Check in on Smart Growth:
✓ transportation funding
✓ green design
✓ land conservation
✓ voter preference
✓ form-based codes
✓ street planning
Are Smart Growth concepts having an effect on planning and development in America? Is low-density sprawl continuing unabated, or has a new approach taken hold? In this issue of On Common Ground, we give you a progress report on Smart Growth.

As Jason Miller reports on page 50, America’s growth occurs primarily in the suburbs and exurbs, in a low-density form that requires a vehicle to get anywhere—but a shift is occurring. This shift is being noticed by major homebuilders and real estate companies, who have recognized that a market for walkable communities has arisen. This market is being met not only in central cities, but in new suburban developments that use many Smart Growth concepts of higher density, mixed-use, pedestrian-friendly neighborhoods. Consumers are starting to make the connection between the form of development and everyday issues, such as how much exercise they get, as reported by Heidi Johnson-Wright on page 32. Environmentalists are integrating Smart Growth concepts into green building practices, as reported by John Van Gieson on page 38.

These Smart Growth approaches are becoming evident in public policy as well as the marketplace. In the November 2006 elections, as David Goldberg tells us on page 6, voters were clear in their support for community planning. Open space conservation and funding of transportation alternatives were also popular with voters, as reported by Christine Sexton (p. 14) and Steve Wright (p. 20), respectively. State governments are adopting new transportation policies that recognize the needs of pedestrians and transit users, according to Barbara McCann on page 26. And, as Brad Broberg reports in his article on form-based codes on page 44, local communities are adopting new planning and regulatory techniques that will make it easier to achieve Smart Growth.

These market trends and public policy directions suggest that Smart Growth is alive and well.

For more information on NAR and Smart Growth, go to www.realtor.org/smartgrowth.

On Common Ground is published twice a year by the Government Affairs office of the NATIONAL ASSOCIATION OF REALTORS® (NAR), and is distributed free of charge. The publication presents a wide range of views on Smart Growth issues, with the goal of encouraging a dialogue among REALTORS®, elected officials and other interested citizens. The opinions expressed in On Common Ground are those of the authors and do not necessarily reflect the opinions or policy of the NATIONAL ASSOCIATION OF REALTORS®, its members or affiliate organizations.

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by Jason Miller

Smart Growth in the States
On Common Ground thanks the following contributors and organizations for photographs, illustrations and artist renderings reprinted in this issue: Brett Van Akkeren, U.S. EPA; Gayle Anderson, Los Angeles County Metropolitan Transit Authority; Geoffrey Anderson, U.S. EPA; Lisa Babbs, Centre Bloomfield, City of Hillsboro Parks & Recreation (Oregon); Fred Brakes, Decatur City Commission; Ken Bryan, Rails-to-Trails; DJ Burk, Old Town Wichita; Robert Gibbons, Rails-to-Trails; Russell Grace, The Trust for Public Land; Art Guzzetti, American Public Transportation Association; Aisling Kerins, Futurewise; Jason Miller; Anne Nelson, The Trust for Public Land; Pedestrian and Bicycle Information Center; Alan E. Pisarski; Project for Public Spaces; Eric Stachon, 1000 Friends of Oregon; G. Kim "KT" Taylor; Pacific Ready Associates, L.P.; Jenness Thomas, CGI Group; Maureen Toms, Contra Costa County Community Development Department Redevelopment Agency; Virginians for Better Transportation; Michael Wray, The Trust for Public Land; and Trevor Wrayton, Virginia Department of Transportation.
The Pulse at the Polls

In 2006, voters shunned extreme anti-planning measures, while rewarding forward-looking vision

By David Goldberg

The November 2006 election, watershed that it was in national politics, also was pivotal in the progress toward better planning and more livable neighborhoods, cities and metro areas. But, it was as important for what did not happen as for what voters actually approved.

When the dust settled, the voters had approved a great deal from the perspective of Smart Growth practices and policies. At least 13 governors were elected or re-elected after advocating strongly for policies such as focusing public investment in older towns and cities; fixing existing infrastructure before expanding into undeveloped land; creating more affordable housing near job centers; investing in complete transportation systems that include roads, transit and safe streets for people on foot or bike; and protecting critical farmland, forests and other natural areas. Voters approved 70 percent of the ballot measures supporting public transportation, voting to spend $40 billion in new transit-related investments, at the local, regional and state levels. The November vote was the strongest ever for land conservation measures, with voters in 23 states approving nearly 100 ballot measures totaling $5.73 billion in new funding, surpassing the record of $5.68 billion set in 1998.
Nevertheless, that progress may well have been eclipsed had voters across the West embraced extreme measures that sought to dramatically curtail communities’ right to use planning and zoning to shape their growth and development. These so-called “regulatory takings” initiatives, part of a coordinated campaign by antigovernment groups, would require taxpayers to pay landowners any time a rezoning or other regulation reduced the speculative value of their property. In effect, this would have forced communities to pay certain landowners or developers to obey zoning and land-use laws. Under most of the measures, communities that couldn’t pay would have to waive their planning rules or environmental protections, exclusively for those landowners. After making it to the ballot in four states (others were disqualified for various reasons), these “takings” initiatives were rejected by voters in California, Washington and Idaho. Only Arizona adopted such a measure.  

**The Oregon bombshell**  
These were copycats, to one degree or another, of Oregon’s Measure 37, which voters approved in a statewide referendum in 2004. Measure 37 was the first major win for extreme property rights advocates.

When the dust settled, the voters had approved a great deal from the perspective of Smart Growth practices and policies.

Oregon’s Measure 37 was the first major win for extreme property rights advocates in more than a decade.

in more than a decade, and they had hoped to replicate it many times over in 2006. The initiative was presented to voters with an appealingly worded ballot title that read: “Governments must pay owners, or forgo enforcement, when certain land-use restrictions reduce property value.” It was sold through a slick marketing campaign that featured a nonagenarian widow, Dorothy English, who told a story of how a 30-year-old zoning change had prevented her and her now-deceased husband from realizing their dream of developing their rural property and living off the proceeds. Measure 37, supporters said, would allow English to demand that local and state governments pay her the windfall that would have come had she been allowed to build a subdivision on her property.

What the “pro” campaign did not explain to voters was that Measure 37 would throw into chaos 30 years worth of planning, zoning and protection of farm and forest land. Most localities don’t have millions of tax dollars lying around to pay claims for long-ago downzonings, meaning that governments would have to “forgo enforcement” of zoning and land protections—but only for landowners who had owned land long enough to make a claim. Everyone else had to abide by the laws, and watch as farms and forests gave way to subdivisions, gravel pits, strip centers or other unexpected development.

**Capitalizing on the eminent domain backlash**

Even as Oregonians were trying to sort through the implications of Measure 37, anti-regulation activists were looking to duplicate it in other states. However, because Oregon is nearly alone in having a comprehensive system of land planning, there were fewer obvious hooks to excite voter interest in other states. That seemed to change in June 2005, when the U.S. Supreme Court ruled that the city of New London, Conn., had the right to condemn the homes of Susette Kelo and six others to make room for “economic development”—in this case, a 100-acre drug manufacturing complex. The court did not expand the use of eminent domain, but rather declared that limiting it in this instance was a state, not a federal function. Still, the notion that government might condemn someone’s home simply to enhance the local tax base, rather than for...
a public use such as a school or a road, provoked a firestorm of outrage.

Although the idea of paying people who are affected by regulations is a different matter from a government compelling someone to sell their property for economic development, the anti-government advocates saw a chance to wrap the two together under measures touted as protecting "property rights," notes Bob McNamara, policy representative for the NATIONAL ASSOCIATION OF REALTORS®. "They considered eminent domain representative for the NATIONAL ASSOCIATION for a vote in California, Idaho, Arizona, Montana, Nevada and Missouri. Court decisions and apparent signature-gathering fraud knocked measures off the ballot in Missouri, Montana and Nevada. That left three states—California, Idaho and Arizona—where "regulatory takings" was riding under the banner of eminent domain reform.

In Washington, where the Farm Bureau had been championing a Measure 37 copycat before the Kelo decision, voters considered a "takings"-only measure.

A radical departure

Libertarian theorists have been advancing the notion of regulatory takings for a generation, says Larry Morandi, who tracks "property rights" legislation as the director of state policy research at the National Council of State Legislatures. The concept has been most heavily promoted by the extractive industries—timber, mining, etc.—affected by environmental legislation, such as the Endangered Species Act. They argued that restrictions on the development of wetlands or the extraction of old growth timber, as examples, constituted a "taking" of some of the economic value of their property. Taxpayers therefore should compensate them for the "benefit" of environmental protection.

"The idea found its way into the Contract for America," the legislative agenda of the Republicans who took control of Congress in 1994, Morandi recalls. "They didn't succeed in passing much at the federal level, but in the early to mid-1990s property rights issues were big in the states. Approximately 20 states from 1991 to 1996 passed legislation addressing regulatory takings to some degree." Most were "mild," Morandi says, requiring a state attorney general to issue a "takings" assessment on new regulations, to see whether they resulted in a reduction in value that should be compensated. Others set a threshold in the reduction of value—usually 50 percent or more—above which an owner might have to be compensated to some degree. The effects, ultimately, were limited.

"What they were pushing last fall was dramatically different from what we saw in the 1990s," Morandi says. The first major difference is the notion that taxpayers should pay for every dollar of claimed reduction in the speculative value resulting from a zoning decision or environmental measure. Here's how it works: Say you bought 100 acres of farmland in 1985 that had a "rural-agricultural" zoning of one house per acre and a healthy chunk of granite beneath it. You farm it for 20 years, during which time urban development encroaches and the county begins to worry that it can't afford to extend urban services across an entire county covered with one-acre lots. To avoid that prospect, and preserve the viability of farming for future generations, the county changes the zoning to allow only one house per 20 acres, and to disallow gravel mines in that area. Under a Measure 37-style regime, you could demand that the county pay you for the 15 house lots and the gravel mine that you "lost."

