flow of traffic in front of his property.

The question in the instant case, therefore, resolved into whether the points of connection between the frontage road serving the owners' property and the westbound traffic lanes of U. S. Highway 54 provided the owners with reasonable access from their abutting property to the through-traffic lanes of that main highway. These points of connection were approximately 1,067 feet apart. One point was about 155 feet east of the east boundary of the subject property and the other point was 714 feet west of the west boundary of that property. Under these facts, the appellate court held as a matter of law that the owners had reasonable access from their abutting property to the through-lanes of U. S. Highway 54. They were afforded complete ingress and egress from their abutting property to the frontage road, and reasonable access from their property via that frontage road to the main highway. It followed that their rights of access had not been taken or appropriated by the highway commission, but merely subjected to regulation under the police power of the State, and their damages, if any, were not compensable. (Ray v. State Highway Comm'n, 410 P.2d 278, January 1966)

183-2 SUPREME COURT OF COLORADO RULES OWNERS NOT ENTITLED TO COMPENSATION FOR CIRCUITY OF TRAVEL AND DIVERSION OF TRAFFIC

The owners of property brought an inverse condemnation action in which they alleged that they were damaged in the amount of $75,000 and in which they also sought exemplary damages for an alleged wilful and wanton disregard of their rights caused by the construction of a complex interchange. They owned and operated a large warehouse, showrooms and storerooms on West Colfax Avenue in the City and County of Denver where they sold hotel and institutional furnishings and equipment and provided design services to the public. They employed a substantial number of people and had a clientele that came primarily from the downtown Denver area or from its motel areas.

They alleged that their principal and only practical access to their place of business from the east and downtown areas had been over West Colfax Avenue and through Larimer Street and the Larimer Street Viaduct Extension. They claimed that the construction of the interchange for a freeway had substantially destroyed both their ingress and egress to their property. They contended that both customers and employees found it was now almost impossible to locate them and that it was difficult to move their merchandise in and out of their place of business. They also contended that distances in driving in order to reach their premises had been increased via one route from three-fourths of a mile to one and one-quarter miles, and by other routes from one block to one and three-quarters miles, and by still another from 200 feet to one and one-quarter miles.

The trial court rendered a judgment adverse to the owners and they appealed to the supreme court, which affirmed the judgment. The latter court stated that the trial court correctly held that the owners' land did not abut in direct fashion on the closed portions of West Colfax Avenue nor upon the Larimer Street Extension. Because of this the rule that damages occasioned an owner in front of his land was not one suffered by the public generally did not apply. Owners of premises abutting on a highway had certain rights in and to the use of the public way distinct from the public's easement of passage. However, in this case the owners' right to recover had to rest upon the rule which permitted recovery only when an owner

could allege and prove special damage to his property which differed in kind, and not merely in degree, from that sustained by the general public. Admittedly, there had been a rather drastic change in the principal traffic pattern serving the owners' business location. But the trial court found that the north-south access was not directly affected and that the change only resulted in less convenient approaches from other directions. The owners suffered no greater loss in kind than the general public, although they may have possibly suffered a greater degree of injury due to the particular type of business they were engaged in. They were, therefore, not entitled to be compensated for any damages resulting from circuity of travel or diversion of traffic. (Radinsky v. City & County of Denver, 410 P.2d 644, January 1966)

183-3 SOUTH CAROLINA SUPREME COURT DECIDES RELOCATION COSTS OF WATER AND SEWER FACILITIES MUST BE PAID BY THE SUB-DISTRICT WHICH OWNED THEM

The Parker Water and Sewer Sub-District was a body politic and corporate created by an act of the South Carolina General Assembly and charged with the duty of providing, among other public functions, a public water system, sewer system and fire protection for the sub-district, with the power to levy taxes and issue bonds for such purposes. In 1934 or 1935 the sub-district constructed water and sewer lines within the existing right-of-way and beneath the traveled portion of Pickens Street, which was then a county road. This was apparently done with permission of Greenville County. Since that time the utility lines had been operated and maintained by the sub-district, pursuant to the public duties imposed upon it by statute, for the health, safety and welfare of the residents of the sub-district.

In 1963 Pickens Street became a part of the State highway system when the South Carolina State Highway Department undertook the construction of a State secondary road in Greenville County which included a section of that street. The construction was done as a Federal-aid secondary project, with the Federal Government bearing 50 percent of the cost. The portion of the right-of-way of Pickens Street within which the sub-district had placed its utility lines was embraced within the construction undertaken by the highway department, necessitating the relocation of the utility lines lying within the highway right-of-way. The highway department demanded that the sub-district pay the cost of the relocation but it refused to do so. This action was brought for a determination as to which party had to pay those costs. The trial court ruled that the sub-district had to reimburse the department (which had already paid the costs) and the sub-district appealed to the supreme court which affirmed the decision.

The latter court noted that the highway department was an agency of the State which was charged with the duty of constructing and maintaining the State system of highways. It pointed out that a number of States had enacted statutes permitting reimbursement for the cost of relocating utility facilities, apparently to implement the Federal-Aid Highway Act which contained a provision to reimburse any State which had paid a public utility for the cost of relocating its facilities because of Federal-aid highway construction, in the same proportion as Federal funds expended on the particular project. One section of that act provided that "Federal funds shall not be used to reimburse the State under this section when the payment to the utility violates the law of the State or violates a legal contract between the utility and the State." Since the availability of Federal funds for reimbursement was specifically conditioned upon liability for such costs