

Methods Used to Protect, Reserve, and Acquire Rights-of-Way for Future Use in Maryland

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● WHILE the automobile was invented just a little over a half century ago, it was destined to inaugurate what has now become the world's greatest industry — the highway transportation industry — it was not until the past generation that highway improvement had progressed beyond the point of getting our vehicles out of the mud.

During the early stages of the automotive age, our newly created horseless carriage shared in common with the wagon and the buggy our century-old, narrow, winding, dirt travelways. Many of these wagon trails followed the route of more primitive transportation, the path of the horseback rider, the trail of the Indian brave which, in turn, often followed the path of the wild animal in his migration through the wilderness. It soon became evident that this new means of transportation would replace the vehicle drawn by Old Dobbin; however, these mechanical carriages bogged down in the mire of the wagon trail, and we therefore had to set about the task of providing all-weather surfacing on these trails to convert them into roads suitable to accommodate this new means of transportation.

These improvements generally followed along the century-old wagon trails within a narrow right-of-way, which had either been established by statute or donated by the adjoining property owner in the interest of bettering his meager means of travel. During this phase of road development, just as the narrow, winding road was considered adequate if it was provided with an all-weather surfacing, so was the narrow right-of-way, which barely provided space for this early road improvement.

As we paved our roads and lifted our transportation out of the mud, the mechanical improvements in our automotive vehicles took on an accelerated pace, and in turn, the increase of these vehicles on our roads grew by leaps and bounds. Be-

fore we were able to finish the job of hard surfacing our roads from county seat to county seat and from town to town, it was inevitable that there was a need for widening, straightening, and relocating these roads.

Here we had the beginning of the right-of-way problem; however, it was not then recognized as such but was considered only as a minor phase of highway construction. It was the exception rather than the rule if more right-of-way was acquired than that needed for the then proposed improvement. During the early part of this reconstruction, the abutting property owner usually was still expected to donate the new or additional right-of-way. Quite often, when he refused to donate the required right-of-way, the old crooks and turns were left in the road alignment rather than expend any highway funds for land acquisition; nonetheless, most of the property owners still were willing to donate this additional right-of-way as the land was usually cheap and the additional road improvements bettered their highway travels to such an extent that they readily recognized the advantages afforded them in better motor transportation to market, church, school, and to all their economic and social activities.

It was during the period between the two world wars that our highway system matured. During this period, our construction program created a network of all-weather highways, connecting our cities and towns from the Atlantic to the Pacific and from Canada to Mexico. Despite the fact that in this short span of time we had succeeded in creating this extensive network of all-weather highways, which accomplishment is without world parallel, it soon became apparent that a vast portion of these highways were inadequate to carry the ever-increasing traffic volumes to which they were being subjected.

No small part of this inadequacy is attributable to improper right-of-way consideration. We not only had those cases where the road alignment was tailored to fit the whims of the donor of the right of way but also other right-of-way concessions that made the later improvement more difficult and costly. The most prevalent, perhaps, was the lack of foresight to provide in the original instance a right-of-way greater than needed for that improvement; consequently, great portions of these highways are cluttered with roadside ribbon development, both residential and commercial, which either abut the narrow right-of-way or are in such close proximity that it is impossible to widen the roadbed unless many buildings are demolished or moved back. Such right-of-way acquisition is a heavy drain on highway-construction funds. In many cases, the cost involved in such acquisition is so great that it is preferable to build on a new location. The result is the added cost of constructing and maintaining a parallel facility and the consequential loss of business and property-value depreciation along the original highway, due to the traffic diversion to the new facility. Much of this "marginal disease" would not have overtaken these highways if we had recognized the importance of adequate rights-of-way in the early stages of our highway development.

It has only been during the past quarter century that proper importance has been given to right of way acquisition. I believe that most state highway right-of-way departments are not more than 20 to 25 yr. old. Ours, in Maryland, was organized in 1932. Prior thereto, most of our right-of-way was not acquired on a scientific basis. For the most part, it was handled by various members of our engineering staff in connection with their assigned duties. Most of such acquisitions were in the rural areas and usually of minor nature due to the designs then in vogue.

