

CORRELATING STATE AND NATIONAL
HIGHWAY PROGRAMS.

by
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CONVENTION OF
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Several times in previous years I have had an opportunity to talk with groups of Kansas citizens on the subject of highway improvement. Many years ago--nearly twenty now--the Santa Fe Railroad conducted a campaign to introduce and promote the use of the split-log drag in Eastern Kansas. A few men who were then, and still are, working to build up Kansas and Kansas agriculture, Mr. D. Ward King of Missouri and myself, did the talking or at least we started the discussions. Probably some of you will recall that at just that time in that particular section gas and oil obscured all else. We were told it was cheaper to allow the gas street lights to burn all day than to pay some one to turn them on and off. The towns were interested only in paving and the land owners only in gas and oil leases. A most happy and optimistic atmosphere prevailed, unhampered by economic facts; and the message of the split-log drag fell at the time on unheeding ears. Yet for that time no saner, more practical doctrine was ever preached. The universal application of the principle of continuous dragging of the natural soil roads in the Mississippi Valley is the biggest factor that has made possible the service that these many thousands of miles have rendered for nearly two decades, and particularly since the general use of the motor vehicle.

Until a very few years since, in these big agricultural States, the roads were largely considered the farmers' problem. But how changed is the attitude today! This splendid gathering is typical. The Kansas Association of Chambers of Commerce has taken the position that one of the most necessary and urgent needs of the State is a broad plan of highway administration and improvement, to allow town and county, county and State, State and nation to work together. Since the task is so huge there is need for united effort.

The State Board of Agriculture, the Agricultural Council, and Association of County Commissioners have each expressed support of constructive principles. Governor Paulen in his inaugural address said, in part, of highways, "Kansas should at once take the necessary steps to secure ultimately a system of improved roads."

There seems to be a fine unanimity of thought. The highway message today does not seem to fall on deaf ears. Permit me to stress the above quotation from Governor Paulen. Your problem, the big problem of highways in Kansas, is not bonds, pay-as-you-go gas tax, Federal aid, or any other single issue. Governor Paulen states the big problem in these words:—"Necessary steps to secure ultimately a system of improved roads."

The task will not be accomplished over night. It will take years. Have you in Kansas reached the point where you are ready to set up a plan of administration and maintain a fixed policy for the years necessary to do the job? Again, is Kansas ready to assume her responsibility

as a State and not rest all the burden upon the counties? The two essential elements of this problem in Kansas are first a plan of administration that will produce results and, second, this precious thing we call time. Governor Paulen could not have more adequately defined it in a whole volume.

I wish earnestly to impress this viewpoint. It will help to prevent any misunderstanding. You desire to hear from me concerning Federal aid road laws and policies. I wish neither to minimize nor over-emphasize Federal road aid in its relation to your whole problem. It is only one factor, but a highly important one. Without it there would be road building by States and counties, yes; in some States, just as much; in many, not so much. But these activities would be far more haphazard, both in concept and in practice. In the United States there could very easily be expended annually the same amount of local funds without great progress toward an adequate national system of highways. With Federal aid, a great national system is being very surely developed.

THIS NATION OF OURS

Do not misunderstand this statement. By national system I mean a nation-wide system, correlated and connected, between the States and between the counties within the States. Just what is the interest of the Federal government in the accomplishment of this objective? Just why should Federal funds be used to pay a portion of the cost of a

nation-wide system? Let us consider this question seriously. Probably many of you here, certainly many of your neighbors and friends, were not born in Kansas. It is probable that very many of you have parents who were not born in the State. You or your parents perhaps came from some other State; yet when you crossed the boundary line you were stopped by no armed guard--you passed through no customs--you paid no fees to come into the State or to bring your property in. Why? Because, while you changed from the jurisdiction of one State to that of another, you did not change your national government. You are first of all a citizen of the United States, and while Kansas probably received you with open arms, as a matter of fact you were free to come and go as you pleased, whether Kansas liked it or not. Yet you were free to come and go only so long as you obeyed the laws of Kansas. That is, we have set up in this nation a dual form of government. We have by the State Constitution established certain definite powers and responsibilities in the State, and likewise we have by the National Constitution lodged certain definite powers and responsibilities in the Federal government. We have authorized the State to perform certain functions, and we have likewise authorized the Federal government to perform certain functions. We have given authority to each to raise funds to carry out certain objectives. The plan of highway development set up in the Federal-Aid Road Act was concretely expressed in the address by President Harding only a short time before he came to Kansas in the summer of 1923. He said: "Our highway system has been laid down on lines which we recognize as

presenting a parallel to our political institutions ***. Our highways are built by and under the States, with such Federal participation as is calculated to assure continuity and articulation * * * * *. The importance of a perfected highway system as a measure of national defense has been profoundly impressed upon us and must not be overlooked * * * *. As we shall extend and improve our highways and more and more adapt them to the methods of transport, which this age has so marvelously developed for us, we shall strengthen year by year the ties of mutual interest and inter-dependence which unite all our sections."

