Public Heritage and Private Heritage in the E.E.U.U. Territorial System

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1. INTRODUCTION

Urbanism in the United States presents a complex problem of regional and local growth patterns that are highly unbalanced, complicated by limited and fragmented governmental capacity to respond to the challenges of market failure and protection of public goods. With a large, diverse land area of 9.8 million square kilometers, the United States is the third largest country in the world behind China and Russia. By comparison, the land area of Spain is 0.5 million square kilometers, less than three-fourths the size of the State of Texas. Reflecting the local variability of land characteristics and markets, urban planning in the United States is highly decentralized and largely vested in local government units of cities, towns and counties whose boundaries were mainly established in the 19th century and have been largely unchanged since the mid-20th century.

Urban planning in the United States was established in response to the enormous public problems of urbanism associated with the early industrial city of the late 19th and early 20th centuries (Meck 1996). In this formative stage, urbanism and the governmental organization of urban planning were relatively well matched, as the urban footprint and the "city" were largely co-terminus. The modern era of suburbanization and a large-scale public highway infrastructure, coupled with massive urbanization of the population, produced the post-modern expansion of urban areas into sprawling metropolitan communities. The land area and complexity of contemporary urbanism far exceed the capacities of the planning systems established nearly one-hundred years ago. As a result, urban planning in the United States frequently fails to protect the natural environment and the historical and cultural assets that contribute to quality of life.

2. URBAN PLANNING IN THE UNITED STATES

2.1. Emergence of Urban Planning in Response to Industrial City

The urban planning regime in the United States was established in response to the problems of the emerging industrial city of the late 19th and early 20th centuries (Mandelker 1993). Problems of public health and safety associated with public health hazards due to inadequate water and sewage systems, fire hazards, and transportation hazards led to the adoption of public codes to protect health and safety (including fire and building codes) and the development of public infrastructure for water, sewer and transportation systems. Land use planning was established to control the negative externalities associated with the industrial city (e.g. abattoirs and factories) through separation of land uses to protect residences and retail trade, to provide parks and open space, and to improve public architecture. The Chicago World Fair in 1893, known as the “World’s Columbian Exposition” in celebration of the 400th anniversary of Christopher Columbus’ discovery of the New World, proclaimed the vision of an American city created by public planning to reflect European grandeur and the efficiencies of modern public infrastructure.

In 1909 the emergence of an urban planning movement was clearly established with the First National Conference on City Planning in Washington, the District of Columbia (D.C.), and the publication of the Plan of Chicago. Now known as the Burhnam Plan after its principal author—Daniel Burnham—who was also the principal planner of the Columbian Exposition, the Plan of Chicago promoted the improvement of the lakefront at the heart of the city, the creation of a system of highways, the unification and improvement of the railway system to promote efficient movement of people and freight, the creation of a park system, the “systematic arrangement of streets and avenues,” and “the development of centers of intellectual life and of civic administration, so related as to give coherence and unity to the city" (including the Field Museum, the Crerar Library and a civic center of government buildings). (See The Plan of Chicago, http://www.encyclopedia.chicagohistory.org/pages/10537.html.) Sponsored by the Commercial Club of Chicago, the Plan reflects the close association between business leadership and civic leadership that shaped modern planning in the United States. Within the next two decades, urban planning evolved as a local effort to develop an orderly city as reflected in the creation of the Boston Metropolitan District Commission (responsible for sewers, water and parks), the Los Angeles County Regional Planning Commission, the Regional Plan of New York, and the creation of the American City Planning Institute, and the adoption of the first comprehensive plan by a major city (Cincinnati). (See *Pathways in American Planning History: A Thematic Chronology*, http://www.planning.org/pathways/regional.htm)

