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Special Report 6

***Highway Relationships
In Maryland***

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Highway Relationships In Maryland

1952

Washington, D.C.

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Foreword

● IN EVERY state, the development of an over-all highway network which will provide efficient, safe, and economical highway transport service is a responsibility shared jointly by each governmental unit having jurisdiction over roads or streets. Establishment of an effective system of intergovernmental relationships, providing for close coordination and cooperative effort in highway affairs, is essential if that objective is to be realized.

Guideposts toward establishing sound cooperative relationships, however, have been largely nonexistent. To fill that need, intensive research in the subject was undertaken in 1948 at the Bureau of Highway Traffic, Yale University, through a research professorship financed by the Alfred P. Sloan Foundation. The extensive scope of the problem necessitated a limiting of the initial research project to a study of state-city relationships only. This work resulted in the publication of two reports: "State-City Relationships in Highway Affairs," Norman Hebden and Wilbur S. Smith, 1950; and "Effective Administration in State-City Highway Activity," Norman Hebden, 1951.

Continuation of this research, expanding its scope to encompass the whole area of intergovernmental relationships in highways, was needed; and the Bureau of Public Roads, with a number of national organizations, largely representative of state, county, and municipal officials, agreed to sponsor jointly a cooperative project to carry the research forward. The cooperating organizations are: The Council of State Governments, American Municipal Association, National Association of County Officials, U. S. Conference of Mayors, U. S. Bureau of Public Roads, American Public Works Association, and the Automotive Safety Foundation. The project is being conducted under the auspices of the Highway Research Board, which established an advisory committee to guide the conduct of the work.

The over-all cooperative project has a two-fold objective: (1) to formulate the components of a comprehensive system of intergovernmental relationships in highway affairs, and (2) to conduct a pilot study in order to ascertain and test tentative principles in light of local conditions and circumstances in a specific state. This report, a pilot study, presents the analysis and findings of a study of intergovernmental relationships in highway affairs in Maryland, covering both legal authority and administrative practice. It was made at the request and with the financial support of the Commission on Administrative Organization of the State of Maryland, with the full cooperation of the Maryland State Roads Commission. It is important to emphasize that the study was not conceived nor intended to be an investigation of efficiency or of the officials responsible for the conduct of operations. On the contrary, it is a wholly impartial and impersonal analysis of working procedures and the statutes governing them.

The study and report were made by Ralph S. Lewis, project engineer and Norman Hebden, project adviser for the Highway Research Board. Lewis was assigned to the Board by the Bureau of Public Roads which also loaned William L. Haas and Charles N. Graham to assist in the field work. Miss Sarah Pearre served on the project staff and performed library research, compiling briefs of all pertinent Maryland statutes.

Grateful acknowledgment is made of the invaluable help given by the many individual state, county and municipal officials and other persons who cooperated in making the study possible. Sincere appreciation is also extended to the State Association of County Commissioners of Maryland, the Maryland Municipal League, and the Department of Legislative Reference of the State.

Statement of Recommendations

● **COOPERATIVE** relationships at all levels of government are essential in developing highways adequate to meet present and future traffic needs. Such relationships are important simply because the magnitude and cost of a modernization program are such that the combined efforts and resources of all governmental units will be required to accomplish it. The closest possible coordination and cooperation are essential to this end.

To assure safe, convenient and economical highway service for the citizens of Maryland, the several systems comprising the complete highway network must be well integrated, adequately improved and efficiently managed. The state, the individual counties and the individual cities all have a vital stake in this. It is clearly a joint responsibility, calling for cooperative action.

Despite general recognition of such joint responsibility for the over-all highway objective, there has been no sufficient effort in Maryland toward a program of mutual cooperation, although some cooperative endeavors have been undertaken in the past. Relationships in highway activities are relatively few, and there is no general legislation encouraging the development of these relationships. There are a considerable number of existing legal provisions affecting highway relationships; but only a few provide for direct operating relationships. Many provisions are obsolete, inadequate, duplicate other provisions, or affect relationships only indirectly.

At the operating level, there is a fundamental weakness in that authority and responsibility are not clearly defined and assigned. The present working procedures and management practices do not bring about the close coordination required, nor do they develop desirable cooperative arrangements. The state must assume the lead in providing adequate administrative supervision, making use of the knowledge and experience of local officials with respect to matters which affect their operations.

The recommendations which follow are proposed in order to improve existing relationships to the point where a sound working partnership exists, and so provide for a unified attack on the over-all highway problem. In this connection, Baltimore City in almost every instance operates under laws applicable to it alone; although no revision in this method of operation is suggested, several of the recommendations apply to Baltimore City, as to other cities. The first five recommendations below are specific in nature and can be effected through administrative action alone, while the others are more general and require legislative action.

1. The existing dual method of managing county road operations, under which the state performs county road work in some counties while in others the counties do their own road work, should be continued for the present. With the assistance of the state, those counties where the county road work is now performed by the state should assume this responsibility themselves as they are able, so that ultimately all county road operations will be a local responsibility. (See page 35).

2. The State Roads Commission should consolidate all responsibility for state-local highway activities into a single staff unit, the head of which should report directly to the top administrative official of the Commission. The head of this unit should serve as liaison with local units and should coordinate all work of joint interest, including such activities as the initiation of projects and broad planning, the compilation of programs, the formulation of standards, and the working out of cooperative arrangements. He should be provided adequate staff to enable him to properly discharge these responsibilities with respect to both county and city work (See page 23).

3. The body responsible for roads in each of the counties and cities, within the scope of its established policies, should delegate adequate powers of negotiation to the head of the road or street unit, in order that he may deal effectively with state and local officials. (See page 25).

4. Formalized construction and maintenance standards for local units should be developed through cooperative effort. County standards should be developed jointly by

the counties, and municipal standards by the municipalities, with the advice and assistance of the state in each case. Also, the state should review its standards, particularly as to their application in those cases where they affect local units. (See page 34).

5. A closer administrative control over the installation of traffic-control devices by local authorities on state roads should be instituted. A uniform policy explicitly setting forth what share of the cost the state will bear for the installation and maintenance of traffic-control devices should be adopted, replacing the present practice of individual negotiations; and local authorities should be given formal notification of the adopted policy. (See page 37).

6. The existing highway classification plan and the present systems of state roads, county roads, and city streets should be re-examined. On the basis of a special study, the existing classification scheme should be revised as necessary and formally adopted. All public roads and streets should then be classified into the several systems adopted, on the basis of the kind and extent of traffic service rendered. Legislation should be enacted directing this classification, and empowering the State Roads Commission to cooperate with local units to the fullest extent in this work, to coordinate the activities, and to approve the tentative systems as shall be submitted to it by the counties and cities. Legislation should also permit revisions to be made in the systems, on the same basis. (See page 32).

7. Existing statutory provisions affecting highway relationships should be revised. Insignificant and obsolete provisions should be removed, and general laws should be substituted for local and special laws whenever feasible. Authority and responsibility for the highway function at all levels of government should be clearly defined and assigned. The authority and responsibility of the policy-making body of the administrative head, who is charged with the execution of the policies, should be defined by legislation in all cases. In this connection, at the operating level, the administrative head of the road unit should be given full responsibility for the organizational structure and the assignment of duties and responsibilities within his unit. In no case should the policy-making body concern itself with administrative detail. Legislation should be stated in general rather than specific terms, and should be broad in scope, indicating over-all objectives as well as responsibility. (See page 18).

8. In order to assure effective long-range planning and programming, legislation should be enacted authorizing and directing the State Roads Commission, the counties and the cities (including Baltimore), each to prepare a long-range highway or street development plan, such plan to be re-appraised at appropriate intervals. The legislation, furthermore, should: (1) require the local units to submit their plans to the State Roads Commission for review as to over-all adequacy toward the development of an integrated highway network, (2) authorize the State Roads Commission to effect the coordination of the work, and (3) authorize and provide for complete cooperative action between the State Roads Commission, the counties and the cities with respect to all phases of the task. In addition, legislation should require the State Roads Commission, and the counties and cities (including Baltimore), each to prepare a highway or street program for a specified period of time (3, 4, 5 or 6 years) based on their long-range plan, such program to be reviewed and renewed at budget time. The counties and cities should be required to report biennially to the State Roads Commission on work completed and on work programmed for the next biennium. (See page 28).

9. Legislation should be enacted permitting and encouraging state-local and inter-local cooperative relationships, and providing the principles and pattern for desirable relationships. Regardless of such legislation, however, the State Roads Commission and the local units must begin to work in unison, rather than independently, and with the State Roads Commission taking the lead, in order to accomplish the over-all highway objective. The matter of more adequate communication relative to highway affairs should be given immediate attention. The State Roads Commission should begin the issuance of policy directives and manuals of operations, and should regularly disseminate to the local units information affecting their operations. The state and local governments should encourage and arrange for frequent meetings and conferences of their technical employees, so that they will be informed of progress and practices throughout the state. (See page 40).

Method of Conducting the Study

●WHEN A STUDY of highway relationships in Maryland was originally proposed, one of the first matters to be considered was that of how the study should be conducted. To be complete, such a study would have to be concerned both with legal relationships and also with operating or working relationships. Accordingly, both a legal analysis and a field study were subsequently undertaken, using only a small professional staff in each case.

The legal analysis was primarily library research, and both the Maryland public general laws and the public local laws were studied and briefed. In addition to those laws which expressed direct relationships, other laws affecting highway relationships only indirectly were also considered. Due to the large number of public local laws existing in Maryland, this legal analysis of highway relationships was an extensive undertaking.

In connection with operating or working relationships, the details were obtained by discussion with local and state officials in the field. Staff members working in pairs contacted local officials and discussed with them their highway relationships with other governmental units; at the same time field representatives of the State Roads Commission were interviewed. In view of the relatively few counties and rather large number of small municipalities in Maryland, county officials in all counties were visited, but municipal contacts were limited to a selected sample of all municipalities, which included all county seats.

In order to obtain the full cooperation of local officials, the Maryland Municipal League and the State Association of the County Commissioners of Maryland were informed in the beginning about the intended study, and their aid in its prosecution solicited. Each organization designated a liaison representative and wrote its members as to the scope and intent of the study, requesting their cooperation in discussing their highway affairs with staff members. This action was exceedingly helpful in the conduct of the study.

Before the field work was started, an interview check list was prepared, so that uniform information would be obtained and so that important items would not be omitted. This check list was used as a basis for all interviews with local officials. Points for discussion included the local governing body, the highway or street organization, the highway or street system, the type of operation, the construction and maintenance programs, planning and programming, traffic regulation and control, equipment, financial records and reports, local laws and regulations, the Federal-aid program, and existing relationships with other units. All of these items concern relationships directly or indirectly, and so have a bearing on the over-all problem.

In addition to the discussions with local officials and with field representatives of the State Roads Commission pursued as an integral part of the field study, numerous conferences were held with officials of the State Roads Commission. Additional discussions of a broader nature were held with other interested public officials and private citizens. The purpose of these discussions was to supplement the information being obtained in the field, to check the impressions which were created as the study progressed, and to receive definite suggestions as to how the existing situation might be improved. Among those contacted were representatives of state and local planning agencies, former officials of the State Roads Commission, representatives of such independent agencies as the Washington Suburban Sanitary Commission and the Maryland-National Capital Park and Planning Commission, and others.

During the course of the study, monthly progress reports were prepared by the staff and distributed to interested agencies and individuals.

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Significance of Highway Relationships

●HARMONIOUS intergovernmental relationships in highway affairs are of utmost significance in achieving the goal of a modern highway plant adequate to meet present and future traffic needs. Such relationships are important simply because the magnitude and cost of a modernization program are such that the combined efforts and resources of all governmental units will be required to assure its accomplishment. The closest possible coordination and cooperation between federal, state and local governments is essential to this end.

The problem of obtaining adequate highway facilities requires, among other things, the development of a unity in viewpoint and action; a unity not only between highway officials of the states, counties and cities, but between citizens, agricultural and industrial people, and government leaders as well. This essential unity has been slow in development, however, owing to the fact that highways vary widely in character and use. Some connect highly industrialized urban areas, are heavily travelled, and serve a wide segment of the populace. Others simply serve the land. Between these extremes, there are many highways of multi-use character serving both local and state-wide interests in varying degree. Each, however, is important in the economy of a state.

In recognition of these differences in the kind and extent of use, efforts have been made in the past to classify roads accordingly, and to assign responsibility for their improvement and maintenance to an appropriate level of government. Those of state-wide interest and heaviest use were selected, combined into a system, and declared to be state roads, for which the state was made responsible. Similarly, rural roads of most importance locally, and primarily serving the land, were made the responsibility of the counties, while city streets were made the responsibility of the local communities. While necessary and desirable from the standpoint of administering roads and streets, this action nevertheless had the effect of creating divergent interests on the part of highway officials of the several levels of government, in way of authority, responsibility and financing.

Each governmental unit responsible for roads has a predominant interest in that portion of the over-all highway network under its direct control or of most immediate concern to it servicewise. Nevertheless, each has a definite and considerable interest in the network as a whole, the development of which in highest degree is all-important to a state's economic and social advancement.

To assure safe, convenient and economical highway service, the several systems comprising the complete highway network must be well integrated, adequately improved and efficiently managed to serve the needs of agriculture, commerce, industry, recreation and other social activity. The state, the counties, and the cities alike have a vital stake in this. It is a joint responsibility, demanding close coordination and cooperation between these governmental units.

Many relationships between a state and its counties and cities, and between local units as well, are involved in the planning, improvement and maintenance of the roads and streets throughout a state. Owing to state and federal aid for highways, various intergovernmental relationships have gradually been established, and in recent years have been rapidly expanding. Such relations, for example, range from joint participation in projects to the mere exercise of supervisory control. In many states, however, such development has been sporadic, expanding fragmentarily as specific problems and situations were encountered. In view of the piecemeal growth of cooperative relationships, it is frequently found in the various states that existing legislative authority is inadequate, that responsibility and authority are not clearly defined and assigned, that policies and procedures are not uniformly executed, and that existing administrative machinery needs revamping.

Furthermore, analysis reveals that highway officials do not always recognize that some problems are not limited in scope to the specific project occasioning them, and that, frequently, a problem and its solution have general application and are dependent

upon or embody relations with other governmental units. The task of coordination and effective cooperation can be accomplished only by establishing a well-ordered system of intergovernmental relationships, founded upon adequate legal sanctions and cooperative working procedures.

In Maryland, as in other states, each governmental unit - state, county and city - has been given responsibility for some portion of the road and street network within the boundaries of the state. Moreover, there is a great need for modernizing the entire highway plant in Maryland, since this state was one of the first to complete an extensive network of improved roads. If the people of Maryland are to realize the benefits of an adequate, well-managed highway network, a sound working partnership between the state and its political subdivisions is essential.

To ascertain the status of legal authority and cooperative arrangements in highway activity, and to explore the possibilities of establishing closer, better-coordinated relationships between state, counties and cities in Maryland were the objects of this study. In the course of the report it is necessary to call attention to certain weaknesses observed in both administrative practice and the statutory framework. It should be emphasized that this should not be interpreted as leveling criticism upon those officials now in charge of road administration in the state. This is so because the shortcomings noted are not generally the consequence of their actions, but rather are situations which have gradually built up over the years. Furthermore, it should be mentioned that an increased awareness of the need for better intergovernmental cooperation in highway affairs is currently evident, especially at the state level.

Background and Status of Highway Relationships in Maryland

● **FUNDAMENTALLY**, the relationships between a state and its political subdivisions in connection with highway activity are influenced considerably by certain basic factors. These include the general governmental structure, the management of roads and streets, and the legal framework for intergovernmental relations. Also of concern is the present extent of such relationships in a state. An acquaintance with these matters is essential to a full understanding of the problem of intergovernmental relations. Consequently, these factors as related to Maryland will be sketched briefly at this point.

GENERAL GOVERNMENTAL ORGANIZATION

The governmental structure in Maryland consists of three major levels of government only - state, county and municipal. Despite the optional privilege of limited home rule authority for the counties and Baltimore City, local governments are under the complete control of the legislature. Each is authorized to undertake only those activities specifically delegated to it by that body.

Within the state, there are 23 counties and 145 incorporated places, not including the city of Baltimore. The latter, because of its size and importance in the economy of the state (nearly one-half of the state's population resides in Baltimore), is established as an independent city, not situated in any county, and has been granted a degree of home rule. As a result, both from the standpoint of legislative matters and administrative procedures, Baltimore is treated separately from all other municipalities. This separation will be maintained in this report and any reference to incorporated places will be of exclusive of Baltimore City.

The governing body in all counties but one is a board of county commissioners, usually consisting of three members; the authority of these boards is quite restricted. Montgomery County, the exception, has availed itself of the home rule provision, and by charter its governing body is a county council consisting of seven members; the council is empowered to adopt local ordinances in accordance with a set of express powers enacted by the legislature. The counties range from the very rural, with limited resources; to the rather highly urbanized, with large resources. The range is exemplified by Calvert County on the one hand with a population of 12,100 and an assessed value of \$11.6 million, and Baltimore County on the other with a population of 270,273 and an assessed value of \$481 million. It is of interest that 10 of the 23 counties in the state have fewer than 25,000 persons; and of these, seven have assessed values of less than \$25 million.

As already stated, there are 145 municipalities in the state, excluding Baltimore. In making this study, 26 of them (including the county seat in each county), in addition to Baltimore, were actually visited and conferences held with officials thereof. None of the incorporated places enjoys home rule. Of the 26 visited, the majority have a mayor-council form of government, although there are a number with a board of town commissioners. Baltimore operates under a mayor-council set-up. Interestingly, there are no incorporated places in two counties in the state - Howard and Baltimore - the latter an urban county which virtually encircles the city of Baltimore. The largest cities in the state, next to Baltimore (population 949,708), are Cumberland and Hagerstown with populations of 37,679 and 36,260, respectively. Only eight other cities have populations exceeding 10,000. And, in all, there are just 30 communities of 2,500 persons or more throughout the state. The foregoing is indicative that Maryland is dotted with many small communities of comparatively limited resources.

Through the years, local governments in Maryland have been extremely restricted as to authority and operation, subject as they are to minute regulation and control by

the legislature. This has been accomplished through a conglomerate of local laws. Despite this fact, there seems to exist in the minds of Maryland citizens and officials a traditional and strong concept of "local autonomy" - a concept of independence, of wanting to be let alone in conducting things. This seems to hold true both as individual citizens, and as a group representing a governmental unit; and it probably stems from the heritages of the so-called "Free State." Be that as it may, this spirit of independence makes itself strongly felt in highway affairs, as elsewhere.

