

# THE 1962 HIGHWAY ACT: A STUDY IN ARTFUL INTERPRETATION

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The Federal-Aid Highway Act of 1962 required that after July 1, 1965, all federally aided highway projects in metropolitan areas must be based on a "cooperative, comprehensive, and continuing planning process." This article examines how the federal Bureau of Public Roads interpreted the planning requirement during the three years following its enactment and immediately after the July 1, 1965 deadline. Instead of urban planning interests and needs, Bureau interpretations of the law were responsive to the concerns of state highway departments which sought (1) to maintain their control of highway planning and decision-making in the states and (2) to avoid additional delays in interstate highway construction schedules. However, enactment of the planning requirement, along with events before and since its passage, indicate that certain innovative forces which are now at work may contribute to more basic reforms in future highway planning programs.

The Federal-Aid Highway Act of 1962 greatly encouraged planners and students of urban development throughout the country, for it included a planning requirement which gave promise of bringing highways into harmony with the urban environment. This promise has not been fulfilled. The following discussion of what the law required and how it was interpreted by the federal Bureau of Public Roads is intended to help explain why this is so. It will attempt to show how the Bureau absorbed the 1962 requirement into the ongoing highway program in such a way as to leave the existing program structure and modes of operation intact, avoid any additional delays in highway construction schedules, satisfy the state highway departments, and yet meet the formal requirements of the law. Analysis of the planning requirement and its administration by the Bureau of Public Roads may also provide useful perspective on new planning policies initiated by the recently established Department of

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Transportation; and it may indicate some of the factors most likely to determine the operational meaning and actual results of such policies.

This article focuses primarily on administrative policy-making at the federal level and secondarily on related, broadly representative conditions and developments at the metropolitan level. It does not attempt to single out those few instances where actual planning performance in metropolitan areas may have exceeded the standards and the expectations of the federal highway administrators.

## *Expectations and Realities*

A major breakthrough in federal spending for urban highways was made with the Federal-Aid Highway Act of 1956. That act established the multibillion dollar highway trust fund, activated a massive interstate highway program, and signaled a major increase in spending for non-interstate highways as well. As a result, the federal highway program soon became the single largest and most visible public program affecting physical development of the nation's rapidly growing metropolitan areas. The sheer magnitude and visibility of the interstate program attracted the attention and concern of many land use planning advocates who saw the new highway program both as a possible threat to community planning objectives and as a potential means of shaping urban growth patterns.

Several more or less inconclusive attempts were made to establish voluntary state-local transportation planning programs in the years that followed. But the planning requirement of the 1962 highway act provided the first real basis in federal law for the planners' hopes that the highway agencies might become truly effective partners in the effort to achieve better urban development:

It is declared to be in the national interest to encourage and promote the development of transportation systems, embracing various modes of transport in a manner that will serve the States and local communities efficiently and effectively. To accomplish this objective the Secretary . . . shall cooperate with the States as authorized in this title, in the development of long-range highway plans and programs which are properly coordinated with plans for improvements in other affected forms of transportation and which are formulated with due consideration to their probable effect on the future development of urban areas of more than fifty-thousand population. After July 1, 1965, the Secretary shall not approve . . . any program for projects in any urban area of more than fifty-thousand population unless he finds that such projects are based on a continuing comprehensive transportation planning process carried on cooperatively by States and local communities in conformance with the objectives stated in this section [emphasis added].<sup>1</sup>

The close, bilateral relationship between the federal Bureau of Public Roads and the fifty state highway

agencies apparently was to be transformed into a cooperative federal-state-local arrangement for the planning not only of urban highways but transit systems as well. The total transportation system, in turn, was to be related to other elements of metropolitan growth and development. It appeared that control over highway planning and decision-making was to be shared with "outsiders," and that the character of highway planning was to undergo a significant change. Highway departments would now have to explicitly account for relationships between highways, transit, and urban land use development, and local governments were to participate in highway planning decisions. Metropolitan transportation planning programs of this character would clearly be a major innovation with profound effects on the way highway departments traditionally discharged their tasks of planning and building highways. Thus it appeared on the surface in 1962.

Today, few observers of the highway program would hold that such expectations have been realized. Indeed, disillusionment began to set in within the first few years after enactment of the planning requirement. For example, certain federal Housing and Home Finance Agency officials concluded that the planning processes being established in response to the 1962 planning requirement were essentially highway planning studies dominated by state highway departments in the traditional manner.<sup>2</sup> A prominent planning consultant, highly respected by federal and state highway officials, stated that the transportation and land use elements of planning were not at all adequately coordinated with each other in the required planning programs.<sup>3</sup> An official of the Advisory Commission on Intergovernmental Relations, commenting on transportation planning programs established under the 1962 highway act, pointed to the "pervasive attitude held by many planners and others of the urban scene that little progress has been or is likely to be made toward implementation of sound transportation and comprehensive urban development plans—a feeling that something is rotten in the state of the art."<sup>4</sup> Federal Bureau of the Budget officials, who were directly involved in the initial stages of policy development leading to the 1962 planning requirement, concluded that the requirement was being carried out by the state highway departments in their customary manner—primarily as a technical planning problem.<sup>5</sup> And the Committee for Economic Development, in a policy statement on metropolitan transportation issued three years after passage of the 1962 act, observed that "local governments usually have little control over major transportation expenditures undertaken within their jurisdiction by state highway departments using federal grants-in-aid to cover a large part of the costs."<sup>6</sup>

