LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION OF THE POST-WAR HIGHWAY PROGRAM

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SYNOPSIS

New legislative and administrative machinery has become necessary to implement the highway programs planned for execution after the war. Obsolete land acquisition laws and procedures can be especially detrimental to the realization of balanced highway development. Control of highway access and roadsides need to be sanctioned by State law and effectively applied. The parking problem remains to be dealt with adequately.

The more active cooperation of cities, counties and other local units in an expanded scope of operations of the highway enterprise, suggest the need for new and revised legal, financial, and administrative arrangements at the State and local levels.

The State and its cities and counties united can achieve the objectives of a rational highway program. Without effective cooperation, the costs will be higher and the transportation service poorer.

Unless the administrative city can expand political boundaries by whatever device is feasible to encompass its satellite residential and industrial communities, the economic welfare of that city and its suburbs will continue to disintegrate. The city can no longer be half recognized and half ignored in the planning and construction of urban expressways, and the distribution of funds to finance these improvements.

It should be the responsibility of the State to assist highway authorities by removing all legislative and administrative obstacles that impede progress.

In large measure, the successful highway development that characterizes the past decades has been the joint accomplishment of Federal and State governments, made possible by teamwork of a quality not often found in intergovernmental activities. New and critical highway needs have expanded the scope of operations of the highway enterprise, necessitating, among other things, the more active support of the cities, the counties and the other local units.

Brief reconnaissance of the field of highway legislation and administration reveals a startling conglomeration of inadequacies requiring immediate study and constructive action. True it is that, by and large, road law and administration have served their purpose well; but new concepts of highway standards and new measures of highway service have made revision imperative. Otherwise, highway administrators and road builders will be forced to work with inadequate instruments totally unsuited for the challenging task ahead.

Highway authorities have become increasingly aware of the necessity for improvement in existing highway land acquisition laws and practices. To implement the expressway programs being planned by Federal, State and local agencies, the right to control highway access requires recognition by State law. The designation and improvement to desirable standards of a National System of Interstate Highways will also require new legislation and administrative action.

The need to control the use of highway roadsides, by various legal devices, in order to facilitate safer and more efficient travel, is particularly urgent in urbanized areas. Adequate provision is still lacking to deal with the parking problem, especially as it exists in the central business areas of the larger cities.

New financial and administrative arrangements will be necessary to implement city and metropolitan arterial highway needs. The existing gap between the local authority of the corporate city and its larger metropolitan functions and responsibilities must soon be bridged by appropriate provision. Likewise, secondary and feeder road requirements suggest the necessity for a large measure of State-county cooperation.

These and other elements of a reasonably balanced highway program have become

apparent in recent years. The Federal-Aid Highway Act of 1944 has been enacted in furtherance of supplying these needs. State and local legislation is required to facilitate the planning and programming of modern road improvement.

It is the purpose of this paper to outline some legal and administrative inadequacies, and to suggest the means for their elimination. The discussion is intended to promote the clarification of some existing ambiguities in present highway law as well as to suggest means of broadening existing authority, to the end that present legal and administrative machinery be made commensurate with the requirements of modern motor travel. The object is to make sure that all essentials will be given study and consideration. The tested techniques of some States are recommended for the consideration of other States.

RIGHT-OF-WAY AND LAND ACQUISITION TECHNIQUE

In recent years many States have become increasingly aware of the inadequacy of existing land acquisition machinery, particularly for highway purposes. Land acquisition laws and procedures, many of them the product of a bygone era, can be especially detrimental to the efficient execution of the balanced highway program as planned by Federal, State and local authorities. Fully aware of the very real obstacles involved, a few States have already begun the systematic revision of their land acquisition technique. To assist them in these endeavors, the Public Roads Administration has undertaken special studies on right-of-way acquisition[1] and is prepared to lend its full assistance to any interested jurisdiction.

Revision of public land acquisition procedure in many States should involve legislative provision for a single efficient method of acquiring lands for highway facilities, or for all public purposes, to be substituted for the diverse and complex procedures now in use. Particularly, the right of immediate public possession of lands required for public use should be granted by law, with adequate safeguards to protect the private property owners. Georgia, North Dakota, Washington and other States are currently considering the enactment of such legislation. Provision should likewise be made for the acquisition of needed lands for highway rights-of-way sufficiently in advance of construction to forestall costly and needless delays.

In addition, statutory maximum right-of-way limitations, found in many States, should be liberalized or eliminated entirely, thus allowing right-of-way to be related more closely to present and anticipated traffic requirements.

