

Growth Management Law Final Paper  
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## **Transportation Investments and Land Use Change (Topic #11)**

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## **I. Linking Smart Growth and Transportation**

Smart growth and transportation—both priorities for cities—are most effective when they are coordinated. This may be done by increasing the zoned density in areas that have existing transportation infrastructure or transit, and by increasing the transportation spending in areas that are denser, which may be considered more of a priority in terms of a region’s economy. In this section, we will predominantly be focusing on the later. Certain existing state and regional governments link transportation funding to zoning and smart growth initiatives through a variety of techniques. Studying the states and regions that do link transportation funding to zoning and smart growth may give Georgia, and particularly Atlanta, ideas on identifying and implementing ways in which the two may be efficiently and legally linked. In the sections that follow, a brief history of zoning and smart growth is discussed before delving into the details of several case studies that are quintessential examples of the smart growth-transportation link.

### **1. Zoning and the Emergence of Smart Growth**

Zoning, or government land use regulation, began in the 1920s as a response to industrial development and urbanization.<sup>1</sup> Questions arose regarding the constitutionality of zoning, particularly in regards to the 14<sup>th</sup> Amendment. To violate the 14<sup>th</sup> Amendment due process clause, the zoning would have to be discriminatory and have no rational basis. In *Village of Euclid v. Ambler Realty Co.*, the United States Supreme Court found that the zoning ordinance in question did have a rational basis and ruled that zoning is constitutional as long as it is designed to protect the public health, welfare and safety of the community.<sup>2</sup>

Few states had comprehensive zoning in 1920, but after the U.S. Department of Commerce issued the 1922 “Standard State Zoning Enabling Act”, over one thousand towns and

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<sup>1</sup>Sprankling, John G. (2000). Understanding Property Law, 591, Lexis Nexis.

<sup>2</sup> Village of Euclid, Ohio v. Ambler Realty Co., (1926). 272 U.S. 365.

cities had adopted zoning ordinances. Because cities and other local governments possessed no inherent police power to enact zoning ordinances, the police power fell to the states. The Act was a model for state legislatures to adopt so that they could then delegate police power to local governments who would then issue zoning.<sup>3</sup>

The Standard State Zoning Enabling Act gives local governments the authority to adopt a comprehensive plan and then set forth basic provisions of the standard ordinance to be enacted. Most states then give the local government power to delegate administrative authority to an appointed board or city council. Adoption of a zoning ordinance is legislative, usually put into place by the city council or similar body. Procedurally, the Act allows for a Board of Adjustment to hear appeals from enforcement of the ordinance, to hear and decide special permits and give variances.<sup>4</sup> The intent of the Act was to encourage local legislative bodies to design a long term, comprehensive plan for its municipalities and then have that body adopt zoning ordinances that implemented the plan.<sup>5</sup> However, very few states actually have a comprehensive plan in place; most allow the local legislative body to enact zoning ordinances without a comprehensive plan in place.

However, in the 1990s, the role of the comprehensive plan was strengthened as a result of the smart growth movement. According to the Planning Association Policy Guide on Smart Growth,

Smart growth means using comprehensive planning to guide, design, develop, revitalize and build communities for all that have a unique sense of community and place, preserve and enhance valuable natural and cultural resources, equitably distribute the costs and benefits of development, expand the range of transportation, employment and housing choices in a fiscally responsive manner, value long range, regional considerations of sustainability over short term

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<sup>3</sup> Spranking, John G. (2000). Understanding Property Law. P. 592, Lexis Nexis.

<sup>4</sup> Juergensmeyer, Julian C, Roberts, Thomas E. (2003). Land Use Planning and Development Regulation Law. P. 52 (Thomson/West 2007)

<sup>5</sup> Spranking, John G. (2000). Understanding Property Law. P. 592, Lexis Nexis.

incremental geographically isolated actions; and promotes public health and healthy communities.<sup>6</sup>

Between 1999 and 2001, the American Planning Association conducted a comprehensive survey of planning reform and smart growth activity in states. The survey confirmed that smart growth was one of the top political concerns in legislatures across the nation.<sup>7</sup> Proponents see smart growth as a way to protect environmental resources, decrease crowding of public facilities and ease the fast growth rate in Sunbelt states, which includes Georgia. Opponents to smart growth believe exclusionary motives, including racial or economic discrimination, are the real reasons for smart growth zoning.<sup>8</sup>

## **2. State Case Studies: Maryland and Oregon**

### **i. Maryland and the Branding of Smart Growth**

Maryland is frequently cited as the prototypical example of successfully linking smart growth strategies and transportation. The state of Maryland has a long history of smart growth initiatives, but its Priority Funding Areas Act of 1997 first captured national attention. Its roots go back to the early 1990s when Maryland's governor created a commission to evaluate the state's development patterns through 2020. The commission proposed shifting land use control completely from local governments to the state government. The state's county governments adamantly opposed the shift and in turn, the proposed change never survived legislative committee. In 1992, the Economic Growth, Resource Protection and Planning Act was enacted.<sup>9</sup> The "Growth Act" was less controversial, but eventually became the platform for stronger land

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<sup>6</sup> Juergensmeyer & Roberts. (2003). *Land Use Planning and Development Regulation*, (quoting *APA Policy Guide on Smart Growth*). 41 (Thomson/West 2007).

<sup>7</sup> [www.planning.org/growingsmart/pdf/states2002.pdf](http://www.planning.org/growingsmart/pdf/states2002.pdf)

<sup>8</sup> *Ibid.* p. 318.

<sup>9</sup> Frece, John W. (2008). "Twenty Lessons from Maryland's Smart Growth Initiative." *Vermont Journal of Environmental Law*. Retrieved April 8, 2008 from: [www.vjel.org/journal/VJEL10023.html](http://www.vjel.org/journal/VJEL10023.html)

use reform within the 1997 Smart Growth Priority Funding Areas Act.<sup>10</sup> Reviewing the early 1990s gubernatorial move for state control of growth management and subsequent opposition, Governor Parris Glendening, the major proponent for Smart Growth, knew that he had to preserve local decision-making authority at the same time he pushed for the enactment of the Smart Growth initiative.<sup>11</sup>

The Smart Growth Act of 1997, located in Chapter 759 of the Laws of Maryland of 1997, required the state to target funding for growth-related projects to Priority Funding Areas (PFA) effective October 1998. Growth-related projects include programs, such as transportation initiatives, which encourage growth and development and according to the legislation must be inside of the PFAs to be eligible for state assistance.<sup>12</sup> PFAs are existing communities where local governments want state investment to support future growth.<sup>13</sup>

The purpose of the Smart Growth Act was to direct new growth to existing population centers and keep new growth out of rural areas that were considered ecologically important.<sup>14</sup> Rather than a regulatory approach, the Smart Growth Act took an incentive-based approach, to use state financial resources, like transportation funding, as incentives to change development behavior.<sup>15</sup>

Though state legislature enacted the Smart Growth Act, Maryland's local governments still play major roles in determining development locations. The Smart Growth Act gives

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<sup>10</sup> Maryland Department of Planning Website. (2008). Retrieved April 8, 2008 from: [www.mdp.state.md.us](http://www.mdp.state.md.us)

<sup>11</sup> Frece, John W. (2008). "Twenty Lessons from Maryland's Smart Growth Initiative." *Vermont Journal of Environmental Law*. Retrieved April 8, 2008 from: [www.vjel.org/journal/VJEL10023.html](http://www.vjel.org/journal/VJEL10023.html)

<sup>12</sup> Science Direct Website. (2008). "Land Use Policy." Retrieved April 8, 2008 from: [www.sciencedirect.com/Land Use Policy](http://www.sciencedirect.com/Land-Use-Policy)

<sup>13</sup> Maryland Dept of Planning. (2006). "Key Planning Legislation from the 2006 Session." power point presentation retrieved April 8, 2008 from: [www.mdp.stat.md.us](http://www.mdp.stat.md.us)

<sup>14</sup> [www.sciencedirect.com/ Has Maryland's PFAA initiative constrained the expansion of water and sewer investments?](http://www.sciencedirect.com/Has-Maryland's-PFAA-initiative-constrained-the-expansion-of-water-and-sewer-investments?)

<sup>15</sup> *Vermont Journal of Environmental Law*. Retrieved April 12, 2008 from: [www.vjel.org](http://www.vjel.org)

counties the authority to designate the PFAs using criteria found in the Act to draft boundaries.<sup>16</sup> The 1997 Priority Funding law further established the criteria for creating PFAs. This included the requirement that a municipality's PFA certification must be based on an analysis of the capacity of areas available for development and an analysis of the amount of land needed to satisfy demand for development consistent with the density formulated in the comprehensive plan.<sup>17</sup> Unlike rigid urban growth boundaries which are mandated by legislation and enforced by zoning for a specified time period, Maryland's PFAs are flexible and can be revised at the county's discretion with state approval. Maryland offers no state assistance for projects outside PFAs, providing a strong incentive for counties to develop inside the PFAs.

Maryland legislature designates Smart Growth areas through the PFA Act. Areas determined to be the traditional core of Maryland's urban development, as well as areas which are targeted for economic development, are chosen as Smart Growth areas. These areas include:

- Municipalities
- Baltimore City
- Areas inside the Baltimore and Washington, DC Beltways
- Neighborhoods designated for revitalization by the Department of Housing and Community Development
- Enterprise and Empowerment Zones
- Certified Heritage Areas within county-designated growth areas

The legislation also authorizes counties to designate additional Smart Growth areas, known as county-designated Smart Growth areas, but the designation is not required.<sup>18</sup>

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<sup>16</sup> Maryland Dept of Planning. "Key Planning Legislation from the 2006 Session." power point presentation retrieved April 8, 2008 from: [www.mdp.state.md.us/smartgrowth/pdf/PFA.PDF](http://www.mdp.state.md.us/smartgrowth/pdf/PFA.PDF)

<sup>17</sup> Maryland Dept of Planning. (2006). "Key Planning Legislation from the 2006 Session." power point presentation retrieved April 8, 2008 from: [www.mdp.stat.md.us](http://www.mdp.stat.md.us)

<sup>18</sup> Maryland Department of Planning Website. Retrieved April 8, 2008 from: [www.mdp.state.md.us](http://www.mdp.state.md.us)

Maryland's Smart Growth program works because it takes an incentive-based approach rather than a regulatory approach. The idea was to use state financial resources, like transportation funding, as incentives to change development behavior.

There are several aspects of the Maryland PFA program that have still yielded no observable results. However, there are many outcomes that already point to what Maryland's program has done well and what Georgia can learn from Maryland's Initiative. In terms of attention, Maryland branded the name well. Smart Growth is catchy—it is easy to recognize and is used frequently in growth management. Additionally, Maryland legislature correctly worked within the given political constraints. It did not attempt to overreach its boundaries to the point of interfering too much with local sovereignty, and more importantly it was fiscally responsible, choosing not to overstretch its budget. Budgeting is always considered an important aspect of the success of a program such as this. This kept the plan simple, practical, and achievable—all keys to success.

Maryland legislature also made a smart choice in having a planning process that was very open and generally encouraged outside input. Additionally, the input received was actually utilized within the program. Because Georgia is a home rule state, it could continue to give power to local governments if it chooses to emulate Maryland's program. Another successful strategy employed was the use of various different state agencies working together to achieve a goal. This was a relatively simple consensus to achieve, because Maryland realized many people across an array of backgrounds have a lot to gain by smart growth working with transportation. The pooling of knowledge is valuable because each discipline can bring their particular area of expertise to the table. Further, incentive based approaches are easier to get through the legislature and are more likely to satisfy the state's constituents. For this reason, the PFAs were

relatively simple to put into action. Perhaps most importantly however, Maryland's program is *Smart Growth* rather than *No Growth*. Georgia is growing for various reasons and that growth should not be denied nor discouraged, but planned well.

### **ii. The Oregon Approach**

The state of Oregon has always been a leader in planning and smart growth. Currently, there are two smart growth programs being implemented in Oregon: the Urban Growth Boundary (UGB) program and the Oregon Transportation and Growth Management Program (TGM).

### **iii. Growth Boundaries**

Unlike Maryland, Oregon utilizes UGBs in growth management. An urban growth boundary separates urban land from rural land and controls urban expansion into agricultural or forested land.<sup>19</sup> The Oregon Legislature created the Land Conservation and Development Commission which determines whether locally prepared plans are consistent with Oregon's overall planning goals. The LCDC requires that urban growth boundaries should identify and separate "urbanizable land from rural land".<sup>20</sup>

Urban growth boundaries have not been accepted without controversy. The Fifth Amendment of the Constitution states that private property shall not be taken for public use without just compensation. In 2004, Measure 37 was enacted and specified that the owner of private real property is entitled to just compensation when a land use regulation is put into place after the owner takes the property and the regulation restricts the use of the property and reduces its fair market value. If the regulation does restrict the use of the property, then the government

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<sup>19</sup> Metro Region Website. "Urban Growth Boundary." Retrieved April 2, 2008 from: <http://www.metro-region.org/index.cfm/go/by.web/id/277>

<sup>20</sup> Juergensmeyer & Roberts at 395.



can pay the landowner an amount equal to the reduction in value of the property or change or choose not to apply the regulation to the landowner's property.<sup>21</sup>

Measure 37 was seen by some as extreme regarding just compensation and, therefore, was modified by Measure 49 in 2007. Measure 49 balances out the property owners' rights with the goal of protecting land. It ensures "that Oregon law provides just compensation for unfair burdens while retaining Oregon's protections for farm and forest uses and the state's water resources".<sup>22</sup>

There are two parts to Measure 49, the first being an approval for claimants to establish a specific, but rather small, number of home sites. This aspect of Measure 49 replaces Measure 37's remedies of waiving land use regulations or paying compensation. The second part of Measure 49 pertains to the filing of new claims, which may be based on land use regulations enacted only after January 1, 2007. Measure 49 defines the category of land use regulations that are eligible for relief more narrowly than defined in Measure 37. Only those regulations that limit residential uses of property or that restrict farming or forest practices are included. Also, the owner must show diminution in value to receive relief under Measure 49.<sup>23</sup>

### **3. Transportation and Growth Management Program (TGM)**

One of the clearest examples in the country of linking smart growth and transportation is the statewide Oregon Transportation and Growth Management Program (TGM). The stated mission of TGM is to "support community efforts to expand transportation choices for people. By linking smart land use and transportation planning, TGM works in partnership with local

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<sup>21</sup> Oregon Secretary of State Website. Retrieved April 8, 2008 from: <http://www.sos.state.or.us/elections/nov22004/>

<sup>22</sup> Oregon Department of Land Conservation and Development Website. Retrieved April 7, 2008 from: [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

<sup>23</sup> Oregon Department of Land Conservation and Development Website. Retrieved April 7, 2008 from: [www.oregon.gov/LCD](http://www.oregon.gov/LCD)

governments to create vibrant, livable places in which people can walk, bike, take transit or drive where they want to go".<sup>24</sup>

TGM is the product of a cooperative effort between the Oregon Department of Transportation and the Department of Land Conservation and Development (DLCD). It is designed to take a holistic approach to integrate transportation planning with the statewide land use planning program. The TGM program is supported by both state and federal funds. The program uses a variety of avenues to help Oregon communities. TGM can be broken down into four basic components that, used together, have delivered results; these are: grants, quick response, code assistance, and outreach.

