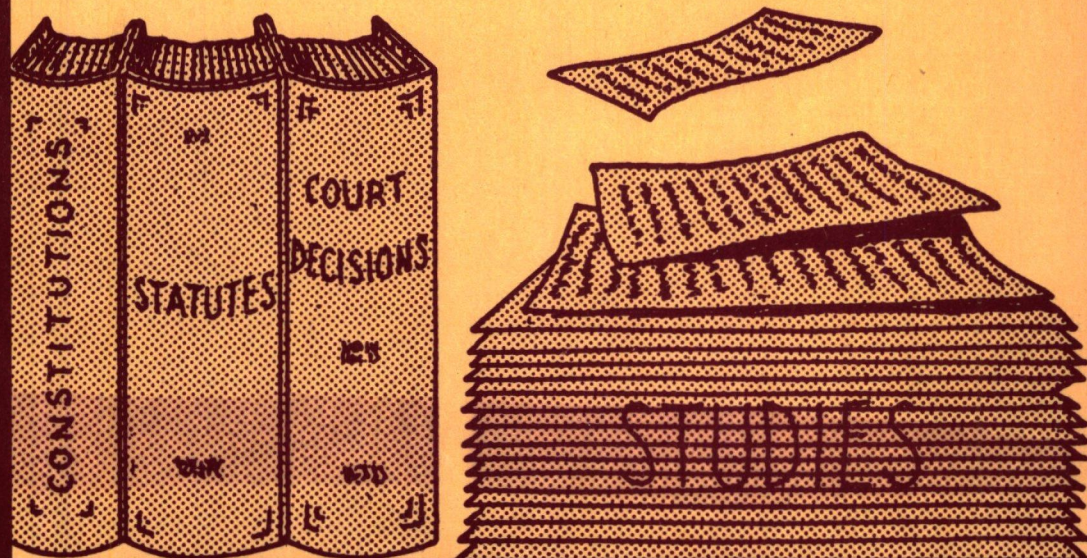


HIGHWAY RESEARCH BOARD  
Special Report 70

HIGHWAY PROGRAMMING

AN ANALYSIS OF STATE LAW



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National Academy of Sciences—  
National Research Council



**HIGHWAY RESEARCH BOARD**

**Special Report 70**

**HIGHWAY PROGRAMMING**

**AN ANALYSIS OF STATE LAW**

A Report of the  
Highway Laws Project

**National Academy of Sciences—  
National Research Council  
Washington, D. C.  
1962**

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## PREFACE

The Special Committee on Highway Laws of the Highway Research Board is engaged in a research program designed to provide highway officials and other interested persons with comprehensive reports on the legal aspects of all major responsibilities and functions involved in the construction and management of highway systems. The Committee's staff has completed reports on several main segments of its program, including "Relocation of Public Utilities Due to Highway Improvement, An Analysis of Legal Aspects" (Special Report 21), "Expressway Law, An Analysis" (Special Report 26), "Acquisition of Land for Future Highway Use, A Legal Analysis" (Special Report 27), "Condemnation of Property for Highway Purposes, A Legal Analysis" Parts I (Special Report 32), II (Special Report 33) and III (Special Report 59), "Legislative Purpose in Highway Law, An Analysis" (Special Report 39), "Outdoor Advertising Along Highways, A Legal Analysis" (Special Report 41), "Highway System Classification, A Legal Analysis" Part I (Special Report 42), "Federal-Aid Provisions in State Highway Laws, An Analysis" (Special Report 48), "Intergovernmental Relations in State Highway Legislation, An Analysis" (Special Report 49), "State Constitutional Provisions Concerning Highways, A Legal Analysis" (Special Report 50), "Highway Contracts, A Legal Analysis" (Special Report 57), and "Traffic Engineering, A Legal Analysis" (Special Report 64).

The purpose of this special report is to compile, compare and analyze those laws of the States which constitute the statutory framework within which programming of highway construction is carried on. Typically, these laws deal with the general authority needed for programming, the determination of needs and budget requirements for highway improvements, and establishment of intergovernmental relationships necessary for carrying on the programming process. Various other statutes which bear indirectly on the performance of programming functions have been omitted from the scope of this study. Most of these may be noted in other special reports by the Highway Laws Project series which deal with the organization, authority and operations of highway administration.

It should be noted that this special report does not attempt to include any comprehensive analysis of administratively-developed standards, procedures and techniques used in the implementation of programming authority. In connection with these particular aspects of highway programming, attention is invited to the following publications of the Highway Research Board: "Economic Analysis in Highway Programming, Location and Design, Workshop Conference Proceedings, September 17-18, 1959" (Special Report 56, 1960), "Formulating Highway Construction Programs, Workshop Conference Proceedings, September 19-20, 1960" (Special Report 62, 1961), and "Highway Needs and Programming Priorities" (Bulletin 249, 1960).

This report was researched by Helen S. Chase, Attorney at Law, Washington, D.C. Figures 1 and 2 were prepared by the U.S. Bureau of Public Roads. Figure 3 is reproduced by permission of the National Association of County Engineers.

## TABLE OF CONTENTS

	<i>Page</i>
SUMMARY OF FINDINGS.....	1
INTRODUCTION.....	4
LONG-RANGE HIGHWAY PROGRAMS.....	9
ANNUAL PROGRAMS.....	12
FINANCING AND PROGRAMMING.....	15
BUDGETS AND PROGRAMMING.....	16
REPORTS.....	19
DETERMINATION OF FUTURE HIGHWAY NEEDS.....	20
PROJECT PRIORITIES.....	22
INTERGOVERNMENTAL COOPERATION.....	25
APPENDIX, SUMMARY OF STATUTES BY STATE.....	27

## SUMMARY OF FINDINGS

Legislation concerned primarily with highway programming is found in the laws of only a few States. The research for this paper was restricted to the language of State statutes in an effort to ascertain the existing legislation. It does not, therefore, contain the highway programming practices of the States, nor does it include the statutes which confer general authority upon the highway department, under which authority advance programming is frequently accomplished. Whether there should be legislative enactments on the subject of advance highway programming and if so, how detailed they should be while retaining necessary flexibility, are questions of policy and administration and are not considered herein.

With respect to State statutes, the most direct legislative support for highway programming is found in those laws which authorize the establishment of long-range highway programs.

### *Long-Range Highway Programs*

Statutes providing for long-range highway programming were found in twelve States and there is a wide variation in these provisions. They range from the Arkansas statute which confers general authority upon the highway commission to establish a program of current and long-range planning, to the comprehensive statutes found in Illinois, Indiana and Iowa, which set forth the duty of the highway department to prepare, adopt and publish a long-range highway program containing estimates of future revenues and work to be done. In recognition of the importance of public support of the activities of the highway department, these statutes, in addition to requiring the publication of the program, provide

that the program may contain such information as will enable the public to have the most complete understanding of the needs of the highway system.

Those elements which have appeared in various State statutes concerning highway programming include:

1. General authority to establish a current and long-range highway program.
2. A requirement that the highway department prepare annual construction programs establishing project priorities.
3. Highway fund allocations to political subdivision on the basis of statutory percentages.
4. Road budget reports showing programs to be carried out.
5. Road deficiency reports by political subdivisions.
6. Construction priority established on the basis of sufficiency ratings.
7. Intergovernmental cooperation.

Whether it is advisable to include any of these elements as statutory requirements involves many practical considerations as well as a consideration of the particular circumstances of the jurisdiction and is a question which is not within the scope of this report.

### *Annual Programs*

Some reference to annual or biennial highway programs was found in the statutes of eighteen States. In four States, the annual program is taken from the long-range program. Statutes relating to annual highway programs generally specify:

1. The authority responsible for preparing or recommending the program, and those who are authorized to adopt or approve it;



2. In more or less detail, what the program shall contain; and

3. Some reference to the determination of the order of priority of the highway projects.

#### *Financing and Programming*

Legislative guidance for State highway programs is frequently contained in highway fund distribution statutes. Statutory formulas for the apportionment of funds among the highway systems or governmental subdivisions determine the extent of the highway program in each locality or on each system. Some statutes provide that in order to become eligible for State-aid funds the local highway authorities must submit highway programs to the State.

#### *Budgets and Programming*

Some statutory provisions concerning the highway department budget merely require general estimates, but some of these statutes require that proposed expenditures for highway purposes be set forth in detail or by individual projects and some specify that work programs accompany the budget.

Certain statutory requirements contained in budget legislation seem particularly appropriate to highway construction programs. Such provisions are those requiring publication and public hearings, and the restriction that expenditures other than those contained in the budget cannot be made, except that procedures are specified for setting aside this restriction in case of emergency or when necessary for the best interests of the public.

#### *Reports*

Reports which highway department officials are required to submit to the governor or the legislature concerning the progress and accomplishments of the highway program include, in some States,

recommendations for future highway programs.

#### *Determination of Future Highway Needs*

Investigation to determine the reasonably anticipated future highway needs includes such things as the making of traffic surveys, the study of transportation facilities, research concerning the development of areas within the State and contiguous territory as affected by growth and changes in population and economic activity. Road use studies and needs studies based on experience, research and surveys are used to establish formulas for the distribution of highway funds.

#### *Project Priorities*

State statutes specify various factors to be used in determining the priority of highway projects. Such factors are the concentration on a particular highway system, such as improving the State system all over the State and directing the order of work on the State system so that it is carried on simultaneously in a fair and equitable manner among the counties. The relative use and importance of roads is used as a criteria for determining priority and in two States the statutes contain detailed provisions for determining relative use. One State requires that the annual deficiency reports be prepared in accordance with specific documents on engineering standards. The statutes of six States specifically provide for the use of highway sufficiency ratings in establishing project priorities. The establishment of sufficiency ratings is to be based upon the safety, service, characteristics and the physical condition of the highway as well as other factors.

#### *Intergovernmental Cooperation*

The statutes of two States require the State highway authority, in the coordination of the total highway program, to review the annual programs for each of

the major systems. These statutes also provide for cooperation with local authorities on the subject of programming.

Statutes in several States provide for cooperation between local subdivisions and the State highway authorities in highway programming and specifically

provide that the State assist the local highway authorities and recommend such additions to or changes in their work program as will best enable them to develop their highways in cooperation and coordination with the State highway system and with each other.

## INTRODUCTION

In broad terms "highway programming" has been defined as the translation of highway needs into capital budgets so that the pace of construction work matches the flow of revenue.<sup>1</sup> This is accurate, but too greatly simplified to be more than a starting point for further refining analysis. Visualizing the programming process in its general perspective, it is immediately clear that throughout government and private industry one of the vital responsibilities of management and administration is to perform this task of adjusting function operations to financial resources. Programming, in some form, is both essential and inescapable in all well-run agencies and organizations. Moreover, it is a function which peculiarly requires orderly guidance through laws, administrative rules, and plans if a proper balance is to be achieved between efforts directed at maintaining current operations and efforts directed at adding so-called long-range capital improvements to accommodate future growth.

Relating programming to highways, the following definition has been offered:<sup>2</sup>

*Programming*—A systematic process of setting forth a collection of things to do with due consideration given to priority and all other factors which determine the desirability of carrying out the act. Highway programming is the scheduling of the construction of highway improvement projects and of the essential design, right-of-way acquisition and other activities which must precede such construction.

This general definition has suggested two subsidiary definitions:

<sup>1</sup> "Formulating Highway Construction Programs." HRB Special Report 62, p. 1, (1961).

<sup>2</sup> These definitions of "programming," "construction program," and "advance programming" are taken from a glossary of terms included in "Formulating Highway Construction Programs" HRB Special Report 62, p. 197-203 (1961). The report notes, however, that this glossary is intended solely as an aid to readers of the conference proceedings, and concludes with the following statement: "This glossary has no official standing, these definitions and concepts have not been reviewed or approved by any committee or organization. It is hoped that an appropriate group will follow through on this beginning and ultimately produce an authoritative glossary applicable to highway programming."

*Construction Program*—The construction program of a highway department is a detailed listing of all the capital improvements to a highway system that are proposed to be done in a given period of time. Construction programs may be adopted for a given year, or 3-year, 5-year or any period of time.

*Advance Programming*—The programming of highway capital improvements for a period of several years in advance of actual construction.

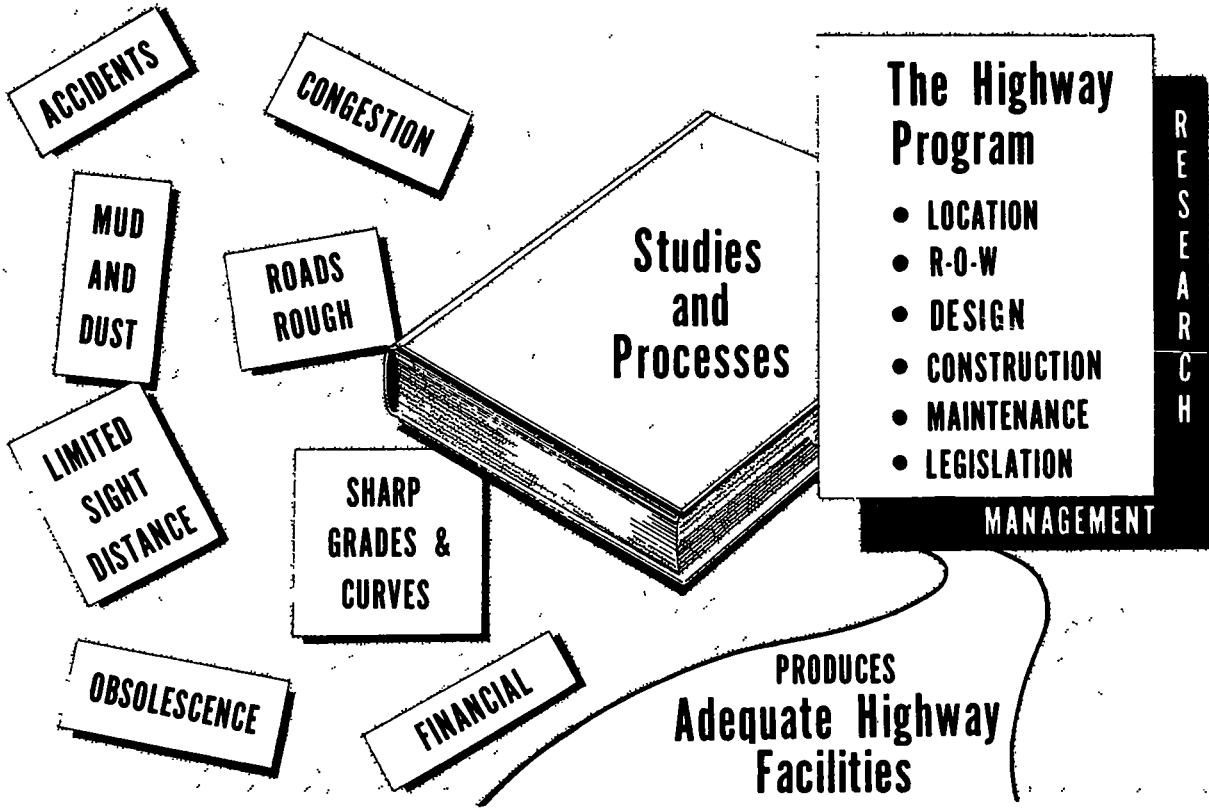
A distinction should be recognized between "highway programming," thus defined, and "highway planning." Both processes are closely related to each other in the orderly development of solutions to highway problems, and often both are carried on simultaneously by the same agencies. Yet they are not identical either in their objectives or techniques. Planning involves the systematic collection and analysis of information about highway needs and methods of meeting those needs. The objective of planning is the formulation of an estimate of what must be done to provide a highway system capable of accommodating highway transportation safely, efficiently and economically at the level or standard desired by the public. Programming reduces the results of planning to terms that are feasible for accomplishment within the time and means available. Programming may, therefore, be looked upon as a highly specialized step in the over-all planning process, and one which must be taken before a highway plan can be implemented by the various acts of route location, right-of-way acquisition, and construction.<sup>3</sup> This relationship between planning and programming is set forth diagrammatically in Figures 1 and 2, and an indication of the components of highway

<sup>3</sup> Planning and programming are discussed at length in WOODS, K. (ed.), HIGHWAY ENGINEERING HANDBOOK, Sec. 2, McGraw-Hill, New York (1960)

**Problems**

**Planning**

**Programs**



U.S. DEPARTMENT OF COMMERCE • Bureau of Public Roads • December 1960

INTRODUCTION

Figure 1.

