

## UNIFYING GOVERNMENT AFFAIRS

The principle by which all public policies are coordinated into a concert of action designed to implement the General Plan is an indispensable one. It is the unifying catalyst in the program for making the Plan work.

The importance of this concept becomes apparent when the present, complex structure of governmental administration in the two Counties is examined. This structure includes several relatively independent agencies, the most important of which are the County governments, the Washington Suburban Sanitary Commission, the Park and Planning Commission, the Boards of Education, the State Roads Commission, the National Capital Transportation Agency, and the Maryland Department of Forests and Parks. Secondly, there are a number of small towns and cities with varying degrees of independence. Direct Federal interests in agricultural subsidies, conservation practices, water supply for the District of Columbia, and the location of airports, employment centers, and parks are additional factors affecting the development of the region.

Adjoining the Regional District similar aggregations of governmental decision agencies exist in Virginia, the District of Columbia, and in Howard, Anne Arundel, Charles, and Frederick Counties, Maryland.

Related to all of these governmental decision agencies are

*. . . the problems of governmental structure, organization, planning, and cooperation in the metropolitan areas are so urgent and critical as to require the ushering-in of an "era of reciprocal forbearance" among the units of government concerned.*

*—Advisory Commission on  
Intergovernmental Relations*

the privately owned electric power, telephone, and gas utilities.

The existence of so many public and semi-public decision-makers could become the biggest obstacle to developing a concert of public policies based upon the General Plan. In order to make the plan a meaningful guide for development, there must be a single agency at each level of decision making (metropolitan and local) which exercises the responsibility of judging all physical development policies in relation to general development plans. The proper agency at the metropolitan level is the National Capital Regional Planning Council, while the proper agency at the local level in Maryland is the Maryland-National Capital Park and Planning Commission. Both agencies were set up precisely for the purpose of developing and promulgating general development plans and have legislative authority to do so. Both agencies are stepping-up their programs for carrying out their responsibilities and are seeking to acquire much closer ties with other governmental agencies.

The natural tendency toward indiscriminate proliferation of overlapping and competing independent agencies must be resisted if the concert of policies necessary to carry out an efficient and desirable pattern of development in the Washington Metropolitan Area and the Maryland-Washington Regional District is to be achieved.

## State Court Upholds Acts Of Area Park Agency

After being in business 36 years, the Maryland-National Capital Park and Planning Commission has been assured by the State's highest court that what it has been doing is legal.

The Maryland Court of Appeals rejected a Laurens' contention that the General Assembly violated two sections of the State Constitution when it created the planning agency in 1927. The ruling upheld a Prince Georges Circuit Court decision.

At stake in the suit, filed by Samuel G. Middleman, was the legality of several million dollars worth of bonds issued by the Commission for park acquisition and development. In addition, the legality of all previous Commission decisions was involved in the constitutional issue, the first of its kind to confront the agency.

The Court of Appeals observed that "it may be contended that if the Commission was not validly created, all of its acts . . . were void and unsupported."

Middleman argued that the special act creating the Commission violated a section of the Constitution which prohibits the General Assembly from passing special laws "in any case for which provision has been made by an existing general law."

The Appeals Court dismissed this contention because it ignored the complex problem "presented by the desirability of uniform zoning and planning in a metropolitan area embracing parts of two counties."

The Washington Post July 20 1963

### STOP EROSION OF COMPREHENSIVE PLANNING

Some recent circumstances are symptoms of a dangerous trend away from comprehensive planning. One example is the increasing amount of municipal annexation. Such annexations, in some instances, are evident attempts to establish and expand rival planning agencies with their own plans and planners. Not only is this inefficient, it more importantly indicates the delusion that everything will be fine once local control is firmly entrenched. Somehow it is hoped that if regionwide problems are ignored they will go away. ***Withdrawing from the Regional District, into provincialism, will solve no one's basic problems.***

The trend toward fragmentation of planning powers in Montgomery and Prince George's Counties should be reversed, and replaced by much closer working relationships between the Park and Planning Commission and the County governments, school boards, municipalities, and Sanitary Commission.

**ACTION:** Enact State legislation to leave all subsequently annexed areas under the jurisdiction of the Park and Planning Commission.

A number of events in the past five years have set the stage for increased County participation in planning. Planning Commissioners are now appointed directly by the County governing bodies, and the Commission's planning and park taxes must be approved by the Counties. Both Counties also review the Sanitary Commission's capital improvement programs for sewer and water projects which have such far-reaching effects upon planning, but only in Montgomery County is there a veto power—which, in the absence of a General Plan for up-county areas, has not yet been applied comprehensively.

The stage is set but the play is just beginning. Prince George's County needs to acquire the veto power over trunk sewers. Both Counties need to have more frequent meetings with the Planning Commission. Both County governments also need to help resolve conflicts between the General Plan and Sanitary Commission plans, using persuasion where possible and the veto power where necessary, and insisting upon the use of limited access sewers when trunks must traverse rural areas. The psychology of competition between legislators and planners needs to be changed into one of mutual understanding and cooperation toward common goals.

Objectives of the General Plan are broad. They affect nearly every agency of government in the Regional District, and in turn are affected by nearly every one of these agencies. If the General Plan goals become generally accepted they should guide government activities of many kinds. Each activity so guided will lend strength to the plan and bring its goals closer to realization.