The grants portion of the TGM program is the effort's most basic and most publicized component. TGM's grant program supports the TGM mission by providing grants to local governments to prepare connected transportation and land use plans. The program is primarily funded by SAFETEA-LU, the Federal "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, passed in 2005 authorizing \$286.4 billion for transportation projects over the next six years, with additional support and funding provided by the State of Oregon.<sup>25</sup> This act will be discussed later in this paper. There are essentially two categories of TGM grants. The first is grants for Transportation Systems Planning (TSPs), and the second is Integrated Land Use and Transportation Plans.<sup>26</sup> The later are more pertinent within this report. TGM grants also support other planning activities that give Oregonians more smart transportation choices. In May 2007, TGM awarded new grants to cities and counties throughout Oregon. TGM projects typically integrate land use and transportation planning so that land use patterns and transportation investments support each other. TGM supports the planning, but

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<sup>24</sup> Oregon Transportation and Growth Management Website: <http://www.oregon.gov/LCD/TGM/index.shtml>

<sup>25</sup> Institutional Reform Website: <http://www.vtpi.org/tdm/tdm32.htm>

<sup>26</sup> Oregon Transportation and Growth Management Website: <http://www.oregon.gov/LCD/TGM/grants.shtml>

never the actual construction of projects. However, planning projects often enhance a community's prospects for obtaining construction funds from another source. Eligible applicants include cities, counties, Councils of Government on behalf of cities or counties, transportation districts, tribal governments, the Metro, and Metropolitan Planning Organizations.

The second component of TGM is the quick response program. TGM's Quick Response program assists local governments and developers with an immediate need for design assistance on an imminent development project.<sup>27</sup> This ensures that sloppy, haphazard development cannot slip through legal cracks. Local governments often seek the assistance of the Quick Response program in response to a development application that, though legal under the current law, does not truly address the community's vision for efficient transportation and quality development. Alternatively, a developer may propose an intense development that meets the community's overall goal of using land efficiently, but is opposed by neighboring residents or property owners for various reasons. The developer may then call upon the TGM Quick Response program to enlist help in dealing with the community. This scenario, however, is much rarer. In either case, the Quick Response project would not only address the parcel proposed for development, it would also incorporate comprehensive planning for matched future development of any adjacent parcels. School siting is another issue that is often addressed through the Quick Response program. New school siting demand is often immediate and harried and sites are limited. The Quick Response team ensures that poor choices are not made because of rushed schedules.<sup>28</sup>

Design is an important aspect of the TGM program as a whole. An underlying assertion of TGM's Quick Response program is that design really matters, and "that putting time and

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<sup>27</sup> Oregon Transportation and Growth Management Program Website. "Quick Response Program." Retrieved April 4, 2008 from: <http://159.121.112.22/tgm/quickresponse.htm>

<sup>28</sup> Planning for Schools & Liveable Communities: The Oregon School Siting Handbook (2005)

effort into improving a project's design will result in a plan that can meet the objectives of the community, the developer, and the TGM program".<sup>29</sup> TGM seeks to ensure that both transportation and land use decisions are made in a comprehensive process that addresses their complex relationship and the strong cooperation they need to have. Specific TGM program objectives that candidates should strive for include: mixed uses, efficient use of land, vibrant downtowns, support for all modes of travel (especially those that encourage walking, bicycling and transit) and better connectivity within local street networks.<sup>30</sup> The application process is simple, making local governments more likely to utilize it. Almost any local jurisdiction can apply for a Quick Response project with a letter requesting assistance, describing the project and detailing how it relates to the TGM objectives. Projects are chosen based on the time frame of the pending development, and how well the completed project would advance TGM objectives. There is no application form that must be used, and applications are always being accepted on a continual, sans deadline basis. The requesting jurisdiction does not have to provide any matching funds, but the project will require major participation from local staff as well as support from various entities. In all, the timeline for a standard Quick Response planning project is approximately three to six months.

The third element of Oregon TGM is Code Assistance which provides help to local governments in identifying their code issues and updating their comprehensive plan policies and land use regulations. The ultimate goal is again to promote efficient land use and transportation planning that advances the TGM objectives but through code.<sup>31</sup> Code Assistance essentially has

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<sup>29</sup> Oregon Transportation and Growth Management Program Website. "Quick Response Program." Retrieved April 4, 2008 from:<http://159.121.112.22/tgm/index.htm>

<sup>30</sup> Oregon Transportation and Growth Management Website. Retrieved April 4, 2008 from:  
[http://www.oregon.gov/LCD/TGM/about\\_us.shtml](http://www.oregon.gov/LCD/TGM/about_us.shtml)

<sup>31</sup> Oregon Transportation and Growth Management Website. "Code Assistance." Retrieved April 3, 2008 from:  
<http://www.oregon.gov/LCD/TGM/codeassistance.shtml>

two parts: the preliminary evaluation of the current comprehensive plan and land development regulations, and the preparation of alternative plan and code amendments to be offered for consideration.

The final component of TGM is Education and Outreach. Through Education and Outreach, TGM works to inform citizens why they should be concerned with linking smart growth to transportation. It encourages the spreading of the TGM objectives, and may encourage more people to take advantage of the transportation options they have available to them. TGM Education and Outreach services are normally provided through community workshops.<sup>32</sup> The workshops are customized to meet the needs of individual communities, and they can speak to any wide variety of transportation and land use issues. TGM will invite experts on smart growth and transportation to speak to communities at no charge to the local governments. In fact, all of these services are provided at no charge.

The take home lesson of Oregon's TGM program is the added effectiveness that a program like this can have when a range of different types of initiatives work in conjunction with each other. The plan is holistic, ensuring influence over a range of different developments at some stage in the development process. Both Maryland and Oregon share this common theme. Like Maryland, the Oregon program involves two agencies working cooperatively. Oregon provides a good example of effectively taking advantage of available federal funding to drive the program; this mitigates the amount of state spending that may be necessary. The education component is also vital to the success of this program. Citizens benefit from knowing why they are supporting this type of program, and in turn, the community benefits from being more

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<sup>32</sup> Oregon Transportation and Growth Management Website. "Outreach." Retrieved April 3, 2008 from:<http://www.oregon.gov/LCD/TGM/outreach.shtml>

politically aware. Finally, the simple process local governments use to ask for TGM helps to make it much more accessible and therefore much more able to be utilized than other programs.

## **II. Regional Transportation Planning**

Integrating land use and transportation is extremely important. Successfully integrating transportation and land use can lead to a reduction in both vehicle travel times and distances traveled. It also improves air quality; increases levels of transit use, walking and bicycling; improves neighborhood character; and lends itself to economic and community revitalization. Regional transportation planning plays a major role in the integration of land use and transportation. Integrating transportation and land-use is starting to become a major part of all regional transportation plans (RTPs) because it is quickly becoming more of a pressing issue. Politicians, citizens, and business owners are beginning to realize both the benefits and overall importance of providing well designed transportation systems. The demand for transportation options that serve and allow access to a variety of land uses within close proximity is steadily growing. This section of the paper will provide some helpful information on regional transportation planning and its role in integrating transportation and land-use. This will be accomplished by discussing general regional transportation planning issues associated with poor land-use and transportation planning, interesting approaches and future RTPs that attempt to integrate land-use and transportation.

Regional transportation planning has been practiced since 1962 when congress passed a bill requiring such planning. In many ways an RTP is similar to a comprehensive plan. The traditional comprehensive plan is a document or series of documents that serves as a guide for making land use changes, preparing capital improvement programs, and the planning of the rate, timing and location of future growth. It is based upon establishing long-term goals and

objectives to guide the future growth of a city. An RTP is very similar. In many cases it is implemented more stringently with many more legal implications. Portland, Oregon identifies its RTP as a blueprint that guides investments in the region's transportation system to reduce congestion, build new sidewalks and bicycle facilities, improve transit service and access to transit and maintain freight access.<sup>33</sup> Transportation and growth management plans focus on increasing density in centers, moving people and goods, not just cars, and integrating land use and transportation.

In many cases effectively integrating transportation and land use can be achieved by simply establishing the right standards and making decisions that focus on integrating the two, rather than solely on moving automobile traffic. The Metropolitan Transportation Planning Organization for Gainesville, Florida was faced with a funding priority decision to make. They had a problem surrounding the University of Florida campus and they could either widen SW 20<sup>th</sup> Avenue, or promote alternatives to the automobile and build a system of narrower roads that support walking and bicycling. Widening SW 20<sup>th</sup> Avenue was the most feasible solution because it was a major roadway that connects off campus housing to the University. Unfortunately, in many scenarios, that option would be the one most likely to be implemented. However, after the completion of a community planning charrette, the MTPO came up with a plan to create a walkable student village instead of adding more lanes to SW 20. The plan called for keeping SW 20 a two lane street and adding bicycle lanes, wider sidewalks and increased funding for bus service, interconnecting a series of smaller streets, and installing roundabouts at key intersections.<sup>34</sup>

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<sup>33</sup> <http://www.metro-region.org/index.cfm/go/by.web/id/137>

<sup>34</sup> ICF Consulting. (2005, March). Handbook on Integrating Land Use Considerations into Transportation Projects to Address Induced Growth.

This example serves as a guideline governing how this issue could be addressed in the preliminary planning stages of a project. Unfortunately decisions are not usually made this way. Often there are few options available to people who prefer to live in more transit friendly environments. Individuals wishing to live near their places of employment and enjoy leisure activity all in close proximity cannot necessarily do so. A study done by Mineta Transportation Institute compared two metropolitan areas, Atlanta and Boston. In this study Boston is viewed as being much more successful than Atlanta. What are the measurements? A successful metropolitan area is one that most adequately bridges the gap between the choices its citizens make and the preferences of its citizen. Boston was successful because people who wanted to live in transit friendly environments had a 75% percent chance of being able to do so, compared to just 35% in Atlanta.<sup>35</sup> Figure 1 shows there is latent demand that is simply not being met.

There are some basic strategies to help improve the coordination of transportation and land use. Some of these include access management, purchase of access rights, and context sensitive design. Access management applies strategic criteria to determine whether and how a roadway may be accessed by adjacent land. Recently, access management has been used to minimize undesirable land use impacts. Access management can help control growth and development size. However, its use can be confronted with strong political pressure. It is also feared that access management will impede economic development. Another interesting strategy is purchasing access rights. This is similar to access management, but purchasing access rights allows more strict control over access. This method is generally much more expensive. Context sensitive design is another commonly used tool. This method integrates and balances community, aesthetic, and environmental values with traditional transportation safety and

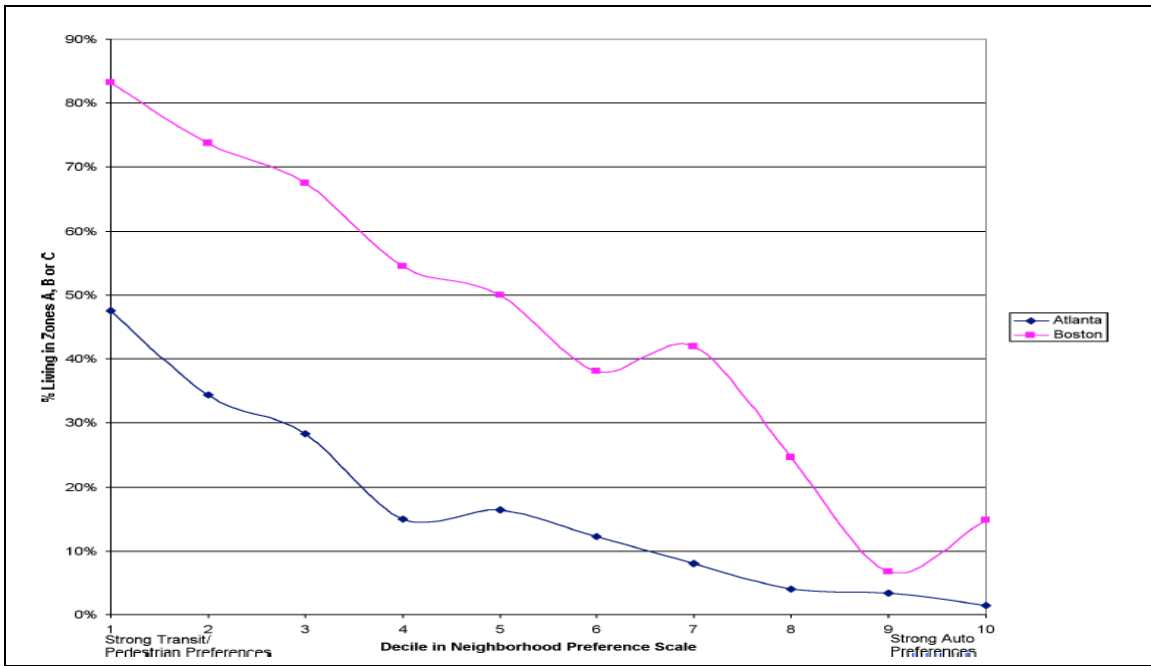
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<sup>35</sup> Mineta, Norman. (1991). Land Use and Transportation Alternatives: Constraint of Expansion of Household Choice? Mineta Transportation Institute.



performance goals. However, unless extremely well designed, this method rarely influences land use. Its success largely depends on coordination with local governments and implementation of designs that complement desired land uses.

