

has launched its program. As it takes form, new gateways to better living will result in every corner of the state. The lessons of yesterday tell us what must be done today if we are to continue great tomorrow. Our efforts have been dedicated to the end that New York State will truly remain the Empire State!"

**METHOD OF ACQUIRING RIGHTS-OF-WAY  
FOR  
TEXAS HIGHWAY PROJECTS**

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This discussion of the method of acquiring rights-of-way for highway projects in Texas is nowise intended to be a presentation of a "Model Method for Procurement of Right-of-way", except possibly under conditions identical to those confronting us in Texas. Neither is this discussion intended as an apology for a somewhat awkward and sometimes exasperatingly slow procedure, as to some degree it recovers funds from road user taxes that otherwise would be lost to the road user for highway purposes.

To properly evaluate this procedure, you should have an understanding of the distribution of the monies collected from the road user - both from license fees and the gasoline tax.

The collection of the license plate fee is a function of the county in which the vehicle owner domiciles or offices. The law provides that each county may retain for its road and bridge fund, license fees collected up to \$50,000; thereafter the county and the state share 50-50 until the county receives a total of \$175,000; thereafter all above that amount going to the state highway department. The law provides that the distribution of the state gasoline tax shall be  $\frac{1}{4}$  to the public schools (a constitutional provision), and  $\frac{1}{4}$  to the retirement of county bonds issued for improvement of county roads

that later were put on the state system of highways, with the remainder of the tax after deduction of certain non-highway administrative expenses being available to the highway department for highway construction and maintenance. With our four-cent gasoline tax, all this means that about 1½ cents remain, available to the department for highway purposes. This remainder is further reduced by a "drain" brought about by the refund to non-highway users of the gas tax collected at the time of sale. This is by no means a minor sum; it exceeded \$9,500,000 in 1941 and was more than \$12,000,000 in 1945, or somewhere around 18 percent of the gross receipts. The "end" of all this is about as follows: highway fund 39.5 percent; school fund 19.75 percent; road bonds 19.75 percent; refund 18 percent; and miscellaneous administrative expense 3 percent.

So, the merits, or rather the concealed assets in a right-of-way procedure such as ours become somewhat apparent. It is simply this: The county or municipality furnishes to the state the right-of-way for a highway project, free of all cost to the state; and the highway department constructs thereon, and thereafter maintains the desired highway facility. The funds for the required rights-of-way are provided by the counties from their road and bridge funds or by the issuance of bonds, when so authorized by a vote of the people. Texas cities do not participate in the license fees as do the counties and generally are forced to a bond issue for financing of highway projects within their corporate limits.

The highway department performs at its own expense all the engineering necessary to establish the rights-of-way required and furnishes to the county or city the plats and legal descriptions. The county or city then proceeds to acquire by direct negotiation or condemnation the required property, after which the city proceeds with the construction of the project.

Each of the 25 districts of the highway department in effect has its own right-of-way division, and each maintains the necessary contacts with the counties involved. The central office, through the road designs division, coordinates the policies and procedures of the districts and checks all conveyances for legal and other requirements.

As there are 254 counties and some 50 cities with a population of 10,000 or more, it is readily seen that it is necessary to conduct right-of-way negotiations with many political subdivisions of the state. There are other disadvantages with such a procedure; the relative cost of right-of-way on several possible locations frequently results in considerable discussion as to the most desirable location, and sometimes results in accepting an inferior route because of the increased cost of right-of-way on the superior routes. Again,

as the city assumes responsibility for all damages to property because of the highway facility within the city limits, both location and design become matters of prime importance to the municipal authorities. However, as "good location" and "good design" are generally not too hard to sell, not too much difficulty is encountered in putting across a worthwhile project. On the whole, the Texas procedure of securing rights-of-way for highway projects, both urban and rural, satisfactorily meets the governing conditions.

## RIGHT-OF-WAY PROCEDURE IN MINNESOTA

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The method of acquiring right-of-way is based upon constitutional and legislative authority and therefore differs considerably in the various states. The Minnesota trunk highway system was originally established in 1920 by constitutional amendment. The mileage as provided in the amendment was 6877 mi, to which there was added in 1933 by legislative action 4560 mi. The present mileage is 11,233 mi. The trunk highways are continuous throughout the state, including the portions in villages, boroughs, or cities. A commissioner of highways appointed by the Governor is in full charge of all work and activity in connection with the trunk highway system in Minnesota. Trunk highway revenue is derived from motor vehicle license fees and two-thirds of the gasoline tax. Funds so raised are constitutionally dedicated for trunk highway purposes.

Under the state reorganization act of 1939, all departments operate under a budget system. Therefore, after a project is authorized for purchase by the commissioner of highways, it is necessary to encumber funds through the commissioner of administration for the purchase of right-of-way. Funds are so encumbered on the preliminary project estimates of cost of rights-of-way.

In Minnesota, rights-of-way are acquired for trunk highways as follows:

The constitutional amendment, Art. 16, adopted Nov. 2, 1920, "created and established a trunk highway system which shall be located, constructed, reconstructed, improved, and forever maintained as public highways in the State of Minnesota."