For years all counties have been responsible for the improvement and maintenance of their roads. And, in fact, local governments had this responsibility long before the state entered the highway picture. This precedent authority and responsibility, coupled with the innate desire for local autonomy, in all likelihood accounts largely for the fact that highway relationships among the state, counties and cities in Maryland are exceptionally few. And this circumstance holds despite state assumption of extensive road responsibility during the past 40 years or so. Moreover, although Maryland was one of the earliest states to inaugurate state aid to local governments for improved roads, state administrative supervision over local road administration or finance has been slight. Supervisory controls over state-shared funds, or other requirements as to approval of plans, inspection, and reports, are either nonexistent or are not exercised.

ROAD AND STREET MANAGEMENT

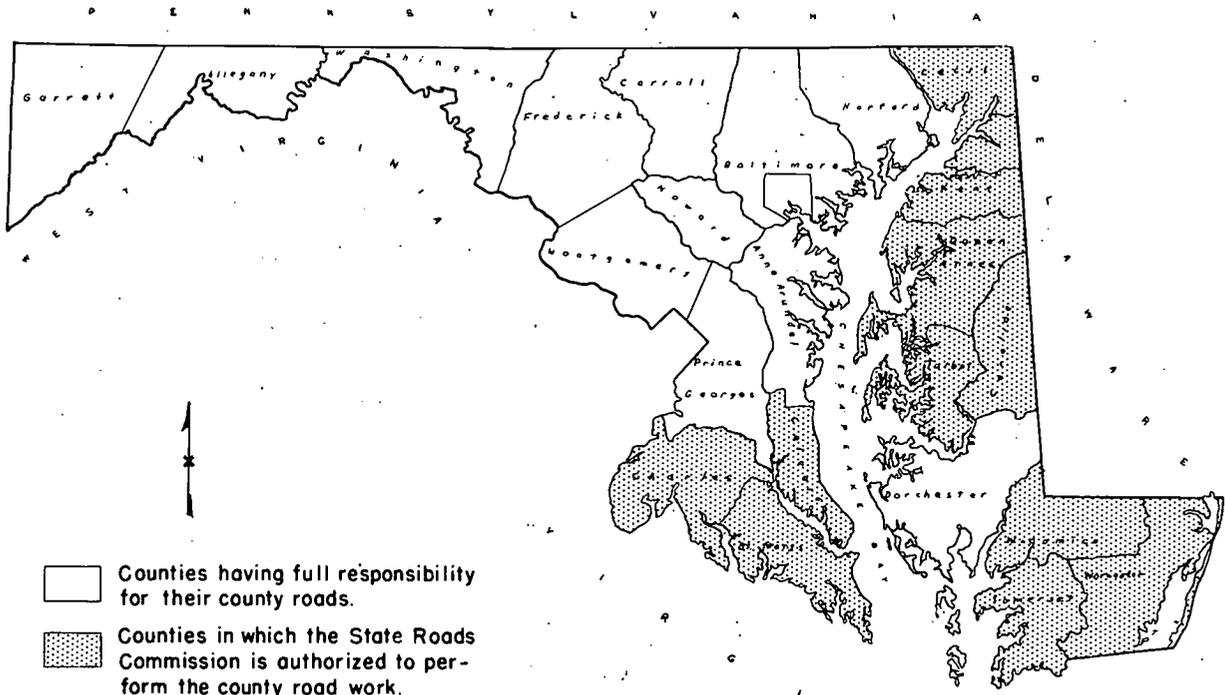
Maryland was also one of the early states to authorize or designate a system of state highways. This step was in recognition of the fact that if a network of improved roads was ever to be achieved, the state would have to take over the responsibility of improving the main roads, which would comprise a system serving the entire state. A legislative act of 1908 assigned this responsibility to the state and directed that a system of state roads . . . "in and through all counties of this state" . . . be selected . . . "on or before May 1, 1909"

State Highway Administration

With this action establishing a system of state roads, administrative responsibility for their improvement was assigned to the State Roads Commission. The Commission is a three-member body, appointed by the Governor, whose members serve at his pleasure and one of whom he designates as chairman. One member must be a resident of the Eastern Shore of Maryland, one a resident of the counties of the Western Shore, and one a resident of Baltimore City. Also, one member must be of the opposite political party from that of the Governor. The Commission "shall have full powers and be charged with the full duties to select, construct, improve and maintain" the state-road system. Although authority to expand the original system is unclear, except for taking over existing county roads, the state highway system has been expanded until at the present time it comprises about 4,600 miles of roads.

In order to carry out its duties and responsibilities, the State Roads Commission is empowered to employ a chief engineer, other professional or technical experts, clerks, laborers, and also advisors and consultants as it deems necessary. Accordingly, the state roads organization in outline, under the Commission proper, includes a chief engineer and a headquarters staff responsible for such major activities as construction, maintenance, right-of-way, traffic, and bridges. The state is divided into seven districts, each in charge of a district engineer. (Prior to the spring of 1952, there had been six districts).

This decentralization of the operation into districts applies only to construction and maintenance activities. All planning, design, and right-of-way activities, for example, are performed by personnel of the headquarters office of the State Roads Commission. In the district organization there is a resident maintenance engineer for each county, with an office in the county to which he is assigned. Mention is made of these specific resident maintenance posts in each county because of their importance with respect to intergovernmental relationships, to be discussed later.



Classification of highway responsibility in Maryland, by counties.

To complete the state roads organization, there is an advisory body to the State Roads Commission known as the Advisory Council on Highway Construction. This Council consists of three members appointed by the Governor. It meets regularly with the State Roads Commission to advise on major policy matters. Among the primary objectives of the Advisory Council at the moment, and one which is closely related to the subject under report, is the preparation by the Commission of a long-range plan for state highway development adequate to meet future traffic needs.

County Road Administration

By legislative definition, the term "county roads" in Maryland . . . "means any public roads, excluding state roads, and including hard surfaced or paved streets of municipalities (except Baltimore City), title to which, or the easement for the use of which, is vested in a public body or governmental agency" The administration of county roads in Maryland has shifted over the years. Prior to 1933, all of the counties were responsible for their own roads. Broad authority for their improvement and maintenance was vested in either the board of county commissioners or a county road board. These boards were also empowered to employ a county road engineer to conduct the work, under their general direction.

With the advent of the depression in the early 1930's, the financial position of the counties was severely impaired. County road administration became a heavy burden. The state came to the rescue by enacting legislation which enabled the counties to turn over their roads to the state, and in 1933, all but three of the 23 counties did so. Consequently, there was at one time almost complete centralization of responsibility for rural roads in Maryland. Gradually, as economic conditions improved, a number of the counties decided they wanted to manage their roads again and took them back from the state, as the law permitted. By 1950, nine counties had taken this step, so that county road administration was a local responsibility in 12 of the 23 counties. This is the present status.

Basically, therefore, there are two methods by which county road work is handled.

Basically, therefore, there are two methods by which county road work is handled. Under one scheme, 12 counties have full responsibility for county roads. They have their own road organizations and do their own work, utilizing both force account and contract procedures. These counties are: Allegany, Anne Arundel, Baltimore, Carroll, Dorchester, Frederick, Garrett, Harford, Howard, Montgomery, Prince George's, and Washington. Under the other plan, in 11 counties the State Roads Commission is authorized as contracting agent or otherwise to perform the county road work. These counties are: Calvert, Caroline, Cecil, Charles, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester. It might also be mentioned that there is legislation existing which permits these counties to resume doing their own work and sets forth the procedure for such action.

Under the plan of state operation, the State Roads Commission considers itself an agent for the county. Legislation applying to the 11 counties authorizes the county commissioners or road authority to make recommendations to the State Roads Commission as to what county road construction and maintenance shall be undertaken. However, while the role of agent is probably the intent of the Commission, the same legislative act provides that "after considering such recommendations, the State Roads Commission shall determine what county roads are to be constructed or reconstructed and what portion of available funds are to be used for maintenance in order that the work done will be reasonably appropriate to an existing or potential integrated secondary highway system." In practice, the state's influence naturally is considerable.

In the counties which do their own work, there are, as already indicated, variations in road administration. The road authority may be the board of county commissioners or a county road board; in practice, the board of county commissioners sometimes serves by law as a road board so that there is actually no distinction, except that extra compensation is received. In one county, however, there is a separate county road board whose membership includes the board of county commissioners along with other members. It is of interest that the board of county commissioners has veto powers over the actions of the road board. All of the variations and combinations stem from local laws enacted by the legislature, usually pertinent to but one county.

Road operations in these counties are in charge of a county engineer or superintendent, as provided by statute. He is usually appointed by the county road authority, but in one instance the law specifies that the Governor shall appoint him, and in another, the Chairman of the State Roads Commission and the Director of Public Works are jointly charged with that responsibility. With the exception of a few larger or more progressive counties, the county road organizations are not staffed to undertake such engineering work as the making of surveys or the preparation of construction plans. In many instances, projects are simply "engineered on the ground." Maintenance is, of course, a major problem, and the county road organizations are almost always set up on a maintenance district basis, with crews and equipment assigned to each.

Municipal Street Administration

Except for the more populous communities, city street administration presents few complex problems. It will be recalled that by legislative definition county roads include "hard surfaced or paved streets of municipalities." Moreover, cities desiring to construct and maintain their streets must be authorized by law to do so. Consequently, it is found that in the smallest communities, either the county or the state, or both, frequently perform the necessary street work for a community, so that there is no need for it to have any organizational unit for streets. The state is involved when it is responsible for county roads or for a state road through a town.

In the smaller cities which are responsible for the improvement and maintenance of their streets, there is generally little formal organization. Most frequently, there is a crew of men which is responsible for maintenance work of all types, including streets. New construction, reconstruction, and resurfacing of the streets are generally performed by contract, any engineering that might be required being done by a consulting engineer. The state has in some cases assumed responsibility for the main-

tenance and reconstruction of the state roads which traverse the city.

Finally, in the larger cities, the local authorities are invariably responsible for the city streets. Under the jurisdiction of the governing body of the city, there is an organizational unit which has charge of street construction and maintenance. The head of this unit may report to a street commissioner, a special committee of councilmen, or he may come under a department of public works. Also, there is sometimes a city engineer, or his equivalent, who is responsible for design and construction work for streets, as well as for other municipal services. In these instances, the city is staffed and equipped to perform its own work, except for major construction projects. This pattern applies in larger scale to the City of Baltimore.

In so far as state responsibility for urban extensions in the larger cities is concerned - that is, streets which are extensions of state roads - the situation varies. In the case of Baltimore City, the State Roads Commission has no responsibility at all for such extensions. In other cities, the extent to which the state has assumed responsibility for urban extensions varies, but in all instances some responsibility has been assumed.

LEGAL FRAMEWORK FOR RELATIONSHIPS

Highway authority and the relationships between a state and its local governmental units may stem from either constitutional or statutory provisions, or both. In Maryland, the state constitution makes no mention of the broad highway function, so that the statutes alone establish existing authority and relationships for this important service.

There are two kinds of statutes in the state: (1) public general law, and (2) public local law. The laws in the first category convey broad authority or establish regulations or procedures which, in respect to local governments, presumably are applicable to all such units. Those in the second group are statutes pertaining to individual governmental units. It is in the sphere of public local law especially that Maryland differs from other states.

Whereas in most states the enactment of local laws by the legislature has either been prohibited or otherwise restricted, the Maryland General Assembly over the years has enacted and continues to enact local statutes rigidly controlling cities and counties as to form of government, salaries of employees, powers of officials, taxation, governmental services undertaken, and sometimes even procedures. And such control is exercised over minutiae. A session law of 1943, for example, provides that the county commissioners of a specified county may have finger boards placed at road crossings, designating the distance to the nearest prominent point. Another local law provides that no road supervisor in one particular county shall permit any Canada thistles to go to seed on county road right-of-way.

Illustrative of the extent of local legislation, the number of public local laws enacted during the 1949 and 1951 sessions of the Maryland legislature comprised approximately one-half of all the bills passed at each of those sessions. Also during those sessions a total of 92 local and special laws dealing with roads were introduced, of which number 70 were passed. This extensive use of local legislation in Maryland also applies to governmental functions other than highways, and is the subject of the Second Interim Report of the Commission on State Administrative Organization, in which corrective measures are proposed.

Other imperfections exist within the legal sphere in addition to excessive control over local governments through the public local laws. Many of the so-called public general laws enacted actually are only local in application. Such "general-local" laws are, for example, the result of exempting several, or even a large group, of counties from the provisions of a general law, or of actually specifying the individual or few counties to which the provisions apply. It is of interest that, excluding the laws applicable to Baltimore City, almost 20 percent of the public general laws relating to highway relationships are found to be of this "general-local" nature.

Furthermore, there are duplication and confusion in the legal structure. The most striking example of duplication is the fact that while there is a public general law which

gives authority and control over county roads to the county commissioners, the authority is given all over again to 19 of the 23 counties by means of public local laws enacted for each of them. Apparently no check is made to ascertain whether general authority already exists before a local law is enacted. It might also be mentioned that very few laws that become outmoded are repealed.

As illustrative of overlapping and confusing provisions of the statutes, one section of the law authorizes the county commissioners to control county roads and bridges and to delegate their responsibility for construction and maintenance thereof to civil engineers. Another section provides that the county commissioners are empowered to control all public roads, streets and alleys, except in incorporated places, and to make rules for repairing, cleaning and mending, and providing for the cost thereof. In addition to the overlapping between the provisions, the phrase "all public roads" is confusing, since it would include state roads.

Finally, the duties and responsibilities of the various road authorities and the administrative heads of the road organizations are not clearly set forth, nor are they specifically assigned at either the state or local levels. This matter will be dealt with more extensively in a subsequent section. By way of illustration, however, the duties and responsibilities of the road authority are not prescribed in any way in 12 of the 23 counties. At the state level, neither the statutes nor an administrative directive establishes the division of responsibilities and duties between the State Roads Commission and its chief engineer. As a consequence, numerous occasions arise when officials of local units are uncertain as to where to take a particular problem. The natural result is for all problems to converge on the State Roads Commission proper, which tends to overburden that body with administrative detail, to the detriment of adequate consideration of broad policy matters.

To sum up, the preponderance of local legislation, the obscurities and duplications in the statutes, and the lack of clear-cut definition and assignment of responsibilities and duties on the whole, result in a muddled situation with respect to highways. The existence of many voided or obsolete provisions in the statutes further adds to the confusion. As a result, specific requirements established by law are commonly overlooked; for example, the making of periodic reports. In addition, the utilization of local laws has an inherent weakness in that no procedure has been established to assure adoption of the best legislation for all counties or cities. Sound policies and procedures - uniformly executed - are necessary to the establishment of a real partnership. The essential foundation for good administrative policies and working arrangements is legislation which establishes broad objectives, clearly fixes responsibility and authority, and prescribes standards of performance.

PRESENT EXTENT OF INTERGOVERNMENTAL RELATIONSHIPS

To what extent do cooperative arrangements in highway affairs exist between governmental units in Maryland? As stated earlier, such arrangements are singularly few in this state despite some past efforts toward cooperative endeavor. An underlying factor which at least partially accounts for the relatively few relationships is the dominance of the traditional and strong feeling for independence already cited. Additional factors, however, bear upon this circumstance, including the complexities of the statutes and the administration of the basic fiscal relationship between the state and local governments. Also, the State Roads Commission feels that it should not interfere in what may be regarded as local prerogatives.

Basic Fiscal Relationship

In all states the fiscal relationship is naturally fundamental, and in Maryland it is one of the few operating relationships of importance. In 1947, following the recommendations of the Sherbow Commission, the legislature completely revised the portion of the highway law concerning the allocation of state-collected, highway-user revenues to local governments. Under the plan adopted, which is currently in effect, the method

of allocation is as follows: 50 percent of the monies from the Gasoline Tax and Motor Vehicle Funds goes to the State Roads Commission, 20 percent goes to the counties and municipalities (other than Baltimore City), and 30 percent goes to Baltimore City. The share allocated to the counties and municipalities is apportioned on the basis of county road mileage, which by definition in Maryland includes municipal street mileage. Under the statutory provisions, these funds may be expended only for highway purposes - construction, maintenance, and highway debt service. The proportionate shares are paid directly to the local governments authorized to do their own road work. In the cases where the state performs the road work for the county, the funds are retained by the State Roads Commission and are credited to the individual counties.

Legislation enacted at the same time as the revised plan of allocation was adopted called for some degree of state supervisory control over the expenditure of the state-shared revenues. The measure of control specified State Roads Commission approval of location, plans and specifications for projects to be constructed using these funds. Without going into detail at this point, it will suffice to note that, in practice, this control is not exercised. In fact, the extent to which local government officials are even aware of this requirement is problematical.

From a practical viewpoint, the allocation of highway-user revenues to the counties and cities, without any effort made to exercise the legally established state supervisory control, enhances the sense of independence on the part of local governments. And the over-all effect is to minimize working relationships. But more important, this circumstance fosters at the same time a non-observance of the directives of the legislature.

Annual highway-user revenue allocations to local units amount to about \$500 per mile of local road and street. In total, the counties' share ranges from about \$95,000 per year in Calvert County, which has 190 miles of county roads, to \$700,000 per year in Baltimore County, which has about 1400 miles of county roads. Similarly, the range for incorporated places is from \$60 for a town which has just twelve-hundredths of a mile of hard surface street and a population of 82, to \$56,000 for the state's second largest city, which has 112 miles of streets. The allocation to the City of Baltimore amounts to approximately \$11 million.

During the conferences which were held with local officials, universal satisfaction was expressed with the local shares of these state-collected revenues, based upon the percentage allocations established by the legislature in 1947. While direct comparisons are not feasible because of the many variables - neighboring states, for example, do not have county roads and do not share user revenues - local governments in few states fare as well or better in the sharing of user revenues than do the local units in Maryland. For instance, in comparison with the average return of \$500 per mile to local units in Maryland, the similar figure in Michigan is about \$300, in Indiana about \$250, in Georgia about \$100, and in California the return is about the same as in Maryland.

The only question raised by Maryland local officials concerning their allocations had to do with the relative amounts received, but even in this regard only slight dissatisfaction was expressed. This question arises because the allocations are based upon mileage; and, for example, one county, more urbanized, with greater traffic, feels it is entitled to a larger share than an adjoining county which is highly rural, with much less traffic volume, but which actually receives a larger sum because it has more miles of county roads. Differences in topography were also cited as a factor tending to make relative amounts disproportionate. As for incorporated places, the only point raised was that larger communities, with wide streets and higher construction standards, received, under the mileage factor, no more than the more rural type community. It is true such discrepancies exist; but it is doubtful if a perfect formula will ever be developed that can take into account all factors, giving proper weight to each. Though beyond the scope of this report, this matter is mentioned primarily to point up the fact that the basic fiscal relationship is deemed quite satisfactory by local officials.

