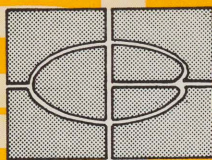


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PROJECT NOTIFICATION AND REVIEW SYSTEM

**FOR
LOCAL GOVERNMENTS
AND
PROJECT APPLICANTS
IN THE COASTAL BEND REGION
WHO WISH TO APPLY FOR FEDERAL AND STATE ASSISTANCE**

**COASTAL BEND
REGIONAL PLANNING COMMISSION**



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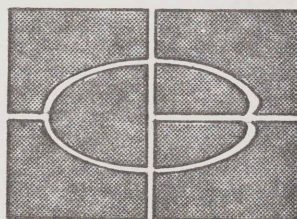
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PROJECT NOTIFICATION AND REVIEW SYSTEM

FOR LOCAL GOVERNMENTS AND PROJECT APPLICANTS IN THE COASTAL BEND REGION

WHO WISH TO APPLY FOR FEDERAL AND STATE ASSISTANCE



COASTAL BEND REGIONAL PLANNING COMMISSION
INTERNATIONAL AIRPORT
CORPUS CHRISTI, TEXAS 78408

NOVEMBER 1971

FOREWORD

Public and private agencies, organizations, and individuals in the Coastal Bend Region rely on many sources of financial participation to plan and develop projects for citizens in the Region. A substantial portion of the financial participation is received through various State and Federal aid programs.

The United States Congress, to assist in the planning and development of the many federally assisted projects, enacted three public laws which promote more effective coordination of planning and development activities. In response to a Presidential directive, the President's Office of Management and Budget (OMB) published implementing guidelines in *OMB Circular A-95*, establishing the Project Notification and Review System.

The 62nd Texas Legislature, to promote more effective coordination of Texas planning and development activities, amended Article 1011m V.A.C.S., the enabling legislation for Regional Planning Commissions in Texas, to extend the Project Notification and Review System to designated State-aided projects.

The Project Notification and Review System (PNRS) established procedures that potential applicants follow in formulating and completing applications for State and Federal financial assistance.

The Coastal Bend Regional Planning Commission has been designated, by the Governor of Texas, as the regional planning agency charged with administering the PNRS in the Coastal Bend Region.

The information contained in this report is published to familiarize potential applicants with the Project Notification and Review System.

Questions and/or comments may be directed to:

*Coastal Bend Regional Planning Commission
International Airport
Corpus Christi, Texas 78408
512/884-3911*

Potential applicants are encouraged to contact the Coastal Bend Regional Planning Commission concerning the general or specific applicability of the Project Notification and Review System to proposed local or regional projects.

Charles T. Crow, Executive Director

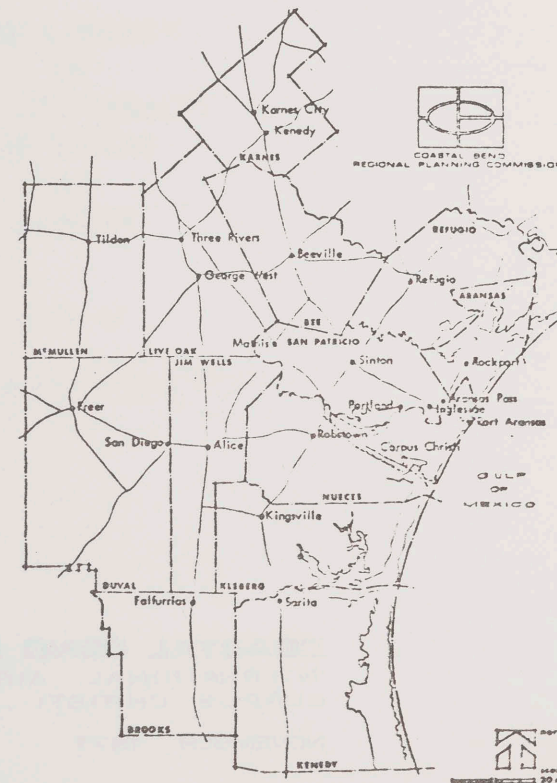


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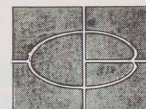
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A SUMMARY OF THE PROJECT NOTIFICATION AND REVIEW SYSTEM

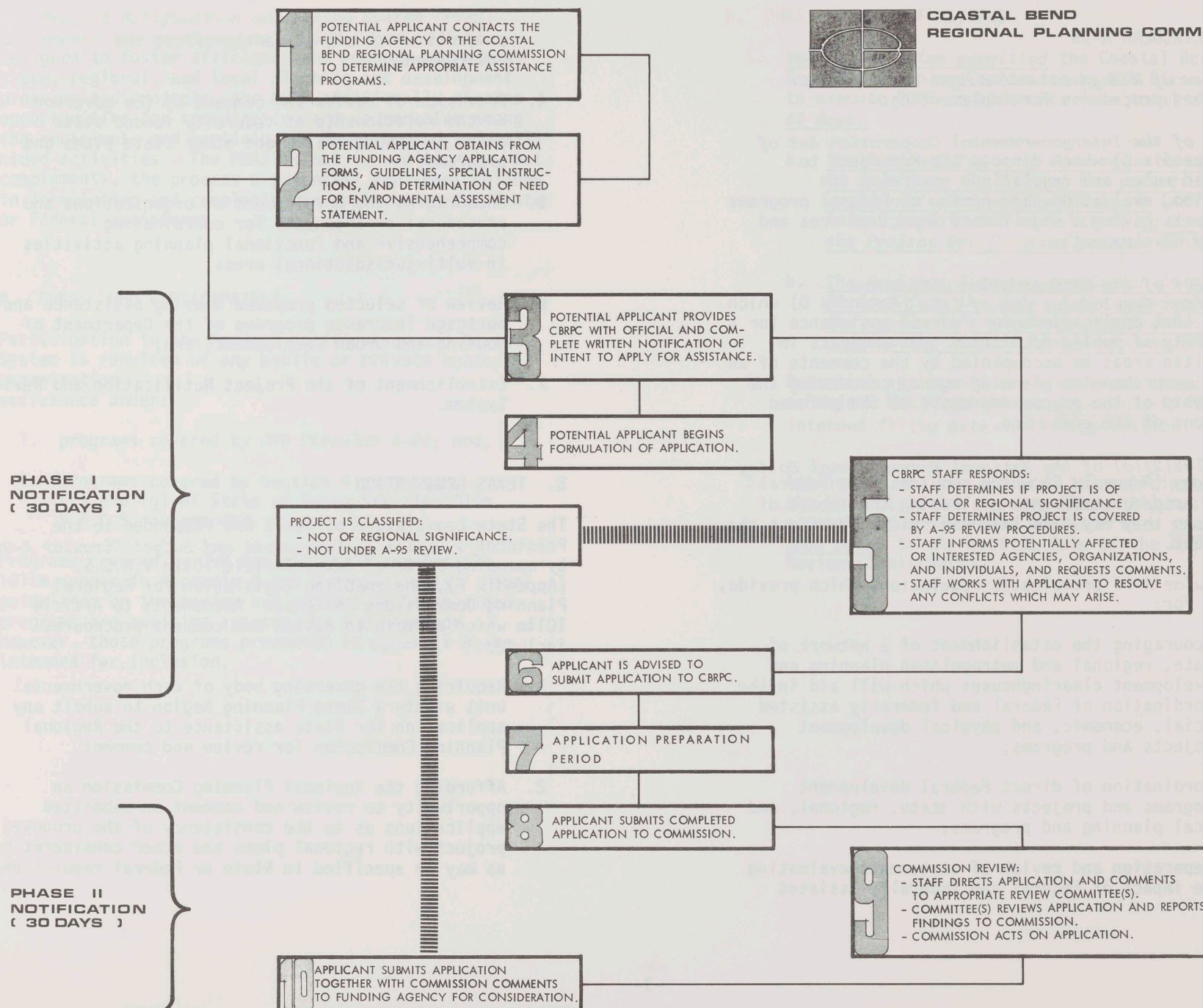
1. Potential applicant contacts the funding agency or the Coastal Bend Regional Planning Commission to determine appropriate assistance programs.
2. Potential applicant obtains from the funding agency: application forms, guidelines, special instructions, and a determination of the need for an environmental assessment (environmental impact) statement.
3. Potential applicant provides the Coastal Bend Regional Planning Commission with a Project Notification (official and complete written notification of intent to apply for assistance).
4. Potential applicant begins formulation of the application
5. Coastal Bend Regional Planning Commission staff responds to the Project Notification by:
 - a. Determining if the proposed project is primarily of local or regional significance;
 - b. Determining if the proposed project is covered under *OMB Circular A-95*;
 - c. Informing potentially affected or interested agencies, organizations, and individuals and requesting comments on the proposed project; and,
 - d. Working with the applicant to resolve any conflicts which may arise.
6. Coastal Bend Regional Planning Commission staff advises the potential applicant to submit the application, when complete, a minimum of fourteen days prior to the Application Review Committee(s) meeting date.
7. Potential applicant prepares the application.
8. Applicant submits the completed application to the Coastal Bend Regional Planning Commission fourteen days prior to the Application Review Committee(s) meeting date.
9. Coastal Bend Regional Planning Commission reviews the completed application:
 - a. Commission staff directs application and staff comments to the appropriate Application Review Committee(s).
 - b. Application Review Committee(s) comments on the application and reports its findings to the Commission.
 - c. Commission acts on the application.
10. Applicant submits the application, together with the Coastal Bend Regional Planning Commission's comments, to the State or Federal agency for funding consideration.

