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**REPORT TO THE COMMITTEE  
ON PUBLIC WORKS  
UNITED STATES SENATE**

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**Factors Affecting The Lengthy  
Process Of Planning Highways**

B-164497(3)

Federal Highway Administration  
Department of Transportation

**BY THE COMPTROLLER GENERAL  
OF THE UNITED STATES**

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MARCH 10, 1972



COMPTROLLER GENERAL OF THE UNITED STATES  
WASHINGTON, D.C. 20548

B-164497(3)

R Dear Mr. Chairman:

This is our report on the factors affecting the lengthy process of planning highways, which was made pursuant to your request.

Federal and State agencies are asked to review and comment on environmental impact statements and on statements justifying the use of parkland for highway projects before the views of the public are sought. We believe that, under these circumstances, the advantages of public participation in highway decisions may not be realized fully. Therefore we are suggesting that the Committee discuss with Federal Highway Administration officials the possibility of getting earlier and greater public participation in the review and approval of these statements.

The Federal Highway Administration, the States included in our review, and several congressional committees have expressed interest in the material presented in the report; however, we will not distribute copies of the report until your agreement has been obtained or public announcement has been made by you concerning the contents of the report.

We discussed the contents of the report with Federal Highway Administration officials and discussed the specific projects used in the report with State highway officials, but we did not obtain formal comments on the contents of the report. This fact should be considered in any use made of the information presented.

Sincerely yours,

Comptroller General  
of the United States

a+r  
The Honorable Jennings Randolph  
Chairman, Committee on Public Works S 3100  
United States Senate

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ABBREVIATIONS

FHWA	Federal Highway Administration
GAO	General Accounting Office
HUD	Department of Housing and Urban Development
PS&E	plans, specifications, and cost estimates

D I G E S T

WHY THE REVIEW WAS MADE

At the request of the Chairman of the Senate Committee on Public Works, the General Accounting Office (GAO) reviewed highway planning to determine what caused the increase in time required to complete the process.

Background

The number of Federal requirements which must be met by the States to obtain Federal-aid highway funds and the time taken to complete the planning process have increased considerably since the 1950's. The States are concerned over the situation.

The Federal Highway Administration has not developed standards or criteria against which to measure the progress of planning for a specific project. Variations exist in the way the States carry out their highway programs, and individual highway projects vary in complexity and difficulty. Consequently comparisons could not be made among the States or among various projects within a State.

GAO reviewed several projects in each of five States--Arizona, Kansas, Michigan, North Carolina, and Pennsylvania.

FINDINGS AND CONCLUSIONS

Planning for a highway is time consuming. It ranged from 2.5 to 14 years--an average 8.7 years--for the 10 projects GAO reviewed through the entire planning process. This is attributable to Federal requirements, State actions in meeting these requirements, and the Federal review and approval of State actions at each stage of the planning process.

Effects of Federal requirements and State actions

Some of the new Federal requirements have added to the time necessary to process a project. The application of new requirements to projects in process can be especially disrupting to State highway programs. For example, in May 1967 all projects in process became subject to possible redesign to meet new safety standards recommended by the American Association of State Highway Officials and adopted by the Highway Administration.

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Although the lengthy planning time is, to a large extent, attributable to Federal requirements, these requirements are designed to protect the interests of the public by promoting the construction of safe and sound highways, by minimizing the hardships on persons and businesses along the route, and by giving consideration to environmental factors. (See p. 10.)

The time taken to meet the requirements and to process a project to the construction stage is, to a great extent, controllable by the States. Such factors as the priority assigned to a project or the work load or number of projects in process are determined by the States. Some projects were inactive during the planning process for up to 4 years because of low priorities assigned by the States. (See p. 11.)

Some highways were delayed because the States could not reach timely agreements with local government units or did not, in the Highway Administration's view, adequately justify proposed actions or decisions. (See p. 11.)

Federal funding limitations during 1967, 1968, and 1969 adversely affected the planning for some projects. During this period about \$1.5 billion was delayed or withheld to curb inflationary pressures then existing. Officials in one State estimated that the Federal cutbacks had extended planning time from 1 to 3 years. (See pp. 25 and 26.)

Additional time because of delays, disputes, inactivity, etc., was required for planning for each of the projects GAO reviewed. The additional time was attributed to the Highway Administration's review and approval (1 to 15 months), State actions (1 to 48 months), and work required by the States to incorporate new Federal requirements into projects in process (1 to 38 months). (See p. 11.)

Federal review and approval of State actions at the various planning steps of projects did not represent a major obstacle to the timely completion of the projects GAO reviewed, except for highways involving parkland.