As required by law in some States or existing as established practice in others, many States still permit local units of government to finance or acquire highway right-of-way for state highways. Because of financial inability or the lack of a substantial concern in road facilities of State-wide importance, local authorities have often balked at the provision of any right-of-way whatsoever, or consenting, have supplied right-of-way that was inadequate at the start. Accordingly, it should be the immediate concern of each State to re-examine its right-of-way financing policy, with a view to revising existing laws and practices to make both commensurate with modern road requirements.

The Federal-Aid Highway Act of 1944 permits Federal participation in financing the acquisition of rights-of-way, by redefining the term "construction" to include costs of rights-of-way, as originally so defined in the 1943 amendment to the Federal-aid laws. Consistent with established policy, land acquisition activities will be channelized through existing State and local highway departments.

The establishment of an effective centralized land acquisition division in each State highway department, with its counterparts in the cities and the counties, is a very desirable first step in the immediate solution of the right-of-way problem in each State. Such an organization should be staffed with the requisite trained personnel, including negotiators and appraisers as needed. Organized right-of-way records should be devised and established, and standard right-of-way plats and strip maps should be utilized in the land acquisition process.

Perhaps these suggestions concerning high-

[1] For a detailed discussion of land acquisition laws and suggestions for improvement, see *Public Land Acquisition for Highway Purposes*, Public Roads Administration, 1943.

way right-of-way and land acquisition law and procedure in the aggregate can best be considered as constituting right-of-way policy. It is a fact that new urban and rural road needs make it necessary for each State to formulate and give legal and administrative implementation to a right-of-way policy that is both bold and realistic. In so doing, the States would be applying in the field of highway land acquisition what they have for many years recognized must be established in the field of highway construction and maintenance.

CONTROLLED-ACCESS HIGHWAYS

To make travel by motor vehicle safer and to adapt the highway and street systems to accommodate the increasingly heavy burden of automotive traffic, State and local authorities are finding that in the future, they will need to control access on main thoroughfares, especially in and about urbanized areas. As a controlled-access highway, the freeway serves all customary forms of motor traffic while the parkway is restricted to passenger vehicles only.

Controlled-access design has been recognized as the next logical step in facilitating safer and more efficient travel, by the National Interregional Highway Committee, the Public Roads Administration and many of the States and cities. Over 2,000 miles of controlled-access highways in 25 States have been programmed by the States and approved by the Public Roads Administration as eligible for Federal and State advance planning funds. This mileage is approximately twice that of existing roads of controlled-access design in the United States. Other States and many cities are considering similar facilities for construction after the war.

It should be understood, however, that the power so to control street and highway access is not to be arbitrarily used by the States and their local units of government. Rather, such authority should be granted them in order that the necessary control can be exercised where and to the extent that conditions of traffic and congestion warrant it.

In the Federal-Aid Highway Act of 1944, the Congress has authorized the Commissioner of Public Roads to require the acquisition or control over highway right-of-way of sufficient width to provide, among other things, for "service roads for adjacent property to permit safe access at controlled locations in order to expedite traffic, promote safety and minimize roadside parking."

Control of highway access has been sanctioned by general statute in only 20 States.[2] In addition, a few special State and local laws establish individual controlled-access highways such as the parkway system of Westchester County, New York. Several States, Oregon and Wisconsin, for example, permit the acquisition of "access rights." At a special election held February 27, 1945, the Missouri electorate approved a revised constitution; Article IV, section 29, among other things, provides that the highway commission shall have authority "to limit access to, from and across State highways where the public interest and safety may require, subject to such limitations and conditions as may be imposed by law."

As a guide to effective language for possible enactment by the States, the Public Roads Administration has proposed a comprehensive controlled-access highway law which clarifies ambiguities latent in some present legislation, and at the same time makes provision for the broadest and most efficient application of a principle that should do much to alleviate traffic congestion. This model law is in reality a composite of the best portions of existing State legislation. It is, of course, contemplated that the States may want to adopt variations designed to meet special State and local needs.[3]

It may be interesting to observe that, in the 1945 State legislative sessions, bills dealing with controlled-access highways have already been introduced in Connecticut, Delaware, Georgia, Kansas, Maine, New Mexico, Pennsylvania, Oklahoma, Oregon, and Wyoming. Other States are planning to consider controlled-access highway legislation. Special

[2] California, Colorado, Connecticut, Florida, Illinois, Indiana, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Texas, Utah, Virginia and West Virginia.

