As the title of my talk indicates, I was asked to discuss the new provisions of the Federal Aid Highway Act of 1968 and at the same time to give special emphasis to the relocation assistance and payment provisions. I will do just that.

Because it is my personal opinion that the relocation assistance and payment provisions represent the most far reaching change since passage of the 1956 Act, I will leave a discussion of these provisions to the last. A number of the provisions of the 1968 Act are of no direct interest to this group so I will not make any reference to them.

**Financing**

The Act provides for increased authorizations to finance the Interstate System. Authorizations for the fiscal years 1970 and 1971 are increased from $3.6 billion to $4 billion, for the fiscal year 1972 from $2.685 billion to $4 billion, and additional amounts of $4 billion and $2.225 billion are authorized for the 1973 and 1974 fiscal years, respectively.

Increased authorizations also are provided for the ABC System. Previous authorizations were $1 billion per fiscal year. The 1968 Act increases this amount to $1.1 billion for each of the 1970 and 1971 fiscal years.

The 1968 Act provides authorizations for two new programs which I will discuss later—$200 million for each of the fiscal years 1970 and 1971 to continue the TOPICS program, which up to this time has been financed with ABC funds, and $125 million for each of the fiscal years 1970 and 1971 for the Federal aid primary and secondary systems, exclusive of these additions in urban areas.

Authorizations for highway beautification programs for the 1970 fiscal year are in the amounts of $2 million for billboard control, $3 million for junkyard control, and $20 million for landscaping and scenic enhancement.
**Interstate System Completion**

The time for the completion of the Interstate System has been extended from June 30, 1972 to June 30, 1974.

**Advance Acquisition of Right-of-Way**

The 1968 Act establishes for the first time a right-of-way revolving fund. One hundred million dollars are authorized for each of the fiscal years 1970, 1971, and 1972 for the revolving fund. Monies may be advanced from this fund to the States without interest, not only for acquiring future rights-of-way but also to pay relocation costs made necessary by such acquisition. The actual construction of the highway must begin not less than two years nor more than seven years following the end of the fiscal year in which the advance of funds was approved. A PPM covering this procedure is in the process of preparation.

**TOPICS Program**

The TOPICS program is, as I previously indicated, nothing new; up to this time it has been financed in a number of States with ABC funds or 100 percent with State funds. This program is designed to reduce traffic congestion and facilitate the flow of traffic in urban areas through such measures as improved signal systems, minor street widening, intersection redesign, parking control and improved traffic ordinances. The amounts authorized for the program are for expenditures on the Federal-aid primary and urban systems in urban areas.

**Fringe Parking**

Another new provision of the Act authorizes the use of Federal-aid highway funds for parking demonstration projects. Such a project must be situated on land adjacent to the right-of-way on a Federal-aid highway system, must be outside a central business district and must provide for the construction thereon of publicly-owned parking facilities to serve an urban area of more than 50,000 population. Such a fringe parking facility must be located and designed to be used with existing or planned public transportation facilities.

**Interstate System Mileage**

Two of the sections of the 1968 Act pertain to Interstate System mileage. The first section, entitled "Interstate System Adjustments," authorizes the addition of 1500 miles to that system. The added mileage is to be designated in the same manner as the 41,000 miles were designated. The Conference report indicates that this mileage is to be restricted to "critical missing link" situations and not simply to extend
the system. The mileage added under this section will become eligible for improvement with Interstate funds. However, the Congress has not provided any increased authorizations to finance the additional costs, but these costs will be reflected in the cost estimate for completion of the Interstate System which will be submitted to Congress in 1970.

The other section of the Act relating to Interstate System mileage, entitled "Additions to the Interstate System," permits the Secretary to designate highways on the Federal-aid primary system as part of the Interstate System if they meet applicable standards. Such designation does not carry with it any Federal financing responsibility and it does not add mileage chargeable to the Interstate System.

