

CHAPTER III
THE A-95 PROCESS

The federal government in recent years has become concerned that there was inadequate coordination among federal agencies, among local governments, and between the federal and local establishments in regard to provision of federal assistance through its many hundreds of programs. There were many instances in which assistance was given to multiple programs which worked at cross purposes to each other. To eliminate such conflicts and waste of public funds, the federal Office of Management and Budget (OMB) issued Circular No. A-95 (Rev.) which provided for state and regional clearinghouses; and for state and regional project notification and review processes. The A-95 process has become a very important function at both the state and regional levels.

The A-95 notification and review process now applies to more than 100 federal programs administered by virtually all the major federal agencies. Any of the programs with which local governments would most likely be concerned are included in this large group affected by the A-95 order.

THE STATE A-95 PROCESS

The A-95 order from OMB required that the Governor designate an office to serve as the state clearinghouse for federal information; and to administer the project notification and review function. In accordance with this directive, Governor Docking designated the Division of the Budget of the Department of Administration to serve in the functions indicated.

The essence of the state function is outlined as follows:

1. The applicant (local government, organization, etc.) for federal aid notifies the state clearinghouse (Division of the Budget) that it intends to file an application for assistance. This notification includes the following information: identity of the applicant; geographic location of the project; description of the project; whether an Environmental Impact Statement will be required; the federal program and agency under which assistance will be sought; and the estimated date by which the application will be filed.

2. The state clearinghouse examines the notification and requests a review by several state agencies. Review is to determine whether the proposed project is consistent with existing plans, projects, and proposals, and to offer suggestions which may assist the applicant in preparing the formal application to be submitted to the federal funding agency. This review must be accomplished within thirty days.

3. The state clearinghouse assembles the review comments. If there are negative or conflicting comments, the state clearinghouse may arrange a conference (in person or by phone) between the applicant and the appropriate state agencies, in an attempt to iron out conflicts.

4. The state clearinghouse writes a "sign-off" letter stating that the application has been reviewed and summarizing the comments. It sends

this letter, along with pertinent comments, to the applicant.

5. The applicant forwards the sign-off letter and comments to the federal agency along with its application.

6. After examining the application and comments, the federal agency approves or disapproves the project.

7. The federal agency notifies the state when a grant has been approved, under OMB Circular A-98.

It must here be emphasized that *the project notification and review process in no way gives the state agency any kind of veto authority*. The final decision to approve or disapprove a project or proposal rests with the federal agency. The state reviews may well be persuasive, but they are not and were never intended to be controlling.

THE REGIONAL-A-95 PROCESS

The OMB circular A-95 also established a procedure by which the several multi-county or metropolitan regions could be given a role in the project coordination effort. The OMB circular authorized the governor of the state to designate regional organizations to perform the clearinghouse and notification and review functions when, as and if he chooses so to do. In general it was apparently anticipated that the organization to be so designated would in fact be an established and effective regional planning organization; but the OMB order made no such specifications, leaving the designations entirely to the judgement of the Governor.

In Kansas, organized regional planning commissions have generally been given the A-95 regional review authority when they have demonstrated to the Governor that they have the capability to perform the required functions. As of the fall of 1973, ten regional or metropolitan organizations had been designated. Their history, though brief, has generally been one of commendable performance of their proper function.

During the past few years, it has been felt that a regional staff is necessary to take full advantage of regional A-95 review.

The regional A-95 review procedure is similar to that outlined above for state review, and may take place at the same time. The regional planning commission has authority to notify local governments and regional agencies of the project and invite their comments, and to review the project itself and make comments as to its appropriateness and relation to regional plans. The commission must weigh the facts, hear interested parties and then adopt a position regarding the proposal. The position may be favorable or it may be adverse. *But under no circumstances may the reviewing body exercise a veto over the project. The power to approve or disapprove rests solely with the federal funding agency.*

Regional planning commissions should make every effort to obtain designation from the Governor as the regional A-95 review authority. When such designation is received, the commission should then develop a formal system of procedural steps to be followed in all cases. It should also develop a record system indicating at all times the status of the project under review. While these activities will be substantially time consuming and will require substantial commitments of monetary and personnel resources, the A-95 review procedure affords an opportunity not otherwise available for the commission to be well informed as to proposed development activity based in part on federal funding. It also provides an opportunity to influence development, to encourage that which tends to implement the regional plan proposals and to discourage those which run counter to the regional plan. The task of implementation is so difficult that every possible assistance in this effort should be utilized to the fullest.