Construction of highways through parkland and recreation land has become increasingly difficult since enactment of the Federal-Aid Highway Act of 1966 and of the Department of Transportation Act of 1966. Section 4-f of the Transportation Act provides that the Secretary of Transportation not approve any highway project requiring the use of parkland unless there is no feasible and prudent alternative to the use of such land and unless all planning efforts have been taken to minimize harm to such land. Because of this requirement, the proposed use of parkland for highway construction often has been subject to court decision. (See p. 16.)

The Supreme Court said:

"\*\*\* the very existence of the statute [section 4-f of the Transportation Act] indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes.

If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems." (See p. 19.)

Many of the problems associated with the construction of highways on parkland might be minimized or avoided if Federal and State agencies, in reviewing and approving the projects, had the benefit of the public's views early in the planning process. (See p. 20.)

MATTERS FOR CONSIDERATION BY THE COMMITTEE

The Committee may wish to discuss with the Highway Administration the possibility of obtaining earlier public participation on the environmental impact of highways and on the use of parkland for highways.

## CHAPTER 1

### INTRODUCTION

In recent years an average \$4.7 billion has been authorized annually as the Federal share of costs for the construction of highways on the various Federal-aid highway systems--interstate, primary, secondary, and urban. The Federal Highway Administration (FHWA) generally reimburses the States, within available funds, for 90 percent of the cost of constructing highways on the interstate system and for 50 percent of the cost of constructing highways on the primary, secondary, and urban systems. Beginning in fiscal year 1974, the Federal share of construction costs for highways on the primary, secondary, and urban systems will be increased to 70 percent.

Under the provisions of Federal-aid highway acts and other broad Federal legislation, FHWA and the States have certain responsibilities relating to the construction of highways financed in part with Federal-aid funds. The individual States are responsible for (1) selecting highway routes, (2) developing construction programs, (3) preparing surveys, plans, and specifications for individual projects, (4) developing cost estimates, (5) acquiring the necessary right-of-way, and (6) constructing and maintaining the highways. FHWA establishes minimum planning and construction requirements and reviews and approves the actions of the States.

The highway-planning process includes five basic stages, and a State must obtain FHWA approval of its plans and decisions at specified steps within the stages. Although the basic stages have remained constant, Federal requirements which must be met within the various stages have increased significantly since about 1950.

The time taken to complete the planning process also has increased considerably since the 1950's. The States have evidenced concern over this increase and generally have attributed its cause to the numerous Federal requirements.

At the request of the Senate Committee on Public Works, we reviewed the highway-planning process--from FHWA approval of a project for planning until it approved the construction contract plans, specifications, and cost estimates (PS&E)--to determine the major causes for the increased length of time now taken to complete the process. Our review in five States included an examination into State and Federal actions in the various stages of the planning process for a selected number of highway projects.

The basic stages of the planning process, the requirements in effect in 1950, and the major new requirements and the order in which they occur in the process are presented below:

1. Obtain program approval--The State must select the highway route it desires to build or improve, the Federal-aid system under which the highway will be built, and the specific highway construction projects it wishes to finance with Federal funds, and it must obtain FHWA approval. The new requirements added to this stage since 1950 are:
  - a. Conduct transportation planning in urbanized areas--Pursuant to the Federal-Aid Highway Act of 1962 (76 Stat. 1145), the State is required to provide for coordinated transportation planning in urban areas having populations of 50,000 or more.
  - b. Coordinate highway projects with plans of other agencies--Pursuant to the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098) and the Office of Management and Budget Circular A-95 dated July 1969, revised in February 1971, a State highway department must notify, and allow a period of 30 days for comments from, State and regional clearinghouse agencies of all proposed highway projects or programs.
2. Study alternative locations--The State studies alternative route locations for a highway project to determine the most feasible location. The new requirements added to this stage since 1950 are:



- a. Evaluate potential environmental impact--Pursuant to the National Environmental Policy Act of 1969 (83 Stat. 852) and the Federal-Aid Highway Act of 1970 (84 Stat. 1713), a State is required to prepare a statement showing the impact of a proposed highway project on the environment. In implementing these requirements, FHWA requires a State to prepare a draft statement, to submit it to appropriate Federal and State agencies for review and comment, and to make it available to the public. A final environmental statement is required also. (See e below.)
  
- b. Prepare preliminary relocation assistance plans-- In implementing the Federal-Aid Highway Acts of 1962, 1968 (82 Stat. 815), and 1970 and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (84 Stat. 1894), FHWA requires a State to prepare plans showing the number of relocatees to be displaced and the availability of replacement housing for each location studied. A final relocation assistance plan is required also. (See 3-a below.)
  
- c. Justification for projects on certain lands-- Pursuant to Department of Transportation Act of 1966 (80 Stat. 931), the Secretary may not approve any highway project which requires the use of park, recreation, or historic sites or waterfowl and wildlife refuge lands unless he determines that there is no feasible and prudent alternative to the use of such land for highways and that, if such land is used, all possible planning must be done to minimize harm to the land. The State is required to prepare for approval by the Secretary of Transportation a statement justifying the use of such lands.
  
