

DECISION**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-186398

DATE: SEP 13 1976

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MATTER OF:

Department of the Army--availability of appropriations
for traffic light on State highway

DIGEST:

Costs of procuring and installing traffic control light on Federal property to regulate traffic at intersection of Federal installation and State highway may be paid by the Army since the structure is located entirely on Federal property, for the benefit primarily of Federal employees or military members, and is necessary for safe ingress and egress to the military installations. 36 Comp. Gen. 286 (1956) and 51 id. 135 (1971) distinguished.

This is in response to a request for an advance decision from the Acting Comptroller of the Army as to the availability of money appropriated to the Department of the Army for the acquisition and installation on Federal Government property of a traffic light to regulate traffic at the intersection of a State highway and an Army installation.

The State highway bisects Carlisle Barracks, Pennsylvania, an Army installation. Traffic must cross Claremont Farm Road, the State road, to travel from one part of Carlisle Barracks to the other. A local traffic study as well as two serious accidents at the intersection where traffic moving from one side of the base to the other crosses Claremont Farm Road have convinced both Army and local officials of the need for a traffic light at this intersection. However, local authorities have declined to purchase a traffic light because of insufficient funds. They have agreed, however, to maintain and repair a traffic light if the Army purchases and installs it.

Although recognizing that prior decisions of this Office at 36 Comp. Gen. 286 (1956), and 51 id. 135 (1970) have precluded the availability of appropriations for installation of traffic lights, the Army contends that this case may be distinguishable in that the traffic light could be located entirely upon Federal property, and that the local road actually bisects the Federal installation.

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PUBLISHED DECISION
55 Comp. Gen.

It is our view that under the circumstances of this case, appropriated funds may be expended to provide a traffic light on Federal property to regulate traffic at the intersection with the State highway.

In 36 Comp. Gen. 286 (1956), the question arose whether the Army could:

"* * * legally procure and install a traffic control device upon a highway over which the United States exercises no legislative jurisdiction * * *"
(Emphasis added.)

The question was answered in the negative since traffic control is a local governmental function. Local functions are financed from local revenues and taxes, and Federal contributions in lieu of State and local taxation are not authorized in the absence of specific legislative authorization. See also 51 Comp. Gen. 135 (1971).

In this case, however, the traffic control device can apparently be physically located on land over which the United States does exercise legislative jurisdiction, and will be used for the purpose of controlling traffic moving from one portion of the Federal installation to the other. While it would also have the effect of controlling traffic on the State highway, it is apparent that the primary benefit of the traffic control installation would be to the United States.

In 24 Comp. Gen. 599 (1945), we said that local governmental functions are those which are exercised for the benefit and welfare of the community at large. While that is true of traffic control in general, the particular action proposed in this instance is primarily for the benefit of the Federal facility where the traffic light is to be installed. Under the circumstances, we would not be required to object to the procurement, installation, and operation by the Army of a traffic control device on United States property at Carlisle Barracks.

B.F. KELLER

Acting Comptroller General
of the United States