On the other hand, the question was raised as to whether the allocations of highway-user revenues exceed the needs of local units. This question is probably best answered by an analysis of data for 1950 or 1951, which shows that of the 23 counties, 22 raised funds in addition to the monies allocated by the state, either through a county road levy

or out of general funds. Interestingly, the one county which did not raise additional funds is one in which the state road mileage in the county exceeds the county road mileage, and where 84 percent of the county mileage is already surfaced. The locally raised revenue ranged from approximately \$20,000 to \$1,300,000, and the individual amounts exceeded \$100,000 in 9 of the 22 counties. With respect to municipalities, similar data, where available, are indicative of the fact that most, if not all, cities spend considerably greater sums on their streets than they receive from the highway-user revenue allocation. In Baltimore City, in addition to the state-shared funds, the city follows a program of issuing special-assessment paving bonds.

Before proceeding to a brief description of relationships existing between the various governmental units in the state other than the basic fiscal relationship, it should be recalled that the State Roads Commission has assumed some responsibility for the extensions of state roads in incorporated places, other than Baltimore. There are variances in the extent to which such responsibility has been assumed in individual municipalities; apparently these variances are the result of fluctuations in state policy over the years, which should be avoided in the interest of good relations. The present Commission follows a policy of accepting responsibility for city streets only after they have been improved to state standards by the city.

Other Relationships

Other existing statutory highway relationships in Maryland at first glance seem to be numerous. The public general laws and public local laws, both, establish relationships between the state and the counties and cities, as well as interlocal ones. The laws concern many matters of varying significance and scope - from obtaining Federal aid, authority for which is extended to all levels of government, to enabling a particular city for the purpose of installing or repairing a public works facility to enter a county road without a permit. They are analyzed and discussed in the next section of the report.

While there are many existing statutory relationships, analysis discloses that some of them are obsolete because of changed circumstances, others are relatively unimportant because of their limited applicability, still others are voided because they have never been complied with, and only a few are actual working relationships. These encompass state-county, state-city, and state-Baltimore City relations, and concern such matters as the performance of county work by the state, Federal aid, the transfer of roads between state and county systems, state control over the installation of traffic-control devices, and the already mentioned allocation of the gas tax and motor vehicle revenues. Interlocal relationships established by the statutes are few in number and not of great significance.

Although the statutes do not provide general authorization for, nor encourage, cooperative arrangements in highway work, some informal ones have developed over the years. The cooperative endeavor most commonly encountered is an informal agreement between the State Roads Commission's maintenance staff and county road heads whereby each plows snow on certain road sections which are the responsibility of the other party, but which are contiguous to their own sections. This, of course, results in more efficient and economical operation. Other informal arrangements reported include cases in which a county rents equipment to a city, the state rents county equipment, two adjoining counties maintain alternate bridges connecting them, a county and city share responsibility for a boundary road, and a city and county exchange equipment and supplies in emergencies. It will be noted that such informal arrangements more frequently concern interlocal relationships than state-local ones. That such cooperative efforts are advantageous goes without saying.

There is little doubt that general legislation providing a much broader base for inter-governmental relations, and authorizing various informal cooperative arrangements, would be helpful in improving relationships. Coupled with leadership on the part of the state, such action would go far toward assuring a sound, working partnership between state and local governments.

Legal Provisions Affecting Relationships

●LEGAL provisions affecting highway relationships in Maryland are tabulated in Appendix A. A total of 397 such provisions are listed there, so that at first glance it appears that the matter of highway relationships in Maryland has been given adequate consideration from the legal viewpoint. Actually, such is not the case, as will be indicated by subsequent analysis.

The legal provisions tabulated include both constitutional and statutory provisions. Some of them prescribe direct relationships, but also included are a number of provisions, either regulatory in character or providing some basic authority relative to highways, which affect relationships only indirectly, by influencing the quality and scope thereof. There are 330 of the latter provisions, as contrasted with only 67 provisions which result in direct relationships.

Of the 397 total legal provisions included in the tabulation, only four are constitutional provisions, 84 are public general laws and 309 are public local laws. Within each of these categories the provisions are classified as state-county, state-city (other than Baltimore City), state-Baltimore City, and interlocal; the state-city provisions are limited in all cases to those affecting the 27 cities included in the over-all study. None of the constitutional provisions, only one of the general laws, and only 15 of the local laws are interlocal in character, so that the great majority of all legal provisions affect state-local rather than interlocal relationships.

CONSTITUTIONAL PROVISIONS

Of the four constitutional provisions, two affect state-county relationships and two affect state-Baltimore City relationships, but none provides for a direct relationship. Two of the provisions require legislative authorization of county and Baltimore City road bond issues, respectively; the third states that home rule counties do not acquire power to enact laws or regulations covering their incorporated places; and the fourth permits the legislature to authorize Baltimore City to acquire and dispose of off-street parking facilities. Obviously, constitutional provisions affecting highway relationships are few in number and relatively unimportant.

It has already been stated that there is no mention in the constitution of the over-all highway function or of the broader public works function. Consequently, the few constitutional provisions affecting highway relationships appear to be very fragmentary. A procedure for the acquisition of off-street parking facilities by Baltimore City is provided, for example, but there is no similar provision for other incorporated places in the state. Nor is there any such provision anywhere in the statutes, although a number of incorporated places other than Baltimore have acquired and are operating off-street parking facilities.

STATUTORY PROVISIONS

Of the 84 public general laws, 47 affect state-county relationships, 18 affect state-city (other than Baltimore) relationships, 18 affect state-Baltimore City relationships, and only one affects interlocal relationships. Only 45 of the 84 general law provisions prescribe direct relationships, the other 39 affecting relationships only indirectly.

Similarly, of the 309 public local law provisions, 153 affect state-county relationships, 133 affect state-city (other than Baltimore) relationships, nine affect state-Baltimore City relationships, and 141 affect interlocal relationships. Only 22 of the 309 local law provisions prescribe direct relationships, 287 affecting relationships only indirectly.

Of the total of 393 general and local law provisions affecting highway relationships in Maryland, then, 200 affect state-county relationships, 151 affect state-city (other

than Baltimore) relationships, 27 affect state-Baltimore City relationships and 15 affect interlocal relationships. In other words, of the total statutory provisions tabulated, more than 50 percent are state-county in scope, almost 40 percent are state-city (other than Baltimore City), while state-Baltimore City and interlocal provisions together constitute only about ten percent of the total.

Public General Law Provisions

The 47 general law provisions affecting state-county relationships are too numerous to be discussed in detail, and readers interested in the content of individual provisions are referred to Appendix A. In general the laws vary widely in scope, some being rather broad in application and others very narrow. One provision, for example, gives county commissioners authority to control county roads and bridges, while another states that in Garrett County the State Roads Commission must not block private entrances in removing snow.

Some general laws affecting state-county relationships appear to be of broad scope, but are limited in application to only a few counties. One such law, for example, empowers county commissioners to establish merit and retirement systems for county employees, but provides that this authority shall not extend to 17 specified counties. Another states that county commissioners have the power to open, alter or close any public road or roads in their respective counties, but provides that this power shall be applicable in only 11 of the 23 counties in the state.

The first of the tabulated state-county general law provisions is an example of those provisions which affect relationships only indirectly; it authorized the State Roads Commission to establish a state highway system in and through all counties as of 1909. The third provision, on the other hand, authorizes the State Roads Commission to take over any public road in a county or counties, provided same forms a through route between two or more important points in the state, and since an actual transfer would be involved, indicates a direct relationship.

Naturally, some of the general laws pertinent to state-county relationships are more significant than others, and a number of these will be discussed as the report develops. One such law provides that all county construction projects estimated to cost in excess of \$6,500 shall be let by contract. Another requires county commissioners to file with the State Roads Commission complete reports on force account construction projects. Still another, already discussed, provides for the allocation of gas tax and motor vehicle revenues to counties and municipalities; complementary laws require that no construction of county roads using these funds shall be performed without State Roads Commission approval of location, plans and specifications, and that the State Roads Commission shall make a detailed monthly report to the counties as to the status of such funds.

Another significant law is that which permits the State Roads Commission to act on behalf of counties in connection with Federal aid. Still another provides that the State Roads Commission, upon request of any county, shall furnish thereto plans for improving the county road system concomitant with the state system. Another authorizes the State Roads Commission and counties to agree at any time to change the status of any road within a county from county to state or vice versa. The laws authorizing the State Roads Commission to perform the county road work in 11 specified counties and prescribing the method for a county to resume doing its own work have already been mentioned. Also important are the laws limiting the authority of counties to place or maintain traffic-control devices upon state and county highways, respectively.

Turning now to the general law provisions affecting state-city relationships, much the same situation prevails as in the case of those affecting state-county relationships. Although not so numerous as the latter, provisions affecting state-city relationships, of which 18 affect cities other than Baltimore and 18 affect Baltimore, are too numerous to be discussed in detail. Also, some are broad in scope and others very narrow. None of the provisions which appear to be of broad scope, however, is limited to the extent of being applicable only in designated municipalities, as in the case of counties, except for Baltimore.

With respect both to cities other than Baltimore, and Baltimore, similar provisions are important. There is authority for the state to contract with municipalities in "furthering" the 1909 state system, to act on behalf of municipalities relative to Federal aid, and to regulate the placing and maintaining of traffic control devices. Also, the allocation of gas tax and motor vehicle funds is provided for, along with the provision that in the 11 counties where the State Roads Commission does the county road work, it may do municipal work in the same way as county work. No specific authority establishes the responsibility of the state for extensions of state highways in cities, but, presumably, in furthering the 1909 state system, the State Roads Commission by individual agreements with the cities has accepted responsibility for the maintenance and reconstruction of certain city streets. In connection with Baltimore City, the State Roads Commission is directed to improve those portions of the 1909 system of state roads therein, whereupon they become city streets. There is no public general law authorizing incorporated places to exercise control over city streets, as there was in the case of counties controlling county roads.

The only general law provision affecting interlocal relationships authorizes the counties to expend the municipalities' shares of the gas tax and motor vehicle revenues in those cases where the municipalities do not receive their own shares thereof. This is a direct relationship, applicable in those cases where a municipality is not authorized to do its own street work and so is not eligible to receive its allocation of highway user revenues.

Public Local Law Provisions

Public local laws, unlike public general laws, are applicable to only one specific county or city. In some cases they duplicate public general laws. It has been noted, for example, that there is a public general law giving county commissioners broad authority to control county roads and bridges. There also exist 19 separate laws applicable to 19 counties, providing that county commissioners in those counties have general authority over county roads and bridges, and so duplicating the authority of the public general law on this subject.

A considerable number of the public local law provisions affecting highway relationships, in both the state-county and state-city categories, pertain to the form or type of local road administrative organization which shall exist. Existing provisions specify the responsible road body, responsible road head, duties and responsibilities of each, and reports and accountability required. The fact that the State Roads Commission is responsible for county road work in 11 counties has not influenced the public local laws, which in most cases have been neither repealed nor revised to reflect the impact of state operation.

With respect to state-county relationships, theoretically a total of 23 local law provisions, one for each county, could exist covering any particular point; actually the maximum number of such provisions affecting any one aspect of state-county relations is 22. It has already been mentioned, for example, that there are 19 public local laws giving county commissioners authority to control county roads and bridges. Similarly, there are 22 such laws designating the body responsible for county roads, with the county commissioners designated in 17 counties, the county commissioners acting as a road board in four counties, and the county council in one county.

The county road head is specified in 17 counties, being designated as an engineer in 14 counties, a supervisor in two counties and the director of public works in one county. Twelve of the designated county road heads are appointed by the county commissioners, according to public local law, and one each is appointed by a county road board, county business manager, county manager, Governor of the state, and State Roads Commission and Director of Public Works jointly. Although the county road heads in 14 counties are designated as engineers, they are required by statute to be either graduate or registered professional engineers in only three counties; in the remaining counties some combination of knowledge and/or experience is sufficient.

Duties and responsibilities are prescribed for the county road bodies in only 10

counties, with five counties classified as general, four as fragmentary, and only one rather detailed. Similarly, duties and responsibilities are prescribed for county road heads in 16 counties, with two counties classified as general and 14 as fragmentary.

There are no public local laws which require statements or reports by a county road body, but statements or reports by the road head to the road body are required in 14 counties. Annual work programs prepared by the road head are required in three counties.

Public local laws establishing direct state-county relationships are only six in number, and each covers a separate relationship prescribed for only one county. One authorizes a county to enter a state road to install drains or sewers, one authorizes a county to install parking meters on a state road, one authorizes a county to regulate parking on any public highway, one permits a county road engineer to appeal his removal to the State Roads Commission, one provides that a county shall consult with the State Roads Commission before making any improvement costing more than \$1000 per mile, and one authorizes a county to participate in the cost of state road projects in the county. It appears that some of these relationships should have a wider applicability than the single county in which they are now authorized or required.

Concerning state-city relationships affecting cities other than Baltimore, on any particular point a theoretical total of 26 local law provisions could exist, since that is the number of municipalities included in the study. Actually, general authority over city streets is granted to 24 cities, but a body responsible for city streets is designated in all 26 cities, the city council being named in 16 cities, the board of commissioners in nine cities, and the board of aldermen in one city.

A responsible street head is named in 14 cities, being designated city engineer in four cities, commissioner of streets in four cities, superintendent of public works in three cities, street supervisor in two cities, and chief of police in one city. The street head is appointed by the city council in five cities, by the board of commissioners in two cities, by the mayor in six cities, and in one city he is a civil-service employee. It is required that the city street head be a professional engineer in three cities.

Duties and responsibilities are prescribed for city street bodies in 20 cities, with 7 classed as general and 13 as fragmentary. Similarly, duties and responsibilities are prescribed for city street heads in only six cities, with four classed as general, one as fragmentary, and one rather detailed. No statements or reports are required, and no direct relationships are established in cities other than Baltimore.

With respect to public local laws affecting state-Baltimore City relationships, it is provided that Baltimore City officials have general authority over streets, that the body responsible for city streets shall be the city council and that the responsible street head shall be designated as the highway engineer, a bureau chief under the director of public works, appointed by the mayor, but with no technical qualifications required. Duties and responsibilities prescribed for the street body are rather detailed, while those prescribed for the responsible street head are general. No reporting or accountability is prescribed by public local law, but the city charter requires the director of public works to submit an annual report to the mayor and city council.

The only direct relationship established by local law and affecting Baltimore City authorizes the mayor and city council thereof, acting alone or in cooperation with any federal, state or local agency, to plan and provide controlled-access highways. Because of the wording of this provision, it establishes interlocal relationships between Baltimore City and any county or city, as well as the state-Baltimore City relationship.

Other interlocal relationships provided by public local law provisions are 13 in number. Of these, six are separate laws authorizing six separate counties to construct and maintain bridges jointly with adjoining counties. Four other laws authorize four counties to assist incorporated towns therein in financing street work. The other three laws provide in one case that two incorporated places shall have concurrent jurisdiction over the entire width of a particular boundary street, and in the other cases that two particular cities for the purpose of installing or repairing a public works facility may enter county roads without a permit. None of these provisions appears to be of major significance.

Chart of Direct Relationships

It has already been pointed out that only 67 of the 397 legal provisions tabulated in Appendix A express direct relationships. These 67 provisions are diagrammed in the large chart given at the end of this publication, following the appendix. In this chart (Chart I) the term "SRC" refers to the Maryland State Roads Commission. Since none of the constitutional provisions provides direct relationships, no constitutional provisions are included on the chart. The 67 provisions which are included consist of 45 public general law provisions and 22 public local law provisions, all of which require or authorize specific direct highway relationships.

Not all of the provisions included on the chart are of the same significance. Some are important operative relationships of major significance, and these have been capitalized. Others are of less significance because they deal with relatively unimportant subject matter, are obsolete or outmoded, or deal with a situation which does not now exist. Still others are of major significance from the viewpoint of subject matter, but because their existence has apparently been overlooked, are not important from the operating viewpoint.

Of the 45 general law provisions, shown on the left side of the chart, 21 express state-county relationships, 12 are concerned with state-city (other than Baltimore) relationships, 11 with state-Baltimore City relationships, and only one is interlocal in character. Six of the state-county, four of the state-city (other than Baltimore) and three of the state-Baltimore City relationships are indicated as of important operative significance, so that only 13 of the 45 general law provisions fall within this category.

Similarly, of the 22 local law provisions, shown on the right side of the chart, six express state-county relationships, one is a state-Baltimore City relationship, and the rest are concerned with interlocal relationships. None of the local law relationships is considered as of important operative significance.

Going back to the charted general law provisions establishing direct state-county relations, the six provisions included in the important operative category are concerned with the allocation of highway-user revenues, Federal aid, the exchange of roads between the state and counties, the performance of county road work in 11 specified counties by the State Roads Commission, and the placing or maintaining of traffic-control devices. The four provisions in the same category affecting state-city (other than Baltimore) relationships are concerned with the allocation of highway-user revenues, Federal aid, and the placing or maintaining of traffic-control devices. The three corresponding state-Baltimore City provisions also are concerned with the allocation of highway-user revenues, Federal aid, and the placing or maintaining of traffic-control devices.

Of the 397 legal provisions affecting highway relationships directly or indirectly, then, only 13 can be considered as effecting direct relationships of important operative significance. Several of these provisions effect the same relationship at different levels of government, however, so that in the over-all sense the number of important operative relationships can be reduced still further to six. These over-all relationships would provide for the allocation of highway-user revenues, the obtaining of Federal aid, the exchange of roads between the state and counties, the performance of county road work in 11 specified counties by the State Roads Commission and the placing or maintaining of traffic-control devices by local governments.

GENERAL LEGISLATIVE NEEDS

This discussion of legal provisions affecting highway relationships in Maryland has indicated a number of weaknesses in existing legislation, and has suggested a number of corresponding legislative needs. In the first place, there is very little legislation of a broad or general nature, even in the public general laws, and much of the existing legislation is fragmentary in character. There is relatively little legislation pertaining to municipalities, and many of the public local laws duplicate material included in the public general laws. In general, legislation referring to cooperative arrangements is

rather limited.

It is now generally conceded that cooperative relationships, plus the functions of organization and management which affect relationships, should be provided for by statutes setting forth the broad objectives, leaving the details of practice and procedure to administrative action. The Maryland legislation is weak in this respect, since no such statutes exist. With reference to any particular subject, there exist simply a number of scattered provisions which are fragmentary in the over-all sense.

Many of the public general laws are not general at all, but are local in character. Perhaps the extreme example is the public general law which provides that in Garrett County the State Roads Commission must not block private entrances in removing snow. Certainly this law is local in character, and if there is any need for it in Garrett County, there is just as much need in a number of other counties. Actually, the State Roads Commission carries out the intent of the law as a matter of course, and there exists no real need for such a law.