During the past decade, the acquisition of rights-of-way has progressively increased to one of major importance in the rehabilitation and expansion of our highway facilities. Today, the cost of acquiring rights-of-way is by no means a minor item in the over-all cost of highway development; in fact, in the urban areas on some sections of our expressways and freeways, the cost may exceed actual construction

cost. In Maryland, during the fiscal years of 1951 and 1952, we spent approximately \$5 $\frac{1}{4}$ million, which amounted to about 8 percent of the total outlay for highway construction during that 2-yr. period.

Acquisition Of Highway Protective Easement Areas.

It is essential to not only have an adequate width right-of-way, but also to have proper controls over the right-of-way if the highway improvement is to be protected from becoming outmoded and obsolete due to indiscriminate and uncontrolled roadside development. We are constantly endeavoring to develop new methods, devices and techniques to obtain such protection. One such new device, recently tried out in Maryland is the acquisition, through purchase or condemnation, of easement controls over strips 50 ft. wide on each side of the fee-simple right-of-way. We called these easement strips "highway protective easement areas."

Legal authority for the acquisition of these easements is found in Section 4A (a) of Article 89B of the Maryland Code, which provides among other things that: "The state roads commission may acquire by gift, purchase, condemnation or otherwise, real property or any interest in such property along or near any state highway, parkway, or freeway, in order to protect the highway, parkway or freeway or scenery along or near such highway, parkway or freeway."

The language used in the grant of these Highway Protective Easement Areas is as follows:

And the Grantors do further grant unto the State of Maryland, to the use of the State Roads Commission of Maryland, its successors and assigns, any and all rights of the Grantors, their heirs, successors and assigns, to erect and maintain any structure, or part thereof, of any type (including, but not by way of limitation, signs, billboards, pole lines and fences) on or over the area designated on said plats as "Highway Protective Easement Area"; also all the rights of the grantors, their heirs, successors and assigns, to use said "Highway Protective Easement Area" as an automobile graveyard; also all the rights of the grantors, their heirs, successors and assigns to store any vehicles, machinery, materials and/or other chattels or personal property on said "Highway Protective Easement Area", all to the end that the said "Highway Protective Easement Area" shall never have any structures of any kind, whatso-

ever erected upon it; that it shall never be used for the storage of vehicles, machinery, materials and/or other chattels or personal property; that it shall never be used as an automobile graveyard.

Our original plan was to clear all structures from these protective easement areas, excepting major structures such as dwellings, commercial buildings, etc., and in such cases, negotiate agreements to be followed by covenants in the deeds, providing that these structures could remain within the protective easement areas but could not be expanded or improved except for general upkeep and normal maintenance. In the event they should be destroyed by fire or some act of God, they were not to be replaced within the protective easement areas.

Almost from the very beginning, we encountered difficulty with this type of acquisition. The question arose as to the market value of property subject to this protective easement, especially in those cases where we proposed restrictions on the improvements located thereon. Mortgage companies, banks, and other real-estate lending agencies took the position that the collateral value of such property was practically nil. If the main improvement on the land was involved in the protective easement, they had no desire to continue a mortgage on the property in any amount. Many of our real-estate appraisers and brokers took a similar view.

We soon realized that our plan of permitting certain major improvements within the protective easement area, with restrictions imposed thereon, was not practical. In a few instances, we deleted this protective easement around improvements and, in all other cases, acquired the area on the basis of demolishing or removing all structures therefrom. In no case did we carry through with our original plan of permitting certain major improvements to remain within the protective easement with restriction imposed thereon.

After acquiring these easement areas on two projects, amounting to approximately $7\frac{1}{4}$ mi. for the Upper Marlboro Bypass of the US 301 relocation and approximately $7\frac{1}{2}$ mi. for the Baltimore-Washington Expressway, beginning at the Baltimore city line and extending toward Washington, we decided to give up the noble experiment as not being very practical. We had found that, in most cases, it had been

necessary to pay almost 100 percent of the fee-simple value for the highway protective easement area and if it was ever desired to utilize these strips for actual road construction, it would be necessary to then acquire the underlying fee before this could be done.