2.2. The Federal Role in Urban Planning

2.2.1. Promoting Model State Laws

As localities established the basic approach to city planning, the role of the Federal government remained unclear. Two important contributions came in the form of promulgating standard enabling acts for zoning and planning for adoption by states. These acts still shape the definition and delegation of urban planning to local governments within many states. The early emergence of planning by cities raised concerns about the legal powers of localities to plan and regulate land uses. As a result, the U.S. Department of Commerce published model state laws (statutes) that authorize local governments to plan and zone land uses in accordance with the provisions of the enabling legislation in the form of *A Standard State Zoning Enabling Act* (SZEA) in 1924 and *A Standard City Planning Enabling Act* (SCPEA) in 1928. By 1930, 35 states had adopted the SZEA, with all 50 states eventual adopting this model act (Meck 1996). The SCPEA was less widely adopted by the states, but was the model for most states enacting a planning enabling act. Soon after the model acts promulgated by the Federal government, other models were published by Harvard University (Bassett et al. 1935) and a rural adaptation of the SZEA was published by the U.S. Department of Agriculture. Although these enabling acts have been modified by the states, the SZEA remains substantially intact today in many states.

These model enabling acts reflect the problems and the structure of early 20th century urbanism by promoting segregation of land uses in prescriptive zones that specify the permitted uses, densities, and building characteristics such as set backs (the minimum distances between the building's footprint and lot lines) and heights. The enabling acts contributed to the promotion of zoning regulations without requiring an urban plan that establishes the community's goals and standards for developing the built environment, and detached zoning from planning rather than making zoning a means of implementing the comprehensive plan. Even in states requiring or encouraging localities to have a plan, the expectations for that plan were only minimally identified. These models promoted the view that urban planning was primarily the responsibility of localities operating under the guidelines established by their states, with those guidelines only identifying the "elements" (topics) to be addressed without providing any performance criteria or guidelines for preparing a plan.

2.2.2. The Activist Federal Role

The Great Depression and Roosevelt's New Deal ushered in the era of an activist federal government with massive public works programs under the Works Progress Administration building roads, bridges, airports, public utilities, and a variety of public buildings. Much of this construction was done in and for cities. Although responsibility for constructing local public works receded to state and local governments after the Depression, a larger responsibility for the federal government in urban development was established. Under the U.S. Constitution, the Federal government has the responsibility to provide for national defense and to regulate interstate commerce. Partly based on these responsibilities, it has significant roles in providing coherent inter-state transportation systems, developing and regulating energy systems, and in protecting the environment (although the latter responsibility did not become clear until the 1970s). The Federal Aid Highway Act of 1956 provided funding for planning and building the world's largest integrated public infrastructure project (Federal Highway Administration, http://www.fhwa.dot.gov/interstate/history.htm). This limited access road system serves interstate, regional, and intra-state traffic, including traffic within cities and metropolitan areas. Mainly funded by the federal government (90% federal, 10% state), the system has been planned and implemented as a joint federal-state effort. Expansion of the Act in 1962 established Metropolitan Planning Organizations (MPOs) in metropolitan areas with populations of fifty thousand people or more (Wolf and Farquhar, 2005). MPOs serve as regional transportation planning agencies that include federal, state and local government representatives in helping to shape the federally funded transportation systems in every metropolitan area of the country. Over 300 Metropolitan Planning Organizations are now responsible for planning, programming and coordination of federal highway and transit investments in urbanized areas.

The Housing Acts of 1949 and 1954 established programs for slum clearance, urban redevelopment and public housing which in combination were intended to correct the public health and safety hazards remaining from the early industrial city. As a condition of funding, localities had to develop plans for urban renewal. In addition, under Section 701 of the 1954 Housing Act, the federal government provided funding for localities to develop local comprehensive or general plans. The Federal government also provides funding for a variety of housing and community development programs through the U.S. Department of Housing and Urban Development (HUD), which was established in 1968.

