Highway Legislation from the 1971 Legislature

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My assignment is to discuss new legislation enacted by the current session of the Indiana General Assembly, as it affects the Indiana State Highway Commission.

BILLs ASSURE PERSONNEL CONTINUITY

I feel that the most important highway legislation which has been enacted by the 1971 General Assembly, were two personnel bills which were prepared by and introduced at the request of the Indiana State Highway Commission.

House Bill 1081 protects approximately 1,000 professional and semi-professional job classifications from political hiring and firing, and gives these specified job classifications the same statutory protection that we have long had for our engineers.

House Bill 1082 provides a 60 percent-40 percent ratio in favor of the political party of the Governor of Indiana on all remaining patronage jobs.

The passage of these two bills provides for reasonably assured personnel continuity, making it possible to carry over good and experienced employees from one administration to another.

The effect on the morale of the Indiana State Highway Commission and its employees is overwhelming. The passage of these two bills is an historic accomplishment which has been tried, at least to some degree, with many past legislatures, but never before accomplished.

We are indeed grateful to Governor Whitcomb, the Indiana State Chamber of Commerce, the Indiana Highway Constructors, the Indiana Petroleum Council, the Indiana Motor Truck Association, Dr. H. L. Michael of Purdue University, the Indiana Highways for Survival, the Indiana Highway Users Conference and for the general editorial support of this legislation by the news media of our state. Without this united effort this revolutionary legislation could not have been accomplished. There is no question but that these two bills will make
a good Indiana State Highway Commission even better. This is not to be taken as a reflection against, or lack of appreciation to, the many faithful political patronage employees we have working for our Highway Commission. By and large, they have done a good job and we are grateful for their loyalty and cooperation. However, this legislation is beneficial in that it will provide a vehicle for retaining these dedicated employees who do a good job and deserve continuity of employment, without political exploitation.

THE MINI TOLL ROAD BILL

Another bill enacted by the 1971 General Assembly with the full backing of Governor Whitcomb, the Indiana Toll Road Commission, and with the same backing of the groups already mentioned is House Bill 1083, which has been generally designated “The Mini Toll Road” bill. Perhaps “Unit Toll System” would be a better designation.

Some six other states have adopted this unit toll system of legislation prior to its adoption in Indiana, including our neighbor, Illinois, to the west. The bill is really an amendment to existing Indiana laws, and will allow the Toll Road Commission, with the approval of the Governor, to continue to collect toll road funds on any existing toll roads, after it has paid off all bonds, and may provide revenue to subsidize the payoff to other toll roads which may be constructed. Thus, each toll road may help finance other toll roads built in Indiana and this makes the bonds more saleable and modifies existing laws which require that each toll road be 100 percent feasible standing on its own. It also allows the continuity of tolls to help carry operational and maintenance expenses of such toll road. This will relieve the imposition of great overhead expenses back on the Indiana State Highway Commission which would otherwise occur when such roads are returned to the Indiana state highway system as free highways.

An example can be drawn from the present east-west toll road across northern Indiana. This road is showing a profit of approximately 19 million dollars a year after meeting and paying all fixed charges including approximately 5 million dollars in operational and maintenance expenses. It is estimated that all bonds and indebtedness of these toll roads may well pay off approximately 10 years ahead of schedule, thus by 1984. Under this new toll road amendment, the revenue from this east-west toll road across northern Indiana could be used as a second mortgage, so to speak, to help guarantee bonds on future toll roads; in turn, those future toll roads when built can provide the same construction security for each new toll road which may be built in the
future. Considering that the revenue generated on the present east-west toll road across northern Indiana is paid approximately 75 percent by out-of-state motorists and considering that the trend among the other states is to continue to utilize out-of-state revenue, this bill should prove particularly beneficial to the State of Indiana. It affords a vehicle which may be utilized in constructing a number of future toll roads in Indiana including some badly needed expensive short, high-traffic corridors.