**Fig. 1: Percent Living in Zones A, B or C vs. Decline in Neighborhood Preference Scale**



**Source:** Mineta Transportation Institute

Boston, San Francisco, Portland and Seattle are currently leaders in effectively integrating transportation and land use. These various jurisdictions implement many key common methods in their future transportation plans. One of the main goals of their plans is to effectively increase and encourage development around transit centers. The actual method used in their implementation may vary from region to region but their ultimate goal is the same. Creating mixed use, high density developments near transit centers is the ultimate goal in all of these transportation plans. Of course, there are other goals and methods to better integrate land-

use and transportation. Some localities have established interesting and innovative programs to achieve these goals. Two of these programs are introduced and discussed in the following section.

### **1. Innovative Methods Integrating Transportation and Land Use**

Finding effective ways to deal with change can be quite challenging. In terms of cities, we want to create a functional, comfortable, vibrant city that provides for and meets the needs of all of its citizens. Change in the cities we live in has made linking transportation and land use an important part of achieving this goal. As cities continue to change and grow, new problems and issues arise. Therefore, new innovative methods must be created to effectively address these issues. The following are a couple examples of the many innovative efforts to effectively deal with linking transportation and land use.

#### **i. The Capital District Transportation Committee Community and Transportation Linkage Planning Program**

The Capital District Transportation Committee (CDTC) is the designated MPO for the Albany-Schenectady metropolitan area. The CDTC integrates land use and transportation by providing CDTC staff or private consultant support to the local community planning initiatives. This program provides funding designed to make land use planning a reality rather than merely a conceptual goal. The program encourages developments to incorporate a set of standards that was created by the CDTC. The more program strategies incorporated, the higher the priority given to the submission. Some of the seven strategies include:<sup>36</sup>

- Supporting urban revitalization and redevelopment of existing commercial/residential areas;
- Improving street connectivity and reduce driveway conflicts;
- Enhancing and develop activity centers and town centers;

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<sup>36</sup> Capital District Transportation Committee Community and Transportation Program. (June 2006). Retrieved from: <http://www.cdtcmpo.org/linkage.htm>.

- Encouraging a greater mix and intensity of land uses; and
- Developing bicycle and pedestrian-friendly design standards

## **ii. Blueprint Sacramento MPO**

Blueprint is another regional planning process that addresses land use and transportation.

The main part of this program involves incorporating community ideas into its strategy.

Blueprint allows planners and members of the public to look at and evaluate alternative land use scenarios. This is done through a series of digital maps, data tables, and bar charts. The centerpiece of the innovative technological program is the I-PLACE<sup>3</sup>s platform. This is an extension of software developed with ArcView GIS software.

This program has received an excellent response. Many people came out for the first round of workshops that utilized this program. People are visual, so this method was extremely appealing to them because it provided a way for them to visually see how future planning decisions might affect the built world in the future. "The response has been great," said Gordon Garry, Manager of Research and Analysis at SACOG. "In fact, we had to turn people away from some workshops."<sup>37</sup> The Blueprint project has not only generated incredible interest in the planning process, it has also allowed members of the public to understand the problems that face their community and subsequently develop informed solutions that can be used to guide the regional land use plan.

Although the goals are similar and many of the methods resemble each other, certain scenarios allow different tools and methods to work. San Francisco uses a unique set of tools to better integrate land-use and transportation. Various parts of San Francisco coordinate with BART stations to create more vibrant and accessible centers. Rezoning is one of the most widely used tools in this area. Rezoning is considered to be an adequate measure to encourage

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<sup>37</sup> Sacramento MPO. Blueprint. Internet Planning for Community Energy, Economic and Environmental Sustainability (I-PLACE<sup>3</sup>s). Retrieved from: <http://www.fhwa.dot.gov/Planning/landuse/sacramentocs.htm>

development. Encouraging development around BART transit stations is vital to producing developments that are considered to be accessible and transportation friendly. This tool works in this scenario because market forces were so strong that developers flocked to areas with greater allowable floor-area ratios (FARs) and building heights. Therefore, simply increasing the maximum allowed FAR and building heights, in areas around transit stations increase the demand and probability of businesses building in that area. According to an article describing land use development impacts on BART, “the Combination of rezoning with redevelopment led land assembly has created the right condition for station-development. Community facility and infrastructure improvements have also helped generate developer interest and community support.”<sup>38</sup>

## **2. Future Transportation and Land Use Plans**

The Metropolitan Transportation Commission (MTC), the designated planning organization for the nine-county San Francisco Bay Area, states that the regional interest in more efficient land use patterns must be achieved through a system of continued local control over land-use decisions. It notes, “[t]he bottom line is that we must better define the roles and responsibilities of all those with a stake in transportation and land-use decisions, agree on a shared vision for regional growth patterns, and pursue mutually supporting implementation strategies.”<sup>39</sup>

Currently the MTC has two existing programs designed to allocate funds for projects that are transportation and land use friendly. These programs are the Transportation for Livable Communities (TLC) and Housing Incentive Program (HIP) programs. TLC was created in 1998 and has funded over 130 community-led transportation projects. These projects have promoted

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<sup>38</sup> Cervero, Robert; Kenneth Rich. (1995). Land Use Development Impacts in BART @ 20 Series. Berkeley: University of California Transportation Center.

<sup>39</sup> Metropolitan Transportation Commission San Francisco Bay Area 2030 Transportation Plan

more transportation choices and have contributed to urban revitalization throughout the region. HIP is a program that provides funding for building new housing adjacent to public transit stations, as an incentive. MTC has been working with these two programs to try to encourage smart development methods near transit centers. One of the future implementation strategies listed in the 2030 Land use Transportation Platform is “to reserve appropriate percentage of funding from the TLC/HIP program for land-use planning efforts around existing or future transit stations and corridors.”

The MTC represents one of the most complete and holistic future land-use and transportation plans in practice. It provides a number of principles focusing on growth around transit, providing community benefits and creating smarter suburbs and developing strong partnerships. These methods are extremely important in creating environments that successfully integrate both land use and transportation. Developing a large list of goals without thinking through a valid process of actually implementing those strategies can be quite useless in most scenarios. However, the MTC does a good job of laying out specific implementation strategies that have the potential to be quite successful. These strategies include coordinating transportation/land use issues with regional neighbors, developing joint planning projects with partner agencies, and encouraging cities and counties to incorporate general plan policies that support transit-oriented development.

The following section covers a variety of issues and topics that should give some insight on regional transportation planning and its role in integrating transportation and land use. A basic understanding of how this aspect of planning functions within the system of transportation planning as a whole is needed to effectively look at jurisdictions and evaluate their performance.

Now that this is established, we can begin to look at more specific cases that relate to transportation and land use, and more specifically Georgia.

### **III. Transportation and Land Use History & Landmark Transportation Bills**

*“The old convoy had stated me thinking about two lane highways, but Germany had made me see the wisdom of broader ribbons across the land*

*–Dwight Eisenhower*

Throughout history, transportation has intrinsically shaped patterns of land use. From the creation of footpaths in close proximity to development, to the later development of train systems, trolley lines and commuter rails, patterns of land use have remained fundamentally connected to transportation.

The federal involvement in the creation of roads evolved slowly over time. Prior to the 18<sup>th</sup> century, transportation projects were largely products of private entities. Large corporations created roads for their own transportation needs, sometimes as a government franchise.

However, beginning in the late 1700’s, the United States government began to take notice of the importance of meeting its citizens transportation needs as central to the further development and growth of the nation, thus spurring the beginning of what came to be known as the “Turnpike Era.” This period between 1792 until 1845 saw the creation of numerous turnpikes throughout the United States.

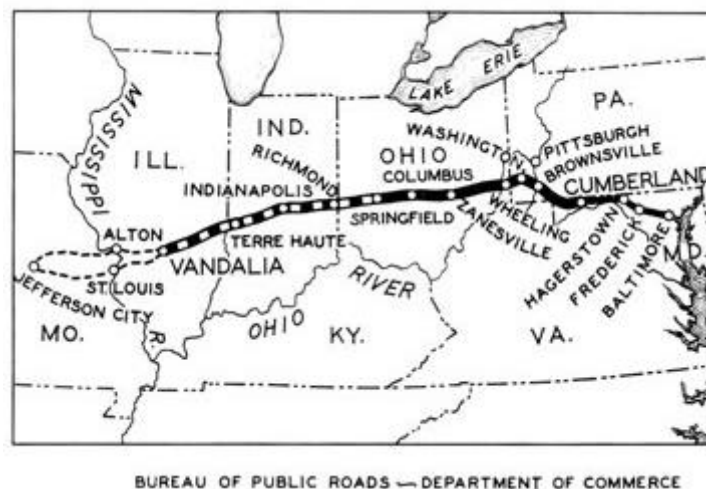
#### **1. The National Road**

The first large investment, the National Road or U.S. Route 40, served as the first public highway built with federal funding. This road was established in 1806 during the Jeffersonian

administration, and closely followed the military road established by George Washington and General Braddock from 1754-55.<sup>40</sup>

The first segment of the road, which was built between 1811 and 1818, began in Baltimore, MD and was comprised of 131 miles, running from Cumberland to Wheeling (Fig. 2). This segment cost the government \$13,000 per mile, although the initial estimated cost was \$6,000 per mile. The next segment, which was built between 1825 and 1839, ran from the Ohio River to Vandalia in Illinois, and was more than four times the length of the first segment, nearly 600 miles. The construction of this segment of road cost \$6.8 million.<sup>41</sup>

**Fig. 2: Map of the National Road, circa 1840**



**Source:** <http://www.tfhrc.gov/pubrds/06nov/02.htm>

The construction allowed for thousands of travelers to begin to venture westward, resulting in many of the towns along the road growing and prospering into successful centers of

<sup>40</sup> National Park Service Website. “The National Road.” Retrieved April 2, 2008. <http://www.nps.gov/archive/fone/natlroad.htm>

<sup>41</sup> National Park Service Website. “The National Road.” Retrieved April 2, 2008. <http://www.nps.gov/archive/fone/natlroad.htm>

business. However, by the early 20<sup>th</sup> century, technology was rapidly changing travel patterns. The steam locomotive, and later, the diesel locomotive, was gaining popularity and would ultimately result in the decline in usage of the National Road. However, usage of the road was revived in the early 20<sup>th</sup> century with the invention of the automobile. This invention encouraged the upkeep and revitalization of many former wagon and coach roads like the National Road. At this time, the road was paved and transformed into an automobile road. Eventually, the Federal Highway Act of 1921, which encouraged the states to create a connected system of highways, allowed the National Road to be transformed to the present U.S. Route 40.

## **2. 1920's: Growth in Highway Construction**

The Federal Highway Act of 1916 further strengthened the relationship between land use and transportation planning in the United States. This congressional act permitted the onset of federal funding for the construction of roads. The act, signed by Woodrow Wilson on June 11, 1916, marked the first instance of direct federal government involvement in road building efforts. Funding allocation was based on a formula that took into account a state's population, land area and road mileage. Under this act, the government agreed to finance up to 50% of the cost of construction of highway. The Federal Highway Act served to discourage the formerly haphazard method of road construction that was previously prevalent, by requiring states to establish a highway department and to meet the approval of the Office of Public Roads. Each state's highway commission was held responsible for preparing plans, construction and maintenance and to devote financial resources toward highway development.<sup>42</sup>

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<sup>42</sup> National Park Service Website. *The National Road*. Retrieved April 2, 2008.  
<http://www.nps.gov/archive/fone/natlroad.htm>



The Federal Highway Act of 1921 continued the stipulations of the 1916 act, but also provided states with more financial aid for highway construction. Both acts account for the significant growth in highway construction and improvement that occurred during the 1920's.

At the onset of the Federal Highway Act of 1938, Congress requested the U.S. Bureau of Public Roads (BPR) to submit a report on the feasibility of creating a toll system of roads. This report was based on data collected from highway planning surveys that were beginning to be conducted around the country beginning in 1935. Data from the surveys indicated that transcontinental traffic was limited, and that traffic was heaviest around cities. Based on these results and the low income of most drivers, toll roads were found to have a repelling result. These routes would not be able to carry enough traffic in order to successfully generate the adequate revenue needed to pay off the bonds necessary to finance their construction. Instead, the BPR recommended creating a network of toll-free highways. Their description of "A Master Plan for Free Highway Development" encompassed the first description of what would later become the Interstate system. The primary justification for its creation was passenger traffic.

