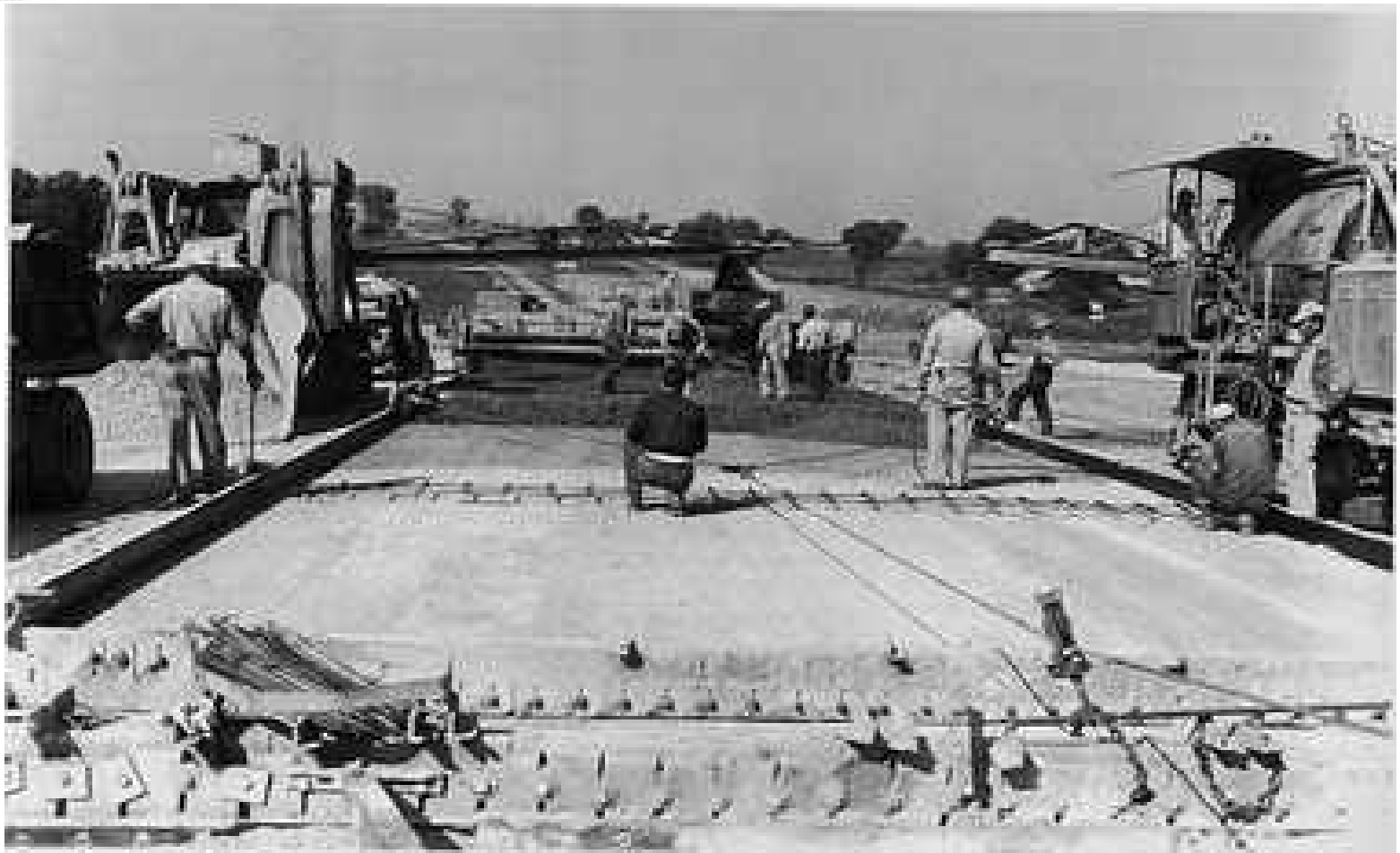
Why the 50th Anniversary of the Interstate is important to ROW

Glenn Bridger



An interstate is born: The first was I-70 in Missouri and Kansas.