- d. Hold public hearings (location)--Pursuant to the Federal-Aid Highway Acts of 1950 (64 Stat. 785), 1956 (70 Stat. 374), 1958 (72 Stat. 89), 1968, and 1970, the State is required to afford the public an opportunity to express its views on

and objections to proposed highway construction. Beginning in 1956 FHWA required the State to hold a public hearing after the general location had been selected. In 1969 FHWA determined that two hearings should be held--one before the general location of the highway is selected by the State and one before the specific location and major design configurations of the highway are determined. (See 3-b below.)

- e. Evaluate potential environmental impact--The State is required to submit a final environmental impact statement for review and approval by FHWA. FHWA can approve the statement only with the concurrence of the Office of the Secretary of Transportation.
  - f. Approval by FHWA of location and authorization of design--Although the State always was required to obtain FHWA approval of the location as a prerequisite to its approval of PS&E, in January 1969 FHWA identified the precise point in the planning process at which such approval was needed.
3. Design of highway on approved location--The State studies alternative designs for the highway on the approved location. These studies determine the specific location and major design configurations of the highway. The State prepares plans and obtains FHWA approval for the selected design. Since 1950 the following new requirements have been added to this stage.
- a. Prepare final relocation plan--In accordance with the Federal-Aid Highway Acts of 1962, 1968, and 1970 and the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, FHWA requires a State to prepare, and obtain its approval of, a final plan for relocating persons and businesses from the approved route.
  - b. Hold public hearings (design)--This requirement was established in January 1969 and requires a

State to afford the public an opportunity to comment on the specific location and major design features of the highway. (See 2-d above.)

- c. Obtain FHWA approval of design and relocation plans--Although approval of design was always a prerequisite to the approval of PS&E, this requirement, established in January 1969, provides for a precise point in the planning process for FHWA approval. (See step 5.)
4. Acquire right-of-way--The new requirement added to this stage since 1950 is the preparation of a utility relocation plan. The Federal-Aid Highway Act of 1956 authorizes Federal participation in the cost of relocating utilities. The State is required to get FHWA review and approval of utility relocation agreements.
5. Preparation of PS&E--After the right-of-way has been acquired, the State highway department completes detailed construction plans, project specifications to guide the contractor, and estimates of construction costs. This group of items must be submitted by the State for FHWA approval before soliciting bids for construction work.

The highway-planning process ends when FHWA approves a State's PS&E package. After approving the package the State solicits bids for construction contracts, awards the contracts--FHWA must concur in the awards--and supervises the construction of the highway. Actual construction usually requires about 2 years.

It should be noted that some of the work to meet the above requirements can be performed at the same time; i.e., preparation of PS&E can proceed while land is being acquired. Also the FHWA approval process varies somewhat depending on the Federal-aid system--interstate, primary, etc.--for which the highway is being planned.

## CHAPTER 2

### OBSERVATIONS ON PLANNING PROCESS FOR HIGHWAY PROJECTS

The process of getting a highway project to the construction stage is lengthy and time consuming, ranging from 2.5 to 14 years and averaging 8.7 years for the 10 projects we reviewed through the entire planning process. This lengthiness is attributable to (1) the various Federal requirements, (2) State actions in meeting these requirements, and (3) the Federal review and approval of State actions at various steps within the planning process. Standards or criteria against which to measure the progress of a specific project have not been developed. Variations exist in the way States carry out their highway programs, and individual highway projects vary in complexity and difficulty.

Consequently it is not feasible to compare one State's experience with another's or to compare the experiences of various projects within a State to determine how long the process should take. In addition, FHWA and the States generally do not maintain records which show the work involved in the various planning stages, the reasons why delays occurred, or the extent to which individual problems and delays affected the overall completion of a project. For example, for eight of the 36 projects we reviewed--10 projects through the entire planning process and parts of 26 other projects, including several projects in each of the various processing stages--the reasons for additional time of 2 to 12 months could not be determined from State or FHWA records and neither State nor FHWA officials could explain the reasons for the delays.

Some of the new Federal requirements have added to the time necessary for the planning of a project. Also the application of new requirements to projects in process can be especially disrupting to State highway programs. For example, in May 1967 all projects in process became subject to possible redesign to meet new highway safety standards recommended by the American Association of State Highway Officials and adopted by FHWA.

Although the lengthy planning time is, to a large extent, attributable to Federal requirements, these requirements

are designed to protect the interests of the public by promoting the construction of safe and sound highways, by minimizing the hardships on persons and businesses along the route, and by giving consideration to environmental factors.

