

Municipalities and Highway Laws

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● FIFTY million automobiles placed bumper to bumper could not all fit at the same time on four lanes of a 40,000-mile highway. This interesting statistic was worked out on the basis of an average length of $17\frac{1}{2}$ ft for each automobile. It is even more amazing when you consider that there are actually 61 million motor vehicles in the United States today and that there will be an estimated 85 million nine years from now.

The urgent need for a greatly expanded highway improvement program has been generally recognized and accepted. Studies by state and federal agencies have indicated that more than half of the construction needs of the Interstate Highway System are within the cities, and yet it is a sad fact that the true extent of the urban needs cannot be appraised with any degree of accuracy because of the lack of basic factual data. A good job is being done by the highway planning surveys of the various state highway departments in determining rural needs. If an equally good job were being done in the urban field, it would probably demonstrate that considerably more than 50 percent of the nation's total highway deficiencies are within the cities.

This lack of basic urban data is not entirely the fault of the state highway officials. It was easier to build rural roads, and during the 1920's and 1930's the pressure was on to build roads between cities and to "get the farmers out of the mud." Then the war came along and stopped highway progress. Now the pressure is on to "get the motorists out of the muddle," and the big traffic muddle is in and around the cities. There is now the further pressure of the urgent need to provide adequate evacuation routes for defense purposes.

Meanwhile, cities could have been developing their own basic data, but because of the complexities of urban transportation involved in streets and terminal facilities as contrasted to rural transportation and because of the lack of leadership, no standards were established. Therefore, there has been no yardstick for measuring the quality of service provided by the existing street system in urban areas which could be used as a guide in developing adequate improvement programs. Fortunately, we are now witnessing the establishment in many state highway departments of urban planning divisions. Another significant development has been the creation by representatives of cities themselves of a National Committee on Urban Transportation, whose purpose is to develop uniform procedures which will show municipalities of all sizes how to carry out fact-gathering programs in an economical and efficient manner, within the normal framework of municipal administration. These procedures will show how to collect and analyze information about such matters as:

1. The number of trips made between certain points.
2. The hours they occur, and the mode of travel used.
3. The mileage of arterials and freeways needed.
4. The justification for express transit service.
5. The time it takes to get from one point to another by cars, trucks and transit.
6. The effect of traffic congestion on transit schedules and truck operations.
7. The capacity of a street system to accommodate various types of vehicles.
8. The demand for parking and loading facilities.
9. The need for state enabling legislation and local ordinances in coping with street transportation.
10. The deficiencies of administrative authority in meeting requirements of planning, financing, constructing and operating transportation facilities in metropolitan areas.
11. Sources of revenue for transportation programs.

These and the hundreds of other basic facts obtained through use of the procedures will aid:

1. The municipal governing body -- in establishing the policy for the level of transportation services.
2. The chief administrator -- in determining how transportation improvements can be integrated with other city services.
3. The city planner -- in developing plans and preparing capital improvement programs.
4. The traffic engineer -- in operating the street system with maximum efficiency.
5. The transit operator -- in providing more effective service.
6. The director of public works and the city engineer -- in designing street improvements and directing the street maintenance program.
7. The financial official -- in the preparation of annual budgets and financing long-range improvement programs.
8. The city attorney -- in the drafting of laws and ordinances.

Representatives of six national organizations and the U. S. Bureau of Public Roads comprise the membership of this committee, established in May, 1954, the organizations being the American Municipal Association, American Public Works Association, American Society of Planning Officials, International City Managers' Association, Municipal Finance Officers Association, and National Institute of Municipal Law Officers.

In addition to developing standards and procedures for surveying and evaluating the engineering, technological, financial, and other aspects of urban highways and transportation, the committee is also preparing a manual on the legal aspects of urban transportation. The purpose of this is to furnish a guide for a survey of all the legal tools which are now available in a particular city and to record the substantive elements of each, so that they may be evaluated in terms of adequacy to meet the transportation needs of that city. In the words of the special sub-committee preparing this manual:

Such a survey and evaluation of all legal tools relating directly or indirectly to urban transportation, will serve two objectives: (1) it will assist a particular municipality in measuring the adequacy of its own legal equipment in light of present-day needs, and (2) it will assist in the accumulation of legal data on a regional, state and national basis, leading eventually to the formulation of state, regional and national policies designed to further help municipalities resolve their transportation difficulties.

