

URBAN STREETS AND HIGHWAYS

**REPORT OF THE
VIRGINIA ADVISORY LEGISLATIVE COUNCIL
to
THE GOVERNOR
and
THE GENERAL ASSEMBLY OF VIRGINIA**



SO 17, 1966

COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
RICHMOND
1966

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URBAN STREETS AND HIGHWAYS

A REPORT OF THE VIRGINIA ADVISORY LEGISLATIVE COUNCIL

Richmond, Virginia, January 4, 1966

To:

HONORABLE A. S. HARRISON, JR., *Governor of Virginia*

and

THE GENERAL ASSEMBLY OF VIRGINIA

Pursuant to an act passed by the 1962 Session of the General Assembly, a commission was created to study and report on matters relating to the Department of Highways. This commission submitted its report to the 1964 General Assembly, and among its recommendations was a recommendation that a further study be made of the Urban Highway Construction, Improvement and Maintenance Program.

Senate Joint Resolution No. 32 was introduced on February 10, 1964, to carry out this recommendation. The Resolution read as follows:

SENATE JOINT RESOLUTION NO. 32

Directing the Virginia Advisory Legislative Council to study and report upon the method of distributing funds for the maintenance and construction of urban highways and streets.

Whereas, certain inequities have existed for some years in the present method of distributing funds to cities and towns over 3,500 population for construction and maintenance of highways and streets; and

Whereas, rapid urban expansion in recent years has caused such inequities to increase in magnitude; and

Whereas, the Virginia Highway Study Commission, in its report to the General Assembly, has recommended that further study be made of this matter; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, that the Virginia Advisory Legislative Council is directed to study the present method of distributing funds to cities and towns over 3,500 population, the inequities in such method of distribution and possible alternate methods of distribution.

All agencies of the State shall assist the Council, upon request, in its study. The Council shall complete its study and make a report, containing its findings and recommendations, to the Governor and the General Assembly not later than September one, nineteen hundred sixty-five. The expenses of such study shall be paid from highway revenues.

Although the Resolution was not adopted by the General Assembly, the Governor felt this was a matter of sufficient importance to warrant a study and directed the following letter to the Virginia Advisory Legislative Council:

September 8, 1964

The Honorable Edward E. Willey
Virginia Advisory Legislative Council
c/o Division of Statutory Research and Drafting
State Capitol
Richmond, Virginia

Dear Senator Willey:

The 1964 General Assembly enacted legislation making some far-reaching changes in statutes dealing with highway funds. During the consideration of those measures, it was suggested that there should be further study of the urban system so that the next regular session of the General Assembly might have before it such recommendations as may appear desirable.

Accordingly, I respectfully request the Virginia Advisory Legislative Council to make a study of problems that may exist with respect to the urban highway program, and to submit its report and recommendations to the Governor and General Assembly prior to the 1966 legislative session. In carrying out the study, I would suggest that the VALC take into account the following guidelines:

1. What urban places should participate in the urban system program?
2. What proportion of total highway funds should be allocated to the urban system?
3. Is the present 85-15 per centum construction cost ratio equitable?
4. Is the present system of maintenance payments on a mileage basis equitable, or should it be based on some other formula?
5. How should the arterial system be financed and developed through cities and towns?
6. What should be done with respect to streets and highways within the limits of municipalities which are completely rural in nature?

Sincerely yours,

A. S. HARRISON, JR.

In compliance with the Governor's request, the Council undertook the study and soon realized that professional assistance would be needed to complete the study. At the request of the Council, the consulting firm of Roy Jorgensen and Associates, a firm with a national reputation in this field, was employed by the Department of Highways to make a study and submit recommendations directly to the Council.

After reviewing and considering the report of the Consultants and all information submitted by the Department of Highways and other interested persons, we now submit our recommendations.

RECOMMENDATIONS

1. That the Urban System continue to include municipalities with 3,500 or greater population, as provided by existing statutes.
2. That the Department of Highways allocate funds for construction to municipalities on the basis of relative needs.

3. That the Department of Highways be authorized to acquire by purchase, gift or the exercise of the power of eminent domain rights of way in municipalities on State participating construction projects, if requested by the municipality.

4. That municipalities under 3,500 population which maintain their own secondary roads be paid at the cost per mile expended by the Department of Highways on secondary roads in other municipalities under 3,500 population where the roads are maintained by the State.

5. That the annual rate of \$10,000 per mile to municipalities of 3,500 population or greater for primary route extensions, as provided by § 33-35.2 of the Code, be continued, but that the annual rate of \$800 per mile for other streets, as provided by § 33-35.4, be increased to \$1,000 per mile.