[3] Copies of this model act are to be found in an appendix to "Interregional Highways" and in "Public Control of Highway Access and Roadside Development" and may be obtained upon request from the Public Roads Administration.

laws dealing with specific expressway facilities are also being proposed. The California legislature, for example, is considering a bill to create the Golden Gate Freeway and provide for its construction.

Efforts to establish a limited State system of expressways have already been crystallized in one great State, and are seriously being comtemplated in another. New York has recently designated by statute a thruway system of limited, or controlled, access highways extending from one end of the State to the other for some 480 miles. Seven expressway routes have already been designated, namely, the Catskill, Mohawk, Erie, New England, Niagara, Ontario, and Berkshire thruways. A bill has recently been introduced in the California legislature providing for a system of controlled-access urban-rural highways, and allocating and directing the expenditure of funds for the improvement of such a system. These two isolated instances may herald a State trend to establish and improve a limited system of State expressways, the nucleus of which may well consist of each State's portion of the National System of Interstate Highways.

MARGINAL LAND ACQUISITION

Marginal land acquisition may facilitate fuller realization of the benefits of an improved street and highway system. By purchasing the margins of selected main highway routes at the time such improvements are first established, roadside use and access may be controlled in the public interest, and highway facilities effectively insulated from detrimental adjacent growth. Many States will attest to the costliness and inadequacy of the piecemeal provision of highway facilities through the successive acquisition of 10-, 20-, or 30-ft. strips of land for road widenings and improvement. Through a farsighted right-of-way policy, adequate provision can be made at moderate cost for future highway development, thus forestalling prohibitive costs later.

The Federal-aid act of 1944 provides that the Commissioner of Public Roads shall not, as a condition of approval of any project require any State to acquire title to, or control of any marginal land along the proposed highway in addition to that reasonably necessary for road surfaces, median strips, gutters, ditches, and side slopes and sufficient width to provide service roads for adjacent property to permit safe access to controlled locations in order to expedite traffic, promote safety and minimize roadside parking.

This provision does not restrict the right of the States and local units to propose the acquisition or public control of rights-of-way over and above that suggested by the Commissioner of Public Roads as the desirable minimum. Nor does the proviso prohibit Federal participation in the costs of acquiring the wider rights-of-way.

Whether the highway department of a particular State, city or county has existing legal authority to finance and acquire marginal lands for highway purposes depends not only upon the State's legal and administrative structure, but also upon the particular use for which marginal lands are desired. In fact, in the absence of any maximum statutory right-of-way restrictions inconsistent with a proposed new width, the State or its local units could probably, without any special legislation whatever, finance and acquire, with or without Federal participation, any lands for street or highway right-of-way that could reasonably be justified as necessary or desirable for highway purposes. Nevertheless, in some States, it might be most expedient to give legislative enunciation to just such a policy, since the judiciary, without benefit of an announced principle, might hesitate to approve such administrative proposals.

Wherever opportunity affords, it would be wise to make broad provision for the acquisition of marginal lands for highway purposes. To date, ten States already sanction the practice, through constitutional amendment.[4] A few States that have currently undertaken revision of their organic acts are contemplating the addition of similar provisions.

Acting upon a liberal interpretation of the concept of public use to include whatever is of benefit to any substantial portion of the public, a few States have enacted laws permitting marginal land acquisition independent of constitutional sanction.[5] If marginal land

[4] California, Massachusetts, Michigan, Missouri, New York, Ohio, Pennsylvania, Rhode Island, Virginia and Wisconsin.

[5] Delaware, Illinois, Indiana, Maryland, Nebraska, Oregon and Virginia.

acquisition can be achieved through a liberal judicial construction of the concept of public use or purpose, the travail of securing constitutional amendments seems unnecessary.

Recent State controlled-access highway legislation has incorporated the device of marginal land acquisition for designated purposes. Florida and Michigan laws, for example, provide that in connection with the acquisition of property for controlled-access facilities, the State or local highway authorities may acquire an entire lot, block, or tract of land, if by so doing the interests of the public will be best served, even though the entire lot, block or tract is not immediately needed for the right-of-way proper. The Louisiana and New Hampshire statutes grant substantially the same authority to the State highway commission only, and in addition, New Hampshire authorizes the Governor and council upon recommendation of the highway commissioner to dispose of the surplus property at public or private sale. This legislation is highly desirable.

HIGHWAY ROADSIDE CONTROL

State and local highway authorities should be particularly aware of the need for application of public controls to the highway roadside, in the interest of more efficient transportation service. This need is especially urgent with respect to arterial highways in urban areas, where large numbers of vehicles will need to travel safely with a minimum of obstruction and with a maximum of permissible speed.

