

A Consistent Policy Is Needed

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KANSAS is basically a rural state. We have only three urban areas under the comprehensive planning process. Two of them, Wichita and Topeka, are getting along very well, but in the Kansas City area, as in all other states having metropolitan areas which cross state lines, we really have a problem. Kansas City is one of the large metropolitan areas, and covers four counties in Missouri with approximately 66 cities and two counties in Kansas, including 16 cities.

The magnitude of administering continuous transportation processes in an area as complex as this presents many problems. And the complexity of administration is magnified when Bureau of Public Roads policies are interpreted differently in one area than they are in another.

I wish to direct my comments to items of a general nature in the area of differences between the states and the Bureau.

Variations in the administration of Bureau policy procedures between the states and regions are pretty hard to pinpoint. They do exist, however, and should be a matter of concern to the states from several points of view.

In some elements of the admin-

istration, it is essential to have flexibility or nonuniformity. At others, it is more desirable to exert a uniform control. Sometimes we think the Bureau does neither of these things consistently. Their problem, we believe, is inconsistency.

The central cause is the character of the people; they are human, like all the rest of us. Some are or can be competent engineers and effective administrators, others are only good engineers and, of course, some of them are neither. This is not a unique situation. We have these same kinds of people in our organization and I am sure other states do, too.

We cannot reach a wide uniformity on all items. This in itself is a problem. It is apparent that some of the Bureau people, at least on the Potomac, do not recognize that situations differ over the country to the extent that several different solutions to a problem may be needed, rather than just the one which usually fits irrelevant local situations.

We think that the states should strive for flexibility in procedure to be administered by people competent to judge the problems on their merit and to allow a reasonable—even a uniform—solu-

tion. Many of the decisions we have received from the Bureau, which we have regarded as unjust, nonuniform or completely unjustified, have been made by application of inflexible rules or by people unwilling to consider all the influencing factors bearing on the case before making a decision. This sort of thing happens at all levels of Bureau management—at the state, regional and national levels. I am going to cite just two or three of them for example.

These are not real recent but do you remember the "buy-American" deal which we batted around and had trouble with a few years ago? It is my recollection that the Bureau made three attempts to administer this by a series of directives and finally gave up entirely.

The next example concerns the product selection of bidding procedure between various materials. Statements from the Bureau were interpreted differently in every state. In the region I represent I am sure of that, because I contacted them and again the region had to reverse its position about three times in about eight months and finally ended up about the same place it was in the begin-

ring. These maneuvers cost a lot of unnecessary time planning changes, schedules, alterations and administrative time. The Bureau has also made a number of changes in its attitude toward geometric design on Interstate routes.

Although the published standards have not changed and are uniform nationally, there is a wide variation in interpretation among the Bureau people. It is rather frustrating to have to accept a design on an item when it is known that other designs are acceptable in other places by other Bureau people. The locations facing a number of intersections have been controversial ever since the program began.

In our State, the tendency has been to keep the number to a minimum and use the diamond configuration almost exclusively. Traveling about the country a little bit, it is obvious that this


interpretation of the rule is not uniform.

Another one of our problems has been associated with stock passes. This is mentioned by a good many states and in a recent communication I had from the National Highway Users Conference referring to the American Cattlemen's Association meeting held recently in Kansas City. The cattlemen were recommending a change in the administrative policies of the Bureau. The needs of the livestock industry for providing adequate access by means of underpasses or overpasses of sufficient capacity to cross the Interstate highway have not been taken into consideration.

