

## STATE HIGHWAY ADMINISTRATIVE ORGANIZATION

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Presented at the Twenty-sixth Annual Meeting of the  
Highway Research Board

This paper represents a first effort in the analysis of certain aspects of State highway administrative organization. As might be expected, considerable confusion and uncertainty exist in connection with some phases of the problem, and attempts to clarify these phases have on occasion been more exhausting than enlightening.

## DIFFICULTIES OF CLASSIFICATION

Among the difficulties which complicate analysis are, first, the discrepancies in some States between the highway organizations as established by law and those which in fact exist, and, second, the inadequacies of the various classifications of State highway administrative organizations which have been made in the past. Related to these difficulties is a third, the lack of adequate information on the actual performance of the highway administrative bodies. Such information is necessary to determine whether the organization is functioning as contemplated by the law or whether, in actual practice, its functioning has been so changed as to constitute in fact a change in form. For example, the Virginia Department of Highways in 1941, as now, was headed by a highway commission, according to the law. In a study of the State administrative organization made in that year, however, it was pointed out that the commission had informally delegated its administrative authority to the executive officer, the State highway commissioner.<sup>1</sup> In effect, then, the department had a single head assisted by an advisory commission, although the law provided otherwise. Since such informal changes in organization are seldom recorded, the researcher, unless he studies each organization at first hand, on occasion must speculate as to how the operating organizations compare with those prescribed by statute.

<sup>1</sup> - Spicer, George W., *Gubernatorial Leadership in Virginia*, *Public Administration Review*, Autumn, 1941, pp. 441-457

The inadequacy of the common systems of classification of highway organizations has been mentioned. Under one system of classification, for example, highway organizations are categorized according to title, as State highway commissions, State highway departments, and divisions of departments of public works. That such a classification is unsatisfactory is revealed at first glance. In ten of the sixteen States in which the highway organization is designated as the State highway department, a highway commission is included in the department. In several States, the terms "State highway department" and "State highway commission" are used interchangeably.

The title "department of public works" is scarcely more meaningful. There are eleven States in which the highway organizations are included in departments bearing that title or one of similar connotation.<sup>2</sup> In at least one of these States, Maryland, the department of public works apparently exercises no function other than highway administration. Although the departments in other States encompass a somewhat greater range of activities, their functions other than highway administration are relatively unimportant. This is clearly shown by the fact that the percentage of recent annual expenditures devoted to highways ranges from 87 to 97 percent in these States. Nor does this title denote a particular form of organization, for in seven of the States the department is headed by a single executive, while in four States a multi-member commission exercises administrative control.

It can be seen, then, that classification according to title is essentially meaningless. If for convenience of analysis some classification must be made, it can be made more satisfactorily on the basis of whether the organizations are headed by a single-executive or by a multi-member body. We have

<sup>2</sup> - California, Department of Public Works; Idaho, Department of Public Works; Illinois, Department of Public Works and Buildings; Maryland, Department of Public Works; Massachusetts, Department of Public Works; North Carolina, State Highway and Public Works Commission; New York, Department of Public Works; Nebraska, Department of Roads and Irrigation; Rhode Island, Department of Public Works; Tennessee, Department of Highways and Public Works. In Utah, the State Road Commission is, according to the State organization chart, included in the Department of Engineering; the law, however, is not entirely clear on this point.

previously noted one of the difficulties of this form of classification, namely, that an organization which in theory is headed by a multi-member body may in actual practice be under the control of a single official. Moreover, in some States, the highway organization is headed not by a single official or by a multi-member body but by both, acting coordinately. This is true where the law reserves certain powers to the commission and grants the remaining powers to a single executive. Hence, although classification into these two broad groups -- organizations having a single executive and those having a multi-member body -- may not be scientifically accurate in all cases, it serves satisfactorily as a basis for analysis.