THE NATIONAL SYSTEM OF INTERSTATE AND DEFENSE HIGHWAYS

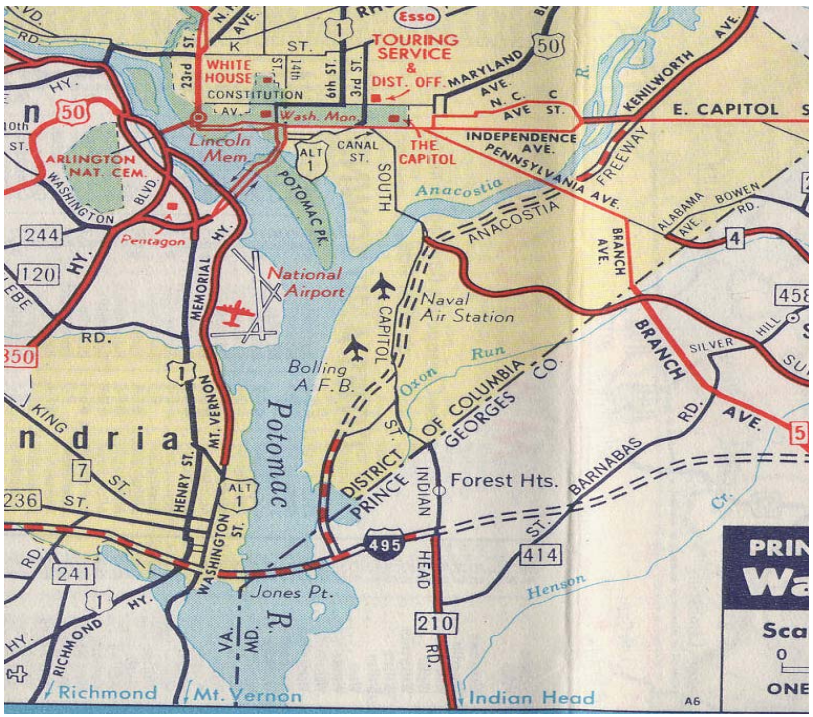
STATUS OF IMPROVEMENT AS OF DECEMBER 31, 1970

Preliminary Status or Not Yet in Progress	Engineering and Right-of-Way in Progress	Under Construction	Open to Traffic
1,635 Miles	5,139 Miles	4,183 Miles	31,543 Miles

