

Remarks by F. C. Turner, Director of Public Roads,
Federal Highway Administration, U.S. Department of
Transportation, at the Highway Research Board
Conference on Joint Development and Multiple Use
of Transportation Rights-of-Way
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Current Governmental Policies for Utilizing
Joint Development and Multiple Use of
Highway Rights-of-Way Projects

INTRODUCTION

Professor Wright has provided the legal framework for joint development and multiple use, and I am sure you will agree that our opportunities are substantial despite some limitations. I am also sure you will agree that opportunities will be missed unless all of us and the agencies we represent are committed to the joint development concept. I was fully committed even before my presentation of the concept to many of you at AASHO almost two years ago. I can also vouch for the dedication of the Bureau of Public Roads to a concept which, during the process of satisfying the public's highway transportation needs, leads toward optimum use of highway rights-of-way, maximum compatibility of the highway with its environment and maximum achievement of a community's comprehensive development goals.

Our concern is now reflected in the 1968 Federal-Aid Highway Act which requires the State highway department to certify that it has given consideration to a highway location's economic, social and environmental effects and its consistency with community goals and objectives, as

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expressed through the planning process required by Section 134 of our Act, Title 23, U.S. Code.

The Bureau of Public Roads considers the joint development concept a major component of adequate environmental consideration. Moreover, the concept is not entirely limited to urban areas; we are also interested in and encouraging rural joint development. Also, at the outset I must stress that joint development and multiple use do not take the place of but are important parts of environmental study.

Obviously the 3-C planning process must be the vehicle by which the planned development of urban corridors is handled; it makes possible the intelligent and simultaneous planning of both private and public facilities. One difficulty, of course, is that we must start from where we are and this requires us to find a way to work with many facilities already built; we are already 90 percent finished with present urban highway plans.

So much for generalities. Now for some specific questions and answers.

WHAT IS BEING DONE BY THE BUREAU OF PUBLIC ROADS?

1. An Environmental Development Division has been established and is operational at this time. Represented on the staff of this division are specialists in Regional

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and City Planning, Landscape Architecture, Architecture, Highway Engineering, Sociology, Economics and Real Estate Appraisal.

Operating on a team approach, these interdisciplinary professionals are charged with the responsibility of development and promotion of total environmental design, including joint development and multiple use. They form the connecting link with other agencies - Federal, State and local - for achieving an environmental highway program. Several States within their own departments and within the scope of their own needs are currently establishing one form or another of the multidisciplinary team approach. These people will devote their efforts to the broad social-economic-esthetic and environmental aspects of highway design. Our team will study all major projects to insure a full and coordinated approach. We commend this initiative of individual State highway departments and recommend it to all.

2. Conferences are being sponsored by many field offices of the Bureau of Public Roads and the State highway departments. Attendees are from all levels of government and from groups interested in the governmental programs, including HUD, BOR, State highway departments, city planning departments, park administrators, representatives of Mayors' offices and many others. It is from these

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informative meetings that many of the more comprehensive multiple use-joint development proposals have been generated.

3. In the area of research and development, we have an Economics and Requirements Division specifically charged with supporting studies of social and economic aspects of highway improvements. One study the Division is currently preparing concerns the development and testing of social and economic indicators of changes in neighborhood character and cohesiveness resulting from highway improvements. Such studies may be financed entirely from our Bureau administrative funds and may be performed either by our own staffs or under research consultant contracts. Many research studies on this subject are being thus financed and prosecuted.

4. A number of examples of multiple use and joint development have been presented to you at this conference. The Bureau of Public Roads has prepared a comprehensive collection of examples for distribution to each field office and State highway department. This will be updated frequently and distributed widely so that our national experiences, both successful and unsuccessful, can be shared.

5. You have heard at this conference, if not before, from representatives of some of the existing Joint Concept

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Teams and their multidisciplinary approach to highway location and design, including the investigation of all possibilities for multiple use and joint development on specific projects. Federal-aid funds are being used to help finance the work of these teams. This approach has been initiated in Chicago, Baltimore and Cambridge, Massachusetts. The Bureau of Public Roads has assigned a full-time representative to both the Baltimore and Cambridge groups, so that stumbling blocks can be recognized and removed or avoided as soon as possible in the conceptual stage. These activities have already been described to you but I would point out that they are being financed and administered under the normal and traditional State highway department-BPR partnership which over the years has created the world's finest highway system. This is another effort by the partnership to make that highway system even better.

6. Federal highway funds are currently being used to finance feasibility studies which determine the suitability of highway right-of-way for multiple use and suggest possible uses of this space.

7. Approvals have been given in the past and are being given now to numerous joint uses of Federal-aid rights-of-way, many of them imaginative and novel. These uses are occurring over, under and adjacent to the roadways, and we are receptive to any and all kinds of uses for consideration as to their suitability.

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8. Federal-aid funds are now being used to participate in the acquisition of whole parcels or portions of remainders extending to street lines or other logical barriers or boundaries where such acquisition will provide a highway facility more in conformity with the neighborhood through which it passes. These portions of the right-of-way are being used for green strips, open spaces, parks, play areas, parking and other public or quasi-public purposes. Some of these might be used for industrial development also.

9. In addition to the planting and preservation of vegetation and acquisition of scenic strips, the Highway Beautification Act of 1965 provides for the expenditure of Federal funds for roadside development for construction and treatment of minor structures (walls, cribbing, barriers), all of which are considered essential to create scenic beauty along and adjacent to Federal-aid highways. We are also participating in noise suppressive design features where these are practical and found necessary.

