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Foreword

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Foreword

John A. Volpe, Secretary of Transportation

In a day of unprecedented national concern for environmental quality, few issues evoke the emotion produced by the question of the highway in the city. In the course of the country's current dialogue, the urban highway has been characterized by some as essential to our concept of what the city and its surroundings should be. For others, the freeway has come to symbolize a triumph of technology over planning—of politicians over people. The special feeling that many Americans express about urban highways flows from their daily exposure to the subject. The freeway is not an issue that people have to read about; it is a part of their lives. Nor is its effect gradual, like that of many other sources of citizen concern. The construction of a highway is a massive undertaking with an important and immediate impact on the character of urban life.

The intensity of the debate on highways in cities, therefore, should come as no surprise. Nor should it offend those charged with building and maintaining our system of public roads. While the American highway network is undoubtedly one of the world's greatest public works achievements, it has not been an unmixed blessing. On the positive side, the federal-aid highway program has provided a means of moving people and goods at reasonable cost with safety and efficiency, has produced increased job opportunities, and has tied the country together as never before. But highway right-of-way requirements have divided some communities and destroyed others, have consumed acres of increasingly precious open space, and have been a critical element in the creation of present land use patterns. The difficulty is particularly acute in our urban areas where, without proper planning, new highway construction can exacerbate already critical pollution and congestion problems.

Steps have been taken to provide for greater public participation in the highway planning process and to assure better provision for relocation housing for those displaced by federal-aid highways. More concern is being given

to the public's interest in the preservation of areas such as parks, wildlife refuges, and historic sites, as demonstrated in the decision to re-design or eliminate highways planned for the Vieux Carre in New Orleans, Beaucatcher Mountain in Asheville, North Carolina, and Franconia Notch, New Hampshire. But much remains to be done. Only continuing public discussion and criticism can generate the ideas we need to ensure that our highway projects are consistent with the values essential to a viable urban society. The editors of the *Catholic University Law Review* are to be commended, therefore, for devoting the pages of their Seventy-Fifth Anniversary issue to so crucial a topic. For if a national debate on the federal-aid highway program is to be useful at all, it must be informed. It must be founded upon an understanding of the complex administrative process that facilitates the federal-state partnership in highway planning and construction.

What opportunities are presently provided for meaningful citizen participation in the highway planning process? Are there ways in which the highway program can be rendered more responsive to the popular will? Are there ways of improving the comprehensive transportation planning process required by federal law to be carried on in urban areas? What has been the impact of the federal highway program's unique "trust fund" financing mechanism? What do we know about the air, water, and noise pollution associated with highway construction and use? There are detailed treatments of these subjects in the pages ahead, and they will surely contribute to the quality of future discussion in this area.

No consideration of the highway in the urban environment would be complete without an examination of the increasingly important role courts are playing in the adjudication of highway location disputes. As the bar has become more familiar with federal, state, and local criteria, and as access to the courts has become increasingly available, judges have begun to scrutinize administrative determinations with more care than ever before. In my view, this is a welcome development. The significance of governmental decisions for individual citizens can be great. A vigilant judiciary is therefore essential to assure that all of the rules are observed, and that programs are administered equitably. This too is a topic taken up in the pages ahead.

Other subjects are also examined in this important issue: the Highway Beautification Act, public transportation, the implications for federal activities of the National Environmental Policy Act of 1969, and others. In short, the reader interested in the urban highway question will find in these articles a great deal of valuable information, and this issue should become an important addition to the urban transportation bibliography. I hope it will receive the careful reading it deserves.