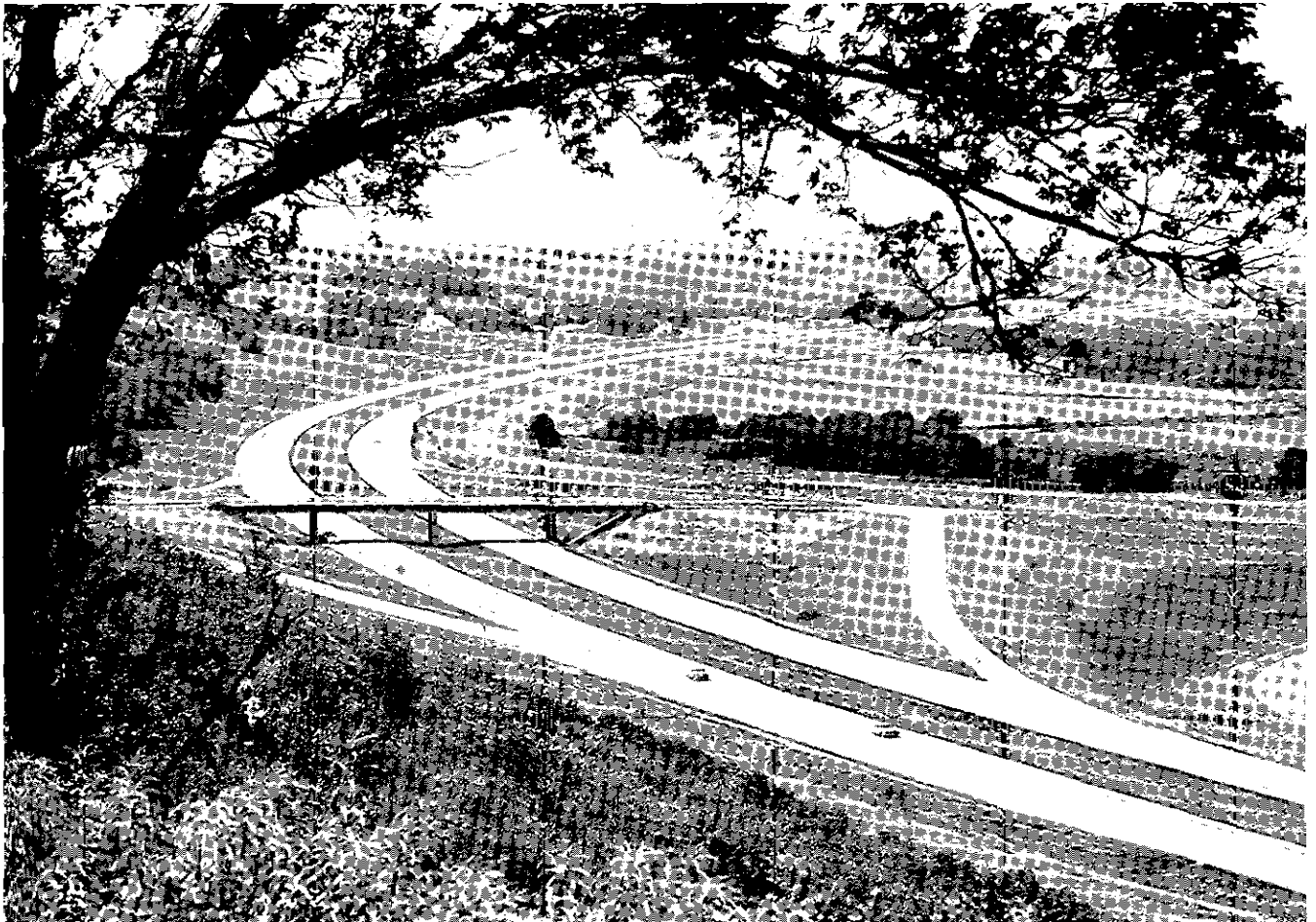
We are certain that right of way problems have been greatly intensified by the kind of people the Bureau has had administering the program in some states. Of course, there is no proof or even accusation of maladminis-

tration; but there are some non-uniform interpretations. Numerous examples of this lack of uniformity could be cited.

The examples I have pointed out serve to illustrate the dangers and problems inherent in policy variances by the Bureau as they affect the several states. These difficulties are not insurmountable. In fact, our relationship with the Bureau has been good, in spite of our differences in the matter of interpretation. Moreover, we think highly of the Bureau representatives.