#### COMMISSION-TYPE PREDOMINANT

As a first venture, then, let us endeavor to place existing highway organizations into one or the other of these two broad categories. In sixteen States, the highway department is headed by a single executive who is neither aided nor advised by a board or commission of any kind.<sup>13</sup> Two of the States included in this total, Illinois and Michigan, have provisions for advisory boards, but records fail to indicate that these boards have been appointed in recent years. In any event, they are inconsequential in administration.

Multi-member boards or commissions exist, in some role, in the highway organizations of the remaining thirty-two States. It would be inaccurate, however, to say that the organization is headed by a multi-member body in all of these States, for the degree of authority vested in the different commissions varies greatly. In at least four States, Georgia, Louisiana, West Virginia, and Washington, the commission is limited to an advisory role by law, and thus in practice the department is closely akin to the single-executive departments. The Washington law, to cite an example, provides for a Highway Advisory Commission for the stated purpose of providing the governor a means of obtaining the views and advice of representative citizens from various parts of the State on broad general policies.

Although the advisory boards of Michigan and Illinois may not have been appointed in recent years, as mentioned before, the Michigan law is worthy of mention. It provides that the

• <sup>13</sup> - Alabama, Connecticut, Idaho, Illinois, Kentucky, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, Tennessee.

commission be appointed by the head of the highway department, the State highway commissioner, who is elected by popular vote. In Utah, the law provides that the three members of the engineering commission shall serve as the members of the State road commission, and an Engineering Advisory Council of six members is provided to advise them. This is the only State in which an advisory council is provided by law to assist a commission. In a number of other States having part-time commissions, advisory commissions exist in fact, because authority has been informally delegated to the executive officer.

In another group of States full authority is vested by law in a commission. Here, too, a number of the part-time commissions may have relinquished at least part of their authority to the chief administrative officer. Certainly it would be impossible, in those States where the commission meets only once a month, for that body to control actively the highway organization. In North Carolina the chairman is the chief administrative officer, but is vested with the full power of the commission when the commission is not in session. In those States where the commission is a full-time body, or approximately so, it undoubtedly exercises a great deal of administrative control. In Massachusetts, for example, although the commissioner is designated the executive head of the department, a majority concurrence of the commissioner and two associates is required in every official act of the department. Likewise, in Indiana, the chairman is granted power to direct the work of the commission, but is, at the same time, subject to supervision of the commission.

Full-time commissions are specifically designated to administer highway departments in only seven States,<sup>4</sup> although in four additional States<sup>5</sup> salaries paid would indicate that members are expected to devote substantially full time to their duties.<sup>6</sup> In some States where commission members are paid per

<sup>4</sup> - Indiana, Maryland, Massachusetts, Oklahoma, South Dakota, Utah and Wisconsin.

<sup>5</sup> - Florida, Iowa, Maine, and Texas.

<sup>6</sup> - Commission members receive expenses only in six States; in thirteen States they receive expenses and per diem. Per diem ranges from five to twenty dollars; in five States maximum yearly per diem payments are prescribed. In the thirteen remaining States having commissions, annual salaries ranging from \$100 to \$6,500 are paid, except in two States where the chairmen receive \$7,500 and \$10,000, respectively. In States having a single executive, the range is from \$3,000 to \$15,000.

diem for services, they probably devote sufficient time to exercise actively their administrative authority.

Were this a more exhaustive treatise on highway administrative bodies, it probably would include a discussion of the division of authority between the executive or administrative officer and the commission in those States where the law delegates powers to each and provides that neither shall be subordinate to the other. For the present a few examples of the existence of this arrangement must suffice. In California, the State Highway Commission is given certain powers within the Department of Public Works which is headed by a director. In Colorado, certain powers are reserved to the so-called Advisory Board, among which are the fixing of qualifications and salaries for employees, recommending alterations in the budget proposed to the governor by the department, and prescribing standard road signs. Authority other than that given to the board is given to the State Highway Engineer. Apparently a similar division of authority is intended in the Arkansas statute, although it is not definite in this respect.