# What is Highway Planning ?

## INFORMATION :

- MAPS
- REGULATION
- HIGHWAY COST
- ADMINISTRATION
- TRAVEL CHARACTERISTICS
- POPULATION CHARACTERISTICS
- PHYSICAL INVENTORY
- ECONOMIC FACTORS
- TRAFFIC USAGE
- FISCAL DATA
- STANDARDS
- LAND USE



## RESULTS:

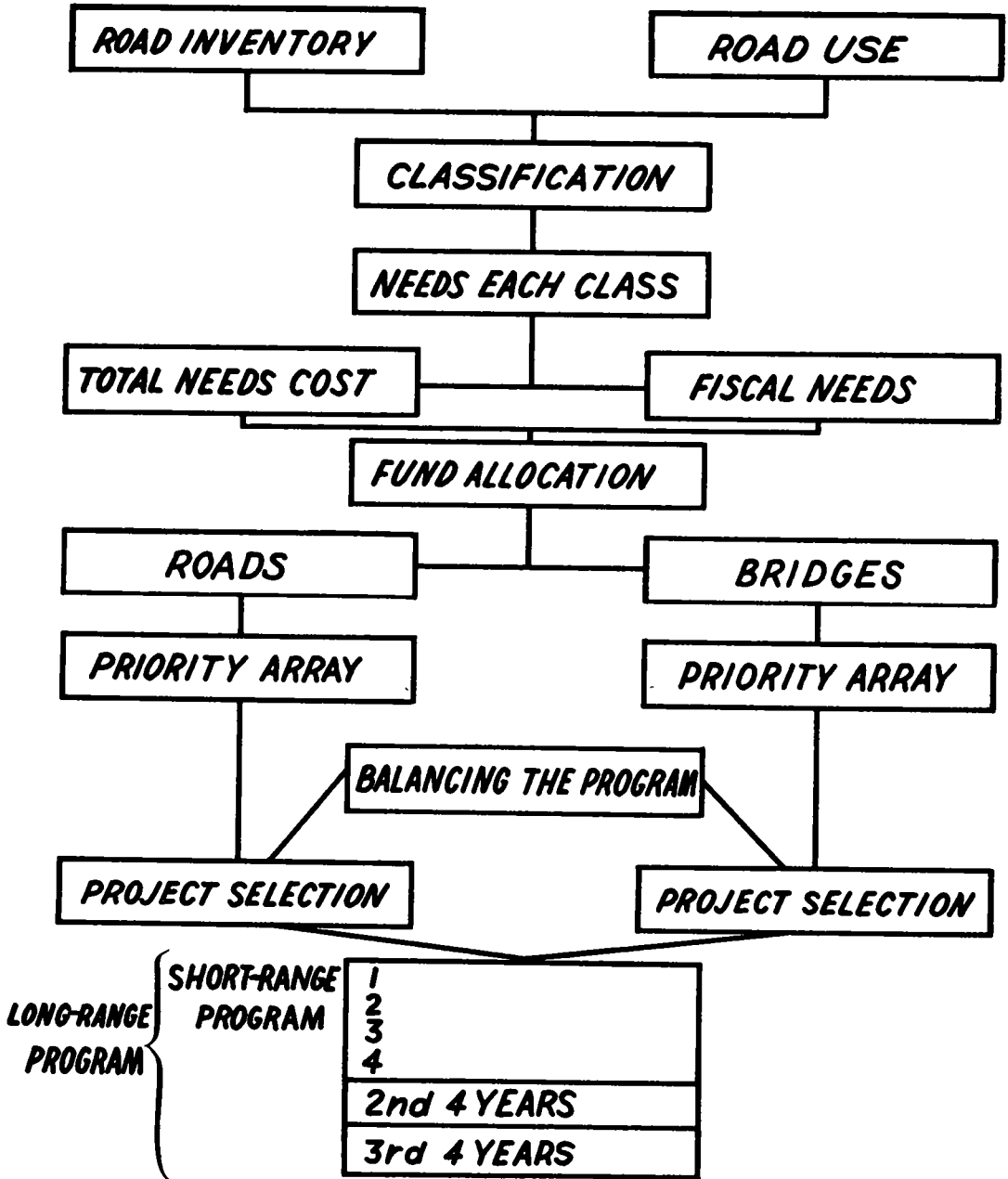
- SYSTEM INTEGRATION WITH URBAN PLANNING
- SYSTEM CLASSIFICATION
- HIGHWAY NEEDS
- PROGRAM DEVELOPMENT
- ECONOMIC ANALYSIS
- LEGISLATION

U.S. DEPARTMENT OF COMMERCE  
Bureau of Public Roads      December 1960

Figure 2.

# ADVANCE ROAD PROGRAMS

## SEQUENCE OF ACTIONS



Source: National Association of County Engineers

Figure 3.

programming and the sequence of actions in the programming process is shown in Figure 3.

It has been suggested that eight major elements must be present for effective programming.<sup>4</sup> These are (1) legislative support, (2) executive action, (3) factual surveys, (4) budget decisions, (5) systematic priority analysis, (6) systematic coordination of the financing and construction programs, (7) scheduling and control of construction, and (8) adequate administrative organization.

The extent to which these elements need to be, or actually are, provided through legislative action quite naturally has varied according to circumstances present in the States. Some of these circumstances are of a legal nature, and others are non-legal. In some States these essential elements are supplied almost entirely by administrative implementation of generally delegated authority to plan, lay out, establish, classify, construct

and maintain highway systems. In others, it is deemed necessary or desirable to provide much more specific and detailed directives for highway agencies to program their work. The fact that this present study is confined solely to analysis of the latter type of State legislation is not intended to imply that a specific, detailed statutory framework is always necessary from a legal point of view for programming to be carried on. Obviously State highway agencies which do not have specific and detailed statutes on this subject do manage to perform programming functions in their own way under the laws they have. Confinement of the scope of this study to comparative analysis of those State laws which specifically and directly control performance of the programming function is, therefore, a matter of choice, influenced by the fact that the programming practice followed by highway agencies operating under general delegations of authority may be studied more properly as an incidental aspect of those laws.<sup>5</sup>

<sup>4</sup> Granum, J. O. and Burns, C. H., "Advance Programming Methods for State Highway Systems" HRB Bull. 249, p. 23-51 (1960).

<sup>5</sup> See particularly HRB Special Reports 27, 42, 47 and 50.

## LONG-RANGE HIGHWAY PROGRAMS

The term "long-range program" is not defined in the State statutes. The phrase is most often used without reference to any specific period of time. A few statutes do mention a minimum or maximum number of years. For the purposes of this monograph, long-range programs are those which are so designated by the State statute and also those which specify periods longer than two years.

The most comprehensive statutes concerning long-range programming appear in the laws of Illinois, Indiana and Iowa.<sup>6</sup> These statutes make it the duty of the State highway authority to prepare, adopt and cause to be published, a long-range program of its future activities with regard to the highways under its jurisdiction. The program is to include an estimate of revenues which will become available during the period covered by the program and a statement of intention with respect to the construction and other related work to be done insofar as it is possible to make such estimates. The program may also contain such other information as will enable the public to have the most complete understanding of the needs of the highway system. These statutes also provide that the highway authority conduct periodic reinspections

of the highway system in order to revise, from time to time, its estimates of future needs to conform to the actual physical and service conditions of the highways. The Iowa statute specifies that the program be for a period of at least five years and that it be brought up to date and republished at least once every year in order to have a continuing five-year program.

The provisions of State statutes which specifically authorize long-range programs are summarized in Table 1. In addition, the laws of certain other States have, from time to time, introduced long-range planning by inference. In Maryland, for example, a State Roads Commission Right of Way Revolving Fund had been established for the purpose of permitting advance acquisition of land needed for future construction of selected projects in addition to those designated in the State's existing long-range highway program.<sup>7</sup> Also, in Pennsylvania, a Highway Planning Commission was created in 1949 to develop a long-range highway program for the Commonwealth.<sup>8</sup> This agency was a temporary one, however, and its authority was not renewed after it filed its final report in 1951.

<sup>6</sup> SMITH-HURD ILL. ANN. STATS., ch 121, §§-301; BURNS' IND. STATS. ANN., §§6-2943, CODE OF IOWA 1958, §307.5 as amended by chapter 208, 58th General Assembly (1959).

<sup>7</sup> ANN. CODE OF MD., 1957 (1959 Supp.), Art. 89B, §206.  
<sup>8</sup> PA., PUBLIC LAWS, 1949, c 1812. See also PURDON'S PA. STATS. ANN., tit 36, §§2722.1 to 2722.6.



## HIGHWAY PROGRAMMING

Table 1. State Statutory Provisions Relating to Long-Range Highway Programs

State	Authority Responsible	Type of Program	Number of Years
Alaska §14A-2-43	Department of public works shall establish.	Continuing, long-range program for highway construction and maintenance	Not less than five years, projected annually
Arkansas §76-201 5	State highway commission authorized to establish	Program of current and long-range planning for State highway system	
California Sts. & Hwy Code, §70 2	State highway commission	Legislative policy for advance planning and continuity of fiscal policy in the construction and improvement of the State highway system and in the administration of expenditures from the State highway fund	
Georgia §95-1615	Division of planning (or other division designated by State highway board) with other engineering and design divisions of the dept. and the U. S. Bureau of Public Roads in matters involving Federal funds, shall prepare.	Long-range biennial programs of improvements under Federal-aid urban, Federal-aid primary and Federal-aid secondary classifications	Flexible programs as basis of biennial programs of improvement work. Board to arrange that surveys and drawings and the appropriate specifications be made available from among the projects in such scope, amount and classes as would provide at least a full year of work under the fund allocation available.
Illinois ch. 121, §4-301	Department of public works and buildings shall prepare, formally adopt and publish	Long-range plan of its future activities for the State highway system	
Indiana §36-2943(b)	State highway department shall prepare, formally adopt and publish.	Long-range program of its future activities with regard to highway construction	Biennial plan annually adopted from long-range plan
§36-3309	Board of commissioners of county.	Construction plan for county highway system.	Four-year program prepared at two year intervals
Iowa §307.5, as amended (L 1959, c 208).	State highway commission shall adopt and cause to be published	Long-range program for primary road system	At least five years, brought up to date and republished at least once a year
Massachusetts ch 23A, §6	Division of planning of department of commerce to assist in	Preparing and executing long-range capital budgeting and programming of public works projects.	
Michigan §9 1097(14)	Each county road commission and incorporated city and village shall submit to the State highway commission for approval  State highway commissioner includes in his biennial report to the governor and legislature a summary of	Biennial highway and street programs, based on long-range plans, with standards and specifications for projects included  Program of improvements scheduled for the next biennium by the State highway department, county road commissions and incorporated cities and villages.	
New Hampshire §228 6	Department of public works and highways authorized to	Cooperate with department of administration and control in long-range capital planning	

Table 1. State Statutory Provisions Relating to Long-Range Highway Programs—Continued

State	Authority Responsible	Type of Program	Number of Years
Texas art. 6812b	Commissioners court in certain counties adopt	"Master plan"—survey by county engineer with view to determining needs for new highways and highway improvements.	
Washington §43 27 200	Highway commission.	Continuing comprehensive plan for highway development based on development in order of greatest need, and payment by the most benefited.	
L 1961, c. 195	Board of county commissioners with advice and assistance of county road engineer and pursuant to public hearings, to prepare, adopt and file with director of highways Legislative body of each city and town to follow same procedure	Comprehensive road program.	Initial six-year program revised biennially to assure advanced plans for not less than four years.

## ANNUAL PROGRAMS

Some reference to annual or biennial highway programs was found in the statutes of eighteen States (Table 2). The statutes of Illinois and Iowa provide that the State highway departments designate (from their respective long-range programs) and publish programs of improvements to be accomplished during the next calendar year.<sup>9</sup> The annual program is to list definite projects in order of urgency and is to include a reasonable year's work. The Indiana law is similar to that of Illinois and Iowa except that it provides for the annual adoption of a plan to be accomplished within the following two fiscal years.<sup>10</sup> These programs are final provided deviations may be made in case of disaster or other unforeseen emergencies or difficulties.

Annual programs are required in some States which do not have long-range programming statutes. In North Dakota the chief engineer annually submits to the highway commissioner, a statement showing what improvements, structures and construction work have been requested and proposed and may be undertaken by the department. This statement contains the estimated quantities and the estimated unit cost of each class, type and nature, together with the totals for each and every project or improvement, and the totals of all such projects or improvements as well as the average quantities and unit costs for all such projects or improvements. From this, the commissioner adopts a construction program determining what projects and improve-

ments are to be undertaken during the ensuing construction season and their order of priority.<sup>11</sup>

The Nebraska law requires that the county highway superintendent submit to the county board the county road annual program which proposes a schedule of construction, repair, maintenance and supervision of county roads and bridges, including Federal-aid secondary road projects and a list of equipment and material purchases to be undertaken and carried out by the county within the limits of the estimated county funds for the next year. It is then the duty of the county board to give notice by publication of the date of public hearing on the proposed program. The county board then must adopt a county highway annual program which includes a schedule of construction, repair and maintenance projects and their order of priority.<sup>12</sup>

The Delaware law provides that from time to time the chief engineer shall recommend to the State highway department a program for the improvement of State highways and for the inclusion of additional roads in the system, the probable cost of construction or reconstruction and the roads or portion of roads which should first be improved and the probable amount of construction which should be undertaken.<sup>13</sup> From such recommendation the department determines what roads or portions of roads, if any, shall be improved and what shall be added to the system.<sup>14</sup>

<sup>9</sup> SMITH-HURD ILL. ANN. STATS., ch. 121, §4-301; CODE OF IOWA 1958, §307 5

<sup>10</sup> BURNS' IND. STATS ANN., §36-2943.

<sup>11</sup> N. D. CENTURY CODE, §24-03-08.

<sup>12</sup> REV. STATS OF NEB. 1943, §§39-1508, 39-1508.

<sup>13</sup> DEL. CODE ANN., tit. 17, §117.

<sup>14</sup> DEL. CODE ANN., tit. 17, §183.

Table 2. State Statutory Provisions Relating to Annual Highway Programs

State	Authority Responsible	Program Description	Determination of Priorities
Alaska §14A-2-43	Department of public works adopts.	Annual construction program which is included in detail in the long-range program submitted by governor to the legislature annually.	Annual construction program establishes project priorities (May be amended, revised or reduced as circumstances warrant )
Colorado §120-13-36	State highway commission to determine	Priorities for construction on State highway system annually.	In establishing priorities commission shall make use of sufficiency rating
§120-13-37	Boards of county commissioners to submit to State highway commission	Priorities for construction of roads, streets and highways annually.	May use sufficiency rating method
California Sts & Hwy. Code §§143 1, 143 2	Highway commission	Annual statement including major construction and improvement to be made	
Florida §334 21(3)	State highway board pursuant to tentative budget and work program prepared by executive director of State road department	Program of work setting forth all construction and maintenance projects for ensuing year under the budget	Board shall use results of sufficiency rating
Illinois ch 121, §4-302	Department of public works and buildings.	Annually adopts from its long-range plan, and publishes program of improvements for the next calendar year	Projects listed in order of urgency. (Deviations from adopted program permitted in cases of emergency )
Indiana §36-2943	State highway department.	Annually adopts from its long-range plan and publishes a plan of construction to be accomplished within the following two fiscal years	Projects listed in order of urgency
§§3309 to 3321	Board of county commissioners	Annual plan for maintenance and repair of county highway system to contain program, nature of work to be done and estimated cost	Construction plan sets forth section of system to be constructed, year in which to be done, type of construction and estimated cost.
Iowa §307.5	State highway commission to publish	Annual program for next calendar year (as part of long-range program).	Lists definite projects in order of urgency to include a reasonable year's work with estimated funds
§§309.22, 309 27	Board of supervisors, subject to approval of State highway commission shall adopt.	Comprehensive program for calendar year based upon construction funds estimated to be available.	Board may have county engineer make written report designating in their order of importance the roads which are most urgently in need of construction.
Maine §14	Head of each department to submit to department of finance and administration.	Work program for ensuing fiscal year including all appropriations available and requesting allotments. (Governor and council review and may revise requested allotments before approval.)	
Maryland art 89B, §77	State roads commission on request, to furnish board of county commissioners	Plans and plats showing how county system may best be improved as a concomitant to the State system, suggesting an annual program based on county funds available for construction.	

Table 2. State Statutory Provisions Relating to Annual Highway Programs—Continued

State	Authority Responsible	Program Description	Determination of Priorities
Minnesota art V, §2(4)	Town board shall render to annual town meeting	Statement of improvements needed on roads, cartways and bridges for the ensuing year, with estimate of cost	
Mississippi §8035 04	County engineer must file	Annual program with the division of State-aid road construction in order for county to be entitled to State-aid.	
Michigan §9 62	Township commissioner of highways to render to township board annually	An account in writing stating the permanent road and bridge improvements which should be made during the next ensuing year.	
§9:120	Board of county commissioners, on basis of county highway engineer's surveys	Annually determines tax, specifying and itemizing the roads and parts of roads upon which it is to be expended.	
Nebraska §§39-1503, 39-1508	County board to adopt.	County highway annual program with schedule of construction, repair and maintenance projects	Includes order of priority of projects
New Jersey §27 13-3	Counties and municipalities file with commissioner for his approval	Annual work program governing expenditures of State-aid funds	
North Carolina §136 61 as amended by L 1961, ch 232, §5	State highway commission	To establish policies for the preparation of annual plans for maintenance and construction of the secondary roads in each county	
North Dakota §24-02-08	State highway commissioner.	Review the annual programs for each of the major systems to ensure coordination of planning	
§24-02-08	County and city authorities	Initiate programs for the road systems of their respective counties	
§24-03-03	State highway commissioner	Adopts construction program for department for ensuing construction season, to contain projects and improvements and their order of priority	Priority given first to improvement of primary system insofar as is practicable
Tennessee §54-609	County road authorities submit to department of highways and public works	Annual program of improvements to be carried out under rural roads system chapter of the statutes	
Wisconsin §84 01(19)	State highway commission.	Annually determines improvements to be made during succeeding year and notifies county clerks as to improvements in their respective counties	
§84 01(21)	State highway commission	When it agrees with county on project under the State trunk highway allotment, prepares a future construction program	

## FINANCING AND PROGRAMMING

Highway financing is the subject of another report in the series currently being prepared by the Highway Laws Committee. Therefore, the following statutory references are cited only for their specific directives concerning programming.

