conservation.

New Jersey's Green Acres Program: *http://www.state.nj.us/dep/greenacres/trust.htm*

5

Increase funding and support for urban forestry and park access

ACTION

Urban street trees, parks, and gardens can reduce stormwater runoff, air pollution, energy use in buildings, and noise levels. They also can increase the value of nearby residences, support physical activity, and improve public health. When urban parks are designed and maintained as an interconnected system, their ability to support biodiversity, manage stormwater runoff, provide recreational opportunities, and expand available transportation options through trail networks increases. The State can support urban forestry and park access by increasing funding and providing technical support.

PROCESS

States can designate an office to focus on urban forestry that can act as both a resource and advocate for urban forestry issues. This office, in turn, can partner with other state agencies, and draw on the experience and assistance of national organizations such as the National Urban and Community Forestry Advisory Council.

The State can work with the parks departments of the state's major urban areas to conduct tree inventories and assess tree canopy status and trends. This effort can be coupled with broader assistance to urban park departments to assess the condition of current parks and the need for additional ones. The latter activity might include inventorying vacant land or abandoned properties, some of which may be appropriate for redevelopment, but some of which may be appropriate for (and already used as) neighborhood gardens or public green space.

The State can create a competitive grant process for urban park, forestry, and garden projects. Criteria for funding could include how well the project provides a wide range of urban green space benefits. For example, emphasis might be placed on ensuring all residents (including under-served communities) have access to green space; promoting connectivity across urban green spaces; protecting drinking water sources; or encouraging management approaches that emphasize native trees and plants, or hybrids adapted to local conditions (thereby promoting green infrastructure function and restoration).

The State can pool grant funds across state agencies with related interests. This might include non-environmental agencies, such as housing and urban development, since the amenities from the urban forest can increase home values and nurture a strong sense of community.

The State can strengthen or help coordinate local agricultural extension services to community gardeners and others seeking to restore or maintain native trees and plants on their property.

EXAMPLE

Michigan's Detroit Urban Ecosystem Analysis

Michigan's Department of Natural Resources joined with the U.S. Department of Agriculture and American Forests, a non-profit group, to study the infrastructure benefits of trees and natural land cover in southeast Michigan, a nine-county area that includes Detroit, its suburbs, and the city of Ann Arbor. The study illustrated and quantified the financial and environmental management benefits that could be achieved by protecting and restoring the area's urban forests.

Michigan Department of Natural Resources: *http://www.michigan.gov/dnr*

Study of Southeast Michigan's Land Reveals Tree Canopy Acts as a Public Utility, American Forests: *http://www.americanforests.org/news/display.php?id=154*

National Urban and Community Forestry Advisory Council: *http://www.treelink.org/nucfac*

6

Integrate smart growth into the state stormwater program

ACTION

The federal Clean Water Act directs states to implement stormwater management programs that prevent and reduce stormwater runoff impacts related to both water quality and quantity. Stormwater washes pollutants from roads and other impervious surfaces, such as parking lots, into streams, rivers, and other bodies of water. As more land is converted to impervious surfaces, or when agricultural lands are not properly buffered with trees, stormwater runs off faster and in greater quantities. This can cause erosion and sedimentation and contamination, and make flooding more likely.

Stormwater outcomes are affected by development decisions at every level: regional, neighborhood, and site. Stormwater is best understood at the site level, where conventional drainage practices basically divert runoff to the nearest local waterway. The cumulative impact of connected drainage has been detrimental to streams, where collected pollutants, excess volume, and fast-flowing water have altered habitat, drinking water quality, and flood plains. At the larger watershed scale, land alteration, grading and loss of natural cover affect aquifer recharge, stream flows, and floodplain management. Many state costs related to property damage, inter-basin water transfers, and regional detention can often be traced back to poor land development practices.

State stormwater programs and permits could provide cheaper, more effective, and more flexible alternatives for communities by recognizing the role that more

sustainable development practices can play in helping to achieve clean water. In October 2008, the National Academy of Sciences released a report urging transition from the current permitting structure to one that is watershed based. This approach would look at broad land conservation and green infrastructure as a first step in managing water resources (including stormwater). For new development, requirements would be shaped by location in the watershed, but at a minimum emphasize low-impact techniques. Infill and redevelopment come with very different stormwater needs, in part because redevelopment and brownfield sites require carefully selected combinations of best management practices to address urban pollutants and overcome site constraints.

PROCESS

The main program elements that states administer for stormwater programs include (1) the permit, (2) lists of accepted practices and performance standards, (3) guidance or design manuals, and (4) outreach and education materials. States can rewrite their stormwater permits, associated manuals, and guidance to recognize the effectiveness of smart growth development approaches in preventing and reducing stormwater runoff. Depending on the existing environmental and economic conditions, this may include:

- separating the National Pollutant Discharge Elimination System (NPDES) and program elements for new development, redevelopment and infill;
- establishing a credit system to account for "imperviousness avoided" through redevelopment, compact development and/or vertical development; or
- developing stormwater projects, through an economic development fund, tied to NPDES compliance as an incentive within identified growth and redevelopment areas.

For example, states can provide a methodology for determining the runoff prevention of reusing a brownfield site versus the same level of development as built under conventional zoning on a greenfield site. This type of analysis would move away from conventional engineering assessments that only consider runoff from individual sites, to a more robust evaluation of watershed-level impacts, improvements, and trade-offs.

Brownfield redevelopment reveals a level of stormwater planning that is often overlooked: planning at the district level. Most permits present requirements for large-scale watershed planning and detailed site design. However, one of the most powerful tools for shrinking the environmental impacts of new development and redevelopment comes from coordinating development within a district. This coordination results in shared impervious cover, such as parking and loading, support for higher density and mixed-use development, and low-impact transportation choices. The stormwater benefits are two-fold: (1) advanced planning to control runoff within the district; and (2) a smaller overall development footprint. In addition to watershed plans and low impact site design, states can develop permits, performance standards, and design manuals for districts. In fact, states may have prepared the groundwork in manuals directing transit-oriented development, traditional neighborhood design, and downtown redevelopment.

EXAMPLES

California's Regional Water Quality Control Boards

California has divided the state into nine Regional Water Quality Control Boards to address regional differences in rainfall, flooding, and restoration. The Los Angeles Regional Water Quality Control Board has issued several draft permits with innovative approaches to district level stormwater management. The draft Ventura County permit establishes the "Redevelopment Plan Area Management Plan," which can serve in part or whole to control stormwater runoff from the developed area. The premise of such a district is that the rigorous performance standards established for individual development projects may not be feasible in areas struggling to attract investment, or favor building rehabilitation instead of redevelopment to circumvent permit requirements. By pursuing both site improvements and district-wide approaches, cities have expanded options to leverage capital investment, economic development funds, and shared solutions to stormwater runoff management. Several cities in Ventura County are exploring use of this, or some similar approach, to control stormwater.

California State Resources Control Board: *http://www.waterboards.ca.gov/*

Michigan's Water Program

The State of Michigan is recognized as a national leader in supporting flexible and innovative water programs, such as the Rouge River demonstration project and the alternative watershed-based stormwater permit. Michigan has worked closely with towns wishing to

pursue innovative use of permitting flexibility. One of the more recent examples of innovation comes from Grand Rapids, Michigan. The city, in seeking to direct growth downtown, formulated a credit system for high-density development locating to the core. This system compares the footprint and runoff of a multi-story building to the footprint of the same amount of development if constructed under conventional zoning. For example, a five-story building with 20 units may produce x gallons of runoff, but the runoff from 20 individual units as single-story, single-family homes would be a multiple of x with the additional rooftops, roads, and driveways. Grand Rapids surveyed where growth might go to determine the runoff factors for typical single-family homes in growth areas. The City also determined that the receiving body of water could accept the runoff volume since the buildings were replacing impervious cover.

Presentation on Grand Rapids' program: *http://www.smartgrowthonlineaudio.org/np2008/223-c.pdf*

7

Change the criteria for water and wastewater infrastructure

ACTION

States should mandate that water and wastewater infrastructure project approvals be prioritized to support smart growth development ahead of more conventional development. This is important because where and how drinking water and wastewater infrastructure is designed, approved, and built largely governs where and how growth occurs. In fact, some states inadvertently penalize more desirable development projects by limiting public funding for the sewer expansion that is often needed to support infill development. States can have enormous influence on growth patterns by harnessing the approval mechanisms for these types of built infrastructure.

PROCESS

For public water and wastewater infrastructure, preferences for approval can be given to higher-density growth located in or near existing developed areas, near public transportation, and separated from critical environmental resources. Preference can be given to public infrastructure for projects that are pedestrian friendly, include mixed uses, offer affordable housing, and provide multiple transportation options.

For on-site water and wastewater, approval can be contingent on strict ecological analysis of the site's carrying capacity; rigorous review for impacts on water quality, water quantity, and important wildlife habitat; and consistency with regional and local land use plans. The cumulative impacts from multiple applications also should be considered during the approval process rather than reviewing individual projects in isolation.

Once a statewide regulatory approach is established, decisions on infrastructure projects for designated growth areas can be expedited. Decisions for infrastructure outside of areas designated for public service can be subject to strict – and slower - review. Designated growth areas selected for improved or extended infrastructure can receive priority for non-point source or stormwater funding to reduce water quality impairments associated with the new development.

EXAMPLES

Wisconsin's Area-Wide Water Quality Management Planning

Wisconsin uses planned sewer service areas to encourage integration of wastewater infrastructure with local planning. The State excludes environmentally sensitive areas from consideration for service and requires that wastewater infrastructure plans correspond with local comprehensive plans and ordinances.

Wisconsin's Area-Wide Water Quality Management Planning: *http://www.govinstitute.org/policyguide/NaturalResourcesEnvironment/www.dnr.state.wi.us/org/water/wm/glwsp/ssaplan*

Massachusetts' State Drinking Water State Revolving Loan Fund

The Commonwealth of Massachusetts actively limits the use of state wastewater infrastructure dollars to support new growth. Under their Drinking Water State Revolving Loan program, the Commonwealth evaluates proposals on the extent to which the project is consistent with the Commonwealth's Sustainable Development Principles, local watershed management plans, and/or local and regional growth or infrastructure plans. The Commonwealth Sustainable Development Principles direct state agencies to use public infrastructure investments to encourage reuse and rehabilitation of

existing infrastructure rather than the construction of new infrastructure in undeveloped areas.

Massachusetts' State Drinking Water State Revolving Loan Fund: *http://www.mass.gov/dep/water/wastewater/dwsrffs.htm*

8

Align the state Total Maximum Daily Loads program with local plans for smart growth

ACTION

Under Section 303(d) of the federal Clean Water Act, states are responsible for establishing water quality standards for their rivers, lakes, and other waterways. This includes developing and implementing plans to meet those standards, called Total Maximum Daily Loads (TMDL). Waterways that do not meet standards are typically located in developed areas. Directing development to existing communities and on already degraded land is a key smart growth principle and offers watershed benefits in several ways. First, developed land, such as parking lots, can accommodate new development without increasing impervious surface. When built at higher densities, each extra story of development is built under the same roof. Second, when a vacant site is passed over for a greenfield option, the watershed faces runoff from two sites, not one. Finally, even with new green practices, removing forest cover to install green pavers is still a net negative loss for the watershed when off-site roads and access to support the new development are included in the watershed calculation. Most importantly, when redeveloped with "green infrastructure" stormwater techniques (such as green roofs), the volume of stormwater runoff and pollutant loadings from these sites often decreases.

PROCESS

As in the area of stormwater management, a great deal of innovation is occurring with regard to smart growth and TMDLs, as a result of joint state and local efforts. Integration of smarter growth practices into TMDL programs can be regarded as not just low impact, but "positive impact" solutions because impaired waterways are improved as each project or retrofit removes targeted pollutants. States can position programs that reuse impervious cover, direct growth to higher-density districts, and retrofit urban areas as part of a "positive impact" campaign. Because redevelopment and higher-density development can be more difficult to undertake, states can emphasize and encourage "fee in lieu of programs" in instances where on-site practices are impractical.