The Federal aid road policy has been set up to accomplish certain definite Federal objectives and purposes. These are the providing of adequate highways for the postal service, which is now almost if not completely motorized; the promotion of interstate commerce; (recent highway transport surveys show that at the border lines of States, the interstate use of the highways may amount to as high as fifty per cent of the total traffic.) The making available of the National Parks, national recreational areas, practically all of which lie within publicly owned land areas and most of which are in or surrounded by the national forests; the bringing into closer contact of the different sections of the United States--this is essential to the welfare of the nation. One of the greatest barriers which has long existed to the flow of commerce and people from State to State and from section to section of the same State has been the lack of bridges over our major rivers. And perhaps greatest of all from the

National viewpoint is the bearing of highways upon National security and National defense. Many queer conceptions exist as to the relation of highways to the National defense. Perhaps the following statement made by General Pershing before a committee of the Senate in 1921 will give a clearer concept. General Pershing said: "The entire resources of the nation are of value during war and it is more essential to get produce out to supply the armies in time of war, perhaps, than at any other time; and so they are always of value. Every road is of value during war."

Add to this statement the fact that Kansas is the greatest wheat producing State, by a wide margin, in this whole nation, and the contribution of adequate highways in this State to the National security is proven; and one of the main purposes of the Federal government in helping to support the highway program is evident.

These are the reasons, in part at least, why the Federal Government is participating in highway development generally throughout the nation.

WAYS AND MEANS OF ACCOMPLISHING THESE OBJECTIVES.

For many years the entrance of the Federal government into highway improvement had been urged, in Congress and out. Literally thousands of bills were introduced from time to time with this as their purpose. But there was no united support for any certain plan until the State Highway Departments through a representative committee working with the committee in the House and Senate, produced the Federal High-

way Act of 1916; and in this Act there were incorporated those principles which the States advocated and believed would lead to the successful participation of the Federal government without trespass upon the rights of the States. There was not time, however, for the States generally to put this first law into active operation, before the war was upon us; and during those years transportation became of vital issue and the highways an essential part of an entirely new system of transportation which developed almost over night.

The registration of motor vehicles in 1916 was a little more than three million. In 1921, the registration had increased to ten and one-half millions. It was then that the Federal highway legislation forced itself acutely upon the attention of Congress. Its importance to the nation had become recognized. There were two schools of thought. One proposed that the Federal government should go into the business of building a restricted system of national highways from the Federal treasury alone; while the other proposed the continuation of the Federal aid policy in cooperation with the States. The resulting legislation, the Federal Highway Act of 1921, retained the principle of Federal aid, but set up certain restrictions and requirements, to eliminate the weaknesses of the old plan, and incorporated the principle of expending Federal funds toward the completion of the main interstate and inter-county highways, restricting the use of the Federal funds to these roads until they were completed. The principles of this Act were again largely proposed and endorsed by the American Association of State Highway Officials

and by other national organizations. So the whole of the Federal highway legislation has been, in reality, a development of the experiences of the States, with such provisions as the Congress has thought necessary to require in order to accomplish the Federal objectives along with the State objectives, and to provide for the proper expenditure of Federal funds. These requirements, in brief, are as follows: First, the Federal funds must be devoted to a preconceived system, limited to not more than seven per cent of the public roads mileage in the State. Second, there must be an adequate State highway department to have direct control of the State and Federal funds. Third, the State must provide State funds for construction and maintenance. The proper maintenance of roads built in part with Federal aid, has been one of the chief concerns of every Congress that has had anything to do with Federal highway legislation. You will note in the above requirements no trespass upon State rights, no question raised as to the State having full authority to supervise and direct the road work; but simply the essential requirements of a system of administration that can function in a business-like way, and can provide a point of contact between the Federal government and the States. It will be seen at once how impossible a situation would at once arise should the Federal government attempt to function through the thousands of counties of the United States.

WHAT THEN, IS THE SITUATION TODAY IN KANSAS?