Statutory provisions concerning the financing of highway construction may directly affect highway programming by prescribing the policy which shall control use of highway funds. The law of California contains a general declaration of policy which states that it is the policy of the legislature to provide for advance planning and continuity of fiscal policy in the construction and improvement of the State highway system and in the administration of the expenditures from the State highway fund. The highway commission is directed to follow that policy insofar as possible.<sup>15</sup> The secretary of public works in Puerto Rico is authorized and directed to prepare the program of works to be carried out with combined Federal and Commonwealth funds.<sup>16</sup>

In order to obtain State aid, the governing body of any municipality in New Jersey is required to file with the State highway commissioner a schedule setting forth all work proposed to be undertaken together with the respective estimated costs thereof.<sup>17</sup>

A statutory formula for the apportionment of highway funds is found in a few States. With respect to the county State-aid highway system in Minnesota, the apportionment of funds to the counties

is based in part on the money needs of the counties. The statute defines money needs as the estimated total annual costs of constructing the system over a period of 25 years and provides that to avoid variances in costs due to differences in construction policy, construction costs are to be estimated on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the several counties.<sup>18</sup> The Louisiana law contains a distribution formula and directs the department of highways to resurvey the needs of the parish system and report its findings to the legislature every five years.<sup>19</sup>

The California statutes provide that all money in the Highway Users Tax is continuously appropriated for highway purposes and prescribes by formulas the amounts of money that are to be paid to local government agencies and to the State highway fund for State highways.<sup>20</sup> It further establishes that the total amounts of the State highway fund that are available for rights-of-way and construction be divided so that 45 percent is spent in the northern counties and 55 percent in the southern counties,<sup>21</sup> and guarantees minimum expenditures within each county by percentages set forth in the statute effective through July 1, 1963.<sup>22</sup> A new formula to become effective after that date provides for apportionment to highway districts, with only a minimum specified for each county.<sup>23</sup>

<sup>15</sup> MINN. HIGHWAY CODE, art. III, § 7 2.

<sup>16</sup> LA. REV. STATS. 1950, § 48 757

<sup>17</sup> DEERING'S CAL. CODES, Sts. & Hwys Code, §§2100, et seq

<sup>18</sup> *Supra*, §§182 through 193

<sup>19</sup> *Supra*, §188 4.

<sup>20</sup> *Supra*, §§188 8, 188 9

<sup>15</sup> DEERING'S CAL. CODES, Sts. & Hwys Code, §70.2.

<sup>16</sup> LAWS OF P. R., tit. 9, §72.

<sup>17</sup> N J S A , §27:15-1 1.

## BUDGETS AND PROGRAMMING

Some State statutes concerning budgets for highway expenditures require description of work programs when the budget is submitted for legislative appropriation. Typically, the particular form of such supporting information is prescribed in the statutory provisions regarding budgeting procedure. For example, California statutes specifically direct that the portion of the Department of Public Works budget relating to highways shall include supporting data for proposed expenditures in each county group, which data shall segregate the route of each highway to be constructed or improved, the county in which the project is located, the number of miles involved, and a description of the type of work to be done.<sup>24</sup> In Colorado, the general highway budget summary is supported by explanatory schedules or statements classifying the expenditures by organization units, objects and funds;<sup>25</sup> and in Florida, the budget is accompanied by a program of work to be undertaken during the ensuing budget year.<sup>26</sup>

An interesting provision of the Florida statute is that the program of work may list projects, the sum total of the estimated cost of which may exceed the amount budgeted by 50 percent in order to provide alternate projects in case any particular listed project in the program cannot be undertaken. The purpose of this section is to avoid the necessity of including an amount in the budget which is greater than the resources available for construction or maintenance and to make the program of work of the department

flexible by providing alternate projects for road construction and maintenance.<sup>27</sup>

Table 3 gives a summary of the statutory provisions relating to highway budgets. These provisions generally designate who is responsible for preparing or filing the highway budget and set forth in varying degrees the type of information which must be included in the budget and the method of presentation of that information. A number of these statutes provide for the publication of the budget<sup>28</sup> and notice of public hearings.<sup>29</sup>

Generally it is provided that once adopted, the budget limits expenditures for the period covered<sup>30</sup> except for emergency work<sup>31</sup> or with the approval of the commissioner of the budget and accounting.<sup>32</sup> In Florida, the statute authorizes amendment up to specified percentages in each program,<sup>33</sup> and the California law provides that the board of supervisors may by appropriate action at a regular or special meeting authorize cancellation or transfer of any appropriation and reappropriate the funds for road programs where such action will best serve the interest of the people.<sup>34</sup>

The constitution of Massachusetts provides for the submission of the budget to the general court and provides that all appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a general appropriation bill. The general court may increase, decrease, add or omit items in the budget.<sup>35</sup>

<sup>27</sup> FLA. STATS. 1957, §384.21(5).

<sup>28</sup> ARIZ. REV. STATS., §18-135; FLA. STATS. 1957, §334 21(3); NEV. REV. STATS., §408 280.

<sup>29</sup> ARIZ. REV. STATS., §18-135, DEERING'S CAL. CODES, Sts. & Hwys. Code, §2007, FLA. STATS. 1957, §334 21(3); REV. CODE OF WASH., §36.40.020.

<sup>30</sup> ARIZ. REV. STATS., §18-135, DEERING'S CAL. CODES, Sts & Hwys. Code, §2007, FLA. STATS 1957, §334 21(3), CODE OF IOWA 1958, §§309.95, 309.96, ORE. REV. STATS., §336.518.

<sup>31</sup> FLA. STATS. 1957, §334.21(3); CODE OF IOWA 1958, §309 95; MISS. CODE 1942, §8048.

<sup>32</sup> MISS. CODE 1942, §8043.

<sup>33</sup> FLA. STATS. 1957, §334.21(3).

<sup>34</sup> DEERING'S CAL. CODES, Sts. & Hwys Code, §2007.

<sup>35</sup> MASS. CONST. §§197, 198.

<sup>24</sup> DEERING'S CAL. CODES, Sts & Hwys. Code, §148 1. Formulas for allocation of funds among the various counties and county groups are set forth by statute. *Ibid.*, §§188, 188.4, 189 The State Highway Commission's portion of the Department of Public Works budget also includes various expenditures within cities and counties from the State Highway Fund. *Ibid.*, §§194 to 207.

<sup>25</sup> COLO. REV. STATS. 1953, §120-2-11.

<sup>26</sup> FLA. STATS. 1957, §334 21(3).

Table 3. Statutory Provisions Relating to Highway Budgets

State	By Whom Submitted	Contents
Arizona §18-135	Highway commission files with governor.	Estimate of expenditures for construction and purchase of rights-of-way by separate projects specifying counties in which expenditure is to be made.
California §143 1	Highway commission prepares for department of public works to give governor.	All estimated revenue and proposed expenditures or obligations for construction, improvement and maintenance. Under heading Major Construction and Improvement will be shown all proposed expenditures to be incurred in each county group for major construction and improvement, segregating the route of each highway, the county in which located, number of miles involved and description of type of work to be done
§2007	District road commissioner submits to board of supervisors.	Tentative road budget of expenditures for county road purposes. In accordance with Government Code and in the form and manner prescribed by State controller.
Colorado §120-2-11	Chief engineer with approval of State highway commission prepares	Complete financial plan setting forth all proposed expenditures General highway budget summary is supported by explanatory schedules or statements classifying the expenditures by organization units, objects and funds and the income by organization units, sources and funds. Also a complete list of all projects budgeted in prior years which have not been deleted or progressed to completion.
§120-13-19	Board of county commissioners prepares.	Preliminary or tentative road budget for the county showing in detail anticipated revenue and expenditures for county road system.
§120-13-30	Street supervisor or budget officer, approval of city council or local governing authority.	Tentative budget for city street system covering all expenditures for ensuing calendar year
Connecticut §4-73	Part II of the budget	Budget document also contains the budget recommendations for the capital program, supported by statements listing the agency's requests, recommendations of the State building commission and the governor's recommendations.
Delaware tit. 29, §6502	Each agency reports to budget commission.	Estimate in itemized form showing the amount needed for each fiscal year of the ensuing biennial period.
Florida §334 21	State road board pursuant to tentative budget and works program prepared by executive director of State road department.	To control expenditure of funds for administration and for road construction and maintenance. Results of rating of roads to be used in determining priorities when preparing budget.
Georgia §95-1506	State highway board submits annually to governor.	Plans for ensuing year with budget sheet to cover next fiscal year. Recommendations as to the work with which the department is charged.
Idaho §40-135	County road superintendent submits to board of county commissioners.	Tentative annual road budget covering all proposed expenditures for the ensuing year.
Iowa §809.93	Board of supervisors assisted by county engineer	Adopt and submit to State highway commission for approval, county secondary road budget which includes an itemized statement of the proposed expenditures from each road fund. Estimates shall be itemized and classified in manner which State highway department shall prescribe.
Kansas §75-3005	Each department or other State agency requiring appropriation.	Requests for appropriations presented to the governor. All estimates of anticipated expenditures show in detail the purposes for which they are to be made
Louisiana §48:203	Director of highways causes to be prepared.	Annual budget showing an accurate estimate of all available revenues, completely allotted to specific purposes and individual projects



Table 3. Statutory Provisions Relating to Highway Budgets—Continued

State	By Whom Submitted	Contents
Maine ch. 16, §10	Departments receiving State funds	Submit estimates of expenditure requirements for each fiscal year of the biennium compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. Expenditure estimates classified to set forth the data by funds, organization units, character and objects of expenditure
ch. 16, §7	Commissioner of finance and administration, as State budget officer.	To examine and recommend for approval the work program and quarterly allotment of each department of agency of the State government, before the appropriations made, shall become available for expenditure
Minnesota §16.15	Governor's budget message.	Supported by explanatory schedules or statements, classifying expenditures by organization units, objects, and funds
Mississippi §8043	State highway commission adopts and files with governor.	Adopts a complete, detailed and itemized budget based on information as required by the commission of budget and accounting State-aid road division of highway commission also files in the same manner
Nebraska §99-1111	State highway commission files with governor	Quarterly report shall contain itemized budget of all proposed expenditures for ensuing quarter
Nevada §408 280	Board of directors of department of highways presents to governor	Detailed budget stating amount, character, and nature of construction, reconstruction, improvements, studies and maintenance work to be performed on highways within the respective counties during the ensuing year, and an estimate of the cost
New York §102	County superintendent.	Prepares and submits annually a statement of the amount necessary to be raised by the board of supervisors for construction, improvement and maintenance of county roads showing the amount by towns and as a total and the location where any pertinent repairs are required to be made
North Dakota §24-02-09	Department heads submit budget to State highway commissioner	Outline of work which should be undertaken during ensuing fiscal year and estimated cost
Oklahoma tit. 62, §41 7	Each State spending agency which has received an appropriation	File with budget director a work program including all appropriations and allotments
Oregon §366 518	State highway commission.	Submits biennial statement and budget estimate
Rhode Island §35-3-1	Budget officer in department of administration.	To prepare the annual budget of the State and to develop long term activity and financial programs, particularly capital improvement programs
Tennessee §4-325	Department of the budget	To examine and recommend for approval the work program and quarterly allotments of each spending agency of the State government
Washington §36 40 020	County commission submits to auditor	Detailed statement showing all new road and bridge construction to be financed from county road fund and from bond issues Also a similar statement showing road and bridge maintenance program.
§43 27 200	State highway commission furnishes to governor and legislature.	Budget for following two years

## REPORTS

Reports required of highway officials and departments frequently contain information concerning future projects as well as accounts of work accomplished. Highway officials who are charged with submitting reports to the legislature or to the governor are frequently directed to include recommendations which they deem proper.<sup>36</sup>

The New York superintendent of public works is directed to include in his annual report a statement of the condition of the highways and bridges, the progress of the improvement and maintenance of State highways, county roads and town highways, the amount of money received and expended during the year and such matters as in his judgment should be brought to the attention of the legislature, together with recommendations as to such measures in relation to highways as the public interest requires.<sup>37</sup> The Rhode Island director of public works is directed to set forth the preceding year's transactions and to make such recommendations for improving the main highways of the State as he deems for the best interests of the entire State, having regard also to their connection with the main highways of the adjoining States.<sup>38</sup> In the report of the county highway commissioners to the Wisconsin highway commission and to the county boards, there is to be included an itemized statement of all expenditures and also an itemized estimate of the amount needed properly to maintain the county trunk highways in the county for the succeeding year and such recommendations as the commis-

sioner deems advisable.<sup>39</sup> The Wisconsin highway commissioner is required to make a biennial report to the governor for the use of the legislature.<sup>40</sup>

Every county and city in California is required to submit an annual report on road and street deficiencies including an itemized list of the deficiencies and an estimate of the expenditures to be incurred in eliminating them.<sup>41</sup>

At each regular meeting of the Nebraska State highway commission, the State engineer is required to submit a report which includes a showing of the proposed allocation of funds for future highway work and the proposed construction and maintenance of highways and when they are to be done. The commission in turn is required to file with the governor a quarterly report showing existing highway conditions, construction and maintenance work, and an itemized statement of expenditures since the last report plus an itemized budget of proposed expenditures for the ensuing quarter.<sup>42</sup>

The Montana highway commission is required to prepare and submit to the governor monthly reports of the work constructed, under construction, and proposed for construction, the progress made during the preceding month, and to make recommendations as to the needed improvements and their estimated cost.<sup>43</sup> One of the duties of the street supervisor in certain cities in Colorado is to make monthly recommendations for street repairs and construction to be performed under his jurisdiction with an estimate of the cost thereof.<sup>44</sup>

<sup>36</sup> ARK STATS 1947, §76-238, ANN LAWS OF MASS, ch. 16, §7, MISS. CODE 1942, §8046, OKLA. STATS 1951, tit' 69, §204, UTAH CODE ANN, 1953, §27-2(17). REV. CODE OF WASH., §43 27 020(2), 43.27 190

<sup>37</sup> N. Y. CONSOL. LAWS SERVICE, Hwy. Law, §10(7).

<sup>38</sup> GEN. LAWS OF R. I. 1956, §24-8-1.

<sup>39</sup> WIS. STATS 1957, §83 01(7)(d).

<sup>40</sup> *Supra*, §84.01(18)

<sup>41</sup> DEERING'S CAL. CODES, Sts. & Hwys. Code, §2156.

<sup>42</sup> REV. STATS. OF NEB 1943, §§99-1109, 99-1111.

<sup>43</sup> REV. CODES OF MONT. 1947, §32-1603.

<sup>44</sup> COLO. REV. STATS 1963, §120-13-26.

## DETERMINATION OF FUTURE HIGHWAY NEEDS

Statutes authorizing the investigation and study of highway needs in connection with highway programming are found in a few States.

Investigations to determine the reasonably anticipated future highway needs include such things as the making of traffic surveys, the study of transportation facilities, research concerning development of areas within the State and contiguous territory as affected by growth and changes in population and economic activity, as well as the collection and review of data relating to all factors affecting the judicious planning of construction, improvement and maintenance of highways.<sup>45</sup> In studying the needs of various localities in regard to public roads and to determine which roads shall be constructed, the New Mexico highway engineer is directed to collect information with reference to mileage, character and condition of highways and bridges in the counties and to investigate and determine the methods of road construction and maintenance best adapted to the various sections of the State having due regard to topography, natural conditions, the availability of road building materials, the prevailing traffic conditions, and the ability of the counties to meet the cost of building and maintaining roads and bridges therein.<sup>46</sup>

The Michigan highway commissioner is authorized to make a continuing study or survey of highway conditions and deficiencies in order to re-evaluate highway needs at regular intervals, and all county road commissions and incorporated cities annually report to the State highway commissioner the mileage and condition of each road system under their jurisdiction.<sup>47</sup>

A new statute in California, setting forth the formula for the apportionment of the State highway fund (to become effective in 1963), provides that for each 4-year period subsequent to 1967, a percentage for each State highway district shall be computed on the basis of an estimate of State highway construction needs for a 10-year period.<sup>48</sup>

The statutes of Georgia contain a unique provision in that the State highway board is authorized to employ inspectors whose duties include that of going into the counties to inspect, measure and gather the information necessary for the compilation of such information as is deemed necessary to sound long-range planning of highway construction and maintenance.<sup>49</sup>

The Arkansas highway revenue distribution law declares it to be the State's policy to stabilize the use of certain of its highway revenues by providing for their distribution among the State, counties and municipalities according to the ratio of use of State highways, county roads and municipal streets. The department is therefore directed to make a study of the use of these roads every four years and to file a report of its findings with the governor and the general assembly in order that such changes may be made in the then existing law as are deemed necessary to conform with the State's declared policy.<sup>50</sup> The Kentucky department of highways is directed to continuously study the needs of the various counties for secondary and rural roads and on the basis of experience, studies, research and surveys, to prepare a scientific formula for the allocation of certain gasoline tax funds.<sup>51</sup>

<sup>45</sup> SMITH-HURD ILL. ANN. STATS, ch 121, §4-303.

<sup>46</sup> N MEX STATS 1953, §55-2-18

<sup>47</sup> MICH STATS ANN, §§9 1097(9a), 9 1097(14).

<sup>48</sup> DEERING'S CAL CODES, Sts & Hwy. Code, §188.8.

<sup>49</sup> CODE OF GA ANN, §95-1612.

<sup>50</sup> ARK STATS 1947, §76-309 1.

<sup>51</sup> KY REV STATS, §177 360.

The Washington highway commission is directed to report to the legislature on the highway needs of the State in light of the new Federal highway policy, taking into consideration the needs of

the existing State highway system and such extensions thereto as may be warranted by the expanding economy of the State.<sup>52</sup>

<sup>52</sup> REV CODE OF WASH , §43.27 192.

## PROJECT PRIORITIES

Statutes in a few States specify the factors to be considered in determining the priority of highway projects.

