

A PRACTICAL VIEW OF URBAN RIGHT-OF-WAY ACQUISITION

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The term "practical view" is being used in this paper in a dual sense: that is, by "practical" is meant "that which may be applied in practice"; and by "view" is meant the "point of view", or rather the "direction in which a thing is seen". Of the two, the latter is the more important as the practicality of most things herein discussed depends in a large measure upon the direction from which each is viewed.

This discussion is therefore intended to direct your attention to that period of time in which the studies, the surveys and the decisions are made that eventually result in the completed P.S. and E. for the construction of an urban highway project, including the usual right-of-way map and field notes for right-of-way procurement. Those charged with the responsibility of the economical acquisition of right-of-way, logically hold that factors peculiar to right-of-way procurement should be simultaneously considered with the physical features of design, because both are inextricably linked with right-of-way acquisition. For instance: where data pertinent to design will develop the type of bridge to be built across a stream, or whether to go over or under a railroad, or the need for a grade separation at the crossing of a busy street; data pertinent to right-of-way will bring out the value to the community of providing a crossing either over or under the project itself because of a school, or because of a church, or because of the economies resulting from providing "community-access" to a corner grocery store.

Among the many factors affecting right-of-way cost of an urban highway project is that of "accessibility"--not merely accessibility to the urban highway itself, for that is to be taken for granted--but accessibility to business property in its imme-

diately vicinity. It is now generally recognized that the value of business property is largely dependent upon its accessibility to people who desire to use it. Destroy or impair this accessibility, and you may be sure that compensatory damages are thereby incurred. Right-of-way sections can furnish the answer if given the opportunity.

The function of acquiring right-of-way is all too often looked upon as a somewhat mechanical and routine procedure following the completion of the geometric design of the project--a repetitious matter of property appraisal, followed by an offer that is either accepted or rejected by the property owner, and if rejected, acquisition by condemnation is the next step; with any later claims for damages either compromised or resisted as is considered most expedient. Experiences of right-of-way men most certainly refute this point of view!

On projects in urban areas where costs of right-of-way can exceed many times the cost of construction, it is high time that right-of-way procurement be given its proper place in the preliminary studies leading to the development of the design. Acquiring right-of-way most certainly is not just a routine procedure--it is even more than the art it has been forced to become--it is a science, and as such has a most important place in the field of highway economics.

Nowhere in the highway picture does the economics involved occupy a more commanding position than in the urban field. The urban highway, in addition to performing its functional purpose, can stimulate growth and enhance property values along its entire route. On the other hand, because of inferior location or improper design, or both, it can be the means of stifling further development of a growing section, and even