The public local laws in some instances duplicate the general laws; and in many instances a considerable number of local laws could be consolidated into one general law of broad application. It has already been noted that there exist 19 separate laws giving the county commissioners general authority over county roads and bridges but there also exists a general law giving county commissioners authority to control roads and bridges. Under the circumstances it appears that there is no need for the 19 local laws.

Similarly, it has been pointed out that there exist 16 separate local laws governing the qualifications of county road heads, and that only three of these laws require graduate or registered engineers, the rest requiring only sufficient knowledge and experience. These 16 local laws could be replaced by a single general law requiring that county road heads be engineers or qualified by experience, and none of the counties would lose any of its present prerogatives.

One item not previously mentioned is the large number of public general laws and local laws which are obsolete. Many of these were passed prior to 1900, and have become obsolete by the mere passage of time, i. e., laws pertaining to "finger boards," for example. Others have become obsolete due to changed conditions, such as the assumption of county road responsibility by the State Roads Commission. Apparently little effort has ever been made to remove any of these obsolete provisions from the books.

Finally, the lack of adequate legislation covering cooperative arrangements has been indicated. The 397 legal provisions affecting highway relationships were in the end reduced to only six significant items, each limited to a rather narrow and specific issue. Nowhere in the law is there any broad general or enabling legislation encouraging cooperative endeavor, or even permitting it, beyond the very few items provided for specifically.

All of this discussion leads inevitably to the conclusion that highway legislation should be rewritten. At present there is a considerable bulk of such legislation, but much of it is of little or no significance. Also, much of it is obsolete, and could well be eliminated. Such significant legislation as does exist is fragmentary and rather limited in scope. Insignificant and obsolete provisions should be removed, and general laws should be substituted for local and special laws wherever feasible. Broad objectives and policies should be clearly indicated, with details of procedure left to administrative action at the several levels of government.

Analysis of Working Procedures and Relationships

●THE PRECEDING analysis of legal provisions affecting highway relationships in Maryland indicated that only a few of the possible areas for such relationships have been adequately covered from the legal viewpoint. Consequently, a number of informal relationships have been developed in practice without legal background. Further, some additional areas where cooperative relationships are desirable have remained undeveloped as a result of the lack of enabling or encouraging legislation. Finally, even where the legal provisions specify a particular procedure, these provisions have in some cases been overlooked, and in other cases working procedures differing somewhat from the specified legal procedures have been developed.

It is the purpose of this section to discuss in some detail the various working procedures and relationships which exist, whether based on law, expediency, or some combination of the two. An effort will be made to indicate the strengths and weaknesses of existing procedures and relationships and, when appropriate, suggestions will be made for their improvement. Their influence on the over-all highway problem in Maryland will be discussed under the following heads: (1) Authority and responsibility, (2) Organization and management practices, (3) Planning and programming, (4) Highway classification, (5) Construction and maintenance, and (6) Traffic operations.

AUTHORITY AND RESPONSIBILITY

It is an axiom of good administration that, for effective operation, responsibility must be clearly defined and definitely assigned, and commensurate authority must be granted. In Maryland responsibility and authority for the highway function have not been adequately defined and assigned, either by law or by administrative directive, and there has been a resulting detrimental effect on intergovernmental relationships.

At the state level, as has already been indicated, the express legal authority and responsibility of the State Roads Commission extends only to the state highway system as of 1909 and to such existing county roads as have been added thereto; authority and responsibility beyond this is unclear. Three commission members are required and a chief engineer is permitted by law, but there is no definition of their respective authorities and responsibilities, either by law or by directive. Even within the department assignment of responsibility is not always clear, and in many cases the chief engineer must act on a matter which should be the responsibility of a bureau head. Also, many decisions which could be made in the field are referred to Baltimore, and local officials feel that the authority of the district engineers might well be broadened in this connection.

All of these things affect intergovernmental relationships, some more than others. The chief engineer, over a period of time, for example, may establish what he regards as a policy on a particular matter, but since his authority is not defined, the commission members on occasion may make an exception. Shortly thereafter a local government which had previously asked for an exception which was not granted hears of the later decision, and immediately its relations with the state become less cordial. Or, suppose that a county engineer in an emergency asks the state district engineer for materials or equipment, and that a decision is delayed pending a referral to Baltimore. The immediate relationship is strained, and the possibility of future cooperative efforts becomes more remote.

At the county level, county commissioners are by law given general authority over county roads, and provision is made for the appointment of a county road head. There is no indication, however, as to what the general authority given to the county commissioners shall include, nor as to the responsibility of the county road head. In some cases then, the county road head assumes authority which the county commissioners feel is

their prerogative, while in other cases he fails to assume any authority at all and becomes simply a chore-boy of the commissioners. In either case the over-all efficiency of the county road organization suffers.

In those counties where the State Roads Commission has assumed responsibility for the county road work, it is authorized and directed by law to perform construction and maintenance work on county roads after considering recommendations made by the county commissioners. The State Roads Commission considers itself merely an agent for the counties, but in practice, if the state feels that all available money in a particular county is required for maintenance, no construction work is done, and the county, if dissatisfied, has little recourse other than to take back its roads, which may not be the most desirable solution. Actually, there has been little dissatisfaction with the state's decisions on such matters, but the wording of the statute leads to possible misunderstanding.

In the municipalities, including Baltimore, much the same situation prevails as exists in the counties. That is, the governing body is usually given general authority over city streets, and provision is made for the appointment of a city street head. Again, however, there is no definition of the responsibilities involved, and the possibility of friction and misunderstanding is increased. At all levels of government, then, relationships are affected adversely and the efficiency of the highway operation suffers because there is no adequate definition of authority and responsibility for the highway function.

In defining authority and responsibility, the distinction between general authority and specific powers and duties should be noted. Existing legal provisions, in addition to general authority over roads and streets, also grant specific powers and duties with reference to the highway function. In almost all cases, however, these powers and duties are scattered and fragmentary, with little or no continuity.

If authority and responsibility are defined in general terms, there is no objection to the inclusion of specific powers and duties. Where powers and duties are included, however, they should not be construed to limit the general definition and statement of objectives, but rather to indicate the intended scope of the broader definition. Their purpose should always be to further explain what is to be done, but not how it is to be done, which is a matter of administration rather than policy.

In brief, the foregoing discussion clearly indicates the need in Maryland for adequate definition and delegation of authority and responsibility for the highway function at all levels of government. Within the ranks of a highway organization, administrative action is all that is necessary to bring this about; but at the top level, legislation should establish the authority and responsibility of the policy-making body and of the administrator who is to carry out the policies, clearly separating the policy-making function from the administrative function. These steps are essential to the establishment of sound, cooperative highway relationships. Moreover, in conjunction with such action, the out-moded provisions and other weaknesses in the existing statutes, as described under the heading of general legislative needs in the preceding section, should be corrected.

Recommendation. Existing statutory provisions affecting highway relationships should be revised. Insignificant and obsolete provisions should be removed, and general laws should be substituted for local and special laws whenever feasible. Authority and responsibility for the highway function at all levels of government should be clearly defined and assigned. The authority and responsibility of the policy-making body and of the administrative head, who is charged with the execution of the policies, should be defined by legislation in all cases. In this connection, at the operating level, the administrative head of the road unit should be given full responsibility for the organizational structure and the assignment of duties and responsibilities within his unit. In no case should the policy-making body concern itself with administrative detail. Legislation should be stated in general rather than specific terms, and should be broad in scope, indicating over-all objectives as well as responsibility.

The preceding discussion of authority and responsibility has dealt with the state and local governmental units. In addition there are in Maryland several independent agencies,

such as the Washington Suburban Sanitary Commission and the Maryland-National Capital Park and Planning Commission, operating in the metropolitan areas and exercising therein certain authorities with respect to the highway function, and as a result thereof influencing intergovernmental relationships.

The Washington Suburban Sanitary Commission, for example, is permitted by law to enter any state, county or municipal highway in connection with its responsibility for installing utilities, provided that the highway authority concerned shall be notified and the highway repaired and left in the same but not inferior condition. Apparently a generally satisfactory procedure has been worked out between the Commission and the state, but a number of local officials complained that the first knowledge they have of a highway cut made by the Commission usually comes from an irate citizen calling up about it and demanding action of one kind or another. It was also indicated that the restored highway condition is often inferior to the original condition.

When these complaints were brought to the attention of the Sanitary Commission, it was stated that plans for street openings or cuts go to counties and incorporated places, preceding the contemplated work by about a month, but that no notice is given as to when the opening will actually take place. It was also pointed out that local units do not always carry through on agreements concerning highway width, and that consequently on occasion projects have been completed with fire hydrants standing in the gutters, for example.

The Maryland-National Capital Park and Planning Commission, in connection with its planning activities, makes recommendations for highways, and has prepared a Master Plan of Highways affecting the Prince George's County portion of its jurisdiction. The Commission's technical staff reviews all proposed subdivision plats with respect to the locations, widths and grades of streets, and in the exercise of subdivision control the Commission is often able to obtain dedications of areas required for widening existing roads and for new roads. All of these activities require a great deal of coordination with other governmental agencies at both the state and local levels, and these relationships are becoming more numerous and more significant each year.

In connection with such independent agencies, the situation again calls for a clear definition of authority and responsibility, plus a more rigid compliance with existing law. Additionally, the power of independent agencies to enforce delegated authority needs to be considered. The decision of such an agency can in many instances be overruled by vote of the county officials, and in some areas there are several agencies performing the same or similar functions. In these cases there is need not only for a clear definition of authority and responsibility, but also for some provision so that the agency to which the authority is assigned will have the power to follow through and therefore be held responsible.

A final comment on highway authority and responsibility in Maryland was suggested by a recent editorial appearing in The Baltimore Sun. The editorial discussed a bill passed by the General Assembly a year ago ordering the State Roads Commission to build, at state expense, a \$3,000,000 road-bridge improvement in Baltimore County, and stated that such action by the lawmaking branch of the state government invaded the province of the administrative branch, which it definitely did. The editorial further pointed out that this measure was not an isolated attempt by the legislature to dictate to the State Roads Commission, but rather was in line with an unfortunate legislative trend.

"If the Legislature were to persist in enacting mandatory road and bridge bills at the behest of pressure groups in individual counties, the whole of the State's big road-building program would be put into jeopardy," concluded the editorial. Specifically, for purposes of this report, the effect would be to discourage improved intergovernmental relationships. For each pressure group whose demands are met in this way, there will exist a considerable number of dissatisfied groups, individuals and governmental units. The selection of individual highway projects by the legislature is an outmoded practice which had its origin in the days before adequate administrative and technical staffs existed, and this selection should be a definite responsibility of the state and local governmental units. The responsibility should not be usurped by legislative action.

ORGANIZATION AND MANAGEMENT PRACTICES

It should be made clear at the outset that an analysis of organization, as a specific, over-all function, does not come within the scope of this study, nor was it intended that it should. However, it is obvious that both organization and management practices, which determine the working arrangement through which highway work is accomplished, have a considerable influence upon the extent and quality of intergovernmental relationships. These subjects are treated here, therefore, only as they affect relationships between governmental units.

The Maryland statutory requirements establishing the road authority and the administrative head thereof, for all levels of government, have already been cited and recommendations made for some desirable revisions in the law. Below this level in the organizational hierarchy, the statutes do not specify what the organizational structure of the road unit shall be for either the state, counties, or cities, except to indicate sometimes the kinds of staff members who may be employed to enable the road agency to perform its duties. This is as it should be, for highway administrators are best able to determine how the work should be organized, and to recognize the need for organizational revisions to meet changed conditions or new responsibilities. In fact, this is one of the chief responsibilities of an administrator; and such administrative flexibility is essential to good management.

The real purpose of organization is to achieve coordination within a group so that a task can be completed or a service rendered. And this, in turn, is accomplished by defining the work and duties to be performed, by establishing clear and definite lines of responsibility and authority, by properly dividing the work, and by the use of specialized personnel. The main outlines of the road organizations of the state, counties and cities have already been indicated. The immediate inquiry then is how these elements of organization are applied in relation to cooperative highway relationships.

Maryland State Roads Commission

At the state level, it will be recalled, the road organization is of the commission type, under which there is a chief engineer and a number of division heads, each in charge of a major activity of the State Roads Commission. These officials, along with their staff personnel, form the headquarters organization. The Commission is further organized on a district basis. However, only two of the major activities of the Commission, namely construction and maintenance, are decentralized on the area basis. All other activities such as design, planning, traffic and right-of-way are centralized at headquarters, and those in charge have no counterparts at the district level.

The districts are in charge of district engineers, each of whom has reporting to him an assistant engineer for construction and another for maintenance. Also reporting to the district engineer, there is in each county a resident maintenance engineer. In the counties which do their own work, he is responsible for the maintenance of state roads only in his county. In the counties where the state does the county road work, the resident maintenance engineer is in charge of both state road maintenance and the county road work in his county.

While it is not within the province of this report to evaluate the state organization, some general comments are pertinent with respect to the matter of relationships. First, in the matter of a centralized versus a decentralized type of organization, experience throughout the country has not as yet demonstrated that either plan of organization has significant advantages over the other in all cases. In smaller, more compact states, a centralized type of operation is, of course, more readily adaptable than in the larger states. On the other hand, personnel in district offices are generally in closer contact with local officials and are better informed as to local problems and conditions.

At the district level of the State Roads Commission, with respect to those counties which do their own work, the district engineer and his staff are not assigned any responsibility as to local road and street activity. Consequently, they have little contact with the county road authorities. It was invariably reported that those contacts which

arise come about only because of necessity, such as a problem at the intersection of a state and county road. There are few examples of voluntary relations, or of real effort to benefit jointly from advice or assistance. Possibly the state is reluctant to take the initiative because such action might be construed locally as interference. Virtually the same situation prevails in the cities, although there is some increased contact because of the state's responsibility for the extensions of some state highways therein.

In contrast, in the counties where the state performs the county road work, such work is the assigned responsibility of the district organization. While the district engineer has some contact with local road authorities, the resident maintenance engineer in each county, especially, works very closely with the county commissioners, usually meeting with them weekly. It was quite apparent that this close relationship is valued highly by the county officials of those units under this plan, particularly with respect to every-day operations. Most frequently the resident maintenance engineer is a local person, which is certainly a significant factor. The quality of relationships, however, seems to deteriorate somewhat with respect to such matters as projects involving Federal-aid funds and policy matters determined at central headquarters. The distance from the source of authority is an element which, at least partially, accounts for the difference in the quality of relationships. Again, with respect to municipalities, the situation as to relations is about the same as in the other group of counties which do their own work, since the larger communities are responsible for their own street work. In some of the smaller ones, the state does the work for the community, but this is of such small magnitude that it is not significant.

Despite the partial decentralization of responsibility which, in so far as relationships are concerned, only applies to part of the counties, the bulk of responsibility as to cooperative efforts in local road and street activities rests at the headquarters of the State Roads Commission. There is, however, no staff post, nor a special organizational unit, to which responsibility is assigned for overseeing and coordinating such work as concerns the expenditure of the state-shared highway-user revenues (other than where the state does the county work), for assisting and advising the counties and cities in connection with Federal-aid projects, or for maintaining general liaison with local units of government.

Duties and responsibilities concerning technical activities in this connection are spread throughout the various divisions at Commission headquarters. Work done for local units is performed by the regular division personnel in conjunction with their other duties. Most of the divisions have contacts with both counties and cities at some time. But there is no principal point of contact for technical activities embracing county or city highway work. In addition, although major policy matters are handled and decisions are made at the Commission level, the chief engineer plays an important part in their formulation and execution. Since there has been no clear-cut demarcation between his duties and responsibilities and those of the Commission proper, there are times when local officials are uncertain with whom they should take up a particular problem, and whether a settlement is final unless it is the result of formal Commission action.

Turning now to a consideration of management objectives, other factors work against the establishment of close, coordinated state-local relations in Maryland. The actual contacts with local units concerning technical aspects of highway work, mentioned above, are relatively few. There are several reasons for this. One is that state supervisory controls over local projects on which the state-shared user revenues are expended are not exercised. Another is the weak liaison with local units concerning Federal-aid programs for secondary roads and urban work. This is handled through an assistant to the chief engineer who has been assigned generally, among his many other duties, responsibility for supervising the obtainment and expenditure of the Federal-aid funds available to both the counties and cities. But this responsibility is chiefly that of tending to the mechanics of allocating the funds and making sure that the Federal contacts and requirements are lived up to by the local units. This is in sharp contrast to the vitally important task of aiding them in the selection of projects, keeping them fully informed as to the programs and as to what types of projects will meet Federal approval, and generally rendering the counties and cities the fullest possible assistance.

Again, with respect to technical activities, problems in cities and urban areas of counties differ considerably from those in rural areas. This holds true in Maryland as in all states, especially in relation to planning, design, traffic and maintenance operations. Higher standards are obviously required in urban regions. Local officials in a few instances expressed the opinion that this fact was not always given sufficient attention. The state should recognize the need for a thorough understanding of urban problems and standards, and should assign personnel qualified in these matters to the key divisions of the highway organization.

Still another reason, and probably the most important one, is the lack of encouragement of cooperative efforts and arrangements on the part of the state, either legislatively or administratively. State assistance in connection with engineering or traffic operations, for example, is rendered only upon specific request by a local unit, and this apparently has been a long-standing state policy. Without enabling legislation, the State Roads Commission feels that any other policy would be considered by the local units as meddling. Nevertheless, it appears that the state, with its specialized technical staff and its greater experience and resources, should accept its natural position of leadership and should provide advice and technical services to the fullest possible extent.

It has also been indicated that the state's method of operation developed over the years, causes a mass of administrative detail to converge on the State Roads Commission proper, so that it actually has little time for consideration of fundamental problems and the making of major policy decisions. As a result, there has been a serious deficiency in the establishment of broad policies, uniformly executed, applying to local governments. In some instances, comprehensive policies have never been enunciated; in others, a policy is not uniformly applied. For example, sidewalks have sometimes been provided as part of a construction project, although as a general policy they are not; but when local officials learn of the exception, as they inevitably do, less cordial relationships are the result. Differences in the degree to which the state accepts responsibility for urban extensions of state roads, or establishes different conditions precedent thereto, and differences in the division of administrative and financial responsibility for traffic signals are other examples of non-uniformity in policy which yield the same end result. In the past the influence of members of the Commission in getting exceptions made to policy, or simply more favorable treatment, has been a factor which has not served to improve relationships between state and local governments.

The foregoing discussion makes clear that a strengthening of organization and management objectives at the state level is essential to the development of close working-partnerships between units of government at all levels. The establishment of a close liaison with local units, spurred by the recognition of the need for joint effort and an attitude of cooperation on the part of all concerned, is highly important.

