PUBLIC POLICY INSTRUMENTS FOR DESIGNING THE BUILT ENVIRONMENT

by

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ABSTRACT

This study proposes a method for developing public policies for getting better design in the built environment. Such public policies are guided by the planner's knowledge (histories) of how past and present public policies have worked or not worked; it is proposed that there are seven policy instruments that organize this information. These instruments are information, incentives/disincentives, mitigation, negotiation, ownership and operation, prototypes, and standards and regulations. Each instrument specifies goals and implies a particular overall way of acting. Thus an instrument also provides a context in which criteria of effectiveness can be applied and a judgement can be made about which of many possible programs can be successful. In this way the instruments also provide a way of evaluating legislation and the results of that legislation, and of using this knowledge to plan more effective public policies to get better design in the built environment.

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PREFACE

The 1985 Urban Design Studio explored the problem of redevelopment for Kenmore Square in Boston. In that studio I first realized the extent to which the physical form of new development or redevelopment in a specific area of a city can be influenced by different government policies. It became important for me to try to build an overall framework, to understand how policies influence private sector decisions about what gets built or doesn't get built in our urban and rural landscapes.

One way to attack this problem of building a framework for understanding public policies was given to me by Adele Bacow, Director of the Design and Development Program at the Massachusetts Council on the Arts and Humanities. Adele Bacow wanted to know which government policies offered effective incentives to encourage increased attention to design. This study answers that question by hypothesizing that programs are selected according to their effectiveness for achieving goals under different policy instruments.

I have had considerable help in coming to some understanding of how policy instruments work. First of all, my thanks to Dennis Frenchman and Bill Porter who in the Urban Design Studio introduced me to the complexities of making design decisions and to the importance of negotiation in making those decisions. I especially thank Adele Bacow for posing a crucial question and thus getting me started in building the framework for understanding how government policies work. Mark Schuster has advised me all through this process of search and discovery for key ways to understand public policy on design. I appreciate the
time which he spent discussing ideas with me and his care in making sure that I explored important directions of inquiry. Gary Hack gave me a key question to answer, "Look at where the decisions are actually made that are influenced by government policies." I thank Dennis Frenchman for giving me a sense of the way the private sector's design decisions interact with government policy actions. Cathy Barat and Susan Matteucci helped immensely through their comments on the various drafts.

I especially thank the members of the Design Research Seminar, in the Departments of Architecture and Urban Studies and Planning, for giving me the opportunity to participate in an extended inquiry into what design is and what design methods are.
PUBLIC POLICY INSTRUMENTS FOR DESIGNING THE BUILT ENVIRONMENT

INTRODUCTION

We make decisions every day that affect our environment. We make these decisions as private citizens as well as in our capacities as planners. Our built world is the result of a collection of decisions made by individuals, groups of individuals, institutions and governments. These decisions are influenced by public policies--some explicitly on design, and some not. This study focuses on governments' decisions reflected in public policies that explicitly affect design in the built environment.

Let us be clear about what a public policy regarding design matters is. When a problem comes to the attention of the public or segments of the public, and to the attention of government--at the local, state, or federal levels--and when that problem is perceived to be solvable through some form of government intervention, then a public policy evolves with a specific goal to change or improve some aspect of design in the built environment.

I propose that there is a method for organizing a public policy so that we, as planners, can take advantage of the contextual knowledge and experiences we hold of past and present policies that have to do with design. This method models the policy-making process for design matters by using seven policy instruments. These instruments sort out the alternatives that planners weigh when considering a repertoire of programs to carry out a policy. These seven policy instruments, along with the goals they help to achieve, are:
Information—governments promote consciousness and knowledge about desirable decisions for the built environment.

Incentives/Disincentives—governments act through a system of rewards and penalties to cause individuals and institutions to choose to act in certain ways regarding the built environment.

Mitigation—a situation in the built environment runs until the consequences are recognized as a problem and the government intervenes to alleviate negative effects.

Negotiation—governments promote adjustments and agreements among parties which have contrasting views on the built environment.

Ownership and Operation—governments use public or quasi-public agencies to control a project from the design stage through management after completion.

Prototype—governments generate new models that they hope will demonstrate desirable solutions which will be imitated.

Standards and Regulations—governments formulate standards and rules to control design decisions in the built environment.

I concluded that these were the guiding policy instruments by reading statutes, such as the U.S. Code and the Massachusetts General Laws; and by reading legislative histories which are the official public policy records describing the means by which different policy goals are met.

Organizing a public policy in terms of the policy instruments allows us to manage comparisons among alternative programs and thus to work out the form of implementation most likely to get results. For instance, to realize a public policy goal of encouraging preservation and reuse of older buildings we might weigh the merits of using an information instrument, a standards and regulations instrument, or an incentives/disincentives instrument. Each policy instrument will suggest certain programs that will carry out the public policy goal most effectively. An information instrument may use such programs as environmental impact statements, task force reports, and executive
policy statements to raise the public's consciousness and knowledge about preservation and reuse issues. Or, the government might use a standards and regulations instrument, and under this instrument such a program as zoning, to establish historic districts to encourage the preservation and reuse of existing structures. Or, the government might choose to set up incentives and disincentives through a system of tax credits and denials of special tax exemptions. The policy instrument guides the selection of programs that are appropriate for reaching the goals of the policy.

The effectiveness of the policy instruments in achieving set goals through their programs can be judged on the basis of ten criteria: cost effectiveness, ease of enforcement, equity effects, frequency of action required, involvement of the public, ease of monitoring, organizational level of action, requirements for revision, simplicity, and timing. The criteria are general rules for judging whether a particular program will successfully achieve the policy goals within the framework provided by a particular policy instrument.

In this study Chapter Two discusses the seven instruments individually and shows how they can be used individually to give context and meaning to programs. Chapter Three describes the programs that incorporate more than one policy instrument. Chapter Four takes two examples--environmental policy and preservation policy--and describes how several policy instruments can be combined to guide policies. The last chapter summarizes the study.
Normally we think of design as something that gives form to an object: a building, a machine, or a road system. However, we can also design a process that will result in an improved built environment. Planning and organization are as important as final goals, because along with the nature of the goal itself, planning and organization help to determine whether the goal can be met.

Several decision-making models portray design in policy-making as a rational process of search and discovery within a context of pre-existing solutions. Regarding public policy-making, Alexander discusses design in terms of the search and discovery of policy alternatives and speculates that creativity is part of that process. He suggests that planners use design methods to intensify the search process, in order better to use the knowledge they have about public policies. In other words, a planner is designing if she can generate and evaluate policy alternatives by organizing, retrieving, and transforming into a plan the wealth of information she holds on past and present policies affecting the built environment. The policy instruments described in this study can be seen as a framework for generating and evaluating a range of alternatives for making policy choices in this fashion.