When developing a TMDL, states can take into account future growth projections and establish a TMDL that accommodates new development activity in areas that already have impaired water quality. According to the Water Environment Federation, few states explicitly account for impacts from future growth. As such, their guidance documents represent an opportunity to include current and future land use decisions within the TMDL process. For example, communities that take steps to mitigate the water quality impacts—both at the site and regional level—of their growth decisions would go a long way toward achieving target loadings of some TMDLs. States could detail what land use changes they would like to see implemented, such as more compact site designs, transit-oriented development, larger riparian corridors, or larger areas of open space incorporated into the urban and suburban fabric. To encourage communities to act, states could offer these communities "bonus" points on any applications for Clean Water Act Section 319 or State Revolving Fund (SRF) funding, or other state-allocated funding sources. Although the bonus points would not guarantee a successful application, they would give an advantage to those communities that implemented the land use mitigation measures over those communities that did not.

EXAMPLE

Georgia's TMDL Process

Georgia, as part of its TMDL process, requires any locality asking the State for an environmental permit that facilitates growth and development (e.g., wastewater or water withdrawal permit) to conduct a watershed assessment. These assessments provide additional information on point and non-point pollution sources. Applicants must identify pollution sources, model future land use scenarios, and provide solutions to water quality problems.

Georgia Department of Natural Resources, Environmental Protection Division: *http://www.gaepd.org/Documents/techguide_wpb.html#tmdl*

9

Encourage zoning code and business licensing to protect and preserve sources of drinking water

ACTION

Under the Safe Drinking Water Act, public water systems must meet federal drinking water safety standards. If the source water does not meet these standards, consumers must pay for drinking water treatment. But anthropogenic contamination can be prevented through state and local zoning code and business licensing. That is, governments can prohibit the siting of certain facilities or the conduct of certain activities within sensitive aquifer recharge areas or near surface waters used as drinking water supplies. State and local authorities can also be used to require more efficient use of water resources, such as recycling and use of water-efficient household items and irrigation devices. Since many activities, particularly of small businesses, fall outside the jurisdiction of federal environmental programs, state and local authorities must assume the responsibility to fill in the gaps if they do not wish to leave drinking water sources unprotected.

PROCESS

Local governments, water system managers, and other community leaders should identify and map all sensitive source water locations and delineate the land areas that can affect them. This information should then be used during master plan reviews and general business licensing updates. Governments should calculate the cost of treating contaminated source waters that is likely to occur from current and prospective business practices, including agricultural practices. They should also assess the sustainability of existing sources of drinking water, determining how much water there is, how fast it is being used, and how long it will last. They should then provide these analyses to elected leaders, land use decision makers, and stakeholder groups for use in reviewing master plans or developing business licensing procedures.

10

Take credit for land use change under the State Implementation Plan

ACTION

Under the federal Clean Air Act, states must meet national ambient air quality standards. Every three years, states are required to develop a State Implementation Plan (SIP) that describes how they will accomplish that goal. Typically, states develop SIPs for areas within the state that are out of compliance with air quality standards rather than for the whole state. Inability to meet air quality standards can result in a loss of federal transportation dollars.

In 2001, the Environmental Protection Agency issued guidance that made it possible for states to receive credit for land use activities that increase transportation choices. Under this guidance, states can receive credit for a range of smart growth land use activities, including transit-oriented development, infill and brownfield development, mixed-use development, traditional neighborhood design, development of activity centers, strengthening of downtowns, and improvements to the regional jobs/housing balance.

PROCESS

When developing their SIPs, states must project the anticipated emissions that will result if current conditions persist. The resulting projection is called the baseline emissions budget. Smart growth strategies are expected to lower anticipated emissions by increasing regional transportation choices. Thus, when estimating a baseline emissions budget, states should modify the baseline to reflect expected reductions from smart growth development projects and policies that are planned or already in place.

States can identify smart growth projects as traditional control strategies within the SIP. In doing so, states indicate that such projects will help reduce future emissions and thus aid in compliance with air quality standards. States can also take credit for financial incentives, such as tax breaks for brownfield cleanup and redevelopment, or voluntary approaches, such as a developer's intent to build a neighborhood according to smart growth principles under the SIP.

EXAMPLE
Atlantic Station

Atlantic Station, a $2 billion smart growth project on a 138-acre brownfield site in the heart of midtown Atlanta, is an example of an innovative approach to traditional control strategies. For adequate access to roads and transit, a bridge needed to be built. Because Atlanta had not meet Clean Air Act standards, the bridge was prohibited under a standard interpretation of EPA regulations. After demonstrating the air pollution reductions that would be achieved through smart growth redevelopment of the site, EPA used available regulatory flexibility to allow the development to proceed, categorizing the redevelopment as a transportation control measure (i.e., a traditional control strategy).

Atlantic Steel Redevelopment Project: *http://www.epa.gov/smartgrowth/topics/atlantic_steel.htm*

11

Utilize flexibility in federal water and coastal funding programs

ACTION

The U.S. EPA and the National Oceanic and Atmospheric Administration (NOAA) provide funding to states for projects that help reduce non-point source pollution. States often use federal dollars to construct and upgrade wastewater treatment facilities, and to fulfill other capital needs to meet water quality protection goals. Federal dollars, particularly under EPA's state revolving fund program, EPA's Clean Water Act Section 319 grants, and NOAA's coastal zone protection program, can be used for land use and development practices, such as land conservation or infill development, that help reduce non-point source pollution. Additionally, states can add funding criteria to these programs that align capital and infrastructure investments and actions with smart growth objectives.

PROCESS
State Revolving Loan Fund

EPA offers two state revolving loan fund programs, the Safe Drinking Water State Revolving Fund and the Clean Water State Revolving Loan Fund. The Safe Drinking Water State Revolving Fund primarily provides low-interest loans to community and public water suppliers for improvements to wastewater treatment infrastructure. The program requires priority to be given to projects that: (1) address the most serious human health risks, (2) are necessary to ensure safe drinking water, and (3) serve systems that are most in need. Once these criteria are met, states can use additional criteria to align infrastructure investments with smart growth goals. For example, states can develop criteria for a fix-it first strategy that targets investments to existing wastewater treatment facilities rather than constructing new facilities. (*see Policy #7, Change criteria for water and wastewater infrastructure, in this section*). States can leverage smart growth benefits out of existing State Revolving Fund resources by granting additional funds for smart growth enhancements to traditional projects or providing technical assistance on smart growth to project applicants. States could also require long-term comprehensive growth plans, or encourage limits on sewer connections or capacity for new growth in designated areas. Funds also could be used to support and create incentives for comprehensive planning and maintenance of existing water infrastructure.

Both the Safe Drinking Water State Revolving Fund and the Clean Water State Revolving Fund can be used to purchase undeveloped land or conservation easements to protect source water. In addition, Clean Water State Revolving Fund resources can be used to clean up and reuse brownfields.

Section 319 (h) grants

Typically administered by the states, section 319(h) of the Clean Water Act is one of the primary funding mechanisms for addressing non-point sources of pollution. Under Section 319(h), States can use 319(h) funds to support a range of activities, including technical and financial assistance, training, demonstration projects, and monitoring the results of nonpoint source implementation projects.

Non-point source pollution associated with development can be a major cause of water quality impairment. The State should develop and implement selection criteria for the 319(h) funds to favor projects that achieve the dual objectives of reducing non-point source pollution and supporting smart growth outcomes. This might include:

- street and road design guidelines that minimize non-point source runoff;
- audits of parking requirements for new development, redevelopment, and infill;
- audits of zoning, subdivision ordinances, and building codes to remove barriers and provide incentives for infill and redevelopment; and
- other pollution-reduction strategies for infill projects.

Coastal Zone Grant Programs

The NOAA gives states funds to protect coastal resources and address non-point sources of pollution under their coastal zone management program. The state develops the project selection criteria and establishes the program areas for which funds are provided. This provides flexibility for the programs to be used to support projects that achieve reductions in non-point source pollution to coastal waters and are consistent with smart growth outcomes. For instance, coastal zone grant program funds can be used to support brownfield redevelopment or fund community planning activities, such as code audits, community visioning efforts and design charettes, and public awareness and education programs.

EXAMPLES

Maryland's Water Quality Revolving Loan Fund

Maryland's Water Quality Revolving Loan Fund provides financial assistance for projects that protect or improve the quality of the state's rivers, streams, lakes, estuaries, and other water resources. The State prohibits the use of revolving loan funds for projects outside urban growth boundaries established by the counties. Exceptions will be made if serious health conditions exist.

Maryland Department of Environment Water Quality Revolving Loan Fund: *http://www.mde.state.md.us/Programs/WaterPrograms/Water_Quality_Finance/Water_Quality_Fund/index.asp*

Iowa's Clean Water Revolving Loan Fund

In 2002, Iowa created the Smart State Revolving Fund for Iowa Clean Water program. This program allows the use of the state's drinking water SRFs for smart growth initiatives, including brownfields cleanup, watershed management, low-impact development practices, and riparian land conservation. The Iowa Finance Authority and the Iowa Department of Natural Resources launched the initiative to change the state's non-point source protection plan and the SRF statute to allow the use of SRF funding for smart growth projects.

Iowa Department of Natural Resources Clean Water State Revolving Fund Loan Program: *http://www.iowadnr.gov/water/wastewater/cwsrf.html*

12

Use smart growth and watershed planning as key features in flood prevention and management programs

ACTION

Although flooding is often referred to as a natural disaster, states, local officials, and water resource organizations are increasingly recognizing that some flooding is the result of man-made actions arising from poor land use planning and resource management decisions.

The relationship between poor land development patterns and flooding is largely the result of increased amounts of impervious surface coverage and the loss of water storage areas. As forests and fields are converted to development or other uses, rainwater that previously soaked into soils instead runs with increased velocity over hardened surfaces. Models show that the more extensive and connected the new development, the higher the risk of flooding. While most flood codes are directed at regulating individual building sites, prevention can be enhanced by steering redevelopment to less flood-prone areas, strengthening low-lying cities, and minimizing loss of forest cover, wetlands, and open space.

There are several ways states can improve flood prevention and mitigation policies. First, the American Association of Floodplain Managers advocates the adoption of a "No Adverse Impact" floodplain management framework. "No Adverse Impact" floodplain management rests on the concept that the actions of a property owner should not be allowed to adversely affect the rights of other property owners. While applied routinely at the individual site level, this

concept is increasingly being considered for a larger community scale to address downstream impacts caused by decisions made elsewhere in the watershed. "No Adverse Impact" is not a "no development" stance, but rather a sharper focus on the ramifications of various development scenarios and assignment of mitigation. Floodplain managers speak of this as "protecting property rights on both sides of the fence." Projected impacts are matched with mitigation early in the planning stage. This larger planning framework also allows planners to anticipate changes likely to come as a result of climate change.

States also have a role in bridging the Federal Flood Insurance program and the Community Rating System, which establishes lower flood insurance rates for communities based on implementation of flood mitigation measures, such as revised zoning and building codes. FEMA also supplies planning funds through the Flood Mitigation Fund, which are targeted at lowering risks through comprehensive planning.

PROCESS

A comprehensive State Flood Management program consists of measures addressing both prevention and mitigation. States will likely retain traditional emergency response and natural resource management responsibilities, but as issues related to build-out, liability, and climate change increase, states are in a unique role to broker solutions. These solutions will require sophisticated modeling and quantification, and as such, are best executed in conjunction with a green infrastructure or other mapping/modeling effort. Other avenues include the state's stormwater management programs, where low- or no-impact policies for new development are key.

Second, states can integrate ongoing smart growth efforts into the Community Rating System. FEMA assigns points for various activities related to smart growth, such as comprehensive planning. Where older cities with existing infrastructure also lie in flood and hazard zones, states will increasingly be called upon to work with communities on risk reduction, which will include acquisition of open space and infrastructure upgrades.