The point I wish to make is this: we do not necessarily need rigid uniformity, but we do need consistency in rules and regulations, and we do need procedures that are flexible enough to fit a variety of situations and which are administered by competent people with a reasonable and cooperative attitude. 

I-70 east of Junction City, Kansas.



PART III:

Questions and Answers on BPR Policy

Answers to the questions posed in this part of Bureau of Public Roads policy interpretation were given by Frank C. Turner, author of "Part I: Flexibility and Consistency."

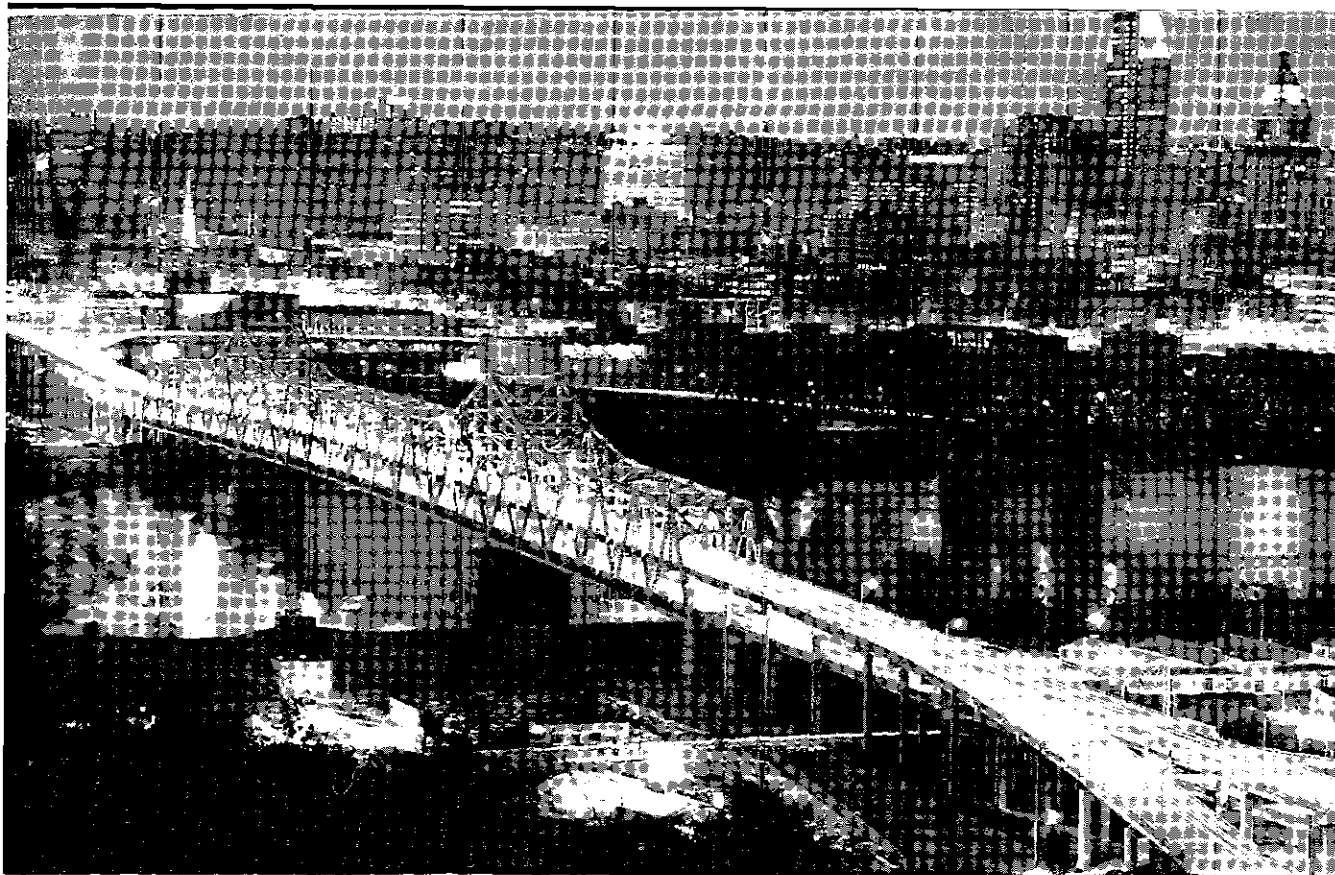
Why will not the Bureau of Public Roads participate in highway and street lighting of an intensity equal to that which a municipality or area would normally install?