The tentative draft of this manual divides the legal aspects of urban transportation into three broad parts: I. Land Use and Density Control, II. Control over Provision of Facilities, and III. Authority Governing use of Facilities. Each part lists the essential elements of law for specific legal tools or objectives. For example, under Part I, Land Use and Density Control, the first legal tool listed is "Master Plan (or Official Plan)," the objective of which is described as "To control the development of various land uses in order to minimize future traffic problems; to integrate transportation facilities with urban improvements and to assure that future public and private structures and use will be consistent with sound community development." Under this are listed the essential elements of law on this subject with references to various model laws. Opposite each such "essential element" are spaces for listing references to existing legal authority in the city being surveyed and space for noting "legislative needs."

The next legal tool under this part is "zoning," the objective of which is "To assure appropriate location and density control of traffic generators and thereby lessen traffic congestion; facilitate the provision of an adequate transportation system; reduce the cost of future improvements and assure an integrated plan of development; and provide for changes in the plan as new needs may require." Listed as essential elements of a zoning law are "Authority of city planning agency and city governing body to develop a zoning plan (in conformance with the Master Plan), (to include authority either to zone within defined areas outside of city limits or to establish cooperative zoning programs with surrounding jurisdictions in the metropolitan area), such authority to include: (a) Control of land use development (building heights, bulk regulations and population density controls), (b) Requirements for front, side and rear yards, (c) Provisions for

the development of transportation facilities (streets, bridges, airports, etc.), (d) Requirements for off-street truck loading and for off-street parking facilities," etc.

Another legal tool is "Subdivision Regulations," the objective being "To control traffic generators indirectly, assure conformity with existing and planned street patterns and provide transportation facilities according to acceptable standards."

Four more legal tools are specified under this first part, including "Mapped Streets — To facilitate construction of planned streets and widening of existing streets and reduce cost of future right-of-way acquisition;" "Slum Clearance, Urban Redevelopment, Urban Renewal — To give proper consideration to transportation needs in plans providing for the rehabilitation of blighted or slum areas;" "Civil Defense — To ensure that civil defense and urban transportation planning will be properly integrated," and "Regional Planning — To provide for coordinated planning on a regional basis where such planning is feasible and desirable."

Part II deals with legal control over providing of facilities, with a detailed listing of essential elements of laws dealing with financing, land acquisition (including "authority to acquire land for future use"), construction and maintenance, urban redevelopment, civil defense, and miscellaneous matters.

The third part covers authority governing the use of facilities. The essential elements of law are listed under four legal tools, namely, traffic control, interdepartmental-inter-governmental relations, licenses and permits, and enforcement. Under "traffic control" are included such essentials as authority to provide for municipally owned off-street parking, to designate one-way streets, to designate truck routes, etc. Under "licenses and permits" are listed the essentials relating to transit lines, taxicabs, commercial parking facilities, etc.

The important work of this National Committee on Urban Transportation should go far toward analyzing and improving the highway laws of this country as they relate to municipalities. Procedures developed will be field-tested through pilot studies in selected cities early this year. The methods will be reviewed and revised in the light of pilot study experience. The manual then will be made available to all interested governmental agencies, departments, and jurisdictions.

Any discussion of municipalities and highway laws should most certainly include reference to national municipal policy on the subject of a national program of interstate highways. I would like to conclude this paper by reading to you the following policy statement adopted unanimously by the American Municipal Association at its 32nd Annual Municipal Congress in Miami, November 30, 1955:

"The American Municipal Association calls upon the 84th Congress to take immediate action on passage of legislation that will permit the earliest possible start on an expanded federal-aid highway program. The objectives of such a program must be the earliest possible completion of a 40,000-mile interstate highway system and the highest possible level of construction on the federal-aid primary, secondary and urban systems. The need of this program has heretofore been conclusively demonstrated and the Congress must recognize that failure to act or further delay constitutes a real threat to the nation's safety and economic welfare.

"To accomplish these objectives the American Municipal Association believes that:

1. Highway legislation must be given top priority for congressional consideration in the forthcoming session.
2. Bi-partisan leadership in both Houses of Congress should formulate and expedite new highway legislation.
3. Financing the federal share of the program should be considered in separate legislation by appropriate committees of Congress in keeping with traditional congressional procedure.
4. A financing plan must provide for 90 percent federal sharing for a ten-year completion of the interstate system, including urban feeders and that such matching funds be made available to the several states in such amounts and at such times to meet all rights-of-way costs including relocating publicly owned utilities.
5. That new highway legislation also recognizes fairly the needs of the urban and rural highways "