

Metropolitan Problems Revisited

Joseph F. Zimmerman

Introduction

In 1979, Victor Jones acknowledged that he at one time was a supporter of the formation of a single local government in each metropolitan area and wrote that he was relieving his "conscience by confessing to a mortal sin and a few peccadilloes."¹ We, his colleagues in the study of metropolitan problems, grant him complete and unconditional absolution of his metropolitan mortal and venial sins, thereby freeing him from the fires of hell and the isolation of purgatory.

Victor's pioneering 1942 book—*Metropolitan Government*—is a classic work meriting a close reading today by students of metropolitan problems and government.² His confession of the mortal sin of promoting a consolidated metropolitan government does not detract from the relevance of the book to contemporary studies.

Foreseeing the Future

I and other university students in the 1940s interested in local government read the works on metropolitan government by the leading authors, Charles E. Merriam, Paul Studenski, Luther Gulick, Victor Jones, and others, promoting the formation of popularly controlled consolidated metropolitan governments. One must remember that the public choice theory had not been developed in the 1940s and there were no empiri-

cal public choice studies such as the ones conducted by Elinor Ostrom and others.³

Victor's book describes actions by the British government to address problems in the greater London area in the 1700s and actions by state governments to solve problems in particular metropolitan areas in the United States in the nineteenth and early twentieth centuries. He also examined in detail the various nonstructural and structural approaches to solving metropolitan problems including interstate and fiscal ones, the role of the citizen in the metropolitan governance system, and the politics of metropolitan reform. The identical approaches, with one exception, are employed or recommended today.

The relevance of Victor's book today can be determined by examining the metropolitan problems he described in 1942 and drawing conclusions relative to the extent to which each problem exists today and the means by which several problems were eliminated or alleviated. The rapid transit, interurban, and street railway lines which concentrated on achieving maximum profits were held responsible for the ill-served areas between lines radiating out from the central city; the conclusion was drawn "the unification of transit operations and planned expansion of facilities will be difficult, if not impossible, unless the metropoliswide utilities are confronted with a powerful metropoliswide unit of local government."⁴

The Transit Problem

Victor's analysis of the transit problem was accurate in 1942, but he could not have foreseen that the private motor vehicle would result in the bankruptcy of numerous private bus and street railway companies and six railroads in the northeast and midwest, and abandonment of intercity passenger service by private railroads. The unification of transit services that Victor promoted has been achieved in several metropolitan areas, including the New York portion of the New York City metropolitan area. The board of directors of the state-controlled Metropolitan Transportation Authority (MTA) is the *ex officio* board of directors of each of its operating subsidiaries—Long Island Rail Road, New York City Transit Authority, Staten Island Rapid Transit Operating Authority, Metro North Railroad, and Triborough Bridge and Tunnel Authority. In consequence, the MTA board of directors provides centralized planning, construction, and direction of public transit facilities and services.

Victor also commented on the lack of cooperation by local governments in developing highway facilities which led to traffic congestion and accidents in the central city. Although this problem has not been solved totally, the Interstate Highway Program and, in some instances, state highway programs accomplished what he urged by providing "traffic circuits around the business section."⁵

The Sanitation Problem

The sanitation problem was the second major metropolitan problem highlighted by Victor. The federal government in the 1940s did not regulate water pollution other than forbidding the dumping of debris in navigable waters and water pollution abatement was the responsibility of the states.⁶ In

1965, Congress developed an innovative approach to water pollution abatement designed to prevent polluting industries from moving from states which had high water quality standards or had raised the standards to states with no or low standards.

The Water Quality Act of 1965, a new type of partial preemption statute, directed the secretary of the interior (now Environmental Protection Agency administrator) to promulgate rules and regulations establishing minimum water quality standards and authorized the delegation of "regulatory primacy" to each state.⁷ Under "regulatory primacy," only the state is responsible for enforcing national standards within the state and the state legislature may impose higher standards. Congress has enacted similar statutes in efforts to solve other functional problems.

To receive "regulatory primacy," a state must submit a plan containing standards as stringent as the national ones to the appropriate federal department or agency for approval along with an enforcement plan. If the standards and plan are approved, the department or agency delegates "regulatory primacy" to the state and subsequently performs only a monitoring role. If the state fails to enforce the standards, the federal department or agency can revoke the delegation of "regulatory primacy" and enforce national standards within the state.