Yet, by the end of the first year after the July 1, 1965 statutory deadline, the Bureau of Public Roads was able to report that the required planning processes were

"well underway" in nearly all of the 230 metropolitan areas defined by the U.S. Bureau of the Census, and that over 1,500 agreements for cooperative planning had been executed between state highway departments and local communities.<sup>7</sup> Even more recently, no highway projects had yet been disapproved by the Bureau on the basis of an area's failure to meet the planning requirement.<sup>8</sup>

That the law was not interpreted and carried out in such a way as to satisfy many observers of highway program activities does not, of course, mean that the federal and state highway agencies acted illegally or subverted the explicit provisions of the law. In the first place, the planning requirement is a very general and brief statement spotted with ambiguous terms and phrases: ". . . the Secretary . . . shall *cooperate* with the States . . . , in the development of long range highway plans and programs which are *properly coordinated* with plans for improvements in *other affected forms* of transportation and which are formulated with *due consideration* to their *probable effect* on the *future development* of urban areas. . . ." It was the Bureau's exclusive responsibility to interpret this and similar language of the planning provision. Further, federal highway officials were intimately involved in the writing of the law as enacted; they were quite aware of its origins within the administration and of the diversity of meanings and objectives that various participants in the policy development process initially sought to write and later to read into the law. Finally, some of the critics of federal and state performance under the 1962 planning requirement may well be applying standards of performance that are consistent with their own professional and institutional values and interests, but are based on an unrealistic assessment of the highway agencies' capabilities and program commitments.<sup>9</sup>

#### *Premises for Administrative Policy-Making*

Federal and state highway agencies applied two basic tests that determined acceptability of policies for administering the planning requirement. First, control over federal highway policy and program operations in the states must, to the maximum extent possible, remain with state highway departments. Second, delays in urban highway construction—particularly interstate highway construction—must be avoided or kept to a minimum. In other words, imposition of the planning requirement was not to interfere with the ongoing federal highway program. Resistance to freeway construction and consequent delays were then already becoming serious problems as the interstate program moved into the more densely populated metropolitan centers. The planning requirement could not be allowed to add to this problem; ideally, it would help smooth the way for more expeditious construction of interstate highways in the nation's metropolitan areas.

Some Bureau of Public Roads officials—those who

had the major responsibility for planning policies and operations—did have a commitment to improve the urban planning base for highways and an interest in achieving increased state-local cooperation in highway planning. These officials considered it important to demonstrate that the planning requirement need not interfere with operations either of state highway departments or of the Bureau of Public Roads. Urban land use planning, for example, was in an extremely vulnerable position. If Bureau planning staff became overly zealous and were to insist on effective metropolitan land use plans as a basis for highway plans, they might succeed only in discrediting the planning function within the highway agencies and jeopardizing its future role within the federal highway program.

A long-term course of program adaptation, not radical departures in established policies and procedures, clearly appeared to be in order. The immediate task was to devise acceptable operational definitions of the key statutory terms—"cooperative," "comprehensive," and "continuing"—used in describing the required transportation planning process.

#### DEFINING "COOPERATIVE" PLANNING

In the first months after enactment of the planning requirement, the Bureau of Public Roads had to develop operational definitions of "cooperative" planning which would be specific enough to provide some minimum degree of guidance and direction to the state highway departments. At the same time, such definitions had to be sufficiently open-ended to allow variations within widely differing states and urban areas and to provide maximum room for maneuvering by state highway departments in their approaches to local governments. In these early stages Bureau staff worked closely with the American Association of State Highway Officials to develop acceptable solutions to this problem of administration.

Questions such as these had to be answered: Should state highway departments deal with local governments individually or through mediating agencies such as metropolitan planning bodies? Must all local governments in a metropolitan area be included in the planning arrangement? What happens if local governments refuse to cooperate? What should be the minimum amount and essential forms of local participation in transportation planning? Must local governments be represented in the planning process by elected officials, or can others such as appointed administrators, career staff officials, and citizen designees adequately represent local government interests? What levels and kinds of decision-making authority should local representatives have in transportation planning? To the state highway departments these were obviously sensitive issues. Both federal and state laws recognized the highway departments as ultimate authorities in federal highway planning and development within the states. Was the plan-

ning provision of the Federal-Aid Highway Act of 1962 to have the effect of upsetting this traditional structure of authority and responsibility?

Several policy positions responsive to these concerns were developed by the Bureau of Public Roads and the state highway agencies. First, initiative in establishing organizational arrangements for planning with local governments would remain with the highway agencies. Second, formal agreements for cooperative planning would, as a general rule, be directly between state highway departments and individual local governments—there would be no requirement for working through metropolitan planning bodies or other mediating agents of local governments in the metropolitan area. Third, to allow maximum flexibility in the form of the organizational arrangements devised, there would be no requirements that any specific numbers or types of local officials (for example, elected versus appointed) or their representatives would need to participate in the cooperative planning arrangements. Finally, the requirement for cooperation with local governments would not be interpreted to mean that any local government's refusal to cooperate would, in effect, block federal highway program operations in the metropolitan area.