This is a question that has been difficult over the years. It is not only a question of the problems which arise from difference in intensity of lighting, but the American Association of State Highway Officials' policy on this is not firm. Most of the things we are trying to do follow policies developed jointly with AASHO. AASHO itself has not yet developed a firm, strong policy on lighting; neither have we developed one. We don't know what the right answer should be, nor does anybody else.

We are experimenting with this particular problem, and have approved projects around the country with widely different intensity requirements, quite different types of lighting, different standards, different spacing and different locations, in an effort to gain experience from which we might be able to formulate some kind of a policy. Lighting is very expensive and I don't have to tell you what the cost is to maintain and operate it once it is installed.

We have had a number of instances around the country where we have approved an expensive lighting installation in a city, only to find within a year or two after it has been completed neither the city itself, nor anyone else, will be responsible for maintenance and paying the light bill. They say it is too expensive and are not going to pay the bill any longer. We have had to turn the lights off.

Now that leaves us in a difficult position when we approve substantial expenditures of public money and then have the project or work abandoned. Frankly, we can say to you at this time that we don't know, none of us, what the right answer is. As a result of this, you are quite right when you claim that we are continuously approving projects in an effort to develop a range of



Brent Spence Bridge on I-75, Covington, Kentucky.

applications, which will enable us to write criteria.

If you can help us any, we would be glad to take whatever you contribute and add it to the total sum of knowledge and see if we could come up with a good, firm policy that we can apply nationally.

In dealing with the matter of safety projects on our road systems, do the counties and municipalities have to go through the state highway departments at all times, or is there any possibility that they could deal with BPR directly?

The answer, oversimplified, is that we will deal through the state. The law requires this. I realize that this may seem to be a roundabout method, particularly to those who represent the cities, but basically the answer is that any project involving federal aid highway funds will have to come through the state highway departments. This doesn't mean that if you are representing a city or county, and you come to see us, that we won't listen;

but when it comes to official action, we must deal directly with the states.

Why does the Bureau require that cities pay the ratio of cubic feet per second difference in out-fall sewers where the municipality desires to install a larger size sewer, rather than simply permitting them to pay the cost difference between the two sizes of sewer?

This problem has arisen in a number of places under varying circumstances. A similar problem occurred concerning cost-sharing on a drainage canal in Wichita, Kansas, where we had some differences of opinion.