The policy instruments can be divided into three categories according to the attitudes they imply toward design in the built environment. First, there are those that imply that we have some notion of what good or better design will be: information, incentives/disincentives, ownership and operation, standards and regulation, and prototypes. Second, there is a category that tells us we recognize
bad design after the fact; mitigation is that policy instrument. Third, there is a category under which various parties have their individual concepts of what good design is, and come to agreements through a process of negotiation about what constitutes good or better design--this is the negotiation policy instrument.

This chapter focuses on the individual policy instruments, explained in terms of the courses of action--the programs--that have proved effective in carrying them out. When, in designing a policy, the planner decides to use a particular policy instrument, she must know what a good program to be used in that instrument would be. The examples in the next pages use design policy programs, and where appropriate, programs from other areas of public policy.

There must also be criteria for judging whether a program effectively achieves a public policy goal. Appropriate criteria, adaptable to judging programs for all the instruments listed, are:

- cost effectiveness;
- ease of enforcement;
- equity effects;
- frequency of action required;
- involvement of the public;
- ease of monitoring;
- organizational level of the action;
- requirements for revision;
- simplicity;
- timing.

The main criteria for judging effectiveness of specific programs under specific policy instruments will be pointed out below.
Governments use information policy instruments to promote consciousness and knowledge about desirable decisions they hope will be made regarding the built environment. The information instrument communicates meaningful data on the status, plans, policies, and experiences of the agencies, organizations, and institutions concerned with a particular policy. Information policy instruments require that some judgement be made as to what good design in the built environment is. For example, the objective of the information instrument may be a physical plan, a social program, or a process. But there will be a judgement made about good or better design, to be communicated in whatever form the information is distributed.

Executive Policy Statements

An example of a program especially suited for use under an information policy is the executive policy statement. Such statements can be made at all levels of government, and can be through reports or through public statements. All these means communicate to government agencies as well as to the public the explicit policies of the executive.

An example of an executive policy statement comes from the first Dukakis administration, when the Massachusetts Growth Policy Report, City and Town Centers: A Program for Growth had the effect of directing design efforts toward revitalization of city and town centers. Grants from the federal and state level and schemes for redevelopment were focused as a result of the Governor's executive statement that programs of the various state agencies should be coordinated, and should be focused on the problems of city and town centers.
An example at the local level is taken from the mayor's office in Boston, where the transition from Kevin White to Raymond Flynn points up two very different styles of leadership, reflecting the mayors' different views of their constituencies. A report produced by the Boston Redevelopment Authority (BRA) under the White administration stressed a growth scenario for Boston that emphasized business district development. A year later the BRA's report for the Flynn administration continued the growth policies of the White administration but made explicit the review processes for public participation, emphasized the linkage payments that contributed to the financing of low and moderate income housing, and emphasized the additional jobs downtown development would bring to the city.

Executive policy statements are cost effective when viewed in terms of financial resources. The reading of any daily newspaper reveals that government activities and government related activities are the main topics covered. When statements are made by the executive officer at the local, state, or federal level, those statements usually receive wide coverage in the news media.

Some executive statements are required by law. The President of the United States must make an annual report to Congress on the state of the union. Governors and mayors are also required to issue reports on specified topics to the legislature or to the local municipal council. Requiring these reports is a way of delegating responsibility for gathering information and compiling it in a form that can be used for the review of specific policies or for specific agency activities. Not only is this an efficient delegation of responsibility, but it also is efficient in terms of cost. Information is compiled into one report.
instead of several, or even worse, none.

Enforcement of executive policy statements is a matter not of applying penalties, but instead of making sure that the message is noted and understood by the audience. When Governor Dukakis stated his goals for the revitalization of city and town centers, he was informing state and federal agencies as well as the general public. Assuring that the message was heard and acted upon in the agencies required the will to follow through with additional statements as firm or firmer than the first.

A program from public health policy supplies a good example of cost effectiveness. In 1965 the Surgeon General of the United States required warning labels on cigarette packages and in cigarette advertising. At no cost to the federal government, but instead at the expense of the makers and users of the product, the public is warned of the hazards of smoking tobacco. Meanwhile, the federal government continues research on the links between smoking and cancer and other diseases associated with smoking. As research findings become available, the reports are released to the public. And the Surgeon General continues to warn that cigarette smoking is the largest preventable cause of death in the United States, "killing at least 350,000 Americans a year."

The Surgeon General's required warning is also one of the better examples of how the criterion for efficient enforcement can be met. If the warning is not on a cigarette package or on an advertisement that fact is quickly noted and the company can then be fined.
INCENTIVES/DISINCENTIVES

Incentives are material or non-material rewards that make us plan to act in a certain way. Incentives move us to do something by the likelihood of possible desired effect. Monetary incentives include grants, loans, loan guarantees, insured loans, and transfer payments from the federal and state levels of government to local governments and to the private sector. They are incentives for us to act in preferred ways—to build a commercial building rather than housing, to preserve wetlands, or to rehabilitate older buildings. When major historic preservation legislation was passed at the federal level in 1966 no tax incentives were included. The tax incentives to encourage reuse and rehabilitation were passed in the late 1970's after local and state preservation organizations banded together to lobby Congress for such measures.

Monetary incentives are not the only incentives: people are also motivated by desires to have prestige, respect, and other social and psychological objectives. Social incentives appear to be most effective in small groups; often they are effective in large groups only when these are actually federations of smaller groups.

The reverse of incentive is disincentive—a move to discourage certain behavior. Changes in real estate depreciation schedules and in taxes signal a government's wish that capital resources be invested elsewhere.

Having an incentives/disincentives instrument means that conscious efforts are made to influence the behavior or decisions of people. How does this instrument differ from a standards and regulations instrument, which also involves conscious influence of decisions? The difference
between the two is one of timing. The incentives/disincentives instrument aims to determine whether a design decision will be made. The standards and regulations instrument influences how that decision will be carried out. For instance, tax credits for the rehabilitation of older structures may influence a person's decision to carry out a rehabilitation project. However, once the decision is made, the materials and the methods of rebuilding must meet certain standards and regulations.

Taxes

Taxes are a good example of the incentives/disincentives instrument. And they are a particularly good example for discussion of two of the evaluation criteria—organizational level of action, and equity effects.