The Bureau of Public Roads prepared general, open-ended regulations and guidelines incorporating the essentials of this approach.<sup>10</sup> Beyond this, the Bureau limited itself to the functions of providing technical advice, training, and assistance; disseminating information about the various organizational approaches developed in different parts of the country; and concentrating on those metropolitan areas needing and requesting assistance in establishing an organizational framework and resolving technical planning problems. The Bureau would not concern itself with specific composition of the various policy, technical, and citizen advisory committees attached to the planning studies. These were considered matters most properly determined by state highway departments and local governments themselves, so long as local governments had an "appropriate voice in the transportation planning process, either through direct participation or through adequate representation."<sup>11</sup>

The formal device adopted to implement the requirement for cooperative planning was the memorandum of understanding, and this was to be supplemented by a transportation study prospectus covering more detailed administrative, technical, and financial arrangements for conducting the planning process. The essential function of the memorandum of understanding was to document the local government's official access to, and formal recognition of, the transportation planning process. This would be the state highway department's evidence that a "cooperative" planning process had been established. The particular manner in which local governments participated or were represented in the study was to be determined by highway departments and local

governments in accordance with their own needs, preferences, and capabilities. Bureau policies in this as in other respects would be very broad and open-ended.

The state-local memorandum and the study prospectus together would outline the general purpose, procedures, and allocation of responsibilities for carrying out the established technical process of land use and traffic analysis and forecasting, and development, testing, and evaluation of transportation plans. The forms of cooperative organization thus established would be concerned primarily with the specific set of tasks defining what the highway departments considered a technically competent transportation planning process; local representatives would sit with state highway department officials to oversee the technical process and participate in selecting preferred plans from alternative proposals developed by the technicians; and local and metropolitan planning agencies might, if they had sufficient capability, provide land use data needed for traffic analysis and forecasting purposes. For the most part, these would be essentially ad hoc study organizations, heavily dependent on the technical capabilities of state highway departments.

As the Bureau's field offices proceeded to work with state highway departments in establishing organizational arrangements for cooperative planning, one of the early problems encountered was determining at what point local governments' lack of participation or representation would "negate" an effective planning process. In dealing with this problem, the Bureau held that while local governments or agencies might initially refuse to sign a memorandum of understanding, the planning process should nonetheless proceed on the assumption that cooperation with local governments currently withholding their cooperation might eventually be obtained. In such a case, the state highway department would need to determine, subject to concurrence by Bureau of Public Roads field offices, that the "effectiveness" of the process would not be "negated" in the interim.

At the same time, the Bureau made it clear that the state highway department was not to assume that lack of participation by local governments would necessarily negate the process either now or in the future. In the first place, this would depend on the size, functions, and authority of the community concerned. While larger communities carrying on major public works programs, including local street and highway construction, and responsible for land use planning and control, might leave a significant "hole" in the planning process if they refused to cooperate, these would likely be the very communities with a greater stake in maintaining access to federal highway funds, and would therefore have greater incentive to cooperate with the highway departments. As one state highway official pointed out at a 1963 meeting of highway departments and local governments, the highway department, in determining project priorities within the state, would be "greatly

influenced" by the amount of interest in planning shown by individual cities; those localities showing the greatest interest would "receive earliest attention" when it came to allocating highway funds within the state.<sup>12</sup>

In short, a local government's refusal to participate in cooperative planning with state highway departments was grounds neither for finding the planning process "ineffective," nor for subsequently disapproving specific highway projects that might be located in the non-cooperating jurisdiction.<sup>13</sup> The Bureau's interpretation of the law was that it required only that "scrupulous efforts" be made by the state highway department to obtain a local government's cooperation.<sup>14</sup>

The purpose of "cooperative" planning was, of course, to provide a setting for the execution of a transportation planning process "responsive to both the programs of the state highway departments and the needs and desires of the local communities."<sup>15</sup> But while the programs of the state highway departments were well organized, staffed, and financed, there was little or no institutionalization of local "needs and desires" at the metropolitan level of urban transportation planning. Specifically, the community land use basis of transportation remained weak and fragmented, and the transit component of the urban transportation system was largely neglected. Representatives of local governments and agencies were absorbed into ad hoc study projects—established at the initiative of state highway departments—in which the particular program interests and needs of the highway departments predominated.

The Bureau of Public Roads' approach was thus able to accommodate both the very general statutory requirement for "cooperative planning" and the interest of the state highway departments in establishing planning arrangements which would not interfere with the technical planning processes that highway departments believed were needed to do their job competently. At the same time, the cooperative arrangements could elicit useful local contributions to the highway planning process, contributions that could be both material and symbolic. Material contributions might include planning data, assignment of technical staff, and financial support. And the symbolic contribution could be the additional legitimacy bestowed on a planning process dominated by a state highway department, but officially recognized by local governments in the metropolitan area for which plans were being made.