THE PROJECT NOTIFICATION AND REVIEW SYSTEM

(ILLUSTRATIVE PROCESS FOR REVIEW OF APPLICATIONS FOR FEDERAL AND STATE ASSISTANCE)



**COASTAL BEND
REGIONAL PLANNING COMMISSION**



I. FEDERAL AND STATE LEGISLATION: A SUMMARY

A. OMB CIRCULAR A-95

The *Office of Management and Budget Circular A-95* establishes procedures for implementing:

Title IV of the Intergovernmental Cooperation Act of 1968 (Appendix C) which directs the President to "establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development";

Section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 (Appendix D) which requires that applications for Federal assistance for a wide variety of public facilities type projects in metropolitan areas be accompanied by the comments of an areawide comprehensive planning agency concerning the relationship of the proposed project to the planned development of the area; and,

Section 102(2)(c) of the National Environmental Policy Act of 1969 (Appendix E) which requires that Federal agencies prepare statements evaluating the impact of any actions they may take that significantly affect the environment.

OMB Circular A-95 promulgates regulations which provide, in part, for:

1. Encouraging the establishment of a network of state, regional and metropolitan planning and development clearinghouses which will aid in the coordination of Federal and federally assisted social, economic, and physical development projects and programs;
2. Coordination of direct Federal development programs and projects with state, regional, and local planning and programs;
3. Preparation and review of statements evaluating the impact of Federal and federally assisted

projects which significantly affect the environment;

4. Provision of review and comment by the governor on the relationship of federally funded state plans to comprehensive and other state plans and programs;
5. Encouraging the development of organizations and procedural arrangements for coordinating comprehensive and functional planning activities in multi-jurisdictional areas;
6. Review of selected proposed housing assistance and mortgage insurance programs of the Department of Housing and Urban Development; and,
7. Establishment of the Project Notification and Review System.

B. TEXAS LEGISLATION

The State Legislature of Texas has responded to the President's *Office of Management and Budget Circular A-95* by amending State of Texas Article 1011m V.A.C.S. (Appendix F), the enabling legislation for Regional Planning Commissions in Texas. Amendments to Article 1011m which pertain to review and comment procedures include:

1. Requiring the governing body of each governmental unit within a State Planning Region to submit any application for State assistance to the Regional Planning Commission for review and comment.
2. Affording the Regional Planning Commission an opportunity to review and comment on submitted applications as to the consistency of the proposed project with regional plans and other considerations as may be specified in State or Federal regulations.

II. THE PROJECT NOTIFICATION AND REVIEW SYSTEM: AN OVERVIEW

The Project Notification and Review System (PNRS) implements the requirements of OMB Circular A-95. Designed to foster efficiency and economy of Federal state, regional, and local planning and development programs and projects, the PNRS additionally creates opportunities for coordination and cooperation among the recipients and participants in State and federally aided activities. The PNRS is not in addition to, but complements, the process a potential applicant follows in formulating and completing an application for State or Federal assistance.

A. PNRS: WHO PARTICIPATES?

Participation in the Project Notification and Review System is required of any public or private agency organization assistance under:

1. programs covered by *OMB Circular A-95*; and,
2. programs covered by Section 4 paragraphs (f) and (g) of State of Texas Article 1011m, V.A.C.S. as amended.

Programs covered by *OMB Circular A-95* and Article 1011m appear in Appendix A and B respectively. Final guidelines on the review and comment of State-aided programs are awaiting approval by the Governor. However, those programs presented in Appendix B are intended for inclusion.

B. PNRS: TIMING OF REVIEWS

1. The maximum time permitted the Coastal Bend Regional Planning Commission by OMB Circular A-95 to execute PNRS requirements is a total of 60 days.
 - a. The Regional Planning Commission is allowed 30 days from the date of the potential applicant's Project Notification (written intent to file for assistance) to conduct the Project Notification process (Phase I).
 - b. The Regional Planning Commission is allowed 30 days from the date of the submission of the applicant's completed application to conduct the Project Review process (Phase II).
2. Potential applicants are encouraged to submit a Project Notification 60 days prior to the intended filing date of the application.
3. Applicants who are required to participate in the Project Review process (Phase II) must submit a completed application no later than fourteen days prior to the meeting date of the Application Review Committee(s).

III THE PROJECT NOTIFICATION AND PROJECT REVIEW PROCESSES

The Project Notification and Review System consists of two separate but inter-related processes: Project Notification (Phase I); and Project Review (Phase II).

A. PHASE I - PROJECT NOTIFICATION (30 DAYS)

At such time as an agency, organization, or individual desires to seek financial assistance, for a project to be located wholly or partially in the Coastal Bend Region, and the funding program is listed in Appendix A or B, the potential applicant is required to notify the Coastal Bend Regional Planning Commission of intent to apply for financial assistance.

1. The potential applicant submits a Project Notification (written letter of intent to file) to the Regional Planning Commission (Content of Project Notification).
2. The Commission staff classifies the Project Notification (Project Classification) and, if warranted, meets with the potential applicant and potentially interested and affected agencies, organizations, and individuals to resolve questions and conflicts.
3. If an environmental assessment statement is required for the proposed project, major topics are identified for consideration (The Environmental Assessment Statement).
4. The Commission staff requests that the potential applicant submit the completed application to the Regional Planning Commission for formal review and comment (PNRS: Timing of Reviews).

Some Federal agencies utilize pre-application forms (i.e. Standard Form 101 and OEO Form 46) which may be considered a Project Notification. However, based on the magnitude and scope of the proposed project, the Commission staff may request limited additional information to competently proceed with the Project Notification process.

NOTE: In accordance with the intent of *Office of Management and Budget Circular A-95* and the Project Notification and Review System, the Coastal Bend Regional Planning Commission does not offer or provide formal review and comment on a Project Notification.

CONTENT OF PROJECT NOTIFICATION

The Office of Management and Budget has identified the minimum information required by clearinghouses to initiate review and comment procedures. The information, when submitted to the Coastal Bend Regional Planning Commission, will be considered a Project Notification for the proposed project.