All levels of government have the authority to tax. Encouraging certain actions through reduction of the tax burden is a power that legislative bodies have, and which they often use without evaluating fully the costs of using it. The New York State Tax Study Commission report describes in terms of costs and equity the effectiveness of tax incentives in that state on locational decisions by businesses. The report concluded that tax incentives to companies to locate in the state may become disincentives if other favorable factors such as access to financing, transportation access, labor quality, and level and quality of public services are not in place and are not at the right cost. Low taxes and tax incentives would not encourage companies if they had to build their own infrastructure, which was provided in other states through higher taxes. It was pointed out that taxes were just one of many costs of doing business and that this particular cost was
deductible from a corporation's federal income tax. In this case the federal income tax provisions that allow deductions for state taxes neutralized the state's benefits from the state tax incentive.

In the case of the tax incentives which this report reviewed there was no evaluation of consequences before the incentives were enacted, nor was there a review after the program had begun. The legislature had no control over the program in advance; the incentives became in effect a spending program masquerading as a tax program.

Tax incentives raise questions of equity--who benefits and who loses. First, 97 percent of corporations did not benefit from New York's state investment tax credits and employment tax credits. However, these corporations did bear the cost of the incentives through the compensating, higher tax rates the incentives program made necessary in other areas. Second, there is effective discrimination because (although this was not specifically foreseen) manufacturers rather than service industries claim most of the tax advantages. Third, corporations claiming tax incentives have an unfair advantage over competing corporations not participating in the program. Fourth, investment tax credits encourage a shift to more capital-intensive industries rather than investment in labor-intensive industries. Given this overall situation, the employment tax credit had little final effect in promoting employment, but became a measure helping to offset some of the unintended effects of the investment tax credit.

Taxes that are collected broadly and that are invested in productive infrastructure--transportation, education, public facilities, housing, clean environment--are more likely to be effective incentives for investment than are specialized tax abatements. Legislators are
understandably under pressure to make changes in the tax codes because that is a power they have: to focus tax resources on a particular problem. However, they should be aware of the interactions of taxes at different levels of government, and should also be aware of the equity issues involved.

MITIGATION

A mitigation instrument occurs in public policy when a situation with recognized bad effects is allowed to continue until intervention is decided upon to alleviate the effects, but not to change the basic situation. Comprehensive urban redevelopment schemes requiring clearance and rebuilding are not a mitigating instrument. Urban redevelopment uses programs such as strong changes in zoning to alter the underlying situation, and such redevelopment involves combinations of policy instruments such as standards and regulations and negotiation. In contrast to comprehensive redevelopment, a mitigation instrument acknowledges economic and political constraints and acts through smaller scale interventions.

Highway Beautification Program

The federal highway building program of the 1950's and the 1960's not only built a national highway system, but had side effects, particularly in urban areas, of destroying neighborhoods and causing the destruction of historic sites. A reaction against what were perceived as poor design decisions on the part of the highway administration brought about legislation to curb the bad effects of the highways. The Highway Act of 1966 contained provisions to save historic sites and structures. The Highway Beautification Act of 1965 made provisions for
outdoor advertising controls along the federal highway system, and for screening of junkyards. This act also established a Highway Beautification Commission to make recommendations on how the highways could be made to look better. These were very specific measures to redress the problems caused by the highways. Of all the programs, the screening of junkyards has had the most success. The program does not say that junkyards will not be allowed within sight of a federal highway, but that screening will effectively diminish their adverse impact. Highways continue to be built. Attempts are made to make them more pleasing to the eye through public art and landscaped areas along the right-of-way. The Highway Beautification Program says, "We won't stop building highways; but we will try to make them look better and minimize the bad effects."

Beginning with the first reactions and the first mitigating efforts in the mid-1960's, a formal policy of mitigation developed and was eventually codified into highway legislation. This policy is now set out in the environmental review procedures where "measures necessary to mitigate adverse impacts" are required to be incorporated into the planning of highway building projects.

From the list of evaluation criteria, monitoring and revision are particularly important in this example.

NEGOTIATION

A negotiation instrument promotes adjustments and agreements among parties which have contrasting views on the built environment. Reaching agreement is a political process that happens at all levels of government. Schattschneider argues that a proper role of government is
to acknowledge the fact of political differences and to act to 14 "socialize the conflict" among these views. Government intervention 15 widens the scale of a conflict by inviting public participation. Thus a negotiation instrument can increase the numbers of different views considered, and can formalize the comparison of these views.

To be effective a negotiation instrument must reach an agreement that reflects a widely shared consensus among public and private interests. Public interests are defined in terms of the wellbeing of the community as a whole; thus they are shared by all or by substantially all members of a community. The community itself may be at the local, state, or federal level. Private interests are the special interests shared by a few people or the members of some part of a community. Under a negotiation instrument judgements about better design in the built environment are reached through agreement among competing interests.

Adjustment of views about the built environment is an important process among agencies and the interest groups which follow their activities and try to influence them. At the federal level, agencies with formal jurisdiction of this kind include the Department of Housing and Urban Development, the Environmental Protection Agency, and the Department of Transportation, as well as the Council on Environmental Quality in the Executive Office and the Advisory Council on Historic Preservation. These agencies serve as forums where negotiations among the interested parties on matters of the built environment are carried out as part of the process of the agencies' writing regulations and guidelines.

Agreements are reached through an explicit negotiation process, or
through the adjustments made by and among government agencies. These adjustments reflect the interests of the agencies' particular constituencies. Formal review proceedings, such as design reviews, can be part of an explicit negotiation process where government agencies and public and private interest groups participate in an open forum. In a more informal manner, when design guidelines or building codes are written special interests and government agencies may lobby their views with the agency preparing the guidelines or the codes.

Design Review

Design reviews are found at the local, state, and federal levels of government and in the private sector. However, design review is most visible at the local level. At this level special attention to two criteria--involvement of the public and the frequency of the action required--is needed to be sure that the process will be effective.

Formal design review boards or committees have varying compositions, powers, and mandates, but they usually review developments built with public funds or on public land. Some boards are composed of experts from outside the government, and of citizen members; others include government officials and agency representatives. The scope of the review can be limited to exterior appearance or may include site selection, planning, and review of architectural decisions. Some of the boards are advisory, but the effective ones have veto power over projects.

Review boards provide forums for public comment on projects. The most effective boards have been found to have good staffs and usually are attached to an existing agency. When developers know they are faced with a review board having the support of a public agency staff, the
review board members have positions of strength from which to negotiate improvements of design. In addition, effective boards have the credibility and the confidence of elected officials.

Successful procedures for a board are those that provide for project review at specified stages, at which points the board must make decisions. This is a case in which attention to the frequency of action required is an important criterion for evaluation of a program.