On the basis of the projects we reviewed, it is clear that the time taken to meet all the requirements and to process a project to the construction stage is, to a great extent, controllable by the States. Factors which determine the time ultimately taken to process a project, such as the priority placed on a project and the work load, are controllable by the States. State-assigned priorities sometimes resulted in long periods of inaction on particular projects; reaching agreement with local government units in some cases was time consuming; and failure to adequately justify, in FHWA's view, proposed actions or decisions sometimes resulted in delay.

Additional time because of delays, disputes, inactivity, etc., was required in the planning process for each of the 36 projects we reviewed in whole or in part. The additional time attributable to (1) FHWA review and approval ranged from 1 to 15 months, (2) work required by the State to incorporate new Federal requirements into projects in process ranged from 1 to 38 months, and (3) State-controlled actions ranged from 1 to 48 months.

Federal review and approval of State actions, except actions involving parkland, at the various planning steps did not represent a major obstacle to the timely completion of the projects we reviewed. Attempts by the States to obtain approval for the construction of highways through park and recreation land has become increasingly difficult. FHWA criteria are not clear for demonstrating, in accordance with statutory requirements, that no other feasible and prudent alternative to the use of parkland exists. The proposed use of parkland for highway construction often has been subject to court decision.

We identified a number of reasons contributing to the lengthy planning time required on specific projects, as shown in the following table.

Reasons Contributing to the Lengthy Processing  
Time on Specific Projects

<u>Reason</u>	Number of projects ( <u>note a</u> )	Time range ( <u>note b</u> )
Resolving disagreements between States and FHWA and within FHWA in determining highway location	4	2 to 8 months
FHWA determination of a need for environmental impact statements	2	1 and 9-1/2 months
Federal approval of the use of parkland	5	4 to 15 months
FHWA approval of right-of-way plans	2	2 to 5 months
Priorities established by the States to utilize available Federal and State highway funds	9	2 to 48 months
State determination of highway location	6	6 to 24 months
Inactive periods and revisions required by State to complete design plans	5	7 to 29 months
Additional time resulting from problems between State and its engineering consultants	3	1 to 18 months
Redesign efforts by State to incorporate new safety standards	6	1 to 38-1/2 months
Changes required by State to correct or update right-of-way plans	6	1 to 8-1/2 months
Dispute between property owners and State over appraisals	2	1 and 22 months
Changes required by State to correct or revise construction plans	2	14 and 18 months
Miscellaneous, such as State did not submit proper data, FHWA did not notify State of a safety problem, or additional interstate mileage was needed	13	1 to 12 months

<sup>a</sup>Our review included 36 projects; however, more than one problem area existed on certain projects.

<sup>b</sup>This generally represents the period (1) that a project was inactive or (2) that State highway officials identified as exceeding the time within which the step could have been completed otherwise. For approval of parkland the time range extends from the date of the State's submission to the date of approval by the Department of Transportation.

## CHAPTER 3

### EFFECTS OF NEW REQUIREMENTS

#### ON PLANNING PROCESS

##### PUBLIC HEARINGS

The Federal-Aid Highway Act of 1956 required that a State hold public hearings on proposed highways. FHWA, in implementing this provision, required each State to hold a public hearing after the general location of a highway was selected. In January 1969 FHWA established a requirement for a second public hearing to be held after the State had chosen the precise location of the highway and had determined the major design features of the highway. Citizens, citizen groups, and local officials are provided with an opportunity to comment on the general location of the highway selected by the State at the first hearing and on the specific location and major design configurations of the highway at the second hearing.

FHWA requires the States to advertise each public hearing at least twice--the first at least 30 days and the second at least 5 days--before the date of the hearing. FHWA requires the States also to allow a minimum of 10 days after each hearing for interested parties to submit comments. States are required to submit to FHWA transcripts of the hearings at the time they request approval of both the highway location and the design.

It usually takes a State highway department a minimum of 6 weeks to fulfill the requirements for each hearing, provided that no substantive public comments are received. In the event that the State needs to reconsider or revise its plans in response to public comments received at each hearing, additional time is required. For example, one project on the Federal primary system near Winton, North Carolina, took about 5 years to develop to the construction stage. State highway officials informed us that about 7 months of this time was attributable to public hearings, 4 months to prepare for and hold the hearings, and 3 months to make necessary changes to the location and design of the highway as a result of comments received.

## ENVIRONMENTAL IMPACT STATEMENTS

The National Environmental Policy Act of 1969, as it applies to highways, requires a detailed statement setting forth the (1) environmental impact of the proposed highway, (2) adverse environmental impact which cannot be avoided if the highway is constructed, and (3) alternatives to the proposed highway.