1. The identity of the potential applicant.
2. The geographic location of the proposed project.
3. A brief description of the proposed project by:
 - a. Type;
 - b. Purpose;
 - c. General size or scale;
 - d. Estimated cost;
 - e. Beneficiaries; and,
 - f. Other characteristics which will enable the Coastal Bend Regional Planning Commission to identify agencies of State, Federal, and/or local governments having plans, programs, or projects which might be affected by the proposed project;
4. A brief statement of whether or not an environmental assessment (impact) statement is required by the funding agency and, if so, an indication of the nature and extent of environmental impact anticipated.
5. The State and/or Federal program and agency under which assistance will be sought. For Federal assistance programs, the applicant must include the "program identification number" indicated in the *Catalog of Federal Domestic Assistance* (April 1971 and subsequent editions).
6. The estimated date by which time the applicant expects to formally file an application.

PROJECT CLASSIFICATION

To expedite the Notification and Review processes all proposed projects are classified into two categories, based on the written Project Notification. Project Classification occurs within the Project Notification process (Phase I). The two classifications are:

1. Projects which are "primarily of local significance". Projects which are in this classification normally participate only in the Project Notification process (Phase I - 30 days).
2. Projects which are "primarily of regional significance". Projects which are in this classification fully participate in the Notification and Review processes (Phase I and Phase II - 60 days).

Projects classified as "primarily of regional significance" normally have been determined by the Executive Director of the Coastal Bend Regional Planning Commission to have met one of the following criteria:

1. The proposed project will affect two or more political subdivisions in the Coastal Bend;
2. The proposed project is part of, or will affect, the planning and development policies of an adopted regional plan;
3. Apparent conflict exists between the proposed project and existing or proposed projects of other public or private agencies and organizations;
4. The potential applicant is a public or private agency or organization totally or partially responsible for planning, developing, and/or administering programs in two or more political subdivisions; and,
5. The proposed project, if implemented, appears to be an existing or potential contributor to the perpetuation of civil, social, cultural, moral, and/or, environmental injustices.

B. PHASE II - PROJECT REVIEW (30 DAYS)

The Project Review process begins when the potential applicant (now the applicant) submits the completed application, and environmental assessment (environmental impact) statement, if required, to the Coastal Bend Regional Planning Commission for formal review and comment.

1. The Commission staff reviews the completed application and holds meetings, if necessary, with all interested and affected agencies, organizations, and individuals to resolve questions or conflicts.
2. The Commission staff meets with the Application Review Committee(s) of the Regional Planning Commission to discuss the proposed project.
3. The Application Review Committee(s) and the Commission staff prepare comments on the proposed project.
 - a. Comments may describe the extent to which the project is consistent with or contributes to the fulfillment of comprehensive planning for the State, Region, metropolitan area, or locality.
 - b. Comments may include information about the extent to which the project contributes to the achievement of State, regional, metropolitan, and local objectives as specified in Section 401(a) of the Intergovernmental Cooperation Act of 1968, as follows:
 - (1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;
 - (2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

- (3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;
- (4) Adequate outdoor recreation and open space;
- (5) Protection of areas of unique natural beauty, historical and scientific interest;
- (6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and,
- (7) Concern for high standards of design.

4. The Application Review Committee(s) and Commission staff report to the Commission on the application.
5. The Commission acts on the application.
6. The applicant submits the completed application, with the formal comments of the Regional Planning Commission, to the State or Federal agency for funding consideration.

In the event a potential applicant submits a completed application to the Regional Planning Commission, without having first participated in the Project Notification process (Phase I), the application may technically be considered a Project Notification with the Commission electing to exercise its maximum allowed review and comment period of 60 days.

IV SPECIAL REVIEW CONSIDERATIONS

A. THE ENVIRONMENTAL ASSESSMENT STATEMENT

State and Federal agencies now require, for many financially-assisted projects, the preparation of an environmental assessment statement (often referred to as the "environmental impact statement") prior to funding consideration. The form and content of the environmental assessment statement vary according to the type of project. However, potential applicants should be prepared to comment on, as provided under Section 102(2)(c) of the National Environmental Policy Act of 1969, the extent to which the project significantly affects the environment including consideration of:

1. The environmental impact of the proposed project;
2. Any adverse environmental effects which cannot be avoided should the proposed project be implemented;
3. Alternatives to the proposed project;
4. The relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity; and,
5. Any irreversible or irretrievable commitments of resources which would be involved in the proposed project or action, should it be implemented.

Coastal Bend Regional Planning Commission responsibilities under OMB Circular A-95 and Section 102(2)(c) of the National Environmental Policy Act of 1969 include:

1. Identifying concerned State or local environmental agencies, providing them with Project Notification, and assuring them opportunity to comment on the proposed project;
2. Assisting applicants in the preparation of necessary environmental assessment data, if appropriated;
3. Providing comments on the impact of both Federal and federally-assisted projects, if appropriate;
4. Undertaking other related action in assisting or facilitating State and local inputs into environmental assessment statements; and,
5. Reviewing environmental assessment statements concurrent with the review of the completed application.

Potential applicants are encouraged to determine at the earliest feasible time whether an environmental assessment statement is required since many agencies require comprehensive and substantiated responses to environmental questions.

HOUSING REVIEW PROCESS

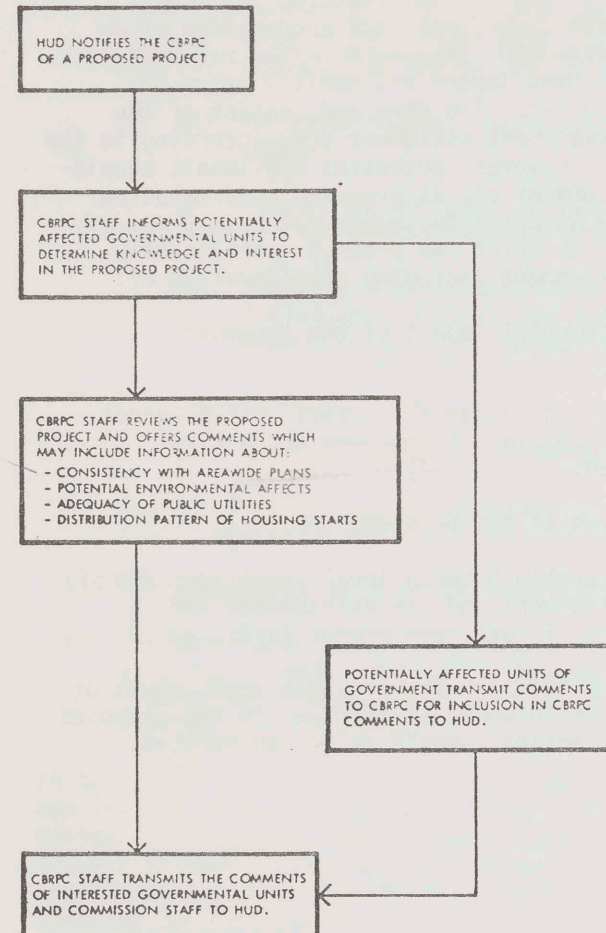
B. HOUSING: A SPECIAL REVIEW PROCESS

Selected housing production and mortgage credit programs of the Department of Housing and Urban Development (HUD) participate in an abbreviated form of the Project Notification and Review System. The review of *Catalog of Federal Domestic Assistance* programs in the 14.100 series (Appendix A) is initiated only when notified by HUD of a pending application.

A Special Project Review, undertaken in 15 days, is limited to applications involving new construction and applies to:

1. Subdivisions having 50 or more lots involving any HUD home mortgage insurance program;
2. Multi-family projects having 100 or more dwelling units under any HUD mortgage insurance program, or under conventional or turnkey public housing programs;
3. Mobile home courts with 100 or more spaces; and,
4. College housing provided under the debt service or direct loan programs for 200 or more students.