OWNERSHIP AND OPERATION

An ownership and operation instrument emphasizes public and semi-public agencies, authorities, and institutes. These agencies and authorities are legislative creations: their objectives, assets, and operating rules are defined by the local, state, or federal level governments that create them. Authorities are usually set up specifically to combine public and private funding in a non-profit, corporate setting.

When we think of independent, public organizations that have affected the design of our built environment, the TVA and NASA come to mind. We think of the large dam-building projects in the West and the Civilian Conservation Corps projects of the 1930's. Through their control of such large projects, these organizations influence our perceptions of what an ownership and operation policy instrument can be. But public and semi-public agencies exist on other scales. For instance, at the local level we have independent school districts, water and sewer system authorities, transportation, and housing authorities. Their jobs are to coordinate and manage the activities mandated by their
public charters. They serve specific constituencies and they respond to those constituencies' demands and concerns. The judgements about design matters that agencies and authorities make will depend upon their domains and the rules which govern their operations.

The ownership and operation policy instrument reminds the planner that publicly sanctioned agencies other than agencies within the formal government structure are active in designing the built environment. They can be looked upon as design resources and design opportunities.

**National Institute of Building Sciences**

At the federal level a National Institute of Building Sciences (Institute) was created in 1974 to fill the lack of a national source to advise the private and public sectors on the use of new building technologies. The Institute, a nonprofit, nongovernmental organization, is to develop and evaluate new technologies; it is to encourage the introduction and acceptance of innovations at the federal, state, and local levels, and it is to write a model building code to be applied nationally. Members of the Institute's board of directors are to include representatives of the public interest, and these representatives—including architects; engineers; representatives of local, state, and federal agencies; and representatives of consumer organizations—are required to be a majority of the board. Individuals from construction labor organizations, manufacturers, and builders will be among the representatives of the construction industry.

The Institute is a good example of the simplicity criterion for effectiveness. Congress found that an authoritative source of technical findings about building technologies was needed at the national level to coordinate all the efforts the private sector and the various...
government agencies were making in research and development. A separate organization was needed to set standards and distribute information about all these activities. The Institute's mandate is to carry out those activities.

PROTOTYPE

A prototype is a new model based upon an idea of how the built environment ought to be. The new model, if it is found workable, is incorporated into the way we work with or build our environments. Through modification and copying, the model becomes a part of our landscape or way of doing things. As this process of incorporation and assimilation advances and the prototype becomes familiar, the point is reached at which we no longer consider it a prototype. We forget that plazas, sidewalks, and processes like design reviews and zoning were once prototypes.

A prototype policy instrument as a generator of new models should be thought of as having a strong evaluation and testing component. The ongoing evaluations of new models and the search for new models are parts of what Kevin Lynch is getting at when he says that models are used to manage complex problems. New models may be produced from a combination of old models or by using them in a different way. The resulting new models undergo a period of testing—at times a lengthy period, at times not—before they become usable. Lynch advocates the development of a greater range of prototypes, a greater emphasis on the history of prototypes and their adaption, and the creation of new prototypes for the built environment.
Lynch's ideas on evaluating and reusing prototypes can be traced by looking at the changing uses of plazas. The architectural success of the plaza of the Seagram Building designed by Mies van der Rohe spurred New York City to give bonuses to developers who would add plazas to their buildings. The developer would gain additional square footage; the City would gain light for the street. The plaza was viewed as a public amenity, a social setting for people to gather. That is the contemporary definition of a plaza. However, if we look at the origins of plazas we find that they also have a civic function: they are places for people to interact as citizens, in a prominent space representative of civic authority. People use plazas in New York in a different way. Evaluation suggests that more successful plazas attract people because other people are there, and because there are such things as waterfalls and comfortable places to sit. The City of New York now has requirements that before being allowed a bonus, plazas must provide trees and places for people to sit.

We can also look at situations where function and process are similar to what we need but where assigned use is different: an example is the examination of high school and college auditoriums and sports fields—where people also gather as citizens—as possible prototypes of new civic spaces.

To ensure a supply of tested ideas to meet both our current and future needs, a prototype policy instrument generates and evaluates new models that, if found workable, are copied and modified over time.

Demonstration Projects

One of the largest demonstration projects to be launched in the United States was a comprehensive city development program by the
federal government in the 1960's. The aim of this program was to focus the existing grant-in-aid resources of the federal level on the physical and social problems of the slums and blighted areas of the cities. Congress wanted greater coordination of the financial resources then available to aid cities and wanted to stimulate new activities toward solving problems of physical deterioration. Congress felt that a range of innovative solutions would evolve if a comprehensive effort was made to generate those solutions through the local initiatives of the cities.

The goal of the demonstration projects in the individual cities was to produce a well-balanced city--that is a city that offered facilities and services to the diverse groups living there.

Providing for revision was an important factor in helping to achieve success of this program. The cities, by trying out different combinations of existing federal level programs, would generate new combinations of programs or identify ways of modifying old ones.

STANDARDS AND REGULATIONS

Through a standards and regulation policy instrument governments are able to state, with some degree of precision, their wishes regarding design in the built environment. A standards and regulations policy instrument emphasizes control, and affects design after an initial decision is made to build or to intervene in some way in the built environment. For instance, a decision may be made to build a commercial building; zoning regulations will be a factor in determining where the building will be sited, and building codes will influence the
materials used in its construction.

In setting standards and making rules governments at different levels hear from interested parties about the rules and about the built environment. Standards and regulations are in a sense "brokered," reflecting information gleaned from numerous parties with interests in design matters. The negotiations are a necessary part of rulemaking and a standards and regulations instrument is often combined with a negotiation instrument. Consensus among the interested parties is formalized, and in effect a judgement on good design is given force as a standard or regulation. Although the two policy instruments complement each other a standards and regulation instrument differs from the negotiation policy instrument in that emphasis on the standards and regulations instrument means emphasis on reaching a consensus and formalizing it through rules, while emphasis on the negotiation instrument means keeping as many options as possible open for bargaining, re-bargaining, and readjustment.

Legitimation of standards and regulations through compliance is important. Rules, arrived at through comment from interested private parties and representatives of public interest, are tested through compliance and through the court system. Landmark decisions affecting design in the built environment become part of the planner's history of programs--Euclid v. Ambler on zoning; Berman v. Parker legitimating aesthetic standards in the built environment; Penn Central Transportation Co. v. New York City on landmark status. Standards and regulations are dynamic in character--they change over time. Judicial decisions on the legitimacy of those changing uses are landmarks for a standards and regulations policy instrument.
Sign Ordinances

Sign ordinances regulate the billboards and building signs that are very prominent features of our urban landscapes. They establish controls on the placement, size, amount and design of signs.