EXAMPLES

California's Flood Management ProgramNo other state illustrates the changing landscape in flood-related accountability and liability better than California. In 2007, Governor Arnold Schwarzenegger signed a package of five interrelated bills targeting flood management in the state's Central Valley. The original legislation addressed aging levees, but legislators realized that levee repair was only one of many comprehensive reforms needed to prevent harm and protect property. The package, which included a new Flood Management administrative framework, focused on land use and flood protection by:

- requiring an enhanced flood protection plan for the entire valley, on the basis of which cities then prepare and/or update general plans and land development regulations;
- requiring shared contribution to flood damage costs between the state and local governments when local governments approve new developments in previously undeveloped areas; and
- instituting building restrictions in areas that do not have 200-year flood protection (i.e., the flooding associated with a storm that with a 0.5 percent chance of occurring in any year) unless adequate progress is being made to achieve that level of protection. All areas of new development must have 200-year protection by 2025.

California Department of Water Resources: *http://www.water.ca.gov/*

Texas' Mitigation Program

The State of Texas estimates that 91 percent of disaster funding is directed to flood-related damage throughout the state. As such, Texas has launched an aggressive program that includes acquisition of repetitive-loss structures, strict building codes, and planning. The State launched an outreach program to assist localities through technical assistance and identification of funding opportunities. In 2007, the State added "No Adverse Impact" to its list of management activities.

The smart growth link lies within the Texas Mitigation Handbook, issued in 2002. The Handbook's "Mitigation Goals and Strategies" section links local comprehensive and capital improvement plans to state mitigation goals by seeking to limit new development in hazard-prone areas and by encouraging disaster-resistant practices.

The Handbook provides examples of how to achieve these goals, including:

- Use economic development funds to improve low-hazard areas and attract businesses to those areas and away from hazardous sites.

- Solicit donations of hazard prone land for recreational or open space use.
- Swap publicly owned low-hazard areas for privately owned high-hazard land.
- Develop public/private partnerships that include business, engineering, and government organizations and universities that work to develop and promote mitigation.
- Establish tax increment financing districts, as in El Paso, Houston, and Dallas, to assist the private sector to abate environmental hazards and revitalize older buildings.
- Initiate local redevelopment initiatives, as in Dallas, Galveston, Fort Worth, and San Antonio, to attract new residents and businesses into downtown areas and so reduce urban sprawl.

Texas Mitigation Handbook: *ftp://ftp.txdps.state.tx.us/dem/mitigation/mit_dem_21_060502.pdf*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/NaturalResourcesEnvironment/helpdesk.html*

Reports

Advice Worth Drinking, Sourcewater Collaborative; Benedict, Mark A. and Edward T. McMahon. 2006. *Green Infrastructure: Linking Landscapes and Communities*, Island Press and The Conservation Fund; McQueen, Mike and Ed McMahon. 2003. *Land Conservation Financing*, Island Press and The Conservation Fund; *City Parks Forum Briefing Paper #5: How Cities Use Parks for Green Infrastructure,* American Planning Association; Ernst, Caryn. 2004. *Protecting the Source*, Trust for Public Land and American Water Works Association; EPA Guidance: *Improving Air Quality Through Land Use Activities*; EPA Guidance Document: *Applying for and Administering CWA Section 319 Grants: A Guide for State Nonpoint Source Agencies*; *10,000 Friends of Pennsylvania, Water and Sewerage Report*

Organizations

The Conservation Fund; Trust for Public Land; The National Urban and Community Forestry Advisory Council; American Forests; USDA's Urban and Community Forestry Program; Biodiversity Partnership; NatureServe

Websites

US EPA Smart Growth and Water Publications; Green Infrastructure; National Floodplain Association: No Adverse Impact, a Toolkit for Commonsense Floodplain Management; The Trust for Public Land (TPL) on-line conservation finance course; EPA Innovative Air Connections page; EPA SIP Policy and Guidance; Guidance on Incorporating Bundled Measures in a State Implementation Plan; Land Use and Transportation page for Sacramento, CA Air Quality Management District

Department of Planning | 09

09

Department of Planning

POLICIES

1 Establish a cabinet-level planning office

2 Develop a set of model smart growth codes for communities

3 Provide planning grants to local governments

4 Partner with communities to conduct build-out analyses of their current development patterns

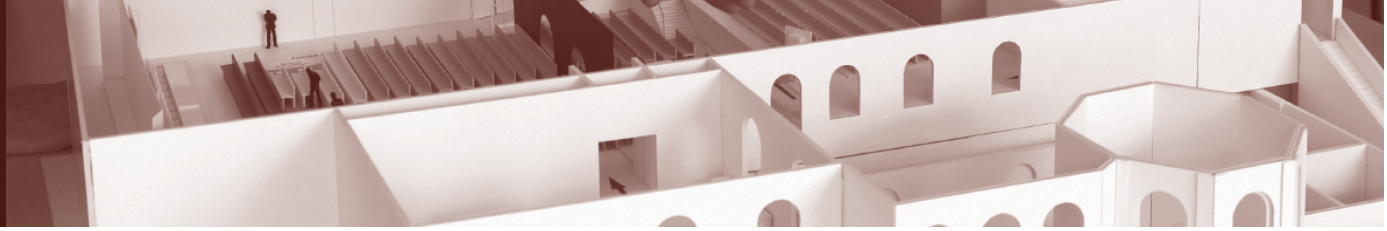
5 Establish a circuit rider program for communities

6 Create a technical assistance academy

7 Provide training for planning commissioners and local elected officials

8 Provide technical and financial support for regional collaboration

The great advantage of state-level land use planning is that it provides the opportunity to have one entity look at the "big picture" of growth, development, and conservation in a state. Planning at the state level can help bring order and cohesion to locally decided land use development patterns across the state. Long-term planning for future growth can help prioritize state infrastructure investments in support of community goals for economic development, while protecting the natural environment and preserving community character. Poorly managed growth can decrease the availability of open space; rob a state of its areas of scenic beauty; increase the cost of community services and infrastructure; and limit housing and transportation choices. In this section, we describe ways to plan for future growth that encourage regional coordination to plan for infrastructure investment and development, update and improve zoning, and facilitate exemplary development patterns that will help communities achieve their goals.



1

Establish a cabinet-level planning office

ACTION

The State should establish a cabinet-level Office of State Planning. Ideally the Office of State Planning should be a stand-alone, cabinet-level department responsible for state planning issues as well as review of and coordination with local plans.

An Office of State Planning may be structured a number of ways:

- as an office that not only performs traditional planning functions, but also assumes broader growth coordinating functions; or
- an office that is paired with an Office of Smart Growth, where the Department of Planning carries out traditional planning functions and works with local governments, while the Office of Smart Growth is responsible for "big picture" coordination of state agency actions toward a more sustainable pattern of development.

In some states, planning is conducted by an arm of the Governor's office, while in others it is conducted by other state agencies. These structures often give planning less impact, stature, and ability to influence. The most effective planning offices are directly answerable to the Governor. (*see Policy #9, Create an office to coordinate growth issues, in the Comprehensive Approaches section*).

Establishing a cabinet-level planning department demonstrates that good land use and infrastructure planning is a priority. Such a move also raises the profile of planning and growth coordination among other state agencies.

PROCESS

The first step in creating a new department or office of planning is to inventory the information and functions related to planning that the state already has. For example, all states have a center for census information; many also have existing GIS capabilities, perhaps in the state's transportation department; most states also provide local governments with some sort of technical assistance or training; have historic preservation programs; and existing long-range planning functions. Consolidating these and related functions in a single office can create the core of a new planning department.

The roles of planning departments vary from state to state, but include such tasks as direct technical and planning assistance to local governments; coastal protection; data repository; infrastructure investment oversight and coordination; coordination of federal funds; historic preservation; periodic reports on land use trends; and setting goals and benchmarks. The planning agency should be given the authority to oversee the implementation of the state's land use program. It should also provide technical and financial assistance to localities to support planning and development actions at the local level that achieve the state's development objectives.

In states where there is an Office of Smart Growth, the Office of Smart Growth typically looks at the overall land use patterns of the state—conducting land use modeling and analysis, producing maps that simulate the effects of development on the landscape, and facilitating consideration of land use options. The smart growth offices also prod cabinet agencies into action, as well as coordinate the communications, marketing, and messaging on land use and growth issues. In states that do not have an Office of Smart Growth, these tasks are conducted by the Office of State Planning.

Legislative approval is required in most states before a Governor may create a new cabinet-level department. When a governor believes reorganizing executive departments will produce effective results, most legislatures tend to support the governor's decision. However, if legislative approval is difficult to achieve, a cabinet-level planning department's goals may also be achieved by giving strong authority to a unit within the Office of the Governor or to a planning office at the top echelon of another agency.

EXAMPLE

Maryland Department of Planning

Maryland's Department of Planning is an asset to state government, local governments, communities, businesses, and organizations because of its ability to provide and analyze relevant land use research and to develop smart growth policy tools. The Department of Planning utilizes technology such as computer mapping, satellite imagery, analysis of census data, land use and parcel data, and aerial photography for trend analysis. It reviews and comments upon local comprehensive plans, develops technical "models and guidelines" booklets on land use and planning topics, and provides a range of direct planning technical assistance to local governments. The Department also monitors and forecasts changes in development and land use throughout the state and

produces information on demographic, socioeconomic, political, cultural, geographic, and land use trends. Divisions within the Department of Planning include the State Clearinghouse for Intergovernmental Assistance, Planning Data Services, Local Planning Assistance, and the Office of Smart Growth.

Maryland Department of Planning: *http://www.mdp.state.md.us/*

2

Develop a set of model smart growth codes for communities

ACTION

Local development regulations establish the land use pattern in a community. In many communities, local codes prevent the development of compact and walkable neighborhoods. These codes include zoning regulations, subdivision ordinances, parking standards, and street guidelines. The State can help local governments increase the number of compact, walkable neighborhoods by developing and sharing a set of model smart growth development codes.

PROCESS

There are many existing smart growth codes that the state's planning agency can adapt for community use. The American Planning Association has drafted a set of model smart growth codes.

Additionally, the Local Government Commission has compiled examples of more than 40 smart growth codes from across the U.S., highlighted in its publication, Smart Growth Zoning Codes: A Resource Guide.

Model codes include the elements that make up standard zoning ordinances. These elements include the identification of land uses permitted in each district, applicable design standards, requirements and procedures for obtaining permits required by the code and standards, and procedures for variances and non-conforming situations. It is important to ensure that the state's zoning enabling legislation supports the model code. The zoning enabling legislation may also need to be updated so that localities can use the model smart growth code.

In addition to developing the model code, the state planning department or agency should publicize the code and train localities in the use of the code. To accompany the code, it may also be necessary to develop supplementary materials, such as application forms and checklists.

EXAMPLE

Wisconsin's Traditional Neighborhood Design Model Code

In 1999, Wisconsin passed the Smart Growth for Wisconsin Act, which required that the state's largest communities (those with populations more than 12,500) adopt Traditional Neighborhood Development, a planning model that encompasses elements of smart growth. In response to this legislation, the University of Wisconsin Extension Service developed a model ordinance that localities could use as a template to customize and tailor own smart growth codes.

Wisconsin's Traditional Neighborhood Design Model Code: *http://stevenspoint.com/code/zoning/tndord.pdf*

3

Provide planning grants to local governments

ACTION

Localities exert substantial influence on development patterns through land use regulations, investment decisions, and community plans. States can help local governments improve their planning by developing a state planning grant program, which can be an incentive for local governments to adopt development regulations and capital investment strategies that achieve and reinforce state development goals.

PROCESS

Planning grant programs should support actions that can be replicated across the state and that have the potential to become state or national models. Emphasis should also be placed on funding projects that change development patterns, such as subdivision codes, zoning, capital investment policies, storm water management requirements, and parking policies. Funding can be used for activities such as community visioning and public participation events, policy analysis, plan updates, training of elected and appointed officials, public education, code audits, and code revision.

Because recipients often use grant money to hire consultants, the state planning agency should help grant recipients prepare requests for proposals (RFPs). The

state agency should also review proposals to ensure that the grant recipient hires the most qualified contractors and that grant funds are used in accordance with the intent and objectives of the planning grant program. Additionally, applicants should be allowed to use grant funds to meet the matching requirements of other state programs, such as covering the cost of planning activities for open space acquisition and brownfield redevelopment. Such actions can support and leverage other state investments.

EXAMPLE
Colorado's Heritage Grant Program

The Colorado Office of Smart Growth coordinates the state's annual planning grant program. Towns, cities, counties, and special districts are all eligible recipients under the program. Since 2000, $1.8 million in grant funds has been provided to over 100 communities in the state, with a suggested $50,000 maximum grant amount per recipient.