**Preservation of Park Lands**

The 1968 Act amends both section 4(f) of the Department of Transportation Act and Section 138, Title 23 of the U.S. Code so that the declaration of policy will be identical in each instance.

Quoting from the Act:

"The Secretary shall not approve any program or project which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State or local significance as determined by the Federal, State or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials 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, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

The language is very clear. The best thing to do is to stay completely clear of public parks, recreation areas, wildlife and waterfowl refuges, and historic sites.

**Urban Impact Amendment**

Section 128, U. S. Code 23, deals with the holding of public hearings and requires that a State certify that it has considered the economic effects of a highway location. The 1968 Act adds the requirement that the States also must certify that they have considered the social effects of a highway location, its impact on the environment, and its consistency with the goals and objectives of such urban planning as has been promulgated by the community.
Emergency Relief

The 1968 Act amended the previous legislation to permit use of the emergency fund to repair or reconstruct highways damaged by catastrophic failures from any cause. Previously the use of this fund was restricted for repair or reconstruction caused by natural catastrophies only. The new legislation also authorizes the Federal share of repair or reconstruction to be increased up to 100 percent of the replacement cost of a comparable facility, if the Secretary determines such to be in the public interest.

Toll Roads

Section 129, U. S. Code 23, was amended to require that the Secretary must affirmatively find that, under the particular circumstances, the construction of a toll road, rather than a free facility, is in the public interest before he may approve the construction of a toll road on the Interstate System.

Real Property Acquisition Practices

The 1968 Act adds a new paragraph to Title 23, U. S. Code relating to real property acquisition policies. A State highway department now will be required to furnish the following assurances before any Federal-aid highway project can be approved:

1. That every reasonable effort shall be made to acquire the real property by negotiation.

2. That to the greatest extent practicable no lawful occupant of real property shall be required to move without at least 90 days written notice.

3. That it will be the policy of the State to establish an amount which is considered to be just compensation for the real property to be acquired and to make a prompt offer to the owner in that amount before the initiation of negotiations.

Relocation Assistance Program

The relocation assistance program, in itself, is not something new. The Federal Aid Highway Act of 1962 required that relocation assistance be furnished to those who were displaced and authorized payments up to $200 to cover costs for a residential move and $3000 for a business move. Some 40 States have enabling legislation which permits them to make these payments.
There has been a great deal of thought and study given to relocation assistance policies since that time. This subject was considered by Davis Select Subcommittee on Real Property Acquisition. It also was the subject of a special study submitted to the Congress in 1967 by the Bureau of Public Roads.

These studies and the hearings by Congressional Committees resulted in a major strengthening of highway relocation assistance in the 1968 Act. In my opinion, as I previously stated, the relocation assistance program which now has become mandatory is the most far-reaching change since the passage of the 1956 Act.

The relocation assistance provisions of the Act became effective August 23, 1968 to the extent that a State can legally comply with them. Mandatory compliance will be necessary after July 1, 1970.

Moving Costs

The 1968 Act continues the provisions for payment of moving costs. However, there is a difference. The ceilings on actual moving cost payments have been removed other than they must be fair and reasonable. In lieu of being paid actual moving costs, a person and/or family may exercise an option to receive a moving expense allowance based on an approved schedule in an amount not to exceed $200 plus a dislocation allowance of $100.

In lieu of actual moving expenses, a farm operator may elect the lesser of $5000 or the farm's average annual net earnings based on the preceding two taxable years.

A business operator may exercise the same option but must meet two conditions. It must be demonstrated, first, that it cannot be relocated without a substantial loss of its existing patronage and, second, that it is not part of a commercial enterprise having at least one other establishment, not being acquired by the State or by the United States, which is engaged in the same or similar business.

Replacement Housing

The 1968 Act makes provision for the first time for replacement housing payments. Payments are to be made on different bases for owner-occupied dwellings and rental-occupied dwelling units.