Sign ordinances are easy to monitor. Indeed, they provide one of the best examples of a program for which the monitoring criterion is well met. The real problem comes with enforcement of the ordinance after the violations are spotted. An example is the Dallas, Texas sign ordinance that placed strict conditions on signs in a city that already happened to have large numbers of unwieldy signs. The Dallas sign ordinance is the result of citizen efforts that began in the 1950's. The present strict sign ordinance is the result of a 1970's citizens' extensive campaign for more control over unsightly and distracting signs that affected the city's appearance. Enforcement of the ordinance has been difficult. The citizens' group reconvened in 1979 to review progress under the ordinance and found that over 40 percent of the signs were still in violation of the ordinance. Sign ordinances are difficult to enforce in places where the regulations attempt to radically change the existing situation.

The Dallas ordinance is also an example of the timing criterion to be considered when making a judgement about whether a program will be effective. The attempts at sign control beginning in the early 1950's did not succeed. But the combined efforts of an interested staff at the city agency level and interested citizen groups kept the idea before the public in the early 1970's. Political support for the ordinance's passage was continually mobilized. However, in newly developed or redeveloped areas where there is less resistance to change, sign
ordinances may be very effective. In these areas sign ordinances may not require the long periods for mobilizing political support as in older cities.
NOTES TO CHAPTER TWO

3 Ibid., p. 279.
6 Federal Cigarette Labeling and Advertising Act of 1966
10 Ibid., p. 523.
11 Ibid., pp. 525-526.
12 Ibid., p. 526.
13 23 CFR 771.105.
15 Ibid., p. 5.
16 Ibid., pp. 23-24.
Lindblom. op. cit., p. 127.


Ibid.

Ibid.

Ibid., p. 88.

Housing and Community Development Act of 1974.


Demonstration Cities and Metropolitan Development Act of 1966.


Ibid.

Lindblom. op. cit., p. 121.


Department of Housing and Urban Development. Office of Policy Development and Research. op. cit., p. 94.

Ibid., pp. 34-36, 95.

Ibid., p. 35.

Ibid., p. 95.
CHAPTER THREE: PROGRAMS SUITABLE FOR MORE THAN ONE POLICY INSTRUMENT

In the previous chapter examples of effective programs especially suited for an individual instrument were discussed, and ways in which the programs met particular criteria were pointed out. This chapter takes a range of programs that have to do with design matters and shows how they can be part of more than one policy instrument. These programs are flexible in their ability to work within several policy instruments to achieve public policy goals. This flexibility makes them particularly attractive when considering possible programs. Table 1 is a matrix of the programs and the policy instruments.

BUILDING CODES

Building codes set standards and regulations for building materials and methods of construction. They are a key program in a standards and regulations policy instrument. We associate building codes with local governments and with local level enforcement. By looking at building codes as part of a prototype policy instrument we find that the state and federal levels have stronger roles than we initially thought.

In some areas the formal role of the state level in particular is growing. This may be due to assumptions of powers relinquished by the federal level; it may also be due to pressure by builders to modernize and regionalize codes. Representation and structure are being provided for such changed, state level input. In 1984 the Massachusetts state government added a state board of building regulations and standards. This board replaced an earlier and much smaller state building code commission that had written the state building code. The membership of
the new board reflects the state's concern that public and private

**TABLE 1. PROGRAMS SUITABLE FOR MORE THAN ONE POLICY INSTRUMENT**

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| Building Codes    | X                  |
| Competitions      | X                  |
| Design Guidelines | X                  |
| Environmental Impact Statements | X |
| Grants            | X                  |
| Landmark Designations | X |
| Zoning            | X                  |
interests be represented. The public is represented by an architect, a mechanical engineer, a structural engineer, a representative of the building trades, a general contractor for commercial or industrial buildings, and a general contractor for residences. Government representatives are the head of a local fire department, a building inspector from a town, a building inspector from a city, the state fire marshall, and the chief of inspections from the department of public safety. The earlier commission had only seven members, and a requirement that one of the members be a building owner was dropped for the new board.

The general objectives of the new board are three: 1) to set uniform standards for construction and construction materials, compatible with engineering, safety, and energy conservation practices; 2) to adopt new technologies to reduce the cost of construction and maintenance of buildings; and 3) to eliminate restrictive and obsolete building regulations that increase construction costs, restrict the use of new materials, and favor certain materials for unwarranted reasons.

The data on which to base rules meeting these objectives are to be generated through studies, development of prototypes, and evaluations of construction materials and practices by the board.

The discussion in Chapter Two of the National Institute of Building Sciences points out that the federal level is also interested in ways to develop and evaluate prototypes for new materials and construction methods, and particularly to find ways to incorporate the proven technologies into building codes that will be administered at the local level.

If state and federal efforts to introduce newer building
technologies mean that changes will be made in local building codes, how will these changes be accepted? An incentives/disincentives policy instrument is often used to encourage owners to meet new standards. Financial incentives used include low-cost loans and grants as well as tax abatements, and aligning private code compliance with public improvements and with development efforts. Code enforcement programs without some form of incentive are usually not successful. Making an incentives/disincentives instrument subordinate to a standards and regulations instrument keeps the incentives focused on the problem of compliance with the codes.

Seeing building codes as part of two different instruments—standards and regulations, and prototypes—and as implying the use of an incentives/disincentives instrument also allows us to evaluate the building codes program as more than just local regulations that control building materials.

COMPETITIONS

Competitions are sponsored at all levels of government and by civic and private organizations, usually with the purpose of generating design solutions or ideas or concepts for solution of a stated problem. A single building, a particular neighborhood, even imagined situations can be the focus of a competition to generate information about alternative solutions for a specific problem. The results of a competition are publicized, generating comment from the public and the design profession on the proposed solutions, and getting issues about quality design before the public.

Competitions may be charrettes made up of invited design teams who create their design on site. A charrette in Provincetown, Massachusetts,
for the design of a theater had seven design teams working in the same space. Provincetown citizens visited the competition site and discussed with the designers the evolving plans for the theater. Charettes generate a high degree of community participation, which makes them a strong program for the information policy instrument. Baltimore uses charettes in neighborhoods as a negotiation tool to get agreement on improvements to be made for a particular neighborhood.