Colorado's Heritage Grant Program: *http://dola.colorado.gov/dlg/osg/chpg.htm*

4

Partner with communities to conduct build-out analyses of their current development patterns

ACTION

States should help local governments conduct build-out analyses, since many communities are unsure of how current development regulations (such as zoning codes, subdivision codes, and infrastructure and capital improvement policies) will affect their development. Many local governments are also unsure of the potential impact of current development patterns on the amount and quality of open space, the cost of providing sewer, water, and other infrastructure, housing and transportation choices, and the cost of providing community services. Build-out analyses can help communities envision how they will look and function if build-out occurs according to their current development regulations.

PROCESS

There are several ways to help localities conduct build-out analyses. One option is for the state to provide grants to local planning departments. Since local planning departments often have the land-use and zoning information required to conduct basic build-out analyses, they can calculate the resulting amount of developable land. The State can also require build-out analyses as part of its comprehensive planning statute or by modifying criteria for planning grants to give priority to localities that have recently conducted build-out analyses.

Another option is for the State to conduct build-out analyses in-house or in partnership with either regional planning organizations or a university's planning department. The state planning department, or comparable agency, typically has land use and land cover data for jurisdictions in the state, but can also acquire this information from a regional or metropolitan planning organization. The results of the build-out analyses can then be provided to localities.

EXAMPLE
Massachusetts' Community Preservation Initiative

In 1999, the Massachusetts Executive Office of Environmental Affairs launched an effort to envision how each of the state's 351 municipalities and towns would grow under current zoning regulations and what the impact of that growth would be on the state's natural resources. The state then worked in partnership with 13 regional planning agencies across the Commonwealth to develop a build-out map that identified the amount of developable land in the state. State officials held summits with communities to present the results of their build-out analyses and to discuss with citizens how they would like to see their communities grow.

Massachusetts' Build-Out Maps and Analyses: *http://commpres.env.state.ma.us/content/buildout.asp*

5

Establish a circuit rider program for communities

ACTION

The State should establish a circuit rider program to assist cities and counties with planning. Local governments, especially in non-metropolitan areas, often lack the expertise on staff to manage growth. Circuit rider programs can help communities overcome these obstacles. These programs typically involve designating one or more people to be technical resources to multiple

communities in a given county or region. The circuit rider is then responsible for assisting those communities with a range of planning functions, such as developing comprehensive plans, evaluating and revising codes and development regulations, analyzing policies, and reviewing project proposals.

PROCESS

To develop a circuit rider program, the state planning department or a comparable agency must assign staff to become circuit riders for given regions, counties, or townships. The type of assistance that is provided to communities will influence how the circuit rider program is staffed. For example, if circuit riders take on the functions of a local planning department or provide ongoing assistance, then additional staff may be needed. However, if circuit riders merely supplement or complement local planning efforts on a short–term basis, additional staff may not be necessary.

Circuit rider programs are most effective when they draw upon the resources and knowledge base of multiple state agencies, such as planning, transportation, environment, housing, and community development. This enables the sharing of resources across state agencies, which can be useful in addressing the interdisciplinary issues that can arise in growth management.

One alternative to a state circuit rider program is providing state-issued grants to counties or regional governments to establish their own circuit rider programs.

EXAMPLE

Delaware's Local Planning Assistance

Delaware's state planning office has enacted a circuit rider program in which a 'circuit rider planner' is assigned to help local governments with the planning process. Each of Delaware's three counties is assigned a different circuit rider planner. Circuit riders assist local governments with development and updating of land use plans; assist small towns with municipal development strategies; and provide a checklist and advice on a range of land use issues, including public participation, population data and analysis, housing inventory, affordable housing; annexation, redevelopment potential, historic preservation, infrastructure, and related issues. The circuit rider planners' services are supplemented by support from University of Delaware's Institute for Public Administration and private sector planning and consulting firms.

Delaware's Local Planning Assistance: *http://stateplanning.delaware.gov/services/circuit.shtml*

6

Create a technical assistance academy

ACTION

In order to plan sensibly, local governments must understand how their regulations, codes, and ordinances enable or discourage the development of compact, mixed-use, and walkable communities. To assist communities in gaining this understanding, a state can create a technical assistance academy. A statewide technical assistance program can help local governments determine how to best incorporate smart growth development practices in their codes and ordinances. The academy can also provide a forum for information exchange between communities and the state's planning department, as well as a means to identify, concentrate, and offer technical assistance resources that may be scattered throughout many agencies of state government.

PROCESS

A technical assistance academy can take a number of different forms, such as a virtual academy accessible through the Internet. A virtual academy would provide a one-stop-shop for all growth-related technical assistance programs or services in the state, including those provided by the state, educational institutions, and other related organizations, such as the state chapters of the American Planning Association or National Association of Realtors®. An example of an existing virtual information clearinghouse is Smart Growth Online.

Whatever approach is taken, it is usually beneficial to utilize the existing resources of the state's higher education institutions. Many of these institutions likely deliver technical assistance and training to planners, planning commission members, and elected officials throughout the state. Creating an academy that leverages these existing efforts could save time and money.

The academy should provide tools and outreach efforts that encourage local governments to better coordinate planning of infrastructure investment and development, to update and improve their zoning, and to facilitate exemplary development. Technical assistance should also be used to help communities that do not have sufficient planning capacity to address the challenges of growth.

EXAMPLE

Georgia's Quality Growth Partnership

The Quality Growth Partnership is an alliance between state, local, and regional governments, non-profits, and the University of Georgia that aims to promote education

and awareness about the implications of urban sprawl. The Partnership believes that this increased education and awareness will encourage those involved in urban growth and development to utilize efficient land use and smart growth techniques.

Georgia's Quality Growth Partnership: *http://www.dca.state.ga.us/toolkit/about_GQGP.asp*

7

Provide training for planning commissioners and local elected officials

ACTION

States should establish training programs for local planning commissioners and elected officials. In most communities, the responsibility for most land use and development decisions rests with planning commissioners and city and county boards, who are responsible for approving local plans, rezoning and variance requests, and development proposals. Local decision-makers are often unfamiliar with the basics of the local planning and development process, so they do not have a complete understanding of the impact of their decisions or the options available to them. Education on the basics of planning and smart growth principles can help members of these boards make better decisions.

PROCESS

There are many existing providers of planning and smart growth training and education. For example, many local government associations, state chapters of the American Planning Association, and universities provide low-cost, convenient training. Additionally many conferences, such as the American Planning Association's national conference and the annual New Partners for Smart Growth Conference, provide separate conference tracks or days for local decision makers. The state planning department or comparable agency can connect local decision makers to these opportunities by simply including a list of available training opportunities on a state website. In addition, the State can provide scholarships to local officials to attend training or conferences.

The state planning department or comparable agency could also partner with educational institutions, such as cooperative extension services or the state's American Planning Association chapter to develop training opportunities or invest in existing training programs. Partnership may involve developing or expanding curricula, training faculty or instructors, or providing funds to lower the cost of training for participants. Cooperative arrangements for joint training can also be reached with private-sector professional organizations, such as the National Association of Realtors®, whose members may be willing to pay fees to obtain continuing education credits by attending the same courses created for local elected and appointed officials.

Several states have amended their planning enabling legislation to require planning commissioners to receive regular training on planning and development issues. Legislation defines how much training is required per year, the areas in which this training is required, the consequences of not meeting requirements, and how the costs of training will be covered.

EXAMPLES

Michigan's Citizen Planner Program

The Michigan Citizen Planner program is a voluntary program for planning officials, developers, and community leaders. Participants receive about 18 hours of classroom training and complete 30 hours of community service in land use planning. Training sessions are held throughout the state and are bundled together so participants can complete the classroom portion of the training within eight weeks. Training can also be obtained on-line. The cost of the training is $385.

Michigan Citizen Planner Program: *http://citizenplanner.msu.edu/*

Kentucky's Continuing Education Program

In 2001, Kentucky became the first state to pass legislation requiring planning commissioners, board of adjustment members, and professional planning staff to receive orientation and continuing education training. According to House Bill 55, all planning commissioners and board of adjustment members are required to receive at least eight hours of continuing education within two consecutive calendar years. All professional planning staff is required to receive 16 hours of education within two consecutive years. The program allows each local planning commission to determine how the training will take place and requires them to cover the cost of training. Commissioners and staff who do not meet the training requirements become ineligible to remain in their positions. Support for this bill was broad: Proponents included the Homebuilder Association of Kentucky, Kentucky League of Cities, Kentucky Association of Counties, and the Kentucky Farm Bureau.

Kentucky's Continuing Education Program, House Bill 55: *http://www.kapa.org/doc/hb55sum.pdf*

8

Provide technical and financial support for regional collaboration

ACTION

The State should help communities collaborate regionally on development issues. While decisions about growth and development happen mostly at the local level, the impacts of local decisions are often felt throughout a region. For instance, if a community decides to permit the construction of a shopping center on the edge of town, the resulting revenue and jobs may be concentrated in the permitting jurisdiction. However, costs related to the shopping center, such as increased traffic, environmental impacts, and the decline of business for existing retail, are often felt throughout the region. Regional coordination of development decisions can help to encourage more equitable, efficient, and balanced growth patterns.

PROCESS

The state planning agency can support and encourage regional coordination by providing incentives, such as financial and technical assistance for regional planning efforts and prioritizing access to state funds to communities that collaborate regionally. The latter could be implemented by including criteria in discretionary grant programs that evaluate proposals based on the extent to which they have the demonstrated support of multiple jurisdictions in a region. Similarly, the State can also adopt a policy under which a state planning department or comparable agency reviews projects that will have regional impact (those of a significant size or with cross-jurisdictional boundaries, such as regional shopping malls). Projects that successfully demonstrate that they have support of jurisdictions in the region and do not disproportionately affect certain communities in the region would receive greater consideration for grants, capital infrastructure investments, and preferential loan terms.

EXAMPLES

Maine's Regional Challenge Grant Program

The State Planning Office in Maine established the Regional Challenge Grant Program to provide gap funding for promising regional initiatives, such as inter-municipal agreements, regional capital investment plans, and tax base sharing agreements. This is a non-competitive program in which applicants are required to provide a 100 percent match for awards. Funding has recently been reduced due to budgetary constraints.

Maine Regional Challenge Grant Program: *http://mainegov-images.informe.org/dafs/2006RegionalizationResouceList.pdf*

Utah's Quality Growth Communities Program

Utah's Quality Growth Communities Program, established in 2004, certifies jurisdictions that meet specific criteria as Quality Growth Communities or Quality Growth Service Providers. The certified communities receive preferred loan terms for water loans, preferred access to critical land conservation funds, preference for certain transportation funds, and preferred access to housing funds, such as Community Development Block Grants and funding from the Permanent Community Impact Fund Board. In addition, the communities receive special recognition from the governor and the Quality Growth Commission, as well as the right to use the Quality Growth Communities name and logo. The Quality Growth Communities Program is voluntary, so communities can choose not to accept the Quality Growth Community designation.

Utah's Quality Growth Communities Program: *http://www.utah.gov/governorwalker/newsrels/2004/quality_growth_communities.doc*

Utah's Quality Growth Commission: *http://governor.utah.gov/Quality/Communities.htm*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Planning/helpdesk.html*

Reports

Model Codes for Smart Growth; *Smart Growth Zoning Codes: A Resource Guide*; *Model's and Guidelines for Managing Growth*

Organizations

American Planning Association

Websites

Planning Commissioner Training Resource Center

Department of Transportation | 10

10

Department of Transportation

States with balanced transportation systems give their citizens better mobility and more choices. Transportation systems that are designed for multiple modes improve traffic flow, preserve community character, increase transit use, and support walking and bicycling. In this section, we describe how to create transportation networks that are integrated with the community and accommodate multiple modes of transportation, including pedestrian, bicycling, and transit. These networks balance safety, mobility, accessibility, community, and environmental goals. They also help governments avoid costs associated with protracted public battles over controversial projects.