Various methods of regulating development of adjacent land have been evolved. The major instruments of authority include control of access, marginal land acquisition, land-use controls and the acquisition of highway development rights. The first two devices have been dealt with in foregoing sections.

Land-use controls may consist of zoning, platting and subdivision control, and billboard and set-back regulation. While this technique is now customary in most urban regions, its application to the margins of public roads is still decidedly limited. There are many who believe that because it derives its sanction from the police power, it can never be a permanent solution to the ribbon-development problem. With proper revision and enlargement, however, it can become a valuable auxiliary device in regulating land uses detrimental to modern highways.

The acquisition by the State, or its subdivisions, of highway development rights from private property owners is to prevent improvements on abutting property which would handicap present or reasonably-anticipated future traffic expansion. Broadly conceived, this concept contemplates the acquisition of a private owner's right to convert agricultural or other undeveloped lands to residential, commercial or industrial uses. It is recommended by the National Interregional Highway Committee and the Public Roads Administration as a simple, economic and effective method of protecting our main highways so that they may serve more efficiently the purposes for which they are designed.[6]

A prototype of such legislation may be found in a 1941 Maryland enactment.[7] It authorizes the State Roads Commission to acquire, by gift, purchase, condemnation or otherwise, real property along or near any State highway, parkway or freeway, in order to protect it or scenery along or near it, or to provide parking areas. Among the interests in land which may be so acquired are easements restricting, or subjecting to regulation by the Commission, any right of the owner or other persons—(1) to erect buildings or other structures; (2) to construct any private drive or road; (3) to remove or destroy shrubbery or trees; (4) to place thereon trash or unsightly or offensive material; and (5) to display signs, billboards or advertisements thereon.

A number of States are currently contemplating legislation regulating highway roadsides, in addition to the many State proposals for controlling access. Maryland is considering legislation establishing the Maryland Roadside Commission, with power to designate protective areas and regulate structures of all kinds within such areas. Massachusetts has a bill pending that would prohibit the erection of billboards or other advertising devices

[6] The legislative and administrative aspects of these and other techniques for the control of areas adjacent to public highways are discussed in great detail in the publication "Public Control of Highway Access and Roadside Development."

[7] Laws of Maryland, 1941, Ch. 486.

within public view of highways hereafter laid out except in a district of a municipality which has been zoned for business. A proposal in Washington empowers the Highway Department to classify highways into commercial and non-commercial districts and to issue permits for the erection of buildings, signs and other structures. There are similar measures in other States.

THE PROVISION OF PARKING FACILITIES

Anyone conversant with existing conditions cannot fail to be impressed with the urgency of the need for parking facilities. Whether the subject of scrutiny be the central business areas of cities, housing projects, recreational facilities, highways, or urban redevelopment proposals, the parking problem persists.

Only a few States and local units have statutory sanction for the public provision or regulation of parking facilities. Among the States that have more or less comprehensive laws are California, New Hampshire, Illinois, Iowa, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, North Carolina, Wisconsin and the District of Columbia. Some of this legislation has already proved inadequate. This condition obtains despite recent recognition that an over-all service from origin to destination is necessary for full realization of the speed and economy of efficient highway service.

Recognizing the urgency of the need, a few States are currently considering parking legislation of various sorts. A California bill would amend provisions for leasing or acquiring property for parking places, and for the administration and levying of taxes and assessments therefor. Proposals in Georgia authorize municipalities and counties to acquire, construct, operate and maintain public parking places. Cities would be authorized to establish and maintain municipal parking areas under a pending bill in Indiana, while Kansas is currently considering granting permission to second class cities to purchase sites for public parking and issue bonds for the purpose. Under a Michigan proposal, the Board of Supervisors in counties of 200,000 or more would be authorized to establish and maintain parking lots. The New Jersey legislature has under consideration a measure providing for the establishment and maintenance of parking areas. West Virginia is seeking to amend the authority of municipalities to construct public works, to permit the construction of automobile parking structures to be financed by tolls or rents.

A comprehensive survey of parking needs in each State should be followed by the determination of a rational parking policy for the State and its local units of governments. This survey would necessarily include an appraisal of parking needs for business and industry generally, and might well point to the private provision of parking facilities as a desirable objective. So evolved, parking policy should be indicated in terms of traffic needs, design, finance and administrative feasibility.

Because of the complexity of the problem, no single solution is to be expected. Various techniques and devices, adaptable to particular situations should be developed.