BILL PERMITS 14-FOOT MOBILE HOME MOVEMENTS

A further bill was introduced by the Mobile Home Industry and passed by the General Assembly to move the 14-foot mobile homes upon the highways of Indiana where the prior statutory limit had been 12 feet in width. The Indiana State Highway Commission did not oppose such legislation. The Mobile Home Industry in Indiana is a giant industry and must compete favorably with the Mobile Home Industries of other states, more than 20 of which have laws authorizing 14-foot wide movements. The highway commission did insist, however, that each movement should be covered by a separate permit to be issued by the Indiana State Highway Commission, subject to as many safety regulations as experience may dictate advisable. These regulations designate the route over which such movements must be made, the hours during which same can be moved, and other restrictions as to wind velocity, escort vehicles and other safety factors.

BILL BOARD AND JUNK YARD BILL

The Indiana Highway Commission further sponsored the introduction of Engrossed House Bill 1891 designed to make it possible for Indiana to comply with the Federal Highway Beautification Act as it applies to regulation of bill boards and junk yards in our state. Indiana had never been able to be in compliance with the provision of the 1965 federal legislation and Governor Whitcomb recently received a notice from Secretary Volpe of the Department of Transportation, that Indiana would be penalized 10 percent of all federal highway trust funds if it did not get legislation to make it possible for Indiana to comply. This bill passed the House of Representatives during the current session of the legislature in form acceptable to the Bureau of Public Roads but ran into difficulty in the Senate.

The Senate amendment lobbied into the bill, by certain bill board interests, extended such wide areas of protection from control by exempting large areas around second, third, fourth and fifth class cities and towns, that it left very small portions of rural areas subject to bill
board control, despite our concerted and best efforts. The highway commission was unable to get these unacceptable amendments deleted in conference committee and they remain in the bill after passage. Indiana is thus in peril of being penalized of 10 percent of its total federal highway trust funds. However, it appears perhaps that the legislation may provide an escape. The Governor of Indiana has the power to alter these statutory definitions if the state has been put on notice of intent to cut funds by the Federal Department of Transportation. Outside of this unfortunate legislation, it is my feeling that the Indiana State Highway Commission has achieved great legislative success in the current session of the Indiana General Assembly and of monumental importance to the future good of the Indiana State Highway Commission, and for millions of Hoosier motorists who depend so largely upon it for today’s transportation demands.

BILL TO TRADE FORT WAYNE DISTRICT PROPERTY

The State Highway Commission gave its support to a bill sponsored by the community of Fort Wayne, to make it a law for the State Highway Commission to trade its present Fort Wayne district property on Catalpa Street with the School City of Fort Wayne.

The old buildings owned by the Highway Commission, located on Catalpa Street, are outdated, have no sewer, and a power line bisects the property. Further, it is primarily residential and park area, in addition to being badly located for highway district purposes, and we are poor neighbors.

Under this plan, the school city acting through an industrial realtor, will purchase acreage adjacent to our highway commission’s sub-district maintenance location north of the city, and next to Interstate 69 and the Pennsylvania Railroad. There will be built on this real estate a new Administration Building for the State Highway Commission, to our specifications.

Our commission’s top engineers feel this is where we should be located and should establish a modern, up-to-date district complex.

The School City of Fort Wayne plans to use the present Catalpa Street Administration Building as a commissary, and plans to build further school buildings on that location.

It would appear to be a good proposition for both the school and the highway commission, and this legislation enables both governmental units to proceed legally to consummate such a change.
MOST HIGHWAY LEGISLATION FAVORABLE

There were many other bills introduced in this session of the Indiana General Assembly which would have affected the highway commission and some to a very damaging degree; but most of these bills were not enacted and many died in the committee. The Indiana State Highway Commission has no money budgeted for lobbying purposes. However, we were called before numerous committees and allowed to give our views on most of these bills. I believe, by and large, the legislature expressed confidence in the highway commission and our recommendations, and that we were thus able to help defeat much ill-conceived legislation which would have been harmful to our department and to the state, had it passed. There is no question but that future highway commission's and our many other supporters of good highways will need to be ever vigilant in the future.