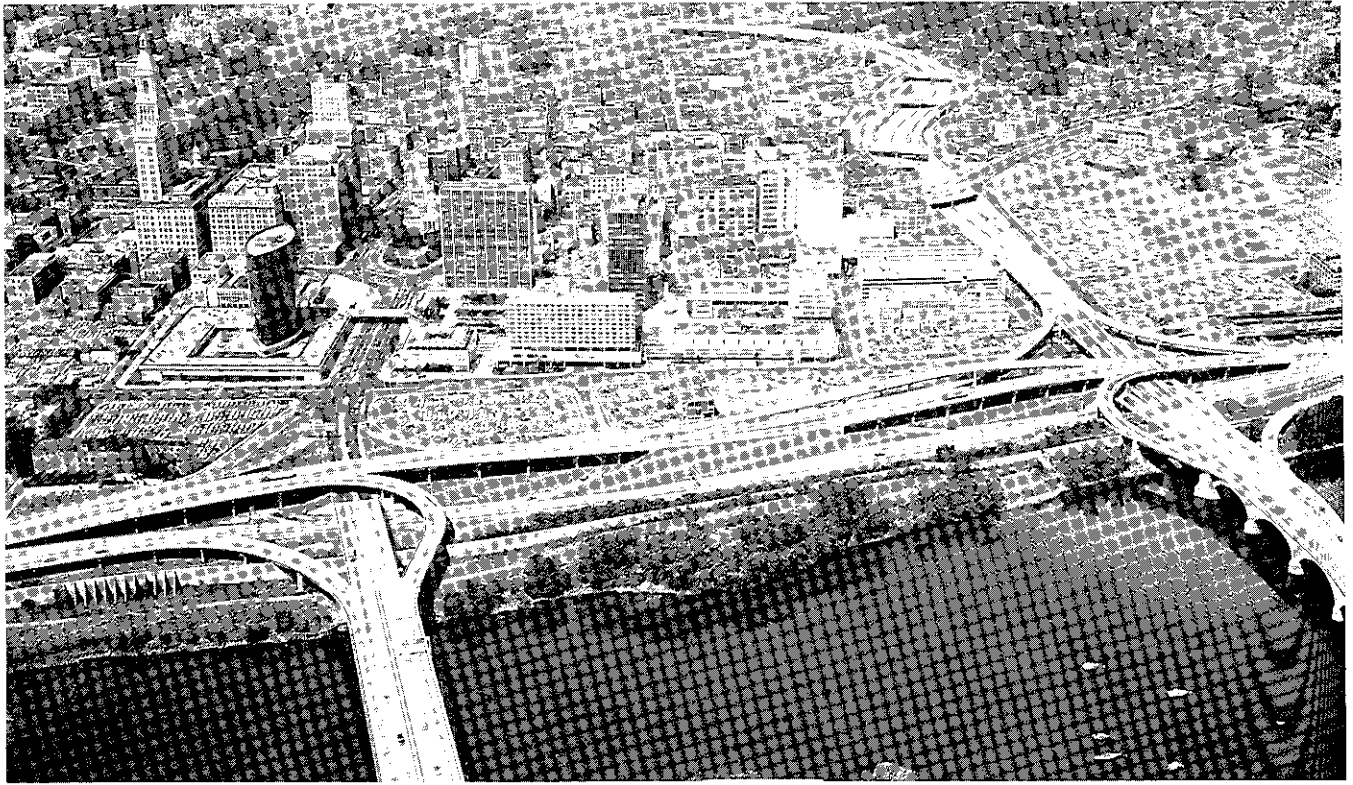
Quite frankly, it is difficult to know at times how to decide some of such questions where several alternatives are available. The answer to the drainage situation of course is, if we just follow our policy memorandum, very simple. It was stated in writing and the policy has been in effect for some time.

Let us take, for example, the situation in the City of Cleveland,

Ohio. There, the city wished to install a 78" sewer on Interstate 71, where a 54" sewer was required. The Bureau relied on the formula of the difference in cubic feet per second in the two sewers as a basis for payment.

I will say in Cleveland's defense, there is pretty good reason for them feeling that they got caught in the bind. In other words, the policy had been in existence; the question had been referred to us; we had developed a policy. We issued it and it had been applied in a number of other places. It still seems to us in the Bureau that it is a fair way to decide this problem.

Now we could take just the opposite view. We could take the position and insist that, on the federal side, we should get the benefit of the incremental cost. Let the local communities pay the first increment and then let the Federal Government pay whatever increment, if any, that might be in the cost to take care of the highway portion of the drainage. It would mean that Cleveland would be paying the major share of the cost. The Fed-



At the lower right, I-84 interchanges with I-91; lower left, I-91 at the Founders Bridge Interchange, Hartford, Connecticut.

eral Government, to some extent, would get almost a free ride. This is one way of doing it.