#### EXCLUSION OF PLANNING AGENCIES

These interpretations of the law provided workable definitions of "cooperative planning" relationships directly between state highway departments and local governments. A closely related problem was how to deal with existing local and metropolitan planning agencies which sought a more important function in the planning process than that of contributing data to state highway department traffic analysis and forecasting

operations, or of having pro forma membership on policy or technical advisory committees. The issue was posed in some metropolitan areas where it was advocated that since the planning requirement was directed to achieving an improved local and metropolitan planning base for highway development, it followed that local and metropolitan planning agencies should at least be signatories to the memorandum of understanding with state highway departments. Others proposed that transportation planning study operations be located within metropolitan planning agencies, rather than in state highway departments or ad hoc study organizations under the highway departments. At the extreme, it was suggested that the metropolitan agencies might even have the authority to approve or disapprove transportation planning proposals, whatever their source.<sup>16</sup>

As transportation planning processes were organized in metropolitan areas, planning agencies at both local and metropolitan levels were bypassed by state highway departments which dealt directly with local governing bodies and executive officials. While local planning agencies felt that their local programs were being undercut by establishment of an areawide transportation planning program, metropolitan planning agencies resented the intrusion and competition of a transportation planning study dominated by a state highway department within "their own" metropolitan planning jurisdictions.<sup>17</sup>

The Bureau's response was that the primary objective of the planning requirement was not the development of plans, but the development of *transportation systems*. The law itself stated that it was "in the national interest to encourage and promote the development of transportation systems." This was interpreted to mean that state highway departments needed to reach agreements not with local or metropolitan planning agencies, but with the "governing officials of the local communities who have authority to commit their communities to specific programs and projects. . . ." <sup>18</sup> Local governing officials exercised zoning, subdivision, and related control over land use development, and they authorized public works construction, including transportation improvements; these actions directly affected the "development" of transportation systems. The Bureau argued that planning agencies, on the other hand, could not commit a local government to a program for development of a transportation system. Planning agencies at both local and metropolitan levels were not only without authority to implement plans, but they were also often isolated from the legislative and executive authorities they were presumably established to serve. This was particularly true of metropolitan planning agencies attempting to function in a metropolitan governmental vacuum.

The Bureau further pointed out that the law did not call for preparation of either a comprehensive development plan or a transportation plan; rather, it required that highway project approvals be based on a transpor-

tation planning "process." The distinction between a *plan* and a *process* was considered critical. No plans had to be completed and approved by any authorities, state or local, as a basis for highway construction projects. As interpreted by the Bureau of Public Roads, the law in this respect only required a "continuing process" in which both local and state highway department needs would be considered. Thus, while local and metropolitan planning agencies had responsibility for the preparation of land use plans, this did not mean that the transportation planning process depended on the completion of such plans or their adoption by local authorities. Nor was it required that any highway plans be consistent with land use plans, even assuming their completion and adoption by local authorities.<sup>19</sup>

It was essentially through the above line of reasoning that the Bureau officially disassociated transportation planning and highway project approvals from local and metropolitan planning operations. While the planning agencies were encouraged to contribute data needed in the technical process of transportation planning, generally they were not considered to have any authority, under the terms of the 1962 planning requirement, over state highway department plans and projects.

#### DEFINING "COMPREHENSIVE" PLANNING

The transportation planning process was required to be "comprehensive" as well as "cooperative." According to the Bureau, a comprehensive process was one dealing on an urban areawide basis with all factors relevant to the planning of a highway system: inventories, analyses, and forecasts relating to economic and population elements of development, land use, patterns of travel demand, and all major facilities constituting an operating urban highway network.<sup>20</sup> While the process would not be required to produce plans for transit improvements, predictions of future demand for public transit were to be made. The major purpose of such predictions would be to provide a more precise measure of the resultant net demand for travel by automobile. The transportation studies themselves were not to assume responsibilities for transit planning much beyond this point. Only very restricted use could be made of federal highway planning funds for transit study purposes in any case. "Comprehensive" planning was thus defined to mean full coverage of the familiar technical elements of urban traffic analysis and forecasting needed for highway network development and testing.

Accordingly, the Bureau of Public Roads concentrated on maintaining and improving technical standards for the basic traffic analysis and forecasting phases at the technical core of the highway planning process. From this base, the Bureau also required transportation studies to include investigation of land use control mechanisms and financial resources important to plan implementation, and it called for consideration of "social and community value factors."<sup>21</sup>

Land use controls such as zoning ordinances, subdivision regulations, building codes, and official mapping were viewed by the Bureau primarily in relation to highway planning and development needs:

The forecasting of future land uses is subject to considerable error at best, but lacking adequate controls, "planned" development will in most instances have little chance of becoming reality. Further, land use controls are important to protect the traffic-carrying capability of, and public investment in, transportation facilities.<sup>22</sup>

The ambivalent nature of the highway agencies' position regarding land use planning and control as related to highway development becomes apparent here. Land use control is not the Bureau's or the state highway department's problem; it is local government's problem. Given local land use planning weaknesses, legal acceptability and technical competence of highway planning cannot be dependent on local success in controlling land use for, as the Bureau itself concluded, "means to insure the desired type and form of community growth that are now generally available in the United States are inadequate, and enforcement of even the inadequate measures too often breaks down under economic or social pressures."<sup>23</sup>