That brings up the second radical innovation of Measure 37. If taxpayers can't cough up that amount of money, the community must waive its zoning, but only for you. Everyone else around you, who thought they were living in a rural environment, has to abide by the zoning, while you build a subdivision and a gravel mine in their midst. That's precisely what has happened in Oregon, according to numerous published reports and observers in the state. To date, more than 7,500 claims for over $4 billion have been filed, covering more than a half-million acres, according to data compiled by the Portland State University Institute of Metropolitan Studies. The largest number of claims by far is in the Willamette Valley, the rich agricultural zone that also happens to surround the state's largest cities, such as Portland and Eugene.

There was an attempt made to pair the regulatory compensation measures with eminent domain.
Sixty-one percent of Oregonians want the Oregon Legislature to either fix or repeal Measure 37.

In almost every case settled to date, local governments, lacking taxpayer cash, have felt compelled to waive the rules. To this point, a series of unresolved legal questions has prevented most of the development from going forward.

“My sense is that most folks… were probably thinking more of the right of a farmer to build a house on his farm, which sounds reasonable,” Lane Shetterly, director of the Oregon Department of Land Conservation and Development, told an interviewer late last year. “I don’t know that most voters expected the extent of claims that we are seeing for subdivisions and major partitions of farm and forest lands.” Indeed, there appears to be a growing sense of buyer’s remorse among voters: In a statewide survey in late January, 52 percent of respondents said they would vote against the measure, while only 37 percent would support it. In addition, 61 percent of Oregonians want the Oregon Legislature to either fix or repeal Measure 37.

**REALTORS® weigh in**

The confusion in Oregon played a large role in the decision-making for REALTOR® associations in the states facing “takings” ballot measures, McNamara says.

“Normally, REALTORS® are very friendly with conservative legislators who protect property rights. They themselves place a high value on private property rights,” notes McNamara. “It’s difficult when they see the pendulum swinging kind of far in this situation. Most probably don’t think it’s a good idea to compensate for down-zoning, and they saw what happened in Oregon, but they wouldn’t want to alienate the legislators who are usually friendly. So their instinct was to tell their membership to vote their own conscience.”

But that wasn’t enough in this case, said Alex Creel, government affairs director for the California Association of REALTORS®. “We formed a task force to look at Proposition 90, and we concluded we had to oppose it,” Creel said. “There were a number of aspects of it that were troubling. We already have good eminent domain law in California, and the additional restrictions would have just eliminated redevelopment in the state. Any zoning change would have created a taking that had to be compensated, and I don’t know how local government could have functioned with that limitation, or paid for it.”

The Idaho Association of REALTORS® came to a similar conclusion and joined a broad array of organizations and prominent individuals opposing Proposition 2. The Washington REALTORS® declared itself “neutral,” even after noting that, should Initiative 933 pass, ‘homeowners’ expectations regarding their neighborhood no longer [would be] predictable.” The Arizona Association also declared itself neutral on the state’s Proposition 207.

In the end only Arizona’s initiative passed, with 65 percent of the vote. In Idaho, by contrast, the measure was crushed, rejected by 76 percent of the voters in a state with a strong libertarian streak. Observers there say voters resented the infusion of outside money and pressure from activists such as Howard Rich, and were eager to maintain the ability to manage growth and protect natural resources. The “takings” measure was soundly defeated in Washington with 58 percent voting “no,” 10 years after a somewhat similar measure was rejected in like fashion. California’s vote was more of a squeaker, 52 to 48 percent; Campaign officials there noted that the voters faced a crowded ballot and a number of high-profile, high-dollar races clamoring for attention.

In the states where the measures went down, voters’ decisions seemed to turn on the likely regulatory confusion and steep costs of paying for— or waiving—every zoning change or environmental protection, McNamara said. “People asked themselves, ‘Who’s to compensate these folks?’ Well, the taxpayers, and that’s everybody. And if the government has to back off the regulations, does that mean everything gets developed?”

Don Chen, executive director of Smart Growth America, says that voters want the regulations that help them shape urban growth and protect the environment to be fair for individual property owners. “But that doesn’t mean surrendering the right to determine their community’s future or abandoning their desire to leave a legacy worthy of their children. People want a balance, and most voters recognized that these measures went to an extreme that would benefit a few, special interests, but at a high cost to everyone else.”

David A. Goldberg is the communications director for Smart Growth America, a nationwide coalition based in Washington, D.C. that advocates for land-use policy reform. In 2002, Mr. Goldberg was awarded a Loeb Fellowship at Harvard University where he studied urban policy.
Regardless of gender, age, political persuasion, or even zodiac sign, it doesn’t matter when it comes to preserving the land. Voters everywhere overwhelmingly support land conservation programs that promote a balance between maintaining fragile lands and allowing planned, sustainable growth.

During the calendar year 2006 alone voters across America were asked to weigh in on 180 land conservation ballot measures, whether at the local, state or federal level, and slightly more than 74 percent of the initiative passed, said Andrew du Moulin, a senior research associate in the Trust for Public Land conservation finance program.

When the scope is further narrowed to initiatives that appeared in the 2006 November general election, the number of land conservation programs endorsed by voters jumps even higher, to 80 percent. “Every single year, it doesn’t matter where the measure takes place or what the political make up is, people care about preserving their land,” said du Moulin, who noted that in 2006 voters agreed to $6.4 billion in tax increases to generate the additional funds for land conservation initiatives. The majority of that, du Moulin said, is attributable to California’s proposition 84 which gives the state the authority to issue $5.388 billion in bonds for a wide variety of projects related to water safety, rivers, beaches, levees, watersheds, parks and forests.

“It’s a universal issue and one that is bipartisan to its core,” du Moulin said of the popularity of land conservation initiatives at the poll.

Nature Conservancy Florida Associate Director Sue Mullins agrees. She said land conservation programs appeal to liberals for traditional environmental reasons, but also appeal to conservative voters who usually oppose tax increases. “Conservatives see the literal value of conserving, whether it’s conserving land or water or tax dollars, so they tend to support tax initiatives to fund land conservation because they see that investment as a preventative approach to conserving resources,” said Mullins, who has campaigned for 17 local land conservation referenda, and, in 2006, worked on successful initiatives in Charlotte and Collier Counties to create $200 million in new local conservation funds.

Mullins also stresses that Florida’s land buying programs are attractive to conservative voters because the programs compensate property owners for the land, instead of taking a regulatory approach that appropriates the land.

By Christine Sexton

Nationwide, voters support the smart use of land.
needs to increase funding of its land conservation program so it can keep pace with the soaring real estate costs. Information compiled by the Florida Association of REALTORS® shows that today’s median home and land value is more than three times what it was in 1994. Consequently, McLeod says, the coalition wants the state to triple its conservation budget to $10 billion over a ten-year period.

McLeod points to one of the state’s most touted land conservation programs, the purchase of Babcock Ranch, as an example to underscore the need for more money. Pittsburgh lumber magnate Edward Vose Babcock bought 91,000 acres known as the Babcock Ranch in southwest Florida in 1914. By the late 1930s his son, Fred Babcock, had taken over operations at the ranch and started managing the land, replanting forests and removing invasive plants not native to the area. The largest continuous privately held undeveloped parcel of land in the state, the Babcock Ranch had long been identified by Florida Forever as a priority acquisition and after Fred Babcock died the state entered into negotiations with the family.

Unable to reach agreement, negotiations broke off. Developer Syd Kitson in 2005 entered into an agreement with the family that preserved a majority of the land but allowed Kitson & Partners to develop a sustainable community on about 18,000 acres. Finalized last summer the deal maintains an untouched 74,000 acres and ensures that a corridor of undeveloped land from Lake Okeechobee to the Gulf of Mexico continues for the Florida panther, Florida black bear and the crested caiman that live there. The purchase protects a vitally needed water-recharge area. The land also has large tracts of pine and scrubby flatwoods and a highly functional freshwater swamp system, called Telegraph Swamp.

The agreement allows Florida development company Kitson & Partners to develop up to 19,500 homes ranging in value in a sustainable community that will be developed using green techniques, greenways and trails.

Because of the $350 million price tag, though, the Legislature purchased the land with a special appropriation. That’s because the costs of the ranch exceeded the annual $300 million Florida Forever appropriation which, in addition to land acquisition programs, is also used for the Florida Fish and Wildlife Conservation Commission and the state’s five water management districts.

To purchase the land, the Legislature agreed to a one-time $310 million appropriation in addition to the $300 million Florida Forever funds. Lee County also contributed 40 million to the purchase, money which was available because of the county’s own local conservation referendum initially passed by voters in 1996. Lee County is one of 30 counties and cities in Florida that has adopted local land conservation programs. Through Preservation 2000 and Florida Forever the state has been able to manage about 27 percent of the nearly 33 million acres of Florida for conservation. The goal is to manage 33 percent of the state’s lands which will require another 2 million acres and a lot more money.

While groups push for a long-term successor program to Florida Forever, they are also calling on state officials to increase the funding available for land purchases this year which could allow them to buy significantly more land now that the state’s red hot real estate market is cooling.

Newly elected Florida Gov. Charlie Crist advocated an increase in Florida Forever funds by $100 million in his proposed budget but the Legislature appears unwilling to go along with the move, to date.

Nonetheless, McLeod and his coalition members remain optimistic Florida will remain a leader in land conservation.

“We don’t underestimate the challenge,” McLeod said of triple funding for the program and the merits of land conservation are recognized across Florida.”

While the Florida Association of REALTORS® hasn’t officially joined the Florida Forever coalition, the association has worked closely with environmentalists on land-use programs in Florida, said Florida Association of REALTORS® Vice President of Public Policy John Sebree.