The illustrative process for the Special Project Review for housing programs is presented opposite.



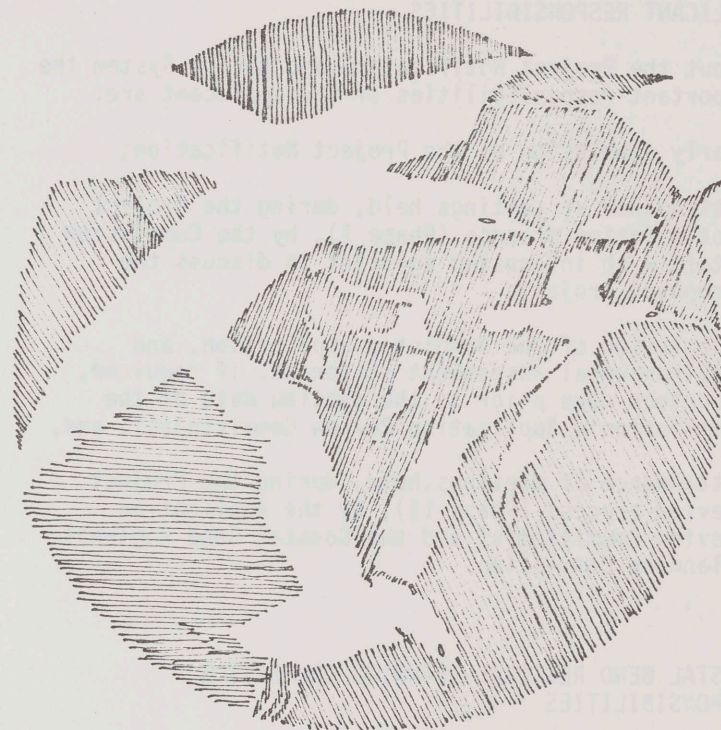
COASTAL BEND
REGIONAL PLANNING COMMISSION

C. COORDINATION OF DIRECT FEDERAL DEVELOPMENT

Federal agencies having responsibility for the planning and construction of Federal buildings and installations, acquisition, use, and disposal of Federal land and real property will establish procedures for:

1. Consulting with governors, regional and metropolitan clearinghouses, and local elected officials at the earliest practicable stage in project or development planning on the relationship of any plan or project to the development plans and programs of the state, region, or localities in which the project is to be located; and
2. Assuring that any such Federal plan or project is consistent or compatible with state, regional, and local development plans and programs identified in the course of such consultations. Exceptions will be made only where there is clear justification.

The Coastal Bend Regional Planning Commission will conduct the review and comment of direct Federal development projects utilizing the procedures established in the Project Notification and Review System.



II SUMMARY OF RESPONSIBILITIES

A. APPLICANT RESPONSIBILITIES

Throughout the Project Notification and Review System the most important responsibilities of the applicant are:

1. Early submission of the Project Notification;
2. Attendance at meetings held, during the Project Notification process (Phase I), by the Commission staff with interested agencies to discuss the proposed project;
3. Submission of the Completed application, and environmental assessment statement, if required, fourteen days prior to the meeting date of the Commission's Application Review Committee(s); and,
4. Attendance at meetings held, during the Project Review process (Phase II), by the Application Review Committee(s) and the Coastal Bend Regional Planning Commission.

B. COASTAL BEND REGIONAL PLANNING COMMISSION RESPONSIBILITIES

The Coastal Bend Regional Planning Commission, as the designated metropolitan clearinghouse for the Coastal Bend Region, is responsible for the administration of the *Office of Management and Budget Circular A-95*. Responsibilities of the Regional Planning Commission include:

1. Developing procedures for implementing *OMB Circular A-95* in the Coastal Bend Region;
2. Establishing Application Review Committee(s) to provide general and/or specific expertise in the functional area of the proposed project;

3. Assist potential applicants, at their request by-
 - a. providing liaison with the funding agency,
 - b. assisting in the formulation and preparation of the Project Notification and completed application, and
 - c. convening inter-agency meetings designed to foster cooperation and coordination;
4. Responding promptly to the applicant's submission of the Project Notification and completed application so as not to delay the submission of the completed application;
5. Maintaining a working relationship and knowledge of State and Federal agencies and programs to enable the potential applicant to select the most appropriate assistance program available;
6. Assisting the potential applicant in identifying additional agencies, organizations, and individuals eligible to cooperate in the proposed project so as to be more efficient, effective and economical in project planning and development; and,
7. Offering formal review and comment on proposed projects and completed applications to applicants who have participated in the Project Notification and Review System.

