

Building freeways presents more problems than a carload of aspirin can cure.

Headaches of the Highway Builders

By Frank L. Remington

RISING ANGRILY from her chair, the elderly woman shouted: "My house is not for sale at any price. Now get out of here or I'll get my gun!"

The neatly groomed man representing the California right-of-way department beat a hasty retreat. He'd been attempting to negotiate a deal for the woman's property, which lay directly on the route of a newly planned freeway.

With the nationwide boom in road building, right-of-way agents and highway builders have been experiencing more headaches than a carload of aspirin could cure—and they're due for even more severe pains. For in the next 15 years the federal highway building program calls for a 41,000-mile interstate superhighway network crisscrossing the nation, plus thousands of miles of state and local roads. Total estimated cost: about 100 billion dollars.

Solving engineering riddles, laying out roadbeds and surfacing the new highways will be the least of the road builders' worries. Their biggest headaches are in resolving such knotty problems as acquisition of land, suppression of "freeway freebooters" and singular tombstone troubles.

TO CLEAR the path for a Chicago freeway project for example, it became necessary to relocate some 700 graves in a local cemetery, according to the wishes of the next of kin. Locating the families of the deceased involved insurmountable obstacles and more than a year in time to contact relatives in nearly every state of the Union and in several foreign countries.

Acquiring right-of-way privileges for a new road usually consumes years of planning, negotiation and litigation. Some 75 per cent of the interstate network will be along new routes. To clear the way for this federal highway project some two million acres of land will have to be purchased from landowners or secured by condemnation proceedings.

Usually the constitutions of the various states provide the groundwork for the acquisition of private property for public use. This right is based on "eminent domain," an ancient principle of law. Legal dictionaries define it as the superior right of property by which government can take or control the use of private property for the benefit of the public without regard to the wishes of the private owner. Of course, the Fifth Amendment to the Constitution of the United States declares: "...nor shall

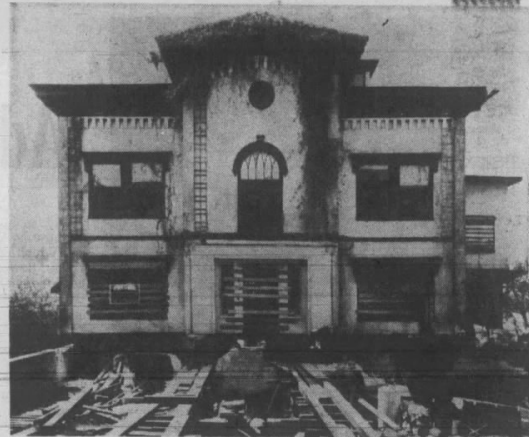
private property be taken for public use without just compensation."

IN NEGOTIATING for the land, however, right-of-way agents have been slapped and cursed, even threatened with knives and guns.

Some property owners claim abuse and hardship, and, in some instances, they are justified—like the proud home owner who lived in the cinema capital until the famed Hollywood Freeway led to his door. Reluctantly he permitted his house to be moved to the San Fernando Valley. In due course he forgot his bitterness—until the Division of Highways decided to build another expressway. The man's house again lay smack in the path of the new route. Skillful diplomacy was needed before authorities could placate his outraged indignation.

California's right-of-way department has expanded into the largest single public right-of-way and land acquisition agency in the country. The federal government recently suggested it as a model for other states to follow in connection with buying property for the national highway program.

Right-of-way agents never threat-



Moving homes from the path of a freeway is one of the headaches of the highway builder. Negotiations for property also create plenty of trouble.

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en a landowner with condemnation of his property except as a last resort. Only when negotiation bogs down completely does the agent seek court action.

After the right-of-way department secures signed deeds, right-of-way contracts and acceptable title clearances it pays the landowner in cash. All acquired properties are valued by an appraiser, who bases his figures on the fair market value. He knows how much the owner paid for the property and the present land values in the area.

MOVING HOUSES and buildings from the path of a freeway presents many problems to the highway builders. In New York City authorities decided to move to new locations 300 houses in Queens that blocked a new expressway route. Most residents cooperated, but one recalcitrant householder refused to budge. But the house movers had their orders and when the woman awoke the following morning she found herself living two blocks away!

On the other hand, 16 families in Atlanta spent two days in their apartment house while it was being moved.

One householder, however, returned home from work one evening to find his house missing! Somehow or other movers had transferred the wrong residence.

When older buildings and apartment houses are torn down and junked, they create additional problems. Finding homes for the evictees is no minor undertaking in some areas. Some cities, like Chicago, have chauffeured families around at public expense while they looked for new places to live.

ONE GROUP of families evicted from a Chicago apartment house marched on city hall in protest. In desperation, the city's housing coordinator ensconced them temporarily in a score of Loop hotels—many complaining bitterly because they had not been housed in the de luxe Conrad Hilton Hotel—until new residences could be found.

Serious problems also arise when hundreds of homes, apartment buildings, and stores must be demolished and removed from the path of the road construction. Sometimes these buildings stand idle, waiting to be moved or dismantled. On occasion (Continued on Page 32)



Costly but time-saving freeways, such as pictured here, cut through residential and business centers and the problems of obtaining rights-of-way are numerous and difficult, causing many official headaches.

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Headaches Build Roads

(Continued from Page 7)

there is little left to salvage when dismantling crews arrive, for "freebooters" have beaten them to it.

In Los Angeles, for example, "building buccaneers" have several times displayed unprecedented boldness. Equipment in wholesale lots has disappeared before contractors had time-to-take-inventory.

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HIGHWAY BUILDERS often come up with unique solutions to particular problems. One case in point is a \$30,000 steel bridge in Southern California that causes many a motorist to puzzle as to why it is there. The structure crosses no river or other waterway, no gully, no grade crossing, but the grave of a certain California pioneer who died in the 1870s and was buried in a private plot. The grave had long been neglected and almost everyone had long since forgotten. Then a new highway was laid out and there arose a loud outcry from several of the pioneer's descendants who refused to permit removal of the remains. Legal shenanigans and an ancient and musty statute made their claim valid and the courts upheld it.

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It was then decided to erect the bridge over the spot—an idea that had legal precedent—after it was found that the cost of rerouting the road around the disputed territory or continued legal wrangling would be several times the cost of the steel structure.

Probably no one, however, will suffer a greater hardship than a mid-western farmer. His land was bisected by a new highway project which neatly cut off the privy from the farmhouse. He was faced with the choice of either building a new privy or making an eight-mile trip and paying a toll each time he visited the old one.

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