

MR. EDMONDSON. I would like also to have supplied for the record, if you reached a point of determination with regard to some States whose laws obviously are not the basis for an agreement, the identification of those States.

MR. BRIDWELL. Mr. Edmondson, may I ask the committee's indulgence in the latter category, to put it on the basis that our preliminary evaluation of a State's statute is that it is in conflict with the Federal law? And I ask that indulgence because, as I say, at this point in time we have not taken the position that any State law is in conflict and that we therefore cannot even attempt to negotiate an agreement.

MR. EDMONDSON. Mr. Chairman, would that be satisfactory, to have it submitted on that basis, that there has been a preliminary finding by the Department that the law is not in compliance?

MR. KLUCZYNSKI. Without objection, it will be made a part of the record.

(Information follows:)

As of May 30, 1968, 33 States have enacted some form of legislation for the control of outdoor advertising. Of this number, the following listed 19 States have enacted legislation to carry out all of the provisions of Title I of the Highway Beautification Act of 1965 and, in the opinion of the Secretary, appear to provide the designated State agency adequate authority as a basis upon which the States could enter into agreements.

Alaska	New York (not yet signed by Governor)
Arkansas	North Carolina
California	Rhode Island
Connecticut	Utah
Hawaii	Vermont
Idaho	Virginia
Kentucky	West Virginia
Louisiana	District of Columbia
Maryland	Puerto Rico
New Mexico	

Texas, Colorado and New Hampshire have passed laws which are temporary in nature; the Texas legislature passed a resolution which authorizes negotiation relative to outdoor advertising controls under the Federal Act, while in Colorado and New Hampshire moratorium statutes restrict the erection of new signs for a designated period of time.

North Dakota enacted a unique law which sets up a highway Corridor Board to regulate outdoor advertising in addition to other duties. This law appears to be reasonably susceptible to several alternate methods of implementation. Therefore, the adequacy of this law to fully comply with the Highway Beautification Act of 1965 will be contingent upon the State's interpretation and implementation of its provisions.

Specific standards and provisions are written into the laws of the remaining 10 States listed below:

Georgia	Missouri
Indiana	Montana
Kansas	Oklahoma
Michigan	South Dakota
Mississippi	Wyoming

Based upon a preliminary review of these laws, certain features contained therein raise serious questions as to the State's authority to fully comply with the Highway Beautification Act. Final determination as to whether these laws are in need of amendment or further legislative action will rest upon State interpretation of the various statutory provisions and the authority of the designated State agencies to negotiate satisfactory agreements with the Secretary to comply with the Federal Act.

MR. KLUCZYNSKI. Any further questions?

MR. EDMONDSON. I have no further questions, Mr. Chairman.

Mr. CRAMER. Will the gentleman yield?

Mr. KLUCZYNSKI. Mr. Cramer.

Mr. CRAMER. Are you interested on States enacting State legislation calling for the removal of billboards that are not in conformity to the Federal law? Removal now or in the near future?

Mr. BRIDWELL. We have not, Mr. Cramer, developed any model legislation in the sense that we suggest to the States or demand of the States what kind of legislation they should enact. There have been a few instances in which a State authority sponsoring legislation before a legislature has asked for our comments upon draft legislation, which has been provided.

Other than those kinds of conditions, we have not tried to suggest or require, or any other kind of action, what the legislation should contain before a State legislature other than providing each of the States the Federal statute plus the clarifying policy statements that have been made by the Secretary, either before the committee or in exchange of correspondence with the committee.

Mr. CRAMER. Well, you had some standards and we had some discussions about them and disagreements and so forth.

Mr. BRIDWELL. That is correct.

Mr. CRAMER. As I understand it, there have been no additional standards developed or promulgated or issued, as a guidance to the States, relating to their carrying out in particular title I.

Mr. BRIDWELL. I think the committee made it very clear that it was somewhat less than enthused with our draft standards.

Mr. CRAMER. You have not tried to redraft them?

Mr. BRIDWELL. So that you are quite correct, we have not attempted to redraft the standards for a very good reason, that the standards—if you may call them standards—apply individually in each State in accordance with the agreement reached with the State. So there are no such things as national uniform standards, but the standards result rather from the negotiated agreement with each of the States.

Mr. CRAMER. The thing that bothers me basically is that if you are encouraging States—and I am sure you would not discourage them—to pass legislation to take down billboards, there is no money to do it. The State is going to have to pick up the cost, right?

Mr. BRIDWELL. The State would have to pick up the cost or some other kind of action would have to take place; yes, sir.

Mr. CRAMER. How many of the 17 agreements are with States whose legislatures have not yet acted?

Mr. BRIDWELL. I will have to supply that for the record, Mr. Cramer.

(The information follows:)

OUTDOOR ADVERTISING AGREEMENTS WITH STATES WHOSE LEGISLATURES HAVE NOT YET ACTED

During the hearing on May 23, 1968, Mr. Cramer inquired as to how many of the agreements are with States whose Legislatures have not yet acted.

These are: Minnesota, Maine, Iowa, Pennsylvania, and Delaware.

The original agreement with New York was signed prior to the time that the Legislature had taken action. On May 25, 1968, the New York Legislature enacted an outdoor advertising control bill, which is presently awaiting the Governor's signature. This bill ratified and approved a revised agreement with New York, signed May 13, 1968.

The original agreement with Maryland was signed prior to the enactment of State legislation. The Maryland Legislature later enacted a law containing substantially the same terms as the agreement. Certain minor changes were made by the Legislature in the standards; these are considered acceptable and a revised agreement will be executed in the near future.

The agreement with Alaska was signed prior to enactment of State legislation. Subsequently, the State Legislature enacted a law ratifying the agreement.

Mr. CRAMER. Some of them are?

Mr. BRIDWELL. Yes, the one that I am particularly familiar with right at the moment, because the legislature is in the process now of enacting legislation to carry out the agreement, is the State of New York, so that is one instance.

Mr. CRAMER. Well, I think maybe the only way we will get to the bottom of what is being done, what judgments are being exercised, what importuning is taking place relating to the State, legislatively or otherwise, would be, Mr. Chairman, to suggest that they submit a State-by-State analysis of what has occurred and what the present status is.

Mr. BRIDWELL. We will be glad to supply such an analysis, Mr. Cramer. We, I believe, routinely have supplied to the committee copies of each of the agreements signed.

Mr. CRAMER. We have that, I think.

Mr. BRIDWELL. So that there has been a very positive attitude on our part that the committee should be fully informed of the progress of our program of attempting to reach agreements with each of the States.

Mr. KLUCZYNSKI. Mr. Bridwell, will you supply the committee with that information?

Mr. BRIDWELL. Yes, we will be glad to, Mr. Chairman.
(The information follows:)

OUTDOOR ADVERTISING CONTROL—STATUS OF NEGOTIATIONS

During the hearing on May 23, 1968, Mr. Cramer requested that the Department submit for the record a State-by-State analysis of what has occurred during the negotiations on outdoor advertising control, and the present status of said negotiations.

Following the hearings before the Subcommittee on Roads in April and May of 1967, Secretary Boyd wrote to Chairman Kluczynski on May 24, 1967, outlining four points of policy which would be followed in administering Title I of the Act. Chairman Kluczynski released the text of this letter in a press release on June 2, 1967, and on June 8, 1967, the Secretary acknowledged the press release of June 2 and advised that he had on that date directed the Federal Highway Administrator to proceed as expeditiously as possible to work out, within the framework of the May 24 letter, agreements with the States for implementation of the Act. These three documents were transmitted to the States by Federal Highway Administration Notice of June 26, 1967, together with Mr. Bridwell's statement of May 2, 1967, before the Subcommittee.

The pattern of negotiations has been virtually the same with respect to all States. During the initial meeting or correspondence with the State, the State has been requested to work out proposed standards and criteria which, in the State's opinion, would be reasonable and effective in the light of conditions within the State. State officials have been informed of the status of negotiations in other States, and copies of agreements executed have been transmitted to all States shortly following signature. In this manner, the initiative in developing the standards has come from the State, and all States have been kept fully aware of the status of negotiations and agreements with their fellow States.

ALABAMA

On August 7, 1967, Administrator Bridwell wrote to Alabama Highway Director Nelson asking that the State develop proposed standards for outdoor advertising control for study and mutual discussion. Mr. Nelson replied by letter of August 17, 1967, that the State Legislature then had before it bills providing for highway beautification, including outdoor advertising control and the State did not consider it wise to attempt to enter into an agreement with the Federal Government while the Legislature was considering those bills. Several attempts were made in subsequent months to arrange for further negotiations; no affirmative reaction was received from the State until recently. A meeting is now scheduled for June 19 between State officials and Administration representatives in Montgomery.

ALASKA

On August 7, 1967, the Administrator wrote to Commissioner Gonnason of the Alaska Department of Highways, asking the State to develop proposed standards for outdoor advertising control in Alaska which could be used for study and mutual discussion. On March 4, 1968, a draft of a proposed agreement prepared by the State was received. This was determined to be satisfactory and the State was so advised. The agreement was executed by the State and signed by the Administrator on March 29, 1968.

ARIZONA

On August 7, 1967, Mr. Bridwell wrote to State Highway Engineer Price of the Arizona Highway Department asking the State to develop proposed standards for study and mutual discussion. Mr. Price replied on August 17, 1967, indicating that the Governor's Commission on Arizona Beauty was planning to set up a Citizens' Committee, to be appointed by the Governor, for the purpose of drafting billboard and junkyard legislation for presentation to the 1968 Legislature. Mr. Price continued that the assistance of a Federal representative would be requested at the appropriate time.

On October 23, 1967, a Federal Highway Administration representative met with the Citizens' Committee in Phoenix, at the Committee's request. The Federal representative explained the requirements of the Federal Act of the Committee, which represented a number of different interests, including the outdoor advertising industry. A second meeting at the request of the Committee was held on November 20, 1967, and there were a number of subsequent telephone conversations between State and Administration representatives concerning the provisions of the proposed outdoor advertising and junkyard control bills. During these discussions, mutually satisfactory control provisions were worked out. On February 22, 1968, two representatives of the Administration appeared before a joint committee of the Arizona Legislature and explained the Federal Highway Beautification Act and its requirements. The Arizona Legislature adjourned its 1968 session, however, without acting on the proposed legislation.

ARKANSAS

Negotiations were commenced on June 5, 1967, when a Federal Highway Administration representative conferred with State officials in Little Rock. Mr. Bridwell thereafter wrote to Director of Highways Goodman on August 7, 1967, and requested the State to develop proposed standards for further study and mutual discussion. At the request of the State, an Administration representative attended a conference in Little Rock on October 26, 1967, to discuss proposed standards which had been developed. On March 27, 1968, the Arkansas Highway Commission authorized Director Goodman to hold a public hearing on the proposed standards and thereafter execute an agreement with the Federal Highway Administration. This hearing was held in Little Rock on May 15, 1968. The State is now considering the information presented at the hearing.

CALIFORNIA

Negotiations with California were commenced on July 24, and 25, 1967, when representatives of the Federal Highway Administration met with State officials, including members of the Legislature, in Sacramento. Details of size, lighting, and spacing standards were worked out and were included in a bill passed into law by the California Legislature. Subsequent meetings were held in Sacra-

mento on September 5, 1967, and January 10, 1968. These, together with a number of telephone conversations between the State and Administration representatives, concerned the definition of an unzoned commercial or industrial area and the wording of the agreement. The agreement was executed on February 15, 1968.

COLORADO

Negotiations were commenced on June 7, 1967. At that time a representative of the Federal Highway Administration met with State officials in Denver. These negotiations were continued in Denver on July 5, 1967, and on August 7, 1967. Mr. Bridwell wrote to Chief Engineer Shumate asking the State to develop proposed standards for outdoor advertising control for further study and mutual discussion. In reply, Mr. Shumate wrote on August 11, 1967, that it would be their intention to work closely with the Administration during the winter of 1967-68 in attempting to develop satisfactory legislation which could be recommended to the Legislature.

On January 20, 1968, representatives of the Administration met with Senators Allott and Dominick, other members of the Colorado Congressional Delegation and Colorado State Legislators in the U.S. Capitol at Senator Allott's request. At that time the provisions of the Highway Beautification Act were explained and questions of the State Legislators were answered. On January 25, 1968, a representative of the Administration again met with Colorado State Highway Department officials in Denver, at which time they reviewed proposed legislation to be considered by the 1968 session of the Colorado Legislature. However, the Colorado Legislature did not enact the proposed legislation, but instead extended the previously enacted moratorium legislation.

CONNECTICUT

Negotiations were begun on May 25, 1967, when a Federal Highway Administration representative met with State officials in Hartford. Additional meetings were held in Hartford on June 20, 22, and 26, 1967, and on several occasions subsequent to June 26, State officials were telephonically in contact with Administration representatives. The agreement with Connecticut was signed on September 11, 1967.

DELAWARE

On August 7, 1967, Mr. Bridwell wrote to Director Davidson of the Delaware State Highway Department asking that the State develop proposed standards for study and mutual discussion. On August 18, 1967, representatives of the Federal Highway Administration met in Dover with Mr. Davidson and other State officials. On January 4, 1968, the State forwarded a draft of a proposed agreement. Generally, the draft was entirely satisfactory and the State was so advised. On April 11, 1968, a second draft of a proposed agreement was received. Several changes were suggested to the State for consideration prior to the preparation of the final agreement. The agreement with Delaware was executed on May 1, 1968.

DISTRICT OF COLUMBIA

On June 1, 1967, an initial meeting was held between officials of the District of Columbia Department of Highways and Traffic and representatives of the Federal Highway Administration. Provisions of an agreement were worked out during this meeting, and were finalized in telephone conversations and an additional meeting between Department of Highways and traffic officials and Administration representatives. The agreement was signed on September 7, 1967.

FLORIDA

Negotiations were begun on April 14, 1967, when a Federal Highway Administration representative met with Chairman Jay W. Brown of the State Road Board and other State officials at Tallahassee. On August 7, 1967, Mr. Bridwell wrote to Mr. Brown asking that the State develop proposed standards for study and mutual discussion. In reply, Chairman Brown wrote on September 5, 1967, that their attorney was of the opinion that no agreement could be signed until the Legislature had given them legal authority to do so. Chairman Brown did request an additional meeting to discuss future implementation of the Act. This meeting was held on November 28, 1967, in Tallahassee, attended by two Administration representatives, and on November 30, 1967, Mr. Brown wrote of their

desire to cooperate in every manner possible in implementing the Act as soon as the Florida Legislature authorizes them to do so and Congress appropriates sufficient funds to proceed.

GEORGIA

Negotiations with Georgia were begun on November 29, 1967. On that date representatives of the Federal Highway Administration met with State officials in Atlanta. At the meeting the Georgia officials were advised that the existing Georgia law contained features which would be regarded as objectionable insofar as forming the basis for an agreement. Subsequently by letter dated December 28, 1967, the State submitted a proposed agreement, based on the existing Georgia law, for consideration. By letter dated January 29, 1968, Mr. Bridwell pointed out that certain features of the agreement would not be considered acceptable to the Secretary, and, in addition, certain provisions would conflict with the language and intent of the Federal Act. Mr. Bridwell offered to discuss the matter further or to negotiate an interim agreement pending further State legislative action. By letter dated April 24, 1968, the State accepted the offer to meet and negotiate, and a conference has been scheduled for June 18, 1968, in Atlanta.

HAWAII

Chief Highway Engineer Albert C. Zane advised in March, 1967, that the State highway department was agreeable to entering into an agreement providing for outdoor advertising control in Hawaii. Hawaii wished to consider two different agreements, one incorporating the standards contained in the January 10, 1967, report to the Congress and the other to contain the more restrictive requirements of State law. In response to the State's request two sample agreements were prepared in the Washington office and transmitted for the State's consideration. The State elected to sign an agreement incorporating the more restrictive provisions of State law. This agreement was executed on July 13, 1967.

IDAHO

Negotiations were commenced on July 31, 1967, in Boise. On that date a Federal Highway Administration representative met with State officials. Negotiations were continued in Boise on August 22, 1967, and in compliance with their law the State held public hearings in late August 1967 in Boise and five other locations in Idaho concerning their proposed regulations. By letter dated December 1, 1967, the State submitted a draft of a proposed agreement; on December 15, 1967, three signed copies of a proposed agreement were submitted by the State. On January 18, 1968, the agreement was discussed telephonically with State Highway Engineer Mathes and on January 26, 1968, Mr. Mathes wrote that the proposed changes suggested would be placed on the agenda of the Idaho Highway Board at its next meeting. On February 23, 1968, Mr. Mathes submitted a revised agreement, which was under consideration when the State advised by telegram that they had been enjoined in State court from enforcing any provisions of their State outdoor advertising law and executing an agreement with the Secretary. The State's telegram revoked the offer to agree and the signed agreement forwarded by letter dated February 23, pending disposition of the suit.

ILLINOIS

Negotiations with Illinois were commenced on May 5, 1967, when a representative of the Federal Highway Administration met with State officials in Springfield. Discussed at that time was an outdoor advertising control bill which had been drawn up by the Illinois Division of Highways for submission to the Legislature. On May 9, 1967, an Administration representative testified before a hearing of a committee of the Illinois Senate and stated that the Illinois Division of Highways bill would form a satisfactory basis for an agreement with the Secretary. A more liberal bill was reported out favorably by the Senate Committee and telephonic negotiations were commenced by Administration representatives and State officials as to points of acceptability in the bill under consideration. These continued until June 1967 when the bill was defeated in the Illinois House. Since that time the State has declined to continue further negotiations.

INDIANA

Negotiations with Indiana will commence on June 6, 1968. On that date representatives of the Federal Highway Administration will confer with State officials in Indianapolis.

IOWA

Negotiations were begun in Ames, Iowa, on August 10, 1967. On that date, representatives of the Federal Highway Administration met with State officials. These negotiations were continued in Ames on September 28, 1968. At that time, a draft agreement was discussed. A draft agreement was submitted by the State by letter dated October 9, 1967, and was found generally acceptable; comments for clarification purposes were transmitted to the State. A second draft was submitted by the State on December 6, 1967, and on December 18, 1967, a representative of the Administration met with members of the Iowa Highway Commission in Ames. On December 20 the State submitted a signed agreement; by letter dated January 24, 1968, the Administrator advised the State that he found the terms of the agreement satisfactory with several exceptions, and suggested several changes. On February 16, 1968, the State forwarded a proposed amendment to its outdoor advertising control agreement. On April 12, 1968, Mr. Bridwell sent to the State an agreement which combined the amendment with the original agreement and clarified certain language contained therein. On May 20, 1968, the State submitted a revised draft, and by telegram of May 27, 1968, the State was advised that the draft was entirely satisfactory. The agreement was signed June 12, 1968.

KANSAS

Negotiations were commenced on August 7, 1967, when Administrator Bridwell wrote to Director Montgomery of the Kansas State Highway Commission asking that the State develop proposed standards for study and mutual discussion. On September 6, 1967, a representative of the Administration met with State officials in Topeka.

KENTUCKY

Negotiations were begun on August 10, 1967, in Frankfort; on that date a representative of the Federal Highway Administration met with State officials. In November 1967 the State submitted a draft of a proposed agreement. Certain changes were suggested in telephonic conversations with State officials and in a meeting in Washington on November 29, 1967. On December 5, 1967, the State submitted a signed agreement, which was executed by the Administrator on December 11, 1967.

LOUISIANA

Negotiations were commenced on October 31, 1967. On that date representatives of the Federal Highway Administration met with State officials in Baton Rouge. These negotiations were continued on December 12, 1967, and on December 28, 1967, the State submitted an agreement for consideration. By letter dated January 24, 1968, the Administrator advised the State of his reluctance to accept one provision of the agreement. This provision was further discussed in the State's letters of February 5 and April 1, 1968, and the Administrator's letter of March 4, 1968. The State's proposal is presently under consideration in the Administration at the present time.

MAINE

On August 7, 1967, the Administrator wrote to Chairman Stevens asking that the State develop proposed standards for study and mutual discussions. On November 21, 1967, a Federal Highway Administration representative met with State officials in Augusta and on December 28, 1967, an attorney for the Maine State Highway Commission brought to Washington a proposed agreement. Certain changes were made in the agreement which was executed on that date by the Administrator. The changes made were later approved by the Maine State Highway Commission.

MARYLAND

Administrator Bridwell wrote to Chairman-Director Wolfe on August 7, 1967, asking the State to develop proposed standards for study and mutual discussion. On October 5, 1967, State officials met with Administration representatives in Washington. On January 15, 1968, the State held a public hearing on their

proposed standards and on January 30, 1968, an attorney of the Maryland State Roads Commission visited the Washington offices to discuss the proposed agreement. Several minor language changes were suggested. The agreement was executed on February 15, 1968.

MASSACHUSETTS

Negotiations were commenced on July 26, 1967, when an Administration representative met with State officials in Boston. At that time, the State indicated that a legislative study committee had been assigned the responsibility of drawing up proposed regulations and legislation. Although the Administration has offered to continue these negotiations on several occasions, no affirmative response has been received from the State. On April 8, 1968, Deputy Administrator Jamieson wrote to Commissioner Ribbs assuring Mr Ribbs that the Administration was ready to resume the negotiations begun on July 26, 1967.

MICHIGAN

Negotiations were commenced on December 5, 1967, when Administration representatives met with State officials in Lansing. The State, by letter dated February 16, 1968, submitted a proposed agreement which was based on the provisions of the existing Michigan outdoor advertising control law. By letter dated March 8, 1968, Highway Beautification Coordinator Fred S. Farr advised the State that he was of the opinion that certain provisions in the proposed agreement would not be acceptable as a basis for agreement with the Secretary, and in addition certain of the provisions appeared to conflict with the language and intent of the Federal Act itself. Mr. Farr's letter stated that the Administration would be happy to discuss the matter further with the State at their convenience. At the State's request, representatives of the Administration appeared before a joint committee of the Michigan Legislature in Lansing on April 23, 1968. The Administration's objections to the existing Michigan law were explained and the Administration again offered to meet with officials of the State to work out mutually agreeable terms which could be included in a proposed amendment to the existing law. The joint legislative committee asked that Federal and State officials meet with representatives of the outdoor advertising industry in attempting to resolve the differences. The Administration representatives readily agreed to do so, provided State officials were also willing.

MINNESOTA

On August 9, 1967, representatives of the Administration met with officials of the State in St. Paul. These negotiations were continued on November 20, 1967, when Administration representatives again met with State officials in St. Paul and discussed the provisions of a draft agreement. The agreement was prepared in final form by the State and submitted on December 4, 1967, and was executed by the Administrator on December 11, 1967.

MISSISSIPPI

Federal Highway Administration representatives met with State officials on November 1, 1967, in Jackson. Objections to certain provisions of the existing Mississippi outdoor advertising control law were pointed out to State officials. By letter dated December 1, 1967, Chief Engineer Johnson submitted a proposed amendment and on December 13, 1967, Administration representatives met with Mr. Johnson and other State officials to discuss the provisions of the proposed amendment. Minor changes in the language of the draft were suggested. By letter dated December 20, 1967, Director Robbins submitted the revised draft for review; by letter dated January 22, 1968, the Administrator advised Mr. Robbins that the standards and criteria contained therein were felt to embody the minimum requirements under which an agreement could be entered into. At the request of the State, an Administration representative met with officials of the Mississippi Highway Department and representatives of the outdoor advertising industry on April 4, 1968, in Jackson. Final details of a proposed amendment to the existing Mississippi law were worked out. The outdoor advertising industry indicating that it would support such an amendment.