“REALTORS® support Florida Forever because we know that preserving land and green space adds to the quality of life here in Florida. People want to live here because of our pristine beaches and the ability to enjoy outdoor activities. Florida Forever has been a part of that,” Sebree said.

Christine Jordan Sexton is a Tallahassee-based freelance reporter who has done correspondent work for the Associated Press, the New York Times, Florida Medical Business and a variety of trade magazines, including Florida Lawyer and National Underwriter.

Coalition members remain optimistic that Florida will remain a leader in land conservation.
Kevin Mills has a passion for active transportation. You might think that the Washington D.C.-based Rails-to-Trails Conservancy, where Mills serves as vice president for policy, would have it easy on Capitol Hill selling as it does a concept that has been linked to increased property values and helps promote health and wellness, historic preservation and community identity, and a multi-modal transportation system.

But nothing is a sure bet in politics. Mills said the House Transportation and Infrastructure Committee Chairman James Oberstar (D. Minnesota)—to keep the funding source for the widely popular Rails-to-Trails program, which promotes the conversion of old rail lines to trails amenable to biking, walking, in-line skating and virtually every type of active transportation—made “a huge investment of political capital” to make certain that the program remained a priority in the last transportation reorganization bill.

Rails-to-Trails faced an uphill battle when the opposition to the funding started mounting, including “people who see pouring concrete for more highways” as the hallmark for transportation policy, Mills said. That would include lobbyists for the powerful trucking industry.

Now, two years into the six-year bill, the present raid on money for Rails-to-Trails comes after more than a decade of success stories surrounding the popular program.

The Rails-to-Trails Conservancy cites studies which show that as trails and greenways increase the natural beauty of communities, they also have been shown to be easier to sell.

A 1998 study of property values along the Mountain Bay Trail in Brown County, Wis., showed that lots adjacent to the trail sold faster than those not situated next to the trail and for an average of 9 percent more.

And in a 2002 study, homebuyers sponsored by the NATIONAL ASSOCIATION OF REALTORS® and the National Association of Home Builders, trails promoting active transportation ranked as the second-most important amenity out of a list of 18 choices.

Developers in Apex, N.C., who realized the selling power of greenways, built the community Shepherd’s Vineyard. Houses, priced from $250,000 to the price of 40 homes adjacent to the regional greenway, and despite the increased price, the homes were still the first to sell in the planned community.

While homebuyers are eager to purchase lots near greenways and trails, many have little understanding as to why the phenomenally popular program that establishes greenways and trails, many have little understanding as to why the phenomenon popular program that establishes 

In the early 1900s, the nation’s economy and national defense were, to a large degree, dependent upon the strength of the rail system. But, as long-held gains from the rail system from World War II, the nation’s rail lines fell on hard times. By the 1970s, bankruptcy had claimed several major railroads.

The rapid fragmentation of rail systems continues into the next decade, the rail system over the next decade has grown concern in Washington, D.C. So, Congress passed the National Trails Systems Act (NTSA), which has preserved established railroad corridors for trail use as well as future rail use, if necessary.

The law established a national policy to preserve the existing railroad rights-of-way for future reactivation to service, to protect railroad transportation corridors and to encourage energy-efficient transportation use. It allowed railroads to free themselves of the financial responsibility for unprofitable rail lines by transferring them to a qualified public or private organization for interim use as a trail until the line might be needed again for rail service.

This so-called “railbanking” propelled what had been a primarily Midwestern phenomenon beginning in the 1960s of converting abandoned or unused railroad corridors into public trails.

The passage of the watershed Interstate Surface Transportation Act of 1991, the federal government agreed to provide Transportation Enhancement (TE) dollars for the Rails-to-Trails movement and programs in 11 other designated areas. The law requires that 10 percent of the surface transportation program funding approved by the federal government be distributed to state transportation agencies and be used for these projects.

In 2005, the TE reauthorization bill was passed and the federal government committed to provide another $803 million in enhancement funding annually to the state transportation agencies, for a total of $4 billion through 2009. Recent revenue shortfalls have prompted the return of some of those dollars.

In 2006, federal budget constraints prompted three calls for funding rescission by the state transportation agencies totaling about $3.8 billion. To help meet that obligation, the states returned about $600 million in TE funds. On March 19, 2007, however, the state agencies in a single call were ordered to return another $3.5 billion of transportation funds. It is at their discretion whether the funds come from roads, enhancements or other programs.

Mills pointed out that Texas returned $225 million in TE money in 2006. That’s nearly 74 percent of the total it was required to return. “Texas went out of its way to say that Texas has the least direct impact on its transportation goals,” he said.

At the other end of the spectrum, the Mills said, is Florida, which relied on TE money for just more than 6 percent of its rescission, or $10.8 million.

Some would say it is only fitting that a state largely from the Panhandle to the Florida Keys, and another 41 trails totaling 524 miles have been created. The 30 existing and planned trails that will make up three proposed regional trail systems—the South Florida Multi-Modal Regional Trail System, the mid-Florida Cities Regional Trail System and the Emerging Panhandle Regional Trail System—are projected to have more than 11.4 million users per year.

Newly elected Florida Gov. Charlie Crist is on the record in support of the health benefits of an active lifestyle. “Florida has the unique potential to become a national leader in health and physical fitness due to our beautiful climate and abundance of award-winning beaches, state parks, and greenways and trails,” said Crist. “By utilizing these natural resources and developing partnerships among government, business, community organizations and private citizens, we can accomplish the goal of improved physical fitness and health for all Floridians.”

With 1.2 million users annually, the Pinellas Trail, which runs for 34 miles from St. Petersburg to Tarpon Springs, is tied for fourth place, with the Iron Horse State Regional Trail System and the Emerging Panhandle Regional Trail System. The state’s $10.8 million in TE funds represented 62 percent of the state’s TE program funding. “This so-called ‘railbanking’ propelled what had been a primarily Midwestern phenomenon beginning in the 1960s of converting abandoned or unused railroad corridors into public trails. The law establishes a national policy to preserve the existing railroad rights-of-way for future reactivation to service, to protect railroad transportation corridors and to encourage energy-efficient transportation use. It allowed railroads to free themselves of the financial responsibility for unprofitable rail lines by transferring them to a qualified public or private organization for interim use as a trail until the line might be needed again for rail service. This so-called ‘railbanking’ propelled what had been a primarily Midwestern phenomenon beginning in the 1960s of converting abandoned or unused railroad corridors into public trails.

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Gasoline prices are soaring. Much public transit is less than adequate. Various taxes are failing to keep up with inflation and failing to generate the funding needed for both maintenance and expansion of all forms of transportation—from highways to light rail.

Real estate has always been about location, location, location. But rather than the old saw applying to good schools, good jobs, good parks, etc., location may apply more to transportation than any other element.

When homebuyers talk location, they mean they are concerned about: proximity to rail, better buses, pedestrian and bike paths, improved highways, public tollways that charge a premium at peak times to reduce congestion, public-private partnerships that have expanded roadways, and even location in a state, region or municipality that is focused on transportation financing.

By Steve Wright

Creative solutions for the problem of future transportation development and maintenance funding
SUMMER 2007

C. Kenneth Orski, editor and publisher of Potomac, Maryland-based Innovation Briefs, said every source of transportation funding is falling short.

“Local and state jurisdictions are running out of money for transportation. All the money is used for maintaining what they have,” he said. “They are short of any capital that would expand the system. Everybody is scrambling madly in search of new financing sources.”

The main source for highways is the federal Highway Trust Fund supported mostly through the federal manufacturers’ excise tax on gasoline, which has remained at 18.4 cents per gallon for more than a decade.

“There is a huge political resistance to raising the gas tax in Congress,” Orski said. “There also is resistance in state legislatures,” because states also heavily tax gasoline, but with high crude oil prices, state governments are reluctant to add insult to injury by adding higher gas taxes to spiraling costs at the pump.

Orski said that while tax revenue is basically stagnant, the demand for transportation is increasing very rapidly due to tremendous growth in both vehicle miles and number of cars on the road.

“By 2009, the Highway Trust Fund will zero out. The billions of dollars in the balance have been spent down, so only the funds collected that year will be the balance,” he said of the alarming depletion of money for transportation.

In Texas, the state converted some High Occupancy Vehicle (HOV) lanes into High Occupancy Toll (HOT) lanes.

While HOT lanes have traditionally been reserved for public transit plus car pool vehicles with two or more occupants, HOT lanes charge a premium price for the fast lane.

Buses and vehicles occupied by three or more people still ride free, but cars with only two people in them pay an extra $2 toll. The entire operation is cash and slow-down free, operated by transponders sold to a limited number of car poolers who qualify.

Other states are building new lanes or converting existing lanes into HOT lanes that will charge a higher price for use at peak hours. Public transportation and some car pooling gets a free ride, but individuals pay a much higher cost to use the fast-moving lane during morning and evening commute peak hours.

The idea is that HOT lanes reward public transit and high occupancy vehicles, reduce congestion by charging a higher price for use and increase revenue to pay for expansion.

Texas is also leading a movement among the states to work with private firms to add lanes or build entirely new highways. In many of these scenarios under development or study, the private operator will finance construction in return for a long-term lease that allows it to charge tolls and fees to make earnings on its investment.

Cintra-Zachary, a Spanish-Texas consortium, won the first bid to build a highway from Dallas to San Antonio. It is the first of four Trans-Texas Corridors that will eventually include high-speed, limited-access highways separated for trucks and cars; tracks for high-speed rail, commuter rail and freight rail; plus space for utilities, maintenance and future expansion.

In Chicago, a long-established highway was virtually sold, via long-term lease, to generate dollars for transportation.

The Chicago Skyway, a six-lane, nearly eight-mile toll bridge that connects the Indiana Toll Road to the city’s Dan Ryan Expressway, was leased for 99 years to a Spanish-Australian group.

