

**Carlson, D. and S. King. *Linking Transportation and land use by fostering inter-jurisdictional cooperation: Enabling legislation in eight states.* Institute of Public Policy and Management, Graduate School of Public Affairs, University of Washington. 1998.**

This reports highlights the lack of institutional mechanisms to coordinate transportation and land-use authority at the local, regional, and state levels and calls for multi-jurisdictional, practical efforts at the regional and sub-regional levels to address that absence.

The report first reviews the legal basis for inter-jurisdictional cooperation. It then illustrates in detail how the states of Washington and California have tried to achieve inter-jurisdictional cooperation through their enabling acts. Last, the report reviews the enabling legislation of eight states: Colorado, Florida, Illinois, Missouri, Montana, New York, Virginia, and Wisconsin to examine the extent to which it fosters inter-jurisdictional cooperation that may be utilized to coordinate transportation and land use. Specific examples have been cited to illustrate how the legislation in some of these states has been used to formulate mechanisms for inter-jurisdictional cooperation.

### Legal Basis

The reports highlights three ways by which the states allow inter-local cooperation between the local governments. These are by granting the local governments the power to plan, implement, and finance. These powers can be shared by local governments through a) cooperation, b) delegation, and c) the creation of a new entity.

### *Cooperation*

Laws allow local governments to come together to plan for regional growth, but each government implements the plan separately because it retains all of its individual powers. Examples of coordination include contracts between

municipalities, coordination agreements, cities adopting county land-use plans, and regional planning authorities whose findings are only advisory.

### *Delegation*

One local government delegates power to another, thereby giving up control of one or more of its functions to the other local government. An example of this would be a county agreeing to let a city extend its zoning regulations beyond the city limits to create uniform zoning within an urban area.

### *Create a New Entity*

Local governments can create a multi-jurisdictional agency and delegate their powers to that agency.

The report states that ...”most states laws allow local governments to share only the ‘common powers’. This is an important limitation on the extent to which local governments may work together.”

The report identifies six ways in which local governments can create and implement a coordinated land-use and transportation process: transportation planning, operating a transit agency, land-use planning, zoning, raising taxes, and issuing bonds.

### Two Models of Inter-Jurisdictional Cooperation Legislation: Washington and California

This section of the report details the state laws enabling inter-local agreement in the states of California and Washington.

### *Washington*

The report states that “Washington’s Interlocal Cooperation Act is a short, basic statute which provides for the joint exercise of powers between local governments in Washington. It gives little detail about the scope of powers which

may be shared, concentrating instead on how to structure the inter-jurisdictional agreement.” Washington State’s Interlocal Cooperation Act (RCW 39.34) allows local governments to enter into agreements among themselves to jointly exercise “[a]ny powers or powers, privileges, or authority exercised or capable of exercise by a public agency...”, (RCW 39.34.030), provided that the powers are common to all of the participating governments. The act fails to specify which powers are included or excluded from power sharing agreements. The only guidance that it provides in this respect is through Section 100, which states that “...nothing in this Act limits a government’s pre existing powers.” (RCW 39.34.100). The act has specific sections on mass transit and electric power.

The Act allows for power sharing in two ways: cooperation and creation of a new entity.

#### Examples of Power Sharing Between Governments

##### *Dane County, Wisconsin, Vision 2020*

Vision 2020 is a cooperative effort between the Dane County Regional Planning Commission (RPC), Dane County, the City of Madison, and the Wisconsin DOT to develop county-wide land-use and transportation planning. The Plan’s goals include fostering transportation alternatives and concentrating development in activity centers located along public transit corridors. The Plan discusses a number of laws that the participating governments may use to implement Vision 2020’s goals.

##### *Fort Collins, Colorado, Integrated Land-Use, Transportation, and Air Quality Plan*

Fort Collins, in conjunction with the North Front Range Transportation and Air Quality Planning Council, has developed this plan, whose primary goals are to limit the rate of growth of automobile use to no more than the rate of population growth and to shift 10 percent of all SOV trips to alternative modes of travel by the year 2015 (see <http://www.smarttrips.org>). Relying heavily on citizen input, the plan calls for development of a land-use plan conducive to pedestrian, bicycles,

and transit usage. As one way of measuring effectiveness of the plan, the North Range Transportation and Air Quality Planning Council has begun giving the region a biannual Mobility Report Card, which includes not only traffic and congestion statistics but also land-use patterns and demographics.