MISSOURI

The State highway department, by letters of September 20, 1967, and October 24, 1967, requested that their existing law be reviewed for compliance with the Highway Beautification Act of 1965. By memorandum of December 15, 1967, the Administration's Chief Counsel's office pointed out the objectionable features of the existing Missouri law, insofar as an outdoor advertising control agreement was concerned.

MONTANA

On April 9, 1968, a representative of the Federal Highway Administration met with officials of the State Highway Commission in Helena. At that time the Administration representative pointed out that the present Montana law raises serious questions as to the State's authority to fully comply with the Highway Beautification Act. On April 22, 1968, Administrator Bridwell wrote to Chairman Blewett detailing certain provisions of the Montana law which possibly would prevent agreement. Mr. Bridwell offered to have his representatives continue to meet with State officials in further negotiations which could lead to a mutually acceptable agreement, to be contingent upon ratification by the State Legislature. Chairman Blewett, by letter dated April 30, 1968, indicated that the matter would be considered at the next highway commission meeting.

NEBRASKA

On August 7, 1967, Mr. Bridwell wrote to State Engineer Hossack asking that the State develop proposed standards for study and mutual discussion. On September 7, 1967, a representative of the Administration met with Mr. Hossack and other officials of the State in Lincoln. On January 19, 1968, Mr. Hossack discussed a draft of a proposed agreement with representatives of the Federal Highway Administration while in Washington in connection with other matters:

NEVADA

On August 7, 1967, Administrator Bridwell wrote to State Highway Engineer Bawden asking that the State develop proposed standards for study and mutual discussion. Again on January 25, 1968, Mr. Bridwell wrote to Mr. Bawden, offering to commence active negotiations. Mr. Bawden replied on February 9, 1968, stating that the State was at that time drawing up proposed standards which would be forwarded for the Administrator's review.

NEW HAMPSHIRE

Negotiations were commenced with New Hampshire on November 22, 1967, when a representative of the Federal Highway Administration met with State officials in Concord. By letter dated March 28, 1968, Commissioner Morton advised that their attorney felt that it would be unwise to enter into an agreement at that time. Commissioner Morton pointed out that the moratorium legislation enacted in 1967 had stipulated that an agreement could not be signed until the State stood to lose Federal funds. In reply of April 29, 1968, Mr. Bridwell pointed out that the moratorium legislation could endanger the State's bonus eligibility, since it might allow signs in areas restricted under the bonus agreement. Mr. Bridwell's letter offered to have representatives meet with the State to further discuss the matter. Mr. Morton by letter dated May 1, 1968, stated that the New Hampshire Legislature had been reluctant to pass more complete legislation during its 1967 session because of the lack of specific standards. In reply, Mr. Bridwell wrote that an interim agreement could be valuable to the Legislature during its 1969 session, since it could be regarded as a recommendation to the Legislature as to what the specific standards should be in the light of conditions within the State. Mr. Bridwell further pointed out that the terms of an interim agreement are not binding on the State or the Legislature and are only binding on the Federal Government.

NEW JERSEY

Negotiations were commenced on August 2, 1967, when a representative of the Federal Highway Administration met with State officials in Trenton. On August 14, 1967, Administrator Bridwell wrote to Commissioner Goldberg asking that

the State develop proposed standards for study and mutual discussion. On March 29, 1968, Mr. Bridwell again wrote to Commissioner Goldberg offering to resume the negotiations begun earlier. On May 17, 1968, Mr. Goldberg submitted a proposed agreement. By letter dated May 29, 1968, the State was advised that the agreement was entirely satisfactory.

NEW MEXICO

Negotiations were commenced on June 8, 1967, and continued on July 6, 1967. On these two dates representatives of the Federal Highway Administration met with State officials in Santa Fe. By letter dated September 5, 1967, the State forwarded a proposed agreement which was found to be entirely satisfactory and the State was so advised.

At the request of the State, an Administration representative met with State officials on October 25, 1967, and at that time the proposed agreement was rewritten to eliminate certain provisions objected to by the outdoor advertising industry. On October 26, 1967, the Administration representative spoke before the Highway Commission, explaining the requirements of the Federal Act. At that meeting, the Commission directed that the proposed agreement be given additional study by the highway department, the outdoor advertising industry, and the Federal Government. On December 21, 1967, the Chairman of the New Mexico State Highway Commission signed an agreement which was forwarded to the Federal Highway Administration on January 4, 1968. By letter dated January 24, 1968, the agreement was returned by the Administrator since the unzoned commercial or industrial area definition failed to require the existence of any commercial or industrial activity. Mr. Bridwell's letter pointed out to Chairman Trotter that this was contrary to the Secretary's policy as expressed in his letter of May 24, 1967, to Chairman Kluczynski. On February 23, 1968, negotiations were continued in a meeting between State officials and a Federal Highway Administration representative in Santa Fe.

NEW YORK

Negotiations were commenced on May 24, 1967, when a representative of the Federal Highway Administration met with State officials in Albany. These negotiations were continued on July 27, 1967, and by letter dated August 25, 1967, the State submitted for review a draft of an agreement. By letter dated September 1, 1967, the State was advised that the agreement was entirely satisfactory. The agreement, which required legislative ratification, executed on November 7, 1967.

By letter dated April 4, 1968, the State submitted a revised agreement, the details of which had been worked out in conferences with the outdoor advertising industry and representatives of the State Legislature. By letter of April 23, 1968, Highway Beautification Coordinator Fred S. Farr pointed out to the State those provisions of the proposed revised agreement which he felt would be unacceptable to the Secretary. On April 30, 1968, representatives of the Federal Highway Administration participated in a conference in Albany with officials of the State Department of Transportation, the State Legislature, and the Outdoor Advertising Industry. Most of the provisions which were in controversy were worked out during the conference and the remaining controversial points resolved during a series of telephone conversations between Washington office representatives and State officials. By letter dated May 13, 1968, the State submitted a revised agreement, which was executed by the Administrator on May 29, 1968. On May 27, 1968, the State advised telephonically that the New York Legislature, during the prior weekend, had enacted a bill containing the provisions of the agreement and that the bill was then awaiting signature of the Governor.

NORTH CAROLINA

On August 7, 1967, Administrator Bridwell wrote to State Highway Administrator Babcock asking the State to develop standards for study and mutual discussion. On August 23, 1967, Mr. Babcock advised that the North Carolina Highway Commission had instructed him to take no action towards an agreement until Congress voted an appropriation for highway beautification. By letter dated November 16, 1967, the State submitted a proposed agreement, which was discussed at a meeting in Raleigh on December 18, 1967. On April 9, 1968, negotiations with North Carolina were continued during a meeting in Raleigh.

NORTH DAKOTA

By letter dated December 7, 1967, the State forwarded a proposed agreement. Administrator Bridwell in his reply of December 15, 1967, pointed out that the unzoned commercial or industrial area definition would not require the existence of any commercial or industrial activity and for that reason would not be acceptable to the Secretary under the policy stated in the Secretary's letter of May 24, 1967, to Chairman Kluczynski. On January 11, 1967, representatives of the Federal Highway Administration met with State officials in Bismarck to further discuss a possible agreement.

OHIO

By letter dated August 7, 1967, Administrator Bridwell wrote to Director Masheter asking the State to develop proposed standards for study and mutual discussion. By letter of January 9, 1968, the State submitted a proposed agreement, which was discussed at a meeting in Columbus on January 16, 1968. By letter dated January 17, 1968, the State submitted two signed copies of an agreement. Administrator Bridwell, in a letter dated January 30, 1968, pointed out to Director Masheter that the agreement was entirely satisfactory, except that certain areas within commercial and industrial zones were excluded from any size, lighting, and spacing controls. Mr. Bridwell noted that he felt that the Administration was without legal authority to agree to such an exclusion. By letter dated March 29, 1968, the State submitted a revised agreement. The State's letter advised that the revision had corrected the exclusion noted in the Administrator's January 30 letter. Certain additional changes had been made as a result of consultations with interested parties both within and outside of Governmental circles. In reply dated May 6, 1968, the Administrator pointed out his objections to several of the new provisions and forwarded to Mr. Masheter an agreement which would encompass most of the provisions of the agreement proposed by the State and at the same time correct those features of the Ohio proposal which had been found objectionable.

OKLAHOMA

On August 7, 1967, Mr. Bridwell wrote to Director Dane asking that the State develop standards which could be used for study and mutual discussion. On August 10, 1967, Secretary Boyd, Assistant Secretary Sweeney, and other Department representatives met with Congressman Edmondson and officials of the Oklahoma State Legislature and the State highway department in Secretary Boyd's office in Washington. Administration representatives explained certain features of the Federal Act and outlined the procedures under which negotiations were being conducted. On November 27, 1967, representatives of the Administration again met with State officials, including those of the Legislature, in Oklahoma City. At this meeting a proposed bill providing for control of outdoor advertising in Oklahoma was discussed in detail and the Administration's objections to certain of its features were explained.

OREGON

On August 10, 1967, Mr. Bridwell wrote to State Highway Engineer Cooper asking the State to develop proposed standards for outdoor advertising control for study and mutual discussion. On April 2, 1968, an Administration representative met with State officials in Salem during which time the preparation of a draft agreement was discussed.

PENNSYLVANIA

On August 9, 1967, the Administrator wrote to Secretary of Highways Bartlett asking that the State develop proposed standards for study and mutual discussion. On September 18, 1967, a representative of the Administration met with State officials in Harrisburg. Negotiations were continued on November 8, 1967, and standards developed by the State were discussed. On February 20, 1968, an additional meeting was held in Harrisburg between State officials and Administration representatives and the proposed agreement was reviewed. The agreement with Pennsylvania was executed on April 19, 1968.

PUERTO RICO

Negotiations were begun on June 25, 1967, when an Administration representative conferred with Commonwealth officials in San Juan. It was determined at that time that the agreement would incorporate by reference the more restrictive provisions of existing Puerto Rico law and regulation. The agreement was signed on January 23, 1968.

RHODE ISLAND

Negotiations began on May 26, 1967, between State officials and an Administration representative during a meeting in Providence. The State subsequently developed a proposed agreement, which was discussed at a second meeting on June 21, 1967. The agreement was signed on June 28, 1967.

SOUTH CAROLINA

On August 7, 1967, Administrator Bridwell wrote to Commissioner Pearman asking that the State develop proposed standards for study and mutual discussion. By letter dated December 12, 1967, the State submitted a draft of a proposed agreement, which was discussed in detail on January 17, 1968, at a meeting in Columbia attended by State officials and a representative of the Federal Highway Administration. By letter dated March 8, 1968, Highway Beautification Coordinator Fred S. Farr offered comments on proposed legislation which was being prepared by the State.

SOUTH DAKOTA

On September 27, 1967, the State submitted to the Secretary a copy of its law controlling outdoor advertising and requested a determination as to whether an agreement could be negotiated under the terms of the State law. By letter dated January 9, 1968, the State was advised that the existing law did not provide for the necessary control as contemplated under the Highway Beautification Act of 1955. Under date of January 16, 1968, the State submitted a proposed agreement based on the existing law and by letter dated March 7, 1968, Administrator Bridwell advised Director Olson that the agreement was unacceptable. Mr. Bridwell offered to have Administration representatives meet with State officials to discuss this matter in further detail.

TENNESSEE

On August 7, 1967, Mr. Bridwell wrote to Commissioner Speight asking the State to develop proposed standards for study and mutual discussion. On September 11, 1967, Administration representatives met with State officials in Nashville and explained the provisions of the Federal Act and the procedures which were being used in negotiations. On December 8, 1967, negotiations were continued; however, Commissioner Speight indicated that a committee of the Tennessee Legislature was presently studying the problem and had not at that time requested assistance from the Tennessee Department of Highways. Mr. Speight continued that under the circumstances he felt it unwise to enter an interim agreement.

On January 26, 1968, Administration representatives attended the Southern Regional Conference meeting of the Council of State Governments in Knoxville, Tennessee. The meeting was sponsored in part by the Tennessee Legislature and a number of Tennessee Legislators were present. An Administration spokesman explained the Department's policy in negotiations, stating that the Department desired the initiative to come from the States, but that the Department also felt strongly that it should be consulted in the development of the standards and criteria to be included in any agreement.

TEXAS

On August 17, 1967, Administrator Bridwell wrote to State Highway Engineer Greer asking that the State develop proposed standards for study and mutual discussion. On September 12, 1967, Administration representatives met with Mr. Greer and other State officials in Austin. In January 1968 the State was contacted to determine whether further negotiations were desired. By letter dated January 22, 1968, State Highway Engineer Dingwall pointed out that there were no Federal appropriations for highway beautification at that time, there were still indications that Congress might possibly either change the legislation or the

administration of such legislation, and there was at that time a cutback in Federal highway funds. These and other factors, according to Mr. Dingwall created an atmosphere of uncertainty relative to State legislation with respect to outdoor advertising control.

UTAH

On August 9, 1967, Governor Rampton submitted a proposed agreement to the Secretary. By letter dated September 29, 1967, Administrator Bridwell offered to have representatives go to Salt Lake City to discuss the agreement with the Governor or his representatives. Several meetings were held between State officials, including Governor Rampton, and Administration representatives, including Mr. Bridwell, during the meetings of the American Association of State Highway Officials in Salt Lake City in October 1967. Governor Rampton submitted a revised agreement on November 10, 1967, and further negotiations were carried on telephonically with State officials in December 1967. The agreement was signed on January 18, 1968.

VERMONT

Negotiations were begun on June 16, 1967, in Montpelier. On that date representatives of the Federal Highway Administration met with State officials. A proposed agreement was prepared, based primarily on the provisions of the then existing Vermont law. The agreement was signed on June 28, 1967.

VIRGINIA

Negotiations were commenced on May 19, 1967. On that date an Administration representative met with State officials in Richmond. These negotiations were continued on June 15, 1967, and the agreement with Virginia was signed on July 13, 1967.

WASHINGTON

Administrator Bridwell wrote to Director Prahll of the Washington Department of Highways on August 9, 1967, asking the State to develop standards for study and mutual discussion. On August 21, 1967, representatives of the Administration met with State officials in Olympia. Subsequent to that time the State has been involved in a suit testing the constitutionality of their existing law controlling outdoor advertising and has been reluctant to conduct further negotiations or enter an agreement pending settlement of the suit.

WEST VIRGINIA

Negotiations were begun on June 13, 1967, in a meeting in Charleston attended by State officials and a representative of the Administration. A second meeting was held on August 3, 1967, in Charleston and on August 25, 1967, State representatives traveled to Washington to discuss a draft agreement. Certain objections to the State's proposal were explained to the State representatives at that time. By letter dated December 6, 1967, Commissioner Sawyers submitted a signed agreement, which was discussed in detail at a meeting in Washington on February 7, 1968, attended by Mr. Sawyers and other State officials representing the State and Administration representatives. Again, Administration objections to the prepared agreement were explained. On May 2, 1968, the negotiations were continued between State officials and Administration representatives at a meeting in Washington.

WISCONSIN

Negotiations were begun on July 13, 1967, in Madison. On that date Administration representatives met with State officials at the State's request. On September 8, 1967, Secretary of Transportation Bakke advised that they had prepared a draft of an agreement which they intended to discuss with legislative leaders prior to submission. On May 17, 1968, Administration representatives again met with State officials in Madison and a draft of a proposed agreement was reviewed.

WYOMING

On January 24, 1968, a representative of the Federal Highway administration met with State officials in Cheyenne at which time the representative pointed out those features of existing Wyoming law which could prevent agreement on outdoor advertising control. On February 16, 1968, Administrator Bridwell wrote

to Governor Hathaway and urged that the State and Federal Governments work together in developing mutually satisfactory control provisions, which could be recommended to the Legislature at its next session. Governor Hathaway responded by letter dated February 23, 1968, welcoming the cooperation of the Administration.

Mr. CRAMER. Could I ask a question, how many States are being informed, as is Arizona, that you either enact legislation, you have had the opportunity to do so, or January 1, 1969, we will cut your 10 percent off?

Secretary BOYD. That was in response to a letter from the State of Arizona. We are trying to respond to any request we get for information and opinion.

Mr. CRAMER. That is all, Mr. Chairman. Thank you.

Mr. KLUCZYNSKI. Before recognizing the next gentleman who has some questions, Mr. Cleveland, the Chair wants to state that we are planning to go over until about 2:30. We will recess until 2:30.

Are there any members who cannot be present this afternoon who would like to ask some questions now? I want to recognize the gentleman from New Hampshire first, because I promised that. Will you gentleman be here later on?

Mr. CLAUSEN. Will the Secretary be back this afternoon?

Secretary BOYD. Yes, sir.

Mr. KLUCZYNSKI. Yes, sir. We tried to complete it this morning. It was impossible to complete this morning.

The gentleman from New Hampshire.

Mr. CLEVELAND. Mr. Secretary, in reply to the questions from Mr. Edmondson, who asked you about what would be ideal for safety expenditure, I believe you said it was only 33 percent of the ideal at the present time. Were you referring to authorization or appropriation?

Secretary BOYD. I was referring to authorizations. But I did not mean 33 percent of ideal. What I meant to say, Mr. Cleveland, was 33 percent more.

Mr. CLEVELAND. 33 percent authorization?

Secretary BOYD. Yes, sir.

Mr. CLEVELAND. So this would be a tremendous amount more that should be appropriated?

Secretary BOYD. Yes, sir.

Mr. CLEVELAND. There is a great deal of misunderstanding in the public mind, I am sure you realize, in the difference between authorizations and appropriations. We authorize plenty of money for safety. If this is announced, there is a great program, a lot of publicity, then when the crunch comes, the administration only recommends spending a mere pittance compared to what has been authorized, after the bill has been signed and the pictures have been taken. There is an area where there is a good deal of misunderstanding and that is why I wanted to nail that point down.

Mr. BRIDWELL. Mr. Cleveland, if I may respond for a moment, the administration has taken the position that the contract authority as originally written into the legislation by this committee and enacted by Congress, should prevail. In other words, the full authorization would be available for obligation.

Mr. CLEVELAND. The fact remains appropriations have been substantially under authorization?

Mr. BRIDWELL. That is right.

Mr. CLEVELAND. I do not care what you call it, you cannot change that particular thing.

Mr. BRIDWELL. That is correct.

Secretary BOYD. That is correct.

Mr. CLEVELAND. That is the point I am trying to make.

Mr. BRIDWELL. But it was not upon the recommendation of the administration, Mr. Cleveland.

Secretary BOYD. That is the point we are trying to make.

Mr. CLEVELAND. Now, another question. I understood you to say, Mr. Bridwell, that you have not yet said that any State was in noncompliance, vis-a-vis this billboard and beautification situation. Did I understand you correctly?

Secretary BOYD. That is correct, sir.

Mr. CLEVELAND. Then I understood you further to say—I think Mr. Bridwell said this—that some of these States have simply passed laws, which zoned everything on the interstate commercial; thereby, people could put up signs anywhere on the Interstate in those particular States. I think you said, Mr. Bridwell, that you considered that a clear violation of the law or intent of this committee.

Secretary BOYD. Yes, sir. He did.

Mr. CLEVELAND. Well, then, if that is the case, those States on the record we have here would be in violation of the beautification law?

Secretary BOYD. Well, what Mr. Bridwell indicated, and I support, is that we have not yet reached the stage on contract negotiations where the elements of a particular State law have intruded to the extent that we cannot reach agreement.

Mr. BRIDWELL. I think I can clarify it in this way, if I may. In those instances, such as the one particular one I cited that we do not believe is in conformance with the Federal law and the intent of this committee as clarified, as I mentioned before, we are attempting to negotiate an agreement with the appropriate State authority with a clause contained therein that it is subject to implementation by the State legislature; thereby giving the State authority—in this instance, the highway department—the opportunity to go back to the legislature and say, “Under your first enactment, we simply cannot arrive at an agreement. We have, however, arrived at an agreement which we think is fair and appropriate. We are now recommending new legislation to implement the agreement.”

This, to me, is a far preferable way to operate than to simply tell a State, “Your State law does not meet Federal standards, therefore you are out.”

Mr. CLEVELAND. I understand that. I also want to make the point, some of us predicted at the time the beautification bill was being debated here in this committee and on the floor of the House that there was this loophole in the law, and I think that those States that do pass laws that zone all the lands along the interstate right-of-way have found the loophole and are acting perfectly properly and acting perfectly legally.

You may find they have violated your intent and perhaps the intent of some people, but the loophole was there; it was predicted when we debated this legislation.

Mr. CRAMER. Will the gentleman yield? The other loophole—I just traveled on some interstate roads a few days ago—appears to be they are just building bigger signs beyond the 660-foot limitation.

Mr. BRIDWELL. You may want to extend that limitation.

Mr. CRAMER. The farther you get off the highway, the bigger the signs are going to be. It really does not—

Mr. CLEVELAND. The richer you have to be to build one of those bigger signs.

Mr. CRAMER. The little guy cannot compete. That is what it amounts to. So all of these national chains, hotels and such, quality courts and national chain restaurants, they are in pretty good shape; they can afford those \$600 a month gigantic signs on the hillside. But the little fellow is out of business.

Mr. BRIDWELL. Mr. Cramer, as you recall, the 660-foot limitation was, in effect, a compromise figure. There was no particular magic about 660 feet. Speaking only for myself, I would be glad to include an amendment which made it an effective distance.

Mr. CRAMER. Like what?

Mr. BRIDWELL. Whatever you believe to be adequate.

Mr. CRAMER. I mean the farther you go, the bigger the signs get.

Mr. BRIDWELL. Well, that obviously has limitations, too. Once they get over the hill, there is not much use in making a big sign.

Mr. CRAMER. You suggest 1,000 feet?

Mr. BRIDWELL. Yes, sir.

Mr. CRAMER. That just means they will put a bigger sign 1,000 feet away than one 660 feet.

Mr. BRIDWELL. "Within sight" is a pretty good definition. [Laughter.]

Mr. CLEVELAND. I do not have the time to make this in the form of a query, but, Mr. Secretary, I will tell you that, under a recent order of the Department of Transportation, Bureau of Roads, they are going to take down a lot of trees along the highway because they are fixed, immovable objects that cause a safety hazard. There has been brought to my desk, and I am sure other congressional desks, a great deal of mail and I will be in correspondence with you about this, and I want to warn you the queries are coming and these people are asking me questions: Why do we plant trees under the beautification program, when under the safety program, we are going to cut them down? That is one of the questions.

Secretary BOYD. I can answer that.

Mr. CLEVELAND. Excuse me. Why are you taking down the trees but not taking out the rock outcroppings, such as in Vermont, where they are closer to the Interstate Highway?

Mr. Secretary, this morning you read one statement and submitted another, and I would like to inquire if that statement, which was submitted but not read, is for the record?

Secretary BOYD. Yes, sir. The statement I read was a summary of the much longer statement, which is the total of my testimony.

Mr. CLEVELAND. So, Mr. Chairman, I would move that that be made a part of the record.

Mr. KLUCZYNSKI. Without objection, the statement will be made a part of the record, in its entirety.

(Statement follows:)

STATEMENT BY ALAN S. BOYD, SECRETARY OF TRANSPORTATION

I am pleased to appear before your Committee this morning to testify on the Federal-Aid Highway Act of 1968. I have with me Mr. Lowell K. Bridwell, Federal Highway Administrator, Mr. Francis C. Turner, Director of the Bureau of Public Roads, Dr. William Haddon, Jr., Director of the National Highway Safety Bureau, and Dr. Haddon's Deputy, Dr. Robert Brenner.