FHWA requires environmental impact statements on highway projects that (1) may have organized opposition, (2) affect public or private historic sites or recreation lands, or (3) are classified as major actions, such as projects on new locations and projects that change or disrupt the existing or planned community. Under current FHWA guidelines, a draft environmental impact statement must be prepared by the State at the time it first advertises for the first public hearing. The State also is required to submit the draft statement to the appropriate Federal, State, and local agencies for review and comment.

FHWA instructions set forth the agencies which must be afforded an opportunity to comment on the draft environmental impact statement depending on the nature of the highway project and the planned route. Some of the Federal agencies that have expertise or jurisdiction by law over factors affecting the environment are (1) the Departments of Agriculture; Commerce; Health, Education, and Welfare; Housing and Urban Development; the Interior; and Transportation, (2) the Atomic Energy Commission, and (3) the Environmental Protection Agency. All of these agencies do not always comment on the statement for every project, but those that do must submit their written comments to the State within 45 days. The State's draft statement must be available to the public before the first public hearing.

After consideration of comments received, a State is required to prepare a final environmental impact statement and to submit it to FHWA for approval. Prior to approval FHWA submits the statement to the Office of the Secretary of Transportation for concurrence. If no adverse comments are received within 2 weeks, FHWA makes the statement available to the President's Council on Environmental Quality and to the public through the State highway department for



30 days. FHWA will not approve the location of the highway project until the 30-day period has expired.

In the States where we made our review, the review and approval of environmental impact statements took from 2-1/2 to 7 months and averaged 4 months. Although considerable input is required by the States to prepare draft environmental impact statements, to evaluate comments, and to prepare the final statements, the extent of effort required and the time involved were not determinable from the States' records.

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We noted that an environmental impact statement was made available to the public for comment only after the decision to build a highway was made by a State and after the appropriate Federal and State agencies had been requested to comment on the project. The public does not have an opportunity to comment on the statement until the first public hearing. By this time the appropriate Federal and State agencies may have commented on the environmental impact statement. It appears to us that the advantages of public participation may not be fully realized under such a procedure, because the appropriate agencies are requested to comment on the environmental impact statement without having the benefit of the public's views.

## USE OF PARKLAND AND RECREATION LAND

The Federal-Aid Highway Act of 1966 provides that the Secretary of Transportation not approve any highway program or project after July 1, 1969, that requires the use of publicly owned land from a park or from an historic site unless all possible planning, including consideration of alternatives to minimize harm to such land, has been performed.

Section 4-f of the Department of Transportation Act of 1966 states, in part, that:

"the Secretary shall not approve any program or project which requires the use of any land from a public park, recreation area, wildlife and waterfowl refuge, or historic site unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreation area, wildlife and waterfowl refuge, or historic site resulting from such use."

This act also requires the Secretary to cooperate with the Departments of Agriculture, the Interior, and Housing and Urban Development (HUD) on projects involving these types of lands. After passage of the act, the term "4-f" was applied to these types of lands and to the requirement of the law. FHWA also applies the 4-f provisions to private parkland when there is public opposition to the taking of such land or when such land constitutes the major part of the recreation facilities available in the area.

FHWA requires the States to submit statements justifying the use of 4-f land. As of December 1971 the Secretary of Transportation had approved the use of 4-f land for 148 projects. The average time to review and approve these 4-f statements was 7 months. In the States where we made our review, 23 statements had been approved and five statements were in process as of December 1971. The time taken to review and approve the 23 statements ranged from 1 to 15 months. The five statements had been under consideration from 5 to 27 months. Since FHWA requires that a 4-f statement be approved before the project progresses to the next stage in the process, little or no work can be done on a

project until a decision is made regarding the use of the 4-f land.

In October 1967 FHWA requested its field offices and the State highway departments to comment on draft guidelines implementing the 4-f provisions. The draft guidelines required the preparation of a report by the State for each project in which 4-f land would be used. The report was to set forth (1) the effect of the proposed highway project on the 4-f land and (2) the efforts planned to minimize harm to the parkland environment. Although the guidelines were never implemented formally, the States followed them from July 1968 to January 1970.

In January 1970 FHWA issued guidelines to its field offices that required each State to submit a statement justifying the proposed use of 4-f land for a highway project. The guidelines required the statement to include information relating to (1) the area, location, and use of the land, (2) the relationship of the land to other similar types of land in proximity to the project, (3) the consideration of alternative routes, and (4) the steps to be taken, if alternative routes were not feasible and prudent, to minimize harm to the land to be used. The guidelines contained very limited information to guide the States and FHWA field offices in determining what would constitute feasible and prudent alternatives or what should be done to minimize harm to the land to be used.

The 4-f statement is reviewed by FHWA and its field office and then is forwarded to the Office of the Secretary of Transportation. After its review the Office of the Secretary requests comments on the 4-f statement from HUD and the Departments of Agriculture and the Interior. The comments from these Departments then are considered by the Secretary of Transportation in making his decision on the use of parkland for a highway project.