System classification is a factor in directives that provide that insofar as practicable priority shall be given first to the improvement of the State primary system,<sup>53</sup> and that improvements shall be made in such a manner as to equalize the condition of primary roads as nearly as possible in all sections of the State.<sup>54</sup>

In South Carolina, where construction of the State highway system is directed to be carried on simultaneously in each of the highway districts, the State highway commission is to determine and arrange the order of work in a fair and equitable manner among the counties within each highway district.<sup>55</sup>

The relative use and importance of roads is the criterion sometimes used to determine the order of construction,<sup>56</sup> and priority is also given those roads which will be of the greatest benefit to the county as a whole.<sup>57</sup>

The order of priority of projects on county roads is set forth in detail in the statutes of Missouri and Iowa. The order of selection of county roads in establishing the road construction program within the respective counties of Missouri is: first, those county roads presently used for school bus routes, mail routes and milk routes; second, those used for two of the aforementioned purposes; third, those used for any one of the aforementioned purposes; fourth, those which may be used if improved or restored for any one of the aforementioned purposes; and finally, fifth, any other county road if

consideration is given the number of farms or service units served by such road and the amount of traffic on it.<sup>58</sup>

In planning and adopting the county secondary road program the board of supervisors and the county engineer in Iowa are directed to give due and careful consideration (1) to the location of primary roads, and of roads improved as county roads, (2) to the market centers and main roads leading thereto, and (3) to rural mail and school bus routes, for the stated intent of the legislation is that when the program is finally executed, it will afford the highest possible systematic, intracounty and intercounty connections of all roads of the county. The board selects the roads which they consider advisable to embrace in the program and directs the county engineer to make a reconnaissance survey and estimate of those roads or of such part thereof as, in view of the public necessity and convenience, present the most urgent need and necessity for early consideration.<sup>59</sup>

Statutory reference to the use of engineering standards in determining road and street deficiencies is found in California where an annual report of road and street deficiencies is required. The report on city street deficiencies is to be prepared in accordance with instructions in the document entitled "Engineering Standards and Instructions for County Road and City Street Deficiency Surveys" appearing in the Senate Journal of the 1957 Regular Session for April 4, 1957. The required report on county road deficiencies is to be in accordance with the instruction forms and standards contained in the Public Works Guide adopted by the County Engineers Association

<sup>53</sup> N. D. CENTURY CODE, §24-03-03.

<sup>54</sup> CODE OF IOWA, 1958, §13.8

<sup>55</sup> CODE OF LAWS OF S. C. 1952, §38-161.

<sup>56</sup> MISS. CODE 1942, §§8328-07, 8328-08

<sup>57</sup> MISS. CODE 1942, §8328-08, VERNON'S TEX. CIV. STATS. 1948 art. 6812b.

<sup>58</sup> MO. REV. STATS. 1949, §231.460.

<sup>59</sup> CODE OF IOWA 1958, §§309.25 to 309.30

and approved by the Board of Directors of the County Supervisors Association of California.<sup>60</sup>

The use of highway sufficiency ratings in establishing project priorities is specifically mentioned in the statutes of six States (Table 4).

The Colorado department of highways is directed to promulgate and adopt rules and regulations for a practical system of rating roads, streets and highways, based on sufficiency rating studies for the systems under its jurisdiction.<sup>61</sup> The department is also directed to furnish detailed instructions regarding the performance and use of such studies, to counties and cities upon their request.<sup>62</sup>

The Florida State road board is authorized and required to adopt a system of sufficiency rating of roads in the State highway system,<sup>63</sup> and to use the results

of the rating of roads in determining priorities, not otherwise provided by law, when preparing the budget and work program.<sup>64</sup>

The Indiana statute provides that the sufficiency rating principle be applied, as far as it is practicable, in determining the projects to be included in the long-range construction program.<sup>65</sup> The Iowa highway commission is directed to have published annually a sufficiency rating report showing the relative condition of the primary roads.<sup>66</sup> The department of highways in Louisiana is directed to have prepared, at least every two years, a sufficiency rating of its highways for the purpose of aiding in establishing priority of improvements on the basis of the most urgent needs,<sup>67</sup> and the Nebraska law provides that the relative urgency of proposed improvements on the State

<sup>60</sup> DEERING'S CAL. CODES, Sts. & Hwys. Code, §2156.

<sup>61</sup> COLO. REV. STATS. 1953, §120-13-36.

<sup>62</sup> COLO. REV. STATS. 1953, §120-13-37, 120-13-38.

<sup>63</sup> FLA. STATS. 1957, §335 07

<sup>64</sup> FLA. STATS. 1957, §334 21.

<sup>65</sup> BURNS' IND. STATS. ANN., §86-2943

<sup>66</sup> CODE OF IOWA 1953, §807 5, as amended by L. 1959, c. 208.

<sup>67</sup> LA. REV. STATS. 1950, §48 192B.

Table 4. Statutory Factors to Be Used in Establishing Highway Sufficiency Ratings

State	Safety and Service Characteristics	Physical Condition	Other Factors
Colorado §120-13-36	Traffic volume, composition of traffic	Width of roadbed, pavement type	Other construction factors as deemed necessary.
Florida §335 07	X <sup>1</sup>	Structural adequacy <sup>1</sup>	
Illinois <sup>2</sup> ch 121, §4-302	X <sup>2</sup>	X <sup>2</sup>	
Indiana §36-2943	X	X	Purdue University studies, data and information.
Iowa §3075	X	X	
Louisiana §48 192			Most urgent needs. <sup>3</sup>
Nebraska §39-1337	X	Surface condition.	Economic factors.

<sup>1</sup> The determination of rating accorded these factors shall take into consideration the volume of traffic using the roads, and the minimum engineering standards required to safely accommodate such volume of traffic, age of roads, width of pavement and shoulders, number and degree of curves, both horizontal and vertical, ridability, and maintenance economy

<sup>2</sup> The Illinois statute does not specifically mention sufficiency ratings, however, it provides that with respect to the annual program, "the relative urgency of proposed improvements shall be determined by a consideration of the physical condition, and the safety and service characteristics of the State highways under consideration"

<sup>3</sup> In fixing priorities, board shall consider condition of roads and relative urgency of improvements considering in their order general needs, traffic volume, accident records, technical difficulties in the preparation of plans and the procurement of rights-of-way as well as unforeseeable emergencies such as floods. Department is directed to have prepared, at intervals not to exceed two years, a sufficiency rating of its highways to aid in establishing priority on the basis of most urgent needs

highway system be determined by a sufficiency rating established by the department of roads.<sup>68</sup>

The factors to be considered in establishing sufficiency ratings are found in Table 4.

It should be noted that there is a provision in the Illinois law which states that the relative urgency of proposed improvements shall be determined by a consideration of the physical condition and the safety and service characteristics of the State highways under consideration.<sup>69</sup> These factors are the same as those used in establishing sufficiency ratings (Table 4) and although the

Illinois statute does not mention the words "sufficiency ratings," sufficiency ratings are used in order to meet the intent of the statute.

The statutes of two States define "sufficiency rating." In Florida it is defined as the objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road.<sup>70</sup> The Indiana law defines it to mean any rating which assigns a numerical value to each road section reflecting its relative adequacy based on an engineering appraisal of structural condition, safety and traffic service.<sup>71</sup>

<sup>68</sup> REV. STATS. OF NEB. 1943, §§39-1337

<sup>69</sup> SMITH-HURD ILL. ANN. STATS., ch. 121, §4-302.

<sup>70</sup> FLA. STATS. 1957, §334.03.

<sup>71</sup> BURNS' IND. STATS. ANN., §36-2943

## INTERGOVERNMENTAL COOPERATION

Intergovernmental cooperation with respect to highway programming is sometimes specifically provided for by statute.

The chairman of the State road board in Florida and the State highway commissioner in North Dakota are similarly authorized and have the responsibility for the coordination of the total highway program within their respective States.<sup>72</sup> This coordination includes the designation of systems, the development of construction standards and the review of the annual programs for each of the major systems to ensure coordination of planning and general conformity with the law. The Florida law authorizes the local authorities to cooperate with the chairman of the State road board. The North Dakota provision specifies that programs for the road systems of the counties and cities are to be initiated by the respective county and city authorities and approved by the commissioner.

Upon request of the board of county commissioners of any county in Maryland, the State road commission is directed to furnish plans and plats showing how the county road system may best be improved as a concomitant to the State system. The plan is to suggest an annual program of construction based on the county funds available for construction and further to suggest the types of roads to be built and to furnish estimates of the cost thereof.<sup>73</sup>

The highway commissioner in New Jersey, prior to approving the annual work programs filed by counties and municipalities and extending State aid, may hold hearings with the local governing bodies with a view to recommending

such additions to, removals from, or changes in the work program as will best enable the counties and municipalities to develop their highways in cooperation and coordination with the State highway system and with each other.<sup>74</sup>

Iowa law provides that in the preparation of the county secondary road program the board of supervisors shall meet and consult with the township trustees as to the improvements needed for the secondary roads in the various townships.<sup>75</sup> The statutory authority of the board, subject to approval of the State highway commission, to adopt a comprehensive program for the next calendar year, based upon the construction funds estimated to be available for that year, has been interpreted to mean that the highway commission has authority to approve or disapprove the program in relation to whether or not such construction program conforms to the standard plans and specifications and manner of construction.<sup>76</sup>

In Colorado, boards of county commissioners are authorized to use a highway sufficiency rating method in determining priorities for the construction of roads, streets and highways under their specific jurisdiction. In this connection the Colorado department of highways upon request of the counties, is directed to furnish detailed instructions regarding the performance of such studies and their use in the establishment of priorities for construction and also to keep the counties informed as to the latest developments and techniques regarding them.<sup>77</sup>

<sup>74</sup> N. J. S. A., §27 13-2.

<sup>75</sup> CODE OF IOWA 1958, §309.10.

<sup>76</sup> Atty. Gen. Op. March 26, 1958, which found that the purpose of this legislation was to provide local self-government with a plan of checks and balances, the board to confer with the township trustees and adopt a sound program, with a final check and approval of the program by the highway commission.

<sup>77</sup> COLO. REV. STATS. 1953, §120-13-37.

<sup>72</sup> FLA. STATS. 1957, §834 11; N. D. REV. CODE OF 1943, §24-0208.

<sup>73</sup> ANN. CODE OF MD. 1957, art. 89B, §77.



The New Hampshire department of public works and highways is authorized to cooperate with the department of administration and control in long-range capital planning to meet the needs of the State, as requested by the governor and council, and subject to their approval.<sup>78</sup>

The statute authorizing the Illinois highway department to make investigations to determine the reasonably anticipated future needs for Federal aid and State highways provides that such

investigations may also be conducted in cooperation with counties, municipalities, the United States and other persons in pursuance of agreements to share the cost thereof.<sup>79</sup>

The Wisconsin highway commission, after determining the improvements to be made in the succeeding year must give notice to the county clerks and also to the State conservation commission and the secretary of the State soil conservation committee.<sup>80</sup>

<sup>78</sup> N. H. REV. STATS. ANN., §§8.8, 228.6.

<sup>79</sup> SMITH-HURD ILL. ANN. STATS., ch. 121, §4-303.  
<sup>80</sup> WIS. STATS., 1957, §84 01 (13).

## APPENDIX

### SUMMARY OF STATUTES BY STATE

#### ALASKA

##### *Alaska Comp. Laws 1949*

Not later than February first of each year, there shall be submitted by the Director to the Commissioner for presentation to the Board, a statement showing what construction work has been requested and proposed and may be undertaken by the Division. Such statement shall set forth a general itemization of the estimate cost for each and every project which may be made and the total estimates for all such projects. The Board shall examine the same and shall proceed to adopt a construction program which shall include the projects to be undertaken by the Department during the ensuing construction season and which shall establish project priorities. Nothing herein shall prevent the Board from adding to, amending, revising, or reducing from time to time as circumstances may warrant, such construction program. (§14A-2-43)

Notwithstanding the provisions of any other law relating to highways and highway financing, the Governor shall cause to be established by the Department of Public Works a continuing, long-range program for highway construction and maintenance which shall annually project proposed construction and maintenance of highways for not less than the next succeeding five years. A statement of such program shall be submitted by the Governor to the Legislature annually, and the long-range program shall include in detail the program prepared under §14A-2-43 for the ensuing fiscal year. The terms "highway" and "maintenance" as used in this Act shall be broadly construed as defined by §14A-1-3(9). (§14A-2-43a)

#### ARIZONA

##### *Ariz. Rev. Stats.*

Requires highway commission on or before first Monday in June each year to file with the Governor its estimate of expenditures for construction and purchases of rights of way for ensuing fiscal year. Estimates to be by separate projects, setting up in detail the contemplated expenditures for construction and rights of way and specifying in which counties the expenditures will be made. Must at same time be published in newspaper in each county with notice of public meeting. Following meeting commission may make changes. On or before June 30 commission shall adopt the budget as published and amended and certify it to auditor and treasurer. It then limits expenditures for ensuing fiscal year. (§18-135)

#### ARKANSAS

##### *Ark. Stats. 1947*

Powers and duties of State Highway Commission include authority to establish a program of current and long-range planning for the State Highway System. (1957 Repl. Vol. §76-201.5(d))

Commission shall make a biennial report to the Legislature embodying therein a clear statement of all questions that have arisen in that time and setting out such recommendations as it may think proper to make for the improvement of the road system of the State and for the efficiency of the department. (1957 Repl. Vol. §76-238)

The Arkansas Highway Revenue Distribution Law provides that it is declared to be the policy of the State to stabilize the use of certain of its highway revenues

by providing for the distribution of such revenues among the State, counties and municipalities in an equitable manner, according to the ratio of use of State highways, county roads and municipal streets. In furtherance of this policy, the department shall make a study of the use of State highways, county roads and municipal streets during the calendar year 1960 and each fourth year thereafter, and it shall file a report of its findings with the Governor and the General Assembly during the first week of the regular session of the General Assembly in 1961, and each fourth year thereafter, in order that such changes may be made in the then existing law as are deemed necessary to conform with the foregoing declaration of policy. (1957 Repl. Vol., §76-309.1)

#### CALIFORNIA

##### *Deering's Cal. Codes*

It is declared to be the policy of the Legislature to provide for advance planning and continuity of fiscal policy in the construction and improvement of the State Highway System and in the administration of the expenditures from the State Highway Fund. The commission is directed to follow such policy in so far as possible. (Sts. & Hwys. Code, §70.2)

Department of public works shall make at least 30 days before each regular session of the Legislature a budget report to the Governor. The Highway Commission shall prepare a statement of all estimated State Highway Fund revenues and revenues available from any other sources and estimated regular Federal aid for the next succeeding fiscal year, together with a statement of proposed expenditures or obligations to be incurred during the next succeeding fiscal year for the construction, improvement, and maintenance of the various highways or portions thereof under the jurisdiction of the department. Under major con-

struction and improvement will be shown all proposed expenditures or obligations to be incurred in each county group for major construction and improvement, segregating the route of each highway to be constructed or improved, the county in which located, the number of miles involved, and a description of the type of work to be done. The report as submitted by the department shall be included in the printed fiscal year budget submitted to the Legislature. It shall constitute as submitted the complete and detailed budget submitted to the Department of Finance pursuant to §13320 of the Government Code (Sts. & Hwy. Code, §143.1)

The State Highway Fund is budgeted by the highway commission (Sections 143.1, 143.2), subject to the requirements of the formulae contained in sections 182 through 193.

Subject to the provisions in this article and in section 825 all money in the State highway fund expended for construction of State highways, including the acquisition of rights of way, construction, reconstruction and construction engineering, shall be allocated and expended as follows—45% in Group No. 1 (northern counties) and 55% in Group No. 2 (southern counties). (Sts. & Hwy. Code, §188)

Out of the money expended pursuant to §188, the commission shall allocate and the department shall expend or cause to be expended in each county during each of the periods commencing and ending, respectively, July 1, 1952 to June 30, 1955, July 1, 1955 to June 30, 1958 and July 1, 1958 to June 30, 1963, not less than percentages specified in the statute. (Sts. & Hwy. Code, §188.4)

Effective July 1, 1963, the formula for the allocation of the expenditures pursuant to §188, is changed so that it is computed on the basis of highway districts. For each four-year period subsequent to June 30, 1967 a percentage for each state

highway district shall be computed on the basis of an estimate of state highway construction needs for a 10-year period less estimates for construction expenditures budgeted prior to the commencement of the period. (Sts. & Hwy. Code, §188.8)

With reference to the county primary road system, the road commissioner prepares a tentative road budget for the ensuing fiscal year and submits it to the board of supervisors who hold public hearings on it. In adopting it the board may make such changes and revisions as it considers will subservise the public interest. After adoption the road commissioner shall not obligate or expend funds appropriated for county road purposes other than as set forth in the budget as adopted; provided however, that the board may authorize the cancellation or transfer in whole or in part of any appropriation and reappropriate funds thus canceled for road purposes not set forth in the budget or to expenditure classifications insufficiently provided for where such action will best serve the interest of the people. (Sts. & Hwy. Code, §2007)

All money in the Highway Users Tax Fund is continuously appropriated for highway purposes. By formulae the amounts of money that are paid to the local governmental agencies and to the State highway fund for State highways are prescribed. (Sts. & Hwy. Code, §§2100, et seq.)

Every county and every city shall prepare an annual report on road and street deficiencies pursuant to the following:

(a) On or before October 1st of each year evenly divisible by 5, commencing with 1960, the county road commissioner in each county shall submit to the board of supervisors an annual report on deficiencies existing on the county road system as of July 1st of that year, and such report shall include:

(1) An itemized list of the road de-

ficiencies and an estimate of the cost to be incurred in eliminating such deficiencies;

(2) A plan or alternative plan for the financing of such improvements to the county road system, specifying the source or sources of funds for such expenditures;

(3) A list of the construction projects completed during the year and expenditures therefore:

(4) A list of construction projects in process as of July 1st of each year and the estimated cost and completion date for each project; and

(5) Such other technical or financial information as the road commissioner may deem appropriate or as may be requested by the board of supervisors.

In all other years the report may be in summary form and shall include:

(1) A summary of the previous year's deficiency report;

(2) A list of projects completed since the previous report, together with the final costs of the projects;

(3) A revision of the cost estimates of uncorrected items on the previous year's deficiency report;

(4) A list of new deficiency items with estimated costs; and

(5) Such other technical or financial information as may be requested by the board or as the road commissioner may deem appropriate.