Since we last testified before you on authorization legislation two years and one month ago, dramatic changes have taken place in the field of transportation. The Department of Transportation has been created, and in operation for 13 months. This department includes among its modal agencies the Federal Highway Administration, which encompasses the Bureau of Public Roads and the new National Highway Safety Bureau established by the Congress to bring about increased safety on the nation's highways. The Federal Highway Administration and these two of its Bureaus now have the major responsibility within the Department for supervising the development of the finest, most efficient, and safest transportation network attainable, as a basic component of our national transportation system.

DIFFERENCES FROM PAST

Let me emphasize that the bill this year is significantly different from traditional highway legislation in several important respects. Overall, it comprises the first comprehensive program for the solution of urban highway problems that has yet been written. It attempts to deal with the vast problems of urban congestion and highway safety now facing our cities and their restless populations. The extent to which the Department of Transportation is involved in these problems is indicated by the transfer to it of the urban mass transit authority of the Department of Housing and Urban Development.

The biggest part of the authorizations requested in the bill will be used for completion of the Interstate System. But what is of even more significance is the way in which we intend to spend the rest of it, as an outgrowth of the closer look that we are taking at the building of highways in cities in view of the millions of people who have to live with those highways. So what we are proposing are new programs—programs to improve the traffic capacity of existing roadways as an alternative to new construction, to provide Federal funds for fringe parking spaces, to permit States to buy land for highways as long as seven years in advance of need, and to expand the new highway safety programs and supportive research. Not in the bill, but basic to it, is consideration of a new compensation formula for homes and businesses purchased for highway use.

PROGRESS OF PROGRAM

Before discussing the details of the legislation before you, I should like to report briefly on the progress of the Federal-aid highway program. The shape of future highway programs is now under active discussion, so it is important that we recognize what already has been accomplished.

At present, work is underway or has been completed on some 40,064 miles of the 41,000-mile Interstate and Defense Highway System, which is about 98 percent of the total. Almost 25,900 miles are now open to traffic, and construction is underway on another 5,678 miles. This means that about 64 percent of the system is now open to traffic, while only two percent has not been advanced beyond the preliminary status.

Of the 25,892 miles of the Interstate system now in use by motorists, 20,325 miles comply with prevailing standards of adequacy for future traffic; 3,262 miles are fully capable of handling current traffic, but will require additional improvement to meet projected needs. Toll roads, bridges, and tunnels incorporated in the system total 2,305 miles. In addition to sections open to traffic, 5,678 miles were under construction as of March 31, and engineering or right-of-way acquisition was being performed on another 8,494 miles.

Some \$32.6 billion has been put to work on the program since 1956. Work completed since July 1, 1956, has cost \$22.93 billion of which \$18.71 billion was for construction and \$4.22 billion for engineering and right-of-way acquisition.

PENDING BILLS

Turning now to the pending legislation, may I note there are two bills before the Subcommittee. H.R. 17134, introduced by request, comprises the Administra-

tion program. (Parenthetically, there are two minor errors in Sections 5 and 11 of the printed bill with which you already are familiar.) H.R. 16994, introduced by you, Mr. Chairman, and the Chairman of the full Committee, embodies portions of the Administration program but omits several sections. My testimony will relate to each section of the Administration bill, H.R. 17134, thereby also covering the provisions of H.R. 16994 as well, though under different section numbers. I will parenthetically identify corresponding sections of H.R. 16994, where they differ with H.R. 17134, as I proceed.

Section 1 of H.R. 17134 provides that the Act shall be cited as the "Federal-Aid Highway Act of 1968."

INTERSTATE AUTHORIZATIONS

Section 2 would revise the schedule of authorization of appropriations for the Interstate System by increasing the amounts provided therein for 1970, 1971, and 1972, and by adding authorizations for fiscal years 1973 and 1974. This is necessary in order to provide additional authorizations totaling \$8.340 billion to cover the increased costs of completing the Interstate System as reflected in the 1968 Cost Estimate for the Interstate System (House Doc. 199, 90th Congress, 2d Session).

Funds authorized by the Federal-Aid Highway Act of 1966 for 1969 and prior fiscal years have been apportioned to the States in the amounts authorized. The Interstate authorization for fiscal year 1969 was \$3.8 billion, and the apportionment to the States was made on August 29, 1967.

Interstate authorizations of \$4.0 billion annually are proposed for the fiscal years 1970 through 1973, with a balancing authorization of \$2.225 for the fiscal year 1974. These authorizations totaling \$18.225 billion for the fiscal years 1970-1974, together with the apportionments totaling \$32.415 already made for prior years, would provide the total \$50.640 billion needed for completion of the Interstate System according to the 1968 cost estimate.

APPORTIONMENT OF FUNDS

Section 3 would authorize the use of the 1968 cost estimate for the purpose of making apportionments of Interstate funds for the fiscal years 1970 and 1971 on the basis of apportionment factors shown in table 5 of that document.

We propose to furnish a revised set of apportionment factors, to replace the factors listed in table 5 of the 1968 cost estimate, in order to take into account the effect of the Howard Amendment (P.L. 90-238) in California and the cost to West Virginia of acquiring the West Virginia Turnpike. The 1968 estimate of the cost of completing the Interstate System was submitted to the Congress on January 12. Table 5 in the estimate report included no cost adjustments attributable to the Howard Amendment, nor costs relating to the West Virginia Turnpike which at that time were coded in a Toll Road category.

The major adjustment in Interstate System cost, and in apportionment factor computation, will result in West Virginia as a followup to the Comptroller General's decision on the West Virginia Turnpike and the action by the House and Senate Public Works Committees in this regard. The estimated total cost to complete the West Virginia Turnpike to four-lane Interstate standards, based on the State's 1968 Estimate Report, is \$96.1 million, and the estimated total cost of acquiring the West Virginia Turnpike is \$90.0 million, for a total of \$186.1 million.

We will be submitting a revised table of Interstate apportionment factors to reflect the inclusion of additional costs for these items.

EXTENSION OF TIME

Section 4 would extend the period of Interstate authorizations through the fiscal year 1974, and would change the date for the submission of a final cost estimate from within 10 days subsequent to January 2, 1969, to within 10 days subsequent to January 2, 1970. This final cost estimate would be for use in making apportionments for fiscal years 1972, 1973, and 1974.

AUTHORIZATIONS

Section 5(1) would authorize the appropriation from the Highway Trust Fund of funds for the Federal-aid primary and secondary highway systems and extensions thereof within urban areas (the so-called ABC program) for

the fiscal years 1970 and 1971. Annual authorizations for the ABC highways were increased considerably under the expanded highway program inaugurated in 1956, and reached a \$1 billion level beginning with the fiscal year 1966. This authorization level was continued for the fiscal years 1967 through 1969, and is further proposed for the fiscal years 1970 and 1971, when the major effort under the Federal-aid highway program will still be directed toward completion of the Interstate System. The sums authorized would continue to be available on the basis of 45 percent for projects on the Federal-aid primary system, 30 percent for projects on the Federal-aid secondary system, and 25 percent for projects on the Federal-aid primary and secondary systems in urban areas. Apportionment factors for the ABC funds continue to be based on area, population, and post road mileage, in accord with present law.

Section 5(2) would authorize the appropriation of funds from the Highway Trust Fund for traffic operation improvement projects in urban areas (the so-called TOPICS program), in the amount of \$250 million for each of the five fiscal years 1970 through 1974. Our comments concerning this item will be offered later under the discussion of Section 12 of the bill.

Sections 5(3) and (4) would authorize the appropriation for the fiscal years 1970 and 1971 of funds for forest highways and public lands highways in the annual amounts of \$33 million and \$16 million, respectively, as was authorized for prior fiscal years. It is proposed to transfer the financing of the forest and public lands highway programs from the general fund to the Highway Trust Fund, since the highways are similar in character and use to Federal-aid highways and logically should be financed in the same manner as the regular Federal-aid program.

About 88 percent of the Forest Highway System mileage is located on Federal-aid systems, and the remainder may be placed on the Federal-aid systems as desired. The Public Lands Highway projects also are located on the Federal-aid systems or on routes that could be added to the Federal-aid systems.

A separate bill, "The Highway User Act of 1968" has been submitted to the Congress which would provide additional revenues to the Highway Trust Fund and extend the duration of that fund by 28 months to January 31, 1975. Estimated revenues accruing to the Highway Trust Fund from existing sources over the extended period of time, together with the additional revenues from the so-called "equalization" taxes proposed in the bill, will be adequate to support the Interstate authorization schedule proposed in Section 2, the ABC authorizations proposed in Section 5(1), the TOPICS authorizations proposed in Section 5(2) and the forest highways and public lands highways authorizations proposed in Sections 5(3) and (4).

Sections 5 (5) through (9) would authorize appropriations of funds from the general fund of the Treasury for certain other highways in Federal domain areas. These programs are administered by other Federal agencies.

STATE AND COMMUNITY HIGHWAY SAFETY PROGRAMS

The Highway Safety Act of 1966 (Section 402) authorized to be appropriated for Federal aid to State and community highway safety programs the sum of \$67 million for fiscal year 1967, and \$100 million for each of the fiscal years 1968 and 1969. Section 6 of the bill would continue the programs under Section 402 by authorizing the appropriation of \$50 million for fiscal year 1970 and \$75 million for fiscal year 1971. A cost estimate for the highway safety program has been developed in cooperation with the States and will be submitted shortly.

Mr. Chairman, this is a new activity and there has been some misunderstanding as to its operation. May I therefore provide the Committee with some of the essential background. This is the activity under which, as directed by statute, we have established standards covering driver education, vehicle inspection, alcohol, highway design, and other areas in which States and communities are being assisted in creating or expanding their highway safety programs. Under Section 402, each State is required to be implementing an approved highway safety program under the standards by December 31, 1968. The authorization requests in Section 6, which provides Federal assistance for the State and local programs, should not be viewed as representing a reduction in such assistance. As I said, Congress has already authorized, in the Act itself, a total of \$267 million for fiscal years 1967, 1968, and 1969. These funds are available for one year in advance of, and two years following, the year for which they are authorized—so that we now have authorization under the Act to obligate these funds through

the end of fiscal year 1971. By June 30, we will have obligated only \$27 million, largely because of a limitation of \$25 million placed by the last session of the Congress on that authority for this fiscal year. Therefore, \$240 million is still available for obligation at the beginning of fiscal year 1969. Of this amount, we plan to obligate \$140 million during fiscal year 1969, leaving a balance of \$100 million available for use in fiscal year 1970.

The \$100 million carryover, together with the request to the Congress to add \$50 million in fiscal year 1970 and another \$75 million in fiscal year 1971, or a total of \$225 million, will be available for obligation in fiscal year 1970. Added to the carryover of existing authorizations, therefore, we expect to have the authority to obligate a total of \$225 million in fiscal year 1970.

In all parts of the country, State and local highway safety programs now being planned, developed, or expanded under the Highway Safety Act will lead to greatly accelerated requests for Federal-aid funds. With the resources available up to this point, States and communities, as well as the National Highway Safety Bureau, have only been able to get started in the direction of developing required programs. We received 87 project applications in the first quarter of fiscal year 1968, 94 in the second quarter, and 165 in the third. This acceleration continues: by April 30, we had received some 474 applications. As of the same date, grant applications had been approved with total costs of \$77.2 million, of which \$13.3 million is from Federal funds.

Our current projections indicate that applications in fiscal year 1968 will request \$32 million, and that we therefore will completely obligate the \$25 million available in the year. The acceleration of applications, as well as their increase in scope, indicates that the planned application level of \$140 million for fiscal year 1969 is very realistic and, in fact, conservative.

Under the \$25 million available in fiscal year 1968, the allocation to each State was too small to cover more important, and often more expensive, projects. These projects—such as driver education, police services, and traffic records improvement—have for the most part been delayed by States and communities until fiscal year 1969 in anticipation that sufficient funds will then be available.

We anticipate recommending an apportionment formula to you before January 1, 1969, as required in Section 402. This formula is now in the process of preparation.

RESEARCH AND DEVELOPMENT

An authorization was also included in the Highway Safety Act of 1966 for the highway safety research and development programs provided in Section 307(a) and Section 403 of Title 23. The Act authorized appropriations of \$10 million for fiscal year 1967, \$20 million for fiscal year 1968, and \$25 million for fiscal year 1969. Section 7 of the bill would authorize appropriations for 307(a) and Section 403 of \$30 million for fiscal year 1970 and \$40 million for fiscal year 1971.

In order to increase the effectiveness of our and highway safety programs, we must continue to invest in research. This R&D program has three major objectives—

An improved understanding of how and why highway crashes occur, and how and why people are killed and injured in them;

The development of effective measures to avert crashes and minimize deaths and injuries;

Improvement of State and community safety programs on the basis of these results.

The authorized funds for fiscal years 1967, 1968, and 1969 are being used in contracts with universities, foundations, private industry groups, and other governmental agencies, for work in four key areas: accident and injury analysis; research, development, and testing; demonstration projects; and manpower development. This program must be accelerated, as provided in the bill, in order to support effective highway safety programs at national, State, and local levels, and to provide the far more specific scientific information we all need to reduce our present highway casualties of 10,000 injured each day in the nation.

HIGHWAY BEAUTIFICATION

Section 8 of H.R. 17134 (omitted from H.R. 16994) would authorize appropriations from the general fund of the Treasury for the highway beautification program for fiscal years 1969, 1970, and 1971, thus putting these authorizations

on the same fiscal year basis as the biennial ABC highway program authorizations. The contract authority provisions of the Federal-aid highway legislation would apply to the highway beautification program, as provided by the Federal-Aid Highway Act of 1966 (79 Stat. 1030, 1032).

Authorization is included for a deduction not to exceed 5 percent for administration. A flat percentage for administrative expenses would provide for the handling of administrative expenses under the Highway Beautification Act of 1965 in the same manner as for the regular Federal-aid highway programs and the State and community highway safety programs.

Section 8(a) would authorize the sum of \$5 million to carry out the provisions of Section 131(m) of Title 23, United States Code, during the fiscal year ending June 30, 1969, and like amounts for fiscal years 1970 and 1971.

This section of the code provides for outdoor advertising control along Interstate and Federal-aid primary highways, under Title I of the Highway Beautification Act of 1965. Last year your Committee held very comprehensive hearings concerning the Highway Beautification Act, with particular emphasis on outdoor advertising control. These hearings served a special purpose in clarifying the issues and removing the uncertainties which had inhibited the implementation of the program up to that time. Since then we have been making steady progress.

About a year ago, I directed the Federal Highway Administrator to proceed as expeditiously as possible to work out agreements with the States for implementation of the Act. Since then, 17 outdoor advertising control agreements have been signed, and we are close to agreement with a number of other States. Thirty-one State Legislatures have enacted laws providing for control of outdoor advertising under Title I of the Highway Beautification Act, and the Legislatures of other States are presently considering such legislation or will do so during their next regular session—many in early 1969.

This progress has not been brought about, I am pleased to say, by the penalty provision in Section 131(b) of the Act. On June 27, 1967, I stated that we had no expectation of imposing any penalties during the year 1968 or, for that matter, in early 1969 if a State Legislature would not have an opportunity to act during 1968. Almost all of our agreements were negotiated and executed after my statement. Participating States are, like us, interested in progress, not penalties.

The Committee will recognize that the amounts of money being requested are considerably less than the total needed to completely implement the outdoor advertising control title of the Highway Beautification Act. In the light of the grave responsibilities facing the nation in other areas, this is at it should be.

The passage of control laws by the various States, and the execution of control agreements, has already begun to stem the tide of billboard blight by prohibiting new signs in areas affected by the Act. Most States, moreover, have elected to carry out the control operations envisioned in the Act through the granting of a permit at a nominal fee. This one feature alone will work to remove many of the obsolete or uncared for signs which heretofore have been allowed to rot and decay in full view of the passing motorist.

The initial outdoor advertising control legislation enacted in 1958 (§ 131 Title 23 U.S.C.) provided for payment of a bonus of $\frac{1}{2}$ of one percent of the construction costs for eligible segments of the Interstate System from a continuing authorization and special appropriation for this specific purpose. Pursuant to that legislation, 25 States entered into bonus agreements with the Secretary. The Highway Beautification Act of 1965 amended the earlier authorization to require payment of eligible bonus claims out of funds specifically authorized to carry out the provisions of the 1965 Act.

The Federal Government is obligated to provide adequate funding to continue payment of bonus claims submitted by the States in accordance with their bonus agreements. We now have on hand for processing approximately \$280,000 in pending claims, and are continuing to receive additional claims. As of May 13, 1968, we had available only \$60,000 to pay bonus claims. Future bonus payments, after expenditure of the available \$60,000, are required to be made from funds authorized to be appropriate under this section.

Section 8(b) would authorize the sum of \$10 million to carry out the provisions of Section 136(m) of Title 23, U.S.C., during each of the fiscal years 1969, 1970, and 1971.

Section 136(m) provides for the control of junkyards in accordance with Title II of the Highway Beautification Act of 1965. There has been ready acceptance by the States of this program, as evidenced by the fact that 40 States have thus

far enacted legislation to conform with its requirements. Although the Federal legislation applies only to junkyards adjacent to the Interstate and Federal-aid primary system, 16 States have extended these provisions to apply to additional roads within their borders. Other States have imposed stricter limitations upon themselves than required by the Act.

The junkyard control law requires the removal or relocation of affected junkyards which cannot be readily and economically screened. Such removal or relocation need not be undertaken, however, until after June 30, 1970. Although only approximately \$10 million in Federal funds has thus far been made available, the States have screened or removed approximately 1,500 junkyards, contributing 25 percent of the cost. As it was necessary for the States to organize for this endeavor, deferral of funds would cause a loss of impetus and interest.

One of the greatest benefits attained under the Title is the fact that all 40 States have strong control of the location of new junkyards. Most now require licensing, renewable annually, to assure compliance and control; others control the sites on a renewable permit basis. In other words, since existing junkyards are properly screened from view—or removed—State legislation will continue the program without cost to the State or Federal Government.

It should be further noted that the program has the support of the auto wreckers association, scrap metal producers and the general public. Many representatives of these directly interested parties appeared at the Congressional hearings to support the legislation. It is interesting to note that of the 50 States, only Delaware, Florida, and Louisiana did not take advantage of the Federal funds available to them for this part of the program.

Section 8(c) would authorize the sum of \$70 million for each of the fiscal years 1969, 1970, and 1971 to carry out the provisions of Section 319(b) of Title 23, U.S.C., relating to landscaping and scenic enhancement of Federal-aid highways.

Section 319(a) of Title 23, United States Code, provides Federal funds for landscaping, roadside development, and acquisition and development of publicly owned and controlled rest and recreation areas and sanitary facilities necessary to accommodate the traveling public, all within the highway right-of-way. Federal reimbursement is available to the States for such work at the pro-rata share of the cost, depending upon the Federal-aid system to which it has been applied. These costs are payable from the Trust Fund.

Section 319(b) provides 100 percent compensation to the States for the above types of work and permits such expenditure within or adjacent to the Federal-aid highway right-of-way. In addition, costs may be incurred for the acquisition of interests in and improvement of strips of land necessary for the restoration, preservation, and enhancement of scenic beauty adjacent to the highway. The 319(b) funds are appropriated from the general fund.

Of the three titles in the Highway Beautification Act, the landscaping and scenic enhancement provision has had the most immediate and favorable impact upon the public. All States are participating in the program, and obligations to date total \$120 million in Federal funds, as follows: \$31 million for landscaping; \$29 million for 5,400 scenic easements; and \$60 million for 510 roadside rest areas. The rest areas are especially popular with the public as they provide a safe, comfortable stopping place. They are usually placed at locations where scenic and picnic opportunities are present, and they may also be used as visitor information centers where such tourist services as food, lodging, fuel directories, and scenic route and map information may be made available.

True beauty is a quiet thing—it is the raw and ugly which shouts. The acquisition of scenic easements and landscaping within the highway right-of-way lines serve to make the highway complete, and removal of outdoor advertising and screening of junkyards are an important part of the beautification effort. But it is obvious that more can be done. Scenic vistas must be controlled to prevent non-conforming trespass; roadsides must be planted and naturalized to fit into the landscape; rest areas must be developed to make the traveler feel welcome and sheltered during his stay.

Deferral of this program would result in its greater cost at a later date, as land values for rest area sites and scenic easement are constantly appreciating, and materials and construction cost indices for plant material and road and building costs are steadily rising. Added urgency for these activities stems from their promotion of more relaxed driving, and thus of greater safety.

ADVANCE ACQUISITION

Section 9 of H.R. 17134 (Section 8 of H.R. 16994) would authorize the acquisition of rights-of-way on the Federal-aid highway systems in anticipation of construction, and would establish a fund to be used for payments to the States for such advance acquisitions. This implements the objectives of the "Study of Advance Acquisition of Highway Rights-of-Way," sent by us to Congress on June 30, 1967. The study concluded that an advance acquisition program would facilitate the orderly and beneficial relocation of persons, businesses, farms, and other users of property acquired for highway development, while at the same time enabling more foresighted planning and minimizing rights-of-way costs.

Advances of funds for this purpose would be made pursuant to agreements between the State highway departments and the Secretary, to provide for the actual construction of a highway within 7 years following the fiscal year in which a request by a State for such funds is made or by the terminal date of the Highway Trust Fund, whichever occurs first.

The advance acquisition proposal would make available an amount equal to 2 percent of a State's apportionment for advance acquisition of rights-of-way. The State must satisfy the Secretary within 6 months of the date of allocation that it will properly obligate such amount for advance acquisition of rights-of-way. Where a State fails so to demonstrate, the availability of such funds will revert to the Secretary, who may in his discretion make them available to the other States at their request and on the basis of need.

To implement this program, there would be authorized to be appropriated from the Highway Trust Fund an amount not to exceed \$100,000,000 for the establishment of an advance acquisition fund and for its replenishment on an annual basis. Pending such appropriation, the Secretary would be authorized to advance, from any cash heretofore or hereafter appropriated from the Highway Trust Fund, such sums as are necessary for payments to the States for rights-of-way acquired in advance of construction.

Provisions of the Highway Revenue Act of 1956 relating to additional appropriations to and expenditures from the Highway Trust Fund and to adjustments of appropriations would be applicable to the advance acquisition of rights-of-way program.

Appropriate regulations will be promulgated to insure that, in the administration of the program, no advance right-of-way shall be acquired for a project in an urban area unless the project is deemed to be consistent with the comprehensive transportation plan developed for the metropolitan area as a whole under the provisions of Section 134 of Title 23, and Section 204 of the Demonstration Cities Act (42 U.S.C. 3334).

FOREST ROADS AND TRAILS

Section 10 of H.R. 17134 (Section 9 of H.R. 16994) amends the definition of "forest road or trail" and "forest development roads and trails" in Section 101(a) of Title 23, United States Code, to include areas other than national forest areas under Forest Service administration. This amendment is made at the recommendation of the Department of Agriculture and is a part of their proposed legislative program. The present definition of "forest road or trail" and "forest development roads and trails" associates these two terms with the national forests only, not with the National Grass Lands and other areas administered by the Forest Service. However, 23 U.S.C. 205(a) authorizes use of funds available for forest development roads and trails to pay for construction and maintenance of roads and trails on experimental and other areas under Forest Service administration. This proposed amendment to 23 U.S.C. 101(a) makes the definition of the two terms consistent with 23 U.S.C. 205(a) and will avoid possible misinterpretation of the intent of both sections.

The Department of Agriculture also recommends amendment of Section 205(c) of Title 23, United States Code, first to clarify the threshold of the limitation on force account construction and, second, to provide an opportunity for more efficient handling of small construction projects. At present, Section 205(c) requires the construction of forest development roads and trails costing \$10,000 or more per mile to be advertised and let to contract.