After dropping the plan of acquiring highway protective easement areas, it was decided that for the remainder of the Baltimore-Washington Expressway project the fee-simple right-of-way width would be increased from 300 to 400 ft. to offset the deletion of these protective easement areas. In so doing, we found that the right-of-way acquisition was less complicated and but little more costly to secure. Of our then-planned dual-highway projects on which it had been proposed to acquire these highway protective easement areas, other than the Baltimore-Washington Expressway, the fee-simple right-of-way was designed as 150 ft. in width. Although we did not immediately increase the fee-simple right-of-way width on these projects, to offset the deletion of the highway protective easement areas, we have, since that date, increased these fee-simple widths to 200 ft. and recently, on certain projects, are proposing 250 ft.

Roadside Zoning

Roadside zoning, preferably at the state level, would accomplish most of the highway protection for which the highway protective easement area was created; the advantage being that such control would be by regulations and restrictions imposed under the police power as contrasted to payment for such control by acquisition of property rights through the power of eminent domain. Yet, in most of the states, as is the case in Maryland, there is no state-wide roadside-zoning authority. Several efforts have been made to have the General Assembly of Maryland set up such an authority, but each time it has failed to meet with legislative approval. Only six of the 23 Maryland counties have zoning statutes. With but two exceptions, these are the rather urban counties surrounding the City of Baltimore and the District of Columbia.

Obtaining Dedications Through Subdivision Control

Much can be accomplished through

zoning and planning bodies in not only establishing desirable building setbacks, which in a sense provides space free of structures for limited future roadway expansion, although this is not the real purpose of such setbacks, but also in obtaining outright dedications and reservation of land for new roads and the widening of existing roads to provide for anticipated traffic needs.

Great accomplishments have been made in this field in the urban areas of Montgomery and Prince George's counties abutting the District of Columbia, known as the Maryland-Washington Regional District. Prior to World War I, this area had been largely rural except for scattered communities, but after the close of that war, the building boom in the nation's capital that followed began to spill over into the Maryland countryside.

To the great credit of local and state officials, they soon foresaw the implications of this growth and the planning problems with which they were confronted. They decided to do something about it, and as a result, in 1927, the Maryland General Assembly created the Maryland-Washington Metropolitan District, consisting of those portions of Montgomery and Prince George's counties, adjoining the District of Columbia, which was rapidly growing into an urban area. This district has been expanded from time to time, and in 1943, a still larger area was created and designated as the Maryland-Washington Regional District. The 1927 Act also created the Maryland National Capital Park and Planning Commission as the official body charged with the technical direction of the park development and regional planning of this district.

This commission, through its subdivision control, before approving subdivision plans, requires that not only sufficient dedications be made for adequate streets within the subdivision, but also that sufficient land be dedicated along existing streets, roads and highways, on which those subdivisions border, to provide for future widening to handle anticipated traffic needs, as well as parallel service roads when these are determined necessary.

In this area, most of the state roads were constructed many years ago on narrow rights-of-way, which were either assumed from the counties, or widths ac-

quired by the state roads commission merely to provide for the original improvement. The Maryland National Capital Park and Planning Commission has obtained many miles of additional dedications along these roads. With but few exceptions, stretches of such dedications exist along every state road in the area. When these roads are ready for widening, the right-of-way problem is greatly simplified; usually the dedications are sufficient without further acquisition, except along those sections where no subdivisions have as yet been created. Hundreds of thousands of dollars are thus being saved for the tax payers which, otherwise, would have to be expended for right-of-way acquisition.

This commission also has been very helpful in reducing rights of way costs by careful review of applications for re-zoning, particularly in areas where high type roads are contemplated.

Reservation of Land for Highway Purposes

The Maryland National Capital Park and Planning Commission also helps to protect tentative highway routes by persuading land owners to delay plans for subdivisions until these routes can be tied down and proper reservations made for these proposed highways. Quite often, right-of-way takings for such projects are rather substantial, and the owners naturally are not always expected to dedicate such areas as a concession for subdivision plat approval, especially in the case of the expressway, freeway, or controlled-access highway, where the abutting land receives no direct frontage benefit; nevertheless, subdivision plat approval must often be given before it is practical to acquire these rights-of-way, either through negotiations or condemnation proceedings. In such cases, we have a statutory provision authorizing reservation of land for highway purposes by the National Capital Park and Planning Commission if located in the Maryland-Washington Regional District.

