

cost estimate submitted to the Congress in compliance with section 104, title 23, United States Code: Highways.

We believe that we are far enough along in the interstate program that our cost estimates should be based on logical locations, and when your committee approves an estimate that you have the right to assume that any portion of the estimate is based on a suitable or logical location.

We believe that such action on your part would resolve some of the controversy that now exists as to highway locations.

At the risk of being charged as insensitive to recreation conservation and historical sites, we believe there is an overemphasis and over-enthusiasm in administering section 4(f) of the Transportation Act of 1966, to the point that needed highway improvements are being delayed and complicated and that section 4(f) is being used to reopen decisions previously made or to slow down the program.

We can assure the committee that as responsible State agencies, we must answer to the public, and we are closer to the public, and we are as interested in preserving esthetics and historical sites as anyone else. We believe that the Congress wrote its intent regarding the administration of section 5(f) in the legislative history, but now we feel that that intent should be spelled out in legislation.

We are conscious of an involvement by nonhighway oriented attorneys and policy planners in the Department of Transportation in writing minutia and details in instructional and procedural memorandums pertaining to section 4(f), and that much of this detail definitely encroaches on the authority and responsibility vested by the States in their highway commissions.

The same thing that applies to section 4(f) also applies to memoranda regarding public hearing procedures. The procedures go into complete detail and would over-legalize every component of the public hearing procedures.

Under the draft memorandum, any highway opponent could stop a highway project for an almost indefinite period.

The public hearings required by the Congress were originally intended for the public to have a highway proposal explained to it by its highway department, and for the opportunity to comment on the proposal and on a basis that it would not require witnesses to be accompanied by legal counsel.

The detail in the 20-8 memorandum on public hearings practically strips the State highway commissions of any prerogatives in this area, and fragments the control of a highway program to almost any group that might wish to become involved.

Under the new philosophy in the Department of Transportation, there is a failure to recognize the 50-year old Federal-aid highway program as a joint partnership program with the States having the right of initiation of projects and realizing that the States are putting some sizable chips into the program themselves.

There seems to be an overriding philosophy that the highway program is a Federal program, and that the States should be told what to do and how to do it in detail.

In fact, the basic Federal-aid law prescribes that a State must have a competent and adequate highway organization to participate in