POLICIES

1 Adopt an overall strategic plan

2 Adopt a "fix-it-first" approach

3 Adopt a context-sensitive approach for all state transportation projects

4 Take advantage of flexible federal transportation funding

5 Adopt a "Complete Streets" policy

6 Encourage connected street networks

7 Develop an access management program

8 Pursue more flexible application of residential street standards

9 Reform level-of-service standards

10 Manage for a reduction in vehicle miles of travel

11 Encourage transit-oriented development

12 Adopt a broad or regional approach to mitigation planning

13 Support transportation demand management

14 Revise transportation modeling methods

1

Adopt an overall strategic plan

ACTION

State departments of transportation play a critical role in how cities and towns grow and develop, and where stores and residences, sports stadiums and manufacturing plants, and every other imaginable type of land use is located. How people travel from place to place influences what is built and where. As a result, state transportation departments should develop strategic approaches that encourage creation and maintenance of a balanced transportation system, offering residents and businesses a variety of transportation choices. In doing so, state transportation plans should take into consideration the State's fiscal capacity to provide the types of projects envisioned in the plan; the potential effects of transportation projects on air and water quality and other environmental resources; how transportation projects meet the long-range residential and economic development goals of their state; and how they can assure that specific projects fit the context and scale of the communities they are designed to serve.

PROCESS

Although state departments of transportation are already required under federal law to develop long-range transportation plans, requirements for what should be included in such plans are minimal. As a result, some states produce thick, detailed documents about every aspect of their transportation planning for the future, while others produce thinner, more conceptual plans. The Federal Highway Administration says state long range transportation plans generally fall into six categories or combinations of these categories: needs-based plans; vision-based plans; policy plans; project-based plans; corridor plans; and fiscally realistic plans.

Whatever the approach, transportation planners should fully integrate their work with state and local land use and environmental protection plans. State transportation agencies are uniquely situated to assess and address regional (if not statewide) transportation needs. To do so, planning must assess each project's effect on air quality; understand the effect specific projects will have on local plans for future growth and development; and whether transportation or other infrastructure can be built on a timetable consistent with the construction of new residential developments or redevelopment of older communities. Departments of transportation should be prepared to provide technical assistance and training, demonstrate effective land use planning examples, or do other work with local governments that may not have the planning capacity to effectively link transportation improvements with preferred development patterns. To the extent possible, state and local governments should strive to understand both the anticipated and potential unintended costs of transportation project decision-making.

EXAMPLES

Oregon Transportation Planning Rule

The Oregon Transportation Planning Rule implements state land use planning goals for transportation. This program includes targets for reduction of vehicle miles traveled (VMT), which is important to efforts to reduce greenhouse gases. The rule also requires local governments to evaluate the impact of land use plan amendments on existing or planned transportation facilities, and it sets minimum guidelines for performance of roadway systems. The Oregon Department of Transportation must provide findings that its projects are consistent with local land use plans.

Oregon's Transportation Planning Rule: *http://www.oregon.gov/ODOT/TD/TP/TPR.shtml*

Florida's Transportation Concurrency Requirements

The State of Florida has put in place a growth management strategy that is designed to ensure that transportation facilities and services are in place concurrent with the impacts from planned development. To implement this measure, local governments must determine the appropriate level of service for transportation facilities and whether the impact of proposed development will exceed existing capacity. If adequate capacity is not available, developers must either provide the additional capacity, pay an amount toward the required improvements, or wait for government to build the necessary facilities.

Florida's Transportation Concurrency Requirements: *http://www.dca.state.fl.us/fdcp/dcp/publications/TCBP.pdf*

New Jersey's Transit-Oriented Development Program

The State of New Jersey has fully embraced the concept of transit-oriented development (TOD). In addition to transit-friendly policies, the state's department of transportation has developed a handbook on "transit

friendly land use" for New Jersey communities; developed a transit-oriented development pilot program as well as a transit villages program; a joint development program with the private sector; and a program designed to help home buyers qualify for a mortgage based, in part, on savings on transportation costs from living near transit stations.

New Jersey Transit: *http://www.njtransit.com/*

2

Adopt a "fix-it-first" approach

ACTION

States should employ a fix-it-first approach to transportation investment. Departments of transportation should ensure that preventive maintenance and repair of existing roads are the highest priority for spending. This approach reduces maintenance costs later, supports business and residential investment in areas already served by transportation infrastructure, and creates jobs. Nationwide, about two-thirds of state transportation funds are spent on the construction of new roads. Meanwhile, about half of our existing roads and bridges show signs of poor maintenance. A fix-it-first policy can begin to correct this imbalance

Moreover, the bias toward building highways to provide new capacity encourages growth in undeveloped areas rather than in existing centers and corridors. This induced development on parcels near new roads increases travel. In turn, this leads to a failure of new capacity to actually reduce traffic congestion and increases harmful vehicle emissions. Additionally, new roads will eventually need to be maintained, adding to the existing maintenance backlog.

PROCESS

tates should begin the process of moving to a fix-it-first policy by making a realistic inventory of existing road and bridge conditions. If inventories already exist, they should be re-examined to verify that current conditions are accurately reflected. Based on this inventory, the State should develop a plan for preventive maintenance employing an asset management approach. Minimizing long-term costs to taxpayers and inconvenience to motorists should be goals. Targets for reducing maintenance and repair backlog should be developed and the most heavily traveled routes should be focused on first. By canceling new construction that does not pass a performance efficiency test and delaying other low-priority projects, states can help pay for this shift in policy. States should set a target date for bringing state roads and highways up to good condition or set targets for the proportion of transportation that will be spent on maintenance or system preservation.

EXAMPLE

New Jersey's "Fix-it-First" Program

The New Jersey legislature first issued a "fix-it-first" mandate as part of the 2000 Transportation Trust Fund reauthorization. This mandate gave the New Jersey Department of Transportation five years to reduce the amount of deteriorated infrastructure by half. Governor Jim McGreevey's 2003 Executive Order directed the New Jersey transportation agencies to expedite "fix-it-first" projects. New Jersey's Future in Transportation initiative, a collaboration of the New Jersey Department of Transportation, the Office of Smart Growth, and other state agencies, endorsed "fix-it-first". Outcomes have included livelier Main Streets, more sensible land use, streets that meet community needs, more transportation options, and lasting returns on investment of taxpayer dollars.

New Jersey's Future in Transportation initiative: *http://www.state.nj.us/transportation/works/njfit/links/faq.shtm*

3

Adopt a context-sensitive approach for all state transportation projects

ACTION

The State should establish context-sensitive solutions as the standard approach to all transportation projects funded by it or within its jurisdiction. Context-sensitive solutions emphasize the role of streets as a part of the community rather than just as conduits for moving cars. This approach is also a way of doing business that begins with long-range planning and is carried through project implementation. It encourages transportation engineers to use creativity and flexibility in project design. Innovative examples from around the country demonstrate how such an approach to designing transportation projects can improve traffic flow while preserving community character and supporting walkable places that are more easily served by transit.

Additionally, experience in states that employ context-sensitive solutions illustrates how such an approach can produce projects that are embraced rather than fought by communities. By avoiding the costs associated with long delays, aborted projects, and bitter public battles, a context-sensitive approach can help states more effectively use limited transportation funds.

PROCESS

Context-sensitive solutions represent a fundamental shift in the way most state departments of transportation do business. Producing results therefore requires sustained leadership from senior-level officials. New guidance might be required to change current practices and existing design standards may need to be revised, although in most instances the desired results can be obtained within existing standards.

To effectively change the direction of a state transportation department, career professionals within the department may need training to help them develop more creative and flexible ways to apply their engineering expertise. Additional staff with expertise in urban design, land use planning, public involvement, and related fields may also need to be hired and integrated into project teams.

A successful context-sensitive process:

- balances safety, mobility, community, and environmental goals in all projects;
- involves the public and affected agencies early and continuously;
- uses an interdisciplinary team tailored to project needs;
- addresses all modes of travel;
- applies flexibility inherent in design standards; and
- incorporates aesthetics as an integral part of good design.

EXAMPLES

Caltrans' Context-Sensitive Solutions

Context-sensitive solutions are ingrained in how the California Department of Transportation (Caltrans) does business. The agency was able to do this through a collection of policies, directives, guidance documents, funding mechanisms, and training programs committed to context-sensitive solutions. California's CSS initiative fosters early and continuous collaboration with stakeholders, balances transportation needs and community values, and promotes interconnected, multi-modal transportation systems.

Caltrans: *http://www.dot.ca.gov/*

Massachusetts Executive Office of Transportation

In 2003, the Executive Office of Transportation and Massachusetts Highway Department launched a three-year initiative to make sweeping changes to its project development and design process and incorporate context-sensitive solutions into its day-to-day decision-making process. With the help of outside community groups, the agency completely overhauled its Highway Design Manual to ensure that projects will be more compatible with the state's rich historic, environmental, community, and cultural resources. The guidebook has significantly more flexible design standards, is strongly multi-modal, explicitly incorporates community setting as a design factor, dramatically reshapes the project development process, and supports early planning and coordination with all stakeholders to create safe, attractive roads.

Massachusetts Executive Office of Transportation: *http://www.eot.state.ma.us/*

Maryland's Thinking Beyond the Pavement Program

The Maryland Department of Transportation's Thinking Beyond the Pavement program (TBTP) is used to direct the implementation of context-sensitive design principles in Maryland. Past successes of the TBTP program include training citizens and other stakeholders in context-sensitive design at a two-day implementation workshop, and compiling work plans for TBTP task teams and sub teams. State transportation officials believe the program improved internal and external communication during project planning, design, and construction. They also found that the flexibility of context-sensitive design has improved the consistency of project quality.

Maryland State Highway Administration: *http://www.sha.state.md.us/*

4

Take advantage of flexible federal transportation funding

ACTION

In recent years, states have been granted much more flexible use of federal transportation funding, yet many states have not tapped into this resource as effectively as they could. States demanded funding flexibility and got

it in the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and subsequent federal transportation reauthorization laws. Federal transportation investment programs are now largely mode-neutral and offer states vast flexibility to use funds for non-highway projects. States should become more aggressive in using these sources of funds to help improve the relationship between transportation projects and land use.

PROCESS

For example, all Surface Transportation Program funds (approximately $33 billion under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users legislation, or "SAFETEA-LU") can be "flexed" for use on transit or "complete street" projects that simultaneously provide facilities for cars, transit, pedestrians, and bicyclists. At least 50 percent of funding through the National Highway System ($31 billion under SAFETEA-LU) can be shifted to the Surface Transportation Program and, with U.S. Department of Transportation approval, a full 100 % could be shifted to that program. National Highway System funds can also be used for transit improvements in National Highway System corridors. Similarly, up to 50 percent of Interstate Maintenance funds ($25 billion under SAFETEA-LU) can be shifted to the Surface Transportation Program. Highway Safety Program funds ($5 billion under SAFETEA-LU) can be used to provide safety improvements not only for motorists, but also for pedestrians and bicyclists.

States may also use federal Congestion Mitigation and Air Quality (CMAQ) funding to support smarter growth projects. A portion of federal transportation funding is reserved for projects in air quality non-attainment areas through the CMAQ program ($9 billion under SAFETEA-LU). Established in 1991 and reauthorized in 1997 and 2005, CMAQ provides critical support for transportation projects such as maintenance and improvement of public transportation and alternative fuel programs that reduce vehicle travel or traffic congestion. In the past, all CMAQ funds have not been used, and an opportunity exists to expand the use of CMAQ funds for transit-oriented, pedestrian-friendly projects that will increase transportation choices, reduce vehicle miles traveled, and improve air quality. State transportation agencies can work collaboratively with state environmental agencies to develop criteria to prioritize CMAQ-funded projects that achieve multiple environmental benefits and improve development projects.

EXAMPLE

California's CMAQ Guidelines

Caltrans, which is the California Department of Transportation, partnered with the California Air Resources Board to develop guidance on how to get the maximum environmental benefit from Congestion Mitigation and Air Quality funds. Together they published a guide and accompanying project database to assist metropolitan planning organizations (MPOs) with project selection.