The minimum standards approach has been extended to drinking water.⁸ Victor noted, for example, that "Philadelphia obtains its water from sources in the Delaware and Schuylkill rivers so polluted that it has to be filtered twice..."⁹ He also emphasized that only the central city makes continuous laboratory tests to see that the water is free from dangerous bacteria."¹⁰ Under provisions of the Safe Drinking Water Amendments Act of 1986 and implementing rules and regulations, all surface reservoir water

must be monitored continuously and must be filtered if specified pollutants are detected. Although one can not quarrel with the Act's goal of ensuring potable drinking water, the Act and implementing rules and regulations have imposed costly mandates on numerous small local governments which threaten to bankrupt them or force them to discontinue providing drinking water unless Congress provides relief from the mandates.¹¹

Victor also was concerned about what he labeled "inferior health work in most suburbs" and the danger of epidemics.¹² Although an epidemic never can be ruled out as a possibility, the threat of an epidemic has been minimized by the shift of responsibility for public health from cities, towns, and villages in certain states to county governments or the state government, new detection equipment, and new treatments to cure or eliminate diseases.

Jealousies in Law Enforcement

Jealousies between police departments and metropolitanwide organized crime syndicates were identified as problems by Victor.¹³ These problems exist today in a number of metropolitan areas, but the problems are not as serious as they were in 1942. Police departments generally cooperate with each other currently and that cooperation has been spurred by Congress and most state legislatures. Police in general are better trained today and joint local-state-federal or state-federal police task forces operate to attack major crime syndicates.

Firefighting is not the pressing problem that it was in 1942. State legislatures have mandated and/or encouraged special training for fire fighters and enforcement of stricter fire codes, and sophisticated mutual fire aid agreements have been signed and implemented.

Uneven Distribution of Tax Resources

The uneven distribution of tax resources, highlighted by Victor, remains although progress has been made in a number of states in reducing fiscal disparities by means of state grants-in-aid and state revenue sharing.¹⁴ The only metropolitanwide attempt to reduce fiscal disparities dates to 1971 in the twin cities area of Minnesota when the state legislature enacted the Metropolitan Revenue Distribution Act which provides for a partial sharing of the revenue resulting from the increase in the commercial-industrial (CI) property tax base in the seven county area.¹⁵

The tax base sharing program was designed to reduce the large fiscal disparities among municipalities by stipulating that the revenue produced by 40 percent of new CI property be dedicated to the Municipal Equity Account in the state treasury and distributed to municipalities in the metropolitan area by means of a need and population formula. The pooled tax base increased 7.6 percent from \$241.3 million in the 1995 tax year to \$259.6 million in the 1996 tax year and accounts for 27.6 percent of the total CI tax base in the area.¹⁶

The Twin Cities metropolitan area approach to reducing fiscal disparities has attracted national and international attention, yet Victor could have predicted in 1942 that the approach probably would not be adopted in other metropolitan areas. The New York State Temporary State Commission on the Capital Region in 1996 recommended that the Twin Cities approach be adopted for regional economic development purposes, but the recommendation received a cold reception from local government officials.¹⁷ Reacting to the CI tax base pool proposal in a preliminary Commission report, Clifton Park Town Supervisor Marvin LeRoy

emphasized "we have a very fiscally conservative approach to spending money. When we see others following that, we might consider it. When we all start spending in similar fashions we can start sharing the revenues."¹⁸

Waterford Town Supervisor John Lawler on July 14, 1996, responded negatively to the proposed CI tax base sharing proposal:

As I read it, we'd have to give up our revenue; we'd have to give up our landfill when we're close to siting it; we're having good luck bringing business into the county. I don't see a lot of value to what the report suggests for Saratoga County. We already are the lowest-taxed county in the state.¹⁹

The final major problem identified by Victor was the inability of citizens to hold government officials in the metropolitan area responsible: "Citizens cannot understand or control the formulation and administration of governmental policies in a complex urban community when responsibility is divided among many independent and overlapping units."²⁰ By the 1960s, however, a number of civic activists and academics were recommending the breaking up of large cities into neighborhood governments to allow citizens greater control over matters of the most immediate concern.²¹

Solutions with No Structural Changes

Victor devoted a chapter to "Solutions with No Structural Changes" which described the provision of services by the central city beyond its borders, creation of independent special districts and special districts controlled by local governments, and extension of state and federal administration. Although Victor did not believe that these approaches held the greatest promise for solving metropolitan problems, it turned out that these approaches principally have been relied upon to solve problems.