Section 11 of H.R. 17134 (Section 11 of H.R. 16994) amends Section 205(c) to increase this cost limitation from \$10,000 to \$15,000 per mile and to require advertisement for bids and letting of contracts where construction is estimated to

cost \$15,000 or more per project for projects with a length of less than one mile. Section 11 provides that if the estimated cost is less than \$15,000 per mile or \$15,000 per project for projects with a length of less than one mile, the work may be done by the Secretary of Agriculture on his own account.

Considerable uncertainty exists as to whether the present requirement that construction costing \$10,000 or more per mile be advertised and let to contract applies to projects of less than one mile in length but with a "per mile" estimated cost of \$10,000 or more. For example, an access road of only .1 mile in length estimated to cost \$1,000 could on a per mile basis cost \$10,000 per mile. Under strict interpretation of 23 U.S.C. 205(c) such a road construction project would have to be advertised and let to contract. As a result, the theoretical advantages of advertising and contracting those small projects over force account construction are offset by the procedures, time, and detailed plans and materials required for advertising and contracting any such project. The size of such projects often results in no bids or bids that are necessarily inflated to cover the costs of bidding, moving in and out, and meeting insurance, bond, and other costs to the contractor associated with such projects. On larger projects these costs can be so spread out as to make up a much smaller percentage of the total or per mile cost.

Past experience in construction of forest roads and trails has shown that \$15,000 is approximately the point at which acceptable bids can be expected to be received in practically every case. Establishing \$15,000 as the minimum estimated construction cost at which advertising and contracting is required will reduce the higher costs and administrative problems resulting from efforts to contract small projects that are generally unattractive to most prospective contractors and which in most cases can be more efficiently and economically constructed by force account.

TOPICS

Sections 5(2), 12, and 13 of H.R. 17134 (Sections 11-13 of H.R. 16994) would provide specific authorization for TOPICS, the program to improve traffic operations on the major streets of our urban areas, which I mentioned briefly earlier.

There has been a steady increase over the years in the attention and effort the States and Public Roads have directed toward improving transportation in urban areas. But the problem is still far from adequately met. The number of people living in our urban areas continues to grow at a high rate. Personal income—already at the highest level in our history—is also rising rapidly, influencing living patterns in a way that generates a growing amount of travel on the part of the average family unit. Similarly, the trend toward dispersal in the pattern of land use development in urban areas generates additional travel as a way of urban life. The cumulative effect of these trends is that the increase in vehicle miles of travel in many urban areas is increasing at more than double the rate of population growth.

The reconstruction of principal roadways and the betterment of existing streets through application of traffic engineering principles to improve traffic flow and increase safety are objectives of any urban street and highway program. Federal-aid for urban highways has previously emphasized the improvement of principal urban arterials through construction or reconstruction.

To develop a balanced urban street and highway system, attention must also be directed to other than the principal streets and highways in urban areas—to those that carry a heavy burden of local traffic and also control the efficiency of trip movements between main highways and ultimate trip destinations.

It was against this background in February 1967 the Bureau of Public Roads initiated, on a pilot basis, a new program designed to raise the efficiency of existing street and highway systems in urban areas. It was termed the Traffic Operations Program to Increase Capacity and Safety (from which was derived the acronym "TOPICS"). A copy of guidelines issued at that time is included for the record.

The projects generally are limited to traffic engineering and operational types of improvements on a network of existing streets which are selected as a part of the transportation planning process.

The types of improvements, most of which may be accomplished with existing right-of-way, which are eligible for Federal-aid participation, include the following:

1. Channelization of intersections.
2. Providing additional traffic lanes on approaches to signalized intersections.

3. Construction of pedestrian grade separations or highway grade separations at complex intersections or railway-highway grade crossings, where such an improvement is essential to relieve a crucial bottleneck along streets of otherwise adequate width.

4. Installation of control systems to make traffic signal operation responsive to traffic conditions for diverting traffic from congested areas, for establishing part-time one-way operation, for reversing direction of traffic on selected traffic lanes, or for separate bus lane controls.

5. Addition and upgrading of highway lighting, traffic control signs, pavement markings and signals or other devices required to facilitate traffic movement and increase the safety of vehicular and pedestrian traffic.

6. Development of separate traffic lanes for loading, unloading or transferring passengers at surface transit terminals and intermediate transit stops, including platforms and shelters within the street right-of-way.

7. Development of truck loading and unloading facilities where necessary to facilitate traffic movement.

8. Establishment of traffic surveillance systems, including traffic-operation data collection and analysis centers, where traffic flow measurements and accident data are continuously evaluated to identify locations where corrective action is needed.

Streets on which traffic engineering improvements may be made under this new concept include—

1. Arterial highways and major streets (radial, crosstown, and circumferential) not already on either the Federal-aid primary or secondary systems.

2. Most or all of the street grid in the downtown area.

3. A limited street grid in other areas having particularly high concentrations of traffic.

Of course, no additional Federal funds were available for this undertaking. The only Federal funds were those apportioned annually to the State highway departments. Even so, this program concept has evoked widespread interest and we are satisfied with the soundness of this as one of the proper approaches to the urban traffic congestion program.

The officials of the cities, State highway departments, and our own Public Roads are actively engaged in TOPICS programs in some 24 cities located in 19 States. No actual street improvements have yet been undertaken but preliminary activities are underway and soon will be completed in a few of the cities.

Some of these preliminary activities are far enough along to permit the estimating of benefits which can be expected from these kind of street and highway improvements. They indicate that 20 to 25 percent increases in the traffic carrying capability can be expected with comparable improvement in the accident experience.

As I said, we are satisfied as to the soundness of this approach and Section 12 of H.R. 17134 would add a new Section 135 to Title 23, United States Code, to specifically authorize a program of this nature. The program would be implemented by the authorization of \$250 million from the Highway Trust Fund for each of the fiscal years 1970 through 1974.

The estimated cost of correcting the deficiencies of our major streets to accommodate 1975 traffic is \$2.5 billion. An authorization of \$250 million per year for five years as provided in Section 5(2), matched equally by the States, will meet the need for that total amount. A continued program beyond that time would be necessary to stay abreast of the problem.

The program will be administered in much the same manner as the regular Federal-aid ABC programs, following generally the guidelines previously issued by the Bureau of Public Roads. The program will be administered on a 50-50 matching basis, in much the same manner as the regular Federal-aid ABC programs, following generally the guidelines previously issued by the Bureau of Public Roads, but also taking into account new approaches to traffic engineering as they evolve from research and experience.

FRINGE PARKING

These TOPICS proposals make possible significant gains in the level of traffic service provided by existing street systems. More emphasis must also be placed on getting more service out of the vehicles, both public and private, that travel these systems, in order to meet growing traffic demands. To help accomplish this objective, Sections 14 and 15 propose to amend Chapter 1 of Title 23, United

States Code, to provide Federal assistance for fringe parking in large urban areas. (Omitted from H.R. 16994.)

A truly comprehensive urban transportation system must maintain a balance not only between automobiles and transit, but also between the volumes of traffic that seek to enter a city and the city's capacity to absorb such volumes. This balance cannot be attained until terminal facilities are accepted along with streets and highway as an integral part of the transportation system.

The primary basis for using highway funds for fringe parking is to improve service by reducing the number of vehicles using overloaded highways to the downtown area by encouraging the use of mass transit facilities. This could in turn reduce the needs for extensive improvements on these facilities. As cities grow larger, increasing numbers of people find it desirable to drive part way to work or shop, park on the street or in other available space, and continue their trip by bus, train, or carpool. Provision of fringe parking spaces in suitable locations will make such a choice even more desirable with a resultant increase in vehicle occupancy on arterials and a decrease in the number of vehicles on the road. Parked vehicles will also be removed from the streets in outlying areas with a consequent further improvement in street capacity.

Traffic congestion in the central business districts of our major cities is also a pressing problem which can be relieved by the proper application of the fringe parking principle. Since fringe parking is most applicable to the work trip, removal of this long duration parking allows the more efficient use of present downtown parking facilities by persons making short duration business, shopping, and recreation trips. These trips represent the prime economic base of the downtown area.

A significant portion of total downtown parking demand can also be satisfied by fringe facilities. A primary conclusion of most parking studies conducted as a part of the urban transportation planning process is that downtown parking demands have not been met, particularly in the core areas of our major cities. A similar conclusion can be reached by noting the "Sorry—Full" signs at parking facilities in the heart of the city during periods of peak parking demand. By removing some portion of downtown demand, fringe parking will also provide for the more effective use of existing downtown space.

Fringe parking will encourage people to use public transportation. Parking associated with transit stops and terminals will provide important incentives to improve local and express transit service. Some such incentive will frequently be required to reverse the decline of such services. New facilities provided under this legislation will be operated at no cost, or at most with a minimal fee to cover the cost of maintenance and operation. Improvement of public transportation in this manner will serve to improve the mobility of those people most dependent on transit and least able to afford high transportation costs.

The availability of funds for fringe parking will give added meaning to existing programs to encourage multi-purpose uses of space over or under freeways. Parking is a logical and necessary adjunct to highway improvements in urban areas, and a desirable inclusion in proposals for joint development.

The success of expenditure of funds for fringe parking will be dependent upon its acceptance by individual States and cities in the development of their own parking programs.

Program needs are based on fringe parking demand derived from two sources; work trips downtown, and change of mode trips in large metropolitan areas. Available studies indicate that about 10 percent of total downtown work trip demand may be transferred to fringe parking in cities between 500,000 and 1,000,000 population. Further information shows that 1½ fringe spaces will be required to remove the demand for one parking space downtown.

Additional need for fringe parking is evident from the number of change of mode trips now taking place in cities. Twenty percent of such trips could be accommodated by fringe parking in cities from 100,000 to 1,000,000 population and 10 percent in cities over 1,000,000 population. The 40,000 existing fringe parking spaces were subtracted from this total to determine the need for new facilities.

There is need for 367,000 fringe spaces by 1975 at a cost of \$387 million. Similarly, needs till 1985 are for 466,000 fringe spaces at a cost of \$483 million.

Availability of funds for fringe parking will provide the opportunity to search out locations for fringe parking and to provide it where desirable. Fringe parking will not be provided by others as it cannot be considered economical except as an integral part of the transportation system. Federal assistance provides a basis for the evaluation of fringe parking as a part of an improved urban transportation system.

RELOCATION ASSISTANCE

Though not a part of this bill, the problem of relocation assistance is vitally important in the Federal-aid highway program. There must be adequate funds provided to relocate large numbers of people, businesses, farms, and organizations dislocated by highway construction.

Mr. Chairman, this completes my discussion of the provisions of the Federal Aid Highway Act of 1968. The shape of the future highway program will depend in large degree on the decisions of the Congress on this legislation. May I respectfully urge this Committee to make these decision in accord with the provisions of H.R. 17134.

Thank you for permitting me to appear before you. Now my colleagues and I are ready for questions.

Mr. KLUCZYNSKI. Any other questions?

Mr. CLEVELAND. Yes, sir.

Getting back to Mr. Cramer's line of inquiry about the advance acquisition of rights-of-way, I am pleased that you have incorporated this into your legislation.

There are some members of the minority that have been on this subject for a good number of years, and I would like to ask you if you are familiar with the legislation that the minority has introduced—this is H.R. 16622, and this has been called to the attention of your staff in a meeting which I had with members of your staff, and I would like to know if you do not feel that this would be a better legislative solution to the problem at hand?

I might add that our advance taking of right-of-way legislation, H.R. 16622 includes relocation expenses, which is something that you feel is important but you have not given us anything solid on.

Secretary BOYD. I advised Mr. Cramer earlier this morning that I was not familiar with that legislation, but that I would review it.

Mr. CLEVELAND. My point is I am surprised, because last week I asked to speak to members of your department, to you, in fact, and your representative came over to my office. They went over the bill with me and they told me you would be prepared to give me a statement at this time. Mr. Burke came over and I spent a couple of hours with him.

Secretary BOYD. Well, I do not want to bore you with my personal itinerary, but I have been out of town from last Wednesday until Saturday night. I have been engaged in testifying every day this week, and I have also been required to fulfill speaking engagements out of town during this week, and I am afraid my staff has not been able to catch a hold of me to tell me what it is all about.

Mr. CLEVELAND. Do you think there is someone in the room who could tell you now? This is important to us. We have been working on this problem for the past 6 years.

Secretary BOYD. I am sure Mr. Bridwell can discuss this. Mr. Bridwell has my full authority to speak for the Department of Transportation.

Mr. BRIDWELL. Mr. Cleveland, I responded earlier to Mr. Cramer on this and said that we would immediately undertake a comparative review of the legislation that we have proposed and the legislation as introduced that you are referring to, and straighten out any technical differences between the two bills. Because with the exception of that one item of relocation assistance, I think that the concept between the two bills is identical.

Mr. CLEVELAND. I would think you could almost do that by 2:30 this afternoon, because members of your staff did come over last week, sat

in my office and went over H.R. 16622 and took away a copy of it with them.

Secretary BOYD. We will do the best we can, Mr. Cleveland, and if we can respond about 2:30 this afternoon, we will do so. If we cannot, we will tell you when we can.

Mr. CLEVELAND. All right. And I guess my question is already answered about another legislative item I submitted, which is H.R. 10276, and I asked the same people that came from your staff whether or not they felt that the purposes of this legislation, H.R. 10276, were commendable and whether it would have your approval to be incorporated in this legislation as an amendment, and I can only assume that that message did not reach you either.

Secretary BOYD. H.R. 10276?

Mr. CLEVELAND. Yes, sir. This is a very interesting piece of legislation. I will not bore you with the details now. I have no further questions.

Mr. KLUCZYNSKI. Mr. Cleveland, the Secretary, Mr. Bridwell, and Mr. Turner will be here again at the end of the hearing.

The gentleman from New York, Mr. McEwen.

Mr. McEWEN. Mr. Chairman, I would like to inquire into one matter now and defer other matters until this afternoon.

I believe it was you, Mr. Bridwell, who referred to this matter of States implementing legislation on the beautification. You referred to New York, as an illustration, legislation I take it that has to implement the existing agreement. Is that correct?

Mr. BRIDWELL. That is correct, yes, sir.

Mr. McEWEN. In other words, in the case of New York State, you do have an approved agreement?

Mr. BRIDWELL. We have an agreement, Mr. McEwen, which was signed between the Federal Government and the State government, which establishes the conditions under which the highway beautification program, specifically the outdoor advertising control, will be conducted in the State of New York. That agreement contained the clause which said, in effect, that its implementation was subject to authorization by the State legislature.

The State legislature is now in the process—and I cannot give you the status as of today—is in the process of enacting implementing legislation. So far as I know, there is no particular reason to believe that the implementing legislation will not be enacted. I am told that there is agreement within the State of interested parties on what the legislation should contain. That is informal and secondhand information to me.

Mr. McEWEN. This would be legislation that will enable the State to meet the requirements of the agreement?

Mr. BRIDWELL. Yes, sir.

Mr. McEWEN. The gentleman from Florida brought up this Arizona situation. Has there been a similar letter addressed to New York?

Mr. BRIDWELL. Not to my knowledge, Mr. McEwen.

Mr. McEWEN. Mr. Secretary, do you know?

Secretary BOYD. Not to my knowledge. I have no recollection of the letters that have been involved in this. But I reiterate, we have not written letters except in response to requests, and I have no knowledge

of any request for information or opinion from the State of New York.

Mr. McEWEN. Well, let me, if I may, make it a little more broad question: Has there been any communication to the State of New York, written or oral, indicating that if they do not enact the implementing legislation, they will be subject to a 10-percent penalty as of the first of the year, 1969?

Mr. BRIDWELL. I will respond to that, Mr. McEwen. The answer is absolutely and flatly no, to the absolute best of my knowledge.

What has occurred is a number of meetings between members of my staff and the responsible people in the Department of Transportation and the State of New York on the terms and conditions of the agreement. In addition to that, on two or three unresolved points, they were personally brought to my attention and were worked out by telephone conversation with the general counsel of the Department of Transportation of the State of New York, and it is upon that telephone conversation that I was informed that this constituted substantial agreement of all parties within the State of New York and that there was no reason why the legislation should not progress.

So in the sense of has there been some kind of a warning or threat, or any other kind of language used concerning 10-percent penalty, the occasion literally has not arisen as it relates to the State of New York.

Secretary BOYD. I think, Mr. McEwen, if you have information to the effect that there have been threats or intimidations in this area, it would be very helpful if you would advise us who was supposed to have made those.

Mr. McEWEN. I did not want to imply that, Mr. Secretary. That is not the purpose of my question, why there had been. But I was just concerned, in view of what the gentleman from Florida brought out—the letter that went to the Governor I believe of Arizona—if this had been a practice followed in other States; if there had been a similar indication that they were in serious jeopardy of 10-percent penalty being imposed in a matter of a few months.

Mr. BRIDWELL. I think the significance of what I said, Mr. McEwen, is that the State of New York and several other States are perfectly pleased to negotiate such agreements. They are in favor of outdoor advertising control programs. This is not a case in which someone is hammering them over the head. They respond positively. Yes, they want agreement.

Now, there is no question but what the title III portion, which relates to landscaping, scenic enhancements, the construction of roadside rest areas, scenic overlooks, that kind of thing, there is no question but that that is the most popular, and I think that is freely conceded by everyone. By the same token, I do not think there is any doubt in anyone's mind that the most difficult part of the highway beautification program is and always has been the control of outdoor advertising.

We believe that we have demonstrated by the agreements that we have signed that we will work with the States on a fully cooperative 50-50 basis, in which they are absolutely equal partners in a negotiation, and that they can propose anything they want to propose and will bargain it out.

So I frankly—I am not suggesting that you have implied anything, but the constant implication that comes to me, that somehow

we are threatening and cajoling and intimidating, is just absolutely false.

Mr. McEWEN. Well, Mr. Bridwell, the law itself holds the threat over their heads, does it not, with the 10-percent penalty?

Secretary BOYD. We have made no effort to prevent anybody from reading the law.

Mr. McEWEN. Thank you.

Mr. BRIDWELL. I think everyone should be completely clear in terms of what the Secretary has stated, in writing, and verbally before both committees, on what his policy would be, and I would suggest that it is a very liberal policy.

Mr. CRAMER. Will the gentleman yield?

Mr. McEWEN. I yield to the gentleman from Florida.

Mr. CRAMER. I can read plainly what was said to Arizona—whether that was the intent of the interpretation or not, it clearly says penalty January 1, 1969, if the legislature does not act, if the legislature has had an opportunity to do so.

With regard to these agreements being entered into, is it not true that these agreements deal prospectively with the future erection of signs, control relating to areas to be zoned concerning future sign erection?

Secretary BOYD. As Mr. Bridwell indicated, we have sent copies of every agreement to the committee.

Mr. CRAMER. That is a correct analysis, is it not, that they deal prospectively with future signs?

Mr. BRIDWELL. I am not sure that I understand exactly what you are saying, Mr. Cramer. Yes, they deal prospectively with future signs, but not to the exclusion of everything else.

Mr. CRAMER. Well, are you requiring Federal signs to come down now without compensation?

Mr. BRIDWELL. No, because no sign is required to come down until 1970.

Mr. CRAMER. You are requiring that they do come down in 1970, starting then?

Mr. BRIDWELL. We are requiring what the law states; namely, they start to come down in 1970.

And obviously that assumes that the Federal Government will meet its obligations.

Mr. CRAMER. I understand that 5 States have signed agreements that have not been authorized by the State legislature: Delaware, Maine, Minnesota, New York, and Pennsylvania. And you have negotiated these agreements. Is that correct?

Mr. BRIDWELL. Well, that is what I will have to supply for the record, Mr. Cramer. I have no reason to believe that you do not have accurate information. I have already referred to the one that is current in my knowledge of the process of implementing legislation, in the New York State Legislature at this time. There are a number of States about which there is no question in our mind that implementing legislation, adequately implementing legislation, has already been passed and in which we are negotiating agreements.

Mr. CRAMER. Maybe the gentleman from New York knows.

Is the legislature still in session in New York?

Mr. McEWEN. Still in session.

Mr. CRAMER. Let's assume they do not act this year. What are you going to do?

Mr. BRIDWELL. Mr. Cramer, in response to your question, I do not know that particular answer, because I do not believe that I can accept your assumption, based on the information before me; namely, that those responsible for the legislation seem to believe that they will have no great difficulty in obtaining its passage. This is based upon what they believe to be a reasonable agreement and which is supported by many interested parties. I do not know whether all interested parties, but many interested parties.

Mr. CRAMER. You said I think the Bureau sent out a letter related to the District of Columbia, after our hearing, suggesting the relocation program for the District.

Now, is it your suggestion the general bill, considered in the other body, take the place of that proposal? It differs in numerous respects.

Mr. BRIDWELL. Mr. Cramer, I do not believe the Department of Transportation—

Mr. CRAMER. Came up from the District of Columbia Government?

Mr. BRIDWELL. Yes, I am quite sure the Department of Transportation did not submit any relocation program as it relates to the District of Columbia. As the Secretary has already stated, we fully support the testimony and presentation of position as expressed by Mr. Hughes before the Senate Government Operations Subcommittee.

Mr. CRAMER. In preference to the action of the City Council in the District, submission they made to the committee?

Mr. BRIDWELL. We are aware of it, yes, sir.

Mr. CRAMER. Just one other question. I understand that the \$68.6 billion estimate of available revenues upon which was based these authorization figures for the Interstate and contemplating continuation of primary and so forth, that that figure includes the suggested tax increases of about \$1.2 billion over that period?

Secretary BOYD. That is correct.

Mr. CRAMER. So, in effect, if those increased taxes are not approved, we will still have a stretch out beyond—what is it—1975? 1974? The date provided in this legislation?

Secretary BOYD. We would have a short fall to that extent unless other taxes were enacted.

Mr. CRAMER. So, in effect, we would be \$1.2 billion short?

Secretary BOYD. Yes, sir.

Mr. McEWEN. May I just came back, Mr. Chairman, to this New York situation.

Do I understand Mr. Bridwell's answer before, if the New York Legislature does not pass this implementing legislation you cannot answer at this time—or you, Mr. Secretary—what might happen on January 1, 1969?

Secretary BOYD. I will tell you what is going to happen, Mr. McEwen. At the end of this year, Mr. Bridwell, the highway administrator, is going to prepare for me a list of the status of the States relative to the program. He is going to make recommendations to me. These will come to my staff. They will review them. Mr. Bridwell and I will then sit down and decide what we are going to do to carry out our requirements under the law.

There will be no commitment on my part to do or not to do anything before that time.

Mr. McEWEN. In other words, Mr. Secretary, the threat of a 10-percent cut in the highway funds, whether this Congress appropriates the Federal money or not, still exists; is that correct?

Secretary BOYD. It is very subjective.

Mr. McEWEN. Is that correct?

Secretary BOYD. The law is on the books and whether or not—

Mr. McEWEN. Is my question clear, Mr. Secretary?

Secretary BOYD. Yes. The threat of 10 percent loss exists whether or not the Congress appropriates. That law is on the books. Whether or not it is a threat, I say, is a very subjective proposition.

Mr. McEWEN. Let me amend and take the word "threat" out.

Secretary BOYD. Yes, sir.

Mr. McEWEN. The possibility exists that the State of New York will lose 10 percent of its Federal highway money unless it enacts this legislation?

Secretary BOYD. Absolutely.

Mr. McEWEN. Thank you very much.