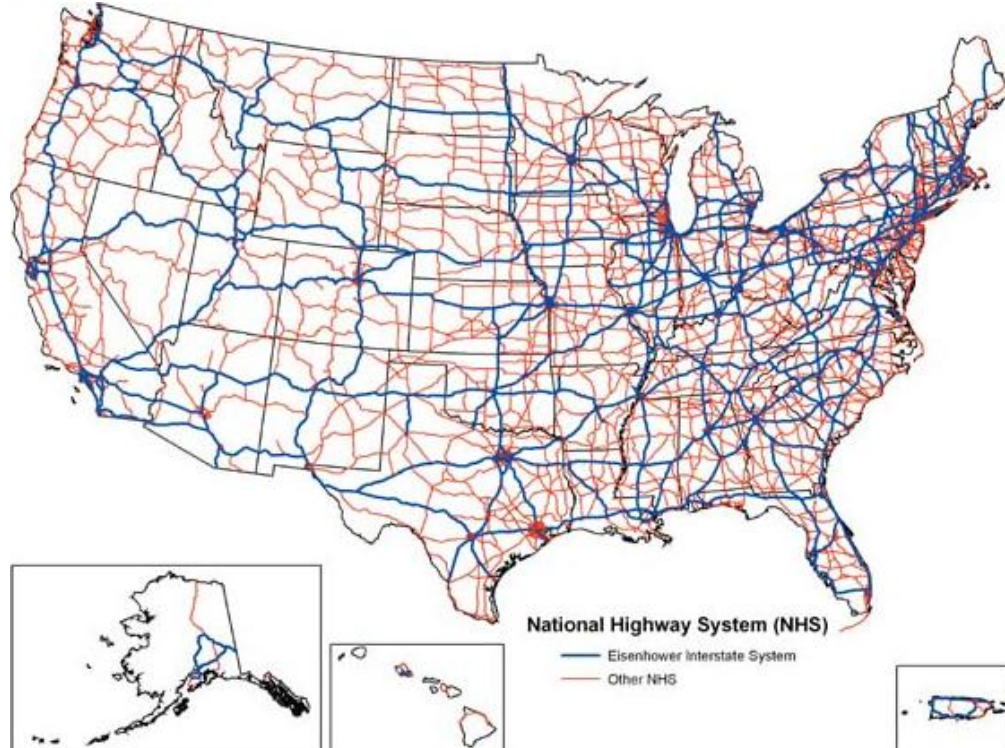
When President Franklin D. Roosevelt submitted his "Toll Roads and Free Roads" to Congress on April 27, 1939, he concluded that their decision emphasized the need of a system of direct highways in order to meet the requirements of national defense as well as meet the needs of growing traffic.<sup>43</sup> The Federal Highway Act of 1944 later authorized the designation of a 40,000 mile network of roads, creating the National System of Interstate Highways (Fig. 3),<sup>44</sup> and jumpstarted the "Interstate Era" which would continue through 1987.

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<sup>43</sup> Weingroff, Richard F. *Moving the Goods: As the Interstate Era Begins- An Introduction to Web Site Information on Freight Transportation*. US Department of Transportation Federal Highway Administration Website. Retrieved March 29, 2008. <http://www.fhwa.dot.gov/infrastructure/freight.cfm>

<sup>44</sup> Weingroff, Richard F. *Moving the Goods: As the Interstate Era Begins- An Introduction to Web Site Information on Freight Transportation*. US Department of Transportation Federal Highway Administration Website. Retrieved March 29, 2008. <http://www.fhwa.dot.gov/infrastructure/freight.cfm>

**Fig. 3: Eisenhower Interstate System Including All Other Roads**



**Source:** [http://www.upa.pdx.edu/IMS/currentprojects/TAHv3/Content/Conservation/JPGS/Natl\\_Hwy\\_System.jpg](http://www.upa.pdx.edu/IMS/currentprojects/TAHv3/Content/Conservation/JPGS/Natl_Hwy_System.jpg)

### **3. Twentieth Century Landmark Transportation Bills: ISTEA, TEA-21, and SAFETEA-LU**

#### **i. ISTEA**

ISTEA, or the Intermodal Surface Transportation Efficiency Act of 1991, is a US federal law that presented a major change in transportation funding, allowing for major developments in transportation planning and policy. It served as the first U.S. federal legislation accounting for the post interstate highway system era, presenting an overall intermodal approach to highway transit funding. This act included collaborative planning requirements, thus resulting in awarding MPOs significant power in its efforts. The act was first signed on December 18, 1991 and expired in 1997.<sup>45</sup>

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<sup>45</sup> Skinner, Samuel K. *The Intermodal Surface Transportation Efficiency Act of 1991- A Summary*. National Transportation Library. Retrieved April 8, 2008. <http://ntl.bts.gov/DOCS/ste.html>.

ISTEA places emphasis on broadening participation in transportation planning to involve stakeholders who have not previously been involved in transportation planning. These stakeholders include members of the business community, members of the public, and community groups. This involvement can serve to challenge transportation officials because attempting to engage such a diverse group of interests can be difficult. However, this broad participation seeks to ensure that decisions will be more responsive to local transportation needs. ISTEA promotes transportation systems that maximize mobility and accessibility while simultaneously seeking to minimize transportation related fuel consumption and air pollution. In order to meet these needs, MPOs must collaborate with transportation providers to develop transportation plans and programs. This process emphasizes the link between improved planning and better decisions by providing transportation planners with extensive tools for comprehensive planning. ISTEA defines specific elements that must be included in the transportation planning in metropolitan areas.<sup>46</sup> ISTEA allocates \$123.2 billion on highways, planning and safety, and \$31.5 billion on transit.<sup>47</sup>

## **ii. TEA-21**

The Transportation equity act for the 21<sup>st</sup> century, or TEA-21 was enacted June 9, 1998 and authorized the Federal surface transportation programs for highway, safety and transit. This bill lasted for 6 years from 1998 to 2003. TEA-21 preserves the basic framework of ISTEA with a few changes. These changes are mostly aligned with an increase in federal transportation funding. TEA-21 provides an increase in investments in Federal surface transportation of approximately 40% more than in the ISTEA bill, providing \$177 billion for highways, planning, and safety which included \$41 billion for transit. This funding covers the total funding for

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<sup>46</sup> Skinner, Samuel K. *The Intermodal Surface Transportation Efficiency Act of 1991 - A Summary*. National Transportation Library. Retrieved April 8, 2008. <http://ntl.bts.gov/DOCS/ste.html>

<sup>47</sup> The Library of Congress. Retrieved April 8, 2008. <http://thomas.loc.gov/cgi-bin/bdquery/z?d102:HR02950>

highways, highway safety, and public transportation programs originally provided under ISTEA.<sup>48</sup>

TEA-21 requires that seven planning factors be included in RTPs. The first factor articulates that the bill must support the economic well being of the metropolitan planning area, attempting to enable global competitiveness, productivity and efficiency. The second factor encourages an increase in the safety and security of the transportation system, highlighting the importance of taking into account both motorized and non motorized users. The third factor states that there must be an increase in accessibility and mobility options available to both people and freight. The fourth factor encourages the protection and the enhancement of the environment, the encouragement of energy conservation and the improvement of the quality of life. The fifth factor attempts to enhance the integration and connectivity of the transportation system. The sixth factor promotes efficient system management and operation. The seventh emphasized the importance of the preservation of the existing transportation system.<sup>49</sup>

### **iii. SAFTEA- LU**

SAFETEA-LU, or the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for All Users, was signed by the president George W. Bush on August 10, 2005. This act, which is the most recent transportation act signed, was enacted 22 months after the expiration of its precursor TEA-21, guaranteeing \$244.1 billion in funding for highways, highway safety and public transportation. This bill represents the largest transportation investment in the history of the United States. SAFETEA-LU builds on ISTEA and TEA-21 by

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<sup>48</sup> Binder, Susan J. (March/April 2006). *The Straight Scoop on SAFTEA-LU*. U.S. Department of Transportation Federal Highway Administration Website. ·Vol. 69 · No. 5. Retrieved April 3, 2008.  
<http://www.tfhr.gov/pubrds/06mar/01.htm>

<sup>49</sup> Binder, Susan J. (March/April 2006). *The Straight Scoop on SAFTEA-LU*. U.S. Department of Transportation Federal Highway Administration Website. Vol. 69 · No. 5. Retrieved April 3, 2008.  
<http://www.tfhr.gov/pubrds/06mar/01.htm>

supplying the funding and refining the programmatic framework for investments that are necessary to maintain and continue to grow the national transportation infrastructure.

SAFETEA-LU governs the transportation spending for the federal transportation infrastructure for the United States through 2010.<sup>50</sup>

SAFETEA-LU is commonly referred to as a 6 year bill, despite the fact that it represents a law covering 5 fiscal years (2005-2009). While the two previous acts covered 6 year time frames, SAFETEA-LU's total funding includes the 5 year period authorizing \$201.6 billion for Federal-aid highways, but also rescinds \$8.5 billion, providing a new fund of \$193.1 billion. The act also retains the Federal-Aid Highway Program's core projects: The Surface Transportation Program (STP), the National Highway System (NHS), Interstate Maintenance Program, Bridge Program, and Congestion Mitigation and Air Quality Program, but adds one additional program, the Highway Safety Improvement Program (HSIP). Funding for these core programs encompass 63% of SAFETEA-LU's total funding.<sup>51</sup>

SAFTEA-LU emphasizes targeted investments. Its safety focus emphasizes the new Highway Safety Program and is structured in an effort to progress the reduction of highway fatalities. Other areas of concern in this program include work zones, older drivers and pedestrians (including children walking to and from school).

It's Equity focus builds on TEA-21's Minimum Guarantee program, which ensures that each state return its share of contributions to the Highway Trust Fund by contributing through gas taxes and other highway taxes. Its Innovative Finance approach allows for more ease in

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<sup>50</sup> Federal Highway Administration Office of Legislation and Intergovernmental Affairs Program Analysis Team. *A Summary of Highway Provisions in SAFTEA-LU*. (2005). U.S. Department of Transportation Federal Highway Administration. April 25, 2005. Retrieved April 8, 2008. <http://www.fhwa.dot.gov/safetealu/summary.htm>

<sup>51</sup> Binder, Susan J. (March/April 2006). *The Straight Scoop on SAFTEA-LU*. U.S. Department of Transportation Federal Highway Administration Website. Vol. 69 · No. 5. Retrieved April 3, 2008.. <http://www.tfhr.gov/pubrds/06mar/01.htm>

private sector participation in highway infrastructure projects, allowing for new ideas and resources to be included in these approaches. In addition, this focus stimulates needed private investment by allowing for additional flexibility in the use of tolling as a method to finance infrastructure improvements. The focus on Congestion Relief attempts to take on one of the most difficult present transportation issues. The bill gives states greater flexibility in managing congestion through road pricing as well as promoting traffic management. Another focus, on Mobility and Productivity allows SAFTEA-LU to provide investment in infrastructure aid programs, as well as financial incentives for programs that improve interregional and international transportation. These programs attempt to address regional transportation needs, and fund projects that relate to national and regional transportation, including improved freight transportation.

The act's focus on Efficiency advances SAFTEA-LU's pilot program "Highways for LIFE," which seeks to advance longer lasting highways through the use of innovative technologies that speed up construction of safe highways and bridges. The Environmental Stewardship Program provides increasing funds for the environmental programs offered under TEA-21 and adds new programs focused on environmental stewardship including a new innovative program for non-motorized transportation and safe routes to school. Its Environmental Streamlining focus attempts to streamline the environmental processes central to transportation projects. This includes a review process for projects that increases the authority held by transportation agencies.<sup>52</sup>

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<sup>52</sup> Office of Legislation and Intergovernmental Affairs Program Analysis Team. *A Summary of Highway Provisions in SAFTEA-LU*. U.S. Department of Transportation Federal Highway Administration. Retrieved April 10, 2008. [http://ops.fhwa.dot.gov/safetea/hwy\\_provisions.htm](http://ops.fhwa.dot.gov/safetea/hwy_provisions.htm)

#### **IV. Background on Georgia initiatives**

##### **1. Regional State Agencies**

The interconnected agencies of the Atlanta Regional Commission (ARC), the City of Atlanta and the Bureau of Planning, the Department of Community Affairs (DCA), Georgia Department of Transportation (GDOT), the Georgia Rail Passenger Authority (GRPA), and the Georgia Regional Transportation Authority (GRTA) work together to formulate, administer, regulate and oversee land use and transportation plans at the regional, local or state levels and within their respective authoritative boundaries where applicable. These agencies also work with the Metropolitan Atlanta Rapid Transit Authority (MARTA) when plans coincide with mass transit plans. The Transit Planning Board (TRB) is a joint venture between MARTA, ARC and GRTA to oversee transit planning in the metro area and secure new sources of funding for transit planning and implementation.

##### **ARC<sup>53</sup>**

The Atlanta Regional Commission (ARC) is one of 16 Regional Development Centers (RDC) created by the Board of the Department of Community Affairs (DCA) “to develop, promote and assist in establishing coordinated and comprehensive planning, to assist local governments, and promote the essential public interests of the state and its citizens.” RDCs are planning and development agencies which promote quality growth and development across multi-county jurisdictions. They serve municipal and county governments, providing professional technical assistance to state and federal agencies as well as to local governments. For instance, the ARC RDC covers 10 counties of the Atlanta metropolitan region. RDCs are involved in a variety of tasks and as it regards to this report: comprehensive planning, land use development and coordinated transportation.

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<sup>53</sup> Atlanta Regional Commission. “Planning for a Growing Region.” [http://www.atlantaregional.com/html/23\\_ENU\\_HTML.htm](http://www.atlantaregional.com/html/23_ENU_HTML.htm). See also “History, Funding and Membership.” [http://www.atlantaregional.com/html/186\\_ENU\\_HTML.htm](http://www.atlantaregional.com/html/186_ENU_HTML.htm)

ARC is also the name of the regional planning and intergovernmental coordination agency for the 10-county Atlanta area, including Cherokee, Clayton, Cobb, DeKalb, Douglas, Fayette, Fulton, Gwinnett, Henry and Rockdale counties, as well as the City of Atlanta within both Fulton and DeKalb Counties. The Metropolitan Planning Organization is also federally designated to manage 18 counties of the Atlanta region for regional transportation planning to meet federal clean air standards and to implement the RTP. In addition to the above 10 counties it includes the additional counties of Coweta, Forsyth, Paulding, and portions of Barrow, Newton, Spalding, and Walton counties. The 18-county area takes into account current and future predicted urban areas through 2030.