For the States we visited, additional information often was requested after the original submissions of the statements. The five statements in process as of December 1971 for these States have been returned for additional information. The information requested, usually by the Department of the Interior, included (1) more specific data concerning

efforts to minimize harm to the park area, (2) data on the percentage of land area to be taken in relationship to the total park area, (3) data on other park and recreational areas in the vicinity of the project, and (4) measures taken to provide for replacement land to be used as a park or recreation area.

The time needed to obtain approval of 4-f statements often was increased because additional information was required by FHWA, HUD, or the Interior. For example, nine of 11 4-f statements from Pennsylvania had to be resubmitted more than once and two had to be resubmitted five times because changes or additions were required during the review and approval of the statements by the various agencies. For certain projects which were not among those we examined in detail, 4-f statements had been in the review stage as long as 27 months as of December 1971.

At the time of our review, the views of the public were not being solicited concerning the use of 4-f land. Consequently it depended on the initiative of citizens to request access to the 4-f statements and to make their views on them known. The use of 4-f land for highways has become a very controversial issue as citizens and citizen groups demand more voice in the locations of highways and the preservation of parkland. In an increasing number of cases, citizens and citizen groups have sought court relief to prevent the use of parkland for highways. As of December 1971, 24 cases involving the use of 4-f land for highways resulted in litigation. The Secretary had approved the planned locations of the highways in a number of these cases before citizens or citizen groups sought court relief.

One project, involving the proposed use of parkland in Memphis, Tennessee, resulted in court action initiated by a citizen group in an effort to stop construction of a proposed highway. The Supreme Court of the United States remanded this case to a district court for a full review of the Secretary's decision to allow the use of the parkland for a highway. In its opinion, dated March 2, 1971, the Supreme Court stated, in part, that the language of the Transportation Act and the Federal-Aid Highway Act of 1968 was:

"a plain and explicit bar to the use of Federal funds for construction of highways through parks--only the most unusual situations are exempted."

The Court stated also that:

"\*\*\* the very existence of the statute [4-f requirement] indicates that protection of parkland was to be given paramount importance. The few green havens that are public parks were not to be lost unless there were truly unusual factors present in a particular case or the cost or community disruption resulting from alternative routes reached extraordinary magnitudes. If the statutes are to have any meaning, the Secretary cannot approve the destruction of parkland unless he finds that alternative routes present unique problems." (Citizens to Preserve Overton Park, Inc. v. Volpe, 401 U.S. 402).

In January 1972 the district court remanded this case to the Secretary of Transportation and requested additional information to support the Secretary's decision authorizing use of the parkland. A Department of Transportation official informed us that, although no road was being constructed in the park, the State had proceeded with the acquisition and clearance of the right-of-way on both sides of the park.

Another court case involved the proposed construction of a highway through a park in Harrisburg, Pennsylvania. The Department of Transportation approved the use of the parkland for the highway in May 1970, 15 months after the State had submitted its 4-f statement. The State awarded construction contracts in August 1970 and April 1971. Thereafter a citizen group brought suit to prevent construction on the grounds that the environmental impact of the proposed route had not been considered adequately. The Court granted a temporary injunction pending reconsideration by the Department of 4-f and other Federal requirements. The Court ordered that Federal funding of the project be withheld, and FHWA directed the State to rejustify the proposed route and the use of the 4-f land. The State submitted a revised 4-f statement and an environmental impact

statement in September 1971. As of December 1971 no decision has been made on the project. To date about 3 years of the processing time involved in this project is associated with the proposed use of parkland.

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In August 1971 FHWA issued revised guidelines which provided more detailed instructions to the States for preparing the 4-f statements and for submitting the 4-f statements simultaneously with environmental impact statements. The revised guidelines point out that one of the alternatives to constructing a highway through a parkland that should be considered was not to build the highway. State compliance with the revised guidelines may reduce the number of requests for additional information. Also FHWA, the Departments of Transportation and the Interior, and the States are conferring on possible ways to reduce the time required to complete the review process on 4-f statements.

The revised guidelines also provide for the 4-f statements to be made available to the public at the same time as the environmental impact statements. As noted on page 15 with regard to environmental impact statements, it appears to us that the advantages of public participation may not be realized fully by the public review of 4-f statements after comments have been requested from appropriate Federal and State agencies. We believe that many of the problems associated with the construction of highways on 4-f land might be minimized or avoided if Federal and State agencies, in reviewing and approving 4-f statements, had the benefit of the public's views concerning the highway projects.