The Federal Highway Act of 1921 provided that the Governor of each State should certify that the State had met the requirements of the Act, and upon such certificate the Federal Aid fund should become immediately available to the State. Governor Allen in 1922 submitted a certificate as to the extent to which the State could comply with the terms of the Act, under its then existing laws and constitution. Replying to this letter in July, 1922, Secretary of Agriculture Wallace wrote:

"Very careful consideration was given the certificate, having in mind the provisions of the Kansas Laws and the plan under which Federal aid cooperation is actually carried on in Kansas. It appears that while the State has an organized State Highway Commission, the powers of that Commission are so restricted that it can take practically no action with regard to any road improvement project independently of the county boards of commissioners. For instance, the State Highway Commission, as a matter of practical operation, does not select the roads to be improved; does not make the surveys; does not select the type; does not prepare the plans, specifications and estimates; and does not advertise and award contracts; all these things being done by the county boards of commissioners subject to certain powers of approval vested in the State Highway Commission. It is believed, therefore, that the State Highway Commission now provided by the laws of Kansas is so limited in its powers that it cannot be said to constitute a 'State Highway Department' within the meaning of the Federal Highway Act."

Without going into details, very much the same findings were held as to construction and maintenance funds and authority, in view of which the Department could not approve the certificate as submitted, but placed the State under what is known as Section 24 of the Act, which provided that should the State comply with the principles of the Act in so far as possible under its existing laws and constitution, the Secretary should approve the Federal aid projects for a period of five years from November, 1921. The Federal aid road work has continued in the State since that time under the authority of Section 24. When, however, the Secretary approved the continuation of Federal aid to the State under the then existing laws, very considerable reliance was placed in the authority conferred upon the State Highway Department under the provisions of Chapters 264 and 80, Laws of 1917, and Chapter 217, Laws of 1921. In fact, great weight was given these Acts by the solicitors of the Department. Yet when the Legislature of 1923 adjourned, it was found that the most important of these laws upon which reliance had been placed, had been repealed--and the authority formerly lodged in the State Highway Department had been very seriously modified.

The economic conditions which existed in Kansas, and in fact, all of the agricultural States, have been given very deep and serious consideration by the Department, and every effort has been made to carry on the work during the period necessary for these conditions to right themselves, or at least to improve to a point where constructive legislation for highways might again receive the attention of the legislature. Apparently that time has arrived.

LAWS MUST BE DISTINGUISHED FROM CONSTITUTIONAL
REQUIREMENTS

The limitations imposed upon the State by the Constitutional Amendment of 1920 are recognized, and there is still time, providing prompt action is taken, to do away with the limitations, imposed by the Amendment, so that further handicaps will not be imposed upon full Federal and State cooperation in highway development under the Constitution. But meantime there is very much that can be done, that would allow the Secretary to continue to hold that the State is complying with the requirements of the Act, in so far as its constitution and the laws, as they existed in 1921, will permit. It is within the power of the State, first, to establish an adequate State Highway Department equipped and organized to direct the work and to carry it on properly, and second, State funds may be provided to meet Federal Aid funds under the direction of the State Highway Department. Third, the system of highways now outlined as the Federal Aid Highway System for the State may be given recognition as State Highways and placed under the control and supervision of the State Highway Department, with similar authority to that of other State highway departments which are complying fully with the requirements of the Act. These things that are possible now under existing constitutional authority should be carefully distinguished from the changes which can only be brought about by a Constitutional Amendment.

The support funds for the Highway Department have been pitifully inadequate. It has been necessary for the Bureau of Roads to maintain in

the field more engineers than in States carrying on a much larger road program. The Legislature of 1923 repealed very important provisions of existing legislation, and now that the opportunity is again before the State to provide the necessary authority and funds to continue the co-operative work, should there not result adequate constructive legislation, there would be no way in which the Secretary could lawfully continue to approve the allotment of Federal funds to road projects. It is recognized that some amendments to the State constitution are necessary before the final adjustments are made; but any such action is yet nearly two years away. It is highly important to provide for these two years.

RECOMMENDED HIGHWAY POLICIES

So much as to the minimum requirements to secure Federal road funds. As stated, they are necessary; but to have an adequate State plan of highway administration the legislation should be much broader and cover other subjects.

First, the highway commission should be changed to consist of three men appointed by the Governor. The terms should be not less than four years, should overlap, and the membership should be bi-partisan. Every possible effort should be made to secure and retain well qualified men who have the confidence of the State. Such a commission would serve on a part time basis only, and be responsible for the general direction and major policies. The commission would also make the contacts with the public at large.

Second, the commission should appoint an adequate engineering and

clerical staff to carry on the active operations. Here again, the basis of employment should be ability to do the work well, and the term of employment should be conditioned only upon meritorious service. The stability of the highway organization as a whole is essential.