Mr. KLUCZYNSKI. The hearing will recess until 2:30.

(Whereupon, at 12:32 p.m., the hearing recessed, to reconvene at 2:30 p.m., the same day.)

AFTERNOON SESSION

Mr. KLUCZYNSKI. The hearings will come to order.

When we recessed this afternoon, we had on the witness stand the Secretary of Transportation. We also had Lowell Bridwell and Frank Turner. They have had a previous engagement, they are sitting in the anteroom now and may be there for 15 or 20 minutes.

I thought, to save time, we would call on our good friend Mr. Nelson, Deputy Chief of the Forest Service.

Mr. Nelson, please proceed.

STATEMENT OF M. M. NELSON, DEPUTY CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY RICHARD F. DROEGE, ASSOCIATE DEPUTY CHIEF, FOREST SERVICE

Mr. NELSON. Thank you very much. I have with me Mr. Richard Droege, who is associate Deputy Chief of the Forest Service and has responsibility for protection and development of the National Forest system including our engineering work.

Mr. Chairman and members of the committee, I appreciate the opportunity to represent the Department of Agriculture in support of the Federal-aid Highway Act of 1968. H.R. 16994 and H.R. 17134 would authorize appropriations for the fiscal years 1970 and 1971 for the construction of certain highways in accordance with title 23 of the United States Code.

First, we in the Department of Agriculture want to express our thanks for your keen interest in the transportation needs of the rural areas of our Nation. Particularly do we appreciate your consideration and response in past Federal-aid highways acts to the road and trail needs of our national forests and national grasslands. There is a vast

area of 187 million acres located in 41 States and the Commonwealth of Puerto Rico which are available to meet the recreational and economic needs of the Nation. Full use and enjoyment of this important public property is entirely dependent on an adequate transportation system of roads and trails.

All Federal-aid highways serve the national forest system either directly or indirectly. The entire system serves as the vital connection between our forest and grassland resources and the people and industries of the Nation. We have a very special interest in forest development roads and trails for which H.R. 16994 and H.R. 17134 would authorize appropriations. Section 5(5) of these bills would authorize the appropriation of 125 million for each of fiscal year 1970 and for fiscal year 1971 for forest development roads and trails. Funds under this authorization are appropriated directly to the Forest Service.

We have the responsibility for maintenance of over 160,000 miles of existing forest development roads, and over 101,000 miles of existing trails and for construction of new roads and trails needed in the national forest system. Many more miles of roads are needed for full development of the resources.

In 1961, President Kennedy sent to the Congress "A Development Program for the National Forests." That program set forth the resource management and development work needed in the national forests during the 10-year period 1963 to 1972. The estimated cost of road and trail construction in that program was approximately \$1.7 billion, of which \$1.2 billion was to come from appropriated funds. We are currently far behind in this program. We are behind planned needs while at the same time we are finding that the 10-year program was based on conservative estimates of expected use of the national forest system.

The nationwide importance of the national forest system continues to grow. For instance, recreation use has grown to almost 150 million visitor-days in fiscal year 1968. A "visitor-day" is the new term which has been adopted by the Bureau of Outdoor Recreation for use by all Federal agencies to measure recreation use. Based on this measurement the Forest Service provides more recreation use than any other Federal agency. In the commodity field this year the national forests will produced 33 percent of all of the veneer and sawlog volumes used by the entire important timber industry in the United States. This is a dramatic increase over the 17 percent produced on the national forests in 1955—only 12 years ago. It is approximately double. These increased contributions of the national forest system resources to the health, wealth, and economy of our Nation can only be sustained by the betterment and extension of the forest development road and trail transportation system.

I believe I would be derelict in my duties as Deputy Chief of the Forest Service if I didn't point out to you that we are in some pretty challenging times in managing our transportation system. Your support of this bill is needed if we are to continue to make progress. The problems are many and complex. They include building access roads to keep the dependent mills supplied with logs and thus have them add to our economy. They include replacing stock driveways with roads on which stock can be trucked to and from the national forest ranges to protect critical watersheds in such areas as the Boise National Forest

in Idaho. They include constructing roads to provide access to new recreation areas on reservoir projects constructed by the Corps of Engineers, Bureau of Reclamation, private and public power developments, State water agencies, and others. I know you are familiar with the existing roads to some of our existing recreation areas. Many of these roads have outlived their design life and need to be rebuilt to an adequate standard to accommodate the ever-increasing number of visitors that use the national forest system.

I want also to point out that new access roads continue to be needed to provide ground support for fighting forest and range fires. We do not believe that new technology will eliminate the need for adequate road access to fight fires. I want to emphasize that putting out fires requires on-the-ground work by men and machines. We need roads to get these forces to the fires fast.

In fiscal years 1968 and 1969 under the Federal-Aid Highway Act of 1966, we expect to construct 12,382 miles of forest development roads. Of this amount, we expect to build 2,414 miles out of appropriated funds. The remaining 9,968 miles will be built by timber sale purchasers. Government funds will be used for the required surveys, the plans and construction supervision of these operator-built roads.

Although these roads may be constructed by timber operators as a part of the sale contract, they are in effect an investment of Federal funds. We have to insure that these roads will be designed and constructed insofar as possible in a manner that will best meet the present and future public needs.

We also expect to construct 726 miles of trails. We now have 101,500 miles of trails in the national forest system. This is 78 percent of all the forest and recreation trails in the Nation. Yet the demand and the need of trails continues to grow. The system must be improved, expanded, and reconstructed. Consideration must be given to geographical uses. Most of our trails originally served simply as a way through the country. Many now need to be relocated to take advantage of scenic vistas, to provide access to special points of interest, to follow more attractive routes, and to provide better distribution of hunters and people seeking this type of recreation experience. I am sure you know that even the national wilderness system would have little use without a trail system.

The Department of Agriculture also supports the forest highway system and the public lands highway programs which are administered by the Department of Transportation through the Bureau of Public Roads. Because of its relationship to the national forests, the forest highway system represents the main traffic arteries through or adjacent to the forests. Forest highways provide primary access to, and outlet from, our forest development road and trail system. Section 5(3) of these bills would authorize appropriation of \$33 million for forest highways in each of fiscal years 1970 and 1971.

Rural life continues to be one of the major concerns of our Department. We must intensify our efforts to assure rural families their rightful share in the increased economic and cultural opportunities of our Nation. Their pattern of living must be comparable to that of the rest of our citizens. The forest development road and trail program together with the program for forest highways are vital to the economic stability of many small rural communities near and adjacent

to national forest lands. The timber, recreation, wildlife, and scenic resources of the national forest areas provide an important resource base upon which the associated community economies are developed.

I would like to comment on two proposed language changes. First is in defining "Forest Road or Trail" and "Forest Development Roads and Trails." This proposed change will tie the definitions to the title 23 authorization language. This will avoid any possible misunderstanding of what constitutes forest development roads and trails. It is important that all the roads for which the Forest Service has a responsibility be included under the definition. The authorization language was included in the Federal-Aid Highway Act of 1964, and there is no authorization change needed.

The second, a change from \$10,000 per mile limitation to \$15,000 per mile or \$15,000 per project for projects less than 1 mile in length, will permit us to efficiently construct some real small projects. Many of these small projects can be constructed at a cost less than the cost of preparing bids and advertising the project in accordance with formal contracting procedures. Our experience on such small projects has been that the small projects often result in no bids, or inflated prices, which are necessary for the contractors to recover the costs of bidding, moving in and moving out, and meeting insurance, bond, and other contractor costs associated with such road construction projects. On the small projects, these costs make up a very high percentage of the project cost and the contractors have no opportunity to spread out these fixed costs as they do have on larger projects. Often some of these small projects can be scheduled along with our regular road maintenance activities and therefore utilize equipment and personnel already in the area.

I would like to end my statement by saying that we have been and are continuing to do all we can to provide the best balanced forest development road and trail program possible with the limited funds currently available to us. We are restricting most of our recreation road construction to roads inside of camp and picnic areas. We are postponing action on most of the many opportunities we have to provide high quality roads for outdoor recreation travel. We have made program shifts when necessary to require more and more timber purchaser construction. We are continuing to stretch the available funds as far as we can through cooperation with local, state and private organizations on roads which also serve other purposes than national forest use and development.

We now have many fine examples of joint road system development with timber landowners resulting in an efficient road system serving all owners at least cost to all participants. We now have 323 of these "share cost agreements" with timber landowners. These cover 3,544 miles of road with an estimated total value of \$51,596,000. In entering into these agreements the required road system needed to remove the timber of all ownerships in the "share cost" area is carefully planned and the costs are shared by the participating owners in proportion to their planned use of the roads.

We are trying to stretch the road dollars that Congress makes available to us over just as many miles of road as we can. We will continue to look for new ways to improve our performance.

We agree with either one of the two bills and support the two bills insofar as they affect us that I have testified for.

Mr. KLUCZYNSKI. Mr. Nelson, that is an excellent statement. We are always very happy to have you before this committee. But you are not going to ask at this time to take these funds from the trust fund, are you? I know 2 years ago you said you didn't care where it came from.

Mr. NELSON. No; the portion of the road authorization that goes into the forest development roads and trails is not proposed to be taken out of the trust fund, Mr. Chairman.

Mr. KLUCZYNSKI. Well, Mr. Nelson, speaking for myself, I favor an authorization level in keeping with the 10-year program we are discussing in the 1966 act. I hope we can accomplish that.

The Chair at this time recognizes the gentleman from California, Mr. Clausen.

Mr. CLAUSEN. Thank you, Mr. Chairman.

At this time I want to express my appreciation for your very fine testimony, and also to the chairman. Coming from an urban area like Mr. Kluczynski does, I do want to say this gentleman has evidenced more specific interest in the development of forest roads than anyone else I can name on this committee.

I think it is appropriate to thank the chairman for his interest in the so-called road problems.

Mr. Nelson, first of all let me ask you this: Reference has been made to maintaining this 10-year level of authorization that was prescribed, I believe, by the Kennedy administration. Now, how close are we to maintaining that level of authorization?

Mr. NELSON. Mr. Clausen, as I recall the figures right now, we are about \$270 million below where we should be if we were to finish that 10-year program by the end of the 10-year period.

Mr. CLAUSEN. Wasn't that 10-year program initially established about 1963?

Mr. NELSON. The program that President Kennedy sent to Congress in 1961 and it went from—yes, from 1963 to 1972 is what we considered the 10-year program.

Mr. CLAUSEN. So we are now in about the fifth year?

Mr. NELSON. Yes. The figure of \$270 million I gave you does not take into account increased costs and is based on 1961 dollar value. As you know, the index of cost has gone up regularly, too. I think it would be nearer \$330 million of 1968 dollars when we take into account the new increase in costs or the change in the index of costs that have occurred.

Mr. CLAUSEN. As you know, our greatest problem is one of money and the necessary control that must be established by the Congress. I am sure you are aware of the severe fiscal problem we face. Part of this problem is associated with the necessary expenditures of Government.

I would like to develop a hypothetical case. If the Vietnam conflict were to be brought to a reasonable settlement, how large a program and what amount of money could you realistically handle?

Mr. NELSON. Congressman Clausen, that may be a difficult question. On the other hand, we are ahead with our plans. We have road design plans on the shelf. We think it is a very desirable public development

to be placing public money into a road system. In 1962 under the accelerated public works program, when it was found necessary to have some public works programs we were able to step in and do some excellent work with APW money. Much of it was badly needed road and trail construction.

I think we would have no trouble at all in handling at least 50 percent more authorization than we are using in the present program. This would put us in the neighborhood of \$160 million to \$170 million.

Mr. CLAUSEN. Well, I for one would certainly like to see you as an agency and hopefully our own committee give very serious consideration to establishing the necessary legislative or administrative framework for the program so that if and when there is an opportunity to ease these current fiscal problems or ease the current fiscal crisis that we have, that we would be geared up ready to move on this kind of a program.

Here again, your comments relating to the problems in rural America, I sincerely believe that a lot of the problems that are affecting urban America could somehow be resolved if we could reverse this population trend toward the urban areas. And one of the ways in which we can do this is through a formula we develop for road construction, as I am sure you are well informed on.

Would you agree with this?

Mr. NELSON. We certainly agree with that. And I know that is the part of the program that the Department of Agriculture, to reverse this business of the rural people going into the cities causing more problems there. And surely a proper transportation system in rural America would be very helpful on that.

Also, Congressman Clausen, we look at it the same way you do. And, even though we took a substantial reduction in appropriations this year, in our road business, we have not reduced our surveying and engineering crews, because we feel it is very desirable to have the project properly surveyed, the plans made, and on the shelf, in case the financial situation changes and the budgetary situation makes it possible to move forward with this most desirable type of a program of expenditure of Federal funds for a capital investment.

Mr. CLAUSEN. Well, what part of the authorizations under the Federal-aid highway program were actually apportioned to you by the Bureau of the Budget?

Mr. NELSON. Well, as you know, for this fiscal year 1968 and 1969, this committee had an authorization of \$170 million. In 1968, our current fiscal year, we were allowed to go before the Appropriations Committee for funds to carry out a program at the level of \$120 million. And then later on there was the rescissionary action by the Congress, which required some cutbacks in programs, and we lost \$15 million at that time. This means that the current fiscal year we are at \$105 million. We will use \$105 million of the \$170 million authorization.

In fiscal year 1969 we had to take an additional cutback and our present use of the authorization as before the Appropriations Committee—and it was passed by the House the other day—would be at a level of \$93 million.

Mr. CLAUSEN. Well, in those communities that are dependent upon a continuing yield of the timber for their survival, particularly some

of the smaller lumber organizations, I guess they are mostly in the West. As you know, they have a very difficult time in guaranteeing the flow of natural resources to keep themselves going.

As I understand, it has contributed substantially to a number of organizations going bankrupt over the last few years and I think this current trend has contributed partially to this, because these people must have the timber.

I am wondering if you can comment on this. If we were able to have the necessary road program so that the land management program that you have, not only underway but contemplated, could be brought up to the maximum benefits—I am talking in terms of all of the multiple uses that are under your very fine program—

Mr. NELSON. Yes.

Mr. CLAUSEN (continuing). Do you not think this would reverse some of these bankrupt tendencies that have occurred?

Mr. NELSON. I do not know if I can comment specifically on any specific bankruptcy, but certainly an adequate road system is necessary and desirable. It is particularly necessary to some of the smaller operators who do not have the capital or cannot get the capital to build the roads themselves, so it has a definite bearing on this.

It also, as you know, Congressman Clausen, from your experience in the woods, means the Federal Government pays for those roads anyway. We get less money from the timber than we would otherwise.

I testified before the Appropriations Committee on the level that we are talking about this year. I told them that in this fiscal year it would not make any difference in the amount of money that we receive from timber sales because this year they will be operating on roads that have already been constructed. But we are getting mighty close to the level where we are going to have to cut back on timber sale programs. And it will not only affect some of the small operators in certain areas, it will affect the income to the Treasury of the United States from timber receipts.

In some areas, it is more pronounced than others, because it is on a more critical line as to whether or not the operators can afford to operate in an area if they have to build the roads.

In other areas, we almost have to build the roads or we would not be able to make the sales even though they are desirable from a standpoint of the economy of a local community and most desirable, of course, from the standpoint of managing a forest property.

Mr. CLAUSEN. Well, I believe that this committee, frankly, led by our champion chairman, has more realistically recognized not only the benefits that come as a result of your being able to properly manage your forest for the timber yield that is available—

Mr. NELSON. Yes.

Mr. CLAUSEN (continuing). But I do want to bring to the attention of the committee members here that we are considering, as you know now, the establishment of a Redwood National Park and there are many people in the Nation that are making the comment to the effect that we should have a larger and larger park in order to accommodate this vast population from the urban area that wants to come in for recreational purposes.

Well, I would submit to you, each and every one of you on this committee, that this is one of the kinds of programs that will yield,

in my judgment, the most benefits to the most people. If we will provide access to these vast recreational areas that could be put to the benefit of the people of the country through a proper and updated forest development roads and trails program, we will really be developing some benefits.

And I can tell you that in our own area, for instance, we have some 5.6 million acres of Forest Service lands, and all we need is to have the opportunity for a road to be developed to give access to people. And you can minimize the number of dollars that are going to be required for creation of a very large national park.

I just had to take advantage of this opportunity to bring this to the attention of our committee members.

Mr. NELSON. If I may, I would like to say we have 20 million acres in the East. I do not want the members on this committee who are in the East to thing our road problems and road needs are all in the West. The same type of thing that you just spoke of for recreation development is very important in the eastern national forests also.

Mr. CLAUSEN. Now on page 14 of the draft of the bill that is before us, line 4, you have "for the use and development of the resources upon which communities within or adjacent to the national forest and other areas administered by the Forest Service are dependent."

Now, that includes parts of a sentence. But could you tell me what is fully intended by that recommendation?

Mr. NELSON. That deals only with the definitions. As you know, the Federal Highway Act has a section on definitions; it also has a section on the authorizations. And the intent of these recommendations for a change here was to make the definitions the same as the authorizations that were authorized 4 years ago.

Mr. CLAUSEN. I see. Recognizing this is dependent on the success of your program.

Mr. NELSON. Yes, sir.

Mr. CLAUSEN. And you are making this recommendation legislatively to accomplish this?

Mr. NELSON. That is right.

Mr. KLUCZYNSKI. Any further questions?

The gentleman from Texas. Mr. Roberts.

Mr. ROBERTS. Mr. Nelson, what is the total for forest products in the United States? I am talking about from national parks. What is your total?

Mr. NELSON. This past fiscal year it was \$182,600,000.

That includes our total receipts and most of that is from timber. About 95 percent of it is from timber.

Mr. ROBERTS. We are spending more than that for the roads. When you count what you work out with the saw people, timber people, and what we put in, we are spending more money on roads than we are taking in on the whole product, by far.

Mr. NELSON. Our appropriated funds for roads and trails in the budget for fiscal year 1969 will be about \$91 million and in addition to that we have the 10-percent fund, which will add about \$18 million.

The roads that will be built by the timber operators under the timber sales contract will be about \$87 million. So you are correct that it will be more than the \$180 million of direct receipts to the Treasury.

Mr. ROBERTS. \$170 million we are spending for roads and our whole total forest products total \$180 million. That does not make very good business. We would be better off just to leave the trees alone, would we not?

Mr. NELSON. The roads are an investment in the land that will have other needs and will be used for not only additional forest management and the removal of forest products, but by recreationists as well as for the protection of the lands and resources.

There are some areas we think it would be desirable to put in roads and would save us in the overall cost of firefighting, for example.

So a system of roads—actually if I recall right, if we looked at our receipts, counting the money that timber operators spend in the capital investment of roads as a receipt and subtract our costs of operation in the national forest, but looking at our capital investments the way a business does, and as a depreciation, we are operating the entire national forest system at about the cost that we are putting into it.

In fact, last year—I do not have my papers here, but last year there was about a \$2 million profit when you look at the outgo like a business does, of taking capital investments and considering that on a depreciation basis.

Mr. ROBERTS. You do not consider your administrative costs?

Mr. NELSON. That would have administrative costs in it.

Mr. CLAUSEN. Would the gentleman yield?

Mr. ROBERTS. Let me finish up this line, then I will be glad to yield.

How are you tied into the wilderness program? I get a conflict here, because I agree with you, we want to build roads; but to go out into the wilderness, they are not only building roads but they are plowing up existing airports they could use for firefighting, and the Government pays for it.

Mr. NELSON. The first wilderness setup in the United States was set up by the Forest Service in 1924, the Gila Wilderness in New Mexico. We have some 15 million acres of national forest land at the present time either in the national wilderness system or in primitive areas that the Wilderness Act requires be studied to be put into the wilderness system, so we are deeply involved in the wilderness program and the whole wilderness system and Wilderness Act here.

There are a number of propositions before the Congress at the present time that are a result of the study of some of these primitive areas that would propose putting them into the national wilderness system.

Even in the wilderness system, as I indicated, it requires some authorizations such as in this bill, because the wilderness system is not very usable without a trail system. And all of the people who use the wilderness use trails. So it does take some funds, as authorized by this bill, for the trail system within the wilderness system.

Mr. ROBERTS. But you have a ruling that you cannot take a chainsaw or motorized equipment into the wilderness area, even if you have a heavy blowdown. Is this your ruling or your superiors' ruling? Even if somebody wants to go out and help, he cannot do it unless he wants to do it with a handsaw.

Mr. NELSON. I guess we would have to take part of the responsibility for that, but part of it I think would lay at the feet of Congress because the Wilderness Act does not allow the use of motorized equip-

ment within the wilderness system. It does leave us the leeway of using motorized equipment for administrative purposes.

If we had a blowdown of that type, there is no question but what our people would use chainsaws as the most efficient way of getting the trails opened.

We have not allowed others, such as—oh, guides, to use chainsaws and motorized equipment because the Wilderness Act does not allow that. And we realize that there may be some situations where it would be easier for them to help us actually open up some of the trails.

Mr. ROBERTS. One other short question; then I will yield to the gentleman from California.

On your grasslands area, I have two lakes.

Mr. NELSON. Yes.

Mr. ROBERTS. Lake Davy Crockett and Lake Fannin, both very substantial, very good lakes, but there is no road between them, no usable road.

Now if we appropriate the money for this—I was not aware of it—why are we trying to get EDA to build a road between those two lakes that belong to you? Why are you not building them?

Mr. NELSON. As indicated here, we have not received the appropriations that would let us do all we would even be authorized to do under this bill.

We have many, many places where we could and would spend Forest Road and Trail Development funds. I am not acquainted with these particular lakes, Congressman, but we have many areas of that type where it could be and might be desirable to spend those funds, but we do not have them at this time and consequently we are using every process we can to extend our dollars as far as we can. And if they are able to handle the road some other way, we cooperate to get it built.

Mr. ROBERTS. Thank you very much.

I yield to the gentleman from California.

Mr. CLAUSEN. My comment will be very brief.

The gentleman from Texas, I believe, was relating the amount of the authorization to the total amount of timber receipts, and the amount of income.

Mr. ROBERTS. All forest products.

Mr. CLAUSEN. For the forest, yes.

I think the one thing that we should probably mention in the proper perspective is as they have increased the authorization and the appropriation level, the yield from the timber sale receipts has not only increased, but frankly you will see an overall increase to the Treasury, because the organizations that are in need of roads also are paying increased taxes and that sort of thing.

So I believe in order to maximize the use of these lands and timber that comes from it, it is going to be necessary to have the best possible road system, rather than just blocking the areas unnecessarily.

Mr. ROBERTS. Thank you.

Mr. KLUCZYNSKI. Thank you, Mr. Nelson. You are a splendid witness. We are very much impressed. You have all the answers, all the figures. And you have a good gentleman to work with you.

The gentleman who represents the Northwest section of this great country, Mr. Clausen, as I happen to know, is an expert on forest

roads and trails. It is a pleasure to be out in that great part of the country.

Mr. NELSON. Thank you. It is always a pleasure to appear before the committee.

(The following was received for the record:)

ADDITIONAL COMMENTS BY M. M. NELSON, DEPUTY CHIEF, U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, AS REQUESTED BY THE CHAIRMAN, SUBCOMMITTEE ON ROADS, COMMITTEE ON PUBLIC WORKS

ROAD IN RELATION TO COMPETITION FOR NATIONAL FOREST TIMBER

The Forest Service is just completing a comprehensive study of timber sales in the Pacific Northwest to determine the facts of why we get increased bidding, and thus higher returns to the government, on some sales and not on others. The study concludes that a key factor to increase the competitive position of our timber sales would be to increase the level of road construction by appropriated funds. Studies made earlier by others also indicated this need of roads to engender full competition for timber.