There is immediate need for legislative action to recognize the provision of terminal facilities as a public use, and to grant the necessary authority for their establishment and support by State and local bodies. The more broadly such legislation is originally conceived, the less frequent will be the need for future amendment.

Methods of financing should be carefully considered, in terms of State and local contributions. Special assessments, bonds, and grants may be considered, as well as fees and other methods of reimbursement. The possibilities of self-liquidation should be painstakingly explored. Incentives, such as tax concessions, to the provision of parking facilities by private enterprise offer a fruitful field for further study.

It will need to be determined what administrative mechanism is best suited to foster the provision of parking facilities, public and private. The needs in many areas may well point to city and metropolitan parking agencies as the best solution.

Authority for the acquisition of necessary lands for such facilities, at the State and local levels, will need to be delimited. Special land acquisition problems applicable only to parking will present themselves.

There are some who believe that parking authorities should be given public utility regulatory powers with respect to parking facilities, including the right to determine

parking fees, types of services rendered, location of parking facilities, and so on. There is reason to believe that under some circumstances, controls short of such regulation will prove ineffective.

Finally, methods of public control that will foster and protect parking facilities and result in maximum utilization at minimum cost, will have to be devised; and the program of providing designated parking facilities will have to be coordinated with highway development programs, housing proposals, and other programs similarly affected.

DESIGNATION OF A NATIONAL SYSTEM OF INTERSTATE HIGHWAYS

One of the most significant provisions of the new Federal legislation is that directing the designation of a National System of Interstate Highways not exceeding 40,000 miles in total extent so located as to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers, to serve the national defense, and to connect at suitable border points with routes of continental importance.

The designation of routes of the system is to be made by joint action of the State highway departments of each State and the adjoining States, as provided by Federal Highway Act of 1921 for the selection of the Federal-aid system. All highways or routes of the system as finally approved, if not already included in the Federal-aid highway system, will be added to the system without regard to any mileage limitation.

The specific State legislative authority required to sanction the State designation of the interstate routes within its borders, may vary from a comprehensive enactment in some jurisdictions to none at all in other States. In the end, the nature of legislation required will depend upon a number of factors, including the scope of a State's present Federal-aid legislation, the authority of the State highway department, the importance attached to the designation of a National System of Interstate Highways within the State and its final acceptance by the State, and a number of related influences.

Heretofore, State systems have been designated by a great variety of classifications and under varying arrangements, many of them bearing little relationship to function. In some jurisdictions, such systems have been designated by constitutional provision, while, in others, legislative enactment or even administrative action by the State highway department has sufficed.

To illustrate, the Minnesota constitution designates the trunk highway system, with provision for subsequent revision and expansion in the composition of the system. In some States, as in Colorado, North Dakota, Oregon, Nevada and Pennsylvania, State systems have been designated by statute, in terms of an original "fixed" system of State highway routes accompanied by delegation to the highway department of the power to absorb county and local roads. Other States, like Connecticut, Wyoming, Arizona and Arkansas, while making no attempt to name specific routes by statute, have vested wide discretion for the selection of routes in the State highway department.

In any event, it is certain that many of the States will enact some legislation dealing with the National System of Interstate Highways. Though this system will, under the Federal law, automatically become a part of the Federal-aid system, many jurisdictions may feel that its obvious importance requires consideration by the representatives of the people.

The problems which the State legislatures may choose to deal with are varied. The designation of interstate routes within a given State, at least in its preliminary phases, may require joint action of several adjoining States to agree upon suitable junction of routes selected. Unless such authority already exists, this cooperative action will require legislative sanction. Bills have already been introduced in the 1945 legislatures of several States including California, granting such authority to State highway departments.

A number of jurisdictions will probably assume that the necessary preliminaries to the final designation of the interstate system will require only administrative action by the State highway department. It may well be concluded, however, that the final recommendation or acceptance of the interstate system within its borders ought to emanate from the State legislature. In those States where road systems are customarily designated by act of the legislature, new legislation may be necessary to legalize the National System of

Interstate Highways therein. And because it is traditional to do so, a given State may want to designate by statute those routes, selected by whatever means, which have been specifically designated as constituting the interstate system.

It is interesting to note that a few States which have already considered the matter, including California, Maine, and New Hampshire, feel that some State legislation will be needed.