With regard to public participation in the review and approval of environmental impact and 4-f statements, FHWA officials informed us that, aside from the public hearing process, there was often early coordination by Federal, State, and local agencies with the public concerning highway decisions. FHWA officials stated that this early coordination, however, was less formal and quite possibly not a matter of record.

The number of highway projects which have resulted in court proceedings indicates to us that greater efforts are

needed in obtaining and considering the views of the public. It is apparent that the decisions of the courts will have a strong influence on future State proposals to construct highways in parkland and on the Federal approval for the use of such lands. Difficult and lengthy considerations can be expected.

MATTER FOR CONSIDERATION BY THE COMMITTEE

The Committee may wish to discuss with FHWA the possibility of obtaining earlier public participation on the environmental impact of highways and on the use of parkland for highways.

## CHAPTER 4

### EFFECTS OF NEW REQUIREMENTS

#### ON HIGHWAY PROJECTS IN PROCESS

The predominant complaint received by us from State highway officials during our review centered around the additional work and additional time required to incorporate new requirements into highway projects in process. The effects of some of the newer requirements on projects in process are discussed below.

#### SAFETY STANDARDS

In May 1967 FHWA adopted the safety standards recommended by the Special Traffic Safety Committee of the American Association of State Highway Officials. Some of the new safety standards were (1) a 30-foot clear zone--an area on each side of a roadway that must be clear of such obstructions as rocks and trees, (2) full-shoulder widths on all bridges, (3) 60- to 80-foot medians between traffic lanes, and (4) separate truck-climbing lanes on long, sustained grades.

FHWA directed that the new standards were to be applied to all high-speed highway projects which had not advanced to the construction stage. The new standards were to be adopted by change order to the construction contracts whenever practicable.

Unless the States requested and justified an exemption, many of the projects in process required rework or redesign. For example:

- A segment of an interstate route in Wichita, Kansas, had about 90 percent of the construction plans complete when redesign efforts were started to incorporate the new safety standards. Redesign efforts resulted in 16 additional months' work before the construction plans could be completed.
- A segment of an interstate project near Azalea, North Carolina, was redesigned to provide for certain



safety standards. The added effort took about 1-1/2 months to complete.

- A segment of an interstate highway in northwestern Arizona was partially developed, then inactivated because of other higher priority projects, and then reactivated after the new safety standards were issued. Redesign efforts and the low priority of the project resulted in over 3 years of additional processing time; the amount of time applicable to each of these factors was not available from project records.

### ENVIRONMENTAL IMPACT STATEMENTS

The requirement that an environmental impact statement be prepared for each project--discussed in detail in chapter 3--applied to projects in process as well as to new projects. In several cases progress on the projects was halted to prepare environmental impact statements. For example:

- In North Carolina 21 projects had progressed to the design stage when the requirement for draft and final environmental impact statements was imposed. Before design hearings could be held, draft statements had to be prepared, circulated to the various Federal and State agencies for comments, and made available to the public. After the hearings the final statements had to be prepared by the State and approved by FHWA before it could approve the design of the highways.
- In Kansas employees were taken off projects to prepare environmental impact statements on higher priority projects so that they could proceed with minimum delay.

### USE OF PARKLAND AND RECREATION LAND

The requirement for justifying the use of 4-f lands--discussed in detail in chapter 3--also was applied to projects in process and consequently necessitated additional work before the projects could proceed. For example:

--FHWA granted the State of Kansas authority to acquire right-of-way for a primary highway project and then rescinded the authority and determined that a 4-f statement would be required. Acquisition of the necessary right-of-way could not continue until the 4-f statement was prepared and submitted to the Secretary for approval. In this case about 4 months of additional processing time was required.

--PS&E, the final processing stage prior to construction, was developed for a primary highway project in Pennsylvania when FHWA informed the State that a 4-f statement would have to be submitted for approval before the State would be authorized to advertise for construction bids. The advertising for bids was delayed about 15 months while a statement was prepared, reviewed, and approved. This is the case discussed on page , in which Federal funding was withheld after Court intervention.

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Although the new requirements are disruptive to highway projects in process, they are designed to protect the interests of the public and their application to projects in process is justified. The disruption applies only to projects in process. For new projects a State can take the new requirements into consideration at the beginning of the planning process and thus can minimize or avoid any delays or additional work.

## CHAPTER 5

### OTHER ITEMS AFFECTING PLANNING PROCESS

Although the States must meet the various Federal requirements, the time taken to meet the requirements and to process highway projects to the construction stage is, to a great extent, within the control of the States. The priority placed on a project by a State, the work load or number of projects in process, the location of the project, the number of persons and/or businesses to be relocated, and the type of land used dictate, to a large degree, the time needed to complete a project.

In establishing priorities States must take into consideration the availability of both Federal and State funds and the desires of State and local officials. Lower priority projects sometimes were put in an inactive status at various stages of the process to complete higher priority projects. As a result low-priority projects had the appearance of having been actively processed for longer periods than they actually were.