Third, a State highway system should be laid out by the Commission. It is suggested that, in the main, the present Federal Aid System would form the basis for a State system.

Fourth, the receipts from the automobile license fees and at least half of the receipts from any gas tax that may be adopted, should be dedicated to the construction and maintenance of the State system. The other portion of the gas tax should be dedicated to the betterment and maintenance of the main county roads.

The funds for the support of the highway commission should come from these same sources and they should be sufficient to provide an adequate field and office force.

Fifth, liberal funds should be dedicated to the betterment and maintenance of the entire State system as soon as established, under the direction of the Commission. This is the only way to give the best possible service over the whole State in a short time.

To carry these suggestions into effect will mean there must be the fullest cooperation between the Highway Commission and the County Commissioners.

ROAD FUNDS FROM THE ROAD USER

You will note that nothing has been said concerning additional taxes. I wish it fully understood that to meet the Federal aid road

funds it is not necessary to raise any additional funds or to use one cent of property tax. The State now has sufficient income from motor vehicle licenses to meet the Federal allotments and to maintain the roads built partly from those funds. You will not, however, be able to make any adequate progress unless you are willing, first, to concentrate your present license funds upon your main State highways, and second, unless you raise additional revenues. Kansas has now a low average license fee, about \$9.47 per car, while the average for the United States is \$13.24 per car. Further, thirty-five States have put into effect a gas tax of from one to four cents per gallon. Kansas should have additional funds from both sources.

MOTOR HIGHWAYS AND LAND SERVICE ROADS

But a State, just as an individual, should be fair. If the road user is required to pay liberally, he is entitled to a fair return in improved highway service. While Kansas has next to the largest total road mileage of any State, only a relatively small percentage can be fairly classified as motor highways, i.e., highways on which the traffic concentrates. This is why it is so necessary to establish a State system of main highways upon which to concentrate the largest percentage of the funds from the road user. It is only simple justice. In addition to the main State highways, there are main county roads which may fairly be classed as motor roads and it is fair to use some of the funds on these. But it is not fair to scatter these funds without re-

gard to the service they render to the public at large. Personally, I do not favor the benefit district plan for the financing of the main State highways. The very limited use of this principle may be justified. The question of bonds is one on which there is a wide difference of opinion. Where the traffic is so heavy that only a paved roadway can be economically used and maintained, only a very small annual improvement program can be carried on unless bonds are issued. In this State conditions vary so widely that there are sections in which bonds should be used and very many sections in which they would not be justified.

Everything depends upon the amount and kind of highway traffic to be carried, the sub-grade soils, and climatic conditions. These questions cannot be settled by legislation or argument. They can only be settled by the application of engineering and economic principles to each specific case.

THE EARLY HIGHWAYS

Kansas, the geographical center of the United States, furnished an important part of the first great highways of our country. They were not improved highways in the modern sense, but they were very great factors in promoting the economic development of the country as a whole by providing routes of commerce and of emigration.

Less than a hundred years ago, caravans of prairie schooners were crossing Kansas in their long journey to the unknown regions beyond the prairies. Through Kansas, thousands of traders and homeseekers

urged their slow-moving covered wagons along the Santa Fe trail. When the traffic to the Salt Lake and the rush to California called their thousands, Kansas provided one of the main highways used by the adventurous East that sought wealth and opportunity in the golden West. Because Kansas soil was fertile and the aspect of the country promising, the climate not too rigorous, some of the prairie schooners abandoned the longer journey and halted here to form the nuclei of farming communities. Kansas highways made a generous contribution to the development of our country before Kansas as a State existed.

To what extent does Kansas today will to prepare for the State's expanding highway transport needs of the next ten or twenty years?

THE PRESENT DEMAND FOR HIGHWAYS

The first permanent white settlement in Kansas was made in 1827--not quite a hundred years ago. Sixty-four years ago Kansas was admitted to statehood. At what rate have the State's transportation needs expanded in that brief period in a commonwealth's history--the span of a man's active life. Sixty-four years ago the few farms in the State raised sufficient crops to support only the limited number of families that called Kansas "home". In the year just closed, Kansas raised and now is marketing 153,738,000 bushels of wheat at a value (December 1 price) of \$196,784,000; 130,905,000 bushels of corn at a value of \$113,887,000; 4,296,000 tons of hay at \$43,875,000; 39,806,000 bushels of oats at \$18,709,000; 11,550,000 bushels of barley at \$7,508,000; and 5,130,000 bushels of potatoes at \$4,668,000.