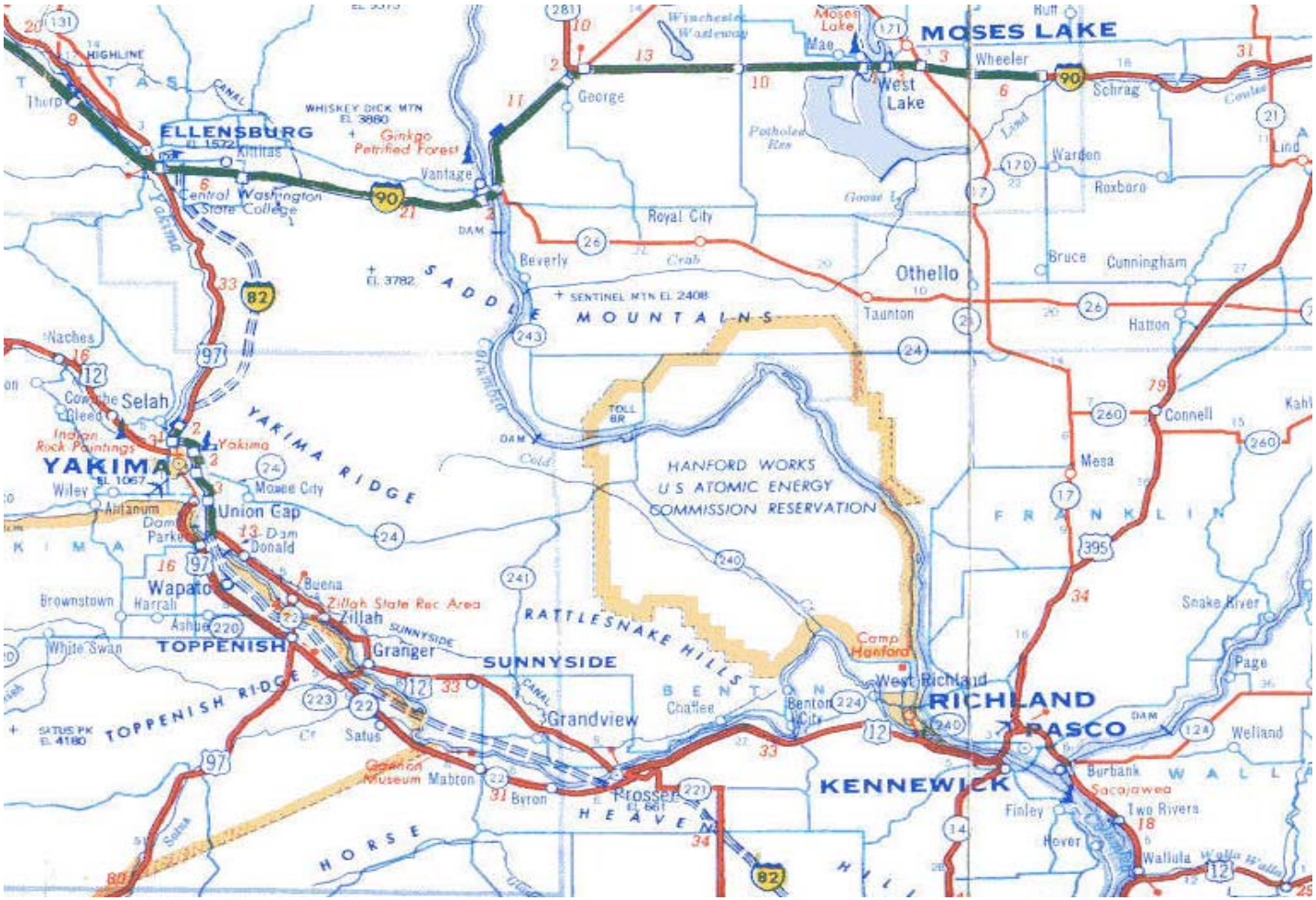
35,726 Miles

INTERSTATE
TOTAL
42,500
MILES

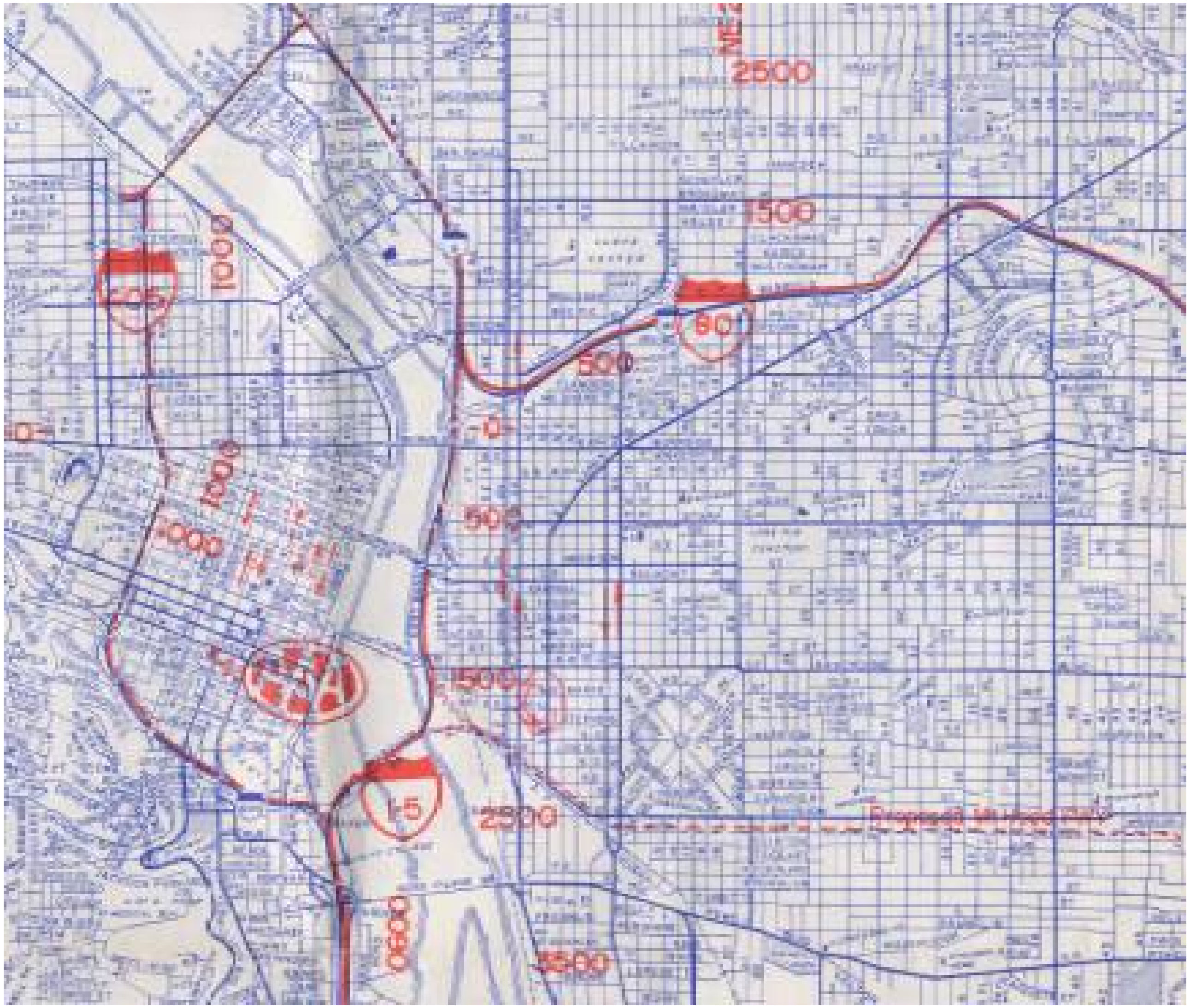
Washington DC, 1961 & Present



Washington 1970



Portland 1974



But first, a little background on ROW before the Interstate Highway System was created …

Public Land Acquisition *for* HIGHWAY PURPOSES

Public Roads Administration
Federal Works Agency

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R-53

Public Roads Administration
Federal Works Agency

Public Land Acquisition for Highway Purposes

By
DAVID R. LEVIN
Transportation Economist
Public Roads Administration

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Public Roads Administration
Federal Works Agency

Washington, D. C. **June 1943**

Public Land Acquisition for Highway Purposes

By DAVID R. LEVIN, *Transportation Economist*
Public Roads Administration

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SUMMARY AND CONCLUSIONS

There are many focal points of weakness in the present machinery for land acquisition for highway purposes in the United States. While the laws and procedure in some States are models of excellence, policies and practices in most States can be improved materially. The construction of new facilities and the modernization of existing highways are being delayed, sometimes indefinitely, because of prohibitive land-acquisition costs. The diversity of land-acquisition methods, most of them time consuming and expensive, is a primary obstacle. Many States still permit the burden of acquisition and financing of State highway rights-of-way to rest with local units of government despite ineffective administration and financial incapacity. Tolerance of these practices has impeded the early

realization of the benefits of needed public improvements. Tedious delays increase costs already burdensome, while untrained personnel are helpless to meet the challenge of new requirements. While population centers are growing rapidly today, the law and the courts, unfortunately, move very slowly indeed. This delay in action limits the power of State and local governments.