State highway officials informed us that one of the most important factors affecting priorities for initiating new projects and for completing those in process was the availability of Federal and State funds. From 1967 through 1969 Federal funding limitations were established by the Office of Management and Budget that placed a ceiling on program obligations as well as on spending levels. We noted that:

- In fiscal year 1967, \$700 million was held back temporarily from an anticipated program obligation level of \$4 billion.
- In calendar year 1968, \$600 million was held back from an anticipated program obligation level of \$4.715 billion.
- In fiscal year 1969, a \$200 million expenditure reduction was accomplished by temporarily deferring project approvals for 3 months.

The FHWA Administrator stated, in testimony before the Subcommittee on Transportation, House Committee on Appropriations, for 1970 and 1972 appropriations, that the purpose of the above actions was to curb inflationary pressures existing at the time.

A State highway commission official in North Carolina stated that reductions in the amount of Federal funds available adversely affected the scheduling for construction of all projects during the 1967-69 period. It was not possible, however, to identify the delay on any project. In Michigan several of the projects we reviewed were affected by the funding cutback. Michigan highway officials informed us that the cutbacks had delayed individual projects for 1 to 3 years. Highway officials in Pennsylvania stated that the nonavailability of anticipated State funds also had adversely affected the progress of a number of planned projects.

We noted also that the number of projects the States had in process might contribute to the time needed to process a project, although the length of time is not determinable. For example, FHWA and State highway officials in North Carolina informed us that the State had too many projects in process. A State official pointed out that the current highway commission had approved projects that would take 15 years to complete.

The location of a highway project also affects the length of time needed to complete the planning process. The planning for projects located in urban areas usually takes longer than the planning for projects in rural areas because the projects in urban areas are more complex in design and usually involve the relocation of more persons and/or businesses.

Several examples of the factors discussed in this chapter are noted below.

1. A primary highway project in a rural area in southern Kansas between Winfield and Arkansas City was given a high priority by the State and reached the construction stage in about 6.5 years. The project involved the relocation of about 10 miles of the route. Construction plans for the project were about 90 percent complete when the State decided to construct a

four-lane, instead of two-lane, highway. According to a State highway official, the planning was completed in a reasonable period of time even though substantial rework was necessary.

2. A 4-mile primary highway project to bypass the town of Winton in northeastern North Carolina initially was given a low priority by the State. Although the State authorized the start of development of the project in January 1966, little or no work was performed on it for about 2 years. Once the development process was started, the project progressed to the construction stage in about 3 years. The project was located in a rural area and involved relocating persons.
3. A section of Interstate Route 40 in the northeastern part of Arizona was given a low priority. It took about 10.8 years to complete the planning process on the 5.87-mile section. The project is located in a predominately rural area and did not involve relocating anyone. During this period work on the project was started and stopped twice because of higher priority projects. These work stoppages added at least 2.2 years to the time to complete the process.
4. A 7-mile section of Interstate Route 475 in Flint, Michigan, took about 11.8 years to reach the construction stage. This project had a low priority, was in an urban area, and involved the relocation of a substantial number of persons and businesses. The cutback in available Federal funds extended completion of sections of the highway for 1 to 3 years. Also the location of an intersection of this highway and an adjoining State highway required the use of part of a city-owned golf course. The dispute between State and city officials over the use of part of the golf course lasted about 2 years before the city conceded.
5. A 25.2-mile section of Interstate Route 75 in the northern part of Michigan's lower peninsula took about 9 years to process to the construction stage. Cutbacks in available Federal funds and the State's low priority for the project extended completion of the project for 1 to 2 years.

## CHAPTER 6

### SCOPE OF REVIEW

Our review was conducted at Washington, D.C., and at the FHWA division offices and State offices in Phoenix, Arizona; Topeka, Kansas; Lansing, Michigan; Raleigh, North Carolina; and Harrisburg, Pennsylvania, and included a review of pertinent laws, regulations, and instructions of FHWA and the five States.

In each State visited, we analyzed two projects to determine the reasons for the time taken after FHWA approved the projects for planning until FHWA approved the PS&E package. The estimated cost of these projects was about \$135 million, of which the Federal share was about \$111 million. We also examined into parts of 26 projects that recently had received approval in the various processing stages, to ascertain the time taken in planning for those stages.

The projects selected for review in each State were discussed with FHWA and State officials to ensure that the projects would be representative of the time and actions necessary to plan for projects. In addition, we solicited and analyzed comments from State highway officials concerning problems and/or problem areas encountered by them in obtaining Federal approval for highway projects.

We did not review the quality of State actions needed to satisfy the various Federal requirements, nor did we review the quality of the FHWA approval process.