In summary, then, there are four classes of commission-type organizations as follows:

- (1) Those in which the commissions by law or by custom are given only advisory powers,
- (2) Those in which authority is divided between a single executive and a commission acting in coordinate capacities,
- (3) Those in which part-time commissions, although vested with full authority, have presumably made an informal delegation of much of their authority to a single executive, and
- (4) Those in which the commission actually administers the highway organization.

#### ADVANTAGES OF THE COMMISSION-TYPE

It may be appropriate at this point to discuss briefly a few of the arguments advanced in support of boards or commissions. Proponents contend that they provide continuity of policy. There would seem to be no real basis for this contention except perhaps when terms are staggered, as is the case in twenty-one States. In some of these States, however, the provision for staggering terms is of doubtful value in view of

frequent resignations and the prevailing practice of mass resignation of members when a new governor takes office. Thus, although staggered terms for members may tend to promote continuity, it is far from a guarantee that this result will accrue. <sup>11</sup>

Another advantage attributed to the commission form is that its policies are more apt to be in accord with the popular will than are those of a single executive. Actually, however, this purported advantage is offset to some extent in those instances where individual members work for the advantage of particular sections rather than for the benefit of the State as a whole. This condition may exist particularly in the sixteen States<sup>18</sup> in which members are selected from particular geographic districts, and in the three States<sup>19</sup> in which not more than one member can be selected from any one Congressional district. In two additional States<sup>10</sup> district representation is carried to the extreme of providing for selection of members successively from each county within the district. Such criticism of district representation is not entirely theoretical, since experience indicates that in several States members have actually tended to represent their respective districts rather than the State as a whole. Finally, a commission with staggered terms may be less rather than more responsive to popular will than a single official since it is little affected by popular elections.

To the alleged advantage that the commission form of organization tends to remove highway administration from politics, we risk the generalization that the type of organization has little to do with the incidence of political interference.

<sup>11</sup> - Following is a breakdown according to length of term without regard to the classification as single executive or commission organizations: In seven States, the term is at the pleasure of the governor; in ten States it is for six years (the term of one member in one of these States is for four years); in three States it is for five years; in nineteen States it is for four years; in five States it is for three years; and in four States for two years.

<sup>18</sup> - Arizona, Arkansas, Colorado, Delaware, Florida, Georgia, Kansas, Indiana, Mississippi, Montana, North Carolina, South Carolina, Virginia, West Virginia, Wisconsin, Wyoming.

<sup>19</sup> - Indiana, Oregon, Washington

<sup>10</sup> - Arizona, South Carolina

Whether the bi-partisan commission as provided in 9 States <sup>/11</sup> alleviates this condition, as claimed by supporters, is a moot point.

A recent survey <sup>/12</sup> polled State highway departments and State Chambers of Commerce in order to get a consensus concerning the extent of political interference in State highway administration. While results of surveys of this kind are not without shortcomings, they nevertheless constitute at least a relative measure of existing conditions, especially when there is essential overall agreement between the surveyed parties as there was here. Separate opinions were requested as to the extent of political interference with departmental operations and personnel, and with the construction and maintenance program. On the first count, 19 of 38 State departments reporting indicated no interference, 13 slight, five average and one strong interference. Comparable reports of 39 Chambers indicated 15 with no interference, nine slight, ten average, and five strong interference. On the second count, of 40 States reporting on influence upon construction and maintenance programs, 19 indicated no interference, 19 slight, and two average political interference. Comparable reports of 39 Chambers indicated 14 States having no interference, 15 having slight, eight having average and two having strong interference.

It may be of significance to note that in all five States in which strong political influence was reported by the Chambers, the administrative organization was of the commission rather than the single-executive type. For the nine States having a bi-partisan commission the Chambers indicated strong political influence with operations and personnel in two States, average in three States, slight in one State, and no outside influence in three States.