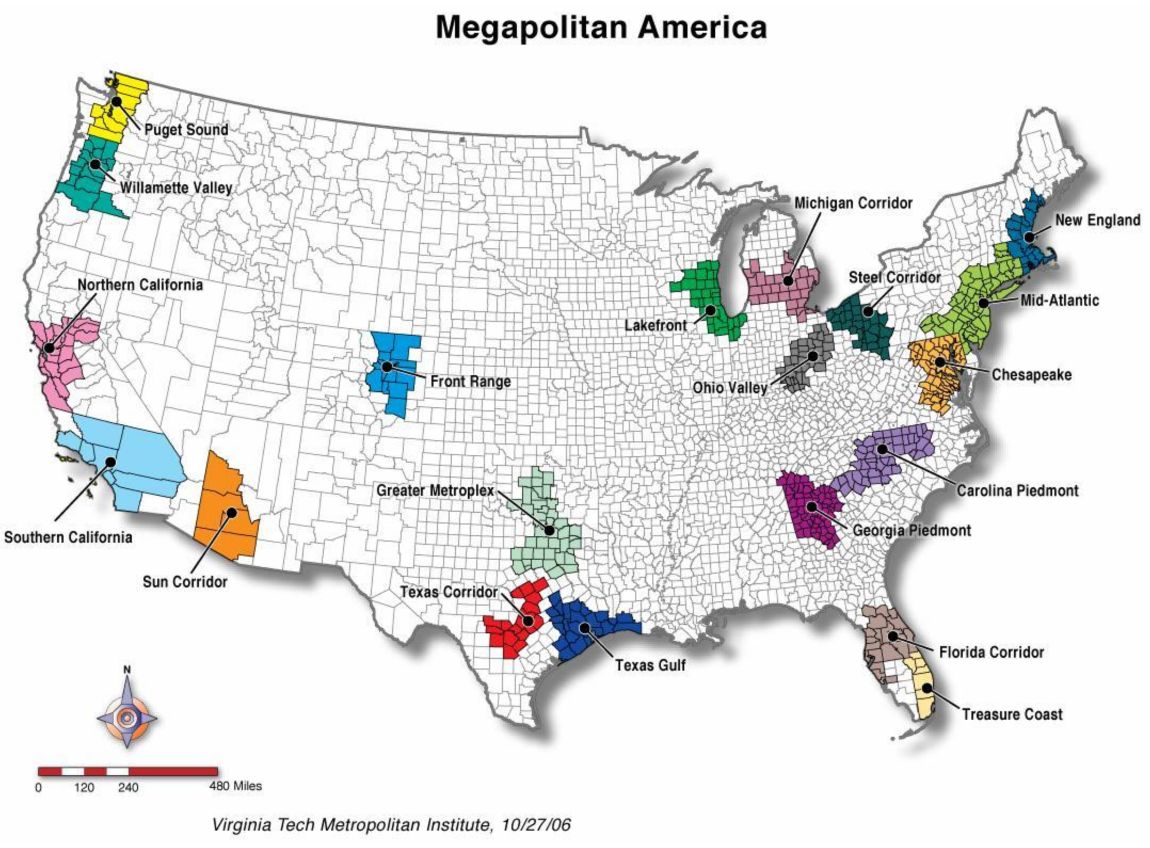
Often the actions of local governments are required to implement federal objectives, which the federal government either mandates compliance or provides incentives for local governments to act. Funding is an important incentive to achieve local compliance. Prior to the introduction of "block grants" (automatic formula-based funding), federal funding relied on categorical programs such as urban renewal with very specific objectives under which localities had to compete for funding. The diversity and complexity of federal categorical funding programs, coupled with the rapid emergence of suburbs outside the corporate boundaries of major cities, prompted the expansion of the 701 grants to promote the development of regional plans and the introduction of a federal requirement (A-95) for regional reviews of categorical grant applications to assure that these individual federal funding programs were not duplicating efforts or working at cross purposes. The federal commitment to regional planning was reinforced in the 1960s with the Intergovernmental Relations Act of 1968.

2.2.3 . Federal Retrenchment from Urban Planning

Since federal incentives for regional planning were largely motivated by the challenges of coordinating federal categorical grant programs, the federal commitment to regional planning diminished with the introduction of block grants (formula distribution) replacing many of the previous categorical grant programs in the 1970s.

The federal commitment to urban and regional planning was further eroded with the shift of population and political power away from central cities to the suburbs. Today the United States is a suburban nation. Of the nation's 300 million people, 226 million live in metropolitan areas, with 62% of this population living outside of central cities. Twenty large conurbations of adjacent metropolitan areas identified by Lang (2006) and presented in Figure 1 contain a large portion of the population and are projected to receive most of the nation's growth.