This authority is found in Section 2-I, Chapter 992 of the Acts of 1943, as amended by Chapter 582 of the Acts of 1949 of the Maryland General Assembly, which provides among other things as follows:

For the reservation of lands for traffic, schools and other public buildings and for parks, playgrounds and other public purposes, provided no reservation of land for traffic, recreation

or for any other public purpose, as herein provided, shall continue for longer than three years unless the public authority, charged with making provisions for traffic, recreation, schools or other public facilities, shall have acquired the same or shall have instituted proceedings to acquire the same within such period, and provided further that such property so reserved for public use, as hereinbefore provided, shall be exempt from all State, County and local taxes during such period.

To administer the provisions of this law pertaining to the reservation of land for public use, the Maryland National Capital Park and Planning Commission adopted the following regulations, which are quoted from their subdivision regulations as amended June 21, 1951:

(a) The Commission shall refer all preliminary subdivision plans to its General Plan or parts thereof, adopted or proposed or studies related thereto, to determine the need for reserving for public use any of the land included in the said preliminary subdivision plan. Reservations may be required for: highway or street rights-of-way; public building sites; parks--except park lands to be acquired under the provisions of the Act of Congress of the United States known as Public Act 284 of the 71st Congress, approved May 29, 1930 (46 Stat. 482), popularly known as the "Capper-Cramton Act" as amended by Public Law 699, 79th Congress, approved August 8, 1946--playgrounds, or other recreation areas; or other public purposes.

(b) If a reservation appears desirable, the Commission may refer the plan to the public agency concerned with acquisition for its consideration and report. The Commission may propose alternate areas for such reservation and shall allow said public agency thirty (30) days for reply. The agency's recommendation, if affirmative, shall include a map showing the boundaries and area of the parcel to be reserved and an estimate of the time (not over 3 years) required to complete the acquisition.

(c) Upon receipt of an affirmative report, the Commission shall notify the property owner and, except as provided in Section 12(d), shall establish such reservation, with or without modifications, concurrently with the approval of the said preliminary subdivision plan.

(d) If the location of the proposed reservation differs substantially from that shown on the general plan or parts thereof previously adopted, the Commission shall hold a public hearing in the County (or Counties) affected. If in both Counties, said hearings shall be held on successive days.

Fifteen (15) days notice of public hearing shall be advertised in two (2) newspapers of general circulation in said County (Counties).

Hearings may also be held by the Commission in other cases deemed appropriate, subject to the same conditions of notice set forth above.

(e) Declaration of Public reservation shall be by resolution of the Commission. Notice of the same shall be carried once each in two newspapers of general circulation in the County affected. Certified copies of the resolution shall be sent to the property owner and to the agency concerned with acquisition.

(f) Final subdivision plans for the property shall be in strict conformity with the preliminary plan as to public reservation.

(g) During the reservation period, no building or structure shall be erected upon the land so reserved. No trees, top-soil or cover shall be removed or destroyed; no grading shall be done; no storm drainage structure shall be so built as to discharge water on the reservation, nor shall any land so reserved be put to any use whatsoever, except upon written approval of the Commission.

Any violation of these provisions shall be deemed a misdemeanor, as defined in Section 2Z of the Maryland-Washington Regional District Act, Chapter 992, Laws of Maryland, 1943, as amended. Such violation shall be subject to all penalties provided for therein.

The Commission shall post properties so reserved with an appropriate sign, warning against violation and the penalties therefor.

(h) The Commission shall advise taxing and assessing bodies of all public reservations, and such public reservations shall be exempt from all State, County, and Local taxes during the reservation period.

(i) If, at the end of the reservation period, the land so reserved is not acquired for public use or if proceedings have not been initiated, the Commission shall declare the reservation void, advertising such action in two newspapers of general circulation in the County affected.

(j) The cancellation of a preliminary subdivision plan, as provided for in Section 4(b), shall not affect a reservation if, before the cancellation date, a public agency has begun proceedings for acquisition of the subject property or has provided for same in its budget for the ensuing fiscal year. Lacking such action, the reservation, too, shall be deemed cancelled but the right to re-establish the same shall be expressly reserved."

Although this technique of land reservation has not been used extensively to date, it is anticipated that in the extensive highway development now being planned for the Maryland-Washington Regional District, its use will be rather extensive. A typical example of the reservation plat, filed in the case of a state highway, is shown in Figure 1.