Probably, if you want to argue rather hard on the federal side, it is as equitable as the position that Cleveland took that the city pay only that additional incremental cost and let the Federal Government pick up the initial cost. We decided, however, that it was more equitable in this kind of a situation—where both parties, both levels of government were benefiting more or less equally—that we should decide the cost in proportion to the amount of water contributed to the problem by each of the two agencies.

On this basis, we had established a number of years ago the policy of sharing the cost of common drainage facilities in proportion to the amount of water contributed to the system by each of the partners in it. Now this is beneficial to the public, and we ought to try in every case we can to benefit the public by combining the use of facilities. It is good

engineering, it is good administration. To do otherwise would be very poor administration on the part of either party. We settled cases that came up on the basis of the policy that I have stated, and we don't at the moment have any intentions of changing that policy.

In making its determination of the proportion of water contributed to common drainage facilities, does the Bureau take into consideration the concentration of water caused by a highway drainage system and the subsequent problems which it might cause the local system?

The storm water situation is only one example of many problems just like that. One of the best known ones, of course, is the developing of large volumes of traffic off an Interstate interchange onto a city street.

How far should we carry this improvement in order to take care of that traffic volume? We have lots of suggestions as to

how far we should go. The general rule we have followed is that, if there is a situation which is created by the construction of the Interstate, then we feel obligated to pay for it. This gets us into some fairly expensive items more times than not.

These improvements are part of the reason why our cost estimates over the years have continually been going up and up. We are having to go back to Congress to get additional financing, but we are willing to go back so long as this is the proper thing to do. Generally, we are sharing those additional costs generated by construction of the Interstate system.

We have some differences of opinion quite often as to whether or not it is the Interstate which really causes these situations. Thus, we can get into long, endless arguments in many cases. But our policy is correct and I believe that, in most cases, we are applying it reasonably consistent within the limits desirable in each situation. We try to pay

The North Yakima and Selah Interchange of I-82, at the confluence of the Yakima and Natchez Rivers, Washington State.

additional costs for situations of this kind, not only in drainage fields but in traffic capacity, adjustment of facilities alongside of utilities and elsewhere.

This is running us into lots of money. If we wanted to be really tightfisted, we could save millions and millions of dollars in this area. But it would not be equitable, nor morally right, for us to do so. Common sense and equitable administration of the program would require that we often pay additional costs on both sides, even when it may be to our disadvantage.