Figure 1. Megapolitan Conurbations in the United States, 2006


Megapolitan America
Puget Sound
Willamette Valley
Northern California
Southern California
Sun Corridor
Front Range
Greater Metroplex
Texas Corridor
Texas Gulf
Michigan Corridor
Lakefront
Steel Corridor
Ohio Valley
New England
Mid-Atlantic
Chesapeake
Carolina Piedmont
Georgia Piedmont
Florida Corridor
Treasure Coast
N
0
120
240
480 Miles

Virginia Tech Metropolitan Institute, 10/27/06

The demise of federal leadership in urbanization planning became clear in the Reagan Administration. A Presidential Commission appointed to review the federal role in housing and urban development concluded that a federal urban policy was impossible to articulate or achieve (President's Commission on Housing, 1982). The steady demotion of the US Department of Housing and Urban Development, which was close to losing its executive cabinet status at the start of the Clinton Administration in the early 1990s, reflects the shift in federal attention away from the problems accompanying urbanization. The Katrina disaster in the Gulf Coast highlighted federal failures to address the infrastructure needs of older metropolitan areas. The lack of federal leadership in the post-disaster recovery effort further demonstrates the withdrawal of federal commitment to urban planning.

2.2.4. The Contemporary Federal Roles in Transportation, Environment and Energy

The contemporary federal roles in shaping urbanization are focused on transportation, environmental protection and energy. The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and the ensuing Transportation Efficiency Act for the 21st Century (TEA-21) extended the responsibilities of MPOs for regional transportation planning (Wolf and Farquhar, 2005). These laws also mandated that transportation planning consider land use impacts, which was never required previously, and develop plans for multi-modal transportation systems. Previously restricted to highway construction or improvements, funding from the Highway Trust Fund was extended by ISTEA to include public transit.

The federal role in environmental protection was established in 1972 with the creation of the Environmental Protection Agency. EPA's major goals address Clean Air and Global Climate Change; Clean and Safe Water; Land Preservation and Restoration; Healthy Communities and Ecosystems; and Compliance and Environmental Stewardship; all of which have major implications for urbanization and urban planning. EPA promotes regional planning approaches through Multi-Jurisdiction Organizations (MJOs) that often span state and metropolitan boundaries. In addition, the U.S. Department of Energy (DOE) has several programs that impact urbanization, including Electricity Delivery and Energy Reliability; Energy Efficiency & Renewable Energy; Environmental Management; Fossil Energy; and Nuclear Energy.

2.3. Innovation in Market Incentives and Public-Private Partnership

EPA and DOE jointly operate the Energy Star Program, which promotes energy efficient products and practices. The Energy Star is a certification awarded to building products, appliances, equipment, and structures to help identify them as energy efficient. Other certification programs have emerged to promote environmental sustainability, most notably the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) rating system. The U.S. Green Building Council (USGBC) is a private, non-profit organization with representatives and leadership coming from every sector of the building industry. USGBC promotes environmentally responsible and profitable buildings that create healthy places to live and work. A few other private rating and certification systems promoting environmental sustainability have been initiated.

These systems could potential lead to new approaches to urban planning that span the public and private sector, and that rely on incentives for markets to achieve broader social and environmental objectives. While these public-private ventures could radically transform planning, the efforts are still in their infancy and cannot be expected to replace governmental responsibility for public planning. But the fragmentation of the federal government's role in urbanization into departmental domains of transportation, environment and energy leaves the challenges of developing a more integrated and comprehensive approach to urbanization to states and localities. Except for a few states that require regional approaches to growth planning and coordination of local land use plans, responsibility for urban planning is largely left to local jurisdictions.

2.4. Local Government Role in Urban Planning

As metropolitan growth has far exceeded the inelastic boundaries of central cities, the urban planning capacity within metropolitan areas has become highly fragmented and falls significantly short of the challenges facing these regions. Local governments responsible for key elements of urban planning, particularly land use planning, are pressured by fiscal requirements and current residents to focus on narrowly bounded local interests. This promotes planning practices that ignore regional requirements for a diverse supply of housing or that promote redevelopment of older structures and neighborhoods in favor of greenfields development that will generate adequate tax revenues to support the locality attracting the development. With a planning process that provides significant opportunity for local residents to oppose any development at densities higher than their own neighborhoods, NIMBY (Not In My Back Yard) opposition from nearby property owners and the inadequacies of a fragmented planning system results in a sprawling metropolitan pattern that reduces open space and contributes to environmental degradation.