ADEQUACY OF HIGHWAY ENGINEERING ON NATIONAL FOREST SYSTEM ROADS

One industry witness expressed alarm concerning uniform grade, alignment, balanced cuts and fills and *excessively detailed surveys*. We are very much concerned with the most efficient use of available road dollars. We are also concerned with the road system providing functional, *safe* service at the lowest cost. These objectives must be met in keeping with the conservation and the enhancement of the Forest environment. In order to require that roads be built to meet these criteria, the roads must be adequately defined in plans and specifications. Specified roads (roads which are to become permanent Forest Development Roads) needed in the timber sale must be built to the required standards. We believe we must precisely prescribe the required construction or we are unfair to the timber purchaser who has to know what he has obligated himself to perform when he bids. We know of no way to accomplish this objective without definitive plans and specifications. "Flexible" requirements can only create uncertainty on the part of both parties to the timber sale contract.

RELATIONSHIP OF ROAD CONSTRUCTION PRACTICES ON PRIVATE LAND U.S. ROADS CONSTRUCTION BY TIMBER PURCHASERS ON GOVERNMENT LAND

We do not believe that the practices followed by private timber land owners in logging private lands for maximum profit are acceptable guides for management of the National Forests.

A prudent manager of public lands must have different standards than would a prudent manager of private lands. We cannot, by our timber management practices, "lock out" other legitimate users of the National Forests, nor can we unnecessarily detract from or fail to protect resource values such as aesthetics, soil and water.

We do not know, nor have we been able to determine, how the actual cost of building private roads on private lands compares with the cost of National Forest roads. Our cost records are available for public scrutiny. We are proud of the many economies we have been able to incorporate into design and construction techniques. Private road costs on the other hand are generally unavailable. Sometimes tax benefits make it more "profitable" to have costs appear as operating or maintenance expenses instead of amortization of construction cost. Also, we never know what elements are included as costs for the private land road, and whether or not they are the same elements that appear in National Forest timber sale appraisal data. For example, does the private land cost figure include identifiable allowances for executive overhead, equipment depreciation or right-of-way clearing? If we had access to accounts of such costs and could verify them, we would be glad to use them in timber sale appraisals for estimating costs when similar roads are appropriate on sale areas. For these reasons the comparability of "investments" made in the public roads and private roads as well as a comparability of the "prudence" of these investments is difficult and usually impractical to make. We have been the target of many such comparisons in the past, and we do not consider them to be fair.

"STAGE CONSTRUCTION" OF A ROAD IS NOT AN ECONOMIC ADVANTAGE

Our records show that we have built, and unfortunately are continuing to build, too many miles of road which are not suitable for full multiple use management of Forest resources. At the present time the cost of bringing existing roads up to desirable standards would exceed \$4,000,000,000. This situation exists at the same time we are faced with the necessity of opening up vast new areas to get presently unproductive timber stands under management. Quite contrary to some industry comments our primary roads deficiency has been our inability to build roads to handle even the present traffic volumes in the most economic manner. We do not consider stage construction as a desirable approach to developing an effective economic transportation system.

RELATIONSHIP OF "PRUDENT OPERATOR" ROADS TO "MAXIMUM ECONOMY" ROADS

The House Committee Report #1920 on S. 1147 Sept. 30, 1964 "Under its existing statutory authority to sell timber, the Forest Service may not require a purchaser of Federal timber as an incident of his timber purchase contract to build a road to a standard higher than necessary for harvesting the timber involved in the particular sale. Nor may the excess cost of such higher standard road be charged against the timber sold, even if the purchaser agreed to build it. Roads which a prudent operator would deem necessary to harvest timber in a particular sale are called "prudent operator" roads.

The prudent operator concept cannot be equated with practices by private timber land owners or purchasers of private timber on private lands.

Certain practices such as improper clearing, inadequate drainage, impingement upon live streams and unstable cut and fill areas are incompatible with the management of National Forest lands. Road construction by any Forest permittee, licensee, or purchaser of government timber must comply with minimum "prudent" management concepts on National Forest lands. These land husbandry requirements must be basic for any permanent facility constructed as part of a government timber sale.

We must recognize, however, that we are developing and managing public lands and roads to be retained on the permanent road system which are used (or will be used) for more than one particular sale. Such roads must be planned, designed, and constructed to meet all of the needs (including future timber sales), and also to protect all the resources of the lands. Where the cost of such a "maximum economy" road is greater than that of a prudent operator road, we use the method of supplementing the construction with appropriated funds to develop a road system which will make its full contribution to the resources and users of the National Forests.

RECONSTRUCTION OF EXISTING ROADS AS A REQUIREMENT OF A TIMBER SALE CONTRACT

Some timber industry spokesmen have taken the position that a road which has been constructed as a condition of a timber sale could never in the future be upgraded as a requirement of a future timber sale.

Following are some examples of such situations: Following the first timber sale, which built the road and prior to additional sales Forest users such as hunters, fishermen and other recreationists start using the road and use it to nearly its full design capacity. When the next sale is proposed in the area there is a requirement that the purchaser of the government timber rebuild the existing road to increase the capacity necessary for that sale prior to hauling timber over the road. This condition may also occur when there is a larger sale or the haul distance is greater. This can occur where there is little or no "other" traffic but there is a change in the economics of the haul, i.e., new types of hauling equipment, a higher rate of log removal is anticipated or a longer hauling season.

We know that the best cure for this problem is to build the "maximum economy" road in the first place. If we had the necessary financing this would be the usual procedure. Another alternative in some instances is to close the road to all public traffic other than timber hauling. The third alternative would be not to make sales where the existing road is inadequate. The prudent operator concept should not prevent such a road from being rebuilt to a standard desirable to remove the timber from the current sale under existing conditions as a requirement of the timber sale contract.

We try to do everything possible to mesh all forest uses together so there will be a minimum of closing roads and restricting other traffic. We wholeheartedly believe in obtaining an adequate road system in the most economic manner possible while continuing to manage the National Forests for all uses.

Mr. KLUCZYNSKI. Off the record.

(Discussion off the record.)

Now we will have the Secretary and Mr. Bridwell and Mr. Turner again.

For the benefit of the committee, I will ask a question.

Mr. Secretary, there are some specific problem areas bothering a great many of the States. The specific problem for the most part turns on a general question of what the appropriate role of the Department at the Secretarial level, at the Federal Highway Administration, the Bureau of Public Roads—and the State—should be.

Specifically, there is a great deal of concern about the extent to which section 4(f) of the Transportation Act should be decisive in determining highway location and design.

There is also a great deal of concern about the very complicated requirements for public hearings.

Mr. Secretary, we would appreciate your commenting in detail on these two areas.

STATEMENT OF HON. ALAN S. BOYD, SECRETARY OF TRANSPORTATION; ACCOMPANIED BY HON. LOWELL K. BRIDWELL, FEDERAL HIGHWAY ADMINISTRATOR, DEPARTMENT OF TRANSPORTATION; FRANCIS C. TURNER, DIRECTOR OF BUREAU OF PUBLIC ROADS; DR. WILLIAM HADDON, JR., DIRECTOR, NATIONAL HIGHWAY SAFETY BUREAU; AND DR. ROBERT BRENNER, DEPUTY DIRECTOR, NATIONAL HIGHWAY SAFETY BUREAU—Resumed

Secretary BOYD. Well, first and foremost, I would like to say that I think the relationship between the various officials, State and Federal, is an evolving one and will continue to be an evolving one depending upon the circumstances of the highway design and construction in the United States.

Insofar as the determination of projects based on section 4(f), we are in the process of issuing a regulation on the procedures to be used in considering the 4(f) question. That regulation will be within the framework of the law and will be an attempt to follow the law established by the Congress.

As to the complications of hearing procedures, one of the major complaints which I and many others have received about highway projects is that the hearing procedure has been used purely and simply as a memorial for the record to approve a route alignment which has already been decided upon, and that the interested public have in effect had no opportunity to have any voice in influencing the location, the site, or the design of the project.

We are working on a two-hearing procedure. We have sent our drafts, I believe, to the various States and requested their comments in connection with this two-hearing procedure which would permit

the public to participate in location development and express their views on the location development of proposed projects.

This is a complicating factor. There is absolutely no question about it. A two-hearing procedure is going to be more complicated than a single-hearing procedure. And I do not know what to say other than we think this is a very worthwhile thing from the standpoint of the general public and the general public is pretty much today the same as the automobile owning and operating population of this country.

My own personal view is that there are many compliants, objections to highways, which could be mollified, explained, and understood if there were a better hearing procedure. And I am concerned to see that in the Department we undertake the development of those policies which will help make it possible to continue to build and improve the highway system in this country. And we cannot do that if we run into revolt.

MR. KLUCZYNSKI. Thank you, Mr. Secretary.

The Chair recognizes the gentleman from Maryland, Mr. Fallon.

MR. FALLON. Mr. Secretary, I have one question.

I understand that you have been quoted as saying that if the \$6 billion cut in expenditures on the Federal budget is coupled with the 10 percent surtax, if that is adopted and becomes law, it will be necessary to make further drastic cuts in highway spending. Is that true?

Secretary BOYD. Yes, sir.

MR. FALLON. Well, Mr. Secretary, will you tell me what effect that has in the deficit spending of our budget?

Secretary BOYD. Well, let me respond this way, Mr. Chairman. As I understand, the proposals which have tied together the tax bill and the expenditure cuts of \$6 billion, the trust funds are not exempted.

MR. FALLON. Well, do you mean to say that the way that this will be drafted —

Secretary BOYD. Sir?

MR. FALLON. If the legislation that is necessary to make these cuts as drafted will specifically state in there that there will be no exemption on trust funds?

Secretary BOYD. There are exemptions, I believe, for social security. And of course we have interest on the national debt and we have veterans payments. I think whether or not they are exempted—and I do not recall—as a practical matter, they are not going to be invaded.

MR. FALLON. What effect will this have on the budget and the deficit spending? What effect will it have if we have stopped spending money out of the trust fund that cannot be used for any other purpose?

Secretary BOYD. I can only answer that in the sense that I did before, that highway trust funds are not exempted from the \$6 billion which the Congress—which has been expressed as the desire of Congress to have cut.

MR. FALLON. It still does not affect the deficit spending of the budget; is that true?

Secretary BOYD. Well, sure it does, because the revenues in the trust fund appear in the administrative budget, Mr. Chairman.

MR. FALLON. But has no effect on the tax rate as such?

Secretary BOYD. On what?

Mr. FALLON. On the tax rate.

Secretary BOYD. Well, the \$6 billion is tied to the tax increase in the legislation.

Mr. FALLON. I still cannot see where money out of a trust fund will have any effect on a tax rate of the general fund.

The taxes are going to continue to be collected under the 1956 Highway Act. It will be put into a trust fund, and cannot be used for any other purpose other than for borrowing purposes, and we will have to pay the going rate of interest.

Secretary BOYD. That is correct, sir.

Mr. FALLON. If you borrow money from the outside source, you would have to pay the same amount of interest. So I do not see where you are saving any money.

Secretary BOYD. Well, all I can tell you is that I have been advised by the Bureau of the Budget, if the \$6 billion expenditure cut is imposed under the bill as it is presently proposed, there will have to be substantial savings coming from the Highway Trust Fund.

Mr. FALLON. They say that but they do not say that it will have any effect on the general tax rate?

Secretary BOYD. No, sir; they have not discussed the philosophy with me; they just told me the conclusion.

Mr. FALLON. Chinese philosophy. Thank you, Mr. Secretary.

Mr. KLUCZYNSKI. Mr. Cramer.

Mr. CRAMER. On that same subject, what is this money that is not going to be spent? What is it going to be used for? Do you know?

Secretary BOYD. I have no idea. The money which is generated by the taxes is a trust fund and there are statutory provisions on how it is dealt with. And whatever those statutory provisions are I am sure the Treasury will comply with.

Mr. CRAMER. They plan on borrowing from it like they have done before, short-term borrowing. It has been done with the cutback before, has it not?

Secretary BOYD. I would have to submit that for the record. I do not know.

Mr. BRIDWELL. Mr. Cramer, I can respond to that. The answer is that the surplus; that is, the balance in the trust fund, is regularly invested by the Treasury and it is invested in Treasury notes which are required by the statute to bear the same rate of interest as though the Treasury went to an outside money source for borrowings.

Now, what the Treasury uses that for when it borrows from the balance in the trust fund would be the same purposes that it uses money for when it borrows from outside sources. And I am assuming, without specifically knowing, that it would be a multitude of uses.

Mr. CRAMER. I understand. The point I was making is that any surplus created by— as I contemplated or understood it when that provision was put in, that surplus that would be created is expected to be funds that would be coming in that would not be expected to be spent in a reasonable period of time or excess funds coming in from revenues not expected to be spent.

Mr. BRIDWELL. I think that is a fair statement.

Mr. CRAMER. If it was not expected, then by the Presidential order it would result in additional cuts, borrowing.

Mr. BRIDWELL. Mr. Cramer, I think the key to this is what the Secretary has already said, and that is the language which ties together the expenditure reduction, proposed expenditure reduction of \$6 billion.

I am informed—I do not know of my own personal knowledge but I am informed—that there was a specific discussion on whether trust funds should or should not be exempt.

It is my understanding that the only trust fund exempted from the language which would statutorily require a \$6 billion expenditure—the only trust fund exempted was the social security trust fund.

Secretary BOYD. And I also believe the statute requires that surplus funds in the highway trust fund account be invested.

Mr. BRIDWELL. It does.

Mr. CRAMER. That is right.

Then you get the definition of what is meant by surplus. Surplus in my opinion, when this bill was drafted in 1956, did not contemplate a surplus artificially created by a cutback presidentially ordered.

There is a difference of opinion. Of course, I understand the Attorney General has given opinions, legal and so on. But having helped draft that legislation, my understanding was that surplus intended was that created by funds being available not needed for expenditure under the authorizations and appropriations made or substantially increased funds coming in as a result of larger revenue receipts than anticipated or authorized and appropriated for, and not artificially created surpluses by presidential order.

The language specifically is that—

It shall be the duty of the Secretary of the Treasury to invest such portion of the trust fund as it not in his judgment required to meet current withdrawals. Such investments may be made only at interest-bearing obligation.

But as you suggested, the key words are “required to meet current withdrawals.” And Congress is supposed to determine what the current withdrawal level is in my opinion.

Secretary BOYD. Mr. Cramer, I see the Secretary of Treasury occasionally and I would be glad to transmit your opinion of the law to him.

Mr. CRAMER. There is a bill pending, H.R. 14641, and others, which will have the effect of removing executive power unquestionably for the creation of artificial surpluses in the trust fund. Would you care to comment on the reaction to that proposal?

Secretary BOYD. I do not believe we are supporting that at the moment.

Mr. CRAMER. I will not hold my breath until you do. [Laughter.]

Of course, that would be one way maybe of getting at the problem.

Mr. CLAUSEN. Will the gentleman yield?

Mr. CRAMER. Just a second.

The cutback proposal, as I understand, of \$6 billion and then some obligation authority reduction, and so forth, \$6 billion spending reduction, is a figure within which the President shall decide exactly where the cut shall be. So he does not have to select the trust fund. If it is selected, he selects it; not the Congress.

I would hope with all the cutbacks that we have had in the trust fund, \$600 million now outstanding, that we would look elsewhere for some of these funds for programs that are not suffering as badly as this one at the present time.

Of course, that is not your decision, I understand. But it is discretionary with the President as to in what area the \$6 billion shall come from. That is my understanding.

Secretary BOYD. Yes, sir; and I think the President has made it clear in his judgment a cutback of \$6 billion in expenditures will be catastrophic.

It seems to me that if we are going to start laying the blame around here, there should have been some consideration given to the President's views on how much of an expenditure cut the budget could bear without crippling any number of programs. That is a decision the Congress is apparently in the process of making.

Mr. CRAMER. Well, Congress, in attempting to manage the fiscal problems of the country, it appearing some management is needed, I might add—that is my opinion—it has got to set some kind of guidelines. And of course that is what is being discussed at this time. However, discretion as to where the cuts will come will rest with the executive branch.

I would hope that in looking for cut areas, he might delve into some of the new programs that are not well underway and not as productive as this one, and some that have not been cut as deeply as this one in the past by the President.

But I understand the statement has been made that \$80 million is likely to come out of the highway trust fund in the \$6 billion cut.

Secretary BOYD. I do not know anything about that statement of any precise figure. I do think it is a fair statement, Mr. Cramer, that the executive branch of the Government is going to be just as willing to take the blame for these cuts as the Congress is.

Mr. CRAMER. It is interesting to me, when money is needed, they always look to the trust fund, which is supposed to be a trust, and set up in the interest of the highway users, with their tax money going into it for a tax base to build the highway, and that is the first fund they dip into.

Secretary BOYD. It is a reliable source.

Mr. CRAMER. It has money in it, that is for sure. It also has headache expenditures.

I will yield.

Mr. CLAUSEN. I would appreciate it if the gentleman would yield. I have to go over to the floor. I did want to ask the Secretary and Mr. Bridwell this question, because in California there is the Century Freeway that you are working on and one of their major concerns is the apportionment factors used for the Interstate Freeway System in draft legislation, compared with the Department of Transportation for the Federal-Aid Highway Act of 1958, does not include the cost of the Century Freeway, which has been added to the Interstate System.

Now, was this an oversight, or would you comment on that?

Mr. BRIDWELL. If I may, Mr. Clausen, I would like to comment on that.

The Century Freeway had not been added to the Interstate System at the time the cost estimate was made and at the time the table was developed of the apportionment factors that you are referring to. So that it is a relatively simple job to recalculate the apportionment factors with the cost of the Century Freeway added in for California's total.

Mr. CLAUSEN. So I can tell them then—or will you state this, what can I tell them as far as their expressing concern?

Mr. BRIDWELL. You can tell them we are very pleased to supply to the committee the estimated costs of the Century Freeway—

U.S. DEPARTMENT OF TRANSPORTATION,
FEDERAL HIGHWAY ADMINISTRATION,
BUREAU OF PUBLIC ROADS,
Washington, D.C., May 28, 1968.

Mr. RICHARD J. SULLIVAN,
Chief Counsel, House Public Works Committee, Washington, D.C.

DEAR MR. SULLIVAN: Mr. Bridwell requested that I prepare a revised table of apportionment factors to substitute for Table 5 in House Document 199, 90th Congress, 2d Session—The 1968 Interstate System Cost Estimate.

The enclosed Table 5A has been prepared as a revision of Table 5 to show apportionment factors resulting if the Federal share of the cost of constructing the Century Freeway in Los Angeles, California, (Total Cost \$276.9 million—Federal Share \$253.2 million) and the cost of acquiring and completing construction of the West Virginia Turnpike to Interstate standards (Total Cost \$186.1 million—Federal Share \$167.5 million), were included in the apportionment factor calculations.

Sincerely yours,

F. C. TURNER, *Director of Public Roads.*

[Enclosure]

[From the U.S. Department of Transportation, Federal Highway Administration, Bureau of Public Roads]

U.S. GOVERNMENT MEMORANDUM

To: Mr. Lowell K. Bridwell, Federal Highway Administrator.

Date: May 28, 1968.

From: E. H. Swick, for F. C. Turner, Director of Public Roads.

Subject: 1968 Cost Estimate, Adjusted Apportionment Factors.

In response to your memorandum of May 15, we have prepared the attached Table 5A as a revision of Table 5 in House Document 199, 90th Congress, 2d Session, to show the apportionment factor which would result if the Federal share of the cost of constructing the Century Freeway and the Federal share of acquiring and completing construction of the West Virginia Turnpike to Interstate standards, were included in the calculations of apportionment factors. While your memorandum did not specifically request that the West Virginia Turnpike be included in these calculations, we consider this to be a necessary consideration in view of recent action by both the Senate and House Public Works Committees in this regard.

You will recall that on February 7 I sent to you a table showing a similar "Table 5A" which provided for the California Century Freeway at a cost of \$261.8 million. The attached table includes the Century Freeway at a cost of \$276.9 million which is the estimate for this segment on the basis of its approved length providing connection to Sepulveda Boulevard.

You suggested that I make arrangements with the House Public Works Committee to substitute the attached table for the Table 5 submitted in the Report to Congress in January. Accordingly, I am sending the attached table to Mr. Sullivan, Chief Counsel for the Subcommittee on Roads of the Committee on Public Works, House of Representatives.

TABLE 5A.—ESTIMATED FEDERAL-AID AND STATE MATCHING FUNDS TO COMPLETE THE SYSTEM, AND APPORTIONMENT FACTORS FOR DISTRIBUTION OF 1970 FISCAL YEAR AUTHORIZATION

State	Estimated Federal-aid and State matching funds required to complete system (thousands)	Estimated Federal share of funds required to complete system (thousands)	Apportionment factors (percent)
Alabama.....	\$366,163	\$329,547	1.902
Alaska.....			
Arizona.....	277,587	262,014	1.512
Arkansas.....	119,091	107,182	.619
California.....	1,709,817	1,563,628	9.026
Colorado.....	264,804	241,872	1.396
Connecticut.....	347,110	312,399	1.803
Delaware.....	47,074	42,367	.245
Florida.....	330,034	297,031	1.715
Georgia.....	381,382	343,244	1.981
Hawaii.....	233,421	228,079	1.317
Idaho.....	134,938	124,602	.719
Illinois.....	1,060,745	954,671	5.511
Indiana.....	374,719	337,247	1.947
Iowa.....	196,416	176,774	1.020
Kansas.....	156,715	141,044	.814
Kentucky.....	328,120	295,308	1.705
Louisiana.....	465,049	418,544	2.416
Maine.....	131,078	117,970	.681
Maryland.....	386,360	347,724	2.007
Massachusetts.....	484,574	436,117	2.517
Michigan.....	788,828	709,945	4.098
Minnesota.....	423,189	380,870	2.199
Mississippi.....	199,481	179,533	1.036
Missouri.....	372,840	335,556	1.937
Montana.....	360,100	328,447	1.896
Nebraska.....	80,367	72,330	.418
Nevada.....	112,942	107,295	.619
New Hampshire.....	107,639	96,875	.559
New Jersey.....	540,145	486,131	2.809
New Mexico.....	194,347	179,790	1.038
New York.....	923,130	830,817	4.796
North Carolina.....	250,707	225,636	1.303
North Dakota.....	115,593	104,034	.601
Ohio.....	824,105	741,695	4.281
Oklahoma.....	145,375	130,838	.755
Oregon.....	403,217	372,008	2.147
Pennsylvania.....	973,682	876,314	5.058
Rhode Island.....	99,794	89,815	.518
South Carolina.....	208,564	187,708	1.084
South Dakota.....	110,338	100,430	.580
Tennessee.....	468,546	421,691	2.434
Texas.....	946,486	851,837	4.917
Utah.....	260,933	246,321	1.422
Vermont.....	134,988	121,469	.701
Virginia.....	454,683	409,215	2.362
Washington.....	552,742	500,950	2.892
West Virginia.....	652,956	587,660	3.392
Wisconsin.....	168,214	151,393	.874
Wyoming.....	109,813	101,950	.589
District of Columbia.....	353,178	317,860	1.835
Total.....	19,152,119	17,323,797	100.000

Note: Table 5A is a revision of Table 5 in H. Doc. 199, 90th Cong., 2d sess. The 1968 Interstate System cost estimate, to show apportionment factors resulting if the Federal share of the cost of constructing the Century Freeway in Los Angeles, Calif., (total cost \$276.9 million, Federal share \$253.2 million) and the cost of acquiring and completing construction of the West Virginia Turnpike to interstate standards (total cost \$186.1 million, Federal share \$167.5 million), were included in the calculations.