By 2009, the Highway Trust Fund will zero out.

More than 200 transportation issues went on the ballot and voters supported more than 70 percent of them.

In return for $1.83 billion up front, the Skyway Concession Company will collect all tolls and concessions for one year shy of a century. The revenue to the city pays for many things, but it is not solely dedicated to public transit or highways, prompting criticism.

“It’s like mortgaging the house to go to dinner,” said Alan Pisarski, a 40-year veteran transportation expert based in Falls Church, Va. “Some future mayor of Chicago is going to look back and say (sarcastically) “what a good idea this was—you solved your problems back then and now we’re done.””

“Pennsylvania and New Jersey are heavily financially squeezed and their turnpikes will probably be sold. The Jersey turnpike will pull down maybe $20 billion. I have faith that the private sector guys will run it well, but are the lease proceeds being put into transit and transportation?” asked Pisarski, author of Commuting in America III released by the Transportation Research Board of the National Academy of Sciences.

While new, creative financing options abound, several states and municipalities are expanding public transit through the tried and true means of taxation approved by ballot issue.

Art Guzzetti, vice president for policy at the American Public Transit Association, says the demand for light rail and other forms of mass transit is on the rise as 34 million Americans use transit each day and millions more are demanding it for their neighborhoods.

Guzzetti cites as evidence the Center for Transportation Excellence (CFTE) study “Transportation at the Ballot Box—Voters Support Increased Investment & Choice.” The Washington, D.C.-based CFTE research fund that, from 2000 to 2005, communities in 33 states approved more than $70 billion in transportation spending—much of it for public transit. In that span, more than 200 transportation
More public transportation service is the quickest, cheapest and most cost effective way to free up space on existing roads.

issues went on the ballot and voters supported more than 70 percent of them.

Nationwide, voters have dealt with the burden of their tax burden by approving only about a third of the spending measures in elections. But the CFTE study found such a support base for transit, that several of the spending issues were placed on the ballot via citizen initiative.

Voters authorized transportation spending via sales tax, property tax (new, increased or extension of existing in both sales and property taxes), bond issue, dedicated revenue source and other means such as tolls, surcharges and special fees.

The trend to support transit at the ballot box continued in 2006 when a small city and a location out west, where growth came by way of automobile-dependent development, both approved measures that will generate millions to billions.

The CFTE reported that: In Canton, Ohio, voters approved a one-quarter cent sales tax extension that is expected to raise at least $11.5 million annually for the next five years for a regional bus service. In Tucson, Ariz., voters approved a sales tax dedicated to transportation expected to top $2.1 billion over 20 years.

The trouble with transit funding at the state level is that different parts of a state have very different priorities. The urban area may need many modes of transit to serve its density, the suburban area may need a commuter line linked to downtown and other suburban jobs centers, theport cities require transit to move workers, goods and visitors, and one rural area may want highways and public transit to spread development while another may snub transit in hopes of remaining pastoral and undeveloped. Also, experience has shown that linking ballot measures to specific transportation projects, rather than general plans to improve roads or transit, results in a higher rate of success at the polls.

These varying dynamics have hit hard in Virginia, where transit funding battles have been waged in the general assembly for years.

The failure to address the diverse transportation funding needs in the Old Dominion is why Virginians for Better Transportation (VBT) was founded as an advocacy group. Working to implement statewide, multimodal transportation solutions through increased, dedicated and sustainable funding and responsible business practices.

“The benefits to transit are significant at all levels. Two income families, where one earner can take the bus or train to work, can save about $6,200 a year,” said Linda McMinimy, executive director of the Richmond-based Virginia Transit Association and a VBT steering committee member. To achieve national, state and regional goals, transit must be expanded. “To manage and reduce road congestion, more public transportation service is the quickest, cheapest and most cost effective way to free up space on existing roads.”

“Most of the travel trips in Virginia are regional—people getting to and from daily activities—yet in many parts of Virginia, especially suburban and rural areas, transit service is very limited, inconvenient or not available at all,” she added. “Public transportation service needs to be expanded to provide better local and regional accessibility. Expanded regional public transportation service needs to be frequent, faster and convenient to more Virginians. This will require a higher level of reliable, dedicated state and federal funding.”

Fellow VBT steering Committee member Nancy Finch, executive director of Richmond-based Virginians for High Speed Rail, supports inter-city, heavy rail for alternative transportation that is “environmentally clean, saves fuel, reduces congestion, and is safe and convenient.”

“Rail cannot be a local government or even, totally, a statewide issue. It needs to be a federal issue supported primarily with tax dollars as we support air, ports and highways with tax dollars,” she said. “We need leadership on the federal level for a national rail program and federal funding. Already the new leadership—with Sens. Lott and Lautenberg’s legislation for Amtrak funding—offers hope that a new day is here.”

Virginia Secretary of Transportation Pierce Homer said it is increasingly difficult to hike user fees.

“Gas prices have risen steeply in recent years and additional gas taxes are a hard sell in the legislative and political arenas,” he said. “Other user fees, such as vehicle sales taxes or insurance premium taxes, are more stridently resisted because these industries are all national in scope and in some cases international in scope. Even a slight fee change can substantially affect a given industry in the competitive and global marketplaces.”

In late February, Virginia lawmakers passed what the Washington Post dubbed the state’s “first transportation plan in a generation, voting to spend $1.5 billion a year on roads, bridges and transit after ending a Republican feud that has stymied them for years.”

On April 4, a compromise measure between Democratic Gov. Timothy M. Kaine and Republican leaders in the General Assembly was approved, providing $1.1 billion per year for transportation by using a mixture of state, local and regional taxes.

“It raises only one traditional user fee on a statewide basis (vehicle and truck registrations), it authorizes numerous local and regional taxes and fees in the Northern Virginia and Hampton Roads areas (regional gas taxes, additional vehicle registration fees, etc.),” Homer said.

Even with the plan to spend billions, Homer observed “the bill falls well short of solving the three major areas of deficiency Virginia faces: deficit in highway maintenance, lack of identified funding source to support current debt obligations; and extraordinary shortfall in transit capital reimbursements.”

Like Virginia, most states will face the same funding obstacles in the near future. It’s obvious that new funding sources plus creative solutions and partnerships will be necessary to sustain our country’s transportation infrastructure.

Steve Wright frequently writes about Smart Growth and sustainable communities. He and his wife live in a restored historic home in the heart of Miami’s Little Havana. Contact him at: stevewright84@yahoo.com.
Complete the Streets for Smart Growth

Planners figure out the puzzle to pedestrian-friendly roadways

Complete the streets so everyone can use them safely and conveniently—that’s the new cry of advocates, planners and elected officials who are behind a movement to fundamentally alter the way roads are planned, designed and built.

By Barbara McCann
A basic tenet of Smart Growth is the creation of walkable communities that provide transportation choices. But in many cases, state and local transportation agencies have been slow to get the message. Yes, they may have spent extra time and energy on redesigning that one boulevard to include a bicycle lane and wide sidewalks, but everywhere else, they keep churning out high-speed roads for cars with little thought to the needs of bicyclists, pedestrians and transit riders who are also using that street.

Recently, the mayor of Louisville, Ky., Jerry Abramson, joined a growing chorus that wants to change that practice. “For decades, we in Louisville—and cities around the nation—have built roads only for vehicles. That was an urban planning mistake,” Abramson said in a statement. “The Complete Streets policy will help rectify that.”

Louisville’s combined city/county government is considering adoption of a comprehensive complete streets policy that would require the city to take into account the needs of all users, every time engineers set out to change or build a street. Those users include motorists, transit riders, bicyclists and pedestrians of all ages and abilities—including older people, children and people with disabilities.

The city worked with a broad advisory group to create the comprehensive policy.

Louisville is expected to soon join close to 50 other places—ranging from states to small towns—that have adopted some form of a complete streets policy. In some cases, lawmakers have passed laws or ordinances, or citizens have approved ballot measures; in others, planning agencies have written internal policies or re-written their design manuals. But, everywhere the intent is the same—to change long-standing transportation planning practices that narrowly focus on moving as many cars as possible.

In Massachusetts, a state law passed in 1996 required the state Highway Department to accommodate bicyclists and pedestrians in projects. In some cases, lawmakers have passed laws or ordinances, or citizens have approved ballot measures; in others, planning agencies have written internal policies or re-written their design manuals. But, everywhere the intent is the same—to change long-standing transportation planning practices that narrowly focus on moving as many cars as possible.

In Massachusetts, a state law passed in 1996 required the state Highway Department to accommodate bicyclists and pedestrians in projects. Initially, the law was poorly implemented. But, ultimately it helped spark a citizen-led planning process that tossed out the old highway manual that had focused on improving automobile ‘Level of Service’—a measure of traffic congestion. Thomas DiPaolo, assistant chief engineer for Mass Highway, says, “What we tried to do, was make it acceptable to advance projects that have purposes other than improving vehicular Level of Service for a road. For example, now supporting economic development would be a legitimate ‘design control’ to make a project worthwhile.” The new guide, adopted in January of 2006, sets multi-modal accommodation as one of its three guiding principles—and the needs of bicyclists, pedestrians, transit users and disabled people are integrated into every aspect of design, from intersections to bridges.

About one year earlier, the city council of Colorado Springs, Colo., adopted a complete streets policy, which recently led to the inclusion of bike lanes and sidewalks on a new bridge project. But, the policy isn’t just about adding extra pavement.

By providing for these diverse users, complete streets can improve safety and health.
Complete streets also improve mobility for transit vehicles and the people who use them. A broad coalition has formed to urge adoption of complete streets policies at the local, state and federal level. The National Complete Streets Coalition has brought together bicycle advocates—who have been fighting for complete streets the longest—with those working on behalf of pedestrians, disabled people, seniors and transit users. By providing for these diverse users, complete streets can improve safety and health. A recent Federal Highway Administration assessment of what safety features are effective in protecting pedestrians listed many items found on a complete street—sidewalks, raised pedestrian medians, better bus stop placement, measures that slow or ‘calm’ traffic and treatments for disabled travelers. On the health front, public health officials fighting the obesity epidemic are calling for complete streets networks with continuous sidewalks that allow children to walk to school and adults to walk to destinations, getting essential physical activity along the way.