(b) Each city council shall designate the appropriate city official who shall submit to the city council on or before June 1st of each year an annual report of deficiencies existing on the city street system and such report shall include the following:

(1) An itemized list of the street deficiencies and an estimate of the expenditures to be incurred in eliminating such deficiencies;

(2) A plan or alternative plan for the financing of such improvements to the city street system, specifying the source or sources of funds for such expenditures;

(3) A list of the construction projects

completed during the year and expenditures therefor;

(4) A list of construction projects in process as of June 1st of each year and the estimated completion cost and completion date for each project; and

(5) Such other technical or financial information as the city official may deem appropriate or as may be requested by the city council.

(c) The annual reports on city street deficiencies shall be prepared in accordance with the instructions contained in the document entitled "Engineering Standards and Instructions for County Road and City Street Deficiency Surveys," appearing in the Senate Journal of the 1957 Regular Session for April 4, 1957, commencing on page 1643 thereof.

(d) The annual report on county road deficiencies shall be prepared in accordance with the instructions, forms, and standards contained in the Public Works Guide adopted by the County Engineers Association and approved by the Board of Directors of the County Supervisors Association of California. (Sts. & Hwys. Code, §2156)

#### COLORADO

##### *Colo. Rev. Stats. 1953*

(2) Chief engineer, subject to the approval of the State highway commissioner, shall prepare a budget for the fiscal year, presenting a complete financial plan which shall set forth all proposed expenditures for administration, construction, maintenance, property and equipment, and for such other subdivisions as may be designated by the commission; all interest and debt redemption charges during the fiscal year or expenditures for all recurring purposes to be undertaken and executed during the fiscal year . . .

(3) The budget for the fiscal year shall be set forth in two parts. Part 1 shall consist of budget message by the commissioner which shall outline the financial

policy of the department for the ensuing fiscal year, describing in connection therewith the important features of the financial plan; it shall also embrace a general State highway budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and total anticipated revenues, together with the other means of financing the budget for the ensuing fiscal year compiled with corresponding figures for the last complete fiscal year and the fiscal year in progress. The general highway budget summary shall be supported by explanatory schedules or statements classifying the expenditures contained therein by organization units, objects and funds, and the income by organization units, sources and funds. Part 2 shall embrace the detailed budget estimates both of expenditures and revenues. It shall include the statements of the bonded indebtedness of the department of highways showing the debt redemption requirements, the debt authorized and unissued and the contents of the sinking funds; in addition thereto it shall contain any statement relating to the financial plan which the commission may deem as desirable. As an addenda to the budget there shall be published a complete list of all projects budgeted in prior years which have not been deleted or progressed to completion, including all funds carried over from the budget of previous years, whether resulting from construction or operation for less than the budgeted figure or from incomplete or deleted projects. (§120-2-11)

The board of county commissioners shall each year prepare a preliminary or tentative road budget for the county in compliance with the local government budget law (§88-1-1), showing in detail anticipated revenues from all sources and proposed expenditures for all purposes. The budget shall be compiled so that it will show separately, the anticipated

revenues and expenditures for the county road system. (§120-13-19)

Among the duties of the street supervisor in certain cities—He shall make such recommendations for street repairs and construction as in his judgment may be required. On the 1st day of each month, he shall make written recommendations for work to be performed under his jurisdiction, together with an estimate of the cost thereof. All such recommendations shall be subject to the approval of the city council or local governing authority. On the 1st day of each month he shall render a full and complete account of all expenditures and contracts for the month preceding to the local governing authority. (§120-13-26)

In each city, city and county, and incorporated town, the street supervisor or authorized budget officer, in compliance with the local government budget law, shall prepare, each year, a tentative street budget covering all proposed expenditures for the ensuing calendar year for the city street system. He shall submit the same as his recommended budget for the city street system to the city council or local governing authority for approval. (§120-13-30)

The department of highways, not later than December 31, 1953, shall promulgate and adopt rules and regulations for a practical system of rating roads, streets and highways based on sufficiency rating studies for the systems under its specific jurisdiction as follows:

Priorities for construction on the State highway system as designated by this article shall be determined by the State highway commission not later than May thirtieth of the year preceding the year during which said construction is to be undertaken. The State highway commission in establishing priorities shall make use of a sufficiency rating which shall take into consideration traffic volume,

composition of traffic, width of the road-bed, pavement type and such other construction factors as they shall deem necessary in order to adequately compare existing highway facilities with the known desirable standards for highways which should apply. (§120-13-36)

The boards of county commissioners of the various counties not later than December 31, 1954, and annually thereafter, shall submit to the State highway commission priorities for the construction of roads, streets and highways under their specific jurisdiction. The counties may use a highway sufficiency rating method similar to that employed by the department of highways and described in §120-13-36, for the purpose of establishing such priorities. The department of highways, upon request of the counties, shall furnish detailed instructions regarding the performance of such studies and their use in the establishment of priorities for construction and keep the counties informed as to the latest developments and techniques regarding same. (§120-13-37)

The city council, or local governing authority, of each incorporated place situated in Colorado, not later than December 31, 1954, shall submit to the State highway commission priorities for the construction of roads, streets and highways under their specific jurisdiction. The cities may use a highway sufficiency rating method similar to that employed by the department of highways and described in §120-13-36 for the purpose of establishing such priorities. The department of highways, upon request of the city officials, shall furnish detailed instructions regarding the performance of such studies and their use in the establishment of priorities for construction and keep the cities informed as to the latest developments and techniques regarding same. (§120-13-38)

## CONNECTICUT

*Gen. Stats. of Conn. Rev. of 1958*

Recommended Appropriations. Part II of the budget document shall present in detail for each of the two years of the ensuing biennium the governor's recommendation for appropriations to meet the expenditure needs of the State from the general fund and from all special and agency funds classified by budgeted agencies and showing for each budgeted agency and its subdivisions the appropriations recommended for meeting the cost of each major function and activity, project or program to be achieved in the budgeted year. Detailed statements shall be prepared which shall show in proper terms the work to be accomplished, expressed in work units to be done, services to be rendered, caseload to be carried or other descriptive terms or combinations thereof. It shall also set forth the budget recommendations for the capital program, to be supported by statements listing the agency's requests, recommendations of the State building program commission and the governor's recommendations. All Federal funds received for any purpose shall be accounted for in the budget. (§4-73)

## DELAWARE

*Del. Code Ann.*

The chief engineer shall immediately, upon assuming the duties of his office, prepare or acquire a survey and maps, plans or plots of the roads of the State, and information concerning the amount and nature of the traffic on the different portions thereof, the nature of the improvements thereof, if any, and the conditions thereof, and such other details of information as will give assistance in maintaining a system of State highways as required by this chapter. From time to time he shall recommend to the State highway department a program for the

improvement of State highways and for the inclusion of additional roads or portions of roads in the State highway system; the probable cost of the construction or reconstruction of such roads or portions of roads, and the roads or portions of roads which should first be improved and the probable amount of construction which could be undertaken. From time to time thereafter the chief engineer shall make like recommendations modifying, if necessary, any recommendations theretofore made. (tit. 17, §117)

The department shall consider the recommendations of the chief engineer and from such recommendations determine what roads or portions of roads, if any, shall be improved and what roads or portions of roads shall be added to the State highway system. (tit. 17, §133)

(a) On or before the fifteenth day of September, biennially, in the year which next precedes the convening of the General Assembly, each agency, . . . shall report to the Budget Commission on official blanks furnished for such purpose, an estimate in itemized form showing the amount needed for each fiscal year of the ensuing biennial period beginning with the first day of July next thereafter. (tit. 29, §6502)

## FLORIDA

*Fla. Stats. 1957*

Definitions—(21) Sufficiency rating—The objective rating of a road or section of a road for the purpose of determining its capability to serve properly the actual or anticipated volume of traffic using the road. (§334.03)

The chairman of the State road board shall have the authority and responsibility for the coordination of the total highway and road program within the State, including the designation of systems and the development of construction standards as hereinafter provided for, and shall review the annual programs

for each of the major systems to ensure coordination of planning and general conformity with the law. Local authorities are hereby authorized to cooperate with the chairman. (§334.11)

Executive director of the State road department shall prepare a tentative budget and work program including the administrative budget and the board shall, at a meeting to be held at least sixty days prior to the beginning of its fiscal year, pursuant to such tentative budget and work program and administrative budget, prepare a budget to control the expenditure of all funds made available for administrative purposes and for road construction and maintenance purposes during the ensuing year. The board shall use the results of the rating of roads, pursuant to regulations previously adopted, in determining priorities, not otherwise provided by law, when preparing such budget.

(4) Nature and scope of budget:

(a) . . . Provided, however, the board shall prior to the preparation of the budget ascertain the amount of Federal aid funds which shall be available to the department for expenditure in the fiscal year for which the budget is prepared, and shall budget sufficient appropriate funds for matching and other purposes, not to exceed one-half the receipts of the first (4-cent) gas tax, for expenditure on United States numbered highways and funds so budgeted shall be used for no other purpose. Such highways shall be the United States numbered highways in accordance with the official log of AASHO, as of January 1, 1955, and any subsequent extensions thereto and shall constitute a priority system until all such roads shall have a sufficiency rating of good or better in accordance with regulations prescribed by the board . . .

(5) A tentative program of work to be undertaken during the ensuing budget year shall be prepared for each fund setting forth all construction and mainte-

nance projects to be undertaken during the year under the budget for the unrestricted fund and under the budget for the restricted funds. The program of work for each fund may list projects, the sum total of the estimated cost of which may exceed the amount budgeted for construction and for maintenance set forth in the budget for each fund by fifty percent in order to provide alternate projects in case any particular listed project in the program of work cannot be undertaken during the year for any reason, provided, that no construction or maintenance project costing more than ten thousand dollars shall be undertaken without the approval of the board as recorded in its minutes. The purpose of this section is to avoid the necessity of including an amount in the budget for construction or maintenance of roads which is greater than the resources available for that purpose during any budget year, and to make the program of work of the department flexible by providing alternate projects for road construction and maintenance.

(6)(a) The proposed budget and the program of work for the unrestricted fund (i.e. moneys made available for expenditure for road construction and maintenance) shall be published . . . together with a notice of the time and place of the public meeting for considering such proposed budget and program of work.

(7) The board shall appoint a time and place for the public hearing on the proposed budget and the program of work at which time it shall hear all complaints and suggestions offered by the public as to any changes desired; such time of hearing shall be not less than thirty nor more than forty-five days before the beginning of the fiscal year.

(b) Upon completion of such hearing, the board shall not more than fifteen days prior to the beginning of the fiscal year, decide upon and make up a fiscal budget and program of work for the



ensuing year in accordance with the foregoing requirements and no construction or maintenance work shall be undertaken by the department other than that set forth in such budget and program of work as adopted or amended; provided, however, the department may, during the year, do emergency work necessary to prevent stoppage of travel over any State road under its jurisdiction and control, not exceeding in cost the amount set aside for an emergency fund.

(9)(a) The board shall have authority to amend its budget at any time during the fiscal year as follows:

(5) Substitution of project in the work program provided such substituted project in the primary work program shall not exceed 5% of the total of the original work program and in the secondary work program shall not exceed 25% of the total of the original work program applicable to the specific county. (§334.21(3))

(1) The State road board is authorized and required to adopt a system of sufficiency rating of roads in the State highway system.

(2) Such system shall include, but shall not be limited to, the consideration of the following factors:

- (a) Structural adequacy;
- (b) Safety, and
- (c) Service

(3) The determination of rating accorded to such factors shall take into consideration the volume of traffic using the roads, and the minimum engineering standards required to safely accommodate such volume of traffic; age of roads; width of pavement and shoulders; number and degree of curves, both horizontal and vertical; ridability; and maintenance economy. In addition to the factors and considerations herein required, the board may prescribe by regulation other factors or considerations to be used in obtaining sufficiency rating. (§335.07)

## GEORGIA

### *Code of Ga. Ann.*

The State Highway Board shall annually submit to the Governor a complete report of the operations, activities, and also the plans of the State Highway Department for the ensuing year, together with a budget sheet to cover the next fiscal year, with recommendations as to the work with which the said Department is charged. (§95-1506)

The State Highway Board may employ personnel to serve as inspectors at the pleasure of the Board and in the manner prescribed by the Board under any division of the State Highway Department. The number and salaries of such employees shall be fixed and determined by the Board, said employees, among such other duties as the Board may prescribe shall be charged with the duty of going into the counties of this State to inspect, measure and gather for the Department the information necessary for the compilation of the records heretofore called for in this law and such other information as is deemed by the Board to be necessary to sound long-range planning of highway construction and maintenance. (§95-1612)

The Division of Planning, or any other division of the State Highway Department designated by the State Highway Board, in conjunction with other engineering and design divisions of the Department conferring with a representative or representatives of the U. S. Public Roads Administration in matters involving Federal funds, shall prepare long-range biennial programs of improvements to be made under Federal-aid urban, Federal-aid primary, and Federal-aid secondary classifications. These programs shall be flexible and shall constitute the basis for setting up biennial programs of improvement work. All long-range biennial programs involving the use of Federal funds shall have the approval

of the State Highway Board or a majority thereof. The board shall so arrange that the surveys and drawings and the appropriate specifications shall be made available from among the projects in these approved programs in such scope, amount and classes as would provide at least a full year of work under the fund allocation available at the time. (§95-1615)

#### IDAHO

##### *Idaho Code*

The county road superintendent shall:  
(a) Each year prepare and submit for the approval of the board of county commissioners a tentative road budget covering all proposed expenditures for the ensuing year. (§40-135)

#### ILLINOIS

##### *Smith-Hurd Ill. Ann. Stats.*

The Department of Public Works and Buildings shall prepare, formally adopt, and publish a long-range plan of its future activities with regard to the State highway system. The long-range plan shall contain an estimate of revenues which will become available during that period and a statement of intention with respect to the construction, maintenance, and other related work to be done insofar as it is possible to make such estimates. The Department shall from time to time, cause a periodic reinspection of the State highway system to be made in order to revise its estimates of future needs to conform to the actual physical and service condition of the State highways and shall revise its long-range plan in accordance therewith. The long-range plan, in addition to the information specifically required by this section, may also contain such other information as will enable the public to have the most complete understanding of the needs of the State highway system. (ch. 121, §4-301 (Div. 3—Planning & Research))

Before December 31 of each year, the Department with respect to the State highway system, shall adopt from its long-range plan and publish a program of improvements to be accomplished within the following calendar year. This annual program shall consist of a list of definite projects listed in order of urgency and continuing until a reasonable year's work is included. However, in case of emergencies and disasters resulting in the necessity for completely unforeseen demands for construction, reconstruction or repair, or in the event of unforeseen difficulties in the acquisition of rights-of-way, materials, labor, or equipment necessary for proposed improvements, a deviation from the adopted annual program will be permitted. The relative urgency of proposed improvements shall be determined by a consideration of the physical condition, and the safety and service characteristics of the State highways under consideration. (ch. 121, §4-302—Annual program—Emergency & Disaster)

Investigations made by the Department to determine the reasonably anticipated future need for Federal aid highways and State highways may include, but shall not be limited to, the making of traffic surveys, the study of transportation facilities, research concerning the development of the several areas within this State and contiguous territory as affected by growth and changes in population and economic activity and the collection and review of data relating to all factors affecting the judicious planning of construction, improvement and maintenance of highways. Such investigations may also be conducted in cooperation with counties, municipalities, the United States, sister States, agencies of any such governments or other persons in pursuance of agreements to share the cost thereof. The Department is authorized to enter into such agreements. (ch. 121, §4-303—Investigations of future needs of Federal aid and State highways)

## INDIANA

*Burns' Ind. Stats. Ann.*

(a) The term "sufficiency rating" shall mean any rating which assigns a numerical value to each road section reflecting its relative adequacy base on an engineering appraisal of structural condition, safety and traffic service.

(b) The State highway department shall prepare, formally adopt and publish a long-range program of its future activities with regard to the construction of highways under its jurisdiction. The sufficiency rating principle shall be applied, as far as it is practicable, in determining the projects to be included in the long-range construction program and may be applied by districts. The long-range program shall contain an estimate of revenues which will become available during that period and a statement of intention with respect to the construction and other related work to be done insofar as it is possible to make such estimates. The department shall cause a periodic reinspection of the system of roads under its jurisdiction to be made in order to revise its estimates of future needs to conform to the actual physical and service condition of the highways from time to time. The long-range plan, in addition to the information specifically required by this section, may also contain such other information as will enable the public to have the most complete understanding of the needs of the State highway system. Before June 30, 1960, and annually thereafter, the department shall adopt from its long-range plan and publish a plan of construction to be accomplished within the following two fiscal years. This biennial plan shall consist of a list of projects listed in order of urgency: Provided, that in case of emergencies and disasters resulting in the necessity for completely unforeseen demands for construction; or in the event of unforeseen difficulties in the acquisition of rights-

of-way, materials, labor or equipment necessary for proposed construction, the availability of funds, a deviation from the adopted biennial plan will be permitted. The relative urgency of proposed construction shall be determined by a consideration of the physical condition, and the safety and service characteristics of the highways under consideration, and in arriving at and making such determination, the State highway department shall utilize all studies, data and information made available to it by Purdue University.

The State highway department of Indiana shall prepare and publish and make public a report at the end of each fiscal year. The report shall contain appropriate financial data concerning receipts and disbursements, the past year's accomplishments, the current highway improvement program and a plan of construction to be accomplished within the following two fiscal years, and an appraisal of the State's highway needs and the relative urgency of these needs. (§36-2943—1959 Supp.)

Counties over 500,000 (only Marion County) are subject to (§§36-3301 to 36-3321).