In recent years there has been a growing recognition of such needs, and highway departments in many states are examining their ability to deal with local highway matters, both county and city. Some states, such as Texas and New York, have established separate organization units which are responsible for urban work of joint interest. Many states have established a unit within the highway department to deal with the secondary road problem. And others, like Washington and Michigan, have assigned individual staff members to supervise and coordinate state-local work. So many variables exist that no single or best pattern of organization for this purpose has evolved. However, all organizational changes introduced and recommendations made recognize the need for coordination in state-local matters and for the specific assignment of this responsibility.

The Maryland State Roads Commission and its Advisory Council are cognizant that changed conditions and responsibilities make it desirable to re-examine the organizational structure of the agency, and, as a matter of fact, such a study has recently been completed. The findings of that study and the one reported here have been coordinated, and the need for a sound basis for establishing close, coordinated relationships is mutually recognized.

A cooperative program for conducting highway work should be initiated in Maryland, within the general confines of the existing administrative pattern for roads and streets.

The state should provide advice and technical services to a greater extent than has been the practice; but at the same time the counties and cities should assume as much responsibility for the administration of their road and street systems as is practicable.

In order to assist the counties and cities to achieve adequate coordination of activities, and to provide close, cooperative relationships, there is need for the state to assign clearly, at highest staff level, responsibility and authority for all state-local highway activities. This would provide a specific point of contact where local authorities could get information and decisions on particular matters, within fixed policies; where differences in ideas could be arbitrated, and agreements negotiated; and where all matters of joint concern could be expedited. Also, this would relieve the Commission proper of a considerable administrative load. It is not necessary to establish a special organization unit staffed to handle technical functions; these should be provided through the regular divisions of the State Roads Commission, which should include on their staffs men thoroughly familiar with county work and urban practices. However, the mechanics of allocating and accounting for fiscal aid to the counties and cities should continue to be segregated from the above responsibility, being maintained as a duty of the comptroller's division, as at present.

Recommendation. The State Roads Commission should consolidate all responsibility for state-local highway activities into a single staff unit, the head of which should report directly to the top administrative official of the Commission. The head of this unit should serve as liaison with local units and should coordinate all work of joint interest, including such activities as the initiation of projects and broad planning, the compilation of programs, the formulation of standards, and the working out of cooperative arrangements. He should be provided adequate staff of enable him to properly discharge these responsibilities with respect to both county and city work.

It is suggested in conjunction with this recommendation that district and county representatives of the State Roads Commission in all districts should be given appropriate responsibility for furthering general liaison with local units of government.

Local Road and Street Units

Organization and management practices at the local level also affect intergovernmental relations, but to a lesser degree than in the case of the state. This is because of the position of authority and leadership the state holds in our political system, as well as the very nature and magnitude of operations. In Maryland, the distinction is furthered by the relatively few intergovernmental relationships which exist, plus the fact that there are few large local units, especially cities.

Each local unit in Maryland - county and city - authorized to perform its own road work has an organization responsible for this activity. In all counties, the road authority is either the board of county commissioners or a special road board. Road operations in those counties which do their own work are the responsibility of a county road engineer or superintendent, who directs and supervises the work of the organization under him. Usually the county road head is appointed by the board of county commissioners. However, the statutory provisions concerning his appointment in two counties provide otherwise, as previously noted. In one county, the law specifies that the road head shall be appointed by the Governor; in the other, the requirement is that he shall be appointed by the State Roads Commission and the Director of Public Works. Interestingly, in practice, it was found that in the former county the local officials were not cognizant of this requirement, and the appointment was actually made by the county board; in the latter county the appointment of the county road head has been made in accordance with the statute, although there is some question as to the necessity for such an appointment, since the county is one in which the road work is performed by the state.

In the cities, the street authority is the city council or similar governing body. The

organization for handling street work varies from a highly formalized and complex unit, such as is found in Baltimore, to a small maintenance crew which does street work along with other maintenance jobs, as is found in many smaller communities. The rudiments of an organization structure, therefore, are always present. Of basic concern, then, to the problem of relationships, are matters of policy and the delegation of responsibility at the local level in dealing with the State Roads Commission.

In Maryland, as in all states, the determination of policies and final decisions in highway matters at the state level are the responsibility of the State Roads Commission, but these actions at the local levels are the prerogative of the governing body and its chief executive. Consequently, in dealing with the state on highway matters, practically all negotiations are conducted by the board of county commissioners, the board of town commissioners, or a committee of a city council, usually led by the chief executive. As previously indicated, the district offices of the State Roads Commission are not always consulted by these local officials, and in many cases negotiations are conducted in the first instance with the headquarters staff of the State Roads Commission, frequently with the Commission itself. In following this procedure, the Commission feels that it is being responsive to the wishes of the people.

It was further found that the county road head or the city street administrator in but few instances had any contact with the state. Although his advice might be obtained in advance by the local governing body, his contacts with state authorities are at a minimum, either in connection with negotiations on major problems or with respect to the technical aspects of the work. While policy and final decisions will always be made by the local governing body, practice needs strengthening in enlarging the sphere of the local road administrator's responsibility in dealing with the state, especially concerning technical matters. In one instance, for example, where broad responsibility has been given, a closer relationship, working to the advantage of the local unit, definitely exists. It should be pointed out that in this case the local road head had at one time been an employee of the State Roads Commission. Many state highway officials prefer to deal with the administrative or technical heads of local highway units, rather than with the political heads of local governments, in so far as technical details are concerned; and in some states this is established policy. While not a panacea, better relationships are more likely to result from such a course.

Similarly, with regard to interlocal relations, closer, more frequent contacts between the administrative heads of local road units should be encouraged and further developed. Such a policy promotes understanding, minimizes joint problems, and sometimes results in material benefits to a local unit. There is no reason why one county should not benefit from the experience of an adjoining county, for example; in practice such benefit fails to materialize because of the absence of such contacts. Personalities and differences in qualifications of people greatly influence the kind of relationships which develop. These factors should be clearly recognized by the governing bodies and every effort made to overcome them.

From the viewpoint of local authorities, the assignment of liaison duties to the district offices of the State Roads Commission would more effectively utilize the knowledge and experience of the state personnel in the districts; and a number of local officials expressed the belief that such action would be helpful and would improve relationships. Moreover, they strongly expressed the need for a principal contact in the headquarters of the State Roads Commission, where they could take their problems and be assured of expeditious assistance. The preceding recommendation as to action at the state level takes into account these reactions.

At the local level, the need is one of recognizing the importance of the technical aspects of highway work, and of assigning greater responsibility to the local highway administrator for dealing with the state and other local officials concerning technical and other matters, within the scope of policies fixed by the local governing body. Except in the smallest communities, the local road or street head should be capable of discharging this responsibility satisfactorily; and local road authorities must assure themselves that the post is adequately filled. In the smallest places, the authorities should be enabled to call upon the county or state for advice and assistance.

Recommendation. The body responsible for roads in each of the counties and cities, within the scope of its established policies, should delegate adequate powers of negotiation to the head of the road or street unit, in order that he may deal effectively with state and local officials.

In addition to providing the head of the road or street unit more extensive powers of negotiation, the largest cities and metropolitan counties of the state face a further problem of internal coordination between the several departments concerned with highway matters, such as highway, utility, planning, and traffic units. It is desirable to point out that close internal coordination is essential to avoid possible conflicts in decisions with respect to such matters; and that if more extensive and closer relationships are undertaken in the future, responsibility for such coordination should be specifically assigned to the head of the county road or city street department.

One final problem remains. As has been previously mentioned, the details of organization should be left to administrative discretion. Responsibility for the internal organization structure of the road agency for each level of government should be clearly fixed. In the interest of assuring the most effective administrative machinery, this responsibility should be assigned to the head of the road or street unit in each case, who is charged by the policy-making body with the supervision of the road or street operations. It would be most desirable that this be accomplished by legislative action. By so doing, the assignment of this responsibility is made clear, it applies uniformly, and the legislative directive stimulates a greater sense of responsibility on the part of the administrator. Under present Maryland statutes, this responsibility for organization is not fixed. This matter is provided for by item 7 in the Statement of Recommendations.

PLANNING AND PROGRAMMING

In recent years no area of highway activity has exceeded the importance of planning and programming for the development of highway facilities. The modernization of highway and street systems throughout the country is an imperative need. For these facilities, already obsolete, cannot continue indefinitely to carry the ever-increasing traffic load endeavoring to move over them. The task is difficult because of its magnitude and the heavy costs involved; and it will require the best use of the resources, skills and experience of states, counties and cities, working cooperatively, to accomplish the job.

In connection with any construction project, the bigger the job, the more extensive and better must be the planning, scheduling, and expediting of the work. It is the same in the highway task ahead, which in any one state will comprise many projects to be accomplished over a period of years. Highway authorities and legislators are recognizing that adequate planning and programming provide the only method to assure the desired end. In brief, the method embodies the compilation of a long-range highway development plan, determining needed improvements for the next 15 or 20 years, and establishing the over-all financial requirements. Coupled with this, a programming procedure is required which provides for: (1) the assignment of priorities to projects in order of importance, (2) the actual scheduling of projects to be undertaken over a specific period of time, and (3) the establishment of a plan for financing the work. Such a calculated approach is essential if modernization of our highways is to become a reality.

The review made of the Maryland public general and local laws revealed that there are no specific legal provisions which require either the State Roads Commission or the counties and cities to prepare long-range plans for highway improvements, or to establish a programming procedure. Neither are there any legislative directives designed to encourage such action. There are only two provisions in the law which might be considered to bear upon this matter, both of which relate only to counties. One is a permissive statute which provides that upon the request of any county, the State Roads Commission shall furnish said county "plans and plats showing how the county road system . . . may best be improved as a concomitant to the state system. Said plan

shall suggest an annual program of county construction . . ." The other provision is applicable to the 11 counties in which the state does the county road work. It provides that the county commissioners shall submit recommendations to the State Roads Commission as to the work to be done, and after considering them, the State Roads Commission shall determine what county road construction and maintenance will be done.

While there is some implication of planning in these provisions, this is apparently lost sight of in its very indirectness. In practice, the counties which do their own work rarely call upon the state to assist them in any way as to planning, except in the metropolitan areas and in connection with specific projects, and most of them work only on an annual basis. In the other group of counties, an annual work program for each is compiled by the respective state resident maintenance engineer, who consults with the county commissioners in the process. The cities, excluding Baltimore, which is discussed later, also work on an annual basis. While it is usually reported by local officials that they have a long-term plan in mind, nothing is formalized and, as a matter of fact, no definite long-range plans for local highway or street development, based upon factual data, exist. In a few instances, there has been some planning with respect to important, specific projects; and it was reported that one metropolitan county is contemplating the preparation of a capital improvements program.

At the state level, consideration has been given long-range planning for a number of years. At the close of 1940, a report "Maryland Highway Needs, 1941-1960," based on data from the State-wide Highway Planning Survey, was prepared by the State Roads Commission and submitted to the Governor. However, intervention of the war years precluded much accomplishment toward following the recommendations proposed. The first real attempt at following a formalized development plan came in connection with the \$100 million bond issue authorized in 1947. This was more nearly a short-term program, however; and with the bond funds now about depleted, the State Roads Commission, with the strong support of its Advisory Council, is at the present time completing the preparation of a 15-year development plan for state roads. It is proposed to present this to the legislature. Such planning is a desirable first step, and is in line with the action of many states which have undertaken the development of a long-range plan during the last few years.

At this point a word as to the relationship between the State Roads Commission and the Maryland State Planning Commission is in order. While the State Planning Commission is responsible for coordinating the plans of state agencies and for preparing a state-wide capital improvements program, it has not attempted to incorporate into the latter a state highway development program, but has left state highway planning and programming to the State Roads Commission. Among the principal reasons for this are the relative newness of the state planning agency, its small staff and resources, and, of greatest importance, the fact that highway planning and programming is a task of such magnitude and complexity that it can best be handled by the highway agency. Coupled with its long experience and intimate knowledge of the problems, the State Roads Commission is staffed to conduct the detailed factual surveys and analyses which provide the data upon which adequate planning must be based and receives Federal aid for this purpose. Adequate liaison between the State Roads Commission and the State Planning Commission, of which the Roads Commission chairman is a member, should be maintained in order that both agencies are kept fully informed as to plans and programs, and to assure coordination in instances where the interests of both agencies are concerned.

The City of Baltimore is the only city in the state which has done some long-range planning, and which compiles a capital improvements program. These functions are the responsibility of the City Planning Commission, and the program encompasses all physical improvements for the city. In so far as highways are concerned, working with the bureau of highways in the department of public works, the planning commission has developed a major thoroughfare plan. Through the six-year capital improvements program, projects on the major thoroughfares as well as on other city streets, submitted by the bureau of highways, are coordinated and scheduled to be undertaken.

What are the major problems which need consideration, and what actions are necessary to assure adequate planning and programming, so that modernization of Mary-

land's highway and street systems can be achieved? First, with the exceptions mentioned, there has been little effort made in the state to develop long-range highway improvement plans, or to program work on other than an annual basis. It was apparent from discussions with highway and other officials that there is, in fact, little recognition of the need for, or understanding of the values to be derived from, such long-range plans and a sound programming procedure. Many considerations underlie this situation. It must be recognized that for years highway projects have been largely determined upon the basis of political exigencies; that change is resisted; that past and existing fiscal relationships, without any exercise of state administrative supervision, fail to encourage adoption of improved management techniques by local units; and that state leadership, encouragement and assistance in this regard have been lacking. These things are not unique to Maryland; actually they are only in the process of being overcome in many other states.

The highway problem cannot be solved in an uncoordinated, piecemeal manner. Success will depend upon effective use of the best management techniques. Each governmental unit should have a long-range plan comprising highway needs for the next 15 or 20 years. This establishes objectives. However, it does not set up the work to be done in any one or several years. This is the function of programming; and the state, counties and cities should initiate a programming procedure, assigning priorities, scheduling projects over a period which may vary from three to six years, and establishing a plan of financing them. This process should be a continuous one, providing for a periodic review of the program, so that necessary revisions can be made to comply with changed conditions and new projects added to replace those completed. Without such adequate planning and programming, highway administrators and governing bodies operate in the dark, and no positive direction can be given to the conduct of highway activity with the assurance that objectives will be met.

While the counties and cities can do much toward helping themselves in this respect, the state has a responsibility to encourage and assist them in the development of such management procedures. The adequate development of all roads and streets is of statewide interest and benefit; each system complements the other. And the plans and programs of the state and local units must be closely integrated for realization of maximum highway service. Whereas the State Roads Commission is now completing a long-range plan, this is only part of the task, for the plan is limited to state roads. The scope of this endeavor should be expanded, and similar long-range plans for county road and city street systems should be compiled, with the state, counties and cities working cooperatively in the effort.

The need for such integration and for the development of a long-range plan, inclusive of all roads and streets, has been widely recognized. In fact, a number of states throughout the country have completed special studies establishing long-range development plans for their state, county and city highway and street systems. Some of the states where this has been done are: Michigan, Pennsylvania, Ohio, Washington, Illinois, California, New York, Mississippi, and Oregon.

Furthermore, within the last few years, several states have enacted improved, progressive highway legislation, part of which concerns planning and programming. In the State of Washington, for example, since 1949 legislation has required that local highway units prepare and submit to the state highway department a 10-year plan of their proposed road and street improvements. Responsibility for seeing that these were submitted, as well as for periodically checking on progress toward accomplishment of the plans, is assigned to an assistant state highway director, who is in charge of all local coordination and cooperative activity. According to all reports, the local units have followed their plans quite closely, accomplishments are satisfactory, and both state highway and local officials are pleased with results. Another example is Michigan, which in 1951 enacted legislation which among other things requires the counties and incorporated places to submit to the state highway commissioner biennial highway and street programs based on long-range plans. The law also requires the commissioner to report biennially to the governor and the legislature on the progress made by the state, counties and incorporated places in carrying out the adopted programs, to account for the

expenditures of state funds, and to present a summary of improvements scheduled by these agencies for the next biennium.

In the interest of developing an adequate and safe highway and street network, Maryland should take action to inaugurate sound planning and programming by all governmental units.

Recommendation. In order to assure effective long-range planning and programming, legislation should be enacted authorizing and directing the State Roads Commission, the counties and the cities (including Baltimore), each to prepare a long-range highway or street development plan, such plan to be re-appraised at appropriate intervals. The legislation, furthermore, should: (1) require the local units to submit their plans to the State Roads Commission for review as to over-all adequacy toward the development of an integrated highway network, (2) authorize the State Roads Commission to effect the coordination of the work, and (3) authorize and provide for complete cooperative action between the State Roads Commission, the counties and the cities with respect to all phases of the task. In addition, legislation should require the State Roads Commission, and the counties and cities (including Baltimore), each to prepare a highway or street program for a specified period of time (3, 4, 5 or 6 years) based on their long-range plan, such program to be reviewed and renewed at budget time. The counties and cities should be required to report biennially to the State Roads Commission on work completed and on work programmed for the next biennium.

In explanation, such mandatory legislation would assure the development of long-range plans by the counties and the cities, to complement the plan for state roads. And since no 15- or 20-year plan is static, reappraisal of all plans is called for at appropriate periods. At the local level, the preparation of the plan is the responsibility of each county and city, which can best determine its own needs. But coordination and integration of the plans, as well as uniformity and technical assistance, are vitally important. These must be furnished by some central agency, which is properly the State Roads Commission, as provided. This agency must provide leadership and it must be prepared to assist those local governments which need help in this task.

Once the objectives are determined by means of the long-range plan, their accomplishment is made possible by establishing an orderly programming procedure. As has been outlined, this calls for: (1) the selection of projects of highest priority to be undertaken during a specific period of time, from three to six years, (2) the scheduling of those projects over that time period, and (3) the determination of the method of financing them. This procedure provides for the step-by-step accomplishment of the over-all objectives.

There can be some flexibility in the exact number of years spanned by the program, as indicated, but the period decided upon should be applied uniformly in order to facilitate coordination. Moreover, the review of the program at budget time is essential in order that new projects can be added to replace those which have been completed, thus insuring continuity of the procedure. This also provides desirable flexibility in that the program can be revised as necessary in light of changed conditions.

Programming has additional values for both highway administrators and elected officials. Once a program is prepared, it necessitates sound reasons for making revisions, thus tending to offset pressures of special interest groups; it gives objective reality to the long-range plan in the mind of the public; and the existence of an orderly program creates public confidence and helps greatly to stimulate public support. Finally, through the biennial reports to the State Roads Commission on progress and future work, the necessary coordination is facilitated. In the end, use of these management techniques will be helpful to all governmental units; the effectiveness of their use is solely dependent upon leadership and good management.