In a word, public authorities in many of the States cannot obtain land for highway facilities when they need it most; when they do finally acquire such lands, it is found they do not have enough, and that too much has been paid for what they do have. As a result, the functional obsolescence now characteristic of land-acquisition policy threatens to warp the growth of a highway system which might otherwise enjoy a wholesome development. Properly planned and implemented with efficient land acquisition machinery, a highway facility can supply a needed transportation medium, sharply increase adjacent land values, reduce commuting time to urban centers, and result in a low cost for a good transportation service. Improperly planned and hindered by a multiplicity of legal, financial, and administrative obstacles, a highway becomes a magnet for slum development, billboards, roadside stands of all sorts, decadent land values, and traffic congestion with its attendant human and economic toll; at the same time, it results in a high cost for a poor transportation service.

The problem is not so much one of devising an entirely new technique as it is of revising the existing mechanism and reassembling the parts to do a given job more effectively. There is no "best" method of right-of-way acquisition. Practice will vary with needs and circumstances. But if land-acquisition policy is to be efficient in implementing the creation and modernization of our highway system, it must facilitate land assembly at the minimum total cost with the maximum of speed consistent with the preservation of the rights of private property. To this end, the following recommendations are suggested:

(1) A single, efficient method, preferably what has been referred to as the administrative type, of acquiring lands for highway facilities or for all public purposes can effectively be substituted for the many cumbersome procedures now in use. There is nothing inherent in the nature of the units exercising the power of eminent domain or in the public uses for which lands are acquired that requires individual treatment.

(2) To make possible the successful transformation of a projected public improvement into the finished product, it is suggested that the right of entry to make locations and surveys be written into the State statutes.

PUBLIC LAND ACQUISITION FOR HIGHWAY PURPOSES

In a word, public authorities in many of the States cannot obtain land for highway facilities when they need it most; when they do finally acquire such lands, it is found they do not have enough, and that too much has been paid for what they do have. ***As a result, the functional obsolescence now characteristic of land acquisition policy threatens to warp the growth of a highway system*** which might otherwise enjoy a wholesome development. Properly planned and implemented with efficient land acquisition machinery, a highway facility can supply a needed transportation medium, sharply increase adjacent land values, reduce commuting time to urban centers, and result in a low cost for a good transportation service. Improperly planned and hindered by a multiplicity of legal, financial, and administrative obstacles, a highway becomes a magnet for shim development, billboards, roadside stands of all sorts, decadent land values, and traffic congestion with its attendant human and economic toll; at the same time, it results in a high cost for a poor transportation service.

EFFICIENT METHOD OF ACQUIRING LANDS FOR HIGHWAY FACILITIES

One of the chief weaknesses of present right-of-way acquisition practice is the variety of methods, voluntary and compulsory, of acquiring land. There are 320 methods of condemnation in 55 jurisdictions. Pennsylvania has 46 different methods for the forcible acquisition of lands, Nebraska 15, Missouri 13, and so on down the line. Separate methods are provided for the various political subdivisions of a given State, different methods for the numerous agencies within each such unit, and still others for various public uses. There is nothing inherent in the nature of the units exercising the power of eminent domain, nor in the uses for which lands are acquired, that requires individual methods of right-of-way acquisition.

RECLAMATION AS A METHOD OF LAND ACQUISITION

Reclamation may often be a successful alternative to other methods of land acquisition, and should be considered where conditions permit. ***Simply put, reclamation is the "creation" of land by draining, filling, and grading.*** Many cities have created land along the shores of rivers, lakes, or harbors. Chicago's excellent system of parks and express highways on the shore of Lake Michigan is the result of reclamation activities. Between 1934 and 1940, New York City, through its park department, has reclaimed 1,800 acres of land for parks and express roads. This land has an estimated assessed valuation of $45,000,000. Boston, Massachusetts, with its reclaimed tidal marshes and flats, is another illustration. Where land is suitable for reclaiming, and the costs are not prohibitive, reclamation should not be overlooked as a method of land acquisition.

The Law

Public Law 627 - 84th Congress
Chapter 462 - 2d Session
H. R. 10660

AN ACT

All 70 Stat. 374.