The ARC has coordinated the planning efforts in the region since 1947, when the first publicly-supported, multi-county planning agency in the United States was created. At that time, the Metropolitan Planning Commission (MPC) served DeKalb and Fulton counties and the City of Atlanta. ARC oversight has grown to accommodate its current 10 counties and 63 municipalities. ARC is funded through a variety of local, state, federal and private funds. Georgia law, however, mandates a structure to local funding for the purposes of state and federal matching funds.

### **City of Atlanta and the Bureau of Planning**

The City of Atlanta manages issues related to planning within the city limits. The Bureau of Planning is in charge of the Comprehensive Development Plan (CDP) which sets forth the social, economic and physical growth development of the City of Atlanta over the next 25 years. The most current plan accounts for the years 2004 through 2019. It is updated regularly every five years but land use plans are updated four times a year.<sup>54</sup>

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<sup>54</sup> City of Atlanta Online. Bureau of Planning. <http://atlantaga.gov/government/planning/cdp.aspx>. See also CDP references.



The CDP serves as a guide for the Capital Improvement Program (CIP) and the annual city budget. The two most important sections pertinent to this report are the sections on transportation and land use. Increasingly, there is market, social and governmental pressure to plan projects as integrated pieces of the regional picture. The transportation section focuses on improving the transportation network along the most important networks, and to expand and improve the multiple modes of Atlanta's transportation infrastructure. It states, "[c]onnecting these areas well will have the best return on public investment for our citizens." By doing so the city responds to clean air mandates and market conditions calling for more in-town living. This report notes, "[r]ecognizing that trips do not happen for their own sake but rather to connect places where people want to be, the City in all of its transportation priorities has linked its plans and actions to land use and environmental initiatives."<sup>55</sup>

The land use element of the CDP serves as the guide for Atlanta's future land use plans and reports on current land use status. Due to the landmark case of Moore vs. Maloney, the land use plan is updated four times annually. The Bureau states that "the goals of the [plan] are to ensure...the land resources of the City accommodate economic development, natural and historic resources, community facilities and housing."<sup>56</sup>

The Bureau has recognized the important idea that land use, zoning, development and transportation are interconnected and affect each another. To this end, transportation and land use are observed as highly correlated and both transportation and land use issues are intertwined in future planning studies.

## **DCA**

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<sup>55</sup> Ibid.

<sup>56</sup> Ibid.

The Georgia Department of Community Affairs (DCA) was created in 1977 to serve as an advocate for local governments at the state level. According to the information on their website, DCA operates many programs at the state and federal grant levels; serves as Georgia's lead agency in housing finance and development and solid waste reduction efforts; promulgates building codes to be adopted by local governments; and provides comprehensive planning, technical and research assistance to local governments.<sup>57</sup>

Within the DCA, the Planning and Environmental Management Division under the domain of the Office of Planning and Quality Growth, helps to implement quality growth best practices within communities across the state to address issues of development and quality of life. The Office of Planning encourages "smart growth" approaches for managing local development in communities. The Georgia Planning Act, Service Delivery Strategy Act and Georgia Development Impact Fee Act are also regulated and administered by this office. Activities associated with these laws include developing minimum planning standards and procedures for local and regional comprehensive plans; providing training and educational materials to local governments and RDCs on the coordinated planning process; monitoring developments of regional impact; and reviewing and verifying that local service delivery strategies comply with state law. Other responsibilities of the Planning and Environmental Management Division include conducting RDC performance audits, and through the Office of Decision Support Services, assisting in the development and integration of information systems for the division and providing mapping and geographical information system services department-wide.<sup>58</sup>

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<sup>57</sup> DCA. From "DCA Structure". Retrieved from: <http://www.dca.state.ga.us/main/About/structure.asp#PEMD>

<sup>58</sup> Ibid.

## **GDOT**

The State Highway Department was created on August 16, 1916 by an act of the Legislature. The Georgia Department of Transportation (GDOT) was created in 1972 by former Governor Jimmy Carter. Over 6,000 employees currently work for GDOT. Within Georgia, GDOT plans, constructs, maintains and improves road and bridges; provides planning and financial support for other modes of transportation such as mass transit and airports; provides airport and air safety planning; and provides air travel to state departments. GDOT also provides administrative support to the State Road and Tollway Authority and the Georgia Rail Passenger Authority.<sup>59</sup>

A majority of the Department's resources are directed toward maintaining and improving the state's network of roads and bridges. Proceeds from the state's motor fuel taxes are constitutionally earmarked solely for use on Georgia's roads and bridges. Non-road and bridge construction projects are supported by a combination of state general funds, federal funds and local funds. The Department is responsible for waterways, including the Intercoastal Waterway and the Savannah and Brunswick ports. Additionally, the department is responsible for rail transit.<sup>60</sup>

## **GRPA**

The Georgia Rail Passenger Authority (GRPA) was created for the purpose of construction, financing, operation, and development of rail passenger service and other public transportation projects within and connecting to the state of Georgia.

Plans for utilizing passenger rail on existing freight corridors in Georgia began in the late 1980s. Georgia Rail is the rail passenger program for Georgia. GDOT, GRPA and the Georgia Regional Transportation Authority (GRTA) have joined forces to complete the planning and

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<sup>59</sup> GDOT. About GDOT. Retrieved from: <http://www.dot.state.ga.us/aboutGeorgiadot/Pages/default.aspx>

<sup>60</sup> Ibid.

implement a system of commuter and intercity rail passenger service in Georgia over the next 14 years. Athens to Atlanta and Macon to Atlanta would be the first phase of the Program. In addition, extensive studies of passenger service impacts on existing freight operations are being conducted. Agreements with the CSX and Norfolk Southern Railroads will have to be reached and federal clearances obtained before service can be initiated. Several other US cities have implemented programs similar to what is being proposed here.<sup>61</sup>

### **GRTA**

In 1998 the metro Atlanta Chamber of Commerce recommended the formation of a new authority with broad powers to work with local governments due to both federal road funding restrictions and national publicity about Atlanta's air pollution and traffic problems. Atlantans had been and continue to be ranked high among national drivers in amount of daily distances traveled. Developmental growth was at that time 50 acres a day and the amount of developed land far exceeded the rate of population growth indicating low density development throughout the region and a disconnect between transportation and land use. The summer of 1999 saw a lawsuit which brought the issue to full light and necessitated the creation of this authority. Crisis loomed when federal funds for new highway projects were to be restricted in the 13-county metro area because of nonattainment status under the Clean Air Act.<sup>62</sup>

The Georgia Regional Transportation Authority (GRTA) was formed in 1999 to deal with regional growth-related issues and help combat problems stemming from poorly managed growth. Its creation was one of the centerpieces of that year's General Assembly session. GRTA was formed to insure that metropolitan Atlanta would be able to sustain its economic growth, while maintaining the excellent quality of life that had made the area so attractive to

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<sup>61</sup> Georgia Rail Passenger Authority. <http://grpa.georgia.gov/01/home/0,2167,1337501,00.html>; Also, Georgia Rail Passenger Program. <http://www.garail.com/Pages/Home.html>

<sup>62</sup> GRTA. Background & History. Retrieved from: [http://www.grta.org/about\\_us/about\\_us\\_background.htm](http://www.grta.org/about_us/about_us_background.htm)

businesses and workers. GRTA is charged with combating air pollution, traffic congestion and poorly planned development in the metropolitan Atlanta region, which is currently designated nonattainment under the federal Clean Air Act. As other areas of the state fall out of attainment, they also fall under the oversight of GRTA.<sup>63</sup>

GRTA can issue \$1 billion in revenue bonds and \$1 billion in general obligation bonds, the latter of which must be approved by the General Assembly. GRTA can assist local governments in financing transit or other projects to alleviate air pollution. GRTA board approval is also required for land transportation plans in the region and for use of federal or state funds for transportation projects associated with Developments of Regional Impact (DRI) that have the potential to affect the metropolitan transportation network. Additionally, the 15 board members of GRTA also sit as the Governor's Development Council, and in that capacity they are responsible for assuring that local governments meet state requirements for land use planning.<sup>64</sup>

## **2. Atlantic Station as a Project XL Transportation Control Measure**

The context behind Atlantic Station has similarities with the formation of GRTA.

Because Atlanta had consistently failed to meet federal Clean Air Act requirements, the city was restricted from initiating certain types of transportation construction projects, however developmental growth was still pushing ahead. In 1999 Jacoby Development had their sights set on a 138-acre brownfield site occupied by Atlantic Steel, in a location bounded by Interstates 75 and 85, nearby MARTA Arts Center Station and Northside Drive. The Atlantic Station redevelopment transformed a former steel mill brownfield site into a 138-acre mix of residential, shopping and commercial uses. It represents one of the largest urban redevelopment initiatives in the country.

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<sup>63</sup> Ibid.

<sup>64</sup> Ibid.

To be a successful project, a new bridge would be needed to connect Atlantic Station with Midtown and the interstates. As a result of being both physically and legally bounded, the developers formed a public/private partnership with the local government and the EPA. Through the EPA's Project XL (eXcellence and Leadership) program, developers were granted regulatory flexibility in exchange for them employing strategies to test cost-effective ways of achieving environmental and public health goals. The entire Atlantic Station site was classified by the EPA as a Transportation Control Measure (TCM), a transportation project that demonstrates an air quality benefit and reduces emissions from transportation sources by reducing vehicle use or changing traffic patterns. The new 17th Street bridge that crosses over and provides access from the Interstates is part of the TCM and connects the site to the nearby MARTA Arts Center station. The new bridge has dedicated lanes for vehicles, pedestrians, bicycles, and transit and may eventually carry light rail.

As part of Project XL, Atlantic Station developed a comprehensive transportation plan, the Access+mobility Program (ASAP+). ASAP+ establishes a goal and process for reducing single occupancy vehicle trips by 25% during a five year period through alternative transportation services, informational tools, and incentives. Services offered by the Atlantic Station project include a shuttle linking the site with the Arts Center MARTA Station, a van pool program, a ride-sharing assistance program, guaranteed rides through 1-87-RIDEFIND, bicycle storage facilities and special event shuttles. The Arts Center Shuttle is now has one of the highest ridership rates in the region. Informational tools include ASAP+ Access Guides, travel information and kiosks. Alternative transportation incentives include transit pass discounts, preferred parking for carpools, shared parking, monthly prize drawings, discounts for walkers

and bikers and promotions for movie-goers who use alternative forms of transportation.<sup>65</sup> Figure # below shows 17<sup>th</sup> street through Atlantic Station and the new bridge in the far background which connects it to Midtown.

**Figure 4: The Atlantic Station Development looking east towards Midtown**



**Source:** <http://www.smartgrowthamerica.org/images/atlanticstation.jpg>

EPA's Project XL is a national pilot program that allows federal, state and local governments and businesses to develop innovative strategies for achieving environmental and public health protection. Project XL was required for the Atlantic Steel redevelopment because neither the multimodal bridge nor the associated interstate access ramps would be able to proceed without the regulatory flexibility allowed by EPA under its XL Program. EPA used an innovative approach to approve the entire Atlantic Steel redevelopment project as a TCM.

EPA, in cooperation with several federal, state and local agencies, completed an Environmental Assessment (EA) for the project as part of compliance with the National

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<sup>65</sup> The Epsten Group, Inc. (2003). "171 Seventeenth". Retrieved March 2, 2008 from: [www.atlanticstation.com/press/presskit/171.pdf](http://www.atlanticstation.com/press/presskit/171.pdf)

Environmental Policy Act of 1969 (NEPA). The EA considered the impacts of the entire redevelopment project, including the supporting transportation infrastructure. The EA was completed with opportunities for public comment and agency coordination. EPA Region 4 has oversight authority under Project XL and shares oversight authority on the Atlantic Steel TCM with the State of Georgia. Annual monitoring is a requirement to ensure that the project is meeting the performance targets included in the TCM. The Project XL Final Project Agreement (FPA) includes a requirement that the developer prepare annual reports providing a summary of environmental performance data and describing progress toward completing the project. The FPA also includes provisions for an annual public meeting to be held each year.<sup>66</sup>

The EPA announced the approval of the Atlantic Steel TCM into the Georgia State Implementation Plan (SIP) in August 2000. The SIP is Georgia's plan for meeting EPA's health-based National Ambient Air Quality Standards (NAAQS) for clean air in all areas of the state. It is the first TCM in the country to explicitly recognize the air pollution benefits of well designed smart growth development.<sup>67</sup>

### **3. MARTA, Transit Planning Board, The BeltLine and the Georgia Brain Train**

The first mention of a new form of transportation was discussed in two Atlanta Metropolitan Planning Commission reports from 1950 and 1954, entitled *Up Ahead* and *Now for Tomorrow*, respectively. Although both dealt primarily with the planning of freeways, they specifically mentioned rapid transit as an emerging priority in the coming years. The Atlanta MPC used these studies as a springboard into two proceeding reports entitled *Access to central*

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66 EPA. "Atlantic Steel Redevelopment Project". 3 December 2007. Retrieved from: <http://www.epa.gov/region4/opm/nepa/atlanticsteel.htm>

67 EPA. (2000, August 24). "EPA announces approval of the Atlantic Steel transportation control measure into the Georgia State Implementation Plan." Retrieved from: <http://yosemite.epa.gov/opa/admpress.nsf/b1ab9f485b098972852562e7004dc686/2b1f2702de8937e8852573600072fd31!OpenDocument>



*Atlanta* and *Crosstown and bypass expressways*. The MPC concluded in both that merely adding more capacity to existing motorways or constructing new roadways would not be feasible solutions to future transportation needs. The Georgia Highway Department disagreed with the conclusions because they were both ingrained within the inveteracy of the highway-motor lobby and because they insisted highways were a sufficient solution.

