

More federal money for secondary roads

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The 1968 Federal-Aid Highway Act which became law on August 23, 1968, is somewhat of a landmark piece of legislation and has been called the most important Federal-Aid Highway Act since 1956. Parts of the new act are controversial, and the final result is a considerable compromise between the Senate and the House of Representatives.

The new requirements of the 1968 act will require all of us—county, state and federals—to review our current procedures for administering the Federal-aid Secondary Road Program and for possibly revising some of the current procedures and adding other new procedures.

To mention the most welcome part of the act first, Congress did authorize additional amounts of money for federal-aid secondary road construction. The previous annual authorization for secondary roads, in effect, was \$300 million per year, and this amount was increased 10 percent. In addition, the act authorized an additional \$50 million per year in secondary funds to be spent for work *outside* of urban areas.

Therefore, the amounts authorized for secondary roads for each of the fiscal years of 1970 and 1971 are \$380 million. This is an increase of almost 27 percent and is the first time since

1964 that there has been an annual increase in funds authorized for the secondary road program.

One important feature of the new act is the provision of a revolving fund for the advance acquisition of right-of-way. Many highway administrators have recognized the need for acquiring right-of-way at today's relatively low prices for roads and streets which will be needed in the years to come.

Over a 3-year period a revolving federal-aid fund of \$300 million will be accumulated for this and should be a great help to the advance planning of future roads and streets in fast growing areas. This may be useful to your own county highway program, if you are in a fast-growing area and have an urgent need to prepare and protect for the future.

The new act for the first time authorizes the specific sum of \$200 million per year for traffic improvement projects in *urban* areas: the so-called TOPICS program (Traffic Operations Program to Increase Capacity and Safety).

For the first time the federal government is authorized by the new act to participate in fringe parking facilities on the outskirts of urbanized areas on a demonstration or trial basis. This might have some interest to those counties in which are located urbanized areas (cities of over 50,000 population) and where the county has some overall transit or transportation responsibilities.

Application of Federal Contract Labor Standards to primary, urban and secondary federal-aid construction projects is one of the very most important provisions of the new act which affect federal-aid secondary projects. The Federal Contract Labor Standards (Davis-Bacon Act) require the payment of prevailing rates of wages as a minimum. These minimum wage rate requirements do not apply to county employees when work is being performed by county forces.

Secretary Volpe is now trying to implement a policy which will guarantee the authority of states to obligate an amount approaching the apportionment for FY 1970. The new policy should eliminate the adverse effects of a "stop-and-go" federal-aid highway program.

The 1968 act also requires a national highway functional classification study to be made and the results reported to Congress in January, 1970. This study has been advocated by various organizations and associations and is needed as the basis for making future recommendations for the continuance and direction of the federal-aid highway program. Incidentally, the Bureau of Public Roads has prepared and is issuing a manual of instructions for the state highway departments to use in making this study.

Still another part of the new act deals with equal employment opportunity. It requires that each state highway department give assurance that there are

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state policies and programs to create equal opportunity for all employees connected with federal-aid projects without regard to race, color, creed or national origin as a condition for federal authorization of any federal-aid project in that state. All of the States have now furnished these assurances in writing.

FHWA Order (Interim) 7-2 was developed and issued on October 1, 1968, and was supplemented by FHWA Order (Interim) 7-2 (1), dated March 17, 1969. This later order furnished a detailed contract provision for all federal-aid contracts—not just those contracts over \$500,000. These required actions include the designation of an equal opportunity officer, recruiting, informing new employees of the equal opportunity program, periodic equal opportunity meetings, training requirements, investigations, complaint procedures, etc.

The new act requires the states and the federal government to establish bridge inspection standards and to maintain records of bridge inspections on all federal-aid highways. At the present time the Bridge Division of the Bureau of Public Roads is developing these standards in cooperation with AASHTO. Training material and programs are also being studied for the training of bridge inspectors.

So far as the entire federal-aid program—interstate, urban, primary, secondary—is concerned, the provisions of the new act pertaining to highway relocation assistance and payments are the most far reaching. They will have a tremendous effect on urban Interstate projects where large-scale relocations of businesses and residences are concerned. However, they will probably have only occasional involvement in rural secondary road projects where the dislocation of people and businesses is rare.

This provision of the new act reflects the gradually increasing concern for individuals in the taking of private property for public use. This provision of the act applies to any federal-aid

secondary project, regardless of whether or not federal-aid highway funds participate in the acquisition of right-of-way.

Another part of the new act comes under the heading of "Real Property Acquisition Policies." Section 35 of the act requires:

"(1) that every reasonable effort shall be made to acquire the real property by negotiation;

"(2) that . . . no person oc-

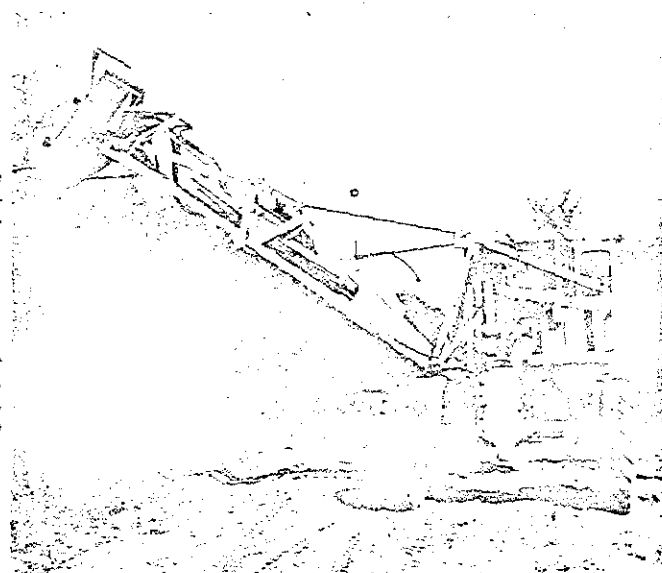
cupying the real property shall be required to move from his home, farm or business location without 90 days' written notice . . . ; and

"(3) that it will be the policy of the State, before initiating negotiations for real property, to establish an amount which is believed to be just compensation, under the law of the State, and to make a prompt offer to acquire the property for the full amount so established."■

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