THE PROBLEM OF STATE-LOCAL RELATIONS

For several decades, principal attention has been directed to the superior need for the improvement of main rural highways. Today, however, highway transportation is conceived of as comprising travel over an integrated system of roads and streets. With main rural roads largely improved, the weakest links of that system are found in the city and metropolitan arterial routes. It is now known that the heaviest flow of traffic moving over the highway system begins or terminates in the urbanized areas of the nation. Likewise, substantial attention needs to be directed to the improvement of secondary and feeder roads which serve the travel requirements of farm dwellings and local communities.

Because these relative improvement needs have become imminent only recently, the financial and administrative arrangements necessary to implement their satisfaction have yet to be perfected, particularly at the State and local levels. The realization of rational highway development depends in great measure upon the State highway departments and upon their willingness and ability to cooperate with the cities, counties and other local road agencies.

State and local road administrations will need to meet each other half way. The States will have to recognize the very real needs of the cities and the counties. The local units, for their part, must shed their sometimes parochial prejudices against State assistance. Coordination and cooperation, rather than subordination and coercion, should characterize the relationship between them. United they can achieve the objectives of a balanced highway program. Without cooperation, the costs will be higher and the transportation service poorer.

State authority in cities. An examination of State statutory authority in cities reveals that many jurisdictions will need new and broader legislation to enable them to give substance to the policy of urban highway improvement. Present restrictions concern the financing, the acquisition of lands, and the construction and maintenance of roads and streets in urban areas.

State activity in cities in a number of States, of which Colorado is an example, is limited to streets within incorporated cities or towns having a population of less than 2,500. In some States, highway departments have no authority whatever with respect to the acquisition of rights-of-way in cities. In others authority is restricted. In Alabama, for example, the State may finance only 50 percent of the costs of rights-of-way for urban extensions of the State highway system.

Indiana law permits the State highway commission to utilize funds for right-of-way and construction on State and Federal highway routes within all Indiana cities except Indianapolis, where, paradoxically, the need may prove to be the most urgent. In other jurisdictions State highway department authority in incorporated places does not extend beyond the point where the average distance between houses is less than a given amount, a limitation originated in the first Federal-Aid Road Act, but since eliminated.

In Connecticut State activity with respect to urban extensions of the State highway system is limited to one east-west route and one north-south route through each city and town. Whenever the State highway department constructs a State highway through an incorporated town in Delaware, it may not change the width of streets of the town, except with its consent. In some States, the responsibility of the State highway department in cities is limited to bridges and grade separations.

There are jurisdictions, on the other hand, that enjoy some larger degree of freedom in the construction of urban connecting links of the State highway system. In Idaho, to illustrate, where a street within the corporate limits of a city has been designated as part of a State highway, the department of public works has exclusive jurisdiction and control over the designation, location, maintenance, repair and reconstruction of the same. In Florida the State Road Department is di-

rected by statute to construct or reconstruct the municipal connecting link of any State road, whenever such is improved, so as to conform to the same type of construction used in such State road. The new constitution recently ratified in Missouri provides that any State highway authorized and located in any municipality may be constructed without regard to the distance between houses or the width or type of construction.. The State Highway Commission is authorized to enter into agreements with cities, counties or other units concerning the maintenance of and regulation of traffic on any State highway therein.

Revision and enlargement of State authority in urban areas should include a number of desirable features. The State highway department will need to have authority to select, in consulation with city authorities, appropriate urban extensions of the Federal-aid highway system, the Interstate highway system and the State highway system.

Existing arrangements relating to highway financing in urban areas should be scrutinized carefully with a view to revision commensurate with need. Some State legislatures already in session are considering such legislation. In Washington, for example, a bill has been introduced authorizing the Director of Highways to use State funds within any city for the acquisition of right-of-way, construction and maintenance of a street that forms part of a primary highway. In West Virginia, a new proposal provides for the control of connecting parts of the State road system within municipalities. It has been proposed in South Carolina that the present limitation of $200,000 which the State highway department can spend annually on highways in municipalities of over 2500 population be removed.

Because right-of-way in urban areas is generally expensive, exceeding in some cases the cost of construction, State participation in the financing of land acquisition costs is highly desirable. Yet it would probably be most expedient for the State to channel the actual process of acquiring highway rights-of-way through existing city agencies. If such local organizations are not efficient, they can be strengthened appropriately.

In any event, legislation may be required in a number of States authorizing State highway departments to cooperate with municipalities, with respect to the various highway functions, and complementary legislation may be needed to enable incorporated units to cooperate with the State.

State-city cooperation. If the urban objectives of the highway program are to be implemented and successfully achieved, the State-city administrative problem will need to be solved effectively. The natural and proper concern of State highway departments for the best interests of the State as a whole has sometimes led to neglect of the highway problems of cities. If active cooperation is established, State and city plans may be harmonized and conflicts eliminated, with both managements striving toward a common objective.