The Atlanta Parking Commission reported in 1953 that Downtown Atlanta was experiencing a lack of parking and congestion in its streets. It had seemed the overwhelming majority of people were driving to places of work and leisure as opposed to riding there by bus or other forms of transportation. It was feared that if a solution was not found, Atlanta would become one huge and crowded “expressway parking lot.”<sup>68</sup> By the end of the 1950s driving and parking in Atlanta was becoming increasingly more difficult to manage and it was obvious the city could not continue in this same vein.

The 1960s saw the publication of a number of studies and reports that intensified and gave momentum to the topics of congestion relief and rapid transit. The Atlanta Transit System published *Rapid...Atlanta*, a \$59 million plan that called for sleek electric trains operating on 16 miles of track enabling suburban to urban commuting. The plan was backed by members of the business community but initially garnered little public attention. Consequently, when the state later voted for rapid transit to be one of the state’s functions and for establishment of a regional transportation agency, the amendment would pass only in Fulton and DeKalb counties—the two counties that needed it the most. Rural voters and the trucking association opposed due to a belief they were being left out in the cold with higher taxes used to pay for a system they would not be using. However, the plan was remarkable because it was the first specific proposal for rapid transit and because it was headed by Robert Sommerville, president of the busing company

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<sup>68</sup> O. E. Carson. (1983). The Trolley Titans. Interurban Press. Glendale, CA. p. 159.

Atlanta Transit System. Following *Rapid...Atlanta* was the 1960 Atlanta Regional Metropolitan Planning Commission publication, *What you should know about rapid transit*, and the 1961 report, *Atlanta region comprehensive plan: rapid transit*, in which was proposed a five-county wide, 60-mile long plan worth \$215 million.

The Metropolitan Atlanta Transit Study Commission (MATSC) was formed by the Georgia House of Representatives to undertake a study and feasibility program for a mass transit system. In December 1962 MATSC presented its report titled *A Plan and Program of Rapid Transit for the Atlanta Metropolitan Region* that claimed automobile-dominated Atlanta in 1962 was no better than the Atlanta of 1862 when mule carts choked the city streets; in fact, it was worse. The same is still plausible of Atlanta now. The proponents to a high-speed electric rail network claimed that adding more capacity with more expressways or highways—as was and unfortunately still is the common solution to congestion—would not solve the problem. The plan called for 66 miles of track with 42 stations utilizing feeder buses and park-and-ride stations. The entire 5-county network would naturally center on Downtown Atlanta.

Also during this time came the six-point plan from Atlanta Chamber of Commerce president Ivan Allen, Jr. In it, rapid transit was at the forefront, promising to pull the city out of its impending miasma of congestion while differentiating it from others in the region. When he was later elected mayor, rapid transit was a major priority and he helped further the arduous push for rapid regional transit.

In March of 1963 MATSC formed the Rapid Transit Committee of 100 for financing purposes and to inform the public about the importance of rapid transit as was outlined in the December 1963 report. The following year, the Committee of 100 was dissolved by state and

replaced by the Georgia State Study Commission which reviewed and approved the previous MATSC plan.

The Metropolitan Atlanta Rapid Transit Authority (MARTA) was formed out of the state act of the same name in 1965 but still needed approval in the counties it would operate within. A referendum passed in all Atlanta regional counties except Cobb, which was opposed by 57% of the vote. Because it was approved in 4 counties out of 5, MARTA became official January 1966. In November, a successful statewide Constitution amendment allowed the state to pay for 10% of total transit costs. In 1967 the new agency drew up a new plan that cost \$190 million more than the original. Public outcry about the new cost resulted in a failing 1968 referendum. A variety of reasons contributed to the referendum's failure: marked service inequality in black neighborhoods, failure to guarantee minority employment and attain federal support and poor involvement on the part of local officials, among others.<sup>69</sup>

The interest in rapid transit was sparked but funding the project was a major obstacle. The governor signed state tax for rapid transit purposes in 1971 instead of the largely unpopular property tax increase. Also in 1971, for just under \$13 million, MARTA bought Atlanta Transit System, the last company surviving the streetcar era into the busing era. The US Department of Transportation approved of a \$30 million federal grant to be used for bus improvements. A special referendum the same year passed in the city of Atlanta, DeKalb and Fulton but failed in Clayton and Gwinnett counties. Voters in latter counties disapproved of the only 9 miles of track laid in both their counties while having to contribute the same taxation as DeKalb and Fulton. Methods of voting were changed for the 1971 referendum which may have contributed to the failure to pass in those counties. Additionally, fears that MARTA would expedite racial integration and that property values would plummet helped kill the vote. MARTA's suburban

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<sup>69</sup> Ibid.

critics limited the effectiveness of the system to solve the region's transportation problems and helped to define the suburban and urban areas of the region. Because they have retained representatives on the board, suburbanites unfortunately continue to resist any expansion of MARTA into suburban territory while all of metro Atlanta suffers from increasing congestion paired with higher gasoline prices, decreasing quality of life and a deteriorating environment.

Ground broke in 1975 for the part of the plan that had passed—the East Line through Georgia State, Decatur and Avondale Stations—and opened in 1979 along with the West Line through Hamilton E. Holmes and Five Points Stations. The line proved to be very successful. Three years later, the North-South line opened from Garnett through to North Avenue, and a year later the line had been expanded north to Arts Center. The section between West End and Lakewood-Fort McPherson opened in 1984 and East Point opened in 1986. Although built originally in 1980 with the construction of Hartsfield International, the Airport Station didn't open until 1988. In 1992, Proctor Creek Branch and Bankhead Stations opened. Kensington and Indian Creek Stations opened in 1993. The stations of North Springs and Sandy Springs were opened in 2000 and served the northernmost part of the region. Today, MARTA operates 38 train stations with approximately 130 bus lines serving metropolitan Atlanta.<sup>70</sup>

### **Transit Planning Board**

The Transit Planning Board (TPB) is a partnership between MARTA, ARC and GRTA to oversee transit planning in the metro area and secure new sources of funding for transit planning and implementation. TRB was created by a joint resolution of ARC and its Regional Transit Institutional Analysis which determined the metro area had a lack of transparent institutional transit planning and financing.

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<sup>70</sup> MARTA. Retrieved from <http://www.itsmarta.com>

The TPB Board is comprised of 19 representative board chairs from GDOT, GRTA, MARTA, local county commissioners from the each of the ten counties, the Mayor of Atlanta, City of Atlanta representatives and gubernatorial appointees.

The responsibilities of TPB include a conducting a two-year planning phase, developing a regional transit plan to include a financial structure; coordination of regional transit service, including fare integration, marketing and customer information; measure system information; and advocate for increased federal transit funding.

### **The BeltLine**

The Inner Core Feasibility Study was initiated by former Georgia Tech graduate student Ryan Gravel (1999) and advocated by former Atlanta City Council president Cathy Woolard. Gravel envisioned a series of parks, green spaces, recreational facilities and mixed-use development tied together with walking and bicycle trails and fixed-guideway transit. MARTA initiated the study in early 2003. The main objectives of the study were to identify appropriate transit investments and determine the feasibility of the BeltLine concept among other alternatives to adequately address the growing need for mobility concerns within the inner core of central Atlanta.

Composed of multiple institutional, historic, cultural and medical destinations and resources, the inner core covers some 29,000 acres or 45 square miles. Over 70% lies within the incorporated City of Atlanta in Fulton County with the remainder in unincorporated DeKalb County. It includes the heart of Midtown and historic Downtown Atlanta and the surrounding residential neighborhoods.

**Fig. 5: The Proposed BeltLine Route**



**Source:** MARTA, Inner Core Feasibility Wrap Up Report, 2005

The primary focus of the project stemmed from the growing need to improve system access, connectivity, mobility and safety while minimizing costs. Additionally, the project desired to address the growing concerns with congestion and system efficiency, complement redevelopment and land use plans with the City of Atlanta, and positively impact environmental and cultural resources. Lastly, to the highest extent possible, the project needed to distribute both the benefits and burdens of investment.

Through the public outreach and involvement program outlined by the study, multiple alternatives were analyzed for the BeltLine concept. The process was inclusive, project-embedded and continual. It featured interviews, workshops and formal public meetings involving community members, business and city leaders, public officials and appointees. Dominant concerns of the public included the need for additional transit, exploration of economic, development and revitalization possibilities, and the need to address congestion concerns. Other concerns included project funding and timeline, the project's alignment with

other projects and studies (such as the Trust for Public Land's (TPL) Greenspace Initiative), and the realization of revitalization and development along the totality of the project corridor.

Seven possible transit alignments, including a no-build, arose out of the public meetings. They were evaluated with regional travel demands, geographic information systems and conceptual engineering estimates. Additionally, the alternatives were evaluated with criteria consistent with Federal Transit Administration (FTA) evaluation criteria for Alternatives Analysis. The criteria measured for:

- Mobility and accessibility
- Land use and redevelopment
- Environmental Effects
- Cost effectiveness
- Congruency with project goals and objectives

Due to the nature of the project, qualitative measures were used to evaluate the differing alignments. It was found that transit investment would improve neighborhood connectivity, complement with the existing MARTA system, support redevelopment and revitalization and capture riders in a cost effective manner.

The BeltLine configuration forms a teardrop shape around Midtown and Downtown Atlanta along rail right of way. The benefits to this alignment include improved neighborhood connectivity and wide public and city support. Considerations include the current freight and passenger rail usage along the rail right of way, missing segments of rail, infill development at MARTA stations, land ownership transference, and coordination with GDOT commuter rail.

Two major considerations taken into account with the transit concepts include the TPL's Greenspace Initiative and the study of the creation of Tax Allocation Districts (TAD) sponsored by the Atlanta Development Authority (ADA). TPL proposed a series of parks and green space along with transit alternatives tying together neighborhoods and recreational facilities along the

23 mile project corridor. ADA completed a study for the creation of a BeltLine TAD to facilitate both public and private investment in mixed-use development, green space and transportation options within the corridor. The study foresees the BeltLine constructed in segments, with the first constructed from MARTA stations. When a TAD was implemented, city bonds would be issued for improvements along the corridor, with increased tax revenues due to development and improvements going back to pay for the bonds. Recently, the portion of TAD funding taken from public school districts was found to be unconstitutional to use. Up to 50% of TAD money came directly from school funding.

Funding constraints precipitate a need to be fiscally frugal especially with transportation planning. Traditional approaches to funding could point to the FTA's Section 5309: New Starts and Small Starts Program, the federal government's primary funding resource for new transportation capital improvements. Underneath this program, projects must meet certain criteria and must successfully complete appropriate steps in the major capital investment planning and project development process before receiving funds on a discretionary basis.

Formulation of a finalized version of the project alignment is forthcoming as well as financial decisions regarding level of funding and identification of funding sources are expected to be issued within the next few years. Currently, the BeltLine project has run into problems with land acquisition and the creation of parkland in various places, but it is expected the public interest and mayoral support of the project will allow the project to be completed within the next 20 years.

### **The Brain Train**

The Brain Train, also known as the Athens-Atlanta Connector, is a possible solution to the increasing amount of congestion, pollution and lack of transportation options for drivers and



non-drivers in the growing region between Athens and Atlanta, Georgia. This region contains the growing Atlanta suburban counties of DeKalb, Gwinnett, Oconee, and Barrow. According to the ARD, the traffic volumes in this region, along I-85 are expected to increase by 8.9% by 2025.<sup>71</sup> The Brain Train can also provide the citizens of these communities better access to employment centers and help meet federal clean air standards.

The Brain Train, as currently proposed, is a 72 mile long passenger rail system connecting Athens to Atlanta with stops in Bogart, Winder, Cedars Road, Lawrenceville, Reagan Parkway, Lilburn, Northlake, Tucker, Emory University, Atlantic Station and Multi Modal Passenger Terminal (Figure #). The majority of the rail line would be composed of the existing CSX rail track, which is currently utilized for freight.<sup>72</sup>

The plan was first proposed through GDOT and ARC, GRPA and then GRTA. In the late 1990s and early 2000s the Brain Train proposal was in development, with funding sources becoming apparent. Fourteen years after the idea was brought to the publics' attention, the Brain Train still remains as it was, merely an idea. This report will look at the path of the Brain Train development, assess its economic, environmental and social impacts and provide recommendations on the future development of this idea into a sustainable reality.<sup>73</sup>

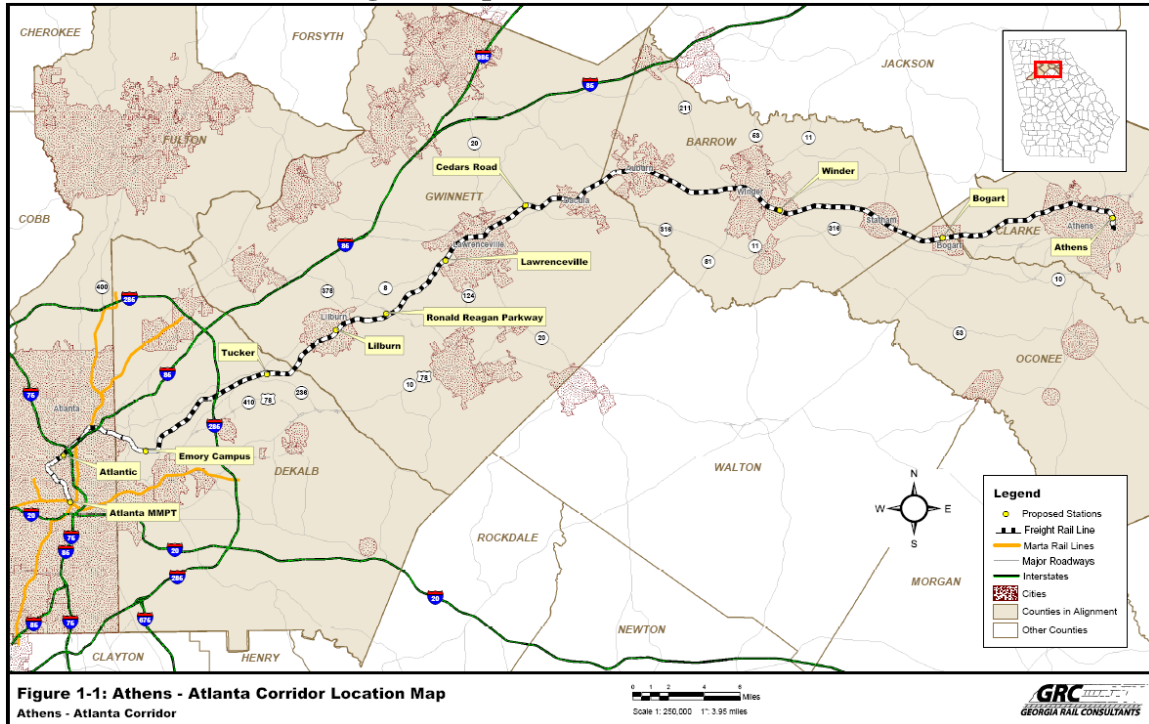
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<sup>71</sup> Georgia Rail Consultants. (2003). Environmental Assessment for the Athens to Atlanta Corridor Commuter Rail Service. US Dept. of Transportation, Federal Transit Administration & GA Dept. of Transportation (Eds.)