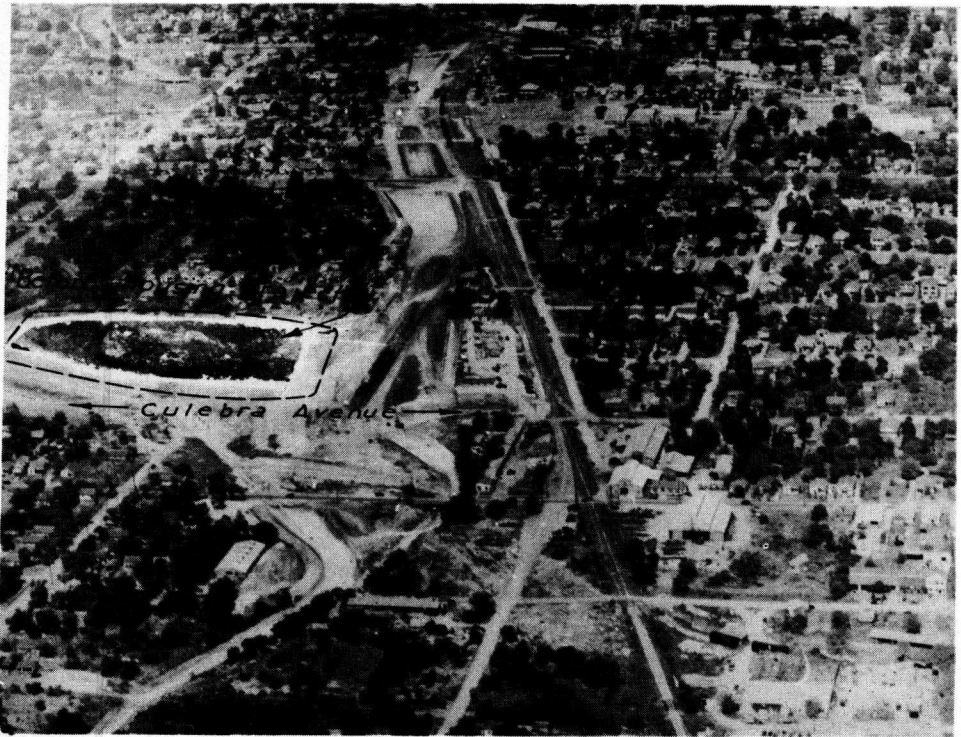


Figure 1. A Section of U. S. Route 87 in San Antonio, Texas, Before Improvement

be the cause in some instances of depreciation in the values of adjacent property. More constructively speaking, each individual section of an urban highway should be not only an asset to the community as a whole from a traffic service standpoint, but should also be a stimulus to further development of the immediate locality--otherwise it will be a detriment and a deterrent.

From a standpoint of pure design-technique, the right-of-way is simply an area of land ample in all dimensions to contain a highway adequate to efficiently serve the ultimate traffic anticipated thereon. In other words, the technician is prone to consider right-of-way only in respect to its adequacy to the proposed design. This attitude overlooks completely the broader function of right-of-way sections, as has been most ably brought out by Mr. Strauss of Ohio at the annual meeting of last year. And, I would add that those charged with the responsibility of right-of-way procurement can rightfully insist that the econom-

ic factors peculiar to right-of-way, if they are to be of economic value, must be given consideration in the early stages of location and design. This is particularly true of those factors pertaining to an urban highway project, where the importance of such factors are increased many times because of the high costs involved.

The route of an urban highway is established from the usual study of "traffic desire lines", and is generally a "band" of a width sufficient for considerable latitude in the selection of the actual location. It is at this stage that right-of-way men feel, in addition to the actual value of the property taken, that a careful analysis should be made of the effect of the highway itself on adjacent property. There are many items that must be considered at that time if they are to be correctly evaluated, such as: Land use; possible resulting change in land use; effect on housing; property damage; rights of ingress and egress; frontage street or cul-de-sac; inter-community access; tax loss to the community; and many

other questions that plague those acquiring right-of-way when negotiating with affected property owners and municipal authorities.

The analysis to develop the economic value of the preferred location should also investigate the possibility of any over-design in the facilities proposed for the anticipated traffic, the value of which to the community when compared to the costs thereof, may not justify the expenditure. It is here that the factor of a "community-asset" is certainly in the picture, and right-of-way men should be called upon to supply the answer.

sible volume of traffic; then estimate the possible increase in traffic volume within a certain number of years--usually 20 years; then plan a type of highway that will most efficiently serve the anticipated traffic; and, lastly require a right-of-way adequate in all respects for the construction and subsequent maintenance of the project.

To the community, the problem of readjusting itself to a right-of-way of rather substantial width within its midst is not quite so simple. A residential section, for instance, suddenly wakes up to the inconvenience of homes being separated from



Figure 2. Route 87 After Improvement Showing Vehicle and Pedestrian Overpasses Provided to Link the Residential Area and the Left with the Community Center, Church, School, Etc., on the Right

If we are at all realistic we must admit the following four separate points of view as to the relative importance of right-of-way in the urban highway problem as a whole--the point of view of the Design Section; of the community; of the municipality; and of the Right-of-Way Section.

To design, the real problem is to find a location that will serve the greatest pos-

sible volume of traffic, and with but infrequent crossing opportunities. This is but one of many problems to the community.

To the municipality, the problem is generally in "duplicate". It first ponders over the value to the community as a whole of the proposed urban highway when related to its effect on the areas it traverses; then

turns its thoughts on the problem of replacing the revenues lost from the taxable property formerly within the right-of-way. And in Texas would be added the third problem of the municipality providing the funds for the actual purchase of the required right-of-way.

To Right-of-Way Section, the problem is largely one of salesmanship in reconciling these different but not necessarily conflicting points of view. In selling to design the idea that certain modifications in the ideal design will prevent gripes from the community from developing into suits for damages. In selling to the municipality the idea that the benefits from the project

far outweigh any other disadvantages, if any there be, including the cost of the right-of-way where required of the municipality. This right-of-way men have done in a most outstanding way.

It would be most desirable for Design and Right-of-Way Sections, from the first inception of an urban highway project until it is completed and opened to the traffic it is planned to serve, to give each factor peculiar to design and each factor peculiar to right-of-way such joint consideration as would result in a practical elimination of a major divergence in these various points of view. The dividends from such a procedure would be most gratifying to all.