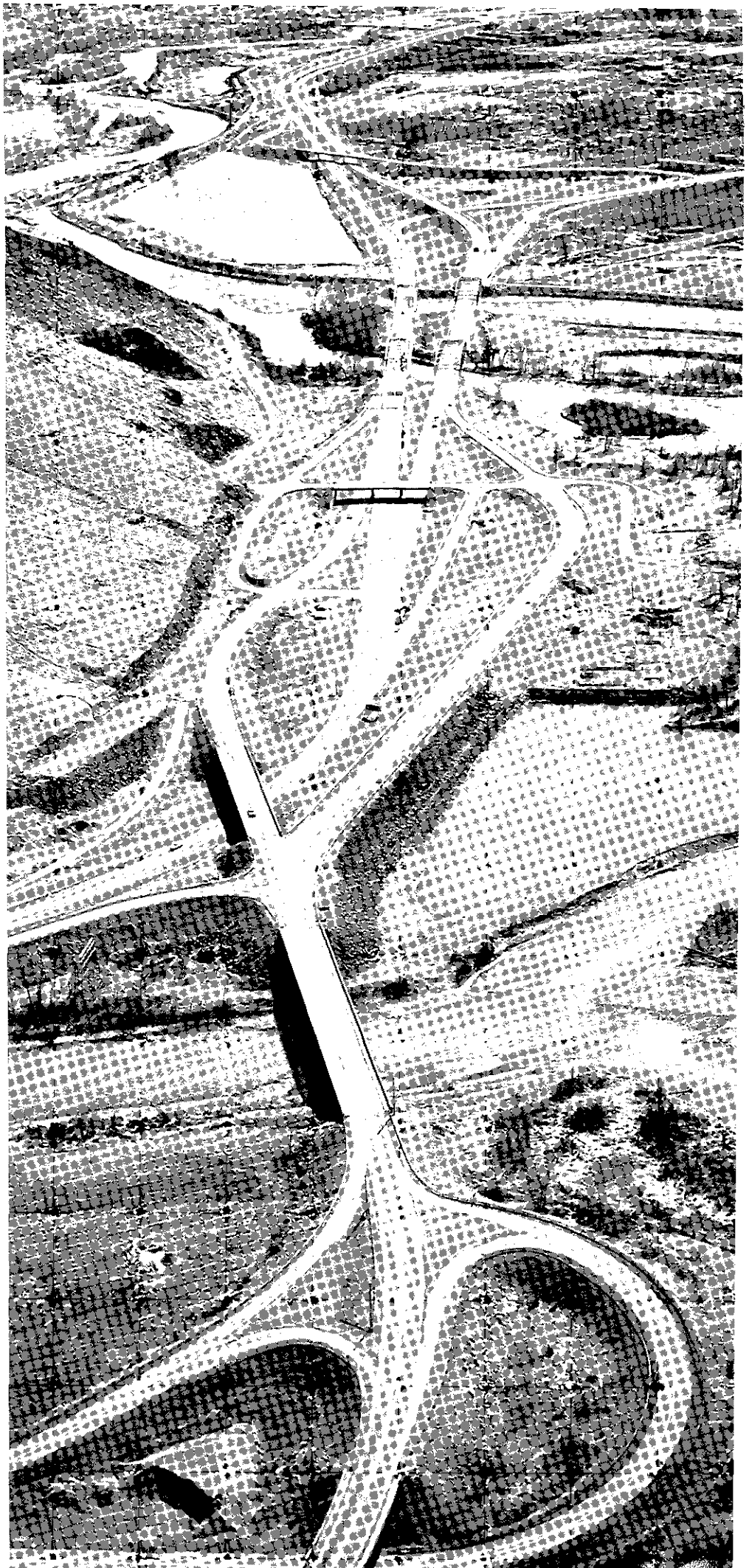
I can assure you, however, that we are putting in lots of additional storm drainage and carrying it for considerable distances, replacing much drainage facilities with pipes and sewer systems adequate to handle the water volume added to local systems by Interstate construction.

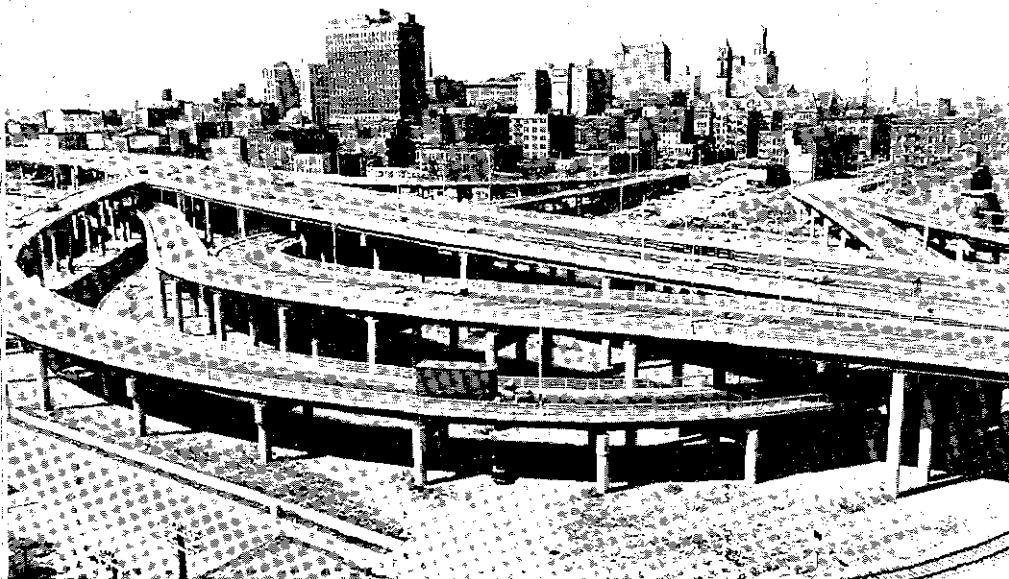
What is the Bureau policy towards installing extra duct lines to cover possible future development of electronic controls?