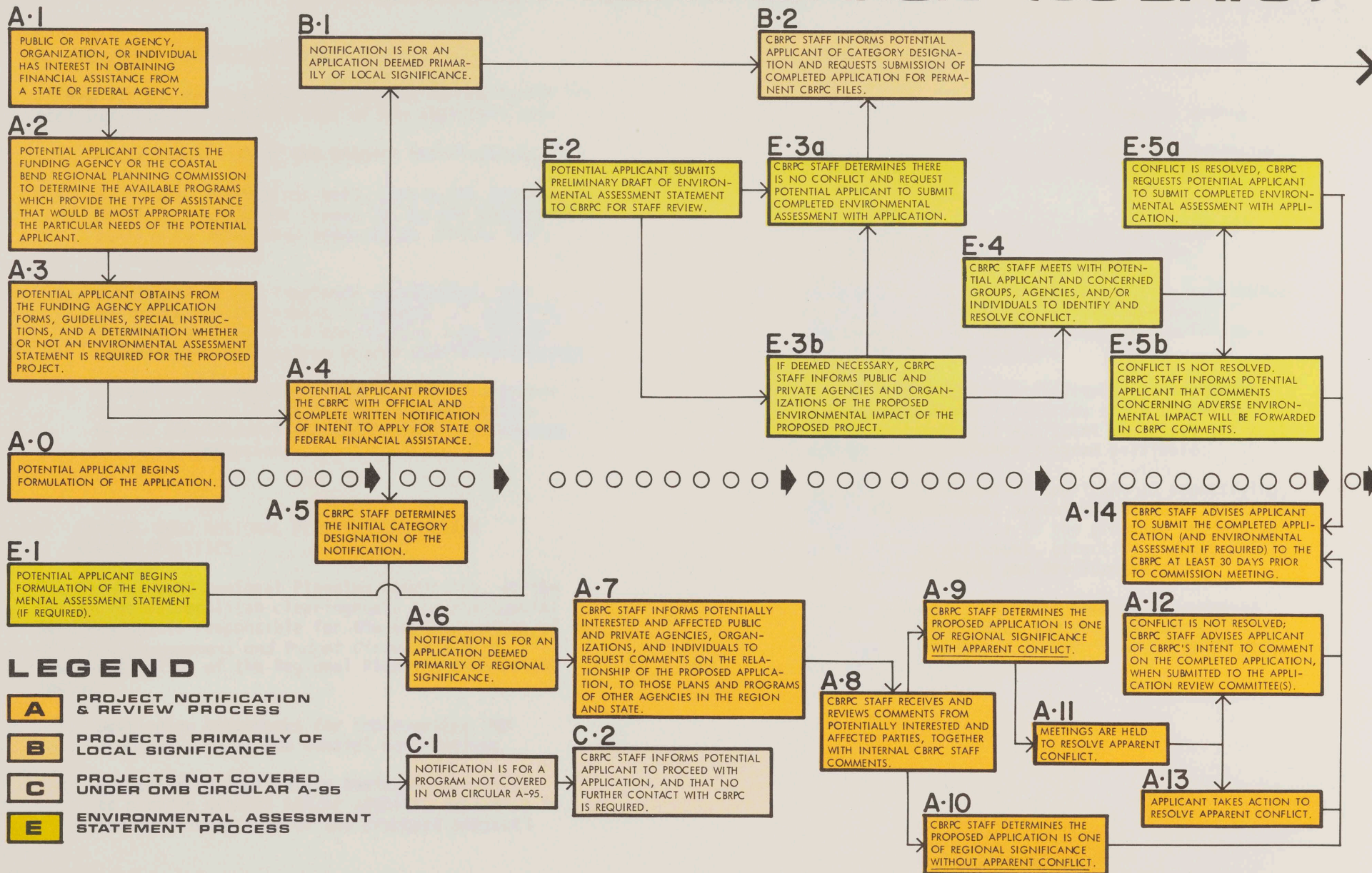
PHASE I PROJECT WORK PLAN



PROJECT WORK PLAN

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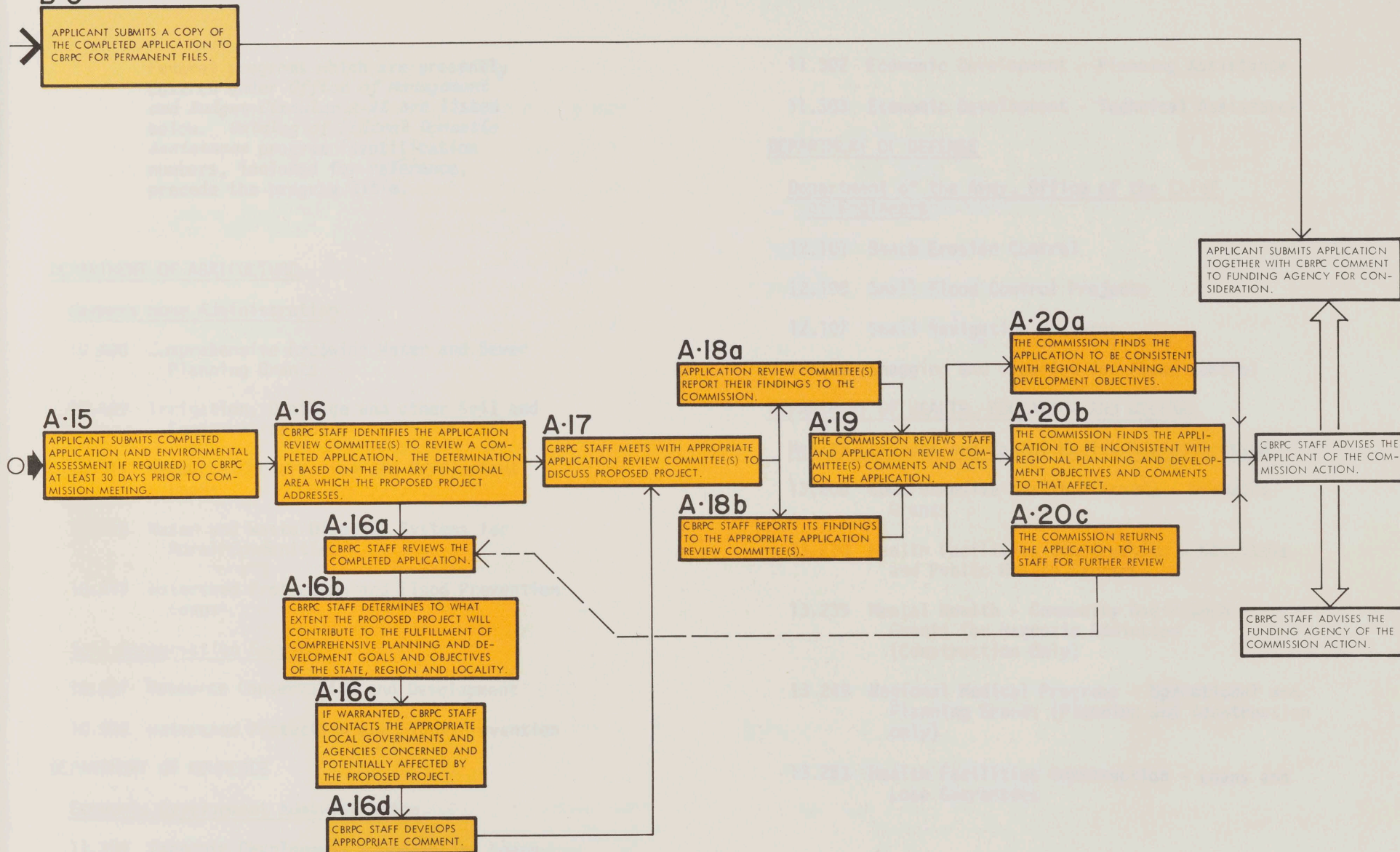
PHASE I PROJECT NOTIFICATION (30 DAYS)



PROJECT NOTIFICATION & COASTAL BEND REGIONAL PLANNING COMMISSION

PHASE II PROJECT REVIEW (30 DAYS)

B-3



REVIEW SYSTEM

O M B - CIRCULAR A-95 & ARTICLE 1011m, V.A.C.S. AS AMENDED

APPENDIX A

PROGRAMS COVERED UNDER OFFICE OF MANAGEMENT AND BUDGET CIRCULAR A-95

Federal programs which are presently covered under *Office of Management and Budget Circular A-95* are listed below. *Catalog of Federal Domestic Assistance* program identification numbers, included for reference, precede the program title.

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

- 10.400 Comprehensive Areawide Water and Sewer Planning Grants
- 10.409 Irrigation, Drainage and other Soil and Conservation Loans
- 10.414 Resource Conservation and Development Loans
- 10.418 Water and Waste Disposal Systems for Rural Communities
- 10.419 Watershed Protection and Flood Prevention Loans

Soil Conservation Service

- 10.901 Resource Conservation and Development
- 10.904 Watershed Protection and Flood Prevention

DEPARTMENT OF COMMERCE

Economic Development Administration

- 11.300 Economic Development - Grants and Loans for Public Works and Development Facilities

- 11.302 Economic Development - Planning Assistance

- 11.303 Economic Development - Technical Assistance

DEPARTMENT OF DEFENSE

Department of the Army, Office of the Chief of Engineers

- 12.101 Beach Erosion Control
- 12.106 Small Flood Control Projects
- 12.107 Small Navigation Projects
- 12.108 Snagging and Clearing for Flood Control

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Health Services and Mental Health Administration

- 13.206 Comprehensive Health Planning - Areawide Grants
- 13.220 Health Facilities Construction - Hospitals and Public Health Centers
- 13.235 Mental Health - Community Assistance Grants for Narcotic Addiction (Construction Only)
- 13.249 Regional Medical Programs - Operational and Planning Grants (Planning and Construction only)
- 13.253 Health Facilities Construction - Loans and Loan Guarantees

National Institute of Health

- 13.340 Health Professions Facilities Construction
- 13.350 Medical Library Assistance - Regional
Medical Libraries
- 13.369 Schools of Nursing - Facilities Construction

Office of Education

- 13.408 Construction of Public Libraries
- 13.456 Higher Education Academic Facilities -
State Comprehensive Planning
- 13.457 Higher Education Academic Facilities
Construction - Interest Subsidization
- 13.459 Higher Education Academic Facilities
Construction - Public Community
Colleges and Technical Institutes
- 13.477 School Assistance in Federally Affected
Areas - Construction
- 13.493 Vocational Education - Basic Grants to States
(Construction only)

Social and Rehabilitation Service

- 13.711 Juvenile Delinquency Planning, Prevention
and Rehabilitation (Planning and
Construction only)
- 13.746 Vocational Rehabilitation Services - Basic
Support (Construction Only)
- 13.753 Develop Mentally Disabled - Basic Support
- 13.755 Vocational Rehabilitation - Construction
Grants

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit/FHA*

- 14.100 College Housing Debt Service
- 14.103 Interest Reduction Payments - Rental and
Cooperative Housing for Lower Income
Families (236)
- 14.105 Interest Subsidy - Homes for Lower Income
Families (235i)
- 14.112 Mortgage Insurance - Construction or
Rehabilitation of Condominium Projects (234d)
- 14.115 Mortgage Insurance - Development of Sales
Type Cooperative Projects (213)
- 14.117 Mortgage Insurance - Homes (203b)
- 14.118 Mortgage Insurance - Homes for Certified
Veterans (203b)
- 14.119 Mortgage Insurance - Homes for Disaster
Victims (203h)
- 14.120 Mortgage Insurance - Homes for Low and
Moderate Income Families (221d2)
- 14.121 Mortgage Insurance - Homes in Outlying
Areas (203i)
- 14.122 Mortgage Insurance - Homes in Urban Renewal
Areas (220 Homes)

*The review of programs in the 14.100 series is initiated by CBRPC only when notified by HUD of a pending application - refer to section entitled "Housing: A Special Review Process", page 9.