Formal competitions can be open to a wide selection of competitors, thus making the competitions especially effective for generating a range of ideas. Other competitions use review procedures to select a few candidates to participate in the design phase of the competition. Both methods produce ideas that are evaluated, and perhaps eventually built. Both methods are incentives for designers to participate—in hopes of recognition from the public and the design profession itself, and for the possibilities of commissions.

Local level competitions and charettes can generate considerable local publicity. For example, in Milwaukee a design competition to generate a master plan and urban design proposals for the downtown lakefront influenced public perception about design issues and generated ideas that fueled a community dialogue about Milwaukee's lakefront development. Those ideas influenced the outcome of other issues: they led to redesigning a highway so that it would not cut off the central business district from the lakefront, and stimulated plans for new public spaces along the waterfront. The competition proved to be a highly effective form of public education about design.

Competitions can be a part of an information instrument, an incentives/disincentives instrument, a negotiation instrument, or a
prototype instrument.

**DESIGN GUIDELINES**

Design guidelines are documents giving specific details for a proposed plan for an area. Design guidelines often apply to a part of a city, and they are also used for individual subdivisions in the suburbs. Incorporated in an information policy instrument, design guidelines set expectations for the development or the redevelopment of specific areas. The guidelines can be specific in design detail or may be general in character. Examples of design guidelines in an information instrument are the set of guidelines issued by the city of San Francisco in 1971, and that city's recent 1985 more detailed design guidelines that reflect an effort to involve citizens and city leaders in the debate over the city's long-term design plan.

Guidelines as a program in an information policy instrument are used for setting expectations: they attempt to change or modify the public's and city agencies' perceptions of an area's image. General guidelines, such as San Francisco's guidelines for the whole city, set out to educate not only builders and developers, but also the citizenry, about expectations for the environmental and physical qualities important to the city.

Design guidelines can also be used as an important part of a negotiation policy instrument. In this case they provide a basis for negotiation with developers on specific projects. A set of guidelines made for a specific city area which has been targeted for development or redevelopment may attract several developers who submit proposals for development of the site. The design guidelines are then used in
bargaining with the developers to get a project that will fulfill the city's expectations for that site.

ENVIRONMENTAL IMPACT STATEMENTS

Environmental impact statements (EIS) are the results of selective review procedures established by the National Environmental Policy Act of 1969. President Nixon's executive order implementing the act made explicit the information component of the EIS process. That order directs federal agencies to ensure that the public is informed on and understands the environmental impacts of plans and programs. The EIS also supplies information on alternative courses of action. The information provided by the EIS was for the federal agencies and other government authorities at the state and local levels affected by the project, and not just for the public. Emphasis on the public's right to have access to information and to participate in the decision making process for matters affecting the environment made the EIS an effective program for use in an information policy instrument.

The EIS requirement mandates review of projects by various government agencies and public authorities when public financing or public land or permits are involved in a project. This requirement has opened the review process to the public by guaranteeing information to all interested groups. It has also forced the government agencies to protect those in their jurisdiction by warning of possible injuries and of the need for redress of damages which may result from the actions of other agencies.

In terms of the evaluation criterion requiring action at the right scale of organization, a special strength of the EIS in a
negotiation context is that it enlarges the scale of the negotiation
forum. This increases the likelihood of getting an agreement which will
be subscribed to more strongly, because when agreement is reached more
people will be behind it.

The EIS is also a specific regulation controlling how federal
agencies make their decisions regarding the environment. Today, as more
states have their own EIS requirements, the EIS is also seen as a means
of control over the state decision-making process. Used in this way, it
is an appropriate program for a standards and regulations policy
instrument.

In addition to the fact that the EIS is a program suitable for
three policy instruments—information, negotiation, and standards and
regulations—these three instruments themselves appear to work together.
The more informed the participants are about the issues in the
negotiation process, the more likely it is that the agreements coming
out of the negotiating process will be widely supported, and the more
likely it is that standards and regulations supporting this agreement
will be successful.

GRANTS

Grants are a program to focus governments' financial resources.
Because of their capacity to act in this way, grants are one
of the few programs that can operate under all seven policy instruments.
Grants also have the quality of allowing organizations or agencies
to create and experiment with different possibilities. This quality was
emphasized in the demonstration cities project (discussed in Chapter
Two), where the explicit goal was to focus all the then existing grants
programs on the physical and social problems of rundown areas of cities, in order to come up with innovative solutions.

An example of how grants can be used to support diverse activities lies in the field of preservation policy. Federal level grants funded state historic preservation programs under the National Historic Preservation Act of 1966. Under these grants the individual states developed activities according to their own needs and resources. The states began to experiment with surveys and restoration work which would have been difficult to fund without matching grants from the federal level. The 1980 amendments to the 1966 act provided higher levels of grant support to the state programs, after these programs were judged to have been cost effective in developing solutions as part of a national policy of preservation of the built environment. Cost effectiveness in this case comes not only from flexibility and encouragement of new solutions, but from perceived lower levels of expenditure needed; the grants allow state and local level agencies and organizations to carry out programs the federal government would find very expensive to do itself.

An example of grants as part of a mitigation policy instrument comes from the Powerplant and Industrial Fuel Use Act of 1978. This act provided grants in the Western states to communities experiencing rapid development and strains on housing and public services from the expansion of the coal and uranium mining industries. These grants were for purposes of planning, and for land acquisition and development. The grants acknowledge side effects of too rapid growth of communities and act to alleviate these local level effects. However, the national energy policy at the federal level will continue to support the search for new sources of coal and uranium.
The above two examples and the demonstration cities project show the range of possibilities grants offer the planner who can use this program to focus resources, doing so in a variety of ways and at different levels.

**LANDMARK DESIGNATIONS**

Landmark and historic district designations, and listing in local, state, and national registers for buildings or land areas of design significance, have become factors in slowing the gradual loss of important parts of the built environment. A series of interventions built on landmarking status have resulted in the rescue of threatened environments. Provided they meet the criteria for listing, individual buildings as well as districts are eligible for inclusion on the National Register of Historic Places and on state registers. Local governments may also set their own criteria for listing buildings and districts. Designations at all these levels offer some protection from alteration and destruction.

Experience has shown that the landmark designation program can operate well under two policy instruments: incentives/disincentives, and standards and regulations. As an example in which the latter type of policy instrument was important and was also put to a new type of use, a historic district status has been used as a protective regulation for a neighborhood in Savannah, Georgia. Here a strong historic preservation program has been established for a lower-income residential area which was threatened by gentrification because its neighboring district was a historic district whose residents were mostly higher-income. Through a rehabilitation program which followed up the historic district
designation and was funded by private, state, and federal efforts, the
lower-income area residents have been able to maintain their homes.
As one result of the Savannah experience, the 1980 amendments
to the 1966 act specify that special grants will be awarded to lower-
income districts that wish to be protected by the landmark regulations.