On or before July 1, 1960, and at two-year intervals thereafter the board of commissioners of the county shall have prepared under their direction and control a four-year construction plan for the county highway system which shall go into effect on and after January 1 of the following year. The plan shall include a map of the county showing the existing county highway system and other roads and also showing the proposed new construction. The plan shall set forth:

(1) All sections of the county highway system to be constructed or reconstructed in the next four years.

(2) The year in which such construction or reconstruction is to be done.

(3) The type of construction.

(4) The estimated total cost of such construction or reconstruction. (§36-3309)

The board shall set a date which shall not be later than August 1, for a hearing on the four-year construction plan. The board shall give notice of the hearing by publication at least 14 days in advance. . . . Within 60 days after the hearing, the board shall adopt a four-year construction plan. (§36-3310)

Upon a finding of necessity, or upon a proper petition as otherwise authorized by law, the board may at a regular or special meeting amend the four-year construction plan. Amendments shall be necessary only when it becomes advisable to add to or delete from the four-year plan or change the priority of roads within the plan. (§36-3311)

Each year by April 15, the board shall have prepared under their direction and control a plan for maintenance and repair of the county highway system to be in effect for the next twelve months. The plan shall include a map of the county highway system and set forth a program of maintenance and repair, the nature of the work to be done, and the estimated cost thereof. The maintenance and repair plan shall be adopted by resolution at the next regular or special meeting. Such plan may be amended at any regular or special meeting to correct any omission or to provide for any emergency which has arisen. (§36-3312)

## IOWA

### *Code of Iowa, 1958*

Prepare, adopt and cause to be published a long-range program for the primary road system. Such program shall be prepared for a period of at least 5 years and shall be revised, brought up to date and republished at least once every year in order to have a continuing 5 year program. The program shall include, in so far as such estimates can be made, an estimate of the money expected to

become available during the period covered by the program and a statement of the construction, maintenance, and other work planned to be performed, during such period. The commission shall conduct periodic reinspections of the primary roads in order to revise, from time to time, its estimates of future needs to conform to the physical and service conditions of the primary roads. The commission shall annually cause to be published a sufficiency rating report showing the relative conditions of the primary roads. Before the last day of December of each year, the commission shall adopt and cause to be published from its long-range program, a plan of improvements to be accomplished during the next calendar year. This annual program shall list definite projects in order of urgency and shall include a reasonable year's work with the funds estimated to be available. The annual program shall be final and followed by the commission in the next year except that deviations may be made in case of disaster or other unforeseen emergencies or difficulties. The relative urgency of the proposed improvements shall be determined by a consideration of the physical condition, safety, and service characteristics of the various primary roads. (§307.5 as amended by L.1959, c.208)

In the preparation of the county secondary road program required by §309.22 the board of supervisors shall meet and consult with the township trustees as to the improvements needed for the secondary roads in the various townships. (§309.10)

On or before the first day of December of each year the board of supervisors shall, subject to the approval of the State highway commission, adopt a comprehensive program for the next calendar year based upon the construction funds estimated to be available for such year. At the close of each year, the county engineer as a part of his annual report to the State

highway commission shall include a statement of the progress made toward the completion of each project contained in the approved program, a statement of the total amount expended on each such project during the year, and a statement of what portion of the work on each such project was done on contract and the amount so expended on each contract for each such project. (§309.22 as amended by L.1959, c.209)

Said program or project shall be planned on the basis of one general, uniform, and unified plan for the complete and permanent construction of the roads embraced therein as to bridge, culvert, tile, and grading or other improvements. (§309.24)

In planning and in adopting said program or project by the board of supervisors, said board and the county engineer shall give due and careful consideration, (1) to the location of primary roads, and of roads heretofore improved as county roads, (2) to the market centers and main roads leading thereto, and (3) to rural mail and school bus routes, it being the intent of this chapter that said program or project will, when finally executed, afford the highest possible systematic, intracounty and intercounty connections of all roads of the county. (§309.25)

The board after due consultation with the county engineer, shall first select in a provisional way the roads which they then consider advisable to embrace in said program, and direct said engineer to make a reconnaissance survey and estimate of all said roads, or of such part thereof as, in view of the public necessity and convenience, present the most urgent need and necessity for early consideration. (§309.26)

In addition to the foregoing, the engineer, when so ordered by the board, shall make written report to the board and shall designate therein in their order of importance the roads which, in his judgment, are most urgently in need of construction. (§309.27)

The engineer may in his report recommend that certain definitely described roads or parts thereof be omitted from the provisional program or project, or that certain definitely described roads or parts thereof be added thereto, and in such case he shall clearly enter on his report the reasons therefor. (§309.28)

A map of the county showing the location of the proposed program or project shall accompany the report of the engineer. (§309.29)

Additional reconnaissance surveys and estimates may be ordered by the board when it deems the same necessary or advisable. (§309.30)

After the construction program or project is finally determined, the county auditor shall record the same at length in a county road book. (§309.34)

On or before November of each year, the board of supervisors, with the assistance of the county engineer, shall adopt and submit to the State highway commission for approval the county secondary road budget for the next calendar year. It shall include an itemized statement of: . . .

4. The proposed expenditures from each road fund during the next calendar year. The estimates of such proposed expenditures shall be itemized and classified in a manner which the State highway commission shall prescribe. . . . (§309.93, as amended by L.1959, c.209)

The State highway commission shall have the power to approve or disapprove the budget adopted by the board of supervisors. . . . (§309.94)

The budget shall be binding except that should bona fide unforeseen or emergency conditions arise, the board of supervisors may amend. . . . (§309.95)

No county shall expend from the secondary road fund an amount in excess of the total amount of the budget or amended budget, whether such budget is approved or disapproved by the high-

way commission. . . . (§309.96, as amended by L.1959, c.209)

The State highway commission shall proceed to the improvement of the primary road system as rapidly as funds become available therefor until the entire mileage of the primary road system is built to established grade, bridged, and surfaced with pavement or other surface suited to the traffic on such road. Improvements shall be made and carried out in such manner as to equalize the condition of the primary roads, as nearly as possible, in all sections of the State. . . . (§313.8)

#### KANSAS

*Gen. Stats. of Kan. 1949*

Each department of the State government except the legislative, . . . or any other State agency requiring an appropriation from the State, shall present a request therefor to the governor on or before October 1 of the year prior to the meeting of the legislature. (§75-3005)

All estimates of anticipated expenditures shall show in detail the purposes for which said expenditures are to be made, and shall include a detailed statement of the expenditures of the preceding budgetary period for such items. (§75-3008)

Upon receipt of the estimates of the spending agencies and the report of the State treasurer and auditor, the governor, with the assistance of State budget director and accountant, shall proceed to examine such estimates and reports for the purpose of determining the necessity of the appropriations so requested and by November 15 notify the agencies as to what revisions if any he shall recommend to the legislature. (§75-3011)

When governor revises estimate, department may request public hearing and further investigation in order to have opportunity to show the necessity of the appropriation. (§75-3011a)

#### KENTUCKY

*Ky. Rev. Stats.*

The Department shall continuously study the needs of the various counties of Kentucky for secondary and rural roads and shall, on the basis of experience, studies, research and surveys, prepare a scientific formula for the allocation of funds provided for in KRS 138.220 (part of State gasoline taxes) between the various counties of Kentucky for the construction, reconstruction and maintenance of secondary and rural roads. (§177.360)

These gasoline taxes (§138.220) allocated and expended under KRS 177.320 to 177.370 are intended to be separate and apart from the funds appropriated, in the regular biennial State Road Appropriation Act, to the Division of Rural Highways of the Department of Highways. (§177.380)

#### LOUISIANA

*La. Rev. Stats. 1950*

A. The board of highways shall immediately establish construction standards relating to the width, type, right of way and related matters for each system of highways, following the best engineering practices and experiences for the construction of all roads, bridges, drainage structures, or other work which may be necessary from time to time on the three road systems established hereby; said standards shall comply with all Federal regulations necessary to obtain Federal aid for road and bridge construction in Louisiana. The board of highways shall thereafter immediately proceed with funds that are available to bring all inadequate roads in the three systems established hereby up to the required standards. The establishment of priorities on a project basis shall be sole responsibility of the board of highways. In fixing priorities, the board of highways shall

consider primarily the condition of the roads, streets and structure making up a part of the State highway system and the relative urgency of the improvements considering in their order general needs, traffic volume, accident records, technical difficulties in the preparation of plans and the procurement of rights of way as well as unforeseeable emergencies such as floods.

B. The department of highways is hereby directed to have prepared, at intervals not to exceed two years, a sufficiency rating of its highways for the purpose of aiding in establishing priority of improvements on the basis of the most urgent needs, which shall be regularly maintained once the backlog of present day needs is caught up and completed. (§48:192)

The director of highways shall cause to be prepared an annual budget for each fiscal year ending June 30th. The annual budget shall show an accurate estimate of all available revenues. These shall be completely allotted to specific purposes and individual projects, except that an allotment of not more than 500,000 dollars for any fiscal year for unspecified emergency purposes may be made. Allotments unexpended during the fiscal year shall be carried over to the next fiscal year as a cash balance brought forward and shall be re-allotted.

In the apportionment of allotments to the department of highway's several activities, preference shall be given to maintenance of existing highways and matching of appropriated Federal aid funds, respectively, and to administrative costs necessary to these allotments. The commitment of anticipated revenues, except for the purpose of financing construction contracts for projects not economically nor naturally divisible whose size requires a construction period of more than one year, is expressly prohibited. (§48:203)

Within three years from June 27, 1957,

all parishes shall be required to be organized and operate completely under a "Unit System" in order to qualify for the additional State aid provided in this part (Parish Road System). It shall be the duty of the State auditor to certify to the department of highways once each year such parishes as are operating under a "Unit System." The unit system shall include the development of a capital improvement road program on a selected basis, a centralized purchasing of equipment and supplies, a central accounting control system, central equipment repair and control, and selective maintenance and construction based on engineering plans and inspection. (§48:753)

Distribution formula—The distribution formula shall be as follows:

1. The 1c gasoline tax shall be distributed as provided for by Act 644 of the Regular Session of 1954.

2. Funds provided for by Acts 260, 270 and 92 of 1952 or any extensions thereof shall be distributed on the same basis as provided for in said acts.

3. (a) Any additional funds that may be allocated for road purposes from State sources other than the above shall be distributed to the various parishes in the proportion which the annual construction and maintenance requirements determined to exist on June 27, 1955, bears to the total annual construction and maintenance requirements in all parishes as provided for in the report of the Automotive Safety Foundation, known as "Louisiana's Highway Problem," an engineering analysis, filed October 29, 1954, provided that no parish shall receive less than \$5,000 per year hereunder.

(b) The State Department of Highways is hereby charged with the responsibility of resurveying needs on the parish system and reporting their findings to the legislature every fifth year after June 27, 1955. The legislature is directed to make the necessary changes in the formula in accordance with the resurvey.

(c) Conditioned upon the legislature making available the necessary funds, the department for the next ten years is directed to budget and allocate the sum of \$2,357,000 in each fiscal year to be distributed and expended in accordance with the provisions hereof. (§48:757)

## MAINE

### *Rev. Stats. of Me. 1954*

Commissioner of finance and administration, as State budget officer has duties including:

... II. To examine and recommend for approval the work program and quarterly allotment of each department or agency of the State government, before the appropriations made for such agency shall become available for expenditure;

III. To examine and recommend for approval any changes in the work program and quarterly allotments of any department or agency during the fiscal year. (ch. 16, §7)

The budget document includes a general budget summary which is supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects and funds, and the income by organization units, sources and funds. (ch. 16, §9)

On or before October 1st of the even-numbered years, all departments receiving or desiring to receive State funds under the provisions of law shall prepare, on blanks furnished them by the State budget officer, and submit to him estimates of their expenditure requirements for each fiscal year of the biennium compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The expenditure estimates shall be classified to set forth the data by funds, organization units, character and objects of expenditure; the organization units may be sub-classified by functions and activities or

in any other manner at the discretion of the State budget officer. (ch. 16, §10)

Governor and governor-elect with assistance of State budget officer review the estimates, altering, revising, increasing or decreasing the items as they deem necessary. (ch. 16, §11)

Not later than June 1st of each year, the governor shall require the head of each department and agency to submit to the department of finance and administration a work program for the ensuing fiscal year, such program shall include all appropriations made available to said department for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said appropriations by quarters for the entire fiscal year. Governor and council, with assistance of State budget officer shall review the requested allotments with respect to the work program and if they deem it necessary revise, alter or change such allotments before approving same. State budget officer transmits copy of allotments as approved to head of department and a copy to the State controller. State controller shall thereupon authorize all expenditures to be made from the appropriations on the basis of such allotments and not otherwise.

The head of any department whenever he deems it necessary by reason of changed conditions may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the department of finance and administration with his request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon such re-examination of the work program, the State budget officer, with the approval of the governor and council, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments.



In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments, the State budget officer with approval of governor and council may require the head of each department in making the original allotments, to set aside a reserve, the exact amount of which shall be determined by the budget officer of the total amount appropriated, . . . (ch. 16, §14)

#### MARYLAND

##### *Ann. Code of Md. 1957*

Upon the request of the board of county commissioners of any county, the State Roads Commission shall furnish said board with plans and plats showing how the county road system of said county may best be improved as a concomitant to the State system. Said plan shall suggest an annual program of county construction, based upon the county funds available for construction, and shall further suggest the types of roads to be built and furnish estimates of the cost thereof. (art. 89B, §77)

The State Roads Commission is hereby authorized to reserve and set aside annually for the next five years from the Construction Fund monies available under the twelve year highway construction and reconstruction program a sum not to exceed two million dollars in each of said five years for the purpose of purchasing rights of way, in addition to the rights of way, scheduled for acquisition in the document entitled "Road Construction and Reconstruction in the Proposed Twelve Year Program" for projects scheduled for future construction or reconstruction in the said above referred to document, for projects included in the document prepared by the State Roads Commission entitled "State Highway System Study — Including Sufficiency Ratings," dated February 1, 1958, and

projects scheduled to be completed under the Federal-Aid Highway Act of 1956. This fund will be known as the "State Roads Commission Right of Way Revolving Fund" and shall be specially designated by the comptroller of the State Roads Commission for said purpose on the books of the Commission. (art. 89B, §206)

#### MASSACHUSETTS

##### *Ann. Laws of Mass.*

**The Budget**—Within three weeks after the convening of the general court the governor shall recommend to the general court a budget which shall contain a statement of all proposed expenditures of the commonwealth for the fiscal year, including those already authorized by law, and of all taxes, revenues, loans and other means by which such expenditures shall be defrayed. This shall be arranged in such form as the general court may by law prescribe, or, in default thereof, as the governor shall determine. For the purpose of preparing his budget, the governor shall have power to require any board, commission, officer or department to furnish him with any information which he may deem necessary. (Constitution §197)

**The General Appropriation Bill**—All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill. The general court may increase, decrease, add or omit items in the budget. The general court may provide for its salaries, mileage, and expenses and for necessary expenditures in anticipation of appropriations, but before final action on the general appropriation bill it shall not enact any other appropriation bill except on recommendation of the governor. The governor may at any time recommend to the general court supplementary budgets which shall be subject to the same procedure as the original budget. (Constitution §198)

The Commissioner of public works shall make an annual report containing, in addition to other matters required by law the following:

A list of the expenditures in relation to highways, with such statements relative to the construction and maintenance of public ways and such recommendations as to the general policy of the commonwealth relative thereto as the department considers appropriate. (ch. 16, §7)

The powers and duties of the division of planning (of the department of commerce) include:

(a) To prepare and from time to time revise and perfect a master plan for the physical development of the commonwealth . . .