PROGRAMS INTENDED FOR COVERAGE UNDER ARTICLE 107M, AS AMENDED

- 14.124 Mortgage Insurance - Investor Sponsored Cooperative Housing (213)
- 14.125 Mortgage Insurance - Land Development and New Communities (Title X)
- 14.126 Mortgage Insurance - Management Type Cooperative Projects (213)
- 14.127 Mortgage Insurance - Mobile Home Courts (207)
- 14.134 Mortgage Insurance - Rental Housing (207)
- 14.135 Mortgage Insurance - Rental Housing for Low and Moderate Income Families (221d4)
- 14.137 Mortgage Insurance - Rental Housing for Low and Moderate Income Families, Market Interest Rate (221d3)
- 14.138 Mortgage Insurance - Rental Housing for the Elderly (231)
- 14.139 Mortgage Insurance - Rental Housing in Urban Renewal Areas (220)
- 14.146 Public Housing - Acquisition, Construction, Rehabilitation (New Construction only)
- 14.149 Rent Supplements - Rental Housing for Low Income Families

Community Planning and Management

- 14.203 Comprehensive Planning Assistance
- 14.207 New Communities - Loan Guarantees
- 14.208 New Communities - Supplementary Grants
- 14.214 Urban Systems Engineering Demonstration Grants

Community Development

- 14.300 Model Cities Supplementary Grants
- 14.301 Basic Water and Sewer Facilities - Grants
- 14.303 Open Space Land Programs
- 14.304 Public Facility Loans
- 14.306 Neighborhood Development
- 14.307 Urban Renewal Projects

DEPARTMENT OF THE INTERIORBureau of Outdoor Recreation

- 15.400 Outdoor Recreation - Financial Assistance
- 15.401 Outdoor Recreation State Planning - Financial Assistance

Bureau of Reclamation

- 15.501 Irrigation Distribution Systems Loans
- 15.503 Small Reclamation Projects

National Park Service

- 15.904 Historic Preservation

DEPARTMENT OF JUSTICELaw Enforcement Assistance Administration

- 16.500 Law Enforcement Assistance - Comprehensive Planning Grants
- 16.501 Law Enforcement Assistance - Discretionary Grants
- 16.502 Law Enforcement Assistance - Improving and Strengthening Law Enforcement

DEPARTMENT OF LABOR

Manpower Administration

17.205 Cooperative Area Manpower Planning System

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

20.102 Airport Development Aid Program

20.103 Airport Planning Grant Program

Federal Highway Administration

20.201 Forest Highways

20.204 Highway Beautification - Landscaping and
Scenic Enhancement

20.205 Highway Planning and Construction

20.206 Highway Planning and Research Studies

20.209 Public Lands Highways

20.211 Traffic Operations Program to Increase
Capacity and Safety (Construction Only)

Urban Mass Transportation Administration

20.500 Urban Mass Transportation Capital Improvement
Grants (Planning and Construction Only)

20.501 Urban Mass Transportation Capital Improvement
Loans (Planning and Construction Only)

20.505 Urban Mass Transportation Technical Studies
Grants (Planning and Construction Only)

APPALACHIAN REGIONAL COMMISSION

23.003 Appalachian Development Highway System

23.004 Appalachian Health Demonstrations
(Planning and Construction Only)

23.008 Appalachian Local Access Roads

23.010 Appalachian Mine Area Restoration

23.012 Appalachian Vocational Education
Facilities

NATIONAL SCIENCE FOUNDATION

47.036 Intergovernmental Science Programs

OFFICE OF ECONOMIC OPPORTUNITY

49.002 Community Action (excluding administration,
research, training and technical assistance
and evaluation).

WATER RESOURCES COUNCIL

65.001 Water Resources Planning

ENVIRONMENTAL PROTECTION AGENCY

Air Pollution Control Office

66.001 Air Pollution Control Grants (Planning Only)

Solid Waste Management Office

66.300 Solid Waste Demonstration and Resource
Recovery System Grants

66.301 Solid Waste Planning Grants

Water Quality Office

66.400 Construction Grants for Wastewater Treatment
Works

66.401 Water Pollution Control Comprehensive Basin
Planning Grants

66.407 Water Pollution Control - State and
Interstate Program Grants

APPENDIX B

PROGRAMS INTENDED FOR COVERAGE UNDER ARTICLE 1011M, AS AMENDED

The programs identified are referenced by the description provided in the *Catalog of State Services to Local Governments*.*

A. STATE GRANTS FOR LOCAL ASSISTANCE

1. Office of the Governor

Deficiency grants for payments of claims arising prior to the convening of the next Legislature due to cases of natural disasters.

2. Office of the Governor, Division of Planning Coordination

State assistance to regional councils of governments.

3. Texas Aeronautics Commission

State grants or loans for acquisition, construction or maintenance of airports. Grants are not to exceed \$27,500 for any one community. Limited to communities of under 50,000.

4. Texas Highway Department

a. State financial assistance to cities and counties for acquisition of right-of-way at 50% of the value determined by the Texas Highway Department.

b. State financial assistance to develop or coordinate system of land service roads through the Farm-to-Market Road program in consultation with County Commissioners' Courts.

c. Assistance to political subdivisions to improve railroad grade crossings.

c. Assistance to cities and counties in the design, planning, installation and/or operation of highway illumination systems and in the construction of curb and gutter sections for improving traffic safety.

5. Texas Parks and Wildlife Department

a. Assistance to school districts and counties in their ad valorem taxes on wildlife management areas.

b. Assistance to cities, counties and river authorities for construction of boat ramps on waterways.

c. Assistance to cities and counties for maintenance and cleaning of public beaches. Not to exceed \$50,000 for any single grant.

6. University of Texas

Assistance to counties only in their ad valorem taxes on University of Texas Endowment lands.

7. Texas Youth Council

Assistance to public or private agencies qualified to establish Halfway Houses for the care and treatment of delinquent children.

B. STATE LOANS FOR LOCAL ASSISTANCE

1. Texas Water Development Board

a. State financial assistance to a city, water district or water authority for aid in development of water supply projects.

b. State financial assistance to cities, counties or political subdivisions for construction of waste treatment facilities.

*Final guidelines on the review and comment of State-aided programs are awaiting approval by the Governor. However, the programs presented in the Appendix are intended for inclusion.