Intergovernmental service agreements have proven to be a popular and effective method for ensuring that many quality governmental services are provided throughout a metropolitan area. I conducted the first national survey of such agreements in 1972 which revealed that 61 percent of the responding municipalities over 2,500 population were receiving one or more services under provisions of formal and informal agreements with other governments.²² Counties were the most common service providers, but state governments and special districts also were major providers. This survey also revealed that the private sector was an important supplier of services to municipalities and their residents.

There also has been a significant upward shift of responsibility for functions from cities, towns, and villages to the county and state governments. In 1975, I conducted the first national survey of the transfer of responsibilities by municipalities over 2,500 population which revealed that 31 percent of the responding units had transferred responsibility for one or more functions or functional components during the previous decade to another municipality, the county, the state, special districts, and councils of governments.²³

Victor accurately predicted that "the alternative to the integration of local governments into a general-purpose unit of metropolitan government is, in the larger areas at least, the continued proliferation of special districts and authorities."²⁴ The number of such districts, excluding school districts, increased from 8,299 in 1942 to 31,555 in 1992 with the number still increasing.²⁵

Structural Changes Essential

In Victor's 1942 judgment, structural changes were essential if metropolitan problems were to be solved and he examined the use of annexation by the central city, city-

APPRECIATION OF VICTOR JONES

A rereading of *Metropolitan Government* has regenerated my interest in the politics of governing metropolitan areas, theories of metropolitan governance, and various structural and nonstructural approaches to solving problems in such areas. Victor's book was published 54 years ago, yet it contains valuable insight into the politics of change in such areas today.

Whereas a number of critical metropolitan problems have been alleviated or solved by intergovernmental tinkering, we must question whether such tinkering is adequate today and whether tinkering can solve serious problems in the future. Furthermore, we must question whether tinkering makes it difficult for voters to determine who is responsible for eliminating such problems.

We need Victor's advice relative to solutions for continuing metropolitan problems. To what extent can the approaches Victor described and analyzed in 1942 be modified and sold to elected officials and voters? Which approach holds the most potential for adoption and solution of problems? Could, for example, a feder-

ated system be crafted that would have broad appeal to elected officials and voters, and the necessary authority to solve major areawide problems?

Would a system of federal tax credits promote the solution of metropolitan problems by private firms and individuals and/or encourage state and local governments to launch innovative problem solving approaches? The tax credits authorized by the Revenue Act of 1926 encouraged states to adopt inheritance taxes and similar credits authorized by the Social Security Act of 1935 persuaded states to operate an unemployment assistance program.³² And the Economic Recovery Act of 1981 authorized tax credits which provided financial assistance indirectly to public transit authorities and helped eliminate slums in historic districts of cities. Could Congress devise a tax credit system that would help to eliminate the financial problems of central cities in metropolitan areas?³³

In conclusion, I express my appreciation to Victor for his research over the years on metropolitan problems and governance.

county consolidation and separation, merger of special districts with the central city or county, and creation of a metropolitan county government, a federated local government system for a metropolitan area, and a metropolitan city-state. He described the major city-county consolidations which occurred in the nineteenth century. Although annexation had been utilized often, under liberal state statutes, by several ma-

major cities in the south and southwest subsequent to World War II, large annexations were abandoned as the result of the United States Supreme Court ruling that annexation was subject to preclearance by the United States attorney general or the United States District Court for the District of Columbia under provisions of the Voting Rights Act of 1965.²⁶ Major cities in the south and southwest, which had been annexing large

amounts of unincorporated territory, stopped expanding their territorial boundaries as the attorney general and District Court would allow annexation only if the cities changed their electoral system to a single-member district system. In areas not subject to the Voting Rights Act, state law typically makes it difficult for a central city to annex land except under special circumstances.

With respect to structural changes, Victor reported that no city-county consolidation had occurred during the previous 35 years, thereby suggesting that such consolidations would not occur frequently in the future.²⁷ He also noted the automatic separation of cities from their respective counties upon the cities reaching a population of 10,000 in Virginia, a policy still in effect.²⁸ The increasing importance of the urban county was a trend, noted by Victor, that has continued in many states and undoubtedly will continue in the foreseeable future.