(h) To assist in preparing and executing long-range capital budgeting and programming of public works projects. (ch. 23A, §6)

Estimates for Other Purposes to Be Filed.—Officers and heads of departments who, in their annual reports or otherwise, recommend or petition for the expenditure of money by the commonwealth from any source of revenue, including expenditures to be met by assessments or the issue of notes or bonds, for any purpose not covered by the estimates required to be submitted under section three shall, annually, on or before September fifteenth, submit detailed estimates thereof to the budget commissioner, together with any other information required by him. (ch. 29, §4)

Annual Forecasts of Probable Annual Construction Expenditures.—Each department, office and commission responsible for any great amount of physical property shall annually submit with its budget estimates forecasts of probable annual construction expenditures for such period of years as shall be appropriate for such department, office or commission. Such forecasts shall be itemized, and items shall be classified for each year under one of three following classes: "necessary", "desirable" or "contingent". The first

class shall include word that is a part of a fixed and continuing program or is unavoidably necessary. The second class shall include items of work advantageously provided for at that time, but which might be postponed or possibly advanced. The third class shall include work dependent upon some other developments which cannot be definitely predetermined. Such forecasts may be modified from time to time to conform to changing conditions. The budget commissioner may from time to time fix or change the form of the forecasts, the classification of the items contained therein or the period of years to be covered thereby. (ch. 29, §5A)

The budget commissioner shall study and review all estimates and requests for appropriations and other authorizations for expenditures of State funds filed with him as provided by sections three and four, and shall make such investigations as will enable him to prepare a budget for the governor, setting forth such recommendations as the governor shall determine upon. The governor may call upon the comptroller for information relative to finances and for assistance in the preparation of the budget. The budget shall be submitted by the governor to the general court annually within three weeks after the general court convenes in regular session, and it shall embody all estimates, requests and recommendations for appropriations or other authorizations for expenditures by the commonwealth. The budget shall be classified and designated so as to show separately estimates and recommendations for: (a) expenses of administration, operations and maintenance; (b) deficiencies or overdrafts in appropriations of former years; (c) new construction, additions, improvements and other capital outlay; (d) interest on the public debt and sinking fund and serial bond requirements; and (e) all requests and proposals for expenditures for new projects and other undertakings; and shall include in detail definite recom-

mendations of the governor relative to the amounts which should be appropriated therefor. The budget shall include a sum, payable from the general fund equal to one half of the amount necessary for payment for personal services and other expenses for or on account of the enforcement of the laws relating to game and inland fisheries. The budget shall also include definite recommendations of the governor for financing the expenditures recommended and the relative amounts to be raised from ordinary revenue, direct taxes or loans. All appropriations based upon the budget to be paid from taxes or revenue shall be incorporated in a single bill to be designated the general appropriation bill. With the budget the governor shall submit to the general court such messages, statements or supplemental data relative thereto as he deems expedient, and from time to time during the session he may submit supplemental messages on recommendations relative to appropriations, revenues and loans. (ch. 29, §6)

#### MICHIGAN

*Mich. Stats. Ann.*

The commissioner of highways in each township shall render to the township board at the annual meeting thereof in each year an account in writing, stating:

. . . Fourth, An estimate of the amount of road repair tax which, in his judgment, should be assessed for the ensuing year, not exceeding the amount named in section 1 of this chapter;

Fifth, The permanent improvements which, in his judgment should be made on the roads and bridges during the next ensuing year and the amount of highway improvement tax which should be levied for that purpose, not to exceed the amount in section 1 of this chapter; . . . (§9.62)

Based upon preliminary surveys, general plans, specifications and estimates of roads, bridges and culverts made by the

county highway engineer before October 1 each year, the board of county road commissioners shall determine upon the amount of tax which in its judgment should be raised for the year specifying and itemizing the roads and parts of roads upon which such moneys are to be expended, stating the amount asked for each of such roads, (the statute specified tax limits by valuation). At the annual meeting of the board in October, the county clerk shall lay such determination before the board and it shall pass upon it, and if a majority of the board agree therewith, then such tax shall be apportioned among the several townships and cities according to their equalized valuation. If it does not meet with the approval of a majority of the board then the board shall proceed to decide upon the amount of tax to be raised for the purposes aforesaid, and may allow or reject in whole or in part any or all of the items for the sections of road thus submitted for its consideration; and it shall not be lawful for such county road commissioners without the consent of such board to spend any such moneys upon any other roads than as thus specified. (§9.120)

(Construction of township roads by county road commissioners)—Before the 1st day of April each year, each board of county road commissioners shall cause preliminary surveys, general plans, specifications and estimates of township roads, bridges and culverts which it is proposed to construct, improve and maintain under the provisions of this act during the ensuing year, to be made by the county highway engineer and based upon such estimates, shall determine upon the amount of tax, within the limitation hereinabove contained, which, in its judgment should be raised in each township of their county for such purposes, specifying and itemizing the roads and sections of roads upon which it is proposed to expend such moneys and stating the amount asked for each of such roads, and

shall cause such determination to be entered upon its records. Separate determination shall be made for each township. (§9.183)

Such determinations shall be filed with the proper township clerk before the 1st day of April and shall be presented to the electors at the annual township meeting, at which time the electors present shall pass upon the same, and if a majority agree therewith such tax shall be ordered. (§9.184)

The State highway commissioner shall make a continuing study or survey of highway conditions and deficiencies throughout the State in order to re-evaluate highway needs at regular intervals and thereby keep current the results of the study contained in the 1955 reports entitled "Modern Highways for Michigan, an Engineering Base for a Fiscal Report" and "Financing Modern Highways for Michigan." (§9.1097(9a))

(a) Each county road commission and incorporated city and village of the State shall submit biennial highway and street programs, based on long-range plans, with standards and specifications for projects included, to the State highway commission for approval at the time, in the manner, and on forms prescribed by the State highway commissioner.

... (c) All county road commissions and incorporated cities and villages shall keep accurate and uniform records on all road and street work and funds and shall annually report to the State highway commissioner at the time, in the manner and on forms prescribed by him the mileage and condition of each road system under their jurisdiction and the receipts and disbursements of road and street funds.

... (e) The State highway commissioner shall report biennially to the governor and the State legislature describing progress made by the State highway department, the county road commissions, and the incorporated cities and villages

in carrying out the adopted highway and street programs, and in such report he shall give an account of all expenditures of funds allocated from the motor vehicle highway fund to the State highway department, the county road commissions and the incorporated cities and villages.

(f) The State highway commissioner shall include in the biennial report to the governor and the legislature a summary of the program of improvements scheduled for the next biennium by the State highway department, the county road commissions and the incorporated cities and villages. (§9.1097(14))

## MINNESOTA

*Minn. Stats. 1957*

With respect to the governor's budget message, the statute provides that the budget plan be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects, and funds, . . . The budget plan shall be submitted for all special and dedicated funds, as well as the general revenue fund, and shall include the estimated amounts of Federal aids, for whatever purpose provided, together with estimated expenditures therefrom. (§16.15)

An amount equal to 50% of the apportionment sum shall be apportioned among the several counties so that each county shall receive of such amount the percentage that its money needs bears to the sum of the money needs of all of the individual counties with certain provisos. (art. III, §7, subd. 1, par. 4)

For the purpose of the section on the apportionment of money to counties, money needs of a county are defined as the estimated total annual costs of constructing, over a period of 25 years, the county State-aid highway system in the county. To avoid variances in costs due to differences in construction policy, construction costs are to be estimated

on the basis of the engineering standards developed cooperatively by the commissioner and the county engineers of the several counties. (art. III, §7, subd. 2)

The town board shall render to the annual town meeting a report in writing containing among other things a statement of the improvements needed on roads, cartways, and bridges for the ensuing year, with an estimate of their probable expense. . . . (Hwy Code, art. V, §2, subd. 4)

### MISSISSIPPI

#### *Miss. Code 1942*

One of the requirements which must be fulfilled in order for a county to be entitled to receive State aid and to expend State-aid monies in conjunction with monies furnished by said county on State-aid roads in such county on projects approved for construction in such county is that:

An annual program shall have been filed by the county engineer with the division of State-aid road construction and approved by the State-aid engineer, and in accordance with the uniform design standards and specifications set up by the State-aid engineer, except, however, that such program may be modified or revised in whole or in part by the State-aid engineer, with the agreement of the county involved. (§8035-04)

At the regular meeting in April of each year prior to the beginning of each July first fiscal year, the State highway commission shall adopt a complete, detailed and itemized budget based on information as required by the commission of budget and accounting, which budget shall not exceed a reasonably anticipated income of the commission for the succeeding fiscal year, and the essential features of such budget shall be spread at large on the minutes of the commission. A copy of the detailed budget shall be filed with the governor and three copies with the commission of budget and accounting on or before April 30th of each year and shall

cover all anticipated expenditures for construction, maintenance and all other expenditures for the ensuing fiscal year. The State-aid road division of the highway commission shall file an annual budget at the same time and in the same manner as the State highway commission and, in addition, shall comply with all other provisions of this section with reference to their budget. The commission shall not make expenditures in excess of its published budget, or any item thereof without prior approval of the commission of budget and accounting except in case of extraordinary, unusual or unprecedented occurrences arising by reason of unforeseen events, floods, hurricanes, or other acts of God or force majeure, in which event upon the declaration of emergency and necessity spread at large upon the minutes appropriate and necessary emergency expenditures may be made. During any year in which a general election is held the commission shall not expend for maintenance more than seven-twelfths of its budget as published in the first one half of the fiscal year. (§8043)

The State highway commission shall, at least ten days before the convening of each regular session of the Mississippi legislature [have completed and filed with the secretary of State a detailed report to the legislature] showing the construction and maintenance work, and the cost of same, as well as all monies received and disbursements made by the State highway commission, which report shall be in addition to any other report which may be required from the State highway commission. A printed summary of the report showing the essential details shall be submitted to each regular session of the legislature within ten days of the convening thereof. The report to the legislature shall also contain any information and recommendations either concerning highway work in general or legislation which in the opinion of the commission is needed, and shall contain reports of the director and the

chiefs of the several divisions of the department. Said report shall show the average cost of maintenance of each general type of road, the average cost of construction of the various types of surface, the average cost of grading per mile necessary to prepare the road for the various types of surface, and similar information concerning highway maintenance and construction. (§8046)

*County Highway Aid Act.*—Projects on the county Federal-aid highway system shall be selected jointly by the several boards of supervisors and the State highway commission in conformity with the applicable laws, rules and regulations of the Federal government and the public roads administration, of the Federal works agency, or any other authorized agency of the Federal government and the order of the construction and completion of such projects shall likewise be determined jointly by the several boards of supervisors and the State highway commission in conformity with such laws, rules and regulations; provided, however, that the State highway commission shall first call upon the several boards of supervisors to select and recommend a series of projects in the respective counties in the order in which, in the opinion of the board, or a majority thereof, the projects should be constructed, and such selections and recommendations shall be examined and analyzed by the State highway commission and if found to be proper and correct based on the relative use and importance of such roads, shall be approved by the State highway commission. (§8328-07)

As soon as possible after the effective date of this act, (1946) the State highway commission shall notify the board of supervisors of each county of the amount of money to be available for expenditure in such county from said Federal apportionment, and of the amount of money available from the appropriation made to the State highway fund as the State's share of the Federal-aid program on

secondary aid feeder roads. Within three months after the receipt of such notice, the board of supervisors of each county shall submit to the State highway commission a description of the recommended projects on county highways in such county which are approved by the county and recommended for selection and designation for participation in Federal-aid under the 1944 act. In the selection of such projects, and in the recommendation of the order of their improvement, the board of supervisors shall select projects which will be of the greatest benefit to the county as a whole, judged from the standpoint of relative use and importance, without regard to district or beat lines, insofar as same is consistent with the rules and regulations of the public roads administration of the Federal works agency. All such projects, and the order of their inauguration, shall be subject to the approval of the State highway commission as provided in the foregoing section. (§8328-08)

## MISSOURI

### *Mo. Rev. Stats. 1949*

1. In establishing the road construction program within the respective counties, the county court shall select roads in the following order:

(1) County roads presently used for school bus routes, mail routes and milk routes;

(2) County roads which are used for any two of the purposes named in subdivision (1) above;

(3) County roads now used for any one of the purposes named in (1);

(4) County roads which may be used if improved or restored for a school bus route, mail route or milk route;

(5) Any other county road if consideration is given to the number of farms or service units, as defined by the county aid road committee, served by such road and the amount of traffic on same.

2. If circumstances arise which make desirable a variation from the order herein established such variation will be permitted if approved by the county aid road committee.

3. "County roads" as used in §§231.440 to 231.500 means all public roads located within any county, except roads or highways constructed or maintained as State roads or highways, and except roads, streets, or highways in incorporated villages, towns, or cities. (§231.460)

#### MONTANA

*Rev. Codes of Mont. 1947*

State highway commission shall prepare and submit to the governor on or before the 15th of each month a report of the work constructed, under construction, and proposed for construction and the progress made during the preceding month, and shall make recommendations as to the needed improvements and their estimated cost. The commission shall prepare and submit to the governor and the legislative assembly during its regular session, and not later than the fifth legislative day, a comprehensive-condensed report of its activities for the preceding biennium. Such report shall include an accounting for all moneys received from Federal or State sources; a review of projects undertaken and completed; a summary of maintenance work performed by the commission; statistical tables covering personnel changes, compensation and status; a review of right-of-way procurement experience, including condemnation proceedings and average price paid per acre of land in representative areas of the State, and all other matters which would assist the legislative assembly in determining the financial and legal requirements of the commission for the following biennium. (§32-1603)

#### NEBRASKA

*Rev. Stats. of Neb. 1943*

At each regular meeting of the State Highway Commission, the State Engineer shall submit a report showing:

- (1) Progress of construction and maintenance of highways since the last regular meeting.
- (2) Receipts and disbursements for highways since the last regular meeting.
- (3) Proposed allocation of funds for future highway work, and
- (4) Proposed construction and maintenance of highways and when the same is proposed to be done. (1957 cum. supp. §39-1109)

The State Highway Commission shall file with the Governor each quarter a report fully and accurately showing conditions existing in the State with reference to the State's highway building and as to construction and maintenance work. Such reports shall further contain an itemized statement of all expenditures and the purposes for such expenditures since the last report submitted to the Governor. Each of such reports shall further contain an itemized budget of all proposed expenditures for the ensuing quarter. A copy of such report shall be given to the members of the Legislature and be made available to the public. (1957 cum. supp. §39-1111)

The relative urgency of proposed improvements on the State highway system shall be determined by a sufficiency rating established by the department of roads, insofar as the use of such a rating is deemed practicable. The sufficiency rating shall include, but not be limited to, the following factors:

- (1) Surface condition,
- (2) Economic factors,
- (3) Safety, and
- (4) Service.

(1957 cum. supp. §39-1337)

It shall be the duty of the county board in commissioner type counties having a county highway superintendent and in

township type counties having adopted a county road unit system to:

(1) Give notice to the public of the date set for public hearings upon the proposed county highway program of the county highway superintendent for the forthcoming year by publication once a week for three consecutive weeks in a legal newspaper of the county.

(2) Adopt a county highway annual program no later than March 1 of each year which shall include a schedule of construction, repair and maintenance projects and the order of priority thereof to be undertaken and carried out by the county, and a list of equipment to be purchased and the priority thereof, within the limits of the estimated funds available during the next twelve months. (1957 cum. supp. §39-1503)

In commissioner type counties not having a county highway superintendent, the county boards, or some other qualified person designated by the county board, shall assume and perform the powers and duties of the county highway superintendent. (1957 cum. supp. §39-1504)

It shall be the duty of the county highway superintendent to:

(1) Submit to the county board no later than February 1 of each year a proposed annual program, to be known as the county road annual program, proposing a schedule of construction, repair, maintenance and supervision of county roads and bridges including Federal-aid secondary road projects and a list of equipment and material purchases to be undertaken and carried out by the county within the limits of the estimated funds of the county during the next twelve months.

(2) File with the county clerk no later than February 1 of each year a revised and current map of the county roads clearly distinguishing the primary and secondary roads and indicating the past year's improvement thereon; and

(3) Undertake the projects contained in the county road annual program in the

order therein stated, and when requested by the county board report the projects completed, the projects in construction, and equipment and material purchased, the amounts expended upon roads and bridges and the sum remaining to be expended; Provided, that in case of an emergency deviations from the adopted program may be authorized by the unanimous vote of the county board. (1957 cum. supp. §39-1508)

## NEVADA

### *Nev. Rev. Stats.*

On or before January 15 of each year the board of directors of the department of highways shall have prepared and presented to the governor a detailed budget, stating therein the amount, character, and nature of the construction, reconstruction, improvements, studies and maintenance work to be performed on the highways within the respective counties of the State during the ensuing year, together with an estimate of the cost of such work.

The board shall cause a copy of such budget to be printed and a copy mailed to the chairman of the board of county commissioners of the several counties of the State, and a copy shall be furnished to each newspaper published in the State. (§408.280)

## NEW HAMPSHIRE

### *N.H. Rev. Stats. Ann.*

Department of public works and highways is authorized to:

. . . III. Cooperate with the department of administration and control in long range capital planning to meet the needs of the State, as may be requested by the governor and council and subject to their approval. (§228:6)

Director of budget and control (comptroller shall act as said director) shall:

. . . II. Conduct a continuous study of the financial operation, needs and resources of the State;



. . . IV. Formulate the budget plan and assist the governor in the preparation of a tentative budget, and the budget document, as provided in chapter 9;

. . . VII. Cooperate with the department of public works in long range capital planning to meet the needs of the State as may be requested by the governor and council, and subject to their approval. (§8:8)

#### NEW JERSEY

##### *N.J.S.A.*

All expenditures for State aid to counties or municipalities for the improvement, maintenance or repair of highways or for the building, maintenance or repair of bridges shall be in accordance with annual work programs prepared by the governing bodies thereof and filed with and approved by the commissioner. The work programs shall be submitted on blanks prepared by the commissioner and shall differentiate between State aid for highway construction, State aid for highway maintenance, State aid for bridge construction and State aid for bridge maintenance. (§27:13-2)

The commissioner may fix a date on or before which counties and municipalities shall file their annual work program, but in case of emergencies which were not anticipated, amendments thereto may at any time be filed and approved.