Mr. CLAUSEN. And this would be included in the report?

Mr. BRIDWELL (continuing). To be included in the cost estimate to be recalculated in apportionment factors if the committee so desires.

Mr. CLAUSEN. Thank you.

Mr. CRAMER. I just have one matter I would like to get as a matter of record, Mr. Chairman, then I will yield to the other members.

I directed a letter to the Comptroller General, and he replied May 22, 1968, and I believe you have a copy.

Secretary Boyd. Yes, sir.

Mr. CRAMER. That deals with the question of the Executive order relating to compliance with the equal employment opportunity conditions, and in my letter I raised some questions concerning it. Basically the reply, the most significant paragraph begins on the bottom of page 4 and on the bottom of page 5, the conclusions. I am sure you are familiar with the problems created by the negotiation after the bid opening process relating to these matters. And the effect that might have on the bid-letting process and fixed-prices costs and so forth, and numerous objections raised.

In effect, they say :

In view thereof, there would appear to be a technical defect in an invitation's requirement for submission of a program subject to government approval prior to contract award which does not include or incorporate definite standards on which approval or disapproval will be based. We believe that the basic principles of competitive bidding require that bidders be assured that award will be made only on the basis of the low responsive bid submitted by a bidder meeting established criteria of responsibility, including any additional specific and definite requirements set forth in the invitation, and that award will not thereafter be dependent upon the low bidder's ability to successfully negotiate matters mentioned only vaguely before the bidding. We are therefore advising the Secretary of Labor that if the proposed order is adopted, it should be appropriately implemented, before becoming effective, by regulations, which should include a statement of definite minimum requirements to be met by the bidder's program, and any other standards or criteria by which the acceptability of such program will be judged.

And the last paragraph says:

In any event, we cannot conclude at this time that the proposed requirement for submission of acceptable affirmative action programs prior to awarding Federally assisted construction contracts, is a matter of law clearly compatible with competitive bidding requirements * * *, and therefore illegal, provided the proviso is the key—

provided the implementing regulations discussed above are issued before the proposed order establishing such requirement becomes effective.

Now, I would trust and hope that you will give this matter your consideration as a result of the General Accounting Office determination, and as I understand it has been directed to you through proper channels, as well as to the Department of Labor and others involved.

Also I would hope that your Department would so advise the States of this proposal by GAO. Do you see any problems relating to it or have any reservations about it?

Secretary Boyd. No, I do not. I am very much in favor of this. I think the bidders ought to know what the requirements are.

The Department of Labor, as you know, is the lead agency.

Mr. CRAMER. Yes. I understand.

Secretary Boyd. And we would certainly be in contact with them about this. I presume the Department of Labor will get a copy of this.

Mr. CRAMER. Yes, they got it today.

Now, what will be the attitude of your Department relating to the presently existing requirement until this matter is resolved by Labor, in view of this letter?

Secretary Boyd. Well, I certainly expect an early resolution by the Department of Labor. And without checking with the various States,

I would not know how many proposals are involved in the existing situation; but if it appears that there is going to be only a short period of time involved, I would not recommend any changes in the existing procedures.

I do not see any point in trying to make two shifts in procedures.

Mr. CRAMER. It is my understanding, is it not, as contained in the presently existing order, that they have a pilot project in three areas—St. Louis, San Francisco, and Cleveland—that are presently in existence now; is that correct?

Secretary BOYD. Not to my knowledge. The ones I know about are Cleveland and Philadelphia. Now, there may be others.

Mr. CRAMER. Philadelphia may be a more recent one, but I understood that—

Secretary BOYD. Mr. Bridwell is current on this subject.

Mr. CRAMER. Mr. Bridwell?

Mr. BRIDWELL. I think the three areas that you have mentioned, that that is accurate, that there are pilot projects there. There is a fourth one which the Secretary has mentioned, Philadelphia.

The problem that you were referring to as it relates to the highway program has been of significance only as it relates to the Philadelphia and Cleveland areas.

Mr. CRAMER. I understand in the Philadelphia area that at the preaward conference prescribed by OFCC, Peter Kiewitt's representative refused to submit a manning table, which OFCC requires as part of the active program, and he stated the reason for refusal was he had no way of knowing whether the local union would supply him with the number of members required, and because of the refusing to submit the manning table, OFCC did not approve the award.

Secretary BOYD. I am not sure about the reason of this state of refusal. The fact is the gentleman did refuse and the State highway director indicated his support of the representatives of Peter Kiewitt. The Federal Government followed the position of the OFCC and the Governor of Pennsylvania, within a very short period thereafter, expressed his support of the preaward requirement.

Mr. CRAMER. Well, your agency, because of the nonconformity to OFCC requirements, would not concur in the award?

Secretary BOYD. That is correct. That is correct.

Mr. CRAMER. A similar situation developed with regard to the Cleveland Carl M. Gueppel Construction Co.

Secretary BOYD. Yes, I think that is Gueppel. I am not sure that has been resolved yet.

Mr. Bridwell. It has not.

Secretary BOYD. No, I think there is negotiation underway on the Gueppel contract. I do not believe that there has been a parting of the ways there.

Mr. CRAMER. Well, the reason I cite it is to indicate under the present procedures there have been at least to our knowledge one contract turned down, low bidder.

Secretary BOYD. Yes, sir.

Mr. CRAMER. Resulting from nonconformance.

Possibly this approach, suggested by the General Accounting Office, will help resolve some of these problems.

Secretary BOYD. We are all in favor of it. I think people ought to know what they are bidding on.

Mr. CRAMER. Mr. Chairman, could I ask following the Secretary's testimony that this letter by the Comptroller General of the United States to myself be made a part of the record?

Mr. KLUCZYNSKI. Without objection, so ordered.
(Letter follows:)

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., May 22, 1968.

Hon. WILLIAM C. CRAMER,
House of Representatives,

DEAR Mr. CRAMER: Further reference is made to your letter of April 8, 1968, with enclosure, concerning requirements for acceptable "affirmative action programs" for compliance with the equal employment opportunity conditions of Executive Order No. 11246 of September 24, 1965. You enclose a copy of a draft memorandum of a proposed order which was submitted for comment to the heads of all agencies by the Director, Office of Federal Contract Compliance (OFCC), Department of Labor.

We understand your request for our opinion is confined to the propriety of the proposed requirements, particularly with reference to the Federal-aid highway program, in view of the specific provision of 23 U.S.C. 112 that such highway projects shall be performed by contracts awarded by competitive bidding, and that you do not question generally the legality of the requirement for the inclusion of nondiscrimination clauses, which was first imposed as to Government contracts by Executive Order No. 8802, June 25, 1941, and extended to construction contracts under federally aided or financed programs by Executive Order No. 1114, June 22, 1963.

You state that the procedures proposed by the Department of Labor contemplate that the low bidder and its subcontractors, on contracts covered by the order, will be required to submit before award acceptable affirmative action programs to assure equal employment opportunities, but that the invitation for bids apparently would not include a statement outlining the details of an acceptable program. Further, that when an unacceptable program is submitted award will not be made until agreement is reached on an acceptable program. You say that since bidders will not know what will constitute an acceptable program they will not be able to make a reasonable estimate of the probable cost of the program, and thus must run the risk of added costs, including possible additional subcontracting costs, when the proposed subcontractors do not submit acceptable action programs. You also point out that a low bidder has the opportunity to avoid entering into a contract by failing or refusing to submit an acceptable action program. Finally, you state that you believe imposition of the proposed procedures will cause added delay and cost to the Federal-aid highway program.

The purpose and background for the proposed order is stated therein as follows:

"1. Purpose

"This Order is to insure that before contracts are awarded, Federally involved construction contractors provide affirmative action programs which comply with the requirements of Executive Order 11246 and with Rules and Regulations issued pursuant to it.

"2. Background

"For over one and a half years, acceptable affirmative action programs have been required before contract award by a number of Federal contracting and administering agencies. Detailed pre-award programs are now required by this Office in three specific geographical areas (St. Louis, San Francisco Bay, and Cleveland) for all Federal contracting and administering agencies. Experience has shown that such procedures are considerably more effective in implementing the Executive Order than exclusively post-award approaches. The pre-award requirement for nonconstruction contracts has been in effect since May 3, 1966."

The following pertinent provisions of the proposed order are set forth under paragraph 3b:

"On all projects for Federal or Federally-assisted construction, in which the total construction cost may be one million dollars or more:

"(1) Each agency shall include, or require the applicant to include, in the specifications for each formally-advertised construction contract, a notice (the form of which is approved by the Office of Federal Contract Compliance) to all prospective bidders stating that, if its bid is one million dollars or more, the low bidder must submit, in writing, (an) acceptable affirmative action program(s) which will have the result of assuring equal employment opportunity in all trades and particularly the better-paid trades (such as electricians, plumbers, pipefitters, sheet metal workers, ironworkers and Operating Engineers) to be used on the job and in all phases of the work, whether or not the work is to be subcontracted.

"(2) Before each contract is awarded, the contracting or administering agency shall make an evaluation of the proposed affirmative action programs submitted with the bid. The evaluation *shall be conducted by qualified specialists* regularly involved in equal employment opportunity programs, in cooperation with the OFCC Area Coordinator if one serves the area where the contract will be performed."

Under paragraph 3c each Federal contracting and administering agency is required to submit to the OFCC its program to implement the order.

Existing regulations issued by the Secretary of Labor pursuant to the authority of the Executive Order, which appear in Title 41, Chapter 60, of the Code of Federal Regulations, require that federally assisted construction contracts shall include a clause under which the contractor and subcontractors agree to take various affirmative actions to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. 41 CFR 60-1.3(b). A proposed revision of 41 CFR Ch. 60 issued by the Office of Federal Contract Compliance pursuant to Executive Order No. 11246, was published in the Federal Register, Vol. 33, No. 32, on February 15, 1968. Requirements for a similar clause in federally assisted construction contracts and subcontracts are stated under Section 60-1.4(b) of the proposed revision, and general requirements of satisfactory affirmative action programs are set forth in Subpart C thereof. Other than the submission of an affirmative action program prior to award, and the requirement for approval thereof by OFCC prior to award, we do not find a substantial basis on which to conclude that the proposed order contemplates that the affirmative actions required of contractors and subcontractors under federally assisted construction contracts will be materially different from those which have been required of such parties after award for several years.

A review of the records of this Office does not show receipt of any cases involving undue restrictions on competition resulting from the requirement for affirmative actions by contractors to ensure compliance with the Equal Employment Opportunity Program in federally assisted construction contracts, or involving contractors having encountered substantially higher costs in satisfactorily complying with equal opportunity requirements than were anticipated in the preparation of their bids. It is further noted that, in the background information quoted above, it is stated that preaward acceptable affirmative action programs have been required by a number of Federal procurement agencies for over two years, and our records fail to show any cases presented to this Office wherein award was not made to the low bidder because of his failure or refusal to submit an acceptable affirmative action program, or involving claims for unanticipated costs resulting from such a program.

While, as noted above, problems in the existing preaward acceptable affirmative action program have not been reflected in our contract work, statements contained in records of your office which you have made available for examination by representatives of this Office reflect that road contractors may be encountering serious problems in connection with the preaward program as it is being administered in the geographical areas mentioned in the proposed order. Such statements indicate that the preaward procedures have in some instances resulted in extended periods of delay in the awarding of contracts; that bidders are furnished inadequate guidelines for the development of an acceptable affirmative action program, and the low responsive (and otherwise responsible) bidder may therefore be required to enter into negotiation procedures on an acceptable program in order to obtain the award; that a program which is acceptable on one contract may not be acceptable on another; that a program which is acceptable at the time the contract is awarded may be unacceptable

when the project is half completed; and that a bidder operating under negotiated labor agreements would in some cases be required to violate those agreements in order to comply with the proposed order.

Statutory provisions, such as that contained in 23 U.S.C. 112, for competitive bidding in the award of contracts have been interpreted to require award after advertising to the lowest responsible bidder whose bid is responsive to the terms of the invitation, and it is elementary that bidders must be adequately advised beforehand of all material requirements which will affect their costs or ability to perform. Invitation for bids were designed to secure a firm commitment upon which award could be made for securing the Government's requirements described therein, and not as a first step for subsequent negotiation procedures. In view thereof, *there would appear to be a technical defect in an invitation's requirement for submission of a program subject to Government approval prior to contract award which does not include or incorporate definite standards on which approval or disapproval will be based. We believe that the basic principles of competitive bidding require that bidders be assured that award will be made only on the basis of the low responsive bid submitted by a bidder meeting established criteria of responsibility, including any additional specific and definite requirements set forth in the invitation, and that award will not thereafter be dependent upon the low bidder's ability to successfully negotiate matters mentioned only vaguely before the bidding. We are therefore advising the Secretary of Labor that if the proposed order is adopted it should be appropriately implemented, before becoming effective, by regulations which should include a statement of definite minimum requirements to be met by the bidder's program, and any other standards or criteria by which the acceptability of such program will be judged.*

As to any added delay or cost to the Federal-aid highway program which might be occasioned by the requirement for acceptable affirmative action programs by contractors and subcontractors, such factors would not negate the apparent legality of the requirement. As indicated above, one of the basic requisites in awarding contracts pursuant to competitive bidding is that award be made to a responsible bidder, and added delay and cost in determining the responsibility or acceptability of the low responsive bidder are matters commonly associated with the awarding of such contracts.

Although, as you state, imposition of the procedures proposed by the Office of Federal Contract Compliance will no doubt create other legal and practical problems, we believe that many areas of such contemplated problems may be subject to resolution or disposition by regulations promulgated by the Office of Federal Contract Compliance or by implementing regulations of the agencies as provided for in the proposed order. *In any event, we cannot conclude at this time that the proposed requirement for submission of acceptable affirmative action programs prior to awarding federally assisted construction contracts is as a matter of law clearly incompatible with competitive bidding requirements of 23 U.S.C. 112, and therefore illegal, provided the implementing regulations discussed above are issued before the proposed order establishing such requirement becomes effective.*

We trust this serves the purpose of your letter of April 8. Please let us know if we can be of any further assistance in this matter.

Sincerely yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

Mr. CRAMER. Thank you.

Mr. KLUCZYNSKI. Are there any questions on my right?

Mr. CRAMER. May I also ask, the other letter that was read earlier, submission of Mr. Hughes on relocation —

Secretary BOYD. We have not, we do not have that letter, Mr. Cramer.

Mr. KLUCZYNSKI. The gentleman from Texas, Mr. Roberts.

Mr. ROBERTS. Mr. Secretary, we have a problem on right-of-way acquisitions. I am not sure the problem is not statutory and I seek your advice.

Under our State highway procedures, an appraisal is made by an employee of the highway department. After this appraisal has been

made, a highway department land acquisition man contacts the owner and says in effect; "We are going to take this piece of property for highway purposes and we are prepared to make you an offer in line with our appraisal." In a specific case, the appraisal was \$87,000.

Regardless of the appraisal, the owner usually says that's not enough. Eventually, the land acquisition man secures a counter offer. Again, in this specific case the counter offer was \$100,000 against an original offer of \$87,000.

Then the acquisition people say that they have no authority to exceed the appraisal. So the owner filed a suit and received an out of court settlement, not the \$100,000 which the owner was willing to take, but for \$250,000. This has happened many, many times.

Now, Mr. Secretary, is it the fault of the statute or the fault of the procedure that there can be no adjustment after the original appraisal?

In almost every case we have taken a tremendous shellacking once an owner goes to court.

If we authorize a 10 percent adjustment or some other flexible figure over the original appraisal which would be less than the court costs involved, we could save a substantial amount of money. I can give you four or five specific cases where the award was more than double the amount for which the landowner was willing to settle. I hope some flexibility can be granted.

Secretary BOYD. That may raise some question about the quality of the appraisers that are used, Mr. Roberts. But the answer—do you want to know specifically whether State law prohibits going above the appraisal or whether Federal law prohibits going above?

Mr. ROBERTS. Yes, whether our basic law is at fault.

Secretary BOYD. I think we will have to submit this for the record.

Mr. ROBERTS. I will withdraw it and take it up with Frank later. Mr. Secretary.

Secretary BOYD. All right.

Mr. KLUCZYNSKI. Any questions on my left?

Mr. CLEVELAND. Yes.

Mr. KLUCZYNSKI. The gentleman from New Hampshire.

Mr. CLEVELAND. I yield to the gentleman from Iowa.

Mr. KLUCZYNSKI. Mr. Schwengel.

Mr. SCHWENGEL. Mr. Secretary, it is good to see you here with the committee.

Secretary BOYD. Thank you.

Mr. SCHWENGEL. I had the pleasure of working with you on the tremendous problem of building roads.

I listened with increasing interest to your testimony and compliment you on your presentation.

But I have some questions. Some of the questions have been asked and have been clarified, but on the testimony relating to safety and research on safety, it quickened my interest because of some experience we had had in Iowa. A year ago you had some rules and regulations where Federal money was involved and those regulations had not been relaxed, changed. You put about seven small counties who have responsibility for building roads in the country out of business, and it occurred to me that, frankly, you relax and change your position, but not without stirring up agony—and there is still apprehension about what you may do.

I am very much in favor of research on safety, but I just want to make the suggestion and ask whether or not a better approach could not be taken to the resolution of the problem on safety?

I suggest to the committee that you set up a system whereby you involve counties and cities and States who have experience here. Let them share in the experience. We then would find some better answers and avoid some of the very obvious mistakes that you have made.

Secretary BOYD. Mr. Turner is familiar with this situation, Mr. Schwengel, and I would like to ask him to respond to you.

Mr. SCHWENGEL. All right.

Mr. TURNER. The situation is just about as you have described it, Mr. Schwengel. But since that time, we have had considerable discussion with the counties that you have referred to, with the State highway department, with representatives of the National Association of Counties. And I believe we have developed a satisfactory relationship very similar to the kind that you have suggested.

I hope that similar situations in the future will not produce the amount of noise and storm that that one did in Iowa.

Mr. SCHWENGEL. Now, do you involve these people with your research or do they have a voice, an opportunity to make testimony, and opportunity to make suggestions on what should be researched on safety and an opportunity to present their experience and so on?

I am basing my question specifically on the county road system.

Mr. TURNER. No, the situation that you described was a study that was made by a special committee of the American Association of State Highway Officials. It did not include any representatives of the county groups at that time.

The booklet report that was prepared as a result of the study was passed on by the American Association of State Highway Officials as a guide with respect generally to roadsides, the obstructions and the shape of the cross-section, and things of that nature that might have an influence on safety. And it is because AASHO had approved the results of the study and the Bureau of Public Roads, we also adopted it and made it applicable to the extent possible on all projects submitted after the date of the adoption of the study report, and this was made applicable to secondary projects as well as to the Federal-aid, primary and urban projects.

Now, I believe that while the county officials did not, either personally or through their representatives, participate in that original study, we do have at the present time a working relationship with them, which is an outgrowth of that experience, and I do not believe that in future we will have a repetition of that same kind of situation.

Mr. SCHWENGEL. You had a working arrangement. I appreciate that much. But would it not be better to get the actual representation, let them have a voice in the research and the explorations, and continuing interest in it? It seems to me now that they are heard, but they still have no voice in it. Is that not right?

Mr. TURNER. Well, they do not have a voice in the sense of having a vote with respect to whether or not you approve an individual project to be researched. In that sense they do not have a part in it. But they do have an input into the discussions on programs, items that they consider to be a high priority with respect to research on any subject, safety or anything else.

We have, as you know, a board of advisers from the county engineer group, and they meet regularly with us as our employees. They are consultants to us in the Bureau of Public Roads. And we meet with them about twice or three times a year to exchange views with them and get their recommendations to us as representatives of the county group on county problems. And we use that in connection with our administrative selection of research projects, design standards, and the general control of the Federal-aid secondary program.

I believe that is a good working arrangement and a better relationship possibly than trying to get some sort of an ad hoc input to it from a committee on the outside representing the county people.

Mr. BRIDWELL. I would like to supplement that, if I may, Mr. Chairman.

I think it is appropriate to the comment that Congressman Schwengel has made, or the question that he has raised, and it also goes to questions raised by the chairman.

For over a year, we have attempted for the first time to send out for comment and suggestion to the State highway departments, council of State governments, and in some instances county officials and mayors, proposed regulations or proposed policies, proposed procedures, for their comments, so that they could have an input into the actual policy and procedures of the views in carrying out the highway program. So that, as a matter of fact, is why you received the comments you did from the States regarding the 4(f) and two-hearing process, because we asked them for their comments and suggestions on this kind of material.

Mr. KLUCZYNSKI. Mr. Schwengel—

Mr. SCHWENGEL. Yes.

Mr. KLUCZYNSKI (continuing). There is a very important rollcall and I know that the Secretary and his associates will appear before we wind up the hearing and you will be the No. 1 man.

Mr. SCHWENGEL. Thank you very much.

Mr. KLUCZYNSKI. Thank you.

The meeting is adjourned until May 28 at 10 o'clock.

(Whereupon, at 4:08 p.m., the subcommittee was recessed, to reconvene at 10 a.m., Tuesday, May 28, 1968.)

AMERICAN TRANSIT ASSOCIATION,
Washington, D.C., June 12, 1968.

HON. GEORGE H. FALLON.
*Chairman, Committee on Public Works,
Rayburn House Building,
Washington, D.C.*

DEAR CONGRESSMAN FALLON: Enclosed please find a prepared statement by our association regarding Section 14 of H.R. 17134. As we mentioned in our statement, it is our belief that this legislation constitutes an important step towards relieving traffic congestion in our major cities.

We request that this statement be made a part of the printed record.

Yours very truly,

ROBERT SLOAN.

STATEMENT OF THE AMERICAN TRANSIT ASSOCIATION

This statement is submitted on behalf of the American Transit Association, a voluntary trade association of privately owned companies and publicly owned systems engaged in transporting passengers by rapid transit cars, streetcars, and motor buses, in urban, suburban, and interurban service. The members of A.T.A. transport more than 80% of all local transit riders throughout the United States.

In connection with the Subcommittee on Roads' consideration of the Federal-Aid Highway Act of 1968 the American Transit Association wishes to take this opportunity to give its wholehearted support to Section 14 of H.R. 17134, the section which proposes fringe parking facilities.

Section 14 of the bill would authorize Federal assistance for fringe parking facilities in urban areas with a population of more than fifty thousand. The land used for the facilities must be part of, or adjacent to, the right-of-way of a Federal-Aid highway. The section further requires that the facility be integrated with existing or planned mass transportation facilities. The section sets Federal participation at 75%, such funds to be provided from the Highway Trust Fund. Parking fees may be charged for the use of the facilities, however, the rate cannot be in excess of that required for maintenance and operation.

Today our urban centers are confronted with many problems but none is more serious than that of congestion—population congestion, housing congestion, and traffic congestion.

It is our belief that the fringe parking principle, as presented in H.R. 17134, if enacted will significantly alleviate the traffic and parking congestion which is now so commonplace in the central business districts of our nation's major cities. In turn, congestion in population and housing will also be benefited by allowing better utilization of limited available downtown space.

In its present form, H.R. 17134 would require that all fringe parking facilities be integrated with existing or planned mass transportation facilities. Such a requirement recognizes and helps implement the underlying philosophy behind such an undertaking. Namely, that for such a program as this to be successful the parking facilities must be located *away* from the downtown area. To do otherwise would simply provide supplemental downtown parking and thereby cause more, not less, congestion on the approaches leading to the downtown area.