6. That the Virginia Advisory Legislative Council be authorized to continue its study of the Urban System of Highways until the 1968 Session of the General Assembly, during which period the Department of Highways expects to complete its integrated transportation studies of major urban areas, as required of it by the United States Bureau of Public Roads.

REASONS FOR RECOMMENDATIONS

Recommendation No. 1. That the Urban System continue to include municipalities with 3,500 or greater population, as provided by existing statutes.

During the course of their studies the Consultants considered the establishment of a minimum population level of 5,000, since this is the minimum level which is eligible for Federal construction funds under the United States Bureau of Public Roads regulations. However, visitations to municipalities between 3,500 and 10,000 populations indicated no basic differences in organizational provisions for street operations, other than the number of employees required. Further, the Department of Highways experiences no difficulty in administering Federal and State funds in financing urban construction; it simply apportions the Federal urban funds to cities of 5,000 or more population and uses State funds proportionately in the smaller municipalities.

In view of this, and since the minimum level of 3,500 has been in effect over a period of many years, no change in this is recommended.

Recommendation No. 2. That the Department of Highways allocate funds for construction to municipalities on the basis of relative needs.

§ 33-35.1 of the Code now provides for apportionment of urban construction funds on an equitable basis "taking into account State-wide urban construction needs" and no change in the Statutes is necessary to effect this recommendation. It is obvious, however, that needs must be reevaluated on a continuing basis among the municipalities to follow through under this principle, but imbalance must of necessity result where some cities or towns are either unable or unwilling to provide the 15% matching requirement when State and/or Federal funds are made available to them. The Department of Highways must use these funds elsewhere in such cases, although book records are maintained of the amounts involved.

Recommendation No. 3. That the Department of Highways be authorized to acquire by purchase, gift or the exercise of the power of eminent domain rights of way in municipalities on State participating construction projects.

Many municipalities do not feel justified in maintaining a right of way staff which is sufficient to perform necessary acquisitions of property, particularly on projects involving Federal-aid funds where rigid appraisal and negotiation requirements exist.

While there are those who maintain that right of way can be secured less expensively by the localities and that State representatives must be more arbitrary in their negotiating processes, it is the opinion of many that this work could be done much more efficiently and construction could be expedited through the services of the State's experienced staff.

In order to provide this service to municipalities desiring it, it is recommended that legislation be developed to give the State the authorization to acquire right of way for State participating projects in municipalities.

Recommendation No. 4. That municipalities under 3,500 population which maintain their own secondary roads be paid at the cost per mile expended by the Department of Highways on secondary roads in other municipalities under 3,500 population where the roads are maintained by the State.

Since 1956, municipalities under 3,500 population which desire to maintain the secondary roads in their local street systems have the option to do so with the provision that the Department of Highways pay to them an annual rate of \$300 per mile from the local county secondary funds, this rate to be increased or decreased each year in the ratio that state-wide funds for the State Secondary System increased or decreased from the base year 1956, (§ 33-50.2 of the Code).

Experience by the eight towns presently operating under this option indicates that this plan is basically sound, most of them having supplemented the funds from their own resources and gained advance experience which proves helpful when the town becomes qualified for inclusion in the Urban System.

The formula for determining the rate per mile to be paid these towns from local secondary funds has become outmoded, however, principally as a result of annexation and incorporation of counties with cities in recent years, proportionately reducing the state-wide secondary allocations and serving to reduce the said towns' mileage rates accordingly.

To correct this inequity it is recommended that legislation governing this rate be revised to eliminate the escalator clause based on available secondary funds in 1956 and substitute therefor a rate per mile, to be determined each year in the future, based on the average expenditure per mile for the next preceding year by the Department of Highways in towns under 3,500 population whose secondary roads are maintained by the Department.

Recommendation No. 5. That the annual rate of \$10,000 per mile to municipalities of 3,500 population or greater for primary route extensions, as provided by § 33-35.2 of the Code, be continued, but that the annual rate of \$800 per mile for other streets, as provided by § 33-35.4, be increased to \$1,000 per mile.

Conferences with many cities over the State by the Consultants resulted in evidence to the effect that urban extensions of primary routes through the cities are being maintained reasonably within the annual payments of \$10,000 per mile from State highway funds. However, these sources clearly reveal that the annual rate of \$800 per mile for other streets not a part of the Primary System is somewhat below the amount expended by the cities for normal maintenance and improvements.

According to records maintained by the Department of Highways, highway costs have increased approximately 10% during the past five years and it appears reasonable to assume that this trend has been experienced by the municipalities. It is, therefore, recommended that the annual rate of payments to the municipalities from State funds for the so-called "other streets" be increased to \$1,000 per mile and that the provisions of § 33-35.4 be adjusted to effect this.