10. Federal-aid rights-of-way in some areas are being acquired in limited vertical dimension to permit existing land uses to continue, or to facilitate new multiple use and joint development.

11. The whole-block taking concept is being utilized. The use of this concept means that the highway department or

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some other public agency can retain those unneeded portions of blocks through which the highway passes at less cost than would have been realized without the highway.

For example, a minimum freeway right-of-way might require only about 40 percent of the area of a city block, for its actual construction needs. Because of severance damages, however, the cost of acquiring this right-of-way might actually equal the cost of acquiring the entire block. If we assume, as in this example, that the minimum area for a freeway right-of-way would cost \$8 million, plus severance damage payments, even though only 40 percent of the block would be taken, then the entire block could very likely be acquired in fee for not more than \$10 million or about the same price as the taking area plus damages to the remainder. In a case such as this, some local agency - such as a public corporation or authority - could acquire and clear the full block, then sell back to the highway department the space needed for the freeway for something less than it would have had to pay if it acquired it alone. Thus for about \$2 million, let us say, the local public agency would have available for development all of the remaining land which would have cost at least \$6 million, or perhaps more, probably \$8 to \$10 million, if purchased separately.

An added refinement of the joint development procedure is worthy of further exploration and application. Here a

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public or even a private corporation would be created - a so-called third party holding corporation - to acquire and assemble the necessary land and property involved in a joint development project. It could then sell to the highway department what is needed for highway right-of-way, build or arrange for the building of relocation housing, and compensate relocatees with a reasonably equivalent housing unit, which would be payment in kind rather than in dollars. A plan similar to this was being considered in connection with the North Leg of one of our freeways in the District of Columbia.

WHAT WILL BE DONE BY THE BUREAU OF PUBLIC ROADS IN THE FUTURE?

1. Our current policy on air rights is being revised to allow fuller use of the vertical space beneath viaduct structures.
2. We will soon be approving demonstration fringe area parking lots wherein land may be acquired adjacent to the right-of-way on any Federal-aid system outside of a central business district for the construction of publicly-owned nonprofit parking facilities. These facilities may also be on the right-of-way, including the use of airspace above and below the highway. Such facilities are to serve urban areas of more than 50,000 people. However, they must be located and designed to permit use in conjunction with existing or

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planned public transportation facilities. The Federal-aid share of the cost will be 50 percent as limited by law.

3. In the near future we will be issuing instructions which will permit participation in basic site development costs for public joint use projects on the right-of-way such as parks, recreational areas, bridle paths, hiking trails and parking lots.

4. We will also be approving the additional expenditures of funds for constructing viaducts or structures in lieu of embankments or lengthening of structures where such construction will be conducive to joint development in urban areas.

5. Section 138 of Title 23 of the U.S. Code and a section of the Department of Transportation Act clearly directs us to make special effort to preserve and enhance the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges and historic sites. Each Federal-aid project is to include all possible planning to minimize damage to these areas. Federal funds are available for this planning. One request has already been received from a State which wishes to use a highway embankment as a dam for a recreational lake.

6. The Highway Relocation Assistance program has been greatly expanded. The provision calls for both payments and advisory assistance. There are many possibilities here

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in conjunction with the provisions for advance acquisition of right-of-way to provide quality solutions in the area of multiple use and joint development. It is our intent to fully explore and promote these possibilities.

7. Policies are being developed for accommodation of utilities within Federal-aid rights-of-way and will be issued in the near future.

CONCERNS OF BUREAU OF PUBLIC ROADS IN JOINT DEVELOPMENT AND
MULTIPLE USE PROPOSALS

We recognize a responsibility to the public, and feel it incumbent upon us to determine that all multiple use and joint development proposals are in the public interest. For this reason, our reviews for approval are performed in the light that:

1. The proposed use does not impair the construction, operation and maintenance of the highway project and that the use does not endanger the highway facility or the traveling public.
2. The proposed use is compatible with existing and future land use in the area.
3. The timing and feasibility of the proposed use are identified where Federal-aid funds are to be used to facilitate the use.
4. The extent of the opportunity for involvement by others than the proposed user are made known.

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5. The local governing body has approved the joint proposal and its location.

6. The final appearance will be desirable.

7. The proposed use will be properly maintained and policed.

8. The proposed use will make a contribution to the social, economic and physical development and well being of the community.

Because the Bureau of Public Roads first developed, advocated and promoted this concept, it is, of course, firmly committed to the growth of the concept of multiple use and joint development as a major contributing element in the area of environmental quality. With the growth of the American population and the concurrent growth of their needs - coupled with the decline of usable space desired by those same people, we must be ready as public policy and decision makers to insure the wisest and broadest use of our public investments. Most of the proposals made to us to date have had only unilateral financial support which has come from the highway agencies. Under present and reasonably acceptable concepts of finance, we cannot appropriately use highway funds for other than highway purposes. It, therefore, behooves those other cooperating agencies as joint sponsors and beneficiaries of such a

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joint development project to put something tangible into the project beyond mere endorsement or enthusiasm. I suggest that this financial participation is really the key to success of the joint development concept at this time, and I repeat again that as highway agencies we are ready to proceed financially and structurally with our reasonable share of the cost of joint development, and we expectantly await a similar responsive action from our joint partners.