The General Plan will give new emphasis to some programs, while adding new functions to others. An example of new emphasis is found in the discussion of tax assessment procedures (Chapter 6). An example of new functions might very well appear in the case of revenue authorities. Montgomery County, for instance, has a somewhat general purpose revenue authority which can own and manage properties acquired through bond issues paid off with revenues from the properties themselves. So far a golf course to increase recreational opportunities in the county and an airport to increase commerce have been acquired. If the corridor city concept of this General Plan is accepted, the Revenue Authority might very well be called upon to buy land in the core areas for later resale. This new role for the Revenue Authority would prevent premature construction and assure the proper type of development after resale. The success of urban redevelopment projects indicates that a program such as this could work very satisfactorily.

Many elements of the concert of policies necessary to implement the General Plan eventually express themselves as construction programs and budget items. The most important of these show up in documents such as the Washington Suburban Sanitary Commission's five-year sewer and water programs, the Montgomery County capital improvement budget, the 12-year construction program of the State Roads Commission, Board of Education construction and site acquisition budgets, and the Park and Planning Commission's own five-year park acquisition and development program. If the items in these budgets appear in an orderly sequence directly related to the stages of development expected on the basis of the General Plan, it will be possible to finance the advance site acquisition and construction activities required to provide all the essential and desirable public services for the urban communities at the time they are needed.

The capital budgeting process is such that it can result in properly sequenced facilities only when it can be based upon a firmly adopted General Plan. In the absence of such a plan the only way to make a budget is to include items after the need has been brought about by private developments. After-the-fact

budgeting of this sort leads to crash programs aimed at catching up and patching up. Double-shift schools, over-crowded highways and similar symptoms which have been common in the past are characteristic of unguided urbanization.

In the past the Park and Planning Commission has exercised its right to comment upon many of the capital improvement budgets mentioned above. With the adoption of this General Plan, however, the capital programming process will become so important that it will be the Commission's policy to prepare detailed comments covering the relationship of the General Plan to each and every capital budget that outlines public programs for the physical development of the Regional District. All agencies making significant capital expenditures will be encouraged and assisted in preparing adequate long-range capital improvement budgets. Agencies not now preparing such budgets to cover their capital expenditures should be required to do so. All capital budgets will be combined and published by the Commission on an annual basis with appropriate comments. For the first time this publication will make available a comprehensive review of all capital improvement expenditures, showing how well they are coordinated and whether one program is growing at the expense of another.

### STRENGTHEN MANDATORY REFERRAL PROCEDURES

The mandatory referral law requires that all public agencies and utilities submit plans for new facilities to the Planning Commission before an acquisition or construction project is undertaken. This provision is for the primary purpose of checking the location of these facilities against adopted development plans to make sure that possible conflicts are identified. This reduces the chance of having projects at cross purposes with each other. Such review by the Planning Commission provides a valuable service to land acquisition and construction agencies as well as protection for the objectives of the General Plan. Unfortunately, some projects have been submitted only after land acquisition and other commitments have been made. At that stage a mandatory referral is useless except under very extreme circumstances.

Violations of the mandatory referral law do not appear to be considered serious by those who commit them. Obviously the law needs to be strengthened. This can be done by clearly designating violations as grounds for conviction under the penalties of a misdemeanor. The difficult task of enforcement remains, but the inclination to disregard referral procedures can be substantially reduced by restricting the present practice that requires one public agency to pay the costs of moving another's existing facilities when a new project would conflict. This requirement makes sense only if the existing facilities were originally located in accordance with a comprehensive plan designed to minimize conflicts. A public agency or utility establishing a new facility should not be required to pay for the relocation

of conflicting facilities established by another agency contrary to the recommendation of the Park and Planning Commission. Restricting the liability for relocation payments to cases of unavoidable conflict will place the full responsibility for overruling the Commission's recommendation directly on the agency doing the overruling.

The mandatory referral process is closely allied to capital programming and should be done in concert with it. This General Plan provides a firm basis upon which to judge all mandatory referrals. Public agencies and utilities overruling Planning Commission recommendations based on the General Plan should be required to make a public statement in writing, giving the reasons.

**ACTION:** 1) Amend the Regional District Act to clearly designate violations of mandatory referral provisions as misdemeanors, and to require public statements in writing from the responsible government agency or utility company giving the reasons for projects undertaken contrary to Park and Planning Commission recommendations. 2) Amend appropriate State legislation to require all costs for the relocation of projects undertaken without the approval of the Park and Planning Commission to be paid by the agency or utility responsible for the undertaking.

The small staff and budget of the National Capital Regional Planning Council do not enable it to meet its full responsibilities. The Council is financed only by direct appropriations from Congress, with no provision for local cost sharing or participation in the various Federal programs of planning aid. This state of affairs leaves metropolitan planning fragmented between Federal interests in the National Capital Planning Commission; the transportation interests in the National Capital Transportation Agency, the various highway departments, and the transit regulatory commission; plus the sewer interests in the Regional Sanitary Board and the water supply interests in the U. S. Army Corps of Engineers and Interstate Commission on the Potomac River.

Since the Federal interest in the Washington area is so large, it is very necessary to have better information about plans for new government installations. These plans must be metropolitan in scope and tied closely to transportation, sewerage, and other regional plans. The Regional Council needs to take a more active role in coordinating Federal and local interests. This is only one example of how metropolitan planning needs to be strengthened.

A more appropriate method of financing the Regional Planning Council must be found in order for it to adequately coordinate metropolitan planning in the Washington Area. Without sound, comprehensive metropolitan planning, many of the Regional District's problems cannot be solved.