Acquisition of Access Rights

Perhaps the most far reaching of all devices conceived during recent years to protect and preserve our modern "super-highway" has been the development of the

limitation and control of access rights, the device through which we protect our modern highways against roadside friction and congestion through the acquisition of the rights of ingress and egress of the abutting property owners. There are various degrees of this denial of access: (1) The freeway and expressway, where all access is denied to the abutting property, all intersecting roads either carried over or under the

napolis-Washington Expressway and the Baltimore-Harrisburg Expressway; and in the "controlled-access" class, the Baltimore-National Pike (Baltimore to Frederick), the approaches to the Chesapeake Bay Bridge and State Route 5, from the District of Columbia to T. B., Maryland, have been put under construction and have advanced to various stages of completion. The Baltimore County Beltway and the Inter-

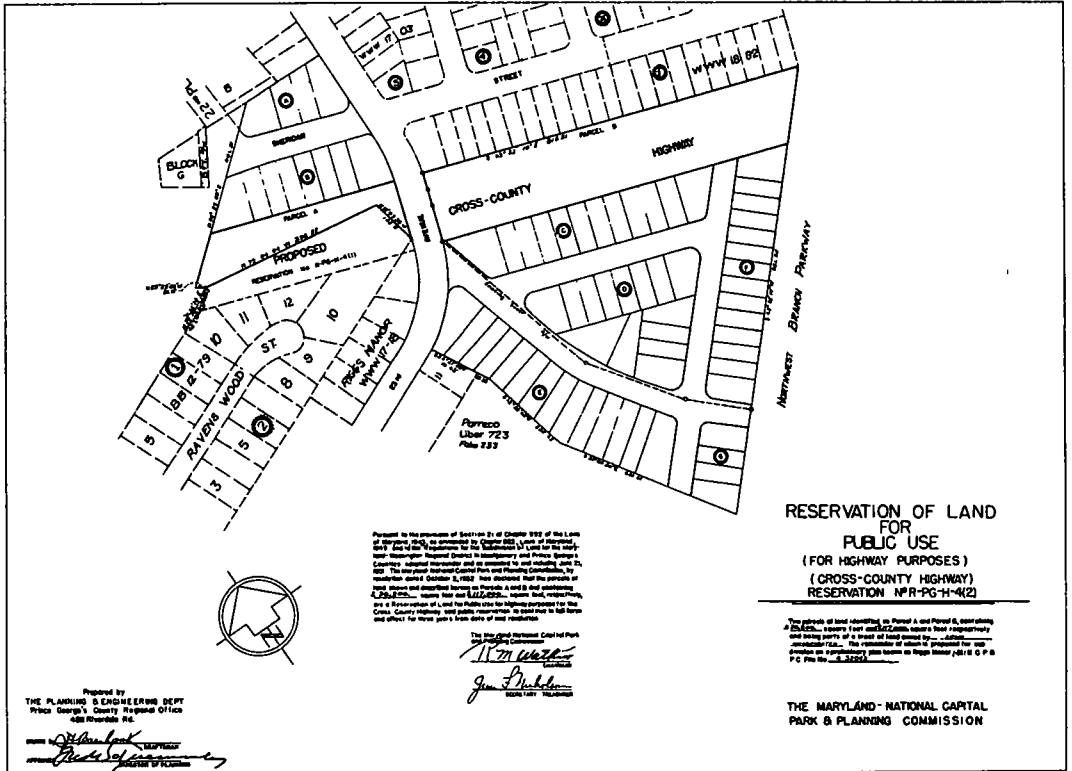


Figure 1.

main facility, and access permitted only through traffic interchanges and (2) the limited expressway and arterial highway, where all access is still denied to the abutting property; however, many of the lesser crossroads, as well as frontage and service roads, are connected to the main facility, serving as limited access for the abutting property, and still others, where individual entrances to the abutting property are also permitted at infrequent intervals.

Maryland embarked upon its expressway and controlled-access arterial-highway program in 1947. Since then, in the "expressway" class, the Washington National Pike (Washington to Frederick), the Baltimore - Washington Expressway, the An-

napolis-Washington Expressway and the Baltimore-Harrisburg Expressway; and in the "controlled-access" class, the Baltimore-National Pike (Baltimore to Frederick), the approaches to the Chesapeake Bay Bridge and State Route 5, from the District of Columbia to T. B., Maryland, have been put under construction and have advanced to various stages of completion. The Baltimore County Beltway and the Inter-

county Beltway in Montgomery and Prince George's counties are now in the planning stage, and other limited- and controlled-access projects are being considered. When this vast network of expressways and controlled-access highways is completed, Maryland will have a system of this type of superhighway, probably, second to none.

