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UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

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CIVIL DIVISION

B-169174

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Dear Mr. Secretary:



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This is to advise you of a recent decision of the Comptroller General of the United States (B-169174, March 25, 1971), which affects the policies and practices of the Bureau of Reclamation, Department of the Interior, and the Corps of Engineers, Department of the Army, for relocating public roads as necessitated by the construction of water resources projects. A copy of the subject decision is enclosed for your information.

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Section 207(c) of the Flood Control Act of 1960, as amended by Public Law 87-874, dated October 23, 1962 (33 U.S.C. 701r-1(c)), authorizes the Bureau and the Corps to construct substitute roads to design standards comparable to those of the State, or the owning political division, for roads of the same classification as the road being replaced. The classification of a road is to be determined by the traffic volume existing at the time of taking. The act, as amended, provides further that, when a State or political subdivision requests that the substitute road be constructed to standards higher than current standards for current traffic, it must pay, prior to commencement of construction, the additional costs due to such higher standards.

In the decision of March 25, 1971, the Comptroller General questioned the authority of the Corps to construct with Federal funds a second two-lane bridge for U.S. Highway No. 19, State Road 55, over the Cross-Florida Barge Canal. The Corps had agreed to provide the State of Florida with a second bridge on the rationale that some States incorporated projected traffic growth into their published design standards to determine the type of roads to be constructed while others, such as the State of Florida, did not.

The Corps contended that these differences in published design standards resulted in some States' receiving, without cost, better roads than those replaced whereas other States had to contribute funds for similar improvements. Because

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of this inequity the Chief of Engineers agreed to provide the State with a second bridge, although the traffic count at the time of taking and the State's published design standards did not justify the construction of a second bridge at Federal expense.

The Comptroller General held that funds available to the Corps could not be used to construct the second bridge because it appeared from the record that construction of the second bridge was based on a projected traffic count and not on the traffic count at the time of the taking. The Comptroller General stated that, when a State in either its published standards or its actual practice projects future traffic to determine the classification of a road, the Corps may not pay any construction costs related to providing for the projected future traffic because the road classification in such case would not be based on the traffic count at the time of the taking. It was also the opinion of the Comptroller General that section 207(c) did not contemplate the use of projected traffic to determine the design standards to which a relocated road was to be replaced.

On April 20, 1971, the Corps' Office of the Chief of Engineers advised its Civil Works field organizations of the March 25 decision of the Comptroller General and instructed that no future relocation agreements or construction contracts be executed when a projection of traffic, either expressed or implied, had been allowed beyond that permitted by a current traffic count.

In regard to this subject, we noted that Bureau instructions for the relocation of roads state that current traffic--actual traffic volume existing at the time of taking--and not projected traffic is the sole criterion for determining the classification of a road. Instructions of the Bureau state further that traffic projections may be used in determining the design standards within given road classifications.

We noted, however, that the Deputy Assistant Secretary for Administration, Department of the Interior, in a letter

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dated July 2, 1971, to the Chairman of the House Committee on Government Operations on our report to the Congress on "Savings Available Under the Program for Relocating Roads and Bridges at the Auburn Dam and Reservoir in California" (B-125045), stated that "Fortunately, the practice of determining road classification for relocation standards permits the forecasting of traffic for a period of 10 to 15 years."

Recommendation

Inasmuch as the March 25 decision of the Comptroller General pertains to an interpretation of section 207(c) of the Flood Control Act of 1960, as amended, which applies to the road relocation activities of the Bureau as well as the Corps, we recommend that you instruct the Commissioner of Reclamation to amend, where necessary, the policies and practices of the Bureau to ensure that projected traffic will not be used to determine the classification and design standards to which relocated roads can be constructed at Federal expense.

Your attention is invited to section 236 of the Legislative Reorganization Act of 1970 which requires that you submit written statements of the action taken with respect to the recommendation. The statements are to be sent to the House and Senate Committees on Government Operations not later than 60 days after the date of this report and to the House and Senate Committees on Appropriations in connection with the first request for appropriations submitted by your agency more than 60 days after the date of this report.

We shall appreciate receiving your comments and being advised of any actions taken on the matters discussed in this report.

Copies of this report are being furnished to the Chairmen, House and Senate Committees on Government Operations; the Chairmen, House and Senate Committees on Appropriations;

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the Senate Appropriations Subcommittee on Public Works; and 0311
the Director, Office of Management and Budget.

Sincerely yours,

AT Samuelson
Director, Civil Division

Enclosure

The Honorable
The Secretary of the Interior

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