"THE RELATION OF RURAL HIGHWAYS AND RURAL SECONDARY HIGHWAYS TO THE COUNTY ROAD PROGRAM"

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The State of Kentucky, through the State Department of Highways, gives assistance to the 120 counties of our State in the maintenance and construction of rural roads. This aid is given through two programs, the Rural Highway, called the R.H. Program, and the Rural Secondary, called the R.S. Program. These two programs were established by the enactment of two different sets of statutes by the legislature. Since the statutes are different this necessitates a difference in the programming and administration of the two projects and often creates some confusion in our discussions, our planning, and our execution of R.H. and R.S. work.

It shall be our purpose in the following discussion to point out the difference in the two programs.

Back in what we refer to as the horse and buggy days the construction and maintenance of adequate roads and trails was even then a terrific problem and a constant drain on the resources of our counties. With the coming of the automobile age the problem of rural roads grew by leaps and bounds until it almost smothered the efforts of the various counties to raise the needed funds to cope with the ever growing demand and need. Most of our counties made a valiant effort to construct and maintain adequate roads but despite increased county appropriations, county bond issues, and other fund raising schemes the problem continued to increase to a point far beyond the means of our counties.

The thinking of county officials about the road problems can well be illustrated by the following paragraph which was copied from the report of the county auditor of McCracken County for 1925.

He reports:

"We came to the County Government at an unfortunate period of time. When we arrived the most destructive creation invented by man on streets and roads, the motor vehicle, also arrived. Where there were just a few 15 years ago there are licensed in this county today in automobiles and trucks 6,568. No character of highway yet devised will stand this traffic. They have not only pauperized the farms but have dissipated gravel roads faster than these can be repaired, and wrecked the County Treasury."

Officials at the state level have since the beginning been cognizant of the rural road problem and have tried to extend aid to the counties. I recall such terms as "State Aid", "Two-One-One" projects and others that describe the various efforts made by the state, and some times the federal government, to
assist the counties however, no sustained and continuing effort was inaugurated by the state government until the creation of what we know as the Rural Highway Program.

The R H Program came into being by act of the state legislature in 1936. The amount of money to be expended by the Highway Department each year; the formula for allocating the money to the counties; the contract that must be made each year between the state and each county; the manner in which the work shall be performed and administered and many other details are fixed by statute and are therefore mandatory procedures for all parties concerned.

Let us now try to spell out the procedures for carrying out our yearly R H Program and try to point out the various responsibilities of all participants, keeping in mind the fact that the amount of money allocated to each county is fixed by law but cannot be turned over to the counties in cash and must be administered by the State Highway Department and cannot be over-spent or supplemented by any other state fund as it would make an inequality in the legislative formula.

From 1936 to 1946 the R H allotment was $2,000,000 per year but in 1946 the legislature increased the yearly allotment to $5,000,000 and it has continued in this amount since that time. This is a lump sum appropriation, to be spent only on roads that have not been taken over for maintenance by the state and outside the corporate limits of any town or city. This money is taken from what may be called the general revenue of the Highway Department, and should not be confused with the R S funds, an entirely separate program.

The first step for the Highway Department is the determination of the exact amount of money that must go to each county. This is done by use of the formula prescribed by law. One third of the $5,000,000 is apportioned equally among the 120 counties; one third is apportioned among the counties on the basis of the ratio which the population of each county, outside of municipal corporations of 5,000 and over, bears to the total population of the Commonwealth and one third is apportioned among the counties on the basis of the ratio which the square mile area of the county bears to the total square mile area of the Commonwealth.

Before the beginning of each fiscal year a representative of the State Highway Department must contact each fiscal court for the purpose of setting up a R H Program for the county concerned. This Department representative will usually be a man from the District Office Staff and he will meet with the fiscal court, by appointment, preferably as early as March or April. The Court at this time should be prepared to present recommendations and new proposals for the program along with suggestions for maintenance and improvement of the various roads and bridges that have become a part of the set up in preceding years. The Department of Highways must, by law give priority over new projects to roads and bridges previously constructed or improved under the R H Program. Let me say in passing that this priority clause in the R H law represents good thinking on the part of some one. Too many times have I seen good roads deteriorate to useless conditions because of the mere lack of properly timed and relatively inexpensive maintenance.

Once an agreement on a program between the Highway Department representative and the Fiscal Court has been reached the Department will prepare a contract to be signed by the Commissioner of Highways and the County Judge, itemizing the work to be done and establishing the responsibilities of the parties concerned. In all cases the expenditure of R H funds and the performance of work on the various projects will be administered by the Department of Highways acting through its Division of Rural Highways. Any balance of funds that may remain after performance of the contract shall remain to the credit of the county, and must be included in the counties apportionment for any subsequent year.