To amend and supplement the Federal-Aid Road Act approved July 11, 1916, to authorize appropriations for continuing the construction of highways; to amend the Internal Revenue Code of 1954 to provide additional revenue from the taxes on motor fuel, tires, and trucks and buses; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1956

SEC. 101. SHORT TITLE FOR TITLE I.

This title may be cited as the "Federal-Aid Highway Act of 1956".

SEC. 102. FEDERAL-AID HIGHWAYS.

(a) (1) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of the Federal-Aid Road Act approved July 11, 1916 (39 Stat. 355), and all Acts amendatory thereof and supplementary thereto, there is hereby authorized to be appropriated for the fiscal year ending June 30, 1957, $125,000,000 in addition to any sums heretofore authorized for such fiscal year; the sum of $850,000,000 for the fiscal year ending June 30, 1958; and the sum of $875,-

23 USC 48 and note; 16 USC 503.

The Job

"We face a situation," the Commissioner said, "which we must recognize in all its genuine seriousness--the Bureau of Public Roads and the States have their reputation 'on the line' with Congress--and if we can't do the job, somebody else will be doing it for us. We all wanted the program--we asked for it--now it's up to us to get the job done."

August 7, 1956 BPR Circular Memorandum

The Congressional Mandate

- Established commitment to complete massive public works project within set time limits
- Established sum-sufficient source of monies to complete job
- Established shared interest in efficient delivery of projects

Major Issue – Federal Acquisition

Section 109(a) - Federal Acquisition of Rights-of-Way

The Commissioner stated that this section gives him more concern than perhaps any other provision of the Act and it was for that reason he appointed a special committee to study the rights-of-way problem and come up with recommended policies and procedures. The Commissioner also announced that he had selected Judge Phillips to serve as coordinator of all Washington office operations related to rights-of-way and to serve as his special advisor on rights-of-way matters.

In an effort to develop rights-of-way policies and procedures which will be amenable to the States, the Commissioner stated that he has requested Mr. Rex Whitten to appoint an advisory committee from the State highway departments to provide advice on the adequacy of our present rights-of-way procedures. Recognizing that there has been considerable criticism of our procedures in the past we want the States to know that we will welcome their advice and suggestions and it is hoped that policies and procedures developed with the advice of the special committee will be more acceptable to the States when it is known that they had a part in the development of the procedures. In the end GAM 343 will be reviewed very carefully and revised to the extent necessary.

August 7, 1956 BPR Circular Memorandum

Closer to ROW

- Recognized ROW as being on the critical path to project delivery
- Created national ROW staffing demands in BPR to commence bringing the agency into the ROW business

ROW a part of Engineering

DEPARTMENT OF COMMERCE
BUREAU OF PUBLIC ROADS
Washington 25, D. C.

May 2, 1957

CIRCULAR MEMORANDUM TO: Assistant Commissioners and Regional Engineers

FROM: B. D. Tallamy, Federal Highway Administrator

SUBJECT: Establishment of a Division of Rights-of-Way in the Office of Engineering

National Standards

- HQ ROW Office established
- PPM's, IM's, CM's (blue and white), and Cherry Memoranda published
- Concept of "Generally Compensable in Eminent Domain" created
- Established a new premise for how BPR did business – 21 Point Statement

1st Crises – dishonesty

- Document-nothing appraisals
- Kickbacks to negotiators
- Property management flim-flam

Early 1960's

- 1st National Textbook by AASHO
- Appraisals are King
- Contain Costs
- States and Feds embark on major training programs
- Ethics becomes important force in ROW

History

What I experienced

Offering Price to Owners

A story of Kansas City, Missouri, 1965

Moving Communities of People and Businesses

A story of Camden, New Jersey, 1968

FUTURE

Did change stop with the passage of the Uniform Act? There was a time when…

- Protective Rent / Rent Loss were frowned upon
- Administrative Determinations of Value/Appraisal waivers could not be done

Look for improvements that will…

- Save Time
- Save Money
- Improve Community Integration/Project Acceptance – see above
- Erase uncertainty – by owner and community – see above

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