The displaced owner-occupant of a single, two, or three family dwelling will be entitled to an amount which when added to the acquisition payment equals the average price required for a comparable dwelling subject to the following conditions:
1. The maximum amount of payment cannot exceed $5000.

2. The displaced owner must have occupied the dwelling for at least one year prior to the initiation of negotiations.

3. The displaced owner must purchase and occupy a dwelling within one year from the date on which he was required to move.

4. The State law of eminent domain precludes the possibility of a payment for the same purpose and effect which would be included as part of a Federal-aid project cost.

In determining the amount of payment it will be necessary to determine the cost of a comparable dwelling unit. The law defines a comparable dwelling as one which in accordance with standards established by the Secretary is:

1. Decent, safe and sanitary.

2. Adequate to accommodate the displaced owner.

3. Reasonably accessible to public services and places of employment.


A decent, safe, and sanitary dwelling has been defined by the Secretary as one which:

1. Conforms with State and local codes.

2. Has a continuing and adequate supply of potable safe water.

3. Has a kitchen or kitchen area which has a sink connected to hot and cold water and a sewage disposal system.

4. Has an adequate heating system.

5. Has a well lighted and ventilated bath room containing a lavatory basin, bathing facilities and flush toilet properly connected to hot and cold running water and a sewage disposal system.

6. Has provision for artificial lighting for each room.

7. Is structurally sound, in good repair, and adequately maintained.

8. Has two means of safe, unobstructed egress.

9. Has 150 square feet of habitable floor space for the first occupant and at least 100 square feet of such space for each additional occupant.
Any displaced individual or family who is not eligible to receive payment as a displaced owner-occupant is entitled to payment on a different basis. The amount of the payment may not exceed $1500 or the amount which is necessary (1) to enable such person or family to lease or rent for a period not to exceed two years or (2) to make a down payment on the purchase of a decent, safe and sanitary dwelling.

To qualify for such a payment, the displaced person or family must have legally occupied the acquired dwelling for not less than 90 days prior to the initiation of negotiations for the acquisition of such property.

Incidental Costs

In addition to providing for payments for replacement housing and increased moving cost payments, the 1968 Act provides that payments be made to cover the costs incurred incidental to the transfer of real property. The owner of real property acquired for a highway project is entitled to receive reasonable and necessary expenses incurred for:

1. Recording fees, transfer taxes, and similar expenses incidental to conveying the property.

2. Penalty costs for the prepayment of any mortgage.

3. The pro rata portion of real property taxes paid which are allocable to the period following the vesting of title in the State or the effective date of possession, whichever is earlier.

Relocation Services

The 1968 Act also provides for an expansion in relocation services that are to be provided displacees. The Act requires:

1. That there be a determination of the needs of displaced families, individuals, business concerns, and farm operators for relocation assistance.

2. Assurance that to the extent that it can be reasonably accomplished that there will be available, prior to actual displacement, decent, safe, and sanitary dwellings which are:

   a. In areas not generally less desirable in regard to public utilities and public and commercial facilities.

   b. At rents or prices within the financial means of the families and individuals displaced.

   c. Reasonably accessible to their places of employment.
3. Assistance to owners of displaced businesses and farm operators in obtaining and becoming established in suitable locations.

4. The supplying of information concerning all Federal and State programs which may offer assistance to the displacees.

I have briefly summarized the provisions of the highway relocation assistance provisions of the 1968 Act. The Act also authorizes the Secretary to make such rules and regulations as may be necessary to carry out its provisions.

These rules and regulations were issued as Instructional Memorandum 80-1-68, dated September 5, 1968. In the limited time available to me, it is not possible to discuss those procedures. Copies of the instructional memorandum can be obtained from any of the Bureau of Public Roads offices.

I appreciate the opportunity of meeting with you today and hope that I have given you a better understanding of the principal provisions of the Federal Aid Highway Act of 1968.