APPENDIX C

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968

TITLE IV OF THE INTERGOVERNMENTAL COOPERATION ACT OF 1968 (82 Stat. 1103)

"TITLE IV -- COORDINATED INTERGOVERNMENTAL POLICY AND ADMINISTRATION OF DEVELOP- MENT ASSISTANCE PROGRAMS"

"DECLARATION OF DEVELOPMENT ASSISTANCE POLICY"

"Sec. 401. (a) The economic and social development of the Nation and the achievement of satisfactory levels of living depend upon the sound and orderly development of all areas, both urban and rural. Moreover, in a time of rapid urbanization, the sound and orderly development of urban communities depends to a large degree upon the social and economic health and the sound development of smaller communities and rural areas. The President shall, therefore, establish rules and regulations governing the formulation, evaluation, and review of Federal programs and projects having a significant impact on area and community development, including programs providing Federal assistance to the States and localities, to the end that they shall most effectively serve these basic objectives. Such rules and regulations shall provide for full consideration of the concurrent achievement of the following specific objectives and, to the extent authorized by law, reasoned choices shall be made between such objectives when they conflict:

"(1) Appropriate land uses for housing, commercial, industrial, governmental, institutional, and other purposes;

"(2) Wise development and conservation of natural resources, including land, water, minerals, wildlife, and others;

"(3) Balanced transportation systems, including highway, air, water, pedestrian, mass transit, and other modes for the movement of people and goods;

"(4) Adequate outdoor recreation and open space;

"(5) Protection of areas of unique natural beauty, historical and scientific interest;

"(6) Properly planned community facilities, including utilities for the supply of power, water, and communications, for the safe disposal of wastes, and for other purposes; and

"(7) Concern for high standards of design.

"(b) All viewpoints -- national, regional, State and local -- shall, to the extent possible, be fully considered and taken into account in planning Federal or federally assisted development programs and projects. State and local government objectives, together with the objectives of regional organizations shall be considered and evaluated within a framework of national public objectives, as expressed in Federal law, and available projections of future national conditions and needs of regions, States,

and localities shall be considered in plan formulation, evaluation, and review.

"(c) To the maximum extent possible, consistent with national objectives, all Federal aid for development purposes shall be consistent with and further the objectives of State, regional, and local comprehensive planning. Consideration shall be given to all developmental aspects of our total national community, including but not limited to housing, transportation, economic development, natural and human resources development, community facilities, and the general improvement of living environments.

"(d) Each Federal department and agency administering a development assistance program shall, to the maximum extent practicable, consult with and seek advice from all other significantly affected Federal departments and agencies in an effort to assure fully coordinated programs.

"(e) Insofar as possible, systematic planning required by individual Federal programs (such as highway construction, urban renewal, and open space) shall be coordinated with and, to the extent authorized by law, made part of comprehensive local and areawide development planning".

"FAVORING UNITS OF GENERAL LOCAL GOVERNMENT"

"Sec. 402. Where Federal law provides that both special-purpose units of local government and units of general local government are eligible to receive loans or grants-in-aid, heads of Federal departments and agencies shall, in the absence of substantial reasons to the contrary, make such loans or grants-in-aid to units of general local government rather than to special-purpose units of local government."

"RULES AND REGULATIONS"

"Sec. 403. The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this title."

APPENDIX D

SECTION 204 OF THE DEMONSTRATION CITIES AND METROPOLITAN DEVELOPMENT ACT OF 1966

SECTION 204 OF THE DEMONSTRATION CITIES AND
METROPOLITAN DEVELOPMENT ACT OF 1966,
as amended (80 Stat. 1263, 82 Stat. 208)

"Sec. 204. (a) All applications made after June 30, 1967 for Federal loans or grants to assist in carrying out open-space land projects or for planning or construction of hospitals, airports, libraries, water supply and distribution facilities, sewerage facilities and waste treatment works, highways, transportation facilities, law enforcement facilities, and water development and land conservation projects within any metropolitan area shall be submitted for review--

"(1) to any areawide agency which is designated to perform metropolitan or regional planning for the area within which the assistance is to be used, and which is, to the greatest practicable extent, composed of or responsible to the elected officials of a unit of areawide government or of the units of general local government within whose jurisdiction such agency is authorized to engage in such planning, and

"(2) if made by a special purpose unit of local government, to the unit or units of general local government with authority to operate in the area within which the project is to be located.

"(b) (1) Except as provided in paragraph (2) of this subsection, each application shall be accompanied (A) by the comments and recommendations with respect to the project involved by the areawide agency and governing bodies of the units of general local government to which the application has been submitted for review, and (B) by a statement by the applicant that such comments and recommendations have been considered prior to formal submission of the application. Such comments shall include information concerning the extent to which the project is consistent with comprehensive planning developed or in the process of development for the metropolitan area or the unit of general local government, as the case may be, and the extent to which such project contributes to the fulfillment of such planning. The comments and recommendations and the statement referred to in this paragraph shall, except in the case referred to in paragraph (2) of this subsection, be reviewed by the agency of the Federal Government to which such application is submitted for the sole purpose of assisting it in determining whether the application is in accordance with the provisions of Federal law which govern the making of the loans or grants.

"(2) An application for a Federal loan or grant need not be accompanied by the comments and recommendations and the statements referred to in paragraph (1) of this subsection, if the applicant certifies that a plan or description of the project, meeting the requirements of such rules and regulations as may be prescribed under subsection (c), or such application, has lain before an appropriate areawide agency or instrumentality or unit of general local government for a period of sixty days without comments or recommendations thereon being made by such agency or instrumentality.

"(3) The requirements of paragraphs (1) and (2) shall also apply to any amendment of the application which, in light of the purposes of this title, involves a major change in the project covered by the application prior to such amendment.

"(c) The Bureau of the Budget, or such other agency as may be designated by the President, is hereby authorized to prescribe such rules and regulations as are deemed appropriate for the effective administration of this section."

APPENDIX E

SECTION 102(2)(c) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969

SECTION 102(2)(c) OF THE NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (83 Stat. 853)

"Sec. 102. The Congress authorizes and directs that, to the fullest extent possible; (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall . . .

"(c) include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on--

"(i) the environmental impact of the proposed action,

"(ii) any adverse environmental effects which cannot be avoided should the proposal be implemented,

"(iii) alternatives to the proposed action,

"(iv) the relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity, and

"(v) any irreversible or irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

"Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public as provided by section 552 of Title 5, United States Code, and shall accompany the proposal through the existing agency review processes; . . ."

APPENDIX F
ARTICLE 1011M, AS AMENDED

ARTICLE 1011m, REGIONAL PLANNING COMMISSIONS

AMENDED BY THE 62nd TEXAS LEGISLATURE

DEFINITIONS

Section 1. A. "City" means any incorporated city, town or village in the State of Texas.

B. "Governmental Unit" means any county, city, town, village, authority, district or other political subdivision of the state.

C. "Commission" means a Regional Planning Commission, Council of Governments or similar regional planning agency created under this Act.

D. "Region," "Area", or "Regional" means a geographic area consisting of a county or two or more adjoining counties which have common problems of transportation, water supply, drainage or land use, similar, common or interrelated forms of urban development or concentration, or special problems of agriculture, forestry, conservation or other matters, or any combination thereof. It is the intention of this Act to permit the greatest possible flexibility among the various participating governmental units to organize and establish Commissions most suitable to the nature of the area problems as they see them.

E. "Comprehensive Development Planning Process; means the process of (1) assessing the needs and resources of an area; (2) formulating goals, objectives, policies and standards to guide its long-range physical, economic, and human resource development; and (3) preparing plans and programs therefor which (a) identify alternative courses of action and the special and functional relationships among the activities to be carried out thereunder, (b) specify the appropriate ordering in time of such activities, (c) take into account other relevant factors affecting the achievement of the desired development of the area, (d) provide an overall framework and guide for the preparation of function and project development plans, (e) make recommendations for long-range programming and financing of capital projects and facilities which are of mutual concern to two or more member governments, and (f) make such other recommendations as may be deemed appropriate.

