pertain to unzoned areas and they read almost identically. They simply have not been negotiated.

Of course, this is part and parcel of the fact that you mentioned a moment ago that we start with a national standard; namely, that the Secretary and the BPR is insisting on one existing, other kind of commercial use, and the whole argument is how far from that use may other activities be? And they practically settled on 500 feet, with a few variations running up to 700 feet; one under 400 feet; two to 600 feet; the remainder at 500 feet.

So there really has not been mutual agreement. Certainly, they have not been initiated by the States because no one can tell me that you would have 17 agreements all written with the commas in the same places, if they had been initiated by the States.

Mr. CRAMER. So in effect, in this instance, too, we are ending up with national standards or standards insisted upon by the Bureau rather than initiated by the States?

Mr. SPOONER. That is absolutely correct.

Mr. CRAMER. In the report of that bill, it was said that the distance from the business establishment will be established in terms of customary use in the State, and the needs of the area as determined by geographic, sociological, economic and other factors.

To your knowledge and information, have State laws or agreements been based upon these principles?

Mr. SPOONER. That is one of the most interesting little stories in this whole program, Congressman Cramer.

First, on page 6, I think it is, we enumerated nine States which have significantly opened up the rural areas. All nine of those have in effect, sought to be liberal along the lines of these criteria stated in the Senate committee report; but they have not done so. Those nine States have significantly opened up areas in the terms of that Senate Statement of Criteria, customary use, topography, and so forth, that you just mentioned; but two of the States that have passed compliance laws, namely Utah and West Virginia, did write into their compliance laws, criteria for the negotiation of these agreements, which in substance and in principle, are quite similar to those criteria laid down at page 9 of the Senate report.

Now, the difference between them is this:

Utah still remained an open end law, giving blanket check authority to its highway department.

Their Governor was their negotiator. It said that, we will start with the so-called standards of January 1967 but if possible, try to get these other things in; something that will take care of customary use, and so on; but it was not firm. It was only suggestive. As a result, the BPR ignored these very criteria that were set forth in the Senate report; overrode the suggestions of the State of Utah and pushed through an agreement on its own terms with one minor exception.

The other State, which expressly adopted criteria in its compliance law, substantially the same as those set forth in the Senate report, was West Virginia.

However, its criteria were not merely suggestive. They said, the agreement shall do this and shall do that. So that it was a firm compliance law. The result is there has been no agreement signed with respect to West Virginia.