We also acquire the denial of vehicular access at major road intersections and other points of traffic friction on many of our primary roads in Maryland, which fall short of the expressway and controlled-access arterial-highway type, but which carry heavy volumes of traffic.

We now have had about 5 yr. of experience in acquiring access rights in Maryland.

It has been a controversial issue not only with the property owners and other interests directly affected by such acquisitions but also with many of our citizens, both in official and nonofficial capacity. I believe this is mostly because this method of highway protection is new, revolutionary and little understood. The Maryland public in general usually realizes the convenience and safety of traveling on the limited- and the controlled-access highway; however, it has required education to convince them that roadside exploitation by the abutting property owners is without justification, since the highways are paid for with revenues collected from the road users and the abutting property owners contribute only to the cost thereof to the extent of which they are road users. Although there still remains much opposition to be overcome, it is quite evident that the vast majority of our people are recognizing not only the desirability but the urgent need for this type of highway and the opposition is diminishing.

Sight Control At Road Intersection

The road intersection is the most critical location on our highways from a traffic safety point of view. There has always been a tendency, especially for business enterprises, to crowd improvements as close to the corner of the road intersection as possible. These improvements block from the view of the motorist the oncoming cross traffic, thereby creating a blind and hazardous intersection.

We, in Maryland, have for a number of years endeavored to reduce such hazardous intersections by the acquisition of adequate sight flares. In addition to the normal-width right-of-way, we also acquire, in fee simple, triangular areas at each corner of the intersections. The base of these triangles correspond to a line drawn from the point of curve to the point of tangent of the turning lanes. When the plans call for channelization of an intersection, the design of the sight flares remain the same, except that the right-of-way taking is increased.

We are confident that sight-flare acquisition results in greatly reduced traffic hazards at road intersections.

Entrance Control

Vehicular entrances to the highway,

providing ingress and egress for the abutting property, must be permitted on the conventional type of highway when no access rights are acquired. However, if these entrances are not subject to control as to design and location, they can be a source of unnecessary traffic friction. This control can be exercised by regulations through use of the police power.

For many years the Maryland State Roads Commission has endeavored to control vehicular entrances to all state highways by requiring a permit before any entrance can be constructed. Prior to 1951, there was no statute setting forth such authority and, in some instances, property owners questioned these regulations. The state roads commission then sponsored legislation which would have given authority to regulate all vehicular entrances to all state highways; however, this proposal met with considerable opposition in the legislature. In order to secure passage, it was necessary to accept a modification of the proposed legislation. As passed, the law gave the state roads commission authority to regulate entrances, both existing and new, into commercial and industrial properties on state highways carrying an average traffic volume of more than 2,000 vehicles per day. Although this law does not provide for control of farm and residential entrances, nor any control on those few of our state highways carrying less than 2,000 vehicles per day, it does provide authority for control where it is most needed. It is the commercial and industrial entrance on our heavy traffic volume highways that creates the greatest problem. We hope that this law eventually will be amended to provide for control of all entrances on all state highways, irrespective of traffic volume or type of property.

Acquiring Land For Future Construction

In some jurisdictions, there is a lack of legal authority to condemn rights-of-way for future proposed projects. This was the situation in Maryland before 1951. Prior thereto, the state roads commission, while free to accept by gift or to negotiate the purchase of rights-of-way for planned future projects, could not condemn for such rights-of-way. To remedy this situation, Section 4A (a) of Article 89B was repealed and reenacted with certain amendments, among which was authority to condemn for

proposed construction. This article and section of the code, is the same as before referred to as authority to condemn real property, or any interest in such property, along or near any state highway in order to protect the highway.

Maryland has for some time realized the advantage of adopting a program which will permit the acquisition of right-of-way well in advance of actual construction date. In the current fiscal program, approximately \$10 million has been ear-marked for surveys, preparation of plans and the acquisition of rights-of-way for approximately 150 mi. of proposed expressways and controlled-access arterial highways which will not be programmed for actual construction until a later date when funds become available. This is a progressive step in the right direction, but from the right-of-way acquisition point of view the ideal situation will not be reached until the entire construction schedule is programmed in this sequence.