Complete streets also improve mobility for transit vehicles and the people who use them. A study in Houston found that sidewalks are not provided between home and the nearest bus stop for three out of five disabled and older residents; nearly three-quarters said streets near their homes also lack curb ramps and bus shelters. As a result, few take the bus. Transit advocates point out that better access to transit stops will help reduce the number of times disabled people will need specialized (and expensive) door-to-door paratransit service.
There was a time when Americans put more shoe leather to the sidewalk and bicycle wheels to the road. Mom and Dad were more likely to walk a few blocks to get out of the house, to pick up a loaf of bread at the local IGA, or to visit with neighbors around the block. Junior and Sis rode their bikes or hoofed the half dozen blocks to the neighborhood school.

But times—and transportation modes—have changed. Today, Americans find it almost a necessity to drive to any final destination. Because of unplanned development, neighborhood sprawl, and pedestrian-unfriendly streets, we have little choice but to drive through winding streets of suburban developments in order to get to the main arterial. We wait our turn to pull out onto six lanes of traffic, drive through several monstrous intersections then into the massive parking lot of a strip mall. Now we wouldn’t even consider letting our children walk or bike along the pedestrian-unfriendly or downright dangerous streets to get to the regional school on a large parcel at the edge of town. Mom and Dad chauffeur them.

But these aren’t the only changes in American life. Adults and children are packing on the pounds to the detriment of their health. Are the changes connected? If so, what can and should we do about it?

“In 1978, 15 percent of Americans were not just overweight but clinically obese, and by 2002 it was 31 percent. One in seven youths is classified as obese,” said Dr. Richard Joseph Jackson in a 2006 speech delivered in London, England.

Smart Growth has the potential to improve your health

By Heidi Johnson-Wright

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But these aren’t the only changes in American life. Adults and children are packing on the pounds to the detriment of their health. Are the changes connected? If so, what can and should we do about it?

“In 1978, 15 percent of Americans were not just overweight but clinically obese, and by 2002 it was 31 percent. One in seven youths is classified as obese,” said Dr. Richard Joseph Jackson in a 2006 speech delivered in London, England.
“Overweight and obesity increase the risks of cancer, heart disease, stroke, high blood pressure, gall bladder disease, joint and bone disease, and many other afflictions,” Jackson said. “But the obesity epidemic also is because we and our children increasingly cannot walk to where we need to do our life work—schools, sports fields, friends’ homes, libraries, shops or churches. The difference between highly walkable and non-walkable communities is an average of seven pounds of body weight,” said Jackson, an adjunct professor in both the department of environmental health science and in the City & Regional Planning College of Environmental Design at the University of California at Berkeley.

“The other side of the obesity epidemic is the mix of good and bad news brought to us by technology. Technology has eliminated a lot of the really backbreaking labor from our lives. But we have also ‘designed’ a lot of incidental exercise out of our lives, such as walking. In 1969, 48 percent of students (90 percent of those who lived within one mile) walked or cycled to school. In 1999, only 19 percent of children walked to or from school and 6 percent rode bicycles to school. Overall, Americans walk or cycle a trivial amount—only about 6 percent of our trips—as compared to almost 50 percent for the people of Scandinavia.”

The current low-density, car-requiring building styles of the 20th century in the face of immense population growth are not sustainable. The solution, in my opinion, is high-quality density—safe, clean, quiet and healthy—with high energy and resource efficiency,” Jackson said.

“Research has documented that, all else being equal, residents of Smart Growth communities walk and bicycle more and drive less than residents of more isolated automobile-dependent locations. This results in measurably better physical fitness, reduced likelihood of obesity and traffic crash risk, and fewer air pollutants per capita than residents of more automobile-oriented communities.”

Frank believes that the solution boils down to Smart Growth principles applied to a variety of different settings such as small villages, developing suburbs, old town centers and central cities, such as:

- Integrating land uses with one another, so that people can easily accomplish basic utilitarian needs on foot and bicycle;
- Locating retail such as small shops and services near where people live to attract more walking trips as opposed to having a few large shopping centers or a mall;
- Designing compact residential developments to put more people within walking distance of parks, schools, transit, shops and services;
- Building streets and buildings with a pedestrian perspective thereby creating places that are safe, vibrant and interesting for walkers, bicyclists and transit users; and
- Linking street and trail networks, which will reduce the time and distance needed for pedestrians and cyclists to get from point A to point B.

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But not everyone believes that Smart Growth is the answer to America’s obesity and health crisis. Matthew Turner, professor of economics at the University of Toronto, agrees with Jackson.

“You walk by a school and an old folks’ home next door. You notice young people in one building and old people in the other. You ask yourself, ‘what about these buildings make some of the people young and the others old?’ Now picture two buildings, but in one building the people are heavy and the other building the people are thin. What is it about the buildings that make people thin or heavy? This conclusion is perfectly consistent with the observation. But to really get a true understanding of what’s going on, you must watch people coming and going from the buildings, otherwise you can’t draw a valid conclusion,” said Turner.

“Planners are carrying out really bad science. They go to the suburbs and weigh people, then they determine weight changes when he moves from the city to the suburbs. ‘If you do that type of study, you’ll find the movement of the same person from one environment to the other has no effect on his or her weight,’ Turner said. Turner agrees that people living in suburbs are generally heavier than people in cities, but he believes there’s a different explanation than Smart Growth makes people healthier.

“Why are people in suburbs heavier? Because of different habits, like walking less and driving more. Overweight people in cities move to the suburbs and people who are predisposed to gain weight move to the suburbs. They like to be reliant on cars,” he said. Turner agrees, however, with the Smart Growth proponents that Americans are too reliant on their autos. To counteract this, he believes it comes down to hitting people in the pocketbook with things such as specific time of day tolls on roads, charging more for parking and auto insurance premiums based upon the number of miles driven.

“Since people driving too much, they should pay for this privilege. If they have to pay for it, people will want to stop organizing their lives
around cars. People choose what they want to do, and should not have to be told where to live and work. I’m not comfortable telling people where to live. But I’m pretty comfortable telling people they drive too much," Turner said.

Dr. Howard Frumkin, of the Centers for Disease Control and Prevention, understands Turner’s skepticism and acknowledges some contradictory findings, but believes this is typical with any emerging field of science.

People choose what they want to do, and should not have to be told where to live and work.

"Opponents of the theory that Smart Growth and better health are linked point to limitations in the research. Many of the studies have been cross-sectional, involving the study of two groups; one of which lives in walkable communities and the other which doesn’t. Such studies don’t irrefutably prove that one’s environment affects one’s travel behavior. It may simply be that people who enjoy walking move to Smart Growth neighborhoods. To find a link between environment and travel behavior you need to approximate a randomized trial, much like those used in experimental drug studies,” said Frumkin, director of the National Center for Environmental Health and Agency for Toxic Substances and Disease Registry at the CDC.

“In Atlanta, there’s an infill development called Atlantic Station being built that’s also the subject of a research project focused on the health effects of Smart Growth. Through a collaboration between the developer, academics and public health professionals, homeowners who are coming from sprawling communities and have purchased homes in Atlantic Station pre-construction are being studied in regard to their weight and general health. It will provide an excellent opportunity to look at the same people before and after they’ve moved to a Smart Growth community,” Frumkin said.

Soon, Georgia just might have the evidence of Smart Growth and sustainable communities. She and her husband live in a restored historic home in the heart of Miami’s Little Havana. Contact her at hjohnsonwright@yahoo.com.

Atlantic Station

The program’s main goal is to empower communities to make walking and bicycling to school a safe and routine activity.

Childhood Obesity and Safe Routes to School Program

Established in 2005 by federal legislation, the Safe Routes to School (SRTS) Program was created to address the growing problem of childhood obesity and the health issues it gives rise to. According to the SRTS Web site, in 1969 about half of all students walked or bicycled to school. Today, fewer than 15 percent of all school trips are made by walking or bicycling, one-quarter are made on a school bus and more than half of all children arrive at school in private automobiles.

The decline in children walking and bicycling to school has not only added to traffic congestion and air quality around schools, but also sedentary lifestyles of American children. This puts them at risk for obesity, diabetes and cardiovascular disease. SRTS also addressed safety issues of concern to parents, who cite traffic danger as a reason why their children are unable to bicycle or walk to school.

The program’s main goal is to empower communities to make walking and bicycling to school a safe and routine activity. The program makes funding available for a wide variety of programs and projects, from building safer street crossings to establishing programs that encourage children and their parents to walk and bicycle safely to school.

“Communities can use the money to fix existing problems, such as schools near major arterials without sidewalks. To make it work, it’s important to gain community support by bringing school and city officials and stakeholders together to set goals,” said Deb Hubsmith, coordinator for the SRTS National Partnership, a coalition of 250 nonprofits, governments, schools and private organizations.

Most communities are getting a positive reception to these programs; many communities believe that 20 to 30 percent of morning traffic consists of parents driving kids to school each day,” said Hubsmith.

Fred Boykin, chairperson of the Metro Atlanta SRTS Coalition and a city commissioner in Decatur, Ga., helped organize a very successful four-year pilot program implemented in four schools.

The goals of the program were to promote physical activity in order to reduce childhood obesity, improve air quality and reduce traffic congestion—a big issue in greater Atlanta.

“We’ve done a lot of safety training, including organizing bike trains and walking school buses led by parents and volunteers,” Boykin said.

“The program has resulted in an 86 percent increase in walking and biking at one elementary school and a 22 percent drop off in afternoon school pick ups using cars.”