Incidentally, the survey reported on 20 of the 24 States having civil service or merit systems. In only one of these States was strong political interference reported. In contrast, 19 of 24 States without civil service or merit systems were reported on by the survey, and of these States four were indicated as subject to strong political influence.

/11 - Delaware, Indiana, Iowa, Maine, Maryland, Missouri, New Mexico, Utah, Wyoming.

/12 - Made by a State Development Association in connection with recent proposed highway legislation.

### ADVANTAGES OF THE SINGLE-EXECUTIVE TYPE

The single-executive department has been advocated by students of public administration on the ground that it places control under the governor where theoretically it must be if he is to discharge his duties as the chief executive of the State. Five of the sixteen States having a single-executive highway department have forestalled this direct control, however, by giving the highway administrator a longer term than the governor. In a sixth State, Michigan, the highway commissioner is elected by popular vote and is not subject to control by the governor.

Another advantage attributed to the single-executive type over the commission form of organization is that the former type lends itself to more rapid and efficient action with none of the lack of coordination which may be encountered in a commission. Also, responsibility is more definitely fixed, it is said, in the single-executive department. Supporters claim numerous other advantages for it, including some which are really disadvantages of the commission form of organization rather than advantages of the single-executive type and need not be discussed here.

In theory, perhaps, these advantages may also be obtained with a commission type of administration, particularly where the commission is limited exclusively to policy formation and where the problem of executing the policy and administering the department is left to a chief executive or administrative official. In actual practice, however, the chances of even approaching these desirable operating conditions remain somewhat remote, even in States which by law presumably limit the commission to so-called policy matters. This is because any commission must suffer, to some extent, from diffusion of responsibility, and because of the difficulty in determining where policy-making ceases and administration begins.

### RECENT CHANGES IN TYPE OF ORGANIZATION

Several of the advantages claimed for the commission form of organization and those attributed to the single-executive organization have been discussed. The view of most students of public administration is that a desirable integration of State government can be effected only by giving the governor responsibility for and authority over the various State administrative departments. To this end they recommend that each admin-



istrative department be headed by a single executive appointed by the governor. This has been the case, at least, when the question has been discussed on purely theoretical grounds. When it has been discussed in the light of its application to a particular State, however, a modified stand has often been taken.

In a study by the Indiana State Committee on Governmental Economy, made in 1935, for example, it was recommended that the commission type of organization be retained.<sup>/13</sup> A survey of administration in Iowa made by the Brookings Institution in 1933 similarly recommended retention of the commission form of highway organization for the sound reason that administration under the commission had been highly successful, and that a change on purely theoretical grounds appeared unwise.<sup>/14</sup> In the recent reorganization of the Missouri State government the commission form of highway organization was retained, apparently for the same reason.<sup>/15</sup>

Whatever its advantages and disadvantages, theoretical or actual, the board or commission has a part in highway administration in two-thirds of the States. In the last ten years, however, four States have abandoned the commission form in favor of single-executive organizations. No State in that period changed from the single-executive to the commission form.

#### CONCLUSION

In view of the present limited field of knowledge concerning highway administrative organization, no one type of organization can be conclusively recommended as most desirable. Likewise, there appear to be no definite trends favoring either type. Obviously many factors in addition to the prescribed type of formal organization determine the ultimate efficiency of a highway department, and a final determination as to which type is best must depend upon further research directed to the isolation of these factors. It has been the purpose of this

- /13 - Report of the Indiana State Committee on Governmental Economy. (1935)
- /14 - The Brookings Institution, Survey of Administration in Iowa. (1933)
- /15 - Faust, Martin L., Reorganization in Missouri, National Municipal Review, Volume XXXV, No. 8, September 1946; p. 402.

paper to examine some of the characteristics of the present organizations, and thus to contribute to the evaluation which eventually must be made before the superiority of any one type of organization can be demonstrated.