ZONING

Zoning is a local level program that directly affects the design of
the built environment, through control of land use in towns and cities.
Local government has the authority to divide its municipality into
districts of varying sizes and shapes to regulate the use and physical
form of structures or land.

Zoning sets expectations about the present and future use of
property. Local governments have the power to control these
expectations through the segregation and mix of uses of land and form.
The spatial form of an area zoned for high density development will look
very different from that zoned for low density, two acre lots.

Because it strongly influences land values zoning is a powerful
program in a standards and regulations policy instrument. For that same
reason it is also used in an incentives/disincentives instrument.

Incentive zoning manages zoning regulations to provide economic
benefits to developers, who in turn provide certain public amenities in
their developments. The success of incentive zoning is not guaranteed,
however. This may be because although it usually is implemented at the
local level, those who have an interest in its effects are at several
levels, both local and outside. Jerold Kayden has made a cost-benefit
analysis showing the mixed results of New York City's incentive zoning
program for the period 1963-1975, a program which was set up to guide
development of specific areas, to create new use patterns, and to encourage and discourage high density development for specific areas.

The incentive zoning mechanisms in New York City during the period Kayden studied took the form of bonuses for open plazas and arcades; special districts for areas with unique characteristics; special permits to be used in bargaining for public amenities; rezonings that were allowed in order to stimulate development of an area and to provide certain public amenities; and incentive variances granted by the Board of Standards and Appeals for certain public amenities. Kayden's cost-benefit analyses are from the point of view of the city government, the developer, and society as a whole. In this example, incentive zoning contributed to the overbuilding of office space, and high vacancy rates resulted in a loss of over $8 million in revenue to the city. An analysis of a typical plaza bonus building showed that the developer realized over $182 million in benefits. The costs to society were chiefly congestion and loss of light and air; the benefits included the public amenities although there is considerable debate about how useful the plazas have been to the city. Additional benefits, which offset the doubtful effects to some extent, were the creation of construction and office jobs. Even here, however, the location and tax status of individual office and construction workers needs to be considered in relation to the city, and its demography and revenue needs.

Other cities' incentive zoning programs might reveal different cost-benefit calculations. Because zoning is a regulation that controls a scarce commodity in a city or town—land—its use as an incentive should be carefully considered in terms of who bears the costs and who benefits.
NOTES TO CHAPTER THREE

1 143 Massachusetts General Laws 93.
2 143 Massachusetts General Laws 93.
3 143 Massachusetts General Laws 95.
4 143 Massachusetts General Laws 94.
8 National Endowment for the Arts. op. cit., pp. 3-4.
11 Executive Order 11514, March 5, 1970.
16 Ibid., pp. 9-16.
17 Ibid., pp. 17-67.
CHAPTER FOUR: HOW THE COMBINED POLICY INSTRUMENTS WORK

Using an historical analysis of environmental and preservation policies, this chapter shows how the policy instruments work together in reaching the goals of public policy. Usually one or more instruments guide a policy. In the preceding discussion of programs and policy instruments references were made to landmark designations and environmental impact statements. They are key programs in important public design policy legislation of the 1960's--the National Historic Preservation Act of 1966 (NHPA) and the National Environmental Policy Act of 1969 (NEPA).

The National Historic Preservation Act of 1966

For over a century private individuals and organizations have been involved with preservation of specific sites and structures at the local level. The first preservation ordinances were written in cities: New Orleans (1921), Charleston (1931), San Antonio (1939), Alexandria (1946), Williamsburg (1947). The local regulation of historic sites accelerated in the 1950's, reflecting concerns about loss of historic character to increasing urbanization. By the mid-1960's most states had historic preservation legislation in some form, such as enabling legislation or easement laws for the local level or state-wide coordination activities. The federal government had bought several Civil War battlefields in the 1880's; in 1906 Congress passed a law that allowed the president to designate national monuments; and the 1936 Historic Sites Act began surveying and identification of historic sites in the United States. This activity provided a foundation for the National Register of Historic Places.
In the mid 1960's the federal level was seen more as a threat than as a savior for historic preservation, as historic areas and buildings were destroyed in the large urban redevelopment projects and in the massive federal highway building program. In 1965 an influential report sponsored by the U.S. Conference of Mayors, *With Heritage So Rich*, stated that over half of the historic structures on the federal historic buildings survey had been demolished. The report called for action at the federal level in the form of a national policy on historic preservation. In 1966 NHPA was passed by Congress.

NHPA set up an Advisory Council on Historic Preservation to advise the president and Congress on historic preservation matters. It was asked to develop policies and guidelines to review and solve the conflicts among federal agencies affecting preservation matters. The National Register of Historic Places was established within the Department of Interior.

**The National Environmental Policy Act of 1969**

NEPA was a Congressional initiative. Two influential Congressional reports in the summer of 1968—-one from the House and one from the Senate—were followed by an unusual Joint House-Senate Colloquium to discuss a national policy on the environment. This resulted in the introduction of bills in the House and the Senate, and the passage of NEPA in 1969.

NEPA addressed two problems. First, there were increasing demands for regulation of air and water quality. The public perceived that good air and water quality were becoming scarce resources. Congress, representing an increasingly urban population, responded to arguments that a national policy on the environment was needed by writing
an explicit statement on what a national policy on the environment ought to be. Second, NEPA, through the requirement for an environmental impact statement, was an attempt to change the processes by which federal agencies planned their activities. The federal resource development agencies remained committed to their mandates to develop particular resources—to build highways, to build dams, to develop national parks. None had a mandate to coordinate activities with other agencies or to do any comprehensive planning. NEPA created the Council on Environmental Quality (CEQ) in the Executive Office, and the environmental impact statement to force the federal agencies to change the way they made decisions about the environment.

The NEPA Policy Instruments

The instruments for environmental policy and for preservation policy reflect the different goals of the two policies. As Table 2 shows, NEPA includes both a standards and regulations policy instrument and a negotiation policy instrument. NEPA's goal is to change the decision-making process for federal agencies on matters relating to the environment. The instruments do this by setting up a regulation requiring that impact assessment become a formal process of review for these agencies; and by establishing a forum for negotiations in the CEQ which has the responsibility for review of federal agency EIS related decisions. The negotiation policy instrument was strengthened by the CEQ's 1971 revised guidelines to federal agencies, requiring that the draft EIS be circulated to the public before the final EIS so that more time for public comment and review would be ensured. The 1973 revised guidelines required that factual statements and evaluative judgements of the federal agencies be identified as such in the EIS. This ruling
### TABLE 2. POLICY INSTRUMENTS GUIDING NEPA AT FEDERAL LEVEL

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<td>11514 (1970): CEQ to review federal agencies; expanded role of public review</td>
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<td>11991 (1979): EIS in two stages (draft and final); changes EIS guidelines to regulations</td>
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had the effect of making the EIS subject to legal review by other federal agencies and by the public. The negotiation forum was expanded to include the court system.