The Bureau recognized that availability of "financial resources" to implement plans would influence the "selection of an urban transportation system and the programs designed to implement the system."<sup>24</sup> However, Bureau policies and regulations for transportation planning have not accounted for the fact that the highway trust fund assures financing of highway construction, while no comparable source exists for financing transit improvements. Nor, of course, is there any sure method of preventing this financial imbalance from biasing the planning process so that only major highway improvement proposals are given serious consideration.<sup>25</sup> On one occasion, however, the Federal Highway Administrator spoke with some eloquence on this very point, acknowledging the superior "financial means and administrative processes" of state highway departments in transportation planning and development, and the relative weaknesses of transit agencies. The inevitable result was "highway-oriented" construction programs, not because plans are "unbalanced," but because "the means for implementing the plans favor the highway elements."<sup>26</sup> In other words, transit, like land use, is not the business of highway agencies.

Finally, "social and community value factors" became a residual category deserving, as the Bureau put it, "full consideration" of highway planners: open space, park, and recreation areas are to be viewed as "important environmental factors"; "conscientious attention should be given to the preservation of historic sites and buildings"; and "care also should be exercised in selecting locations for new transportation facilities so that neighbors (*sic*) are not disrupted."<sup>27</sup> While Bureau regulations have given official recognition to these fac-

tors and encouraged their consideration as part of the planning process, adequate techniques do not exist for measuring and weighting them in the process of plan development and evaluation. The Bureau, therefore, has not been in a position to give "social and community value factors" significant weight in its own reviews of technical adequacy and legal acceptability of the metropolitan transportation planning processes required by the 1962 highway act.

#### DEFINING "CONTINUING" PLANNING

In addition to requiring that planning processes be cooperative and comprehensive, the law requires that they be "continuing." It is not surprising that this third statutory term should have been interpreted in such a way as to reinforce interpretations of the other two. For the Bureau, the "continuing" character of the metropolitan transportation planning process did not refer to continuities of metropolitan organizational experience and evolution, in which the state highway department and local agencies develop new institutional forms in support of metropolitan intergovernmental planning and coordination. Rather, a continuing planning process, according to the Bureau's policy, is one which provides for: "maintaining current valid data on land use, travel and transportation and related facilities by staff at State or local level to provide for updating and re-evaluating the transportation plan as conditions change from those initially analyzed and forecasted."<sup>28</sup>

Just as Bureau policies have permitted and even encouraged highway departments to bypass existing metropolitan planning agencies in initially organizing "cooperative" planning processes, official definitions of "continuing" planning have minimized the metropolitan institutional implications of the transportation planning process in favor of its technical aspects.

#### *Approval of Highway Projects*

The critical determination made by Bureau of Public Roads officials under the 1962 planning requirement is that new highway projects in metropolitan areas are actually "based on" the cooperative, comprehensive, and continuing transportation planning process. For Bureau officials, the ultimate test of the success of their own performance in administering the planning requirement was whether they had elicited sufficient responsive action at state and local levels so as to make it unnecessary for the Bureau to disapprove—and thereby delay—highway construction projects *not* based on an acceptable planning process.

From the very beginning of deliberations on the planning requirement proposal of 1962, highway agencies and interests expressed fears that any planning requirement would obstruct and delay progress in urban highway construction programs. During the summer of 1963—less than a year after enactment of the requirement and two years before it was to take effect—hearings were held by the Subcommittee on Roads of the

House Public Works Committee to explore this very issue. Subcommittee members and testifying highway groups were particularly concerned about disputes then occurring between highway and transit planning groups in the District of Columbia, with the result that the city's highway construction program had been suspended by order of the White House pending further studies of transit and highway construction proposals. Highway interests did not want to see the new planning requirement used by any groups or agencies in Washington or elsewhere as a means of further delaying an already lagging interstate highway construction program in metropolitan areas. As the Subcommittee chairman pointed out:

It is generally recognized that the most difficult phase of interstate highway construction will be encountered in urban areas. It is here that the program faces complexities which, unless given the most careful attention, could defeat the desirable goal of completing the entire system by 1972.<sup>29</sup>

One of the purposes of the hearings was therefore "to make certain that the [planning requirement] is not being interpreted in a manner that would delay rather than expedite the completion of the Interstate and Defense Highway System. . . ." <sup>30</sup>

Less than a year later—in 1964—the Bureau of Public Roads prepared a list of seventy-nine metropolitan areas which, according to the Bureau, were in danger of highway project disapprovals after July 1, 1965, unless they sufficiently "accelerated" their planning processes. This list set off a series of reactions by highway interests in the states and the Congress critical of the Bureau's judgment, both in its selection of urban areas for the list, and in its public identification of such areas. The Federal Highway Administrator subsequently sent an "explanatory" letter to the chairman of the House Subcommittee on Roads stating that "every urban area that will have to meet [the highway planning requirement] can do so." Moreover, he anticipated that even in the areas where planning delays might occur, this would not necessarily cause construction delays. Where there was doubt that planning processes would be sufficiently advanced by July 1, 1965, the Administrator explained that the states were scheduling their projects so that needed planning work would be completed by the time final project approval was sought from the Bureau of Public Roads.<sup>31</sup> From that time on, the Bureau exercised a great deal more caution in preparing and distributing reports on the status of transportation planning in metropolitan areas.<sup>32</sup>