Integration of Plans

In connection with planning and programming, further comment should be made on the integration of highway plans of the state, county and city in metropolitan areas. Always important, the effective coordination of highway planning in those areas is doubly so, for the traffic demands and the facilities being planned are of major proportion. The problem is complex because of the number of governmental agencies involved, each with its own interests.

The difficulties encountered and the complexities of the task are exemplified in several areas in the state. However, as a basis for discussion, conditions and circumstances in the Baltimore and Washington metropolitan areas will suffice to illustrate the point in question. In the Baltimore metropolitan region, highway plans concern the state, two counties and Baltimore City only, for one of the counties rings the city (except for a very small section), and there are no incorporated places therein. In the Washington areas, agencies concerned are the state, two counties, the Maryland-National Capital Park and Planning Commission, the National Capital Park and Planning Commission, the District of Columbia, and the Federal government. The planning agencies concerned only make recommendations, and final decisions rest with the individual governing bodies. It is obvious, therefore, that coordinating plans and reaching agreements can be a lengthy and arduous task.

Integration of the highway network in metropolitan areas is essential both from the standpoint of service and its effects upon community development. A major problem is that of reaching mutual agreement on the final location of new limited-access state highways in the urban areas they traverse and serve. Owing to inadequate coordination somewhere along the line in the over-all planning process, agreements on final locations and connections for projects in the urban areas mentioned, for example, have been long delayed; and with funds available, construction of the projects was started outside the urbanized areas. However, even after a project of some length had been completed, or construction had been underway for as long as two years, no decisions had been reached fixing the location of the urban sections.

Many factors enter into this picture - the state officials say that construction of the urban sections could be undertaken or scheduled at an early date, but for the fact that local officials cannot agree on the location of the project. And local officials state the biggest difficulty is that they are not apprised of the state's plans sufficiently in advance to enable adequate coordination and necessary negotiation to reach a mutually satisfactory decision. No amount of discussion here could reconcile this conflict of views. As a result, however, there are completed sections of new superhighways which "lead nowhere or are inaccessible," as has been publicly reported. The unfortunate consequence of the situation is that it results in unfavorable publicity and weakens public support, in addition to having a detrimental effect on relationships. In the metropolitan areas cited for illustrative purposes, the local agencies, as well as the state, have for some time had plans for future highway development, so that apparently coordination between the several agencies has not been sufficiently close from the start. This situation would be materially helped by the proposals recommended herein, even though they would not guarantee a solution, and early initiation of plan clearance and negotiations should be emphasized, especially with respect to major projects.

Probably the most prevalent idea of a specific solution is the centralization of authority and responsibility for highways and streets in a metropolitan area through the creation of a regional authority. Or, similarly, through centralizing the planning function. A proposal for a central authority has recently been voiced as a means of obtaining coordination in the Washington area. The concept should be given careful consideration; but certain factors should be recognized. In the first instance, creating a regional authority fully responsible for major roads and streets introduces overlapping and duplication of operations, and establishes a political entity which would more than likely have taxing and, probably, policing powers. In the second instance, that of centralizing the planning function only, the same problems are faced as before concerning the surrender of this function, and with it the prerogative of making final decisions by the governing

bodies of all the local units. Annexation does not provide the answer, even assuming its ready accomplishment, for generally it would simply re-create the original problem.

As another possibility, in some states, cities are enabled to exercise extra-territorial planning powers - to plan and control community development in a specified area extending some miles beyond the city boundary. This method offers some possibilities; but it would hardly be workable, for example, in the Washington metropolitan area. In this area, interlocal coordination of planning is a real problem and, at the present time, legislation is before the Congress which would establish a Regional Planning Council for this purpose. The Council, which would have advisory powers only, would consist of 10 members representing Maryland and Virginia planning agencies, as well as the Federal and District governments. This would be the first time a single agency would be authorized to coordinate plans for the whole area.

Probably as much can be accomplished by informal cooperative effort as by any other method. For example, the organization of an informal committee, bringing together the representatives of the agencies in a metropolitan area and the state highway organization for the purpose of jointly working out coordinated plans, can be as effective as a formalized body, and sometimes even more so. For there is a freer spirit of give and take in an informal group, especially when problems are being worked out jointly from the start. In fact, in a neighboring state, such an informal committee has worked very successfully in coordinating future metropolitan highway improvements. The committee meets regularly and assembles all basic factual data, prepares maps and overlays, and has agreed upon a regional highway plan, as well as the stages of its development. Realizing that such a plan is not fixed, it is constantly kept up-to-date by the work of the committee. The committee recommends the projects to be undertaken by both the state highway department and the local units.

Successful informal cooperative effort seems to rest on at least several factors:

(1) the group must have technical competence and must work together on a problem from the beginning, (2) it must meet at regular stated times, and (3) its membership must not only be representative, but its members must be given power of negotiation within fixed, broad policies. Moreover, such effort does not generate itself; initiative and leadership are required.

In the end, regardless of the method, cooperative effort between two or more governmental bodies must be attained. There should be closer, more frequent contacts between agencies, not only between top officials but between technicians as well. There should be full interchange of information as to plans and proposals from their inception. And there should be a concerted effort to develop a real spirit of cooperation among all highway and governmental units throughout the state.

HIGHWAY CLASSIFICATION

In conjunction with the task of establishing a long-range plan, the matter of highway and street classification and the extent of the existing systems of state roads, county roads, and city streets merit careful consideration. Proper classification of these facilities is of fundamental importance. It involves: (1) a determination of the relative importance of highways and streets in terms of the kind and extent of traffic use, (2) the grouping of roads and streets having similar basic characteristics into systems, and (3) the logical assignment of responsibility for each system to the governmental unit having the greatest interest therein. Obviously, intergovernmental relationships are directly affected by all of this.

The necessity for and values of a highway classification scheme have long been recognized and practiced throughout the states. In fact, classification came about as a requirement with the inauguration of Federal aid for highways; and United States Commissioner of Roads, Thomas H. MacDonald, attributes much of the success of the rapid highway development in this country to the application of this principle. With the passage of time, however, systems in each state have built up under varying practices, changing objectives, and political factors so that, in general, the situation as to highway classification today presents a confused picture. For example, systems overlap,

division of responsibility is unclear, and of greatest significance, systems include roads for which there is no justification on the basis of the traffic service rendered. Moreover, application of the classification technique has not been too vigorously made at the local level. In Maryland, as in other states, weaknesses exist indicative of need for reclassification of roads and streets.

Probably the most prevalent example of the need in this state is the confusion in operation which arises from the extensive number of "disconnected" sections of both state and county roads found throughout the state. There are many instances, for example, where there is a very short section of state road right in the middle of what otherwise is wholly a county road; or where a road connecting two state routes may be partly under county jurisdiction and partly state. Regardless of the types of variations, split jurisdiction is frequent, which complicates the administrative task and inevitably leads to inefficiency in maintenance and operation.

Officials of both the State Roads Commission and the counties have been aware of this problem for some time, and some ten years ago the state, working with the counties, made a start toward county road classification, but this effort has not been followed through. Also, there has been much discussion of "swapping" road sections in an effort to correct the situation, and in recent years the Commission has had an established policy in this respect to the effect that such exchanges will be made on the condition that the counties bring their section of road up to state standards. The state claims this is necessary because, otherwise, the counties would benefit unduly by getting good roads for ones not so good. On the other hand, the counties claim this is not always so, that state standards today are higher than they were at the time the state road in question was built, and that they cannot afford to rebuild their sections to present-day state standards. No doubt each side has some points. Nevertheless, strict adherence to this policy has led to a virtual standstill in such negotiations, which has had a detrimental effect on relationships. However, in recent months, there has been an increased interest in this "swapping" idea, as indicated by conferences held in Harford County in April, at which time tentative agreements pertaining to that county were reached. Still this is only a partial solution, and it is desirable that the state take the lead in effecting a complete solution.

In the cities other than Baltimore, while the situation is not the same, there is some degree of split jurisdiction and some variances in responsibility accepted by the state for the extensions of state highways therein. These are the result of variable policies during past years. The state has generally assumed responsibility for the extensions of state highways in cities; however, in particular instances the extent of this responsibility varies. In one city, for example, officials feel the state should take over the state road extensions to the same degree as in other comparable places. The state is willing to do so, but again on condition that the city first improve these streets to state standards. According to the city officials, this is impractical because the cost involved would cover maintenance costs for many years. Again relationships are strained, for the city officials point out that other cities were not required to make such improvements. A reclassification of roads and streets, assigning responsibility and providing for uniformity in acceptance of responsibility, would overcome the problems described.

There are other indications that such action would be highly desirable. As long as 12 years ago, the State Roads Commission indicated that the state road system was too extensive, based on highway planning and traffic data. And the chief engineer, today, maintains the situation has not changed, that the mileage in the state road system is considerably in excess of what it should be in accordance with the kind and extent of traffic use. As of January 1, 1951, the state road mileage was 4,667 and the county road mileage was 12,065. In other words, there is an average of one mile of state road for every two and six-tenths miles of county road. It is of interest that the ratio of state road mileage to county road mileage, computed for each county in the state, covers a wide range. At one extreme, the ratio is 1 to 4.8; at the other extreme it is 1 to 0.97. In the latter county, there are actually more miles of state roads than there are county roads.

Moreover, a serious weakness has existed with respect to additions to and deletions

from the various highway systems. A consistent policy on this matter with respect to state roads, for example, has been hampered by the fact that there are no pertinent provisions in the law. As a consequence, there are occasions when a state road clearly should be abandoned, or turned back to the counties, but the counties in the past have refused to accept them, and the State Roads Commission has been reluctant to declare a road abandoned. There is a considerable amount of such mileage. These facts all further point up the need for a reclassification of highways in Maryland.

Recommendation. The existing highway classification plan and the present systems of state roads, county roads, and city streets should be re-examined. On the basis of a special study, the existing classification scheme should be revised as necessary and formally adopted. All public roads and streets should then be classified into the several systems adopted, on the basis of the kind and extent of traffic service rendered. Legislation should be enacted directing this classification, and empowering the State Roads Commission to cooperate with local units to the fullest extent in this work, to coordinate the activities, and to approve the tentative systems as shall be submitted to it by the counties and cities. Legislation should also permit revisions to be made in the systems on the same basis.

The action recommended would serve to correct many inconsistencies, inequalities, and inadequacies which presently exist. Again, the responsibility for preparing proposed local systems is placed in the hand of the local units, with final approval vested in the State Roads Commission. The standards or qualifications for the several systems should be such that assignment of roads and streets within the categories should be as clear as possible; and these system qualifications should be established with the cooperation and advice of local highway officials. It would be desirable to establish a reasonable time limit, uniformly applicable, as to when the counties and cities shall submit their proposed systems, in order that the whole plan would be on a uniform basis. Moreover, whenever applicable, the major systems established for the cities and metropolitan counties should be incorporated as an integral part of a master plan for those units. Provision should be made to enable additions to or other revisions in the systems as future needs require; but it should be provided that such changes only be made on the basis of factual study, and required that local officials submit proposed changes to the State Roads Commission for approval.

CONSTRUCTION AND MAINTENANCE

In any discussion of the impact of construction and maintenance programs and practices on intergovernmental relationships, the variation in local programs and the money available therefor are of prime significance. A sound program should provide for adequate maintenance, of course, but maintenance alone is not enough. Provisions should also be made for an adequate construction program, as otherwise the local units will fall farther and farther behind in the race with the ever-increasing demands of traffic and of social and economic development.

There is a prevailing misconception in some quarters that local road programs in Maryland are financed almost entirely from state-shared motor-user revenues, with almost no local funds used. Analysis discloses that such is not the case. Based on information for 1950 or 1951, for example, 22 of the 23 Maryland counties supplemented motor-user revenues with either road levies or appropriations from general funds, or both. Motor-user revenues allocated to counties during this period amounted to somewhat in excess of six million dollars, while county road levies exceeded three million dollars and county general fund appropriations totaled half a million dollars additional, so that total county monies approximating 60 percent of state-shared user revenues were expended for highway purposes.

There was considerable variation in the road programs of individual counties. In those counties which do their own road work, the largest amount available for such work,

including both state-shared and local funds, was about \$1-3/4 million, while the smallest amount was only \$200,000. In the counties where the State Roads Commission does the county road work the extremes were \$389,000 and \$100,000. Obviously, those counties which do their own road work have considerably larger road budgets on the average than do the state-operated counties.

The relative amounts spent for construction and maintenance were not generally available. In many counties the primary distinction made is between labor and materials rather than between construction and maintenance. Also, there is some confusion as to what should be included in the construction and maintenance categories. Even in connection with the expenditure of state-shared funds there is some confusion, due to the fact that legislation does not clearly define permissible items of expenditure and to the accounting classification of the State Roads Commission which identifies these funds as "maintenance" funds. As a matter of fact, all available state-shared motor-user funds were spent for maintenance in six of the 11 state-operated counties; the State Roads Commission district engineers determine the amount to be spent for maintenance in these 11 counties, after consultation with the various boards of county commissioners.

With respect to municipal highway programs, the situation is about the same as in the counties. State-shared revenues allocated to municipalities vary from less than a hundred dollars in some places to more than \$10 million in Baltimore; most cities supplement these revenues with local funds, although Baltimore is able to finance its highway program entirely with state-shared revenues and special assessments, so that no local funds are required. Again there is some confusion as to state-shared funds, particularly as to their use for sidewalk construction; a number of cities are using these funds for this purpose, although there is some doubt as to whether this is a permissive use.

There is also considerable variation in the Federal-aid programs at the county and urban levels. As in some other states, these programs have developed rather slowly in Maryland, and there are still a number of counties which have not participated in the program at all or have completed only one or two projects. On the other hand, there are seven or eight counties which have used all available Federal-aid funds. The Federal-aid urban funds have been expended largely in the metropolitan areas, and only a few of the smaller municipalities have participated in the program or even selected systems on which these funds can be expended. In all cases the Federal-aid funds must be matched by the local units from either local funds or from their allocations of motor-user revenues.

Several reasons can be advanced for the somewhat slow development of the county and urban Federal-aid programs in Maryland. Apparently there was some laxity in publicizing and explaining the programs to local officials, and during the course of our study one state resident maintenance engineer was contacted who was not aware that Federal funds were available for and could be used on county roads. Also, responsibility for these programs within the State Roads Commission has never been clearly assigned, and when a project comes in for approval, it may go to any of several offices for processing. Consequently, the local official has no one place to which he can go for advice and assistance in connection with projects in which he might be interested. Finally, most of the earlier projects approved by the state were high-type projects running into considerable sums of money, so that the local units were impressed with the idea that Federal-aid projects were of necessity relatively expensive.

Many of these earlier projects were turned over to the state by the counties upon completion and became state roads. In some counties all projects completed were turned over to the state, but in other counties some projects were turned over while others were retained in the county system. In some counties only bridge projects were undertaken, because it was felt that these would involve a considerable expense in any event. Gradually there has been some relaxation as to what type of projects might be undertaken, and recently several counties have been permitted to use Federal funds on force-account projects; also, numerous surfacing projects have been undertaken, with grading and drainage done by county forces with county funds. Under these conditions the counties are better satisfied, relationships are improved, and more counties are

interested in going ahead with the program.

In view of the wide variation in local construction and maintenance programs, a question naturally arises as to the over-all effectiveness of these operations. Perhaps the best available indication of their effectiveness is the amount of surfaced mileage. As of January 1, 1951, 67 percent of the total county road mileage in all counties was surfaced (gravel or better); two years before, on January 1, 1949, only 51 percent of this mileage was surfaced. Corresponding percentages for the 12 counties which manage their own roads were 78 and 58 percent, while for the 11 state-operated counties the percentages were 43 and 37 percent, respectively; the relatively better position and progress in this respect of the counties which do their own road work is logical in view of their greater resources.

The percent of surfaced county mileage in individual counties within the group doing their own work varies from 32 to 99, and in state-operated counties it varies from 12 to 96. The percentage of county roads surfaced falls below the state average of 67 percent in only three of the 12 counties which manage their own roads, as contrasted with nine of the 11 counties wherein the state is responsible for county work. Total county road mileage in all counties is slightly in excess of 12,000 miles, of which about two thirds is in the 12 counties doing their own work and only one third in the 11 state-operated counties. The average number of miles surfaced per year during the years 1949 and 1950 was 70 miles per county in counties doing their own work, and 10 miles per county in state-operated counties: this difference again is a reflection of the different road budgets and road mileages in the two groups of counties.

Standards

The matter of standards is a significant one in connection with construction and maintenance operations, and impinges directly on intergovernmental relationships. It probably accounts to some extent for the variations in local programs, and also affects such items as miles surfaced per year and maintenance expenditures per mile. In many states the matter of standards has been a source of considerable controversy between the state and its local units, and in Maryland it has contributed to the fact that relationships are not as good as they might be.

Local units in Maryland generally do not have formalized standards. Rather, they decide on what standards will be adequate for a particular project, and then build to those standards. Consequently construction standards vary from project to project, and may vary rather widely under different engineers and supervisors. Also, since in most cases they are determined by a single individual, they do not reflect the benefits which might result from group deliberation and cooperation.

In those counties where the State Roads Commission is responsible for county roads, state standards are not imposed in connection with county road projects, but rather the county concept of what is adequate is generally followed. State Roads Commission personnel employed on county work are sympathetic with the county viewpoint, and it is probably on this account that the counties are well satisfied with the results obtained under state operation.

In some instances, however, state standards are imposed on the local units. When a county road is to be taken into the state system, for example, it is usually required that the road be improved to state standards by the county before acceptance by the state. Also, state standards are required in connection with Federal-aid projects, although such expedients as using Federal aid for surfacing only have somewhat eased this requirement. Finally, urban extensions of state routes must be improved to state standards before they will be accepted as part of the state system. Although in some of the cases factors other than standards are involved, it seems clear that there is an area where standards affect relationships.

Recommendation. Formalized construction and maintenance standards for local units be developed through cooperative effort. County standards should be developed jointly by the counties, and municipal standards by the

municipalities, with the advice and assistance of the state in each case. Also, the state should review its standards, particularly as to their application in those cases where they affect local units.

The cooperative development of local standards does not mean that they must be adopted immediately by all local units, but their very existence is bound to result in more intelligent selection of standards in individual instances. The uniformity which will gradually develop, and the fact that one unit will know the whys and wherefores of what the others are doing, invariably will result in improved relationships.

Dual Method of Managing County Road Operations

The relative merits of the two types of county road operation in effect in Maryland can now be appraised. The opinion has been expressed that simply from the viewpoint of a clear-cut operation all county roads should be handled on the same basis, that is either all should be the responsibility of the State Roads Commission or all should be turned back to the counties. Theoretically, of course, either procedure can be justified, but from a practical viewpoint it appears that the present dual system of operation should be retained.