Recommendation No. 6. That the Virginia Advisory Legislative Council be authorized to continue its study of the Urban System of highways until the 1968 Session of the General Assembly, during which period the Department of Highways expects to complete its integrated transportation studies of major urban areas, as required of it by the United States Bureau of Public Roads.

In its proposed nine-year Highway Improvement Report, published in June, 1965, the State Highway Department clearly shows the increasing urbanization in Virginia, 53% of its population now residing in metropolitan areas, and the critical street and highway problem the increasing traffic in these communities now present. It is also explained that as of the date of this report only the urgent needs of the primary routes through the cities is included and that pressing need for expressways and improvements on other streets are being deferred until 1972 when the Interstate System financing is scheduled for completion and subsequent Federal funds may then be channeled to urban improvements.

The Department of Highways now has underway rather comprehensive surveys of six metropolitan areas, of over 50,000 population, within the State as required by the United States Bureau of Public Roads. These areas are not being confined to corporate limits of cities but will include such urban counties as Arlington, Fairfax, Chesterfield and others, along with suburban areas around large cities as part of the Urban Program. Highway transportation needs within these areas will be shown by type and cost and the results will present a much better picture of the overall urban need than is now available.

With this additional information added to that supplied by recent studies of the Consultants and that portion covered by the Highway Improvements Report of June, 1965, it is the opinion of the Council that more definite conclusions can be drawn of the needs, the allocation and distribution of funds and the division of these funds between the various levels of government. We, therefore, recommend that the study of urban highway problems be continued for the ensuing two years pending completion of present urban area studies by the State Highway Department, these to include major water crossings in or adjacent to metropolitan areas.

ACKNOWLEDGMENTS

The Council is indebted to the representatives of municipalities throughout the State who supplied it with information concerning their street and highway programs and needs. It also desires to acknowledge the valuable assistance afforded it by the State Highway Commissioner and his staff, and to commend the firm of Roy Jorgensen and Associates for the thorough analysis of the problem upon which the recommendations of this report were largely based.

A resolution and bills to carry out the recommendations of this report are attached.

Respectfully submitted,

EDWARD E. WILLEY, *Chairman*

TOM FROST, *Vice-Chairman*

C. W. CLEATON

JOHN WARREN COOKE

JOHN H. DANIEL

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A BILL to amend and reenact § 33-57, as amended, of the Code of Virginia, relating to the power to acquire land by purchase, gift or eminent domain.

Be it enacted by the General Assembly of Virginia:

1. That § 33-57, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 33-57. The State Highway Commissioner is hereby vested with the power to acquire by purchase, gift, or power of eminent domain such lands, structures, rights of way, franchises, easements and other interest in lands, including lands under water and riparian rights, of any person, association, partnership, corporation, or municipality or political subdivision, deemed to be necessary for the construction, reconstruction, alteration, maintenance and repair of the public highways of the State and for these purposes and all other purposes incidental thereto may condemn property in fee simple and rights of way of such width and on such routes and grades and locations as by the Commissioner may be deemed requisite and suitable, including locations for permanent, temporary, continuous, periodical or future use, and rights or easements incidental thereto and lands, quarries, and locations with rights of ingress and egress, containing gravel, clay, sand, stone, rock, timber and any other road materials deemed useful or necessary in carrying out the purposes aforesaid. For the purpose of this article "public highway" means highway, road and street; and when applicable, the term "public highway" also includes bridge, ferry, causeway, landing and wharf.

The Commissioner is authorized to exercise the above power within municipalities on projects which are constructed with State or Federal participation, if requested by the municipality concerned.

A BILL to amend and reenact § 33-50.2, as amended, of the Code of Virginia, relating to payment to certain towns for maintenance of streets.

Be it enacted by the General Assembly of Virginia:

1. That § 33-50.2, as amended, of the Code of Virginia be amended and reenacted as follows:

§ 33-50.2. The State Highway Commissioner of Virginia is hereby authorized and empowered, subject to the approval of the State Highway Commission, upon request of the governing bodies of incorporated towns of less than thirty-five hundred inhabitants, according to the last United States census for which population figures are available, to allocate and pay to such towns for maintenance, improvement, construction or reconstruction of streets which are not a part or an extension of the State highway primary system in the corporate limits of such towns * *a per mile sum* * annually * *equal to the average expenditure per mile for the next preceding year by the Department of Highways in towns under 3,500 population whose secondary roads are maintained by the Department*, if such streets and roads or portions thereof be maintained up to a standard satisfactory to the State Highway Commission. * However, no such allocation of payment shall be made by the State Highway Commission to any such incorporated town, unless the portion of the street for which said allocation is made has an unrestricted right of way width of not less than thirty feet and a hard surface width of not less than twelve feet; and any such street hereafter established shall have a right of way width of not less than fifty feet and a hard surface width of not less than twenty feet. Allocations and payments made pursuant to this section to such incorporated towns shall be paid by the State Highway Commission to the governing bodies of such towns from allocations available from secondary funds. Plans and specifications for construction and reconstruction of such streets shall be approved by the State Highway Commissioner.