In McCracken County all of our R H funds are being used for maintenance
but this is not mandatory. R H funds may be used for both maintenance and construction depending upon the agreement reached and included in the County-State Contract.

It should be pointed out that the contractual designation of a county road as a R H Project does not mean that the State assumes full or permanent responsibility for the road, nor does it nullify the county's responsibility of ownership or the right to perform maintenance or improvement operations on the road. The county may proceed at any time to carry out work with its own funds over and above that performed by R H operations. However, it is always wise to carefully co-ordinate all work done by both parties to insure maximum efficiency and results.

The R H program has been quite successful and deeply appreciated in our rural road improvement operations but has been sufficient to carry out only a relatively small part of the work needed. In 1948 the legislature enacted a bill that gives additional aid by the State in construction, reconstruction and maintenance of rural roads. The program established and financed by this 1948 legislation is known as the Rural Secondary, R S or Two Cent Program and is separate and distinct from the R H Program.

The act provides that an excise tax of seven cents per gallon shall be paid on all gasoline received in the state and that 2/7 of all amounts received shall be set aside by the Department of Highways for the construction, reconstruction and maintenance of rural and secondary roads. These funds must be expended for said purposes by the Department according to terms and conditions provided by law.

At least once in each calendar year a Department of Highways representative shall meet and consult with the fiscal courts of of the various counties for the purpose of receiving recommendations for the selection of secondary and rural roads for construction, reconstruction or maintenance as a part of the highway system of the State. It should be pointed out here that the phrase “as a part of the highway system of the State” has been deleted by subsequent legislation and the State is not required to take over for maintenance all roads that may be set up as R S Projects. The responsibility for future maintenance may remain with the Fiscal Court.

The Department of Highways shall give regard to the recommendations of the various Fiscal Courts and shall endeavor to enter into agreements with said Fiscal Courts for selection of rural roads to be improved however, the Department does not have to accept the recommendations of the Fiscal Courts and in case an agreement has not been reached within 30 days the Department may proceed toward the construction, reconstruction or maintenance of any road which, in its discretion is essential to a system of secondary or rural roads.

The 1948 act prescribes further that the Department of Highways shall continue studies, make surveys, prepare maps, employ personnel and obtain such equipment as may be necessary for the establishment and maintenance of an integrated system of secondary and rural roads.

The Highway Department was further instructed on the basis of the studies of the needs of the various counties to make recommendations to the 1950 legislature respecting a formula or method for the allocation of R S funds. I presume these recommendations were made but to date no formula for the distribution of the funds has been prescribed by the legislature and the allocation of the funds is left to the discretion of the Deputy Commissioner of Highways for Rural Highways. I have observed through the years however, that the various Commissioners have seemed to follow the conditions prescribed by the R H formula in allocating R S funds to our county. I think it may be well to stress the point that the R S statutes do not, as the R H statutes do, prescribe that each of the counties shall receive a fixed proportion of the funds available. In fact, it is possible that should the Department of Highways Officials see fit, any given County may not receive any R S funds for a period of one or more years. So far
as I know this has never happened and the funds have been allocated and
administered in as fair a manner as possible.

The major portion of R S funds expended over the years has gone for new
construction and reconstruction and most of the completed projects have been
taken over for maintenance by the State, thus relieving the Fiscal Courts of
numerous maintenance responsibilities. The State however, in turn assumed
additional maintenance responsibility and now must use a portion of R S funds
for this purpose leaving a smaller but still considerable fund for construction.

Summarizing and repeating, The R S program should not be confused
with the R H Program. The R S Program is financed by the extra 2c gas tax
and can be used on any roads, except primary roads, and the Department only
has to consult with the Fiscal Courts, whereas the R H Program is a statutory
one financed by a $5,000,000 appropriation made by the legislature and must be
used outside of corporate limits on county roads agreed upon by the Department
and the Fiscal Courts.

If I may, I wish to again remind you of the vast importance of establishing
and maintaining a position of good will and cooperation between State and
County Officials in planning and carrying out our R H and R S Programs. At
times we are all inclined to wonder what makes the other fellow act the way
he does but there is usually a good and sufficient answer if we but have the
patience to seek it out. A good and clear understanding of all the laws and
administrative musts pertaining to our R H and R S work will be most helpful
to us all and will pay off in the acquisition of more and better rural roads.