The advantages of acquiring rights-of-way well ahead of actual construction are multifold. We right-of-way men are all too aware of the inadequate time usually allotted to secure rights-of-way. In fact, it is the exception rather than the rule if we are not acquiring the rights-of-way "under the shadow of the power shovel", so to speak. The old adage that haste makes waste most certainly is true in right-of-way acquisition.

Practically every right-of-way acquisition presents a different problem, necessitating special study, to arrive at the fair and just compensation to which the property owner is entitled; and the determination of adjustments to restore damaged property to serviceableness and thus reduce rights-of-way costs, all of which consumes time. Adequate time to study the problems encountered, make intelligent appraisals and carry on negotiations, inevitably reduces right-of-way costs. When property owners are forced to give up their homes on very short notice with inadequate time to re-establish themselves elsewhere, it is usually necessary to pay premium prices, or else acquire the property through condemnation proceedings; the cost of which proceedings increases the right-of-way cost. When road contracts are awarded before buildings are vacated and can be removed, the progress of the project is often retarded, and invariably, claims for extra compen-

sation are made by the road contractors because of such delays.

There is also the public-relations aspect to be considered. Through our right-of-way negotiation contacts, perhaps more so than through any other function, are the public relations of our highway departments molded. To give up one's property for public improvement, naturally is not pleasant for the persons affected and we, therefore, should follow practices which will subject these people to the least possible inconvenience, which is not only the decent thing to do, but to do otherwise in all probability will seriously damage public relations for the entire highway program.

Conclusions

In summing up my thoughts of desirable methods to protect, reserve and acquire rights-of-way for future highway use, I propose:

1. That emphasis be placed on highway right-of-way protection through roadside zoning regulations rather than acquiring costly and inadequate easement rights through eminent domain.

In the states where adequate control cannot be exercised through roadside zoning at the county or local level, that zoning statutes be enacted setting up a state authority, preferably under the state highway department, to regulate roadside zoning along the entire state highway system.

2. That efforts be made to provide all zoning bodies with adequate authority, through their subdivision regulations, to provide for dedications along the existing streets, roads and highways, as may be needed for the ultimate improvement as a requisite to subdivision plat approval.

3. That adequate authority be provided, at the state level, to reserve land for highway use between the time that definite alignment of the highway is established and the lapse of time consumed in the preparation of detailed construction plans, rights-of-way plats and other details to permit the acquisition of the lands through eminent domain procedure. I believe that the technique used by the Maryland National Capital Park and Planning Commission would be a good criterion as a guide for such an authority.

4. That the acquisition of access rights not only be used as a means of protecting our freeways and expressways against road-

side traffic friction and indiscriminate development, but this technique be more extensively used along other main high traffic volume highways. I also believe that more effort should be exerted to educate the public about this subject; what it means, what it can accomplish and how it will protect and preserve the gigantic investment in our modern highways.

I also strongly recommend that the limitation and control of access be applied to all our city and town by-passes so it will not be required later to build a bypass to bypass a bypass.

5. That those states not having adequate entrance regulations, formulate such regulations and, if necessary, amend or pass laws to provide for such control under the police power.

6. That we not only provide for sight flares through rights-of-way acquisition, but also provide for such acquisition when dedications are obtained through subdivision control.

7. That those states, where there is no legal authority for the condemnation of rights-of-way for future proposed construction, have their laws amended to provide for such procedure.

8. That emphasis be placed on acquiring right-of-way widths not only to provide for present and future contemplated construction, but also to provide widths which will protect the highways from closely cluttered marginal development, and will protect property values abutting the highway through the minimization of noise, dirt, fumes and other objectionable consequences of the highway which are accentuated when the roadside improvements are located in close proximity to the traveled way.

9. That in the programing of highway construction, planning be scheduled on the basis of completing the surveys, preparation of construction plans, right-of-way plats and the acquisition of rights-of-way well in advance of construction date; preferably, at least the year preceding the beginning of actual construction.

To acquire rights-of-way well in advance of construction will no doubt necessitate special appropriations before funds are available for actual construction of the project. The use of a "right-of-way revolving fund" is suggested as perhaps the most appropriate means to assure that funds will be available for this purpose.