Our policy certainly is to approve additional capacity, and I thought we were putting these in everywhere. If we are not, then I would like to know about it. By and large, we are trying to look ahead on all our facilities and, where it is in the specifications and in the public interest to provide the needed expansion, we are certainly doing this. We would be negligent if we didn't.

I know that we are putting in increased capacity on most of our facilities to handle additional requirements for ducts. By and large we are now paying for a number of these extra items whose development is not foreseeable. We are making the provisions so they can be ultimately added by somebody else.

Again this is an item where you have to draw the line some-





The Elm-Oak Interchange of the New York State Thruway at Buffalo.

where. I don't believe we can design a lot of items and pay for them in the beginning, when we have no immediate use. The law generally requires us to restrict our expenditures to those items generated by forecasts 20 years in the future. We obviously cannot go 100 years or 1,000 years into the future and put these things in. But we do try to make provisions so that these items can be added without having to tear everything apart in order to put in a nickel's worth of work sometime later. This is common sense and I believe that we are doing this. If not, I would be glad if you would call it to my attention. We will certainly try to rectify that kind of problem. It would be absurd for us to do otherwise.

In the matter of beautification and aesthetics in highway location and design, what would be the Bureau's position where, on the basis of aesthetics, the selection of an alternate design would raise the cost from \$12 million to \$15 million — providing that proper traffic functions are performed?

If it were a question of \$12

million to \$15 million, the Bureau would probably accept the additional cost. However, if you were to change the question a little bit and say the cost difference was that of \$12 million to \$24 million, then we would look at it awfully hard. The answer still might be yes and we are doing this right along. We are spending more money for aesthetics, more money for fitting projects into the local environment.

The Bureau had an appreciation for aesthetics long before most of the people now in the act. I can remember beautification projects back in the 1930's, where I was involved. Indeed, we have given consideration to the aesthetics in the highway field for a long, long time.

The big question is how long can we afford to divert our scarce funds which are sorely needed for other fundamental purposes. This gets into a question of judgment—and, I might add, there is a wide diversity of opinion on the subject of just where the dividing line should be.

Let's examine the illustration given in the question more thoroughly.

Should we stop at \$12 million

or can we go to \$15 million or \$24 million? Somewhere, you have to draw the line. Somebody has to say exactly where that line is, that we will go to this dollar and no more.

Now we get into the unenviable position of being the one who has to decide. Remember, we are spending money now for aesthetics and we are going to spend more money relatively in the future than we have in the past. Not because there has been any particular change in our feeling, but because the public is now picking up that feeling. I am sure most of us on the highway side felt that we should be spending more. The question is just how we are going to get that money? Unfortunately, there is but one choice—you have to take it away from something else.

So the answer to the question is that we will be spending more money, and we encourage you to do things necessary to obtain acceptance of aesthetically beautifying a project. I will say to you in all honesty that I am highly dissatisfied with the results of a number of our projects in the urban areas. Many of them are disgraceful.

There may be a good reason why we had to do it that way but I am dissatisfied, as I know you are, with many of these projects. These past errors must be corrected. We have a lot of support today for improving such projects, but they are going to cost us more money and we might as well face the issue.

If you or anybody else can help us develop a formula to determine where that dividing line ought to be, just exactly where we should cut off additional costs for these projects on beauty, we would like to have it.

The fact of the matter is that we will continue to exercise our best judgment on all matters, and until a formula can be devised in each case, then our judgment may be different in the afternoon than it was in the morning. There isn't any other way of deciding some of these matters: each must be solved on its own merits at the time the decision is required. (S)