The hypothetical value of all Kansas crops of 1924, according to estimates by the United State Department of Agriculture, was nearly \$170,000,000 greater than that of the previous year, and reached a total of \$453,924,000--approximately a half billion dollars as a single year's crop earnings. Every marketed bushel and ton of this produce had to be transported from the farm to a concentration point from which it reached its ultimate market.

There is only one livestock market in the world to which more animals are transported yearly than the Kansas City livestock market. As many as 61,000 head of cattle and calves have been received in the Kansas City stockyards in a single day--a world's record, I believe. According to the census of 1930, the slaughtering and meat packing industries in Kansas were valued at \$427,663,000, and the products of all industries at \$913,667,000. Every animal which is received in the Kansas City stockyards--every shipment of coal, zinc, oil, salt, gypsum, fertilizer, lime, brick, dressed stone, glass, soap, that it marketed in Kansas, all the foundry and machine products, the carriages and wagons, the furniture, the saddlery and harnesses that Kansas contributes to the trade of the State and the United States--must be transported from producing area to distribution center and finally to user. Every marketed ton of this produce traverses one highway or many highways; and the cost is a part of the price of every purchased article that has been carried from one place to another. Either the seller or the purchaser of merchandise pays that price. A billion dollars' worth

of Kansas produce traverses some part of Kansas roads in a single year. Manufactured goods, foodstuffs and raw materials purchased outside the State must be taken over Kansas highways to the purchasers' homes or factories. Is a State which has expanded its transportation needs to that extent during the first sixty-four years of its existence likely to cease expanding during the next sixty-four?

It is high time to gauge the State's probable economic expansion in the immediate future, and to apply plain business principles to the solution of the roads question. It is for Kansas citizens themselves to decide if the volume of Kansas' present and probable production and the whole development of the State in the next quarter century are sufficient to make the building of a comprehensive road system in the State a good business investment.

Of the economic problems before our country today, the transportation problem is one of the most vital; for it touches human life in every stratum of the social organization; touches each of us, for without transportation facilities we should have no food, clothing, materials for shelter, except that which we could procure for ourselves or from the individuals in our immediate neighborhood. Transportation facilities largely control the spread of population throughout our wide country. They control, in a large degree, the development of the national resources. They help determine the routes of commerce and the location of industrial plants.

Adequate and cheap transportation facilities expand the flow of

commodities from one small community to another, from one State to another, from one nation to another. The standard of living rises as people gradually come to regard as necessities the articles which in the beginning were luxuries. The absorption of more and more articles into the necessity class, with the rise of the standard of living, produces an increasing demand for those articles and for constantly broadening facilities for transporting them.

The strength and rapidity of the economic progress of Kansas in the past, the vigor with which the State attacks a new problem--whether education, slavery, prohibition, suffrage, Populism--and the energy with which she acts when convinced, assures some time the highway facilities which the coming development of the State seems rightfully to demand. The question is, When?

Only seventy years ago the population of Kansas totaled scarcely 800 persons. Kansas has seemed to crowd into the last seventy years more than seventy years advancement in industrial growth. It is indeed a noteworthy achievement, and one of which any commonwealth may well be proud--this developing, within the lifetime of some here before me, of the natural resources of a great area so that it has produced in a single year a half billion dollars' worth of crops and another half billion dollars' worth of the products of the slaughtering and meat-packing industries. The State's coal mines, its lead and zinc mines, its deposits of salt, gypsum, natural gas, petroleum, its flour mills and grist mills, its glass works, and its foundries, have added no

inconsiderable total to that evidence of the State's rapid economic and industrial progress.

But there is another kind of progress which has been even more significant than this development of the physical resources of the State. I refer to the development of its human resources. One of the first concerns of the new State was the education of its sons and daughters. The legislature of the new commonwealth organized the University of Kansas within three years after statehood was achieved. Colleges, high schools, and elementary schools throughout the State give the young people of Kansas educational advantages which compare very favorably with those given by any other State in the Union. Perhaps this early recognition of the value of education is responsible for much of the rapidity of economic development of Kansas. Certainly it is mainly responsible for the State's high rating in literacy. A road which carries no traffic but the school children of the farms to a modern schoolhouse would pay for itself. Who can estimate the earning value of a road which leads to a schoolhouse.

So it is that in a relatively short time, Kansas has developed her production and her natural resources in a wonderful way. She has established a splendid state-wide educational system; she has other achievements to her credit. With these things accomplished, is there anything more worth while--is there any investment that would prove more profitable--is there any need more urgent than the development now of a state-wide system of highways, in the doing of which Kansas as a State shall carry the State's fair share of responsibility?