It is incumbent upon each State highway department to interest itself wholeheartedly in urban road problems, fortified with such legal and administrative tools as are required. A few States have already indicated the desirable direction of improvement by the provision of a special division of urban roads. If the information is not now available, a comprehensive survey of current highway needs in the urban areas should be undertaken by the cities themselves with State counsel, or jointly by the States and the cities.

A schedule of needed improvements, evolved from such a survey, may then be formulated in terms of a master plan of highway development for the urban area. Such plans, in one form or another, already exist in many cities, and in some cases need only to be brought up to date. However well highway authorities may plan their improvement programs, highway projects should be systematically reconciled and harmonized, in their every phase, with the over-all master plan of development, with housing proposals, park and recreational development, public transit facilities, and so on.

State and city highway authorities are urged to make a genuine effort to coordinate their activities with those of State and local planning groups. For many years, these planning authorities have been concerned with the growth and rational development of the city, the county, and the State as a whole, and have assembled much information of high quality. Such data and consultation with these plan-

ning authorities can be invaluable to the highway administrator.

Metropolitan area problems. One of the most troublesome of the urban problems remains yet to be solved, namely, the matter of administration in the metropolitan area. A metropolitan district is not a political unit but rather a region that includes all of the thickly settled territory in and around a city or group of cities, a composite of the central city and its satellite suburban communities, a kind of supercity. It tends to be a more or less integrated area with common economic, social, and even administrative interests. In each metropolitan area there are large numbers of governmental units, upon which are superimposed additional administrative units, each having legal authority and responsibility within independent or overlapping sub-areas, each possessing a greater or lesser degree of autonomy.

The multiplicity of these governmental units in metropolitan areas is revealed by Census data. In addition to a very large number of overlapping authorities, there were in 1940, 289 incorporated places in the New York northeastern New Jersey metropolitan district, 118 in the Chicago area, 136 in the Pittsburgh metropolitan district, 93 in the Philadelphia region, and 56 in the Los Angeles area. To such large collections of municipalities must be added their respective quotas of townships, counties, towns, sanitary and sewer districts, water and utility, and even mosquito abatement districts. Each of these many independent governmental units bids for municipal and State revenues, legal powers and administrative prestige, all within a metropolitan area that is essentially a social and economic entity.

Without regard to the larger problem of making provision for the administration of all public functions at the metropolitan level, there is urgent need for over-all authority in these complex urban areas to deal comprehensively with the financing, design and construction of express highways, coordinating all with a master plan of the whole metropolitan area. In the past, varying degrees of metropolitan administration have been achieved by annexation, consolidation or federation of central cities and suburban communities. More recently, the same objective has been sought through intermunicipal and extra-territorial contractual and functional arrangements, and through special metropolitan authorities.

The administrative device a particular State or region may choose to employ will need to have legal sanction. In all solutions which have been attempted in the past, the legal difficulties have been many.

It seems that the largest measure of success has been accomplished by *ad hoc* bodies. Types of such authorities may be found in the Port of New York Authority with respect to terminal and transportation facilities, the Huron-Clinton Metropolitan Authority concerning park and transportation facilities, the Regional Plan Association, Inc., a research and planning agency promoting the coordinated development of the New York-New Jersey-Connecticut Metropolitan Region, the Boston Metropolitan Park District with respect to designated public improvements, the Massachusetts Metropolitan District Commission, the Chicago Regional Planning Association, the Sanitary District of Chicago, and others.

It might be interesting to note that Chicago is currently proposing a Chicago Port Authority similar to the Port of New York Authority, with like functions; and that Milwaukee is likewise contemplating a quasi-public Port of Milwaukee Authority to foster housing development.

It is rapidly becoming obvious that metropolitan areas are of such social and economic significance to the State as a whole as to warrant State-wide support for some functions. Because of that State-wide interest, metropolitan areas must share a State-wide responsibility. Accordingly, a new concept of the State grant-in-aid for certain public functions administered at the metropolitan level will need to be evolved.

We can no longer permit the realities of today to be obscured by the artificial administrative boundaries of yesterday.

Unless the administrative city can expand its political boundaries, by whatever device is feasible, to encompass the satellite residential and industrial communities which surround it, the economic welfare of that city and its suburbs will continue to disintegrate. For it is already apparent that an urbanized community cannot long endure if those receiving the greatest benefits escape the responsibi-

lities of community life, while those least able to do so shoulder the heaviest obligations.