Caltrans: *http://www.dot.ca.gov/*

5

Adopt a "Complete Streets" policy

ACTION

States should integrate a "complete streets" approach into their transportation planning and funding decisions. These policies require agencies to balance the needs of all users in the planning, design, and construction of all transportation projects. This allows users of all ages and abilities, including pedestrians, bicyclists, motorists, transit riders, older people, children, and those with disabilities, to move safely along and across a network of complete streets. Good multi-modal facilities along major roads can reduce congestion by providing an alternative to short-distance car trips. The improvements in the community and the public safety benefits can be significant. One study showed that the addition of sidewalks, raised medians, and improved intersections reduced pedestrian injury and fatality risk by 28 percent. Other road improvements, like lane narrowing and installation of curb extensions, result in substantial crash reductions.

PROCESS

Complete streets have been a policy goal at the federal level since 2000, and several states, including California and Illinois, have passed laws requiring complete streets planning. A state can implement a complete streets policy administratively by changing rules to require that all new state roads or major rehabilitation projects include pedestrian, bicycle, and transit facilities, and encouraging their inclusion in maintenance and other activities. Guidelines to development of good complete streets policies can be found at www.completestreets.org. In states with strong context-sensitive solutions

programs, complete streets policies can be incorporated into those programs (*see Policy #3, Adopt a context-sensitive approach for all state transportation projects, in this section*). Department of transportation project managers should be required to justify and document any exceptions to this policy.

Under a robust complete streets policy, most federal transportation funding programs will be used to create complete streets, because projects will consider the needs of all users from inception. Communities seeking funding to retrofit existing "incomplete" streets can fund such projects from Surface Transportation Funds. Smaller, specialized programs can also help. The Safe Routes to School (*see Policy #5, Establish a "Safe Routes to School" program, in the Department of Education section*) program provides funding for pedestrian and bicycle facilities that improve access to schools. In air quality non-attainment areas, infrastructure improvements can be funded under the Congestion Mitigation and Air Quality program (*see Policy #4, Take advantage of flexible federal transportation funding, in this section*). Other federal programs, such as the Transportation Enhancements and the Recreational Trails programs, can also provide critically needed funds. Most importantly, the development of good multi-modal streets can be integrated into core transportation funding in a cost-effective and fiscally sound way.

EXAMPLE

Illinois' Complete Streets Policy

The State of Illinois amended its state highway code in October 2007 to ensure that, "bicycle and pedestrian ways shall be given full consideration in the planning and development of transportation facilities, including the incorporation of such ways into State-funded transportation plans and programs." The policy was effective immediately for project planning and is required in construction beginning August 2008.

Illlinois' Complete Streets Policy SB0314: *http://ilga.gov/legislation/*

Illinois Complete Streets press release: *http://www.completestreets.org/documents/IllinoisCSbillPressRelease10-16-07.doc*

Many more policy examples are available from the National Complete Streets Coalition, which also offers day-long Complete Streets Implementation Assistance workshops for communities ready to write or implement a complete streets policy.

6

Encourage connected street networks

ACTION

The State should encourage localities to develop connected street networks. (The State DOT may also wish to provide funding for creation or extension of local streets that serve the same purpose as expansion of the state system would). Although developers or local governments build most neighborhood streets, they often connect to major streets that are part of the state highway system. Absent a policy directing something else, these development streets usually will be disconnected from each other. Providing multiple routes for regional and neighborhood traffic creates a more flexible system.

PROCESS

A number of actions at the state level can improve the connectivity of street networks. Effective strategies applied by states include technical assistance programs and statewide connectivity standards. For example, minimum connectivity standards can be adopted for any new development connecting to the state highway system. Such performance standards ensure that traffic leaving large residential or commercial subdivisions can travel by multiple routes. This limits bottlenecks at key intersections and reduces the need for traditional high-capacity arterials designed to move traffic at higher speeds. States can also help counties and municipalities redesign the street networks that are not part of the state highway system.

EXAMPLES

New Jersey's Local Technical Assistance Program

The New Jersey Department of Transportation, the Office of Smart Growth, and other state agencies have cooperated to develop the New Jersey Future in Transportation program (NJFIT). One NJFIT initiative is the Local Technical Assistance Program, in which NJFIT agencies work with local governments to redesign their street networks to emphasize connectivity and better land use planning. A notable success story from this program is Flemington, New Jersey, where the state's technical assistance was able to help the township redesign its street network to accommodate growth rather than build a proposed bypass.

New Jersey Department of Transportation: *http://www.nj.gov/transportation*

Virginia's connected streets

At the request of Governor Tim Kaine, the Virginia General Assembly in 2007 enacted legislation that requires the Commonwealth Transportation Board to develop Secondary Street Acceptance Requirements, promulgated by regulation. These requirements define the conditions and standards that must be met before secondary streets constructed by developers, localities, and entities other than the Virginia Department of Transportation (VDOT) will be accepted into the state secondary system for maintenance by VDOT. A connected street network improves the flow of through-trips on collector and arterial streets, reduces vehicle miles traveled and congestion, reduces emergency response times, promotes alternative transportation options (biking, walking, transit), and improves access to community facilities and shopping areas.

Virginia Department of Transportation: *http://www.virginiadot.org/*

7

Develop an access management program

ACTION

The State should develop an access management policy. The spread of commercial development in shallow strips along state highways is made possible when direct access to the highway is not actively managed. A lack of access planning creates a number of problems. By facilitating strip commercial development in unincorporated areas, a lack of access planning can undermine municipal efforts to revive downtown shopping districts. In town centers or dense urban core areas, excessive driveways can both reduce vehicle capacity and create less pedestrian-friendly sidewalk environments.

Many departments of transportation believe they only have an indirect role in managing access to state highways, and usually deny access permits only based on traffic safety and facility operation standards. However, when a state transportation department grants access to owners of commercial parcels, it creates the perception of vested development rights and increases the pressure on local governments to approve development proposals. Therefore, it is important that programs to manage access to the state highways be cooperatively developed between state transportation departments and local governments.

PROCESS

In order to be successful, state highway access management programs should be:

- developed collaboratively with local planning and public works departments;
- applied consistently and uniformly throughout the state;
- based on a detailed functional classification of roadways reflecting the role of each corridor in the overall network of roads and streets;
- supported by a continuous ongoing training and information program to ensure that local government staff, land owners, and developers understand the program; and
- designed to support implementation of local comprehensive plans, corridor plans, and urban containment policies.

The State's access management policy should include different spacing standards for access to freeways and arterials. On freeways, the critical element of an access management policy is to have large spacing(i.e., more than five miles) between interchanges to encourage clustered development in the corridor. On arterials, the standards for spacing are more complicated. The State may want to limit driveway permits for individual businesses, but encourage multiple access points into residential neighborhoods (*see Action #5, Encourage Connected Street Networks, in this section*).

It is important to note, however, that if access management is overdone, it can have the unintended consequence of causing rather than alleviating congestion by putting too many vehicles through too few access points. In Oregon, Portland Metro has documented that arterial networks should have intersections every 330 to 500 feet to make transportation networks work most efficiently. The point may be to limit the number of driveways, but not necessarily limit the number of intersections.

EXAMPLE

Florida's Access Management Program

Chapter 335 of the 2007 Florida Statutes establishes an access management program, which provides comprehensive statewide standards for driveways that connect to highways. Property owners or developers must apply to the district where their property is located. Districts should consider the logistics and specifics of the pertinent connecting highway (how many accidents have taken place, operational speed and characteristics,

geographic location, etc.) when making decisions about permit issuances.

Chapter 335 of the Florida Statutes: *http://www.leg.state.fl.us/STATUTES*

Florida's Access Management Program: *http://www.dot.state.fl.us/planning/systems/sm/accman/*

8

Pursue more flexible application of residential street standards

ACTION

Narrow residential streets can help localities calm traffic and make neighborhoods safer places to walk and bicycle. They also are more sustainable than overly wide streets, which increase storm drainage, snow removal and resurfacing costs, and local heat island effects. In many communities, formal or informal residential street standards require streets to be unnecessarily wide, in part out of misperceptions that this will increase safety (the opposite is true), and in part in an attempt to meet requirements of emergency service responders (primarily fire departments). Now, many communities in the United States are partnering with their fire departments to reassess residential street requirements and change their local standards to permit narrower streets in certain situations.

State DOTs can play an important role in helping communities that wish to modify their residential street standards to allow narrow streets. Local residential street standards are often established through state guidance. States can assess their current residential street standards and, if appropriate, allow more flexible application of the standard.

State DOTs generally have a role to play in local street design, although the specific nature of that role varies from state to state. In some states, the DOT has jurisdiction over "local" public streets and thus controls design standards directly. In these states, the DOTs can revise standards for low volume, local streets to guide development of narrower street cross-sections in certain situations. In other states, cities and counties have jurisdiction over their own streets. In such states, a wide variety of standards may be in place, including informal systems based on general interpretations of the AASHTO Greenbook. In these states, DOTs can provide a valuable service by developing a recommended local street design practice guiding development of more efficient, sustainable local street systems.

PROCESS

States should review the residential street standards in use in their state (whether state or local) to determine if they have become an obstacle to the development of compact, walkable communities. If the standards are outdated, the State should initiate a process to actively engage fire safety, paramedic, traffic safety, and community health professionals to develop modern standards that meet neighborhood design goals while still providing for access by emergency responders. The objective should be to replace inflexible minimum requirements with comprehensive standards that allow for streets that are appropriate to their context, while retaining an appropriate focus on emergency vehicle accessibility, response times, and traffic safety.

EXAMPLE

Oregon's Neighborhood Street Design Guidelines

Oregon conducted a multi-year process that developed a flexible set of standards for neighborhood street design. The initiative, led by the Oregon Department of Transportation and the Department of Land Conservation & Development, produced a consensus set of guidelines entitled Neighborhood Street Design Guidelines: An Oregon Guide for Reducing Street Widths. The process of developing these guidelines included the emergency responder community. The Office of the State Fire Marshal and the Oregon Fire Chiefs Association endorsed the guidelines. The guidance provides design examples, a checklist of key factors for consideration, and suggestions for initiating locally based collaborative efforts to work out place-specific issues.

Oregon's Neighborhood Street Design Guidelines: *http://www.oregon.gov/LCD/docs/publications/neighstreet.pdf*

9

Reform level-of-service standards

ACTION

Departments of transportation should not automatically impose a high level-of-service standard without first considering the transportation context. For roads of statewide importance, high levels of mobility may need to be maintained and higher level-of-service targets can be warranted. For secondary and tertiary roads, high levels of mobility may not be a priority. For these, maintaining or enhancing the quality of the community should take precedence. There should not be an automatic mandate to address poor level-of-service at all costs every time it arises. Levels-of-service should be one factor, and traffic forecasting one tool, not sole determinants, in project decisions.

Transportation departments generally rank the performance of roads by their level-of-service, but employing this standard can inadvertently discourage or block development in urban core areas, because they typically rank low on standard level-of-service measures. Many jurisdictions, for example, have responded to growing traffic congestion by developing performance standards to ensure that traffic speeds are maintained as areas become more developed. But these standards ignore the role that walking, biking, and transit play in more densely developed areas. Design decisions based on high level-of-service performance measures can end up serving only the motorist at the expense of the very communities that the road is supposed to serve. Decisions made only for the peak hour may tune the roadway to work well for motorists during those hours, but render the road over-designed for the rest of the day and ineffective for all other users. To remedy this, state transportation departments should review how they apply level-of-service standards and, if necessary, work with local governments to revise how the level-of-service is measured.

PROCESS

The process for estimating vehicle level-of-service should be simplified and basic pedestrian, bicycle, and transit measures should be added. While localities generally establish minimum level-of-service standards, state departments of transportation develop the analytical tools and traffic counts used to implement them. States can mitigate the negative impact on level-of-service standards from new infill development by adopting models that also consider the level-of-service for other modes of travel.

One approach some localities are using is to set lower minimum service standards in infill areas designated for growth or eliminate requirements altogether. The downside of this approach is that it fails to reflect the improved access to homes, jobs, and stores that infill can bring to a neighborhood. It also fails to measure the quality of transportation services for other travel modes or create any accountability that could lead to improvement of alternative modes of transportation.