Most citizens endorse the emphasis on private property rights in the United States and the reliance on private land markets to determine development patterns. The property rights movement has challenged the legal and public support for urban planning that significant reduces land owner's rights. The will of the majority has pushed back against aggressive urban planning approaches in Oregon and other states.

3. PRESERVATION OF CULTURAL, HISTORIC AND ENVIRONMENTAL ASSETS

This fragmented and highly diminished capacity for urban planning complicates the preservation of cultural, historic, and environmental (hillsides, ridge lines, forest and pasture lands, and water sheds) assets. The National Park Service plays a major role in preserving national cultural and historic assets, particularly those that can attract sufficient visitors to help support on-going preservation costs. States and localities bear most of the responsibility to preserve regional and local cultural and historic assets, and many local communities have actively promoted preservation for several decades. The first historic preservation ordinance adopted by a local government was in 1931, but the momentum for local historic preservation efforts mainly started in the 1970s. Federal tax incentives are available to subsidize renovation and adaptive reuse of structures in federally recognized historic districts. Several states provide additional tax incentives to encourage preservation of historic structures.

Most of the country's metropolitan areas have been built fairly recently, particularly those in the South, Southwest, and Western regions. Fewer cultural and historical treasures of national or even regional interest exist in these areas. Locally prized cultural and historic assets frequently are lost to physical decay, demolition or modernization that ignores preservation. Voluntary action by civic organizations to preserve locally valued historic and cultural assets occurs frequently, but the number of restored buildings remains fairly small. And in many instances, these treasures are of comparatively recent vintage, such as movie houses built in the early or mid-1900s. In the United States, even the first generation of fast-food restaurants can be considered cultural gems by some.

The American system frequently prizes change more than preservation. Most properties and buildings are privately owned and as a result the decision between replacing or preserving and renovating an otherwise economically and functionally obsolete building relies on which option is in greater demand in the local market. The demand for adaptive reuse is influenced by the architectural quality and location of the original building. Most of the architectural treasures surviving from the early industrial expansion of cities in the United States have either been demolished or restored, as most buildings were built cheaply and were discarded as incomes and wealth permitted higher levels of consumption. Landmark public buildings in the central business districts of cities are more likely to be preserved than commercial buildings as the latter have to compete for retail or office markets against newer buildings also in the central business district and against the burgeoning commercial markets in the suburbs.

Despite the strength of private property rights in the United States, there is significant support for preservation and restoration of natural assets (forests, rivers, streams, pasture lands, etc.) and mounting antagonism toward sprawling urbanization. Higher density, compact development and redevelopment are often promoted as responses to sprawl and as efforts to promote greater environmental sustainability. In this way, the two preservation agendas (historical-cultural and environmental) could be linked. There are important questions that need to be addressed before coming to easy conclusions about the environmental sustainability benefits of preserving the older building stock. For the most part, these buildings are not only physically and economically obsolete; they may have a larger negative impact on the environment than newer, more efficient buildings. Advances in building diagnostics and renovation are needed in order to clearly demonstrate the environmental superiority of preservation over replacement.

4. THE 21ST CENTURY METROPOLIS IN THE UNITED STATES

The evolving American metropolis in the 21st century presents numerous challenges for historical, cultural and environmental preservation. The rapidly growing metropolitan conurbations are fairly new places in terms of the built environment, with most of the existent buildings dating since 1950. Nationally more than two-thirds of the total number of housing units standing in 2006 was built since 1960. In order to accommodate population growth, which is now driven mainly by foreign immigration, a substantial amount of building will be needed into the foreseeable future. The pressure for even greater sprawl and environmental degradation is expected to mount. At the same time, redevelopment of older areas will increase. But it remains to be seen if this will be done through disposal or renovation of older buildings. With a few exceptions, the structures built in the past fifty years are treated as disposable.

It is hard to imagine that the organization (or disorganization) of American planning will be sufficient for responding to the challenges of this century. Without innovation in planning, pressures will mount for hierarchical, command-control approaches that stifle the productivity of markets to the detriment of the common good. New models for public planning are desperately needed, particularly models that allow private markets to flourish while providing incentives for the preservation of the environmental, historical and cultural assets that help define quality of life in a community.

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