Further internal investigation by the Bureau showed that as many as ninety metropolitan areas actually had what were termed "lagging" planning processes; however, less than twenty of these cases involved interstate highway projects which might be in jeopardy after July 1, 1965. Thus, as the deadline approached, the number of metropolitan areas in which critical interstate

projects were in danger of delay because of failure to meet the planning requirement had been reduced to a relatively small number. Indeed, changes in state highway department construction schedules together with planning process "acceleration" seemed to have solved the problem. In the two years following the July 1, 1965 deadline, no interstate highway project delays could be attributed to failure of a state highway department and metropolitan area to meet the terms of the planning requirement of the 1962 highway act.<sup>33</sup> While there have been many delays in interstate project construction in a growing number of urban areas, these have occurred for other than planning reasons: anti-inflationary moratoriums on federal highway expenditures,<sup>34</sup> specific engineering problems; rising costs of the program;<sup>35</sup> and, of increasing importance, local disputes over the specific locations and designs of urban highways.<sup>36</sup>

#### *Conclusions and Future Directions*

Federal policies for urban transportation planning under the Federal-Aid Highway Act of 1962 have dealt with formalistic devices for state-local cooperation organized around technical planning processes controlled by state highway departments. The policies, like the transportation planning processes themselves, have been shaped in accordance with highway program needs and the interests of state highway departments. The operational definitions of the key statutory terms are as follows: "Cooperative" planning is highway planning given legitimacy by a formal memorandum of understanding between the state highway department and individual local governments in the metropolitan area. A "comprehensive" process is one that applies highway planning concepts and technology on an urban areawide basis in a metropolitan environment conceived as a setting for travel and populated by trip-makers. A "continuing" process is one that provides for the updating of information for highway planning and any needed adjustments in plans produced by the technical process.

The policies developed by the Bureau of Public Roads in cooperation with state highway agencies and related interests have not dealt with substantive economic, political, and social issues of urban transportation planning. They have neglected such issues as the relative levels of public investment in transit and highway facilities, the impact of highway construction on urban life and form, and the establishment of responsible metropolitan institutions for the planning and development of the urban transportation system in its entirety. The highway planning requirement is, after all, an adjunct to the federal highway program, and its interpretation and administration is the exclusive responsibility of federal and state highway agencies. These agencies, for over fifty years, have been concerned with the single purpose of building highways, and highway agency officials and staffs have developed loyalties and com-



mitments revolving exclusively around the highway planning, engineering, and construction enterprise.

To the highway administrators and engineers, the planning requirement was not viewed merely as a force for improving planning techniques and procedures, or simply as a summons to achieve more efficient and effective highway program administration in metropolitan areas. Rather, the requirement represented a potentially disruptive innovative force, threatening established policies, procedures, commitments, and systems of decision-making and program control. Accordingly, it was the responsibility of the Bureau of Public Roads to accommodate the requirement and guide its introduction into the existing system at minimum organizational and program cost.

The 1962 planning requirement was, in fact, a product of innovative forces set in motion in 1956, and demands for planning reforms, stimulated by the interstate highway construction program, continue to be pressed. The question is whether or not more effective and focused pressures for program change may yet emerge as the interstate highway system further penetrates major metropolitan centers, as highway location and design disputes become more acute, and as further delays occur in the interstate program schedule.

One modest step toward strengthening the planning interest in the highway program was taken at the federal level in September 1968 when the Secretary of Housing and Urban Development and the Secretary of Transportation signed a memorandum of agreement for the coordination of urban development and transportation programs of the two agencies. One of the provisions of the agreement is that the Department of Housing and Urban Development (HUD) will assist the Department of Transportation (DOT) "by providing advisory certification or other advice, in connection with determinations by DOT as to the adequacy of the continuing transportation planning process established and carried on in particular urban areas" as required by the 1962 highway act.<sup>37</sup> It is not yet clear, however, to what extent HUD's "advice" with respect to "particular" areas will be solicited, offered, or accepted. Authority for interpreting and administering the requirement clearly remains with the highway agencies.

Further, the Federal-Aid Highway Act of 1968 included an "urban impact amendment" which provides that as part of the local public hearings process, state highway departments must now consider the "social effects" of a highway location, "its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community."<sup>38</sup> While this amendment adds little of substance to what was previously required by the 1962 highway act, highway departments are now legally bound to admit urban planning considerations into the hearings process and, presumably, to account for them locally as well as to the Bureau of Public Roads.

Among the more basic forces likely to influence the future course of the highway program as it operates in metropolitan areas are some which have been generated by the 1962 planning requirement itself. First, acceptance by highway officials of the principles of local participation and coordinated land use, highway, and transit planning, has led to reformulations of highway program doctrine, even though it has not led to major changes in operational policies and practices. For the first time, highway administrators began to devote significant attention to these themes in speeches, official policy statements, and congressional testimony. Incorporation of new concepts into program doctrine provides an opening—even if a narrow one—to outside interests urging changes in policies and procedures that would give some degree of concrete expression to these concepts.