State-county cooperation. As one authority has recently asserted, the fundamental aim in bringing State and county highway departments together, either through legislative or ordinary administrative processes, is to strengthen county highway administration and improve technical standards, management and planning.

The State and Federal highway programs planned for after the war, particularly in their secondary and feeder road aspects, presume a large measure of State-county cooperation. Such cooperation will be desirable not only in the initial designation of secondary roads, but in the application of funds, the selection of future additions, the acquisition of right-of-way, the choice of design standards, and the provision for maintenance.

As in the case of the State-city problem, legislation may be required in a number of jurisdictions authorizing the State highway departments to cooperate with counties on the secondary road program, and the complementary sanction enabling the counties to deal with the States.[8] Matters relating to the selection of the system, its construction and maintenance with county, State and Federal-aid funds, should be included. Specific provision may be desirable to permit the State highway departments to negotiate agreements with county or other local road officials. In the formulation of such necessary legislation, considerable latitude should be accorded the State.

From time to time, students of highway administration and those experienced in State-county road relations have enunciated certain general principles that will facilitate coordinated teamwork between State highway departments and county road organizations. Just a few of these are high-lighted in the following paragraphs. The obvious merit and good sense inherent in many of these principles need no extended comment.

It is generally agreed that, where feasible, a county or a logical combination of counties should have a qualified county engineer of recognized professional standing. He and such subordinates as are needed should be selected without regard to political affiliation.

Likewise, it is desirable that the county should have a reasonably comprehensive county highway plan formulated by the local administration and integrated in its important aspects with the general State highway plan.

It has been asserted also, that county highway departments should utilize a uniform accounting system similar to that adopted by the American Association of State Highway Officials.

The State, for its part, ought to be particularly sensitive to county needs. Its county road division should be staffed by engineers and others who are conversant with county road problems. Its research and service facilities ought to be available to all county organizations that desire to benefit by their use, serving as a clearing house of information for county engineers.

General observations. The relationship of the State highway departments to the local road agencies might well be patterned upon that of the Public Roads Administration to the State departments, with such variations as the specific situation may warrant. This will be especially true in the case of the larger cities and counties which have functioning and well staffed street and road departments or public works organizations. In the formulation of the administrative details by which Federal and State funds are distributed to the cities and the counties, State officials would be wise in permitting a high degree of initiative in design, location and construction to be lodged with local authorities.

It has been said that local road administration in many States might benefit from improvement in the structure of county government generally. Informed commentators on the State-local problem indicate also that it will be impossible to apply an inflexible set of rules in developing the beneficial relationships sought. Specific situations, it is asserted, will need to be worked out in view of the particular traditions involved.

There are some who fear lest the active interest of the State in local affairs result in ultimate State domination of such affairs to the exclusion of local influence and activity.

[8] An interesting bit of legislation has been proposed in the current session of the South Dakota legislature, authorizing counties to assist municipalities in the building and maintenance of public streets in certain instances.

Such is not likely to be the case, if the States will strive, so far as possible, to assure to the cities and counties the same measure of initiative that the Federal Government has recognized as a right of the States. It is a cardinal principle that the administration of local affairs should be preserved to those who use the service and foot a large part of the costs. And there need be no inconsistency between this political reality and reasonable State supervision calculated to improve local road transportation.

It seems that the law of municipal corporations generally needs strengthening and clarification. The legal concept of the city as an ordinary municipal corporation, and of the county as a quasi-municipal body with a narrower range of authority, seems to straightjacket the urbanized counties in their efforts to adjust themselves to metropolitan conditions. Cities that are maturing functionally are still legal and administrative adolescents. Many major projects of highway, housing, and other public improvement, have never been realized because city government powers are generally not commensurate with its growing functions and responsibilities. The city can no longer be-half recognized and half ignored in the planning and construction of urban expressways, and in the distribution of funds to finance these improvements.

CONCLUSION

An efficient transportation system is still one of the greatest of public needs. By the fact of congestion, on the highways and off them, the motor vehicle that originally gave promise of swift movement is little better in many instances than the horse and buggy it displaced.

Highway engineers, however efficient and enthusiastic they may be, can progress no faster in the improvement of transportation facilities than legislative and administrative processes permit. It should be the responsibility of the State to assist the highway builder by removing all such obstacles that impede progress.

We can be content with inadequacies or we can provide highway facilities that are safe and efficient and economically sound. Inadequacies always cost more, and sometimes, very much more.