The point at issue is the familiar one of centralized versus local responsibility. It can be argued, for example, that the State Roads Commission should assume responsibility for all county roads because a more efficient operation would result, all counties would be treated alike, the effects of local politics would be eliminated, better engineering could be provided, and so on. On the other hand, it can be argued that all counties should assume responsibility for their own roads because operations would be closer to the people, costs would be less, local initiative would be encouraged, local people could be employed, and so forth.

Actually, there is no conclusive evidence of the superiority of either method in Maryland. After talking with county officials in all counties and making on-the-ground inspections of existing roads, there was no clear indication that better results are being obtained in one group of counties than in the other. It has already been pointed out that more road funds are available in those counties which do their own road work than in state-operated counties, and that consequently the percentage of surfaced mileage is higher in the self-operated counties. Nevertheless, the local officials and also the people appear to be well satisfied with the results being obtained by the state in state-operated counties.

The fact remains, then, that there is a place for both types of operation at the present time. All counties in Maryland, whether self-operated or state-operated, receive rather liberal allocations of state motor-user revenues in comparison with most other states, as has already been discussed. The counties which do their own work are generally the larger counties, with high valuations and adequate tax resources. The state-operated counties, on the other hand, are generally the smaller counties, with lower valuations and less resources, and having on the average only half as much county road mileage per county as the self-operated counties. Since, however, the State Roads Commission has approached the local viewpoint in its county road work, all counties are accomplishing results generally in accord with their own ideas and abilities.

Recommendation. The existing dual method of managing county road operations, under which the state performs county road work in some counties while in others the counties do their own road work, should be continued for the present. With the assistance of the state, those counties where the county road work is now performed by the state should assume this responsibility themselves as they are able, so that ultimately all county road operations will be a local responsibility.

In explanation, the existing dual method of county road operation is a good one because it permits any county to operate its own roads, and also makes provision for those

counties which are not in a position to do so. It would be economically impossible at present for some of the counties which are now state-operated to assume responsibility for their roads because of the large initial outlay which would be required for equipment, garages, storage facilities, personnel, etc. The local assumption of road responsibility should be encouraged, however, both because local roads are fundamentally a local responsibility, and also because as the State Roads Commission is relieved of this responsibility, there would be fewer areas for possible conflict, and state responsibilities would be uniform throughout the state.

Furthermore, the state could help to improve operations in those counties doing their own road work in a variety of ways. If it be conceded that engineering control at the county level is desirable, for example, the state might participate in paying the salaries of county engineers, as is done in some states, and thus there would be an incentive for hiring engineers in all counties. Also, it was noted that several of the outstanding local and municipal road heads are former employees of the State Roads Commission, which suggests that State Roads Commission in-service training programs for local road employees would be beneficial. These and other possible methods for improving operations at the local level should be explored.

TRAFFIC OPERATIONS

Activities in connection with traffic operations provide another point of frequent contact and relationships between the State Roads Commission and the counties and cities. Such activities of concern here have to do with the installation and operation of traffic signals, the installation of regulatory signs and markers, and cooperation by the Commission in conducting traffic studies. Off-street parking facilities are also of concern to local government units. In some ways, these activities afford a closer relationship between the state and local units than exist in other areas.

The existing code of Motor Vehicle Laws for Maryland is extensive and provides for the definite assignment of responsibility for traffic-control devices. Under its provisions, the State Roads Commission shall place and maintain all signs, signals, and markers it deems necessary upon all highways under its jurisdiction. Likewise, local authorities in their respective jurisdictions are responsible for these traffic-control devices on the roads and streets under their control. Moreover, the State Roads Commission is required by law to adopt a manual and specifications for a uniform system of traffic-control devices, which shall conform as closely as practicable to the current national standard promulgated by the American Association of State Highway Officials. It is also mandatory that such devices erected by local authorities conform to the standards of the state manual, which is a desirable requirement.

Another provision of the law enables local authorities to regulate traffic on the roads and streets under their jurisdiction, including parking, speed control, enforcement, and establishing one-way streets. And, finally, no local authority shall place and maintain any traffic-control device on any highway under the jurisdiction of the State Roads Commission without its consent and in accordance with its direction. The legal provisions cited are much clearer than is generally the case with respect to other highway activity of joint concern. This is fine as far as it goes. But some administrative action is definitely needed to implement the law, and it is in this respect that practice needs strengthening.

While the statutes assign responsibility for the installation and maintenance of traffic signals as indicated, administrative determination is still required for the division of these responsibilities when the facility is to be installed at intersections of state roads and county roads or city streets. There are many instances when neither the state nor the local unit feels that it is fully responsible. As reported by local officials and in the biennial report of the State Roads Commission, there are a number of variations in practice in this regard, each established by individual agreements. In some instances, the installation will be by the State Roads Commission at the expense of the local unit, which is also responsible for maintenance; in others, the cost of the installation will be shared equally, with either the local unit or the state assuming maintenance responsi-

bility and its cost; and in still others, installation will be by the State Roads Commission with this cost shared, and the maintenance will be performed by the Commission's forces at the expense of the local authority.

Also, despite existing law there is some confusion as to the installation of traffic signals, for there are instances where they are erected on state highways by local authorities without the permission of the State Roads Commission. This may be ignorance of the law, for in a number of instances local officials were not aware, for example, as to whether responsibility in a particular case is theirs or the state's.

Recommendation. A closer administrative control over the installation of traffic-control devices by local authorities on state roads should be instituted. A uniform policy explicitly setting forth what share of the cost the state will bear for the installation and maintenance of traffic-control devices should be adopted, replacing the present practice of individual negotiations; and local authorities should be given formal notification of the adopted policy.

A number of states have found this to be a desirable step, and have established a policy providing for a division of the cost of traffic signals, for example, ranging from 50 to 100 percent, depending upon the type of intersection. A few states share the costs of both installation and maintenance on this basis, but more frequently only the installation cost is thus shared by the state.

Close relationships probably prevail in this phase of the state's highway operations, as stated, because of a noticeable effort to cooperate with local units and to respond promptly to their requests for assistance in traffic matters. For example, the state furnishes information and makes various kinds of traffic studies for the local units; and in connection with those of some magnitude, it has shared the cost thereof equally with the local unit, usually matching Federal-aid funds available for this purpose. Such cooperative activity is undertaken only upon the request of the local units. While this is proper, it is suggested that the State Roads Commission should endeavor to stimulate more vigorously at the local level increased understanding and appreciation of the value of adequate traffic and planning activity.

Off-street parking facilities also are of paramount concern today to all local government units. The state should assist them to the fullest possible extent in their efforts to cope with this need. As pointed out in the section of this report treating the legal basis for relationships, there is no authority now provided enabling local government units, other than Baltimore City, to establish and administer off-street parking facilities. Despite the absence of authority, a number of local units have gone ahead and provided such facilities. In order to encourage further development of off-street parking facilities, and to offset any possible contest or suit, it is suggested that a proper legal basis be provided.

State Cooperation and Administrative Supervision

● **EXISTING** weaknesses of the present statutes with respect to cooperative effort between the state and the local units have been discussed at length. Perhaps even more significant from the viewpoint of relationships is the almost complete lack of any spirit of working together toward a common objective which prevails. There has been no effort over the years to utilize cooperatively the combined knowledge and experience of both state and local officials, and in fact the custom of going one's separate way has become almost a fetish. Moreover, there has developed a complementary attitude of complacency which is a definite deterrent to progress.

In developing cooperative relationships, the state must of necessity take the lead. In spite of a rather general recognition during recent years of the principle that there is a common responsibility of all governments for the overall highway program, there has been no particular effort in Maryland toward a program of mutual cooperation. It is time to reject the idea that the state, counties and cities can follow completely independent courses, and to accept the idea that the state and local units should proceed as partners in highway undertakings. This latter idea should be the basis for the development of new cooperative relationships.

The matter of short alternate sections of state and county road existing on a continuous route, previously discussed, is a case in point. This situation is one which prevails throughout the state and which is widely recognized as requiring attention, but still little or nothing has been done about it. The State Roads Commission's attitude is that no exchange can take place until the county mileage involved is improved to state standards, the county's reaction is that the state is being unreasonable, and the result is an impasse. Clearly this is a situation where the state can and should take the initiative, although there must be local cooperation also, to effect a solution.

A similar situation exists in connection with urban extensions of the state system, also previously discussed. In Baltimore City such extensions are by law the City's responsibility, but otherwise there is no legal provision concerning urban extensions, and responsibility therefor in other cities has been accepted by the State Roads Commission over the years in a varying pattern. The present attitude of the State Roads Commission appears to be that no urban extension will be accepted as a state responsibility until it has been improved to required state standards, and again there is a feeling in some municipalities that this attitude is unreasonable. This further demonstrates the need for mutual cooperative effort in the interest of improved state-local relationships.

The situation in Maryland is admittedly handicapped in that the law fails to provide in any broad sense for cooperative relationships. This weakness, however, does not preclude the necessity for developing such relationships. A foundation in law is both desirable and helpful, but changed attitudes, an understanding of the need to cooperate, a desire to cooperate, and proper administrative supervision, with or without the benefit of law, will inevitably lead to an improved situation.

With respect to administrative supervision, there are several areas where such supervision has not been provided, and several instances where legal provisions have not been fully complied with. To those counties where the State Roads Commission is responsible for county road operation, for example, the Commission is required by statute to report monthly by purpose all expenditures from funds in its hands allocated to the counties, and to furnish annually a complete itemized account of the "overhead" charges for construction work done therein. Although no report is made on overhead charges, except what appears in the biennial reports of the State Roads Commission, the Commission feels that it is complying with the intent of the law, which has been interpreted by the office of the attorney general as directory rather than mandatory. Several counties requested more detailed information through their legislative representatives during the last legislative session, and the Commission is now providing

such information. Nevertheless, and whatever the reason, some counties think that they are not adequately informed concerning these expenditures. Possibly a new type of monthly statement, couched in non-accounting terms so as to be readily understandable, should be inaugurated.

Similarly, the law provides that no construction or reconstruction of county roads using gas tax and motor vehicle revenues shall be performed without State Roads Commission approval of location, plans and specifications, but this law has been completely overlooked with respect to those counties which do their own road work. In those counties where the state is responsible for county road work, the law has no application. Another law provides that county commissioners are required to file with the State Roads Commission a complete report on all construction projects done by county forces, including an audit and engineering statement with items of cost; this law, too, has been completely overlooked.

It should also be noted that there is no accounting to the state by the local units for their shares of the motor vehicle and gasoline tax funds. Such an accounting is not required by law, but the law does require that these funds shall be spent for highway purposes, and under present procedures the state has no way of knowing whether or not this provision is being complied with in all instances. Probably it is, but there is an impression in some places that local units generally have an abundance of highway funds as a result of state sharing, and that some of them may be wasting such funds. There was no evidence of such a situation during the course of this study, but some administrative control would be desirable.

There remains one final matter falling properly within a discussion of cooperation and administrative supervision. That is the matter of communications - within the State Roads Commission, between the State Roads Commission and the local units, and among the local units. Adequate communication in each of these areas is basic to good relationships, and existing lines of communication are definitely inadequate. Again there is a need for cooperative effort, with the state taking the lead.

Almost everything that has been said so far suggests the inadequacy of existing communications, whether one thinks of dealings by words, letters or messages, or the interchange of thoughts or opinions. Certain weaknesses in existing relationships are due to lack of knowledge of existing statutory provisions. Also, with respect to authority and responsibility, organization and management, planning and programming, construction and maintenance and traffic operations, existing conditions could be considerably improved if there was an adequate interchange of thoughts and ideas.

With respect to the State Roads Commission, it has been pointed out that authority and responsibility are not clearly defined and assigned, that field offices might be more effective, and that uniform policies on such items as urban extensions and sidewalks are desirable. These and other inadequacies could be corrected by the use of policy directives, prepared by the Commission and directed to the appropriate division, or to all employees, as the case might be. Also, manuals of practice should be prepared and distributed throughout the organization. Not only would authority and responsibility be assigned, but uniform policies on technical matters would inevitably result, and all would be a matter of record. Improved relationships would certainly result.

As to communication between the State Roads Commission and the local units, the most pressing need is for dissemination by the State Roads Commission of information affecting local governments. The lack of knowledge on the part of the local units with respect to the Federal-aid secondary and urban programs has already been discussed. The law which requires that all county construction projects estimated to cost in excess of \$6,500 must be contracted has also been mentioned, but it was not indicated that the previous limitation under this law was \$3,000 and that several counties do not know of the change and are still operating under the old limitation. There is an obvious need for the local units to be informed concerning State Roads Commission policies, new legislation, and other matters affecting their operations.

At the local level, it would be extremely helpful if each local unit could know promptly and consistently what the other local units are doing, how specific problems are being met, etc. This result could be achieved most readily through the medium of reg-

ularly scheduled meetings and conferences of the concerned technical officials. Associations of road and street heads should be encouraged, and meetings should be arranged on the state-local as well as the interlocal level. Frequent contacts are a prime requisite, and one formal meeting each year will not accomplish the desired result.

Recommendation. Legislation should be enacted permitting and encouraging state-local and interlocal cooperative relationships, and providing the principles and pattern for desirable relationships. Regardless of such legislation, however, the State Roads Commission and the local units must begin to work in unison, rather than independently, with the State Roads Commission taking the lead, in order to accomplish the over-all highway objective. The matter of more adequate communication relative to highway affairs should be given immediate attention. The State Roads Commission should begin the issuance of policy directives and manuals of operations, and should regularly disseminate to the local units information affecting their operations. The state and local governments should encourage and arrange for frequent meetings and conferences of their technical employees, so that they will be informed of progress and practices throughout the state.

This final section on state cooperation and administrative supervision runs across the boundaries of all of the areas which have been discussed in this study of intergovernmental relationships in highway affairs in Maryland. Without full cooperation and adequate administrative supervision, little can be accomplished toward improving these relationships. Adequate laws, improved management practices, and all the other things which have been talked about are necessary and desirable, but these can be resolved into good relationships only by the day-to-day efforts of highway administrators, state and local alike, in following the charted course.

APPENDIX

Constitutional and Statutory Provisions, including Public General Laws and Public Local Laws, Affecting Intergovernmental Relationships in Highway Affairs in Maryland.

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Art. Sec.

I. CONSTITUTIONAL PROVISIONS

- | | | | |
|--------------------------------|---|-----|----|
| A. State - County | | | |
| 1. | Legislature must authorize county road bond issues. | III | 54 |
| 2. | Home rule counties do not acquire power to enact laws or regulations covering their incorporated places. | XI | 3 |
| B. State - City | | | |
| a. Cities other than Baltimore | | | |
| None | | | |
| b. Baltimore | | | |
| 1. | Legislature must authorize Baltimore City highway bond issues, subject to referendum. | XI | 7 |
| 2. | Legislature may authorize Baltimore City to acquire off-street parking facilities and to dispose of same. | XIc | 1 |
| C. Interlocal | | | |
| None | | | |

II. STATUTORY PROVISIONS (Public General Law)

- | | | | |
|-------------------|---|------|--------------------|
| A. State - County | | | |
| 1. | State Roads Commission authorized to establish state highway system in and through all counties as of 1909. | 89 B | 4 |
| 2. | County or other political subdivision empowered to transfer public property to State Roads Commission upon mutual agreement. | 89 B | 4C |
| 3. | State Roads Commission authorized to take over any public road in county or counties, provided same forms a through route between two or more important points in the state, whereupon they become state highways. | 89 B | 6 |
| 4. | All county construction projects (whether by county or SRC) estimated to cost in excess of \$6,500 must be contracted. | 89 B | 7(e) |
| 5. | County commissioners required to file with State Roads Commission complete report on force account construction projects, including audit and engineering statement with items of cost. | 89 B | 7(e) |
| 6. | In three counties (Garrett, Allegany and Washington) State Roads Commission required on contract work to pay prevailing wage rates of locality where work is done. | 89 B | 7A |
| 7. | State Roads Commission given discretionary power to sign for direction and distance all improved highways. | 89 B | 8 |
| 8. | In Garrett County, State Roads Commission must not block private entrances in removing snow. | 89 B | 8A |
| 9. | 20% of Gas Tax Fund and Motor Vehicle Revenue allocated to counties and municipalities other than Baltimore City on a mileage basis; mileages on which allocation is based computed by State Roads Commission from annual reports by local units; county share paid monthly or as otherwise reasonably requested, except in State-operated counties, where the county's share is credited to the account of the State Roads Commission; county share can be expended for highway debt service or for construction or maintenance. | 89 B | 13
and
16(3) |
| 10. | In Montgomery County, county share of Gas Tax and Motor Vehicle Funds must be spent in specified election districts in proportion of election district mileage to county mileage. | 89 B | 13A |

		Reference	
		Art.	Sec.
11.	No construction or reconstruction of county roads using gas tax and motor vehicle revenues shall be performed without State Roads Commission approval of location, plans and specifications; such approval shall be granted if in State Roads Commission's judgment such projects will be adequate and appropriate to an integrated secondary system.	89 B	14(a)
12.	State Roads Commission shall have no duties, responsibilities or authority with respect to construction, reconstruction or maintenance of any roads other than state roads, except as in Item 11 above, or in State-operated counties, or in connection with Federal-aid projects.	89 B	14(c)
13.	Counties relieved from requirement to levy minimum local tax for road maintenance.	89 B	19
14.	State Roads Commission directed to report to boards of county commissioners not later than 45 days after close of each month statement of expenditures from funds in hands of Commission allocated to counties and purpose for which made (construction, maintenance, debt service), and to segregate detail according to State Roads Commission classification; State Roads Commission directed to report to counties monthly status of receipts, disbursements, encumbrances and balances of counties' funds.	89 B	20
15.	State Roads Commission empowered to acquire existing bridges in connection with its operations.	89 B	24
16.	Local governments relieved of any cost of removing publicly-owned utilities in alteration of grade crossings; approval of plans by local governments required.	89 B	31
17.	Local governments empowered to petition State Roads Commission to initiate grade-crossing action.	89 B	33
18.	State law prohibits operation on all public roads, other than dirt, any vehicle which might cause unusual damage or wear.	89 B	43
19.	It shall be the duty of State Roads Commission to construct county roads to or within state parks or recreation areas out of county funds upon request of county; Anne Arundel County excepted.	89 B	44B
20.	State Roads Commission required to report annually to each board of county commissioners a complete itemized account of the "overhead" charges for construction work done in county.	89 B	46
21.	State Roads Commission authorized to act on behalf of local government units re Federal Aid; local units authorized to act as required to obtain Federal Aid and empowered to raise necessary matching funds; State Roads Commission authorized to accept and allocate Federal-aid funds; local governments authorized to use any highway-user revenues for matching purposes, in-lieu of other action.	89 B	48A (2) (3) (4) (5)
22.	Upon request of any county, State Roads Commission shall furnish thereto plans or plats for improving county road system concomitant to the state system; said plan shall suggest an annual construction program, including road types and cost estimates.	89 B	49