NEPA was targeted at the federal level because the problem was perceived to be with the federal agencies' failure to consider their resource related decisions within a wider framework of potential impacts on the environment. The EIS program proved effective over time in focusing federal agencies' attention on environmental planning. Many states have passed their own versions of NEPA, and probably the next phase will find cities and towns creating their own environmental regulations.

**The NHPA Policy Instruments**

In contrast to NEPA, the NHPA policy instruments are primarily information and incentives/disincentives. Table 3 shows that most of the programs that carry out NHPA have strong information and incentive/disincentive components. The federal level has the resources to fund the building of a data base on historic sites; to sponsor research; to coordinate funding; and to review federal agency activities relating to preservation.

Thus the Advisory Council on Historic Preservation (ACHP), in the Department of Interior, becomes an information clearinghouse through its research activities and its review of federal agency decisions on historic preservation matters. The ACHP also coordinates nation-wide survey and inventory activities.

The NHPA information and incentives/disincentives policy instruments at the federal level are important because they coordinate activities,
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| Advisory Council on Historic Preservation | X | X | X |
|                                          |   |   |   |
| research; review of federal agency decisions | | | |

| Financial Package | X |
| High insured loans; exchange and lease agreements; Historic Preservation Fund | |

| Grants | X | X |
| Planning; rehabilitation; research; surveying | |

| National Register of Historic Places | X | X |
| Reports | X | X | X |
| ACHP survey report; Congressional oversight reports | |

| Review | X | X | X |
| ACHP review; EIS | |

| Surveying | X |

| Taxes | X |
| Credits; Depreciation schedules | |

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and a wide-reaching coordination function is difficult for the local and the state levels to achieve. As long as the preservation movement remained an informal association of private individuals and organizations, the coordination aspect of preservation was not critical to its success. However, when the preservation movement broadened its goals to include a national policy on preservation, encouraging greater private investment in preservation activities, then the information and incentives/disincentives policy instruments became important elements in achieving that goal.

Managing NEPA AND NHPA

Of the valuation criteria noted in the Introduction, organizing at the appropriate level, and revision, are important considerations in the management of a policy over time. A policy must affect decisions at the level of the problem. The effects of programs must be evaluated over time, and changes and adjustments in programs will be necessary. When a policy depends on more than one instrument, these considerations of level and policy/program revision are made even more important because of interactions among the various steps taken and results achieved.

Organizational Level:

One of the main differences between the historic preservation and environmental policies is the scale at which they work. Preservation appears to be primarily a locally-based movement, depending on private individuals and organizations. This remains the case despite the fact that these separate organizations had to call on the federal level for help and for coordination. In the first place it was federal actions in large part that were causing the problem. The public pressure for
change raised levels of consciousness in the federal agencies about preservation issues, thus helping to reduce an immediate threat. The final consideration of the effects of this pressure, however, was through a system of incentives and disincentives calculated to interest more members of the public in historic preservation and thus to return action to the local level.

NEPA presents the opposite case. With the environment as with historic preservation, wide-ranging action came about only when widespread public perceptions of a problem spurred Congress and the executive to support action that led to NEPA. But while NHPA activities remained focused on the local level, environmental problems were, by their very nature, too far-ranging and interdependent for the local level to have a decisive effect on them. Congress, through the action-forcing mechanism of the EIS, compelled federal agencies to respond to its concerns. The driving force has remained at the federal level, although the impact of the EIS requirement continues to filter down to the state and local levels. Today, several states and a few local governments have their own environmental regulations to bring more control to the decision-making process on environmental matters.

The organizational level of a policy instrument—whether it is more effective at the local, state, or federal level—depends upon where the problems are and where the power to affect the decisions lies.

Revision:

It is seldom that a policy remains as it is originally passed. A look at the U. S. Code shows many refinements in the laws that make up a policy. These new initiatives come about over time. In the case of NHPA, tax incentives have been broadened and modified through the Tax
Reform Acts of 1976 and 1978, and through the Economic Recovery Tax Act of 1981. The 1980 NHPA amendments recognize the effectiveness of the state programs by increasing their funding and their authority to carry out preservation programs. The 1980 amendments provided more funding to local groups; at the same time they weakened the landmark designation process by giving property owners and local government officials refusal rights over the designations. Preservation has remained a local level activity to be supported through a federal policy favoring information, incentives and disincentives, and local negotiation. Changes in the laws on historic preservation have reinforced this situation.

Through comparisons of what is working and what is not working, policies are tested over time. The changes in NEPA have been primarily directed to refining the EIS regulations through Presidential and CEQ initiatives. The regulations have become more, not less, strict. A key change occurred during the Carter administration when the draft EIS was required to be circulated to the public before the final EIS could be issued. In the case of preservation policy, information and incentives/disincentives instruments remained central. The NEPA regulations were strengthened by reinforcing the negotiation aspects of the EIS.
NOTES TO CHAPTER FOUR


3 Ibid., pp. 2-5.

4 Ibid., pp. 33-38.


CHAPTER FIVE: CONCLUSIONS

Developing a public policy on a design matter in the built environment involves the planner in organizing government resources, usually to carry out programs, which in turn are chosen to achieve policy goals. The seven policy instruments are a way to organize the information the planner holds of past and present public policies and of the programs that carried out those policies. The instruments provide context within which specific criteria such as cost effectiveness and possibility of acting at the appropriate government level can be used to judge whether a particular program will be effective for a particular policy goal. As with design review under a negotiation policy instrument, for example, some programs are more effective as part of a single instrument. Other programs are effective as part of several different policy instruments. For instance, building codes can be part of a prototype instrument or a standards and regulations instrument.

If Alexander is correct in saying that creativity in decision-making and policy-making comes through a more focused search of a planner's knowledge and experiences of public policies, then the policy instruments discussed here are a way to organize that search. The policy instruments are a way for the planner to clearly state her objectives and to fit specific programs into that framework. The policy instruments can also improve the effectiveness of evaluating historical experience of legislation and events, and what these mean in public policy terms.
BIBLIOGRAPHY