For an SRTS on-line guide, including a reference manual designed to support the development of programs and links to other SRTS publications and training resources, visit: http://www.saferoutesinfo.org/guide/index.cfm.

Heidi Johnson-Wright frequently writes about Smart Growth and sustainable communities. She and her husband live in a restored historic home in the heart of Miami’s Little Havana. Contact her at hjohnsonwright@yahoo.com.
Atlantic Station in Atlanta, Georgia

The Green Building and Smart Growth Connection

By John Van Gieson

DESIGN GREEN
Green building advocates, new urbanists and environmentalists have joined forces to merge their individual interests with their common interest in promoting Smart Growth and fighting sprawl into national standards for neighborhood development.

Starting about four years ago, the Natural Resources Defense Council and the Congress for the New Urbanism opened discussions with the Green Building Council about creating a national neighborhood development certification program similar to other Green Building Council certification programs. The Green Building Council has led the Green Building Ratings Systems since 2000.

“We wanted to incentivize a good location, good development and good environmental practices,” said Kaid Benfield, director of Smart Growth for the Natural Resources Defense Council.

With considerable input from other groups, the three organizations developed the Leadership in Energy and Environmental Design Neighborhood Development (LEED-ND) ratings system and have launched a pilot program to test the certification standards.

Jennifer Henry, program manager of LEED for Neighborhood Development at the Green Building Council, said the standards incorporate the principles of Smart Growth, new urbanism and green building and are designed to encourage developers to build better projects.

“The first linkage is where you put your development in relation to transportation,” Henry said. “The second is neighborhood patterns and design. How you lay out the streets; how compact and walkable is your design; and does it live up to the principles of new urbanism and Smart Growth? The third is green building and technology. How energy efficient is your building going to be?”

The development

Developing the LEED-ND standards involved an enormous amount of work. A Core Committee comprising members of the three organizations and supportive groups released a preliminary version of the ratings in 2005 and revised them after receiving more than 4,000 suggestions during a comment period. Earlier this year, the Green Building Council launched the pilot project, soliciting applications from developers who want to be certified.

The applications will be processed by the Green Building Council Web site, www.usgbc.org.

Evaluators will assign up to 106 points to projects applying for LEED-ND certification. There are four certification levels: Platinum (80 to 106 points); Gold (60 to 79 points); Silver (50 to 59 points); and Certified (40 to 49 points). The higher the score, obviously, the more the developer can cross about it. Developers who don’t like their score have the option of changing their plans and resubmitting their applications.

“It’s designed with the idea that there’s feedback, and the ratings can be improved,” said Susan Mudd of Chicago, an environmental lawyer who represented the Congress for the New Urbanism on the Core Committee.

Evaluating the applications is likely to be a time-consuming job. Henry said, it will probably be late this year or early 2008 before ratings are released. The ratings will be modified after another comment period and won’t be finalized until 2009, she said. Hopefully, Mudd added, that will involve tweaking, not rewriting, the ratings.

What do the designers hope LEED-ND will accomplish? Basically they want to create a powerful incentive for developers to design mixed-use neighborhoods that are compact, close to transportation, attractive and green.

“It gives developers a certificate of authenticity that this is really a green development,” said Tom Richman, a Palo Alto, Calif., urban design consultant who represented the Congress for the New Urbanism on the Core Committee. “It will move the market toward better design. It will give a competitive advantage for neighborhoods that are really environmentally sound and nice places to live, and the third thing is that it will protect the well-intentioned developers in the public process.”

LEED-ND certification will save developers time and money as they work their plans through the local government approval process, Richman said, because it will tell local officials that the proposed development meets national standards for quality neighborhood development. It will also give developers an effective tool to overcome the objections of people who abuse the process to oppose growth, he said.

“What happens so often is that people who are against any growth, the NIMBYs if you will, object to development on the basis of the environment, but they’re really just against growth,” Richman said. He said the LEED-ND certification “will help to clarify the conversation when there is opposition. Is it really environmental stewardship, or is it just anti-development?”

The results

Although it will be months before the results of the first round of the LEED-ND certification are known, there are neighborhood developments around the country that Smart Growth experts think meet with LEED-ND standards. Geoff Anderson, director of the Environmental Protection Agency’s Development, Community and Environment
and single-family homes. There’s even a building about 165,000 tons of contaminated materials to Investment and Jacoby Development, Inc., removed as the largest urban brownfield redevelopment in Atlanta’s infamously congested freeways. It’s touted in Environment category.

Award for Smart Growth Achievement in the Built public-private partnership that redeveloped a neighborhood built on open space next to a light

neighborhood, and Orenco Station, a new transit station hauled 900,000 people last year, doubling ridership projections. 

Brian Leary, vice president of design and development for Atlantic Station LLC, said the developers ensured from the beginning that Atlantic Station met Smart Growth, new urbanist
green building standards. 

“We see it really as a value-added statement,” Leary said. “To the market it says that it’s a good product.”

Orenco Station is a 190-acre new suburban community built on what was essentially a greenfield next to a light rail stop in Hillsboro, Ore., about 15 miles west of Portland. The community features a town center, office and retail space, and residential buildings ranging from single-family homes to condos to lofts and apartments. The developer, PacTrust of Portland, originally

intended to build a commercial-industrial development on the site, but that changed when the city of Hillsboro was required to rezone the land for compact, mixed-use development to get funding for the light rail project. At that time, PacTrust had no experience developing residential communities, let alone new urbanist projects.

There was no such thing as LEED-ND when work on Orenco Station started about 10 years ago, but Dick Lofflemacher, director of residential development at PacTrust, said the company embraced Smart Growth principles because it wanted to do it right.

“Our infrastructure is very important and has to be very well done,” he said. “People are paying a premium for a small lot and a small house, you better have something going on, otherwise they’re not showing up.”

The Natural Resources Defense Council thinks there is something going on at this Oregon development, reporting in an article on its Web site that “Orenco Station is proof that traditional sprawling suburban development is not the only choice that sells well in the market.”

Old Town Wichita is a 40-acre redevelopment of a warehouse district contaminated by groundwater pollution. The neighborhood features 690,000 square feet of retail and office space, numerous shops and restaurants, three museums and eight historic buildings that were rehabilitated for residential use.

The discovery of the contamination nearly brought the project to a halt as banks were reluctant to lend money to potential developers. The city of Wichita brought the project back to life by forming a public-private partnership with the prime developer MarketPlace Properties. The city leveraged public funds to encourage redevelopment, and private investors poured more than $111 million into the neighborhood.

“Old Town is a testament to the effective use of public-private partnerships. Despite challenges, the partnership improved the environment and established Old Town as a charming community that capitalizes on the historic beauty of downtown Wichita,” the EPA said in presenting a Smart Growth Award to Old Town Wichita.

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Making SMART GROWTH possible with Form-Based Codes

Very “Next Big Thing” must cross the same threshold on its way to acceptance. It happens when people stop saying, “Huh?” and start saying, “Hmmm.” Form-based codes are at that point. Sure, they’re still the exception. And skeptics continue to carp. But the buzz is undeniable. From Pleasant Hill, Calif., to Miami, Fla., planners, developers and citizens have all caught wind of the concept and are more and more inclined to take a look.

“Form-based codes are a long way from being pervasive, but people don’t automatically rewrite their zoning codes the conventional way anymore,” said Karen Parolek, a principal with Opticos Design in Berkeley, Calif.

That’s because they want codes that support a more finely tuned approach to planning. “There’s a huge interest out there in finding a better way to write regulations to encourage Smart Growth—much bigger than we expected,” said Bill Spikowski of Spikowski Planning Associates in Ft. Meyers, Fla.

Form-based codes primarily seek to regulate the physical form of the built environment to create a specific type of “place.” Conventional codes, on the other hand, primarily seek to control the use of the land and the density of development without great regard for the resulting built environment. While each strategy includes elements of the other, they start with different priorities, support different visions and typically produce different results.
“You could use form-based codes to create any kind of vision, but nobody uses them to create suburban sprawl—the current codes do that just fine,” said Spikowski. “With form-based codes, the most common vision is the Smart Growth vision.”

The right tool
Form-based codes are to Smart Growth what rudders are to ships. It’s possible to reach port without them, but good luck. “When the codes don’t spell it out, the chances of getting Smart Growth are not as good,” said Spikowski.

Conventional zoning codes were not conceived to create walkable neighborhoods with a mix of uses and a range of housing choices—three major principles of Smart Growth and its cousin new urbanism. They were conceived in the early part of the 20th century primarily to separate homes from industry and other incompatible activities.

“One of the major impetuses of zoning was ... to separate noxious uses from residential areas,” said Bob Sitkowski, an attorney with Robinson & Cole, a Connecticut-based firm with a well-known land-use practice. “But times have changed. Today, more and more communities are looking for ways to shape the look and feel of the built environment and not just control the use.”

In at least one sense, form-based codes are no different than conventional codes. Both are tools to support better planning. But, as the decades passed, the challenge that inspired conventional zoning codes—the intrusion of noxious uses into neighborhoods—morphed into a new set of challenges: sprawl, congestion, environmental issues. As new strategies emerged to meet those challenges, so did the need for an alternative to conventional zoning codes.

“As people attempted to implement Smart Growth and new urbanism, they discovered a need for a different way to regulate development that was appropriate to those new models,” said Peter Katz, president of the Form-Based Code Institute and former director of the Congress for New Urbanism. “You can do Smart Growth and new urbanism with conventional codes, but they’re not the best tool for the job.”

In terms of supporting Smart Growth, conventional codes don’t—at least not very well. Their emphasis on separating uses and controlling density force homes to be built far from work and shopping, makes inefficient use of available land and requires car trips for nearly every activity. In other words, conventional codes contribute to sprawl. They also make key elements of Smart Growth—such as mixed use and greater densities—illegal without variances or rezones.