EXAMPLES

Florida's Multi-Modal Quality of Service Standards

The 1999 Florida Growth Management Act allows cities to designate specific multi-modal transportation districts. These districts incorporate different methods of transportation and land use to encourage a reduction of automobile use. Multi-modal quality of service standards measure the quality of facilities for all travel modes, including pedestrian, bicycles, transit, and personal vehicles. Florida's Department of Transportation has also developed a detailed methodology for assessing all transportation modes.

Florida's Multi-Modal Quality of Service Standards: *http://www.dot.state.fl.us/Planning/systems/sm/los/pdfs/MMLOS.pdf*

Model Regulations and Plan Amendments for Multimodal Transportation Districts: *http://www.dot.state.fl.us/Planning/systems/sm/los/pdfs/MMTDregs.pdf*

Montana Transportation Choices

In 2004, Montana produced a report entitled Montana Transportation Choices that noted that an "overreliance [or] technical misuse or misapplication" of "level of service" standards can have unintended consequences. "The most serious problems with the roadway LOS concept are the fact that it focuses narrowly on increasing the supply of roadway capacity as the primary (or only) objective, and the fact that it disregards a need for modal balance," the report states. Adverse effects include underdevelopment of local and collector roadways, concentration of traffic in a few congested corridors, and unnecessary increases in Vehicle Miles Traveled, the report concludes.

Montana Transportation Choices: *http://www.mtsmartgrowth.org/transportation_study/FinalMTTransportChoices.pdf*

10

Manage for a reduction in vehicle miles of travel

ACTION

States should include a reduction in vehicle miles of travel (VMT) among the goals for their DOTs. Over the past fifty years, daily VMT in the United States has increased at about three times the rate of growth in population. Some of this rapid growth in vehicle travel has been the result of increased prosperity and increased mobility, both of which have been positive trends. However, much of the growth in travel actually has little to do with the economics of prosperity, but rather is associated with sprawling suburban and exurban development patterns that have increased the amount of daily household travel without increasing access to jobs, essential services, or other important destinations.

During this time, state DOTs have worked hard to provide the expanded roadway systems needed to service the spread of low-density development. This approach to transportation policy is known as "project and provide." The transportation agency projects traffic growth and attempts to provide new capacity to serve it. As it turns out, much of this "project and provide" approach to capacity investment has been counterproductive, serving to subsidize and accelerate the sprawl development pattern while failing to reduce congestion or delay – the putative purpose of highway capacity programs in the first place. Now, as energy prices, greenhouse gas emissions, and economic costs of roadway construction have become public policy issues in every state, the inexorable growth in per capita and household VMT no longer seems like a desirable trend.

As a result, states are beginning to evaluate policy frameworks that might begin to slow or even reverse the growth in VMT while still maintaining high levels of transportation system function, access, and connectivity. Interestingly, at the same time this policy approach is attracting attention from transportation professionals, the VMT trend has been attenuating for the first time since World War II. While this is in part related to recent unstable fuel costs, VMT growth rates across the United States had actually begun to drop as early as 2005 in most states before going into the actual decline seen in 2006 and 2007. This offers a unique opportunity to initiate VMT growth policies in conjunction with state transportation programs to address energy, climate change, and economic objectives.

States cannot address the energy and climate change policy environment that they face in the next decade without tackling transportation energy use. While most efforts to curb greenhouse gases focuses on vehicle efficiency and cleaner fuels, even if the most stringent fuel efficiency proposals under consideration are enacted, vehicle emissions still would be 34 percent above 1990 levels in 2030, far from the 60 to 80 percent below 1990 levels by 2050 required for climate protection.

Lowering the number of miles traveled on the state's roads will, in addition to reducing greenhouse gas emission, also save maintenance expenses at a time when most states are facing increasingly tight transportation budgets.

PROCESS

Most states do not have access to accurate VMT data for all travel within their state. All state DOTs are required to participate in an annual data gathering and reporting system with the Federal Highway Administration that includes data on miles of travel by roadway type, vehicle type, and roadway jurisdiction. However, in many states these reporting systems are old and inaccurate, with estimates of travel on local roads and streets especially based on scant data. A first step in addressing VMT growth is for the state DOT to focus on improving the accuracy of its VMT database.

On its surface the idea of limiting VMT growth seems to be contrary to what the public expects from transportation agencies. It sounds like the idea is to limit the public's ability to travel. This actually should not be the objective. Almost any public survey will reveal that people believe they travel more than they want to – they spend too many hours in their cars and fill their gas tanks too frequently. Most of this travel is for a short list of common purposes: access to jobs; connections to schools, churches, friends, and family members; and access to shopping, services, and recreation. A consequence of the sprawling, low-density residential development that has has covered vast areas since World War II—and that has been encouraged and subsidized by "project and provide" transportation programs—is that the population is forced to drive long distances for basic household and personal purposes, to the detriment of quality of life and household budgets.

Many states are now beginning to address this self-defeating cycle of "project and provide"/ support sprawl/induce increased travel by recognizing that land

use and transportation policy cannot be addressed through separate policy "silos." An integrated approach is required, where transportation investments are planned and prioritized based on a broader set of public objectives, such as economic vitality, energy security, climate change management, and community character. In order to follow a policy path toward managing VMT growth, the State must first make the case to the public as to why decreasing per capita VMT is appropriate and important. The State should describe its VMT growth and the impact of that trend on energy costs, climate change effects, and economic vitality. Working through its legislature the State should:

- develop VMT reduction goals;
- develop tools and best practices to assist regional and local entities in making progress toward the benchmarks;
- identify current strategies to reduce VMT in the state as well as successful strategies in other jurisdictions that may be applicable in the state;
- identify potential new revenue options for local and regional governments to finance VMT reduction efforts; and
- provide for the development of measurement and evaluation tools.

While this process would not necessarily have to be led by the state DOT, it could and perhaps should be. However, others should be involved before the proposal makes it into the legislature. A successful effort will require consultation with and involvement by housing agencies and interests; environmental entities, including open space and public lands managers; the business community; public transit providers; local and regional planners; and developers and builders. In the end, the answer to meeting the travel, access and circulation needs of residents and workers without requiring them to drive long miles in heavy traffic, is to use transportation investments as part of an integrated transportation and land use program that specifically addresses where new housing will be built, how new commercial space can be built in compact, mixed-use settings, and how new schools can be incorporated back into neighborhoods. At the same time, financial policies such as freeway tolls, parking charges, fuel taxes, and pay-as-you-drive insurance programs, can help link the economic structure of local travel closely with a VMT management policy.

EXAMPLES

Washington's HB 2815, Climate Action & Green Jobs

Signed in 2008, Washington's Climate Action and Green Jobs bill (HB 2815) requires the department of transportation to adopt broad statewide goals to reduce annual per capita VMT by 2050. The bill requires the department of transportation to develop strategies to decrease the annual per capita VMT by eighteen percent by 2020; thirty percent by 2035; and fifty percent by 2050.

Washington's HB 2815, Climate Action & Green Jobs: *http://www.ecy.wa.gov/climatechange/GreenEconomy.htm*

California's SB 375

In September 2008, Governor Arnold Schwarzenegger signed SB 375. The bill mandates that the California Air Resources Board (CARB) must establish regional goals to reduce greenhouse gas emissions across all economic sectors, including land use and transportation. Each of the seventeen metropolitan planning areas in California will have specific emissions reduction targets for 2020 and 2035. The bill requires funding decisions for regional transportation projects to align with the regional planning agencies' plans to meet the emission goals.

California's SB 375: *http://www.leginfo.ca.gov/*

11

Encourage transit-oriented development

ACTION

Supporting transit and transit-oriented development yields benefits for the transportation system as a whole, for the environment, and for compact, walkable, mixed-use communities. The state's department of transportation can give priority for funding to projects in existing nodes, designated growth centers, and transit-oriented development zones. Well-designed transit-oriented development can be a powerful engine for local growth and for maintaining and growing the local tax base.

PROCESS

State transportation departments can facilitate partnerships to develop and improve transit-oriented development in specific areas. Partnerships that include local officials, planners, and citizens will be most successful in ensuring that projects incorporate local visions for growth. Departments of transportation should also work with other state departments (e.g., budget, economic development, housing, etc.) to develop a program of direct support and investment in housing and job creation within transit-oriented districts. The support could come in the form of technical assistance or direct financial assistance with the development of street infrastructure in and around transit-oriented developments. Transportation funds can also be used to support housing near transit or employment centers.

Other specific state actions could include:

- Using federal funds to leverage both local and private dollars (e.g., transit station joint development projects);
- Developing a park-and-ride investment strategy where transit intersects state highways;
- Identifying potential station areas and targeting state investment to those areas;
- Investing in local circulators and park-once districts in advance of regional transit; and
- Developing model codes for local governments to facilitate transit-oriented development around station areas, (e.g., form-based codes and transit overlay districts).

EXAMPLES

New Jersey's Transit Village Program

New Jersey created a Transit Village program in which a Department of Transportation and New Jersey Transit partnership offers planning assistance, streamlining, and limited funding for localities that have developed a detailed vision for renewing areas around transit stations into mixed-use, walkable neighborhoods.

New Jersey's Transit Village Program: *http://www.state.nj.us/transportation/community/village*

Oakland, California's Metropolitan Transportation Commission

Transportation for Livable Communities was developed by the Metropolitan Transportation Commission in Oakland, California, some six years ago. The goal was to create vibrant downtown areas, commercial cores, neighborhoods, and transit corridors, to make them places where people want to live, work and visit. Under the Transportation for Livable Communities program, developers can apply for grants to pay for planning and construction costs. The grants include the Community Design Planning Program, the Capital Program, and the Housing Incentive Program. The Housing Incentive Program rewards local governments for building housing near transit stops. The amount of money rewarded to the local government is determined by the density and the amount of affordable housing units. The Housing Incentive Program does not directly subsidize construction costs, the rewards from the Transportation for Livable Communities program can be used throughout the local government's jurisdiction.

HIP program: *http://www.mtc.ca.gov/planning/smart_growth/hip.htm*

TLC Handbook: *http://www.mtc.ca.gov/library/TLC/TLC-Works_In_Progress.pdf*

12

Adopt a broad or regional approach to mitigation planning

ACTION

States should recognize the regional impact of transportation projects and support the use of a regional approach to mitigate the impacts of highway investments. The environmental impacts of transportation projects are typically addressed at a project level. This approach leads to several significant problems. Many environmental impacts are cumulative and large scale. Project level mitigation either fails to identify such impacts or leaves few alternatives for addressing them. Additionally, many mitigation measures, such as preservation of lands that contain critical habitats, stream buffers, and wetlands, are more easily implemented and cost effective at broader regional scales. State departments of transportation can fundamentally shift toward a more comprehensive approach either by ensuring that a broad range of indirect impacts is considered or by conducting an impact analyses at a programmatic level.

PROCESS

A regional approach to a transportation system, and mitigating transportation impacts, requires investments in research, planning capacity, and implementation mechanisms. For example, making natural resource inventories available speeds evaluation of mitigation opportunities. Regional scale mitigation also requires working with a larger set of local stakeholders. In addition, the cost-effectiveness benefits of regional mitigation are easier to achieve when entities such as land trusts or mechanisms such as transfer or purchase of development rights programs, state land conservation initiatives, and so forth are already in place.

States should create a system for coordinating the assessment of natural habitats with respect to transportation projects. Once a State – through an Environmental Impact Statement or Environmental Assessment -- recognizes and articulates the goals of the transportation project, all appropriate state agencies (transportation, planning, natural resources, health, etc.) that can help with an assessment of the project should be convened for a series of discussions concerning potential environmental impacts.

One approach is to bring appropriate federal, state, and local agencies together as signatories to a "streamlining agreement" that can support joint policy making, habitat preservation, and the use of techniques such as Context Sensitive Design (*see Action #3, Adopt a context-sensitive approach for all state transportation projects, in this section*).

EXAMPLES

Washington's Watershed Program

The State of Washington has implemented a comprehensive approach to highway project mitigation. The Washington Department of Transportation's Watershed Program evaluates alternatives across a broader geographic scale to identify alternatives to traditional mitigation projects. For major projects, watershed characterization studies are conducted with the goal of answering a fundamental question: "Where should we target natural resource improvements to mitigate impacts of a transportation project while achieving the greatest environmental benefit?"