Prior to approving the programs and extending State aid to the projects set forth therein the commissioner may hold hearings with the governing bodies of the counties or municipalities concerned, with a view to recommending such additions to, removals from or changes in the work program as will best enable the counties and municipalities to develop the highways under their jurisdiction in co-operation and co-ordination with the State highway system and with each other. The commissioner may deny the extension of State aid to projects which in his judgment

do not comply with this requirement. (§27:13-3)

The governing body of any municipality desiring to avail itself of the State aid provided in §27:15-1 shall on or before March 1st following receipt of the notification of amount of State aid available to it, file with the State Highway Commissioner a schedule, approved by resolution of the governing body of such municipality setting forth all work proposed to be undertaken in which all or any part of such State aid is to be used, together with the respective estimated costs thereof. When requested by the State Highway Commissioner, any such municipality shall file with said commissioner the latest official map of such municipality showing all municipal roads and indicating those which are improved and those which are unimproved, setting forth the mileage of each. (§27:15-1.1)

#### NEW MEXICO

##### *N. Mex. Stats. 1953*

State highway engineer shall cause to be made and kept in his office a general highway plan of the State, and select and designate the State roads system. . . . Engineer shall collect information with reference to the mileage, character and condition of the highways and bridges in the several counties of the State, and shall investigate and determine the methods of road construction and maintenance best adapted to the various sections of the State, having due regard to topography, natural conditions, the availability of road building materials, the prevailing traffic conditions and the ability of the counties to meet the cost of building and maintaining roads and bridges therein. He may, at all reasonable times be consulted by county and other officials having authority over highways and bridges, relative to any question affecting such highways and bridges; and he may in like manner call on county road officials and county surveyors

for any information or maps relative to the location, character, and condition of the highways and bridges within their jurisdiction or control (misdemeanor not to comply). . . . He shall report the proceedings of his office annually to the State highway commission, at such time as it may designate. (§55-2-18)

It is the duty of the State highway commission to investigate the need of various localities in the State in regard to public roads and to determine which roads shall be constructed or repaired and to cooperate with the various boards of county commissioners of the different counties of the State in the construction of such roads and highways. . . . (§55-2-19)

#### NEW YORK

##### *N.Y. Consol. Laws Service*

The superintendent of public works shall include in his annual report to the legislature a statement of the condition of the highways and bridges, the progress of the improvement and maintenance of State highways, county roads and town highways, the amount of moneys received and expended during the year, upon highways and bridges and such matters as in his judgment should be brought to the attention of the legislature, together with recommendations as to such measures in relation to highways as the public interests require. (Highway Law §10(18))

County superintendent, subject to the rules and regulations of the department of public works and to the supervision of the superintendent of public works:

. . . (3) Shall prepare and submit annually in the manner prescribed by and on or before the date fixed by or pursuant to law, a statement of the amount necessary to be raised by the board of supervisors for the construction, improvement and maintenance of such county roads for the ensuing year, showing the amount by towns and as a total and the location where any pertinent repairs are required to be made. (Highway Law §102)

#### NORTH CAROLINA

##### *Gen. Stats. of N.C.*

State Highway Commission shall establish statewide standards and criteria for additions to the secondary system and for maintenance and construction of secondary roads. On the basis of these standards and criteria the Commission shall allocate funds appropriated for secondary road additions, maintenance, and construction to each of the counties, in order that each shall receive an equitable share of available funds. The Commission shall establish policies for the preparation of annual plans for maintenance and construction of the secondary roads in each county, which policies shall include provision for consultation in the preparation process with county commissioners and interested citizens, recommendations by county commissioners and interested citizens concerning the plan, reports to persons making recommendations on the disposition of the recommendations, final adoption of the plan, and filing of a copy of the plan with the board of county commissioners. (§136-61)

#### NORTH DAKOTA

##### *N.D. Century Code*

State highway commissioner shall have the authority and responsibility for the coordination of the total highway, road and street program within the State, including the designation of systems and the development of construction standards as hereinafter provided for, and shall review the annual programs for each of the major systems to ensure coordination of planning and general conformity with the law. To obtain coordination, programs for the road systems of the counties and cities shall be initiated by the respective county and city authorities and approved by the commissioner. (§24-02-08)

Not later than the 15th day of May of each year, each head of a department,

division, section, or activity of the department who may be directed and designated to do so by the commissioner, shall submit to the commissioner an outline of the work which should be undertaken by such department during the following fiscal year and the estimated expense thereof, in such detail as the commissioner may prescribe, together with such other cost data and information as the commission shall direct.

Not later than the 30th day of June of each year the commission shall adopt a departmental budget wherein shall be allocated, set aside and apportioned to each department for the ensuing year, a definite and fixed sum in such amount and with such detail as the commission may elect for the use and purpose specified in such departmental budget. This does not prevent the commission from adding to, amending, revising, or reducing from time to time and as circumstances may warrant, such departmental budget. (§24-02-09)

Not later than the fifteenth day of January of each year there shall be submitted to the commissioner by the chief engineer a statement showing what improvements, structures and construction work have been requested and proposed, and may be undertaken by the department. Such statement shall set forth the estimated quantities and the estimated unit cost of each class, type, and nature, together with the totals thereof for each and every project or improvement which may be made, and the totals of all such projects or improvements, and the average quantities and unit costs for all such projects or improvements. The commissioner shall examine the same and shall proceed to adopt a construction program wherein shall be determined what projects and improvements shall be undertaken by the said department during the ensuing construction season, and the order of priority thereof. Insofar as practicable, priority shall be given first to the improvement of the so-called primary system of the State highway system, and the total

estimated cost of such construction program shall not exceed the total estimated income or allowance granted or set aside for construction purposes in the departmental budget. Nothing herein, however, shall prevent the commissioner from adding to, amending, revising, or reducing from time to time and as circumstances may warrant, such construction program. The commissioner shall proceed to advertise for bids for contracts at such time as he may elect, and in the manner and for the purposes in this chapter provided. (§24-03-03)

## OHIO

### *Baldwin's Ohio Rev. Code*

*Ch. 5528—State Highway Bonds.*—There is hereby created in the State treasury a fund "major thoroughfare construction fund." Moneys to its credit may be expended, when appropriated by the general assembly, to meet the requirements of programs of schedules of acquisition of rights of way, highway construction, and reconstruction, which the governor shall submit to the general assembly, . . . (§5528.07)

The governor shall submit to the general assembly programs or schedules of acquisition of rights of way, highway construction and reconstruction for the major thoroughfares of the State highway system and urban extensions thereof which shall be the programs or schedules and for which moneys derived from the sale of bonds issued pursuant to §5528.01 of the Rev. Code may be appropriated. (§5528.071)

## OKLAHOMA

### *Okla. Stats. 1951*

On or before the first day of June in each year, each State department, board, commission, institution, or agency hereinafter referred to collectively as "spending agencies," which has received an appropriation

for its operation, maintenance or other purpose, or purposes, which appropriation will be available for the ensuing fiscal year, shall file with the Budget Director, on forms provided by him, a work program for the ensuing fiscal year, such program to include all appropriations made available to the spending agency and setting out allotments requested by such spending agency, by quarters, for the entire year. Such program and allotment requests shall be signed by the executive officer of the spending agency and may be made by the officer hereinafter called "request officer," who shall be designated by each spending agency for that purpose. All acts of the Legislature appropriating money to any department, board, commission, institution or agency, beginning with the appropriations which become available for the fiscal year beginning July 1, 1947 including non-fiscal appropriations which are to be financed from the revenue for the fiscal year beginning July 1, 1947, and for each succeeding fiscal year thereafter, shall not be available for expenditure until the request officer of such spending agencies has complied with the provisions of this Act relative to allotting appropriations and has received an approval of such request from the Budget Director. (tit. 62, §41.7)

Each officer, Board or Commission of any county, city, township and school districts or town, and all employees charged with the management or control, of any department or institution or either thereof, shall on or before the first Monday in July of each year, make and file with the Board or Commission charged with the duty of reporting to the excise board, a report in writing showing, by classes, the earnings and cost of maintaining their respective offices or departments for the previous fiscal year, together with an itemized statement and estimate of the probable need thereof for the current or ensuing fiscal year. Provided that the report relative to the construction and

repair of bridges shall be made by the county commissioners and county surveyors, conjointly, and shall be itemized so as to show the location of each proposed new bridge and the estimated cost thereof. (tit. 68, §288)

It shall be the duty of the State Highway Commission and Director to make quarterly reports in writing to the Governor of the complete operation, activities and plans of the State Highway Department, together with such recommendations for future activities of the Department as the Commission and Director may deem to be to the best interest of the State. (tit. 69, §20.4)

#### OREGON

##### *Ore. Rev. Stats.*

State Highway Commission to submit a biennial statement and budget estimate as required by law and shall limit its expenditures from the State Highway Fund during each biennial period to the total amount of the budget approved according to law; . . . (§366.518)

#### PENNSYLVANIA

##### *Purdon's Pa. Stats. Ann.*

These sections, Act of 1949, May 23 PL 1812 §1-6 created a Highway Planning Commission to develop a long range highway program for the Commonwealth. It was required to make a final report to the Governor not later than the first day of November 1950 and file copies of its report not later than the first day of February, 1951. (tit. 36, §§2722.1 to 2722.6—Expired)

#### RHODE ISLAND

##### *Gen. Laws of R.I. 1956*

Director of public works shall annually make a report to the general assembly, during the month of January, setting forth in detail all its transactions during the

preceding year and making such recommendations for improving the main highways of the State as he shall deem for the best interests of the entire State, having regard also to the connection of said main highways with the main highways of the adjoining States. . . . (§24-8-1)

Within the department of administration there shall be a budget officer who shall be appointed by the director of administration with the approval of the governor. Budget officer shall exercise the powers and duties of the department and director relating to the budget and shall be required: (a) to exercise budgetary control over all State departments and agencies; (b) to operate an appropriation allotment system; (c) to prepare the annual budget of the receipts and expenditures of the State; (d) to develop long term activity and financial programs, particularly capital improvement programs; . . . (§35-3-1)

#### SOUTH CAROLINA

##### *Code of Laws of S.C. 1952*

Except as otherwise provided by law, the construction of the State highway system shall be carried on simultaneously in each of the highway districts of the State and the State Highway Commission shall determine and arrange the order of the work in a fair and equitable manner among the counties within each highway district. (§33-161)

#### TENNESSEE

##### *Tenn. Code Ann.*

Powers of the department of the budget include:

4. To examine and recommend for approval the work program and quarterly allotments of each spending agency of the State government before the appropriations made for such agency shall become available for expenditure. (§4-325)

When the State system of rural roads

has been designated by the commissioner of highways and public works, the county authorities having authority over the county roads shall submit to the department of highways and public works an annual program of improvements to be made in said county, said program of improvements shall be carried out as provided in this chapter (Rural Roads System). No county shall be permitted to submit an annual program in excess of the funds allocated to said county. (§54-609)

#### TEXAS

##### *Vernon's Tex. Civ. Stats. 1948*

In counties of 198,000 to 400,000 population (with incorporated city having population over 250,000) the county engineer shall when funds are available and when authorized by the Commissioners Court to do so, make a careful and thorough survey of all roads at the time opened and constructed with a view of determining what new roads and connections of roads should be opened and constructed as well as what roads should be widened and improved. In making such survey he shall take into consideration the convenience of the traveling public. . . . Such survey, when completed and when adopted by the Commissioners Court at a regular meeting shall be known as the "Master Plan." After its adoption all new construction, widening and permanent improvement shall be done in accordance with it. . . . The order in which roads or projects in the construction of said "Master Plan" are constructed shall be determined by the county engineer, with the approval of the Commissioners Court and in determining the priority of roads or projects, the engineer and court shall take into consideration the necessity and convenience of the public and shall give priority to those roads or projects that will result in the greatest service to the greatest number of the citizenship of the county, looking at all times to the entire county as

a unit and wholly disregarding precinct lines. (1952 Supp.—art. (6812 b.(7))

#### UTAH

##### *Utah Code Ann. 1953*

(17) State road commission has power and duty to submit to governor biennially, on or before last day of October preceding each regular session of legislature, a report of all expenditures, together with a statement of the work accomplished and also a statement of the general condition of the roads of the State, with such recommendations as the commission may deem proper. (§27-2-7)

#### WASHINGTON

##### *Rev. Code of Wash.*

The county commissioners shall submit to the auditor a detailed statement showing all new road and bridge construction to be financed from the county road fund, and from bond issues theretofore issued, if any, for the ensuing fiscal year, together with the cost thereof as computed by the county road engineer or for constructions in charge of a special engineer, then by such engineer, and such engineer shall prepare such estimates for the commissioners. They shall also submit a similar statement showing the road and bridge maintenance program, as near as can be estimated.

The commissioners shall also submit to the auditor detailed estimates of all expenditures for construction or improvement purposes proposed to be made from the proceeds of bonds or warrants not yet authorized. (§36.40.020)

Upon conclusion of the hearing, the board shall fix and determine each item and by resolution adopt the budget. (§36.40.080)

Prior to January 1, 1962, the board of county commissioners of each county with the advice and assistance of the county

road engineer, and pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive road program for the ensuing six years and shall file the same with the director of highways not more than thirty days after its adoption by the board. Biennially thereafter each board shall review the work accomplished under the program and determine current county road needs. Based on these findings each board shall prepare and after public hearing thereon adopt a revised and extended comprehensive road program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption by the board. The purpose of this section shall be to assure that perpetually each county shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a co-ordinated road construction program. Such program may at any time be revised by a majority of the board but only after a public hearing thereon.

Prior to January 1, 1962, the legislative body of each city and town pursuant to one or more public hearings thereon, shall prepare and adopt a comprehensive street program for the ensuing six years and shall file the same with the director of highways not more than thirty days after its adoption. Biennially thereafter the legislative body of each city and town shall review the work accomplished under the program and determine current city street needs. Based on these findings each such legislative body shall prepare and after public hearings thereon adopt a revised and extended comprehensive street program, and each two-year extension and revision shall be filed with the director of highways not more than thirty days after its adoption. The purpose of this section shall be to assure that perpetually each city and town shall have available advanced plans, looking to the future for not less than four years as a guide in carrying out a co-ordinated street construction pro-

gram. Such program may at any time be revised by a majority of the legislative body of a city or town but only after a public hearing. (Chapter 195, Laws of 1961, repealing section 36.81.120)

Director of highways shall prepare and submit to the governor thirty days before each regular session of the legislature a report of work constructed or under construction, and make recommendations as to needed State highways and improvements of the State highway system together with the estimated cost thereof. (§43.27.020(2))

State highway commission shall prepare a report of its activities to be submitted to each biennial session of the legislature. Report to show the sum of money expended by or under its direction and data and information to show a strict accounting of such sums. (§43.27.190)

State highway commission shall report to the legislature on the highway needs of the State in the light of the new Federal highway policy, taking into consideration the needs of the existing State highway system and such extensions thereto as may be warranted by the expanding economy of the State. (§43.27.192)

State highway commission shall prepare, furnish and present to the governor and the legislature the budget for the following two years. The commission shall continue its comprehensive plan for highway development based on the principle that the State is furnishing transportation facilities which should be paid for by those most benefited and developed in the order of greatest need therefor. (§43.27.200)

#### WISCONSIN

*Wis. Stats. 1957*

(7) (d)—County highway commissioner shall make an annual report to the State highway commission and to the county board at its annual meeting containing an

itemized statement of all expenditures made from the county road and bridge fund during the year ending November 1. He shall include in his report an itemized estimate of the amount needed to properly maintain the county trunk highways in his county for the succeeding year and shall make such recommendations as he deems advisable. (§83.01)

(13)—The commission shall make a biennial report of its work to the governor for the use of the legislature and issue such bulletins, pamphlets and literature as it deems necessary.

(19) The commission shall annually determine, as far as possible, what improvements will be made during the succeeding year, and notify the county clerks prior to November 1, as to the improvements in their respective counties. Such notice shall also be given to the director of the State conservation commission and the secretary of the State soil conservation committee.

(21) (a) Whenever the county board of any county and the commission agree on a project for expenditure of allotments standing to the credit of such county under §84.03(3) (State trunk highway allotment; county minimum), the commission shall forthwith proceed to make surveys and plans, acquire the right of way, hold public hearings and other requirements necessary to prepare the project to the point preceding the advertisement for bids.

(c) Whenever the county board of any county and the commission agree on projects for construction as provided in paragraph (a), the commission shall forthwith prepare a future construction program the estimated cost of which shall as nearly as practicable equal all outstanding credits available under §84.03(3) as of July 1, 1943, plus anticipated Federal aid and any other funds available for construction, and annually thereafter subject to provisions of par. (a), the commission shall forthwith prepare a construction program

the estimated cost of which shall equal all funds available under §84.03(3), proposed bond issues, anticipated Federal aid, and the portion of §20.420(82) (State fund for construction and maintenance) available for construction and make surveys and plans, acquire the right of way, hold public hearings and other requirements necessary to prepare the projects included in the program to the point preceding the advertisement for bids. Such preparations shall be completed and on file in the office of the commission on or before November 1 of each year. (§84.01)

## PUERTO RICO

*Laws of P.R.*

## Under acceptance of Federal-aid:

The Secretary of Public Works is hereby further authorized to prepare and he is hereby directed to prepare, the program of works to be carried out with combined Federal and commonwealth funds, and he is further authorized and empowered to negotiate and execute the necessary agreements with the proper Federal authorities to carry out the works program with the combined funds of both governments. (tit. 9, §72)



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THE NATIONAL ACADEMY OF SCIENCES—NATIONAL RESEARCH COUNCIL is a private, nonprofit organization of scientists, dedicated to the furtherance of science and to its use for the general welfare. The ACADEMY itself was established in 1863 under a congressional charter signed by President Lincoln. Empowered to provide for all activities appropriate to academies of science, it was also required by its charter to act as an adviser to the federal government in scientific matters. This provision accounts for the close ties that have always existed between the ACADEMY and the government, although the ACADEMY is not a governmental agency.

The NATIONAL RESEARCH COUNCIL was established by the ACADEMY in 1916, at the request of President Wilson, to enable scientists generally to associate their efforts with those of the limited membership of the ACADEMY in service to the nation, to society, and to science at home and abroad. Members of the NATIONAL RESEARCH COUNCIL receive their appointments from the president of the ACADEMY. They include representatives nominated by the major scientific and technical societies, representatives of the federal government, and a number of members at large. In addition, several thousand scientists and engineers take part in the activities of the research council through membership on its various boards and committees.

Receiving funds from both public and private sources, by contribution, grant, or contract, the ACADEMY and its RESEARCH COUNCIL thus work to stimulate research and its applications, to survey the broad possibilities of science, to promote effective utilization of the scientific and technical resources of the country, to serve the government, and to further the general interests of science.

The HIGHWAY RESEARCH BOARD was organized November 11, 1920, as an agency of the Division of Engineering and Industrial Research, one of the eight functional divisions of the NATIONAL RESEARCH COUNCIL. The BOARD is a cooperative organization of the highway technologists of America operating under the auspices of the ACADEMY-COUNCIL and with the support of the several highway departments, the Bureau of Public Roads, and many other organizations interested in the development of highway transportation. The purposes of the BOARD are to encourage research and to provide a national clearinghouse and correlation service for research activities and information on highway administration and technology.

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