Second, the law provided local governments with access to the transportation planning process through ad hoc areawide organizational arrangements. While local participation has been confined to sharing in certain administrative and technical responsibilities—rather than authority for basic program decisions—a metropolitan areawide base has nonetheless been created for a potentially more meaningful local role in the future. How much highway agencies will give depends in part on how much local governments collectively demand. It also depends on what local political, technical, and financial capacities may exist for making and enforcing their demands. In any case, a rudimentary areawide structure for "cooperative" planning and, consequently, for organized conflict and competition between local governments and state highway departments now exists in most metropolitan areas.

Third, transportation planning concepts and techniques stress the relationship between land use and travel demand patterns. This has provided entry into the transportation planning process by local and metropolitan agencies specializing in land use planning, control, and development. While most of these agencies now function more or less as data collectors for state highway departments, they are also agents of urban planning and community development values and interests that are outside the scope of competence and concern of the highway engineer-planner. If local governments demand a greater role in highway planning decisions, they will need to use these planning staffs, augment their resources, and provide an institutional setting in which planning technology might effectively serve local and metropolitan purposes defined in a functioning political process.

The fact remains, however, that metropolitan planning, urban development, and metropolitan institution-building are not principal concerns of highway agencies. Nor is it within their means or responsibility to solve the problem of transit deterioration in the nation's cities. The 1962 planning requirement, therefore, has neces-



sarily taken operational form in accordance with the values, needs, and interests of the organizations charged with carrying it out and the environmental pressures to which they typically respond. Highway agencies and interests cannot themselves be expected to alter highway program policies and operations in any fundamental way, particularly so long as its goals are being achieved to their satisfaction and, in the urban community as a whole, there is continuing apathy and uncertainty about the directions program reform should take and the ends that should be served.

Author's Note: *The author wishes to thank Victor Fischer for his critical review and suggestions.*

#### NOTES

<sup>1</sup> U.S., Congress, House, *Federal-Aid Highway Act of 1962*, Public Law 87-866, 87th Cong., 2d Sess., 1962, H.R. 12135, sec. 9(a).

<sup>2</sup> Frederick O'R. Hayes, Assistant Commissioner for Urban Planning and Community Development, Urban Renewal Administration, Housing and Home Finance Agency, "Urban Planning and the Transportation Study," *Proceedings of the 1963 Annual Conference*, American Institute of Planners (Milwaukee, Wisc.: AIP, 1963); and Victor Fischer, Assistant Administrator for Metropolitan Development, Housing and Home Finance Agency, "The New Dimensions of Transportation Planning," *Proceedings of the 1964 Annual Conference*, American Institute of Planners (Newark, N.J.: AIP, 1964).

In November, 1965, the Housing and Home Finance Agency was superseded by the U.S. Department of Housing and Urban Development.

<sup>3</sup> Robert Mitchell, "Physical Planning for Metropolitan Areas," *Proceedings of the 1964 Annual Conference*, American Institute of Planners (Newark, N.J.: AIP, 1964), p. 107.

<sup>4</sup> Norman Beckman, "Politics and Administration of Plan Implementation," *Highway Research Record*, No. 102, Urban Transportation Planning Techniques and Concepts, 8 Reports Presented at the 44th Annual Meeting, Highway Research Board of the National Academy of Sciences-National Research Council (Washington, D.C., 1965), p. 1.

<sup>5</sup> Bureau of the Budget, Washington, D.C. Personal interviews with former staff officials, October 1967.

<sup>6</sup> Committee for Economic Development, *Developing Metropolitan Transportation Policies: A Guide for Local Leadership*, A Statement on National Policy by the Research and Policy Committee of the Committee for Economic Development (April 1965), p. 14.

<sup>7</sup> U.S., Bureau of Public Roads, *Highways and Human Values*, The Bureau of Public Roads Report for Fiscal Year 1966 (Washington: Government Printing Office, 1967), p. 21. A year earlier, in a letter of July 21, 1965, the Department of Commerce reported to the White House that the required planning processes were sufficiently established "so that there need be no concern over our ability to approve Federal-aid highway projects without serious delays to the program."

<sup>8</sup> Bureau of Public Roads, Washington, D.C. Personal interviews with staff officials, August 1967.

<sup>9</sup> Most of the remaining discussion is based on personal interviews with staff officials of the Bureau of Public Roads in May 1964, August 1967, and October 1967; internal working papers, reports, correspondence, and other records; and certain documents and other materials, available to the public, as identified in subsequent footnotes.

<sup>10</sup> U.S., Bureau of Public Roads, Policy and Procedure Memorandum 50-9, "Urban Transportation Planning," June 21, 1967. (Subsequently referred to as Bureau of Public Roads, PPM 50-9, this document incorporates and supersedes policy memoranda first issued in 1963.) Also, U.S., Bureau of Public Roads, "Highway Planning Program Manual, Vol. VIII: Urban Transportation Planning," chaps. i-xvi, September 30, 1965 through September 1, 1967. (Mimeographed.)

<sup>11</sup> Bureau of Public Roads, PPM 50-9, p. 3.