That’s why form-based codes occupy such a prominent place in the Smart Growth tool box. “It stands to reason that a different form of development would go hand-in-hand with a different form of regulation,” said Katz. “Use still matters. It just falls to a different level in the hierarchy of considerations.”

One of the benefits of that approach is it arguably makes it easier to convert buildings to new uses, promoting sustainability and allowing developers to respond to changes in demand. “It gives the market more flexibility on a finer scale to determine which uses are appropriate to be near each other,” said Sitkowski.

Miami’s bold move
In the 25 years since Duany Plater-Zyberk & Co. (DPZ) used a form-based code to plan Seaside, Fla.—considered the birthplace of the concept—the number of projects involving form-based codes has grown, but their application has somewhat narrowly focused. “They’re usually applied when you have a clear vision for a particular development,” said Spikowski.

Now, all eyes are on the city of Miami. Instead of applying a form-based code to a particular project or even neighborhood, Miami is rolling out a new form-based code for the entire city. “It’s unprecedented—such a project has never been done in a city as large as Miami,” said Luciana Gonzalez, assistant to the director of the department of planning.

The form-based code is the backbone of Miami 21, Mayor Manny Diaz’s blueprint to guide the
Form-based codes seemed to be the best regulatory mechanism we could find.

This is what we want, as long as you build it that way, go ahead and do it.

Where do form-based codes fit in? The codes, created in close concert with the overall vision, ensure that what gets built looks and feels like what people expected it to look and feel like—something conventional codes don’t do so well. Conventional codes are essentially “defensive codes,” said Parolek. “They say what you can’t do, but they leave open any number of windows for something conventional codes don’t do so well.” Form-based codes say this is what you must do.

Form-based codes are a means to a predictable end. “A form-based code is the straightest line from the vision to the actual implementation of that vision,” said Parolek. “All the code is really doing is delivering the vision.”

All aboard
A good example of form-based codes helping a stalled project get untracked is the Pleasant Hill BART Station in Contra Costa County, Calif. Over the years, various proposals to redevelop a large parking lot surrounding the rail station were fought by the community, which considered the proposals incompatible. Finally, the county hooked up with a developer and held a charrette to produce a vision for the 18-acre site that everyone could support.

Attended by 500 different people over the course of six days, the charrette resulted in a plan for a transit-oriented development featuring 549 dwelling units, 270,000 square feet of commercial space, 35,000 square feet of retail space and a new parking garage. The creation of a form-based code to regulate the development played no small role in winning community support. “It helped the community believe it was going to get what it approved,” said Maureen Toms, a principal planner with the county.

The Pleasant Hill model—a city or county working with a specific developer at a specific site—is one of the most common applications of form-based codes. A variation is the approach taken by Farmers Branch, Texas, a suburb of Dallas.

There, the city is using form-based codes to guide redevelopment in two specific districts but without a specific developer in tow. “These are two very good opportunities to experiment with live/work/play projects,” said Andy Gillies, the city’s planning director. “From the research we did, form-based codes seemed like the best regulatory mechanism we could find.”

St. Lucie County in South Florida adopted a form-based code to support a master plan for the future creation of new towns—fourth and fifth within a 28-square-mile of grapefruit groves. The plan preserves 60 percent of the land as agricultural by relying on the transfer of development rights to locations where the towns will be built. “That’s very different from what Miami is doing, but it’s still cutting edge,” says Spikowski, who helped create the master plan. “Quite a few developers are looking at this area.”

More than a ‘cool thing’
St. Lucie County is just another example of how “communities are finding creative ways to try form-based codes,” said Parolek. Many are getting their feet wet by adopting form-based codes as overlays to existing codes, allowing developers to pick which code they want to follow. “The biggest problem we have is misinformation,” said Parolek. “People think form-based codes are being done just because they’re the cool thing to do.” What most people probably don’t realize, she said, is that many of the country’s most vibrant neighborhoods sprang up before the advent of zoning codes and could not be turned into pedestrian-centered, mixed-use communities by replacing conventional codes with form-based codes.

“We’re also seeing a lot of jurisdictions latch on to the term form-based code— ... without any real knowledge of what it is,” said a DPZ partner. “They create a lot of code that involves a much finer level of detail than many people are used to.” Katz has observed a similar phenomenon. “A lot of communities are jumping on the form-based code bandwagon because they think it’s the new value of mixed use, but the hard part is writing an ordinance that defines what mixed use is,” he said. “They’re either too loose or too restrictive.”

To promote better understanding of form-based codes, the Form-Based Code Institute (www.formbasedcodes.org) offers three levels of courses and this spring gave out its first Duesenberry Form-Based Codes Award. Another resource is the SmartCode manual, a guide to the form-based codes created by DPZ and available at www.placemakers.com.
A Tale of Two Cities

Long the inhabitant of central cities, America’s economy has migrated to the suburbs and exurbs—but not entirely.

By Jason Miller
Prior to World War II, America’s cities Bourished. Hotbeds of commerce, culture and social interaction, they provided everything families wanted—at least needed. In-town and nearby residential neighborhoods were built densely, only a streetcar ride away from employment and opportunities. Our major metropolitan areas were compact, concentrated, and operating efficiently while judiciously using resources such as energy and land.

Things changed after World War II, when a mass exodus from almost every major city drained the populations in those urban areas, sometimes drastically. During the decades following the war, Americans moved out to first-, second- and third-ring suburbs, chasing a dream of more land, lower density, less crime, better schools, higher-paying jobs, cleaner air…in short, a better way of life. Sensing a trend, many retail, commercial and manufacturing interests followed the outward migration, further damaging some central cities’ vitality. Suburbs across America boomed in physical size and population; slowly, the U.S. economy became a suburbia-driven affair, fueled by the decentralized, low-density development pattern and nourished by a business model that some say is tenous at best and at worst, unsustainable.

But, suburbia seems here to stay—and so too its effect on the U.S. economy. Suburban growth has in some cases surpassed the level claimed by the central cities they once served; the “children” are bigger than the parents. At the same time, however, a renewed interest in the amenities and lifestyle that mature, compact urban spaces can provide has renewed interest in the decentralized, low-density development pattern to more concentrated urban, walkable patterns, but I don’t think there will be an effective move of people toward the city.

Our current state of economical affairs is neither right nor wrong, neither good nor bad, it’s simply the way things are, says Robert Lang, co-director of the Metropolitan Institute at Virginia Tech in Alexandria, Va., and author of the upcoming publication “Boomburbs: The Rise of America’s Accidental Cities” (Brookings Institution Press, May 2007). With more than 50 percent of the U.S. population in the suburbs, “the economy has already left the parents behind—the central city,” he says. According to Lang, even our terminology is becoming obsolete. In 2003, the U.S. Census Bureau stopped using the term “central cities,” changing it to “principal cities.” “Suburbs” was omitted entirely; instead, “nonprincipal city metropolitan area” became the preferred term.

Why? “Because suburbia is the new metropolis,” says Lang. “What people think of as suburbia have a majority of the U.S. commerce—a larger share of office, retail, etc. Fairfax, Va., has a huge economy, bigger than Washington, D.C. And [former suburbs] Naperville, Ill.; Scottsdale, Ariz.; Plano, Texas; and Irvine, Calif.—all are principal cities now.”

These new principal cities play host to the majority of commerce in the United States, says Lang, including a huge share of Fortune 500 companies who have chosen to build headquarters and branch offices there. For Lang, the U.S. economy’s move from principal city to nonprincipal city metropolitan area is already complete. “You find me one major high-tech company that is in a [central] city,” he says. “I dare you.”

No conspiracies or fear drive the movement to a suburbia-based economy, says Lang. The reality is much simpler than that: It’s a growth pattern based on Americans’ preference for lower-density development. Since America has been a land of open spaces ever since the 1800s, there has been plenty of land to accommodate this low-density pattern of growth. And, even since the 1950s, technological advances have given us the tools to organize that growth into a workable model that many Americans prefer.

**Back to our roots**

While thousands of Americans are moving to suburbia and exurba, a growing number are seeking a lifestyle more suburban, for the most part, has not been able to deliver in any meaningful quantity. This new demographic sometimes seems to be flying under the radar of social commentators, but prudent builders and developers are taking notice of them and adjusting their strategies accordingly, says Anthony Flint, author of “This Land: The Battle over Sprawl and the Future of America” (Johns Hopkins University Press, 2006), and a former journalist now at the Lincoln Institute of Land Policy, a think-tank in Cambridge, Mass.

“Almost before it’s been studied or realized, the shift from the conventional suburban development pattern to more concentrated urban, walkable environments is taking place,” says Flint. “For me, the proof of this shift is the big home builders themselves. Toll Brothers is working in Manhattan. KB Homes and Pulte have high-density projects. So does Lennar Homes. These guys don’t get into things unless they have a reasonable chance of making money. I think they realize the future is more dense, more mixed, more of the central cities. They’re looking at urban infill and redevelopment, and what they’re calling ‘urban villages.’

### Suburban growth has in some cases surpassed the level claimed by the central cities they once served.

Whether these higher-density projects are built on infill lots or in densifying suburbs, someone will choose to live there, says Flint, pointing to 70 million aging baby boomers as a prime target demographic. Recent surveys conducted by the American Association of Retired Persons (AARP) indicate a clear interest in urban neighborhoods, where many daily needs are within a short walk of residences, and a car is not a necessity. This suggests a different type of development than conventional suburban. Research conducted by the National Association of REALTORS® has found that 70 percent of homeowners feel a shorter commute is important to them—a statistical fact that, while not a smoking gun, certainly points in the direction of desire for higher-density development.

For many, a non-suburban lifestyle may be a foreign concept, a decision based on dollars and sense and environmental awareness, says Flint. “The sprawl economy took a beating over the past year. When gas prices went over $3 a gallon, people thought about how far they were commuting and factored transportation costs into their living arrangements in a more honest way, so that the true cost of getting around the suburban environment became apparent in the family budget.”