Victor also was impressed with the governance advantages inherent in a federated metropolis because it accommodates "suburban particularism," facilitates "annexation of contiguous territory," and allows for the transfer of functional responsibilities from the municipal governments to the metropolitan government when a consensus emerges in a municipality that a function should be transferred.²⁹

While acknowledging that the "almost ideal solution" of the governance problem in the New York and Chicago areas would be the creation of metropolitan city-states, he recognized that such "city-states are probably the most remotely realizable of all the schemes of metropolitan government."³⁰

Victor's analysis of the politics of structural changes in metropolitan areas in the 1940s differs relatively little from current analysis of such politics. The fiscal problems of many central cities predispose them to favor creation of a metropolitan government,

but suburban municipalities tend to be strongly opposed to the establishment of such a government. These facts validate Victor's analysis of the difficulties of creating a metropolitan government.

Victor's concluding 1942 sentence is an extremely pessimistic one: "If we cannot achieve efficient and effective democracy in local areas, there is no hope for the nation."³¹ Many would have argued in the 1940s that we had efficient and effective democracy and it was such democracy which impeded the creation of metropolitan governments. ■

Notes

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2. Jones, Victor. 1942. *Metropolitan Government*. Chicago: The University of Chicago Press.
3. For example, see Elinor Ostrom and Roger Parks, "Suburban Police Departments: Too Many and Too Small" in Louis H. Mascotti and Jeffrey K. Hadden, eds., 1973, *The Urbanization of the Suburbs*. Beverly Hills, California: Sage Publications, pp. 369-98, and Elinor Ostrom and Ennis Smith, "On the Fate of Lilliputs in Metropolitan Policing," *Public Administration Review*, March/April 1976, 192-200.
4. Jones. *Metropolitan Government*., 54.
5. *Ibid.*, 58.
6. River and Harbor Act of 1899, 30 Stat. 1 151, 33 U.S.C. 407-407a (1987).
7. Water Quality Act of 1965, 79 Stat. 903, 33 U.S.C. 1151. For details on minimum standards preemption, see Joseph F. Zimmerman, *Federal Preemption: The Silent Revolution*. Ames: Iowa State University Press.
8. Safe Drinking Water Act Amendments of 1986, 100 Stat. 651, U.S.C. 300f-300k (1991).
9. Jones. *Metropolitan Government*. 60.
10. *Ibid.*, p. 63.
11. Zimmerman, Joseph. 1994. "Federally Induced Costs" in *Federally Induced Costs Affecting State and Local Governments*. Wash-

- ington, D.C.: United States Advisory Commission on Intergovernmental Relations, 1994. 19-31.
12. Jones. *Metropolitan Government*. 64.
 13. Ibid. 66-71.
 14. Ibid. 71-72.
 15. Minnesota Statutes, chap. 473F (1994).
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 18. Crowe II, Kenneth C. "County Opposes Splitting Tax Wealth." Albany, N.Y.: *Times Union*, December 17, 1995, C-3.
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 20. Jones. *Metropolitan Government*. 83.
 21. Kotler, Milton. 1969. *Neighborhood Government*. Indianapolis: The Bobbs-Merrill Company. See also Joseph F. Zimmerman. 1972. *The Federated City: Community Control in Large Cities*. New York: St. Martin's Press. 1972.
 22. Zimmerman, Joseph F. "Meeting Service Needs Through Intergovernmental Service Agreements." *The Municipal Year Book: 1973*. Washington, D.C.: International City Management Association. 79-88.
 23. Zimmerman, Joseph F. 1976. *Pragmatic Federalism: The Reassignment of Functional Responsibility*. Washington, D.C.: United States Advisory Commission on Intergovernmental Relations. p. 26.
 24. Jones. *Metropolitan Government*. 334.
 25. 1992 Census of Governments, Vol. 1, No. 1. 1994. Government Organization (Washington, D.C.: United States Government Printing Office. 3.
 26. Voting Rights Act of 1965, 70 Stat. 437, 42 U.S.C. 1973-1975f (1994 and 1996 Supp.). See also Joseph F. Zimmerman, "The Federal Voting Rights Act and Alternative Election Systems," *William & Mary Law Review*, Summer 1978, 621-60.
 27. Jones. *Metropolitan Government*. 130.
 28. Ibid. 131.
 29. Ibid. 150-51.
 30. Ibid. 152 and 154.
 31. Ibid. 342.
 32. Revenue Act of 1926, 44 Stat. 9, 48 U.S.C. 845 (1987), and Social Security Act of 1935, 49 Stat. 620, 42 U.S.C. 301 (1991).
 33. Economic Recovery Tax Act of 1981, 95 Stat. 399, 26 u.s.c. 103 (1988).
- Joseph F. Zimmerman** is a professor of political science at the Graduate School of Public Affairs, State University of New York at Albany.
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