The funds allocated by the Commission shall be paid in equal sums in each quarter of the fiscal year and no payment shall be made without the approval of the State Highway Commission.

A BILL to amend and reenact § 33-35.4 of the Code of Virginia, relating to payments to certain municipalities for maintenance of streets.

Be it enacted by the General Assembly of Virginia:

1. That § 33-35.4 of the Code of Virginia be amended and reenacted as follows:

§ 33-35.4. The State Highway Commission is authorized and empowered to allocate and pay to all cities and incorporated towns having a population of thirty-five hundred or more according to the last United States census for which population figures are available, and to all towns situated within one mile of the corporate limits of a city of the first class and having a population in excess of thirty-five hundred inhabitants according to the census of nineteen hundred and thirty, for maintenance, improvement, construction or reconstruction of streets which are not a part or an extension of the State highway primary system in the corporate limits of such cities and incorporated towns, the sum of * *one thousand* dollars per mile annually, if such streets and roads or portions thereof be maintained up to a standard satisfactory to the Commission. However, with the exception of streets or portions thereof located within territory annexed or incorporated since July one, nineteen hundred fifty, or hereafter, which streets a portion thereof (1) have been paved and have constituted parts of the secondary system of State highways prior to such annexation or incorporation, or (2) have constituted parts of the secondary system of State highways prior to such annexation or incorporation and are paved to a minimum width of sixteen feet subsequent to such annexation or incorporation and with the further exception of streets or portions thereof which have previously been maintained under the provisions of § 33-50.1 or § 33-50.4, or which have been eligible for maintenance payments under § 33-50.2, no such allocation of payments shall be made by the Commission to any such city or incorporated town unless the portion of the street for which said allocation is made has an unrestricted right of way width of not less than thirty feet and a hard surface width of not less than sixteen feet; and any such street established after July first, nineteen hundred fifty, shall have an unrestricted right of way width of not less than fifty feet and a hard surface width of not less than thirty feet; provided, however, that cul-de-sacs may have an unrestricted right of way width of not less than forty feet and a turn around that meets State Highway Commission standards.

Allocations and payments made pursuant to this section to such cities and incorporated towns, shall be paid by the Commission to the governing bodies of such cities and towns from funds allocated under § 33-35.1.

Notwithstanding any other provisions of this section, any incorporated town which shows to the Commission by satisfactory evidence that its population has increased to thirty-five hundred inhabitants, or more, since the last preceding United States census, shall be included in the provisions of this section.

Plans and specifications for construction and reconstruction shall be approved by the State Highway Commissioner.

The fund allocated by the Commission shall be paid in equal sums in each quarter of the fiscal year, and no payment shall be made without the approval of the Commission.

The city or town receiving this fund will be required to make quarterly reports accounting for all expenditures and certifying that none of the money received has been expended for other than the maintenance, improvement, construction or reconstruction of the streets in such city or town.

SENATE JOINT RESOLUTION NO. —

Directing the Virginia Advisory Legislative Council to continue its study of problems and needs with respect to highways and streets in urban areas.

Whereas, the Virginia Advisory Legislative Council made a study and report, to the 1966 Regular Session of the General Assembly, on problems and needs with respect to highways and streets in urban areas; and

Whereas, the Council in its report pointed out that the State Highway Department expects to complete, prior to the 1968 Regular Session of the General Assembly, the comprehensive surveys of six metropolitan areas in which it is presently engaged; that such surveys will show highway transportation needs within these areas by type and cost, and will present a much better picture of the overall urban need than is now available; and that with this additional information, more definite conclusions can be drawn concerning the needs with respect to highways and streets in urban areas and the allocation and distribution of funds therefor; now, therefore, be it

Resolved by the Senate of Virginia, the House of Delegates concurring, That the Virginia Advisory Legislative Council is hereby directed to continue the study of problems and needs with respect to streets and highways in urban areas. The State Highway Department and all other agencies of the State are hereby directed to assist the Council in this study, on request. The Council shall conclude its study and make its report containing its findings and recommendations to the Governor and General Assembly not later than November one, nineteen hundred sixty-seven.