“With the growing concern over global warming and driving emissions, the trend towards increasing environmental awareness and sensitivity, an awareness that if you live in a more urban neighborhood, you can actually walk for some things or take transit. In this way, urban environments are seen as more energy-efficient. Climate change activists are slowly coming around to this land-use conversation, I think correctly,” says Christopher Leinberger, a fellow at the Brookings Institution in Washington, D.C., and a partner in Arcadia Land Company—a new urban developer—puts the proportion of Americans who want to live in what he calls “walkable urbanism” at between 30 and 40 percent—even if that urbanism doesn’t occur downtown. These people want downtowns, new suburban town centers, new lifestyle centers, transit-oriented development, new urbanism. They
America’s economy largely has followed its people from the central cities to its suburbs.

When the housing market slows, do Smart Growth projects perform better than their conventional suburban competition? Anecdotal evidence and some early research seem to indicate they often do, although some markets disprove that assertion. In a recent report released in February 2007, close-in, high-density suburbs are performing better than distant exurbs in housing price, volume and the length of time it takes to sell properties. Arthur C. Nelson, director of the Alexandria Center of Virginia Tech’s School of Urban Affairs and Planning, also has generated data that indicates higher-density housing generally fared better during the recent market downturn.

In a January 2007 report titled “The Market Acceptance of Single-Family Housing Units in Smart Growth Communities,” authored by Mark Eppli, professor and Robert B. Bell, Sr., Chair in Real Estate at Marquette University in Milwaukee, Wis., and Charles Tu, associate professor of Real Estate at the University of San Diego, hard numbers demonstrate the ability of Smart Growth communities to sustain price premiums. Eppli and Tu analyzed 4,744 actual single-family housing sale transactions between 1997 to 2005 in the Smart Growth developments of Kentlands and Lakelands in Gaithersburg, Md., and in non-Smart Growth developments in Montgomery County, Md., measuring the possibility of a Smart Growth price premium and the sustainability of that premium. The study employed approximately 30 control variables—such as lot size and house size—to produce an accurate result as possible. Their analysis revealed a price premium for Kentlands and Lakelands of 16.1 percent and 6.5 percent, respectively, over comparable houses in surrounding conventional subdivisions. That translates to an increase in sale price of $35,000 to $42,000 per home in Kentlands, and $10,000 to $15,000 per home in Lakelands. The Kentlands percentage was actually the result of a previous, similar study from Eppli and Tu, which had studied the same segment of housing type from 1994 to 1997 and found a 13 percent price premium (Lakelands was not built out at the time). These premiums are attributable to the uniqueness of the community, its location and the character of its architecture. "There’s nothing to compete it in to our market," she says, “so even then we’re not immune to the outside forces.”

Barbara Warner, sales and marketing manager for Hodgwood in Cumming, Ga., says her firm’s projects in the Atlanta area—such as Vickery and Woodstock Downtown—demonstrated a notable resilience when the market pulsed back. “When people had a choice and the values were the same, they chose the mixed-use neighborhoods. That’s what people love. If they have a choice of being out in the suburbs with other houses that look just like theirs, or being in an urban setting with more conveniences nearby, they chose the latter—especially in Atlanta.”

Sometimes, however, no level of quality can pull a market out of its doldrums.

In Miami, a glut of condominiums caused that market to slump beginning in April 2005, a slowdown that only worsened as September approached, says REALTOR® Ron Shuffield, president of Effingham-Weston-Meadow REALTORS® in Miami. “This wasn’t related to style or pattern of development,” he says. “We simply have more inventory than ever before in our history—both for condos and single-family homes.”

The condo situation is worse, though, because as sales began to decrease, inventory began to increase. In April 2005, we had 14,000 homes (single-family and condos) in the market in Miami and Fort Lauderdale. Currently, we have 74,000.”

In the opposite corner of the United States, development patterns carried virtually no weight in driving sales, says Lester VanMoenbergen, a REALTOR® with Windermere Real Estate in Lynden, Wash. “We went through a dip in prices and sales starting in November 2005 and ending around October 2006,” he says. “The slowdown affected every area of town; it didn’t play favorites.”

That statement is significant, since Lynden has virtually every kind of typical housing option in a small-town setting. According to VanMoenbergen, “Buyers are paying attention to the houses, not so much the neighborhood,” he says. “If they were looking for an entry home, they bought in Greenfield Village or chose a smaller home in the established suburban subdivision. If they could afford a larger house and lot, they bought it.”
Sidewalks are now required under new subdivision regulations approved by the Phenix City Planning Commission in December. The most noticeable changes for residents in the city are new curb and gutter regulations. All roadways within subdivisions are required to be surfaced for their entire width and include curb and gutter. The curb and gutter requirement includes sidewalks. The revised regulations have two conditions for waiver: (1) The curb and gutter requirement does not extend to subdivisions that lie more than 1.5 miles outside the corporate limits of Phenix City containing a minimum lot width of 100 feet; and (2) the regulations will not apply to a subdivision containing at least 20 lots having a minimum area of one acre per lot and average frontage of 200 feet (e.g., estate-type lots).

City leaders in Lawrence have chosen six areas for scrutiny as a team of planning consultants visits the town seeking the community’s input on a “smart code,” which is essentially a set of building rules that developers can elect to use instead of the city’s standard zoning code. The idea is that if the city offers incentives for developers to follow the “smart code,” they’ll opt to create pleasant, walkable, mixed-use neighborhoods. At the recent forum, people split into groups to brainstorm about what they’d like to see improved about the places being studied. A common question posed is whether the rules eventually could be made mandatory. Consultants said the rules can stand by themselves, but that the group usually recommends that city leaders make them mandatory only for newly annexed areas.

Kansas City is about to overhaul its zoning ordinance for the first time in half a century, with major changes anticipated for landscaping, parking and housing throughout the city. City officials say the public will have plenty of opportunity to comment and if all goes as planned, the city council could vote on the new rules sometime in the summer or fall. The revisions are intended to permit mixed-use development, including affordable workforce housing, reduce car dependency and improve air quality. Announced just a week after the Transportation Finance Commission estimated the state’s transportation repair and maintenance backlog at $15 billion to $19 billion, the project will be much harder to fund. Administration officials expect most of the $1.4 billion to come from taxes generated by development in the rail corridor, hopefully even before line construction begins.

True to his electoral plank on transit and transit-oriented development, Democratic Gov. Deval Patrick unveiled a $1.4 billion plan for commuter rail from Boston to Fall River and New Bedford, some 50 miles to the south, confident the line will help bring private investment to the underserved corridor, expand affordable workforce housing, reduce car dependency and improve air quality. Announced just a week after the Transportation Finance Commission estimated the state’s transportation repair and maintenance backlog at $15 billion to $19 billion, the project will be much harder to fund.

The Oklahoma City Council recently responded to the growing downtown housing market by rezoning the area to make way for residential and retail development amid the downtown offices and skyscrapers. The change is intended to make it easier to turn downtown into a community where people can live, work and play. The new rules will simplify downtown zoning, replacing the current 20-plus types of zoning districts with just three. All three zones will allow for mixed-use development, including residential, retail and commercial. The new rules will also make it harder to build new industrial developments downtown as they will now require special permission from the city. New developments will be subject to a design review committee similar to the one that oversees Bricktown development. The committee will review major developments to make sure architecture and design match other buildings in the area.
Villa Muse, a $1.5 billion, mixed-use project near Austin, was recently announced by developers. The anchor would be the $125 million, 200-acre Villa Muse Studios, with facilities for film, television, advertising, music and video game makers. The development would include a 50,000-square-foot soundstage and recording studios and an outdoor amphitheater with seating for more than 70,000. As planned, Villa Muse would transform 681 acres in eastern Travis County, near the Texas 130 toll road about 10 miles south of Manor, into a small city 15 minutes from downtown Austin.

St. George city planners have come up with a design for Little Valley that strikes a balance between residents who don’t want to see developers take over the rural area and pressures for new development. The 5.2-square miles in southeast St. George is one of the largest tracts of undeveloped land within city limits. Under the preliminary plan, a majority of the land would be zoned residential, but the existing “equestrian enclaves,” with horse trails traveling through the developed areas and connecting with canals and the Virgin River, would be preserved. The residential developments would be built around mixed-use, commercial town centers.

Despite some concerns about restrictions, Charleston planning commissioners approved a bill that will amend regulations and make it much easier for residents to form conservation districts to try to protect the architectural integrity of their neighborhoods. Residents already have the ability to form Neighborhood Conservation Districts, but the process has been described as being too tedious. The measure will now go to the city council.

Launched in 2000 and saved from budget cuts two years ago, “Wisconsin’s Smart Growth program is a model for the nation” as it puts localities “in charge of their future, allowing local decisions to determine the direction that each community takes,” said Gov. Jim Doyle, announcing almost $2.3 million in 2007 Local Comprehensive Planning Grants for 12 multi-jurisdictional applicants, representing 145 villages, municipalities and counties, with a total population of more than 350,000. Under the program, designed to encourage intergovernmental cooperation and public participation in local growth planning, the state has already helped 964 communities that matched the grants to complete their plans by 2010 and qualify for future state development and infrastructure funds.

Casper and Natrona Counties would like to make it easier to convert vacant parkland to other uses, most notably for school construction. However, county managers say that state law prevents them from doing so. Currently, new schools require a certain amount of acreage for parking, but communities are having problems finding enough land to meet the parking requirements. The state law prevents them from converting the vacant parkland into parking lots. Consequently, these schools may be forced out to the fringes, with the city facing higher infrastructure and service extension costs. Managers argue that several hundred thousand dollars could be saved if the county were able to convert vacant parkland into parking lots.