<sup>72</sup> Ibid.

<sup>73</sup> Ibid.

**Fig. 6: Proposed Brain Train Route**



Source: <http://www.garail.com/Pages/pdf/ea23dec03.pdf>

#### 4. Livable Centers Initiative (LCI)

The Livable Centers Initiative (LCI) is a program offered by the Atlanta Regional Commission that encourages local jurisdictions to plan and implement strategies that link transportation improvements with land use development strategies to create sustainable, livable communities consistent with regional development policies. The counties of Acworth, Alpharetta, Cherokee County, Conyers, Decatur, Fayetteville, Gwinnett and the City of Atlanta and Hapeville have LCI developments or currently have them in planning stages. Assistance organizations include the Atlanta Bicycle Campaign, Atlanta Neighborhood Development Partnership, Atlanta Regional Health Forum, GeorgiaBikes!, Georgia Conservancy, Georgia Department of Community Affairs, Georgia Department of Transportation—Bicycle and Pedestrian Program, Livable Communities Coalition, PATH Foundation, Pedestrians Educating Drivers on Safety, Southface, and the Urban Land Institute Atlanta.

Planning grants are awarded on a competitive basis to local governments and non-profit organizations, known also as LCI sponsors. LCI sponsors are those lead organizations that have undertaken LCI studies and have certain benefits such as being eligible for LCI transportation projects and are responsible for attending quarterly LCI meetings. Sponsors prepare LCI plans for the enhancement of existing centers and corridors, taking advantage of the infrastructure and private investments existing in these communities, achieving more balanced regional development, reducing vehicle miles traveled and improving air quality.

The primary goals of the LCI program are to encourage a diversity of mixed-income and mixed activity choices in residential neighborhoods at the activity center, town center, and corridor level. Important goals include a range of travel modes including transit, roadways, walking and biking to enable access to all uses within the study area, and develop an outreach process that promotes the involvement of all stakeholders.

LCI communities have made significant effort and commitment to create and implement innovative plans for the improvement of their town centers, activity centers, and corridors. ARC rewards sponsors for their success by offering additional funding resources for supplemental studies and transportation projects and monitors the success of these LCI studies and projects through an annual report. The inclusion of pedestrian friendly elements, mixed-use developments and a greater balance between jobs and housing in LCI communities has confirmed that the LCI program is a success.<sup>74</sup>

In March of 2000, ARC approved an allocation of \$5 million over 5 years to fund the study portion of the program. ARC also approved \$350 million for priority funding of transportation projects resulting from the LCI studies. The ARC Board, in December 2004,

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<sup>74</sup> ARC. (2007). "2007 LCI Implementation Report". Retrieved from: [http://www.atlantaregional.com/documents/LCI2007ImplReport\\_Web.pdf](http://www.atlantaregional.com/documents/LCI2007ImplReport_Web.pdf)

extended the LCI program to include another \$5 million for 5 additional years of planning studies and added \$150 million for priority funding of transportation projects (for a total commitment of over \$500 million).

When the LCI program was conceived in 2000, ARC set aside \$350 million over 25 years in the 2025 RTP to fund transportation projects recommended as part of LCI studies. Funds were increased to \$500 million as part of the 2030 RTP. This program is an incentive to sponsors to implement their local land use policy and housing recommendations. Sponsors that can demonstrate successful implementation of their overall plan will compete better for transportation funds.<sup>75</sup> Additionally, the LCI Supplemental Study program provides LCI communities with additional funding to help ensure a successful outcome to strengthen the key role these communities play in our region's future. Despite their good work, the region's LCI communities have indicated that sometimes additional studies are needed to help implement their plans. This program provides an opportunity for sponsors to place a greater focus on issues such as access management, design guidelines, or meeting the growing demand of our aging population. The LCI Supplemental Study funds help bridge the gaps between plan completion and implementation.

Sponsors wishing to receive transportation funds must first pre-qualify transportation projects from their 5-year LCI work program. Requests must meet LCI implementation guidelines. Each LCI study area can pre-qualify up to two projects. The listing of these projects is updated every 2-3 years for all existing sponsors, and amended each year for studies completed or grandfathered in the previous calendar year.<sup>76</sup>

Sponsors can submit a competitive application for pre-qualified projects in coordination

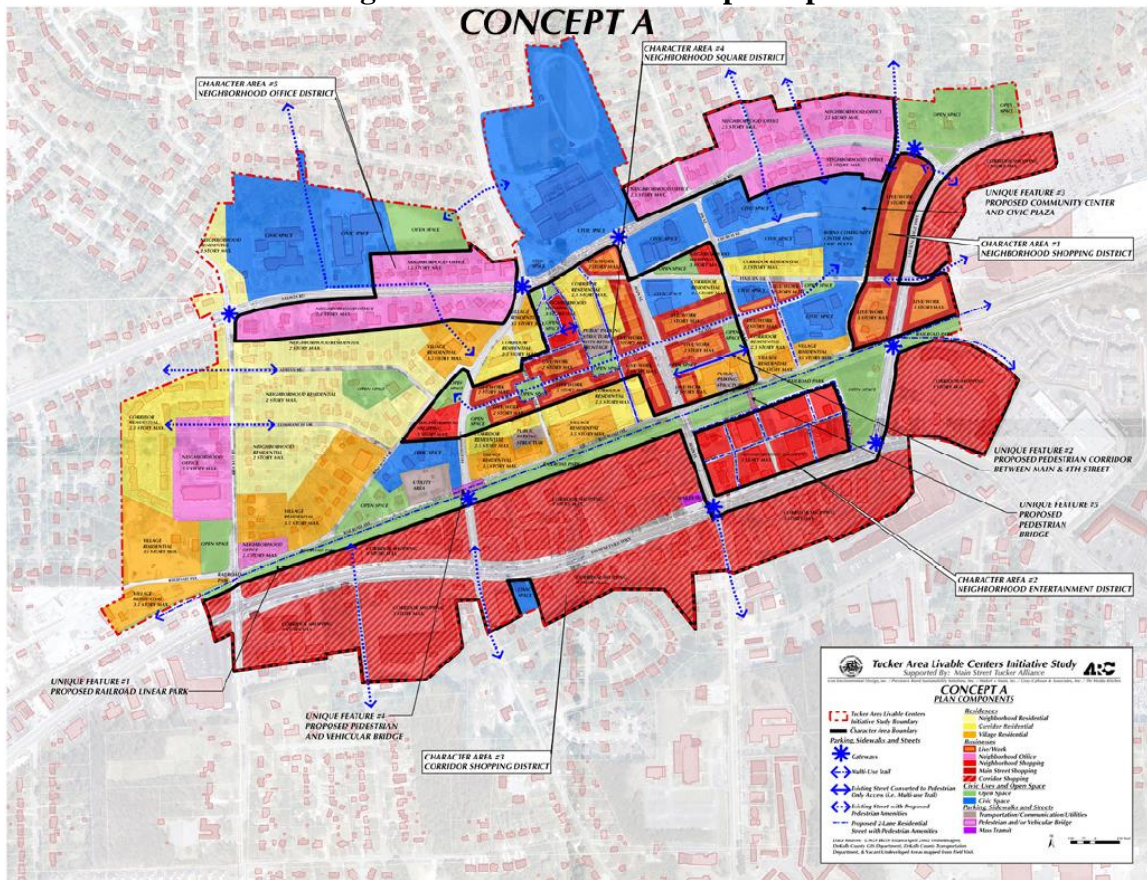
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<sup>75</sup> ARC. (2005). LCI Transportation Program. Retrieved from: <http://www.atlantaregional.com/html/324.aspx>

<sup>76</sup> ARC. (2006, February). "LCI Program Implementation Guidelines". Retrieved from: [http://www.atlantaregional.com/documents/lci\\_guidelines.pdf](http://www.atlantaregional.com/documents/lci_guidelines.pdf)

with an update to the Transportation Improvement Program (TIP) to receive a notice to proceed from ARC to begin with the concept study phase. The requirements and a presentation on the process have been included below. Once a concept study is approved by ARC, an LCI sponsor can begin the Plan Development Process (PDP) for Preliminary Engineering.<sup>77</sup> Fig. 7 below shows a conceptual map for Tucker, Georgia’s LCI and the three-dimensional model follows it.

**Figure 7: Tucker LCI Concept Map  
CONCEPT A**



Source: <http://www.tuckerlci.org/docs/11x17WebFormat.pdf>

In 2005, ARC developed a set of guidelines for LCI project sponsors to ensure successful implementation of the LCI Transportation Program. ARC is in the process of reevaluating these guidelines and intends to bring them to the ARC Board for formal adoption in early 2006.<sup>78</sup>

<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

**Figure 8: 3-D Model of Tucker LCI**



Source: [http://www.tuckerlci.org/docs/CommMtg5\\_3D\\_Model\\_of\\_Concept\\_Plan.pdf](http://www.tuckerlci.org/docs/CommMtg5_3D_Model_of_Concept_Plan.pdf)

**V. Legal Alternatives for Georgia: Agencies for Land Use and Transportation**

“The Atlanta metropolitan area’s population has more than doubled since 1970; just in the last decade it increased by 25 percent to 3.2 million residents at the turn of the 21st century.”<sup>79</sup> This population surge caused Atlanta to enter the suburban era. Atlanta’s main source of growth is found in its highway corridors, giving rise to its suburban centers and providing access for continued low-density sprawl. Today, the Atlanta region has about 1,370 people per square mile, compared to 5,400 in Los Angeles; however, like Los Angeles, population in the city limits has shrunk. According to GRTA, “[i]n 1980, the City of Atlanta accounted for 22.4 percent of the metropolitan area population, it now is home to only 13.3

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<sup>79</sup> Porter, Douglas R. Georgia Regional Transportation Authority: Grappling with Sprawl in Atlanta. The Growth Management Institute. p. 2.

percent; suburbs in the year 2000 grew 100 times more than the city.”<sup>80</sup> Low-density housing in the city of Atlanta leads to low-density employment centers, most reachable only by car. As a result, the suburban population is traveling longer distances to work, and as the number of commuters increase, so too does congestion, and 90% of the regions’ commuters drive to work. The average Atlanta driver faced 68 hours of traffic delays in 1997 compared to 30 hours a year in 1990. This combination of delay and fuel will cost the region more than \$2 billion a year. The projected growth of one million more people by 2025 will continue add to the problem. Atlanta’s drivers are expected to increase their time in a car from 80 minutes per day in 2001 to 90 minutes.<sup>81</sup>

Georgia benefits from legal mechanisms, mainly through state agencies, that disperse funding to areas based on quality growth standards. This allows agencies to coordinate transportation needs with zoning and land use regulations. While this results in some priority funding, there is no state mechanism for local governments to approve zoning based on the same quality standards. However, under Georgia law, local governments can include these growth stipulations in their comprehensive plan.

Georgia planning law enables each local government to have a comprehensive plan and land use regulations. The comprehensive plan must include environmental, transportation, land use, and developmental factors. This was enabled by the Georgia Planning Act of 1989.<sup>82</sup> By 1995, comprehensive plans were built into local planning and zoning requirements. All zoning decisions are made by the local government in that district. They create zoning standards, development requirements, and decide how areas will be zoned within that district. In 1999,

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<sup>80</sup> Ibid.

<sup>81</sup> Porter, Douglas R. The Georgia Regional Transportation Authority. Grappling with Sprawl in Atlanta. The Growth Management Institute. p. 3.

[http://www.realtor.org/smart\\_growth.nsf/docfiles/grtareport.pdf/\\$FILE/grtareport.pdf](http://www.realtor.org/smart_growth.nsf/docfiles/grtareport.pdf/$FILE/grtareport.pdf).

<sup>82</sup> Official Code of Georgia, Annotated. (1989). Comprehensive Planning Act. O.C.G.A. 45-12-200.

Georgia law also provided for a regional transportation authority to coordinate land use and transportation. Each regional development center is also required to create a regional plan for their RDC to review for regional consistency. The regional plan aims at coordinating local and state agencies to address problems that can not be addressed by the local governments.<sup>83</sup>

A county's comprehensive plan must be updated every 10 years. On May 1, 2005, the comprehensive plan was changed to include four planning levels, based on population and annual growth rate. These levels and the criteria they must meet are approved by the DCA by law. For a comprehensive plan to meet the advanced level, the level of all metropolitan counties, the plan must meet three requirements: community assessment, agenda, and participation.<sup>84</sup>

### **1. State Agencies and Priority Funding**

The main tool coordinating development with transportation funding can be seen through the "carrot and a stick" theory. This is illustrated when agencies look at options in withholding funding for local areas that ignore land use needs, while aiming funds at local districts and commissions that establish transportation projects based on quality growth. Just as the DCA and GRTA were created by law, they are also given the right to access to state and federal funds and the right to approve or deny transportation projects requesting these funds as they see fit. Their decisive control allows them to control funds.<sup>85</sup>

The Georgia Planning Act authorizes the DCA to establish rules and procedures for state and local government to review development plans with regional impact. The list of factors they are authorized to approve must include transportation. The DCA was created in the Georgia code

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<sup>83</sup> North Georgia Regional Development Center, <http://www.ngrdc.org/regplan.html>.