F. "General purpose governmental unit" means a county or incorporated municipality.

OBJECTIVES

Sec. 2. The purpose of this Act is to encourage and permit local units of government to join and cooperate with one another to improve the health, safety and general welfare of their citizens; to plan for the future development of communities, areas, and regions to the end that transportation systems may be more carefully planned; that communities, areas, and regions

grow with adequate street, utility, health, educational, recreational, and other essential facilities; that needs of agriculture, business, and industry be recognized; that residential areas provide healthy surroundings for family life; that historical and cultural value be preserved; and that the growth of the communities, areas, and regions is commensurate with and promotive of the efficient and economical use of public funds.

CREATION

Sec. 3. (a) Any two or more general purpose governmental units may join in the exercise, performance, and cooperation of planning, powers, duties, and functions as provided by law for any or all such governmental units. When two or more such governmental units agree, by ordinance, resolution, rule, order, or other means, to cooperate in regional planning, they may establish a Regional Planning Commission. But nothing in this Act shall be construed to limit the powers of the participating governmental units as provided by existing law. The participating governmental units, by appropriate mutual agreement, may establish a Regional Planning Commission for a region designated in such agreement, provided that such region shall consist of territory under their respective jurisdictions, including extraterritorial jurisdiction.

(b) The geographic boundaries of Commissions established under this Act must be consistent with State Planning Regions or Subregions as delineated by the Governor and subject to review and modification at the end of each State biennium.

POWERS

Sec. 4. (a) Under this Act, a Regional Planning Commission shall be a political subdivision of this State, the general purpose of which is to make studies and plans to guide the unified, far-reaching development of the area, to eliminate duplication, and to promote economy and efficiency in the coordinated development of the area. The Commission may make plans for the development of the area which may include recommendations on major thoroughfares, streets, traffic and transportation studies, bridges, airports, parks, recreation sites, school sites, public utilities, land use, water supply, sanitation facilities, drainage, public buildings, population density, open spaces, and other items relating to the effectuation of the general purpose.

(b) The plans and recommendations of the Commission may be adopted in whole or in part by the respective governing bodies of the cooperating governmental units. The Commission may assist the participating governmental units individually or collectively in carrying out plans or recommendations developed by the Commission. The Commission may assist any participating governmental unit individually in the preparation or effectuation of local planning consistent with the general purposes of this Act.

(c) The Commission may contract with one or more of its member governments to perform any service which that government could, by contract, have any private organization without governmental powers perform,

provided that such contract imposes no cost or obligation upon any member government not signatory thereto.

(d) A Commission may purchase, lease or otherwise acquire, hold, sell or otherwise dispose of real and personal property. It may employ such staff, and consult with and retain such experts as it deems necessary. It may provide for retirement benefits for its employees by means of a jointly contributory retirement plan with an agency, firm, or corporation authorized to do business in this State. A Commission may participate in the Texas Municipal Retirement System, the State Employees Retirement System or the City, County, and District Retirement System when such established systems by legislation or administrative arrangement make such participation permissible.

(e) Agencies of the State government and of governmental units are authorized to detail or loan employees to a commission on either a reimbursable or nonreimbursable basis as may be mutually agreed by the State agency or governmental unit and the Commission. During the period of loan or detail the person will continue to be an employee of the lending agency or unit for purposes of salary, leave, retirement and other personnel benefits but will work under the direction and supervision of the Commission. A loan or detail made pursuant to this section shall expire at the mutual consent of the lending or detailing agency or governmental unit and the Commission.

(f) In each State Planning Region or Subregion in which a Commission has been organized, the governing body of each governmental unit within the Region or subregion, whether or not such unit is a member of the Commission, shall submit to the Commission for review and comment any application for loans or grants-in-aid from agencies of the federal government (for a project for which the federal government at the time is requiring the review and comment of an areawide planning agency) or agencies of the State of Texas before such application is filed with the Federal or State government. For federally-aided projects for which an areawide review is required by federal law or regulation, the Commission shall review such application from the standpoint of consistency with regional plans and such other considerations as may be specified in federal or State regulations and shall enter its comments upon the application, returning same to the originating governmental unit.

(g) With respect to other federally-aided projects and to State-aided projects, the Commission shall advise the governmental units as to whether or not the proposed project for which funds are requested has region wide significance. If it does not have region wide significance, the Commission shall certify that it is not in conflict with the regional plan or policies. In making such determination, it may also consider whether the proposed project is properly coordinated with other existing or proposed projects within the region. The Commission shall thereupon record upon the application its views and comments and transmit the application to the originating governmental unit, with a copy to the federal or State agency concerned.

(h) The Governor shall issue guidelines to Commissions and governmental units to carry out the provisions of this Act relating to review and comment procedures.

(i) The Governor and agencies of the State shall provide such technical information and assistance to members of Commissions and their staffs as will increase to the greatest extent feasible the capabilities of such Commissions in discharging the various duties and responsibilities set forth in this Act.

OPERATIONS

Sec. 5. The cooperating governmental units may through joint agreement determine the number and qualifications of the governing body of the Commission. The governing body of the Commission shall consist of at least sixty-six and two-thirds percent (66-2/3%) elected officials of general purpose governmental units. The joint agreement may provide for the manner of cooperation and the means and methods of the operations of the Commission. The joint agreement may provide a method for the employment of the staff and consultants, the apportionment of the cost and expenses, and the purchase of property and materials. The joint agreement may allow for the addition of other governmental units to the cooperative arrangement.

FUNDS

Sec. 6. (a) A Regional Planning Commission is authorized to apply for, contract for, receive and expend for its purposes any funds or grants from any participating governmental unit or from the State of Texas, federal government, or any other source.

(b) The Commission shall have no power to levy any character of tax whatever. The participating governmental units may appropriate funds to the Commission for the cost and expenses required in the performance of its purposes.

(c) A Commission which meets the conditions set forth below shall be annually eligible for a maximum amount of State financial assistance based on the formula: Ten Thousand Dollars (\$10,000.00) base grant to each certified organization, plus an additional One Thousand Dollars (\$1,000.00) per dues paying member county, plus an additional ten cents (\$.10) per capita for all population served of dues paying member counties and incorporated municipalities. The minimum amount of annual State financial assistance for which a Commission shall apply shall be Fifteen Thousand Dollars (\$15,000.00).

(d) A Commission to qualify for State financial assistance must have an amount of funds available annually from sources other than federal or state governments equal to or greater than one-half of the State financial assistance amount for which the Commission applies.

(e) In order to be eligible for State financial assistance, a Commission shall comply with the regulations of the agency responsible for administering this Act and shall:

(1) Offer membership in the Commission to all general purpose governments (counties and incorporated municipalities) included in the State planning Region or subregion;

(2) Be composed of two or more general purpose governments having a combined population equal to not less than sixty percent (60%) of the total population of the State Planning Region or subregion, and for purposes of this Act the population of the county shall be the population outside any dues paying member incorporated municipality;

(3) Encompass a geographical area that is economically and geographically interrelated and which forms a logical planning area or region and includes at least one full county;

(4) Be engaged in a comprehensive development planning process.

INTERSTATE COMMISSIONS

Sec. 7. With advance approval of the Governor, a Commission including a region or area which is contiguous to an area lying in another state may join with any similar commission or planning agency in such areas to form an interstate Regional Planning Commission or may permit the Commission in the contiguous area to participate in the planning functions of a Commission formed pursuant to this Act, and the funds provided under the provisions of Section 6 of this Act may be commingled with the funds provided by the state governments having jurisdiction over the contiguous areas.

INTERNATIONAL AREAS

Sec. 8. With advance approval of the Governor, a Commission in a region or area contiguous to areas in the Republic of Mexico may expend the funds available under the provisions of Section 6 of this Act in cooperation with agencies of the Republic of Mexico or its constituent states or local governments for planning studies encompassing areas lying both in this state and in contiguous territory of the Republic of Mexico.

DISSOLUTION

Sec. 9. Unless it has been agreed to the contrary, any participating governmental unit may, by a majority vote of its membership qualified in serving, withdraw from its participation in any Regional Planning Commission.

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