<sup>12</sup> Informal remarks by a state highway official at the AMA-AASHO-NACO Urban Transportation Planning Action Conference, Des Moines, Iowa, May 1, 1963.

<sup>13</sup> U.S., Bureau of Public Roads, Circular Memorandum to Regional and Division Engineers, from E. H. Holmes, Director of Planning, "Urban Transportation Planning," June 26, 1964, p. 2.

<sup>14</sup> Bureau of Public Roads, PPM 50-9, p. 3.

<sup>15</sup> *Ibid.*

<sup>16</sup> Subsequently, section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Public Law 89-754) was to require metropolitan agency review, though not approval, of highway projects as well as other federally aided public works and land development projects. In the case of the highway program, section 204 merely formalized a process which the state highway departments already had under control as a result of the highway act of 1962.

<sup>17</sup> While few metropolitan and local planning agencies raised the issues directly, their advocates in the Housing and Home Finance Agency, universities, and other organizations did question Bureau of Public Roads' policies in these terms. The Bureau was thus forced to make a response—that is, to develop a "policy"—concerning the role of existing planning agencies relative to those of state highway departments and local governments in cooperative transportation planning.

<sup>18</sup> Garland E. Marple, Chief, Urban Planning Division, Bureau of Public Roads, "Urban Transportation Planning—Continuing and Comprehensive," A Paper presented at the National Conference on Urban Passenger Transportation, Washington, D.C., January 29-31, 1964, p. 1. Also see, E. H. Holmes, Director of Planning, Bureau of Public Roads, "Regional Planning and the Area Transportation Study," *Proceedings of the 1963 Annual Conference*, American Institute of Planners (Milwaukee, Wisc.: AIP, 1963), p. 120.

<sup>19</sup> U.S., Bureau of Public Roads, Circular Memorandum to Regional Engineers, from E. H. Holmes, Director of Planning, "Urban Transportation Planning," October 13, 1964, p. 2.

<sup>20</sup> Bureau of Public Roads, PPM 50-9, p. 2.

<sup>21</sup> *Ibid.*, p. 8.

<sup>22</sup> *Ibid.*

<sup>23</sup> U.S., Bureau of Public Roads, *Highway Planning Notes*, No. 9 (April 1964).

<sup>24</sup> Bureau of Public Roads, PPM 50-9, p. 8.

<sup>25</sup> The Committee for Economic Development, for example, noted that "local officials are tempted to consider as a cost only those tax dollars which they must raise from their local constituents. . . . Administrative devices in grant-in-aid programs should make sure that cost and benefit estimates made by local authorities take proper account of the payments by taxpayers at state and federal levels as well as at the local level. This is necessary if the costs of alternative projects are to be properly compared to their benefits." The Committee did not discuss the problem of applying this concept within the single-function structure of the federal highway program, where 90 percent federal funds are assured for a committed interstate highway system, and revenues are raised through excise taxes on highway users. Committee for Economic Development, *Developing Metropolitan Transportation Policies*, p. 42.

<sup>26</sup> U.S., Congress, House, Committee on Banking and Currency, *Hearings, Urban Mass Transportation Act of 1963*, on H.R. 3881, 88th Cong., 1st Sess., 1963, pp. 72-3.

<sup>27</sup> Bureau of Public Roads, PPM 50-9, p. 8.

<sup>28</sup> *Ibid.*, p. 2.

<sup>29</sup> U.S., Congress, House, Committee on Public Works, *Hearings, Transportation Planning in Certain Urban Areas*, before the Subcommittee on Roads, on Section 134 of Title 23, U.S. Code, 88th Cong., 1st Sess., 1963, p. 1. The highway agencies now estimate that the system will not be completed until 1975, at the earliest.

<sup>30</sup> *Ibid.*, p. 3.

<sup>31</sup> U.S., Congress, *Congressional Record*, 88th Cong., 2nd Sess., July 21, 1964, CX, 16490. The Subcommittee chairman expressed his pleasure with the Administrator's report and concluded that the July 1, 1965 deadline was a "realistic" date.

<sup>32</sup> A slightly expanded list of "lagging" areas was published in *Nation's Cities*, II (August, 1964), 7, based on information obtained from the Bureau before the more restrictive reporting policy went into effect.

<sup>33</sup> Bureau of Public Roads, Washington, D.C. Personal interviews with staff officials, August 1967.

<sup>34</sup> See, U.S., Congress, House, Committee on Public Works, *Hearing, Preliminary Report of AASHO on Federal-Aid Highway Needs After 1972*, 90th Cong., 1st Sess., 1967, pp. 18-19.

<sup>35</sup> *Ibid.*, pp. 8, 21.

<sup>36</sup> See, for example, Priscilla Dunhill, "When Highways and Cities Collide," *City*, I (July 1967), 17-23.

<sup>37</sup> U.S., Department of Housing and Urban Development and Department of Transportation, "Agreement Between the Secretary of the Department of Housing and Urban Development and the Secretary of the Department of Transportation," September, 1968. (Typewritten.)

<sup>38</sup> U.S., Congress, Senate, *Federal-Aid Highway Act of 1968*, Public Law 90-495, 90th Cong., 2nd Sess., 1968, sec. 24.