<sup>84</sup> Fayetteville, Georgia. Comprehensive Plan. <http://fayetteville-ga-us.org/vertical/Sites/%7B7C2ED344-BB55-4347-B057-121AA147A84D%7D/uploads/%7BC397ACEE-9A50-460C-81D5-8639AC1C6A92%7D.PDF>.

<sup>85</sup> Georgia Code Annotated, Title 50, Chapter 32, Section 11 (28).



to approve transportation and development projects. Georgia law gives the DCA the power to withhold funding as a result of their assessments. Georgia code states:

In any case where a development of regional impact, as determined by Department of Community Affairs pursuant to Article 1 of Chapter 8 of this title, is planned within the geographic area over which the authority has jurisdiction which requires the expenditure of state or federal funds by the state or any political subdivision, agency, authority, or instrumentality thereof to create land transportation services or access to such development, any expenditure of such funds shall be prohibited unless and until the plan for such development and such expenditures is reviewed and approved by the authority.

The decision by the DCA is final and non-reviewable:

except that such decision shall be reversed where a resolution for such purpose is passed by vote of three-fourths of the authorized membership of the county commission of the county in which the development of regional impact is planned or, if such development is within a municipality, by vote of three-fourths of the authorized membership of the city council.<sup>86</sup>

This law gives the DCA the authority to expend or withhold federal and state funds based on its findings. The DCA exercises this power by giving multiple tax credits as development incentives for housing and urban development projects. This promotes specific projects with the tax credit as a funding mechanism for owners and developers. The first is the Atlanta Commercial Revitalization Deduction Program. This is a federal tax credit, issued under DCA approval. Federal law established a Community Reinvestment Program in the Community Renewal Tax Relief Act of 2000.<sup>87</sup>

The IRS gives these deductions to businesses in federally designated Renewal Communities, provided that these deductions are allocated by the commercial revitalization agency, in Georgia, the DCA. The federal and state housing tax programs include the Housing

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<sup>86</sup> O.C.G.A. § 50-32-14. (2007). §50-32-14. Expenditure of state or federal funds.

<sup>87</sup> Title 26, Subtitle A, Chapter 1, Subchapter X, Section 1400I, et seq. of the Internal Revenue Code of 1986, as amended ("the Internal Revenue Code").

Tax Credit Program which “allocates federal and state tax credits to owners of qualified rental properties who reserve all or a portion of their units for occupancy for low income tenants”. To receive these funds, developers must apply through the competitive application process. In 2004, the Georgia General Assembly also created “opportunity zones” through the Opportunity Zone Tax Credit Program, “allowing the DCA to designate as a "less developed area" an area that is contained by two or more census block groups with 20% or greater poverty”. This encourages development in these “poverty areas” by directing state funding specifically to these projects.<sup>88</sup>

DCA also promotes quality growth by facilitating local growth with growth management and planning tools, and also regarding local regions who implement efficient and quality land use in their development plans and comprehensive plans. Usually, five to seven communities a year receive two years of technical assistance from DCA as well as preference for state grants, loans, and programs. These quality growth awards allow counties to pay for new transportation projects and encourage them to construct them according to the highest level of land use quality. This is an indirect example of priority funding as state grants and loans are directed to areas which implement smart growth plans by using approved land use controls issued by the DCA.

In 1999 GRTA was created by Governor Roy Barnes to regulate the federal Clean Air Act. While analyzing transportation projects, GRTA issues government bonds for transportation projects. This is an example of using government bonds for priority funding. GRTA only issues these bonds to projects that will not grossly and negatively affect the regional air quality. GRTA has broad powers to accomplish this broad objective. It has initial jurisdiction over the 13-county metropolitan region and, longer-term, over all counties expected within seven years to become or remain in non-attainment of CAA standards, to continue for 20 years thereafter.<sup>89</sup>

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<sup>88</sup> Department of Community Affairs. <http://www.dca.state.ga.us/economic/TaxCredits/index.asp>

<sup>89</sup> O.C.G.A. 50-32-11.

Under Georgia law, GRTA is empowered to “plan, design, acquire, construct, add to, extend, improve, equip, operate, and maintain or cause to be operated and maintained” land used for public transportation systems and other land transportation projects and air quality control installations.<sup>90</sup> The GRTA board members also sit as the Governor’s Development Council, which is responsible for assuring that local governments meet state requirements for land use planning. Through this general authority the agency could build or veto roads and transit systems in any location in the region and allow or refuse permits to access road and rail systems from large projects, including subdivisions, business parks, and shopping centers.<sup>91</sup> In regards to funding and financial power, the agency can “finance projects, facilities, and undertakings of the authority for the furtherance of the purposes of the authority within the geographic area over which the authority has jurisdiction”.<sup>92</sup>

An additional funding incentive can be seen at the federal level through funding standards by the U.S. Environmental Protection Agency.<sup>93</sup> The EPA funds regional transportation based on air quality standards. If the standard for that region is not met, the EPA will withdraw funding, drastically affecting state and regional transportation projects. Compliance or non-compliance is based upon the CAA Standard.<sup>94</sup> In 1999, GDOT agreed to a lawsuit settlement that included blocking over 40 transportation projects until a regional air quality plan was adopted. Although this was not a court decision, this is another example of transportation funding being given based on land use controls only after meeting certain criteria.

The link between land use and transportation needs is established and acknowledged by GDOT, which publishes this connection in the statewide transportation plan. The plan aims to

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<sup>90</sup> O.C.G.A. 50-32-11

<sup>91</sup> O.C.G.A. 50-32-11 (a).

<sup>92</sup> Georgia Code Annotated, O.C.G.A. Title 50, Chapter 32, Section 11 (a)(8).

<sup>93</sup> 42 U.S.C. § 7506(c). 1994 & Supp. 1995.

<sup>94</sup> Section 176(c) of the Clean Air Act, as amended in 1990. 42 U.S.C. § 7506(c).

unifying state and local growth and economic patterns with transportation improvements. GDOT assesses proposed transportation projects based on the land use and economic impacts. They must include these studies and reports in their land use policy recommendations and in access management plans. GDOT reviews plans for near-highway developments based on highway safety and the adequacy of future highway expansion. They then make proposals to the local planning body. However, under the Georgia Planning Act, the local commission has the ultimate authority in local planning decisions and can reject or accept GDOT recommendations.<sup>95</sup>

The Georgia Environmental Protection Division is under the Georgia Environmental Protection Agency and is another state agency that can legally disperse funds to areas according to agency-determined priority. One of these funding programs is the Clean Water Act Section 319(h) Grants. These federal grants are issued through the GEPD and will fund projects that implement Phase II Stormwater Management Programs. The agency gives priority to those projects that are more likely to have direct effects on water quality.<sup>96</sup> This program could be used in the coordination of transportation grants with quality land use. The federal and state grants are dispersed through the agency who is delegated the power under Georgia law to evaluate projects and disseminate funds accordingly.<sup>97</sup> This power is granted by law and allows the agency full delegation over funds, and by requiring standards, they promote local governments and developers to meet those standards in order to receive funding.

Atlanta's regional growth and transportation needs are also monitored by ARC. ARC coordinates intergovernmental initiatives in regional planning agency for the Atlanta area which

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<sup>95</sup> Washington State Department of Transportation. (2007 June). Transportation and Land Use Policy in Georgia. [www.wsdot.wa.gov/planning](http://www.wsdot.wa.gov/planning).

<sup>96</sup> O.C.G.A. 12-5-473 (3). (2007).

<sup>97</sup> Georgia Environmental Protection Division. [http://www.gaepd.org/Documents/rules\\_exist.html](http://www.gaepd.org/Documents/rules_exist.html).

consist of ten counties in the metropolitan region. ARC and its predecessors have been coordinating regional planning since 1947. It receives funding from Federal, state, local, and private entities. Georgia law requires mandatory local funding to match state and federal funding and this is published in a yearly financial report. The ARC board is made up of one county commissioner, one mayor from each county, including northern and southern Fulton County, and the mayor of Atlanta. The board also includes fifteen local citizens from the jurisdictional districts and elected officials, and one member of the Atlanta city council, and one non-voting member from the DCA Board. The ARC region was expanded in 2004 to now include all or part of eight additional counties, totaling 18 counties in the metropolitan region.

Transportation in a region of this size becomes a main consideration in all planning and zoning initiatives. In many cases, it becomes a situation of providing the “carrot”, mainly through funding, to control these counties and their transportation growth. While transportation is necessary in almost every planning situation, ARC has looked at different strategies in regulating transportation as a tool to for smart growth management and land use. ARC collaborates with the GDOT, MARTA and local governments and organizations to meet transportation needs in the metro region.<sup>98</sup>

ARC has another lawful example of priority funding based on quality land use through its LCI program. Presently, local governments have yet to consistently link land use and zoning decisions with transportation funding. This has yet to be tested in Georgia’s court system, although some local governments have begun to link their decisions on zoning applications with local land use standards.<sup>99</sup>

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<sup>98</sup> ARC. Atlanta Regional Commission; Retrieved from: <http://www.atlantaregional.com/html/15.aspx>.

<sup>99</sup> Association County Commissioners of Georgia and Georgia Municipal Association: Joint Task Force on Quality Growth Recommendations for Achieving Quality Growth in Georgia. (2002 April).

In May of 1999, ARC adopted the RTP to fund transportation studies and developments. Funds are earmarked in the RTP and programmed through the TIP process. The LCI program is one that spurred from this. It includes studies and funding offered by ARC to local jurisdictions that link transportation with sustainable developments consistent with local and state land use policies. To receive supplemental LCI funding, local governments must meet the DCA's Qualified Local Government Status, or show progress towards being reinstated. Applicants must provide a source of matching funds and a resolution from their agency or local government showing commitment to the program's process and standards.<sup>100</sup>

The program is a competitive one, and applicants are considered based on their developments achievement of diverse sustainability, quality air control, and transportation options that reduce the amount of commuter miles. The goal of the program is to successfully mix work, play, and living options to create alternate transportation options, and reduce congestion in the Atlanta region.<sup>101</sup>

ARC has also identified existing problems in coordinating local and regional transportation plans and looks to connect the transportation needs to maximize quality growth. They are working to publish a Unified Growth Policy Map, based on local governments' comprehensive plans, ultimately identifying areas of growth. The goal is to relate this growth with infrastructure needs under the RTP. Included in this initiative is the LCI program, the promotion of sustainable development and the encouragement of development along major corridors, with promotion of mixed use and transit-oriented development.<sup>102</sup>

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<sup>100</sup> LCI Supplemental Study Program. Retrieved from:  
[http://www.atlantaregional.com/arc/documents/2008\\_lci\\_supplemental\\_study\\_application.pdf](http://www.atlantaregional.com/arc/documents/2008_lci_supplemental_study_application.pdf).

<sup>101</sup> Atlanta Regional Commission. Retrieved from: [http://www.atlantaregional.com/html/308\\_ENU\\_HTML.htm](http://www.atlantaregional.com/html/308_ENU_HTML.htm)

<sup>102</sup> Atlanta Regional Commission (2006, November 1). Envision6 Implementation Strategy.

While there are legal limits to the amount of control agencies have over transportation funding, it is not clear what boundaries the local governments will face if they link smart growth zoning with county transportation dollars. As long as local governments act within their comprehensive plans and under federal RTP requirements, it seems that they have the decisive power to aim local funding at certain projects.

However, similar to TODs, it follows that funding for specific transportation projects must be voted on in that district. A current proposed bill in the legislature failed to pass this year, but would allow local districts to vote on an increase in sales tax for local transportation funding.<sup>103</sup> If this law passes in 2009, it could provide a tool for local governments to use this additional funding as an incentive for smart growth and development. The imperative goal is to relieve congestion, but act in a way that truly creates smart land use and planning to provide for the future growth in the Atlanta region.

## **VI. Conclusion and Final Recommendations**

Atlanta will continue to grow and prosper. Along with growth, sprawl is inevitable. Linking transportation funding and land use is one way Atlanta's local government can help control the sprawl. Along with growth, sprawl may be inevitable. However, proposed Georgia initiatives, like the Brain Train and the BeltLine project are steps in the right direction. With projects such as Atlantic Station and Livable Centers Initiatives, Georgia has good examples of quality development that act as cornerstones to future growth, and future integration between transportation and land use. In Georgia, the government uses agencies, such as ARC and GRTA, should work to coordinate transportation needs with zoning and land use regulations. Continued guidance from these agencies, as well as learning from other states' initiatives, will help educate

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<sup>103</sup> Atlanta Journal Constitution. (2008, April 5). Retrieved April 3, 2008 from: [http://www.ajc.com/metro/content/metro/stories/2008/04/05/tsplost\\_0406\\_web.html](http://www.ajc.com/metro/content/metro/stories/2008/04/05/tsplost_0406_web.html)

state and local governments. In turn, increased knowledge should initiate more strategies to link transportation and smart growth. Based on the information provided in this paper, it is clear that actively and effectively linking transportation funding to land use projects is imperative to Georgia's successful and sustainable future development. Because the state is expected to experience unprecedented growth in the next thirty years, it is imperative that Georgia formulate laws and incentives that support these practices. Georgia lawmakers and policymakers can look to states like Maryland and Oregon for guidance and as a springboard into new Georgian legislation. They can provide Georgia with a successful blueprint with which to formulate future practices that incorporate smart growth ideas, promote transit, mitigate sprawl, and create successful sustainable communities for the future through detailed legislation aimed and managing quality growth.