		Reference	
		Art.	Sec.
23.	State Roads Commission and counties authorized to agree at any time to change the status of any road within the county from county to state or vice versa; six counties excepted.	89 B	49A
24.	State or Baltimore County, jointly or separately, authorized to take over bridge at Bear Creek built by private corporation; if taken over by Baltimore County, conditions of toll levy prescribed.	89 B	77, 78
25.	Counties prohibited from erecting highway signs directing drivers.	89 B	85
26.	State Roads Commission authorized to construct grade separations at intersection of state road and any other public road, to adjust line and grade as necessary, and to make any necessary relocation of a public road, all at state expense.	89 B	122E
27.	Local governments prohibited from constructing any bridge or tunnel within 10 miles of a State Roads Commission constructed toll bridge or tunnel (constructed under subtitle "Revenue Bonds"), without permission of State Roads Commission.	89 B	135
28.	State Roads Commission empowered to utilize convict labor on any road project.	89 B	148
29.	State Roads Commission empowered to determine points of ingress and egress to parkways and freeways, and to close existing connections.	89 B	149 and 150
30.	State Roads Commission authorized and directed to perform construction, reconstruction and maintenance of county roads in 11 specified counties; cost thereof (including State Roads Commission overhead) shall be paid out of any funds available for the purpose. County commissioners directed to make periodic recommendations to State Roads Commission as to construction and maintenance of county roads; after considering county recommendations, State Roads Commission determines actual work program on basis of an integrated secondary road system; construction and reconstruction shall be done in accordance with county standards as approved by State Roads Commission; such standards may include low-cost county road standards.	89 B	156 and 157
31.	If any State-operated county desires to take over its roads on its own account, the county commissioners may make a written request to the State Roads Commission therefor; if State Roads Commission finds that such county has or is reasonably assured of obtaining adequate facilities to do own work and has or is reasonably assured of obtaining the services of a roads engineer (graduate civil engineer or ten years' practical experience), State Roads Commission shall by resolution transfer the road functions to the county, such transfer to become effective on the opening of the following state fiscal year.	89 B	158
32.	County commissioners authorized to control county roads and bridges and to delegate their responsibility for construction and maintenance of roads and bridges to civil engineers, who are then responsible directly to the commissioners.	25	1

	Reference	
	Art.	Sec.
33. County commissioners empowered to control all public roads, streets and alleys, except in incorporated places; make rules for repairing, cleaning, mending and providing for the cost thereof; by resolution have power to regulate, except in incorporated places; parking and the construction, maintenance, repair of sidewalks.	25	2
34. County commissioners empowered to acquire by purchase or condemnation real or leasehold property and to sell same (except for 17 counties).	25	2A, b
35. County commissioners empowered to provide for the appointment and removal of all county officers and employees except those whose appointment or election is provided for by the Constitution, public general law or public local law (except for 17 counties)	25	2A, d
36. County commissioners empowered to fix compensation of appointed officers of county (except for 17 counties)	25	2A, e
37. County commissioners empowered to establish a merit and retirement system for employees other than those elected or appointed under the Constitution or public general laws (except for 17 counties)	25	2A, f and g
38. County commissioners empowered to provide for the grading, paving, regrading, repaving, etc., of any road or sidewalk now or hereafter condemned, ceded, opened or widened, for levying for the cost thereof or paying for the cost thereof from the county's share of the gasoline tax, and to provide for the establishment of the office of County Roads Engineer (not applicable in 17 specified counties)	25	2A, c
39. Establishes for Howard County only the same authority as Section 2 A, with minor variations.	25	2D
40. Laws applicable to public roads are applicable to streets in unincorporated places.	25	4
41. County commissioners have the power to open, alter or close any public road or roads in their respective counties (applicable to 11 "mixed" counties).	25	13
42. County commissioners <u>not</u> authorized to build any kind of bridge across a navigable river.	25	34
43. County commissioners empowered to post maximum weight and speed limits for a bridge upon approval of chief engineer of the State Roads Commission.	25	38
44. All roads opened as a result of petition to county commissions shall be at least 30 ft. wide.	25	152
45. Montgomery County Council empowered to adopt ordinances relating to the construction, repair and use of streets.	25 A	3
46. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the State Roads Commission except by the latter's permission and in accordance with the direction of the Commission.	66 1/2	138(b)
47. Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they deem necessary to indicate and to carry out the provisions of this Article or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications.	66 1/2	139

	Reference	
	Art.	Sec.
B. State - City		
a. Cities other than Baltimore		
1. State Roads Commission authorized to contract with municipalities in furthering the 1909 State system.	89 B	4
2. Municipalities or other political subdivisions empowered to transfer public property to State Roads Commission upon mutual agreement.	89 B	4C
3. State Roads Commission given discretionary power to mark for direction and distance all improved highways.	89 B	8
4. 20% of Gas Tax and Motor Vehicle Revenue Funds distributed to counties and municipalities other than Baltimore City on mileage basis; municipal share paid directly to municipality monthly or at other appropriate time if requested; municipal share can be expended for highway debt service or for construction or maintenance.	89 B	13 and 16(3)
5. State Roads Commission shall have no duties, responsibilities or authority with respect to construction, reconstruction or maintenance of any roads, other than state roads, except as in Item 11 above, or in State-operated counties, or in connection with Federal-aid projects.	89 B	14(c)
6. In connection with construction of state highways, State Roads Commission must conform to locally-approved grades.	89 B	21
7. State Roads Commission empowered to acquire existing bridges in connection with its operations.	89 B	24
8. City of Cumberland authorized to advance funds to State Roads Commission up to 50% of State Roads Commission's share for altering B and O's gradecrossings in Cumberland.	89 B	29
9. Local governments relieved of any cost of removing publicly-owned utilities in alteration of gradecrossings; approval of plans by local government required.	89 B	31
10. Local governments empowered to petition State Roads Commission to initiate gradecrossing action.	89 B	33
11. State law prohibits operation on all public roads, other than dirt roads, any vehicle which might cause unusual damage or wear.	89 B	43
12. State Roads Commission authorized to act on behalf of local government units re Federal Aid; local units authorized to act as required to obtain Federal Aid and empowered to raise necessary matching funds; State Roads Commission authorized to accept and allocate Federal-aid funds; local governments authorized to use any highway-user revenues for matching purposes, in lieu of other action.	89 B	48A(2) (3) (4) (5)
13. State Roads Commission authorized to construct grade separations at intersection of state road and any other public road, to adjust line and grade as necessary, and to make any necessary relocation of a public road, all at state expense.	89 B	122E
14. Local governments prohibited from constructing any bridge or tunnel within 10 miles of a State Roads Commission constructed toll bridge or tunnel (constructed under subtitle "Revenue Bonds"), without permission of State Roads Commission.	89 B	135

		Reference	
		Art.	Sec.
15.	State Roads Commission empowered to determine points of ingress and egress to parkways and freeways, and to close existing connections.	89 B	149 and 150
16.	In 11 State-operated counties, State Roads Commission authorized to do municipal work in same way as county work.	89 B	157
17.	No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the State Roads Commission except by the latter's permission and in accordance with the direction of the Commission.	66 1/2	138(b)
18.	Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they deem necessary to indicate and to carry out the provisions of this Article or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications.	66 1/2	139
b. Baltimore			
1.	State Roads Commission authorized and directed to improve those portions of the 1909 system of state roads in Baltimore City, whereupon they become city streets.	89 B	4
2.	State Roads Commission authorized to contract with municipalities in furthering the 1909 State system.	89 B	4
3.	Municipalities or other political subdivisions empowered to transfer public property to State Roads Commission upon mutual agreement.	89 B	4C
4.	State Roads Commission given discretionary power to mark for direction and distance all improved highways.	89 B	8
5.	30% of Gas Tax and Motor Vehicle Revenue Funds distributed monthly to Baltimore City for construction, reconstruction or maintenance of streets and highways, or for payment of highway debt service.	89 B	12 and 16(2)
6.	State Roads Commission shall have no duties, responsibilities or authority with respect to construction, reconstruction or maintenance of any roads other than state roads, except as in Item 11 above, or in State-operated counties, or in connection with Federal-aid projects.	89 B	14(c)
7.	In connection with construction of state highways, State Roads Commission must conform to locally-approved grades.	89 B	21
8.	State Roads Commission empowered to acquire existing bridges in connection with its operation.	89 B	24
9.	Local governments relieved of any cost of removing publicly-owned utilities in alteration of grade crossings; approval of plans by local government required.	89 B	31
10.	Local governments empowered to petition State Roads Commission to initiate gradecrossing action.	89 B	33
11.	State law prohibits operation on all public roads, other than dirt roads, any vehicle which might cause unusual damage or wear.	89 B	43
12.	State Roads Commission required to report annually to City of Baltimore an itemized account of "overhead" charges for construction in Baltimore City.	89 B	46

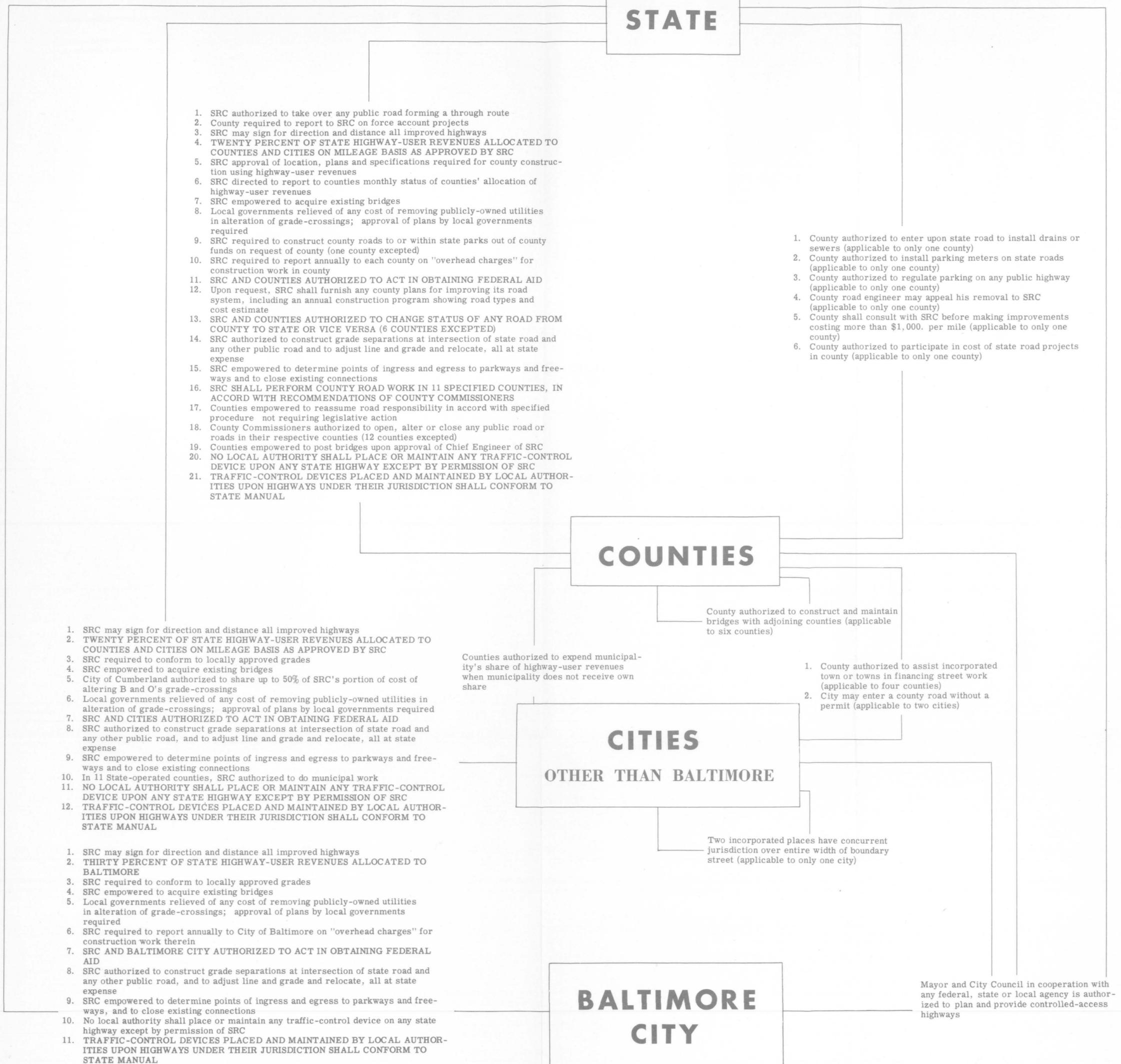
	Reference	
	Art.	Sec.
13. State Roads Commission authorized to act on behalf of local government units re Federal Aid; local units authorized to act as required to obtain Federal Aid and empowered to raise necessary matching funds; State Roads Commission authorized to accept and allocate Federal-aid funds; local governments authorized to use any highway-user revenues for matching purposes, in lieu of other action.	89 B	48A(2) (3) (4) (5)
14. State Roads Commission authorized to construct grade separations at intersection of state road and any other public road, to adjust line and grade as necessary, and to make any necessary relocation of a public road, all at state expense.	89 B	122E
15. Local governments prohibited from constructing any bridge or tunnel within 10 miles of a State Roads Commission constructed toll bridge or tunnel (constructed under subtitle "Revenue Bonds"), without permission of State Roads Commission.	89 B	135
16. State Roads Commission empowered to determine points of ingress and egress to parkways and freeways, and to close existing connections.	89 B	149 and 150
17. No local authority shall place or maintain any traffic-control device upon any highway under the jurisdiction of the State Roads Commission except by the latter's permission and in accordance with the direction of the Commission.	66 1/2	138(b)
18. Local authorities in their respective jurisdictions shall place and maintain such traffic-control devices upon highways under their jurisdiction as they deem necessary to indicate and to carry out the provisions of this Article or local traffic ordinances or to regulate, warn or guide traffic. All such traffic-control devices hereafter erected shall conform to the State manual and specifications. (There is no public general law authorizing the governing bodies of incorporated places to exercise control over city streets.)	66 1/2	139
C. Interlocal		
1. Counties authorized to expend municipality's share of Gas Tax and Motor Vehicle Funds when municipality does not receive own share.	89 B	13(d)(2)

III. STATUTORY PROVISIONS (Public Local Law)

	Separate laws for
A. State - County	
1. County commissioners have general authority over county roads and bridges.	19 counties
2. Body responsible for county roads shall be:	
a. Board of County Commissioners	17 counties
b. County Commissioners acting as Road Board	4 counties
c. County Council	1 county
3. County road head shall be:	
a. Designated as:	
(1) Engineer	14 counties
(2) Supervisor	2 counties
(3) Director of Public Works	1 county

	Separate laws for
b. Appointed by:	
(1) County Commissioners	12 counties
(2) County Road Board	1 county
(3) County Business Manager	1 county
(4) County Manager	1 county
(5) Governor	1 county
(6) State Roads Commission and Director of Public Works	1 county
c. Qualified as follows:	
(1) Graduate engineer	1 county
(2) Graduate engineer plus experience	1 county
(3) Graduate engineer plus some experience, or in lieu there- of at least 10 years' experience	3 counties
(4) Registered professional engineer	1 county
(5) Sufficient knowledge and/or experience	10 counties
4. Duties and responsibilities prescribed:	
a. For road body are:	
(1) General	5 counties
(2) Fragmentary	4 counties
(3) Rather detailed	1 county
(4) None	12 counties
b. For road head are:	
(1) General	2 counties
(2) Fragmentary	14 counties
(3) None	1 county
5. Reports and accountability prescribed:	
a. Statements or reports by road body	none
b. Statements or reports by road head:	
(1) Monthly (to road body)	1 county
(2) Annually (to road body)	3 counties
(3) Monthly and annually (to road body)	10 counties
c. Annual work program prepared by road head	3 counties
6. Cooperative relationships established:	
a. County authorized to enter upon state road to install drains or sewers	1 county
b. County authorized to install parking meters on state roads	1 county
c. County authorized to regulate parking on any public highway	1 county
d. County road engineer may appeal his removal to State Roads Commission	1 county
e. County shall consult with State Roads Commission before making improvement costing more than \$1,000 per mile	1 county
f. County authorized to participate in cost of state road projects in county	1 county
B. State - City	
a. Cities other than Baltimore	
1. City officials have general authority over city streets	24 cities
2. Body responsible for city streets shall be:	
(a) City Council	16 cities
(b) Board of Commissioners	9 cities
(c) Board of Alderman	1 city
3. Responsible street head shall be:	
(a) Designated as:	
(1) City engineer	4 cities
(2) Commissioner of streets	4 cities
(3) Superintendent of public works	3 cities
(4) Street supervisor	2 cities
(5) Chief of police	1 city

	Separate laws for
(b) Appointed by:	
(1) City Council	5 cities
(2) Board of Commissioners	2 cities
(3) Mayor	6 cities
(4) Civil Service	1 city
(c) Qualified as follows:	
(1) Registered professional engineer	1 city
(2) Professional engineer	2 cities
4. Duties and responsibilities prescribed:	
(a) For street body are:	
(1) General	7 cities
(2) Fragmentary	13 cities
(3) None	6 cities
(b) For responsible street head are:	
(1) General	4 cities
(2) Fragmentary	1 city
(3) Rather detailed	1 city
(4) None	20 cities
5. Reports and accountability prescribed:	none
6. Cooperative relationships established:	none
b. Baltimore	
1. City officials have general authority over streets.	
2. Body responsible for city streets shall be the City Council.	
3. Responsible street head shall be:	
(a) Designated as the Highways Engineer (a Bureau Chief under the Director of Public Works)	
(b) Appointed by the Mayor	
(c) Qualified as follows: no specification	
4. Duties and responsibilities prescribed:	
(a) For street body are rather detailed	
(b) For responsible street head are general	
5. Reports and accountability prescribed:	
(a) Director of Public Works is required to submit an annual report of the activities of the Department to the Mayor and City Council (by provision of the City Charter)	
6. Cooperative relationships established:	
(a) Mayor and City Council acting alone or in cooperation with any federal, state or local agency are authorized to plan and provide controlled-access highways.	
C. Interlocal	
1. County authorized to construct and maintain bridges with adjoining counties.	6 counties
2. County authorized to assist incorporated town or towns in financing street work.	4 counties
3. Two incorporated places have concurrent jurisdiction over entire width of boundary street.	1 city
4. City may enter a county road without a permit.	2 cities
5. Mayor and City Council of Baltimore City acting alone or in cooperation with any federal, state or local agency are authorized to plan and provide controlled-access highways.	1 city



Statutory Highway Relationships in Maryland Chart 1

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