Washington's Watershed Program: *http://www.wsdot.wa.gov/Environment/Watershed/characterization.htm*

North Carolina's Ecosystem Enhancement Program

The North Carolina Department of Environment and Natural Resources, the U.S. Army Corps of Engineers, and the North Carolina Department of Transportation signed a Memorandum of Agreement that established the Ecosystem Enhancement Program, which aims to restore, maintain, and protect water habitat areas throughout the state. One provision of this program provides watershed-based mitigation (compensation) if transportation and infrastructure development have unavoidable environmental consequences.

North Carolina's Ecosystem Enhancement Act: *http://www.nceep.net/*

Oregon's Collaborative Environmental and Transportation Agreement for Streamlining

Oregon's Collaborative Environmental and Transportation Agreement for Streamlining promotes environmental stewardship and agency collaboration. The agreement requires all Oregon transportation jurisdictions to develop land use and transportation plans that reflect state goals. The program was approved in April 2001 by 10 state and federal agencies, including the Oregon Department of Transportation, the Federal Highway Administration, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the National Marine Fisheries Service.

Oregon's Collaborative Environmental and Transportation Agreement: *http://www.environment.fhwa.dot.gov/strmlng/newsletters/oct01nl.asp*

13

Support transportation demand management

ACTION

While most transportation departments have traditionally focused on providing transportation supply, in recent years departments that are increasingly overburdened physically and financially have turned to "demand management" as a means of controlling cost and meeting needs. "Demand management" generally refers to strategies or techniques that reduce the number of vehicles that use highways by providing travelers with other mobility options. Examples of these strategies include carpooling or vanpooling, transit, telecommuting

and flexible work schedules, park-and-ride, and integrated land use and transportation project design that allows more pedestrian or bicycle travel.

As transportation budgets tighten, the pressure to reform transportation operations often creates an opportunity to consider market-based policies that can help manage transportation demand. For example, pricing parking to better reflect its opportunity cost can quickly and cheaply reduce congestion and improve air quality.

PROCESS

Several state departments of transportation directly support Transportation Demand Management. It is probably faster and easier for a state DOT to start supporting Commute TDM than just about anything else in this chapter. Most regional TDM organizations need financial and strategic support in the current economic environment, and TDM is almost certainly the single most cost-effective action a DOT can take to reduce VMT.

EXAMPLE

Commuter Connections, Washington, D.C. metropolitan area

Commuter Connections, in the greater Washington, D.C. area, is a regional network of transportation organizations that provides the public with information on commuting options and helps employers establish commuting benefits and assistance programs for their employees. The program also provides carpool/vanpool matching, transit route and schedule information, a regional Guaranteed Ride Home program, bicycle to work information, park-and-ride lot and HOV lane information, telecommute/telework program assistance, InfoExpress commuter information kiosks, Internet-based commuter information services, and employer services. All services are provided free to the public and employers.

Commuter Connections is a program of the National Capital Region Transportation Planning Board at the Metropolitan Washington Council of Governments and is funded by the District, Maryland, and Virginia Departments of Transportation as well as the U.S. Department of Transportation. Many of the local Commuter Connections members receive grant funding directly from their respective state government.

Commuter Connections: *http://www.mwcog.org/commuter2/*

14

Revise transportation modeling methods

ACTION

Some states and most regional metropolitan planning organizations (MPOs) create and use sophisticated transportation models to estimate the effects of proposed future transportation projects. These models are often critically important to the development of regional long-range transportation plans that must be satisfactorily completed before state projects may receive federal transportation funding.

Increasingly, these models are being used to forecast the impacts of transportation projects on related issues, such as the release of greenhouse gases that contribute to climate change. To enhance the link between transportation and land use planning, it is important to remove barriers to building well-designed, mixed-use projects in accessible places. Therefore, states that do their own modeling, or that work with MPOs on modeling, should encourage the use of transportation modeling software that can help localities capture the traffic impact of development, including the impact of "smart growth" development. For example, methods for calculating the number of additional vehicle trips generated by new development often significantly overestimate the traffic impact of many infill projects, because the standard formulas are based on studies of existing sites in auto-dependent suburban locations. Applying these suburban standards to urban projects such as transit-oriented development projects can overestimate the number of vehicle trips generated by mixed-use, infill projects by 30 to 50 percent. VMT for more typical mixed-use infill projects can be overestimated by 10 to 20 percent.

The types of traffic models, assumptions, and internal structures, such as size of Transportation Analysis Zones (TAZs), have increasingly become a subject of debate. Robust growth assumptions, large TAZs, trend growth scenarios, and low fuel prices all served us well in the era when the Interstate Highway System was being constructed. Continuing to use these practices or parameters in the current era will return poor answers. Departments of transportation should ask:

1 What are the growth assumptions for the model and how were they developed?
2 Are these assumptions still valid in alternative scenarios that are of interest?

3 How many TAZs were used in the modeling, and are they small enough to capture walking and internal trips?
4 Did the model account for the fact that the additional transportation capacity that may be needed to keep up with anticipated growth may not actually be built? If that is the case, does the absence of that infrastructure restrain other growth assumptions? In other words, is the relationship between actual land use and transportation adequately represented in the modeling framework?
5 Most of the MPO models do not account for the movement of freight and their impacts on infrastructure and congestion. If they are not explicitly accounted for, are the model outputs presented with sufficient qualifications?

The most important thing that a state department of transportation can do is reevaluate whether traffic modeling is needed in the first place. Too often, as a first step in the planning process, departments of transportation and communities run a traffic model that is designed for suburban development, and subsequently overestimate growth and necessary road size with no attention to the context and community that the transportation investment is seeking to support.

PROCESS

To better understand the relationship between more compact development and traffic, states can use Smart Trip Generation Formulas to model traffic impacts. In urban areas, trip generation rates should be adjusted to account for transit availability, the amount of nearby activities that can be reached on foot, and the quality of the pedestrian environment. Departments of transportation should ensure that any future modeling can handle all multimodal trips, including pedestrian. This might require adding complexity to the model, reducing the size of the TAZs, or adding more pedestrian and transit links, which could add some costs to the modeling. However, this step will be necessary to avoid overestimation of projections, over-design of projects, and unnecessary damage to communities. States should use any model results with caution, by understanding the assumptions and inputs that underlie them. Pedestrian Environment Factors, which relate trip generation to characteristics of the built environment, can be used to adjust mode choice at a zonal level. Furthermore, departments of transportation should investigate the impact of freight on various transportation links and develop policies (along with the private sector, such as railroads and trucking companies) to enhance the results of MPO modeling efforts.

EXAMPLES

Oregon's Modeling Improvement Program

The state of Oregon has a well-integrated transportation, land use and economic model.

Oregon's Modeling Improvement Program: *http://tmip.fhwa.dot.gov/clearinghouse/docs/case_studies/omip/*

Help Desk

The following resources are available on our Web site at *http://www.govinstitute.org/policyguide/Transportation/helpdesk.html*

Reports

The Role of State DOTs in Support of Transit-Oriented Development (TOD), Cambridge Systemics, Inc; *Transportation Research Board: Multimodal Level of Service Analysis for Urban Streets*; *Smart Transportation Guide: Planning and Designing Highways and Streets that Support Sustainable and Livable Communities*, Pennsylvania and New Jersey DOTs; Trust for Public Land, *Taking the High Road*; *Caltrans Regional Planning Handbook*; *Methods to Find the Cost-Effectiveness of Funding Air Quality Projects*; *The National Governors' Association's Center for Best Practices – Fix It First Policy Brief*

Organizations

Rural Transportation.org; The Surface Transportation Policy Partnership

Websites

Federal Highway Administration Analysis of State Long-Range Transportation Plans; Value Pricing Pilot Program; Pedestrian and Bicycle Information Center; Federal Highway Administration Bicycle and Pedestrian Program; The Surface Transportation Policy Project – road condition decoder; Project for Public Spaces' Context Sensitive Solutions; U.S. Federal Highway Administration, Context Sensitive Design/Thinking Beyond the Pavement; ITE Context Sensitive Solutions Website; Reconnecting America/Center for Transit-Oriented Development; Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users legislation (SAFETEA-LU); Congestion Mitigation and Air Quality (CMAQ)

11

Appendix A: Smart Growth Principles

1. Create Range of Housing Opportunities and Choices
2. Create Walkable Neighborhoods
3. Encourage Community and Stakeholder Collaboration
4. Foster Distinctive, Attractive Communities with a Strong Sense of Place
5. Make Development Decisions Predictable, Fair, and Cost-Effective
6. Mix Land Uses
7. Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas
8. Provide a Variety of Transportation Choices
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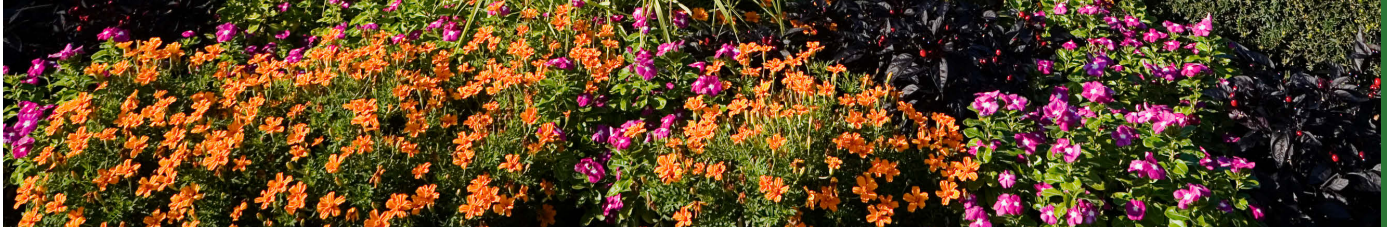

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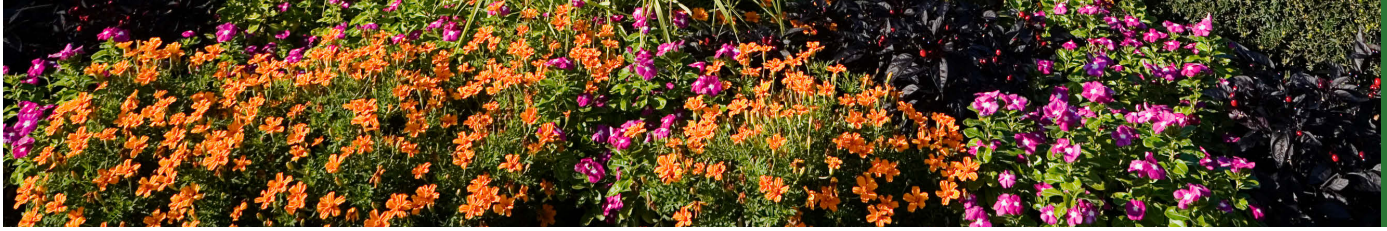

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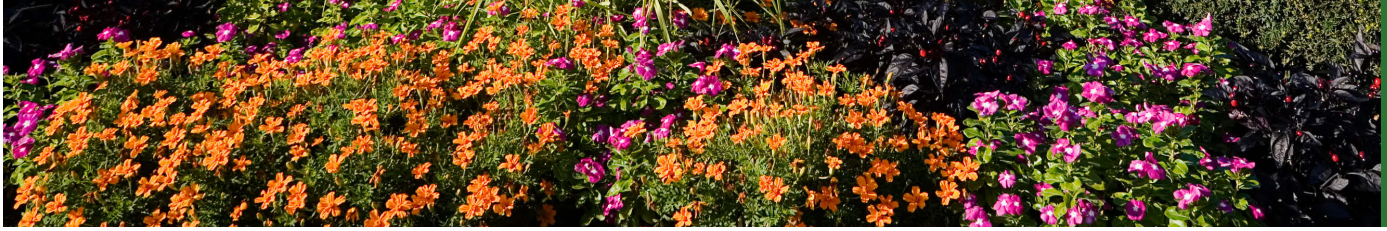

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The mission of the Governors' Institute on Community Design is to assist governors and their cabinets and staffs as they seek to guide growth and development in their states. A central goal of the Institute is to give governors practical solutions to the issues they face and a better understanding of how community design can be used to increase the social and economic well being of their states' citizens.

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