It is, therefore, respectfully requested that this Subcommittee give favorable consideration and approval to the Fringe Parking Section of H.R. 17134, which we feel is an important step toward relieving a major concern facing our cities.

It would be appreciated if this statement would be made a part of the printed record.

FEDERAL-AID HIGHWAY ACT—1968

TUESDAY, MAY 28, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ROADS
OF THE COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2167, Rayburn Building, Hon. John C. Kluczynski (chairman of the subcommittee) presiding.

Mr. KLUCZYNSKI. The subcommittee will come to order. The Subcommittee on Roads is continuing hearings today on various matters concerning the Federal aid to highways program legislation, which was introduced by myself and Mr. Fallon.

As I indicated in my opening statement the other day when testimony was received from the Department of Transportation witnesses, we intend to cover all phases of the highway program and all matters related to it, directly and indirectly. Therefore, I might advise all those present today, as they have already been notified, they may comment on any matter of interest concerning the bill and its effect on the highway program.

I am delighted to have as our opening witnesses Mr. John O. Morton, president of the American Association of State Highway Officials, from the State of New Hampshire, and Mr. A. E. Johnson, executive director.

Gentlemen, will you kindly take the witness stand?

Mr. CLEVELAND. Mr. Chairman, I would just like to add a word of personal greeting to the first witness, John Morton, who has been before this committee so many times that he hardly needs any further introduction. I think you will agree with me that he always has something worthwhile for our consideration.

Mr. KLUCZYNSKI. Where is Mr. Morton from?

Mr. CLEVELAND. Mr. Kluczynski, this is a State that is beautiful without Federal aid.

**STATEMENT OF JOHN O. MORTON, PRESIDENT (NEW HAMPSHIRE),
AMERICAN ASSOCIATION OF STATE HIGHWAY OFFICIALS; AC-
COMPANIED BY A. E. JOHNSON, EXECUTIVE DIRECTOR; AND
ROSS G. STAPP, CHAIRMAN, AASHO COMMITTEE ON TRANSPORT**

Mr. MORTON. I thank you for your kind introduction. Our association was requested to make some comment on vehicle sizes and weights and therefore I would like to make just a brief statement.

Mr. KLUCZYNSKI. Do you have a prepared statement on this?

Mr. MORTON. Yes.

Mr. Chairman and members of the committee, we know that time is short and the subject of allowable vehicle sizes and weights is extremely important, so we will file two of our three statements with the attached supporting material for the record and respectfully ask that you review it carefully before taking any final action.

I refer specifically to my formal statement with the attached AASHO recommended policy, and the statement of Mr. Ward Goodman, director of highways of Arkansas, and chairman of the committee on bridges and structures.

We would like to have Mr. Ross G. Stapp, chief administrative officer of the Wyoming department, and chairman of our committee on transport, read his statement, for it goes into many of the things that we found out in the AASHO road test project in Illinois concerning the effects of vehicle weights and frequency of loadings on highways.

In general, the bill, as passed by the Senate, is generally acceptable to us as it refers to the maximum allowable single- and tandem-axle loadings, as well as the use of the bridge gross weight formula, and its application not only to the extreme front and back axles of a vehicle or combination vehicles, but also to the intermediate-axle groupings.

From our work at the AASHO road test research project, we found that the loads specified in the Senate version, which includes all tolerances, is at the upper limit that we can accept.

We do call to your attention that the Senate version does not put in limits on vehicle lengths and we must take issue with the so-called grandfather clause in the Senate bill, because it would furnish a means of further escalation of weights and sizes.

We recommend your consideration of the one included in the AASHO recommended policy which would, by 1975, make all vehicles conform with the maximum limits that would be included in federally established ceilings on vehicle weights and sizes.

If it is agreeable, Mr. Chairman, I would like to have our Mr. Stapp read his statement.

Mr. KLUCZYNSKI. You may proceed.

Mr. STAPP. Mr. Chairman and gentlemen of the committee, the AASHO transport committee, which has been the group that over the years has developed recommended policies for vehicle weights and sizes using the Nation's highways, has the following official assignment in our association:

To investigate and evaluate the various transportation needs that should be served by the highway system of the United States; determine the degree to which such needs are made by the highway system in its current state of improvement under existing regulatory laws; and recommend such policies, regulations, laws and practices as may contribute to improving the efficiency of highway transportation with due regard for the conservation and cost of the highway plant.

The membership of this important committee is made up of four chief administrative officers from each of the four AASHO regions, and was first established in 1922. At that time, highway engineers and administrators were learning of the interaction between highway design, vehicle weights, and road life.

This was also at a period when the first research along these lines was initiated, such as test road projects in Virginia, California, and the Bates road test in Illinois.

During that time, the AASHO committee worked in joint session with representatives of the National Automobile Chamber of Commerce and the American Investment Bankers Association. The latter had generally handled bonds for highway construction work, which was the usual way of financing highway construction until the newly created motor-fuel tax became the major source of highway funds.

In 1925, the AASHO committee extended its activities to include the classification of highways on the basis of the traffic carried, the regulation of bus and truck traffic, utilization of the highways with reference to measuring the capacity of the roads, recommendation of uniform vehicle laws, and the principles that should govern the determination of widths of right-of-way, provisions regulating extra-heavy-load movements, seasonal load restrictions, and certain general regulations including vehicle sizes using the highways. Our committee developed weight and size policy drafts in 1932, 1942, 1946, 1964, and 1968 that were adopted by AASHO.

Early in the 1950's, the AASHO transport committee developed a project statement for an AASHO road test research project. This very complete and detailed document spelled out the objectives of the research, the general requirements of the project, and specifications as to its location.

The project was finally activated by AASHO on February 22, 1955, and was located near Ottawa, Ill., because the annual rainfall, frost penetration, and native fine-grained cohesive expansive clay soils all satisfied the general site specifications for the project as being fairly average of conditions found throughout the United States.

AASHO asked the Highway Research Board of the National Academy of Sciences to undertake the administration and conduct of this very important project. The Highway Research Board then established a National Advisory Committee made up of approximately 30 outstanding experts from universities, industry, Federal agencies, and State highway departments who could contribute to the success of the project.

Basically, the motivation of AASHO in starting such a road test was to get the best possible information for reviewing and measuring the equity of vehicle weight and size regulations, as well as checking on structural design techniques for payments, evaluate bridge design procedures, and to get the best information available that could give the optimum balance between the best use and best life of the highway.

In setting up the project, each of the five traffic loops were half bituminous pavement and half portland cement concrete pavement. The various sections of pavements making up the loops were statistically designed as to randomization and overlap of design from one loop to the other to make comparison and analysis possible and accurate.

The controlled loading that traveled over these loops for a period of 2 years were trucks utilizing five sets of so-called companion single- and tandem-axle loadings.

The project was originally designed with four major loadings, but because of the studies directed by sections 108 and 210 of the Fed-

eral-Aid Highway Act of 1956, the Bureau of Public Roads financed a smaller loop to determine the requirements of the so-called basic vehicle to help develop the incremental type of analysis pertaining to contribution to highway costs.

For the four major loops, it was decided to have one set of loadings at 18,000-pound single and 32,000-pound tandem, respectively, as per the AASHO 1946 recommendation. Another set of loadings was 22,400 pounds single and 40,000 pounds tandem as the maximum range that was actually allowed in any State.

We then established a set of loadings below and one above these in order to give four points on any curve for a more exact analysis.

The loadings on this small fifth loop that was added by the Bureau of Public Roads were 2,000 pounds and 6,000 pounds, respectively.

We will not attempt to go into all of the detail that came from this \$27 million research project, but the general conclusions and consensus developed by the highway departments are outlined in the AASHO statements being presented here today.

The section 210 requirement of the Federal-Aid Highway Act of 1956 directed the Secretary of Commerce, in cooperation with other Federal offices and agencies, and the State highway departments, to make a comprehensive study of: (1) the effects in design, construction, and maintenance of Federal-aid highways from the use of vehicles of different dimensions, weights, and other specifications, and the frequency of the occurrences of such vehicles in the traffic stream; (2) the proportionate share of design, construction, and maintenance costs of Federal-aid highways attributable to each class of user on such highways; and (3) any direct or indirect benefits occurring to any class, in addition to the benefits from the actual use of highways, which are attributable to highway expenditures.

In undertaking the study, four different approaches were used. These were: (1) the incremental method, (2) the differential-benefit method, (3) the cost-function method, and (4) the gross-ton-mile method. There is still a fifth approach that could have been used as a modifying factor, especially to the incremental method. We refer to the highway geometric space requirement of the various size vehicles in the traffic stream under varying conditions of traffic density, geometric layouts, and terrain as related to grades and sight distances.

In other words, the equivalent space that a large vehicle actually requires, as related to an equal number of automobiles, because of their weight-power ratios, and the grades and alinement of the highway.

On a level piece of highway, where the truck is able to travel at highway speeds, it actually requires the equivalent space of two automobiles, but when sustained upgrades are involved, and when passing is not possible, the truck may act as an impediment to the traffic and cause the practical capacity of the highway to be reached because of congestion queuing up behind the slow vehicles. In rolling or mountainous terrain, one truck may actually require an equivalent space of 18 to 20 automobiles under such an evaluation.

The incremental method is based on the concept that the cost of providing a highway increase with the weights of the vehicles to be accommodated, and with the frequency with which they appear in the traffic stream.

The cost of the highway adequate for the basic vehicle is allotted to all of the vehicles on a uniform basis, and the successive additional structural costs are assigned successively to those vehicle groups that require the heavier construction increments.

No cost allocation method actually gives a final and indisputable answer for the problem has many ramifications, but the incremental method is so thoroughly grounded in results of highway engineering research and logic, that its findings command respect and confidence.

Basically, the incremental method shows that the larger trucks, even at their present sizes and weights, and not those that would be allowed under S. 2658, do not pay their total share of the highway cost.

We also observe that the trucks count their Federal excise taxes as part of their contribution to highway financing, and this is not the case for the automobile component of highway traffic, although cars too pay such excise taxes.

We do not raise this as a criticism, but point it out as a fact.

In all four methods that were probed by the Bureau of Public Roads in the 210 study, two basic facts appeared: (1) that the heavier trucks and truck combinations should be paying more in relation to the payments made by the lighter trucks, and (2) that vehicles using diesel fuel generally should be paying more than like vehicles using gasoline.

It was noted that the 210 study recommended that the findings of the differential-benefit study should be used to supplement those of the incremental study, but they should not replace the incremental findings nor is there any reason for averaging the cost allocation indications given by the two methods.

Permissible axle-load and gross-load limitations must, of economic necessity, be related to the capabilities of the pavements and the bridge structures to carry such loads and survive for a reasonable life expectancy.

Any contemplated revisions in such load limitations also must be viewed from the effects that they will have, not only on new construction, but on existing facilities which must remain in service.

Some significant results were obtained from the AASHO road test project regarding the reduction in pavement life that can occur from an increase in axle loadings.

The work at the project developed a method whereby various loads can be brought to a common denominator, such as equating any axle load with relation to the "equivalent number of 18,000-pound, single-axle load applications." The results of such studies indicated that the increase from the 18,000-pound to the 20,000-pound load can result in an average loss of the remaining life of between 25 to 40 percent. To increase it to 22,000 pounds can result in the loss of pavement life of close to 60 percent. To increase it to a 24,000-pound, single-axle loading can result in the loss of remaining life of about 70 percent.

In reviewing the effect of increased tandem-axle loadings, they should be equated as against their "companion single-axle loadings," that was also developed from the road test project.

The most part of our main highway system was designed for a maximum 18,000-pound, single- and a 32,000-pound, tandem-axle loading. In fact, this was the recommendation of our 1946 policy, and it is still

the statutory limit in over 30 States at the present time. We might even state that it is also the general basis for the design of the Interstate System.

The AASHO road test also showed the frequency of allowable axleloads is also a matter that must be taken into consideration.

Work at the road test developed a method of converting any axle loading into an "equivalent number of 18,000-pound, single axleload applications" as a standard reference.

It was demonstrated that the 20,000-pound, single-axle load is equivalent to 1.60 applications of the 18,000-pound axle; the 22,000-pound, single axleload is equivalent to 2.37 applications of the 18,000-pound axle; and that the 24,000-pound single axle is equivalent to 3.45 applications of the 18,000-pound single axle.

The results of the increasing frequency of loadings can be seen from the following table developed for rigid pavements which, in turn, is measured by the number of applications required to bring about fatigue failure in pavements of certain thicknesses. Flexible pavements perform in a somewhat similar pattern, and it is readily apparent that increasing loads seriously shorten the remaining life of the pavements.

Our table on required pavement thickness in inches shows:

NUMBER OF SINGLE AXLE LOAD APPLICATIONS TO BRING PAVEMENT TO UNSATISFACTORY CONDITION

[In inches]

Applied axle load (kips)	100,000	1,000,000	10,000,000
18.....	3.8	5.8	8.4
20.....	4.3	6.2	9.0
22.....	4.6	6.6	9.6
24.....	4.8	7.1	10.2

The foregoing common denominator techniques used in conjunction with traffic forecasts are used in determining remaining life of highways and in determining when funds will be needed for heavy maintenance or strengthening operations or for replacement.

Recognizing the need to optimize the use of the extensive existing highway plant, AASHO, through the transport committee, developed a draft policy of maximum weights and dimensions in 1964.

At the time of the balloting by AASHO, in 1964, the transport committee offered the State highway departments the option of voting on either the 32,000- or 34,000-pound tandem axle, on the basis that the optimum balance of the best use of the highway lay somewhere in that range, and with the supposition that the Interstate System might be completed before too long, which would make the highway funds then available to rebuild and modernize the some 200,000 miles of mainline primary highways in this country within a reasonable time.

At the present time, however, it appears that the completion of the Interstate, and eventually being able to turn our efforts to beefing up the primary system, seems to be moving further and further into the future, and that much of our highway system may have to accommodate increasing traffic densities and weights longer than we had hoped.

At the last annual meeting of the association in Salt Lake City, it was the recommendation of the transport committee that the State highway departments have another opportunity of voting on a 34,000-pound, tandem axleload limitation.

This was the top figure that came out of our studies at the test road, that would give more liberalized use of the highways in transporting goods, but still get an acceptable remaining life of the highway investment.

In this most recent balloting, more than half of the States approved of the 34,000-pound figure, but it lacked a few votes getting the necessary two-thirds approval to become an AASHO policy; therefore, our official position remains at the 32,000-pound, tandem-axle figure.

Very often you hear the statement that the structural capacity of a highway can be beefed up relatively easy by adding some resurfacing to an existing pavement.

This is not as simple as it might sound, for these additional layers of resurfacing do not develop nearly the additional pavement strength that they would have if they had been incorporated as a monolithic part of the original pavement design and construction.

Also, the effective and serviceable life of such resurfacing or overlays is hard to predict, but generally the history of their effectiveness is limited to about 10 years.

Using the information that we had learned from the test road, the AASHO transport committee made a survey in 1962, in which 28 States participated, for evaluating the remaining life of representative existing highways, and the effects of increasing load increments on them. The survey resulted in a cost estimate of resurfacing the major below-strength highways at a billion dollars, if tandem axleloads were increased to 35,000 pounds. It was assumed that such an expenditure would be spread over a 10-year period.

In other words, such a program would require at least two-tenths of our present ABC authorizations. To increase the strength or beef up the pavements by resurfacing to accommodate 22,000-pound, single- and 38,000-pound, tandem axleloads would run the cost to about 2 billion, and could be expected to be a recurring cost every 10 years until the road could be rebuilt.

In developing the bridge formula at the AASHO road test project, it was assumed that because of the rather conservative allowable stresses assigned to concrete and steel at the time that our H-15 design bridges were built, which is the predominant bridge on the State highway systems, we could probably overstress these structures up to about 30 percent and still be safe, but with a sacrifice in remaining life of the structure.

After 1942, bridges on major highways were designed for an H-20 loading and a modification of this, the HS-20 loading, has been used in designing the bridges for the Interstate System. but the allowable design stresses are nearer the yield strengths and do not have the built-in safety factor of the older H-15 structures. These loadings assume a maximum axle loading of 32,000 pounds, so anything in excess of this would, in effect, be overstressing these bridges. The H-15 bridge was designed for a maximum axle loading of 24,000 pounds.

The bridge formula is not only important in developing a maximum allowable gross weight for the vehicle, but also must be used to control intermediate axle groupings under the vehicle because of the effect of such group loadings on bridge floor design, and especially the effects on negative moments on the large number of continuous bridges that are in use.

In a study undertaken by the AASHO Bridges and Structures Committee in 1964, the following results were noted:

PERCENTAGE OF AREA OF BRIDGE DECKS DESIGNED FOR LOADINGS

[In percent]

System	H-15 or less	H-16 to H-20	HS-20 or greater
Interstate.....	6.7	4.4	88.9
ABC.....	53.3	24.0	22.7

We want to point out that there is no easy or economical way to upgrade an existing bridge structure for either increased axle or gross loads.

Generally, such bridges of low structural capacity must be replaced if the gross or axle weight allowances are substantially increased. Of course, when a section of highway is rebuilt to modern standards, sub-standard bridges that are either structurally or functionally obsolete are replaced as part of the project.

The bridge investment in our highway system is indeed a large figure running about 25 to 30 percent of the total highway investment.

There are two factors that appear in our new policy for the first time. One has to do with maximum allowable tire inflation pressures. This is included because of some tire developments that could cause extensive damage to certain types of pavements. The specified maximum tire inflation pressure that appears in the AASHO recommended policy does not affect any tires currently in operation.

The other factor has to do with weight-horsepower ratio of vehicles to discourage the use of grossly underpowered vehicles that would impede traffic. This part of our recommended policy was developed from discussions with truck manufacturers and truck operators.

We wish to make one point very clear. Specified maximum axle and gross weight limitations must be all inclusive for we have found too many enforcement problems in attempting to allow tolerances in addition to so-called maximum weights.

In reviewing S. 2658, as passed by the Senate, it is our opinion that the 34,000-pound, tandem-axle weight is the maximum that we can accept. We must, however, disagree with the so-called grandfather clause provision which would establish January 1, 1968, in place of the July 1, 1956, date originally specified in section 127 of United States Code 23. This action, instead of encouraging uniformity in vehicle sizes and weights, would add encouragement to further escalation.

We recommend the provision contained in our recommended policy of 1968, which would require all vehicles in operation to conform with the so-called maximum weights and sizes by July 1, 1975.

We also note that S. 2658, in its present form, is silent on the matter of overall length of vehicles. Inasmuch as the State highway departments do not agree with separate limitations on the interstate highways and the rest of the State highway systems, a maximum overall length of a combination vehicle was set at 65 feet by our balloting procedure.

In some of the Western States, vehicles in excess of this are currently being operated, especially on interstate and similar highways.

We certainly want the maximum use made of our modern highways for hauling goods and people, but the Interstate System should not be turned into freight-hauling arteries to the point that passenger traffic is inconvenienced or crowded.

Multibottom truck operation has been tried in various parts of the country and no serious problems have been encountered on divided highways where the normal traffic is not heavy.

It may be that in the judgment of your committee you may wish to specify an overall length of combination vehicle that might travel interstate and similar highways, but the AASHO recommendation, we believe, is logical for the balance of the State highway systems.

We still voice some concern about being able to have two separate sets of stands: one for the Interstate, and one for the balance of the system.

Regulations pertaining to vehicle dimensions usually specify that tire bulge and approved safety devices can extend beyond the maximum specified width of the vehicle.

It is understood that in some of the recent experimentation with multibottom operation that rear-view mirrors extend outside the vehicle for a considerable distance, which could cause problems when two such vehicles were using adjacent lanes. This matter deserves consideration and approved safety devices, such as rear-view mirrors should probably be limited to current practice.

In closing, we ask that you study the AASHO recommended policy thoroughly before taking any final action in your committee.

We are certain that the trucking industry has developed facts and figures on the operating costs, based on payload ton-mile unit, as the size and gross weights of the vehicles are increased.

We would like, however, to refer you to Highway Research Board Bulletin No. 301 entitled, "Line-Haul Trucking Costs in Relation to Gross Vehicle Weight," dated 1961.

This study indicates that beyond a certain point increases in the maximum gross weights do not yield corresponding savings in operating costs on a payload basis.

The bulletin indicates that the curves flatten out and show a decreasing or almost no additional benefit after the maximum gross weights are reached that are recommended in the current AASHO policy.

In this statement we have attempted to give you some of the background of weight and size limitations, some of the interactions between loads and facility life, the economies of highway transportation, and the need for having weight and size regulations.

Thank you.

Mr. KLUCZYNSKI. Thank you for your splendid statement.

Do the members have any questions or any comments?

Mr. CRAMER. I think you have answered some of the questions that I had in mind with your statement. However, I had a couple of matters I would like to get your expert advice on.

The Senate bill, as passed, as you indicated, increased the weights of vehicles permitted to operate from 18,000 to 22,000 pounds maximum and from 32,000 to 34,000 pounds for tandem axle. It would change the overall gross weight limit from 73,200 pounds to a weight determined by formula based on the number of axles. As the bill is written, there is no limit on overall gross weight that would be permitted to operate on the Interstate System.

Do you think this presents a danger to the present structures?

Mr. STAPP. Yes, sir; I think there should be an overall weight and an overall length. I would like to have Mr. Johnson elaborate a little more on that.

Mr. JOHNSON. Gentlemen, at the time we developed the recommended policy by AASHO, it was the feeling of the highway departments that we should not have separate weight and size limitations between the Interstate and the rest of the highway system. They anticipated serious enforcement problems in so doing.

But you will remember that the original section 27 was silent on length, also. As a result of the balloting, the State highway departments suggested a maximum of 65 feet. We find quite a difference in the eastern part of the country and the western part of the country in this regard.

In the eastern part you have more serpentine alinement on your highways. You have narrower roads, you have more of the roads going through cities.

So there is a difference of attitude as to what should be the maximum length.

We do recommend that on the State highway systems it be 65 feet.

In Mr. Stapp's State of Wyoming, and in some of the other States, the triple bottom is currently in operation on an experimental basis. That is 105 feet long. I think Mr. Stapp can tell you more about how it is working out there than anyone else.

Mr. STAPP. Mr. Cramer, we have run tests on that this last winter, and we will run more this summer on the three bottoms on the four lane, 105 feet in length. I will have to admit that they track better than some of the semis that are on our highways. I have recommended to our commission that they be allowed on the four-lane divided, but not on many of our narrow three-lane roads, because of the problem of passing gets into a traffic hazard with 105 feet on some of the narrow two-lane roads.

Mr. CRAMER. Do you think that setting a length limit, in effect, would result in a maximum limit providing the pressures that would then be exerted possibly against the State legislatures to go to that maximum?

Mr. MORTON. Mr. Cramer, if I may make this comment, I think the setting of length would have this tendency to regulate the weight and control it along the lines that our association believes it should be controlled.

Mr. CRAMER. Whatever maximum limits we set, it appears that it is an open invitation to go to that maximum on the part of the legis-

latures. I think we have to consider that in determining whether a maximum should be set in all respects; that is, the length, the overall weight, and so forth.

Secondly, relating to the length, there is considerable mileage of two-lane highways in the Interstate System. With the additional time and distance required for passing by a 98-foot-long vehicle, do you think that would cause any undue hazard?

Mr. STAPP. Yes, sir; I do.

Mr. MORTON. Yes.

Mr. CRAMER. Of course, we have provided, as I recall it, that those two-lane highways must become four lane; so we are looking in the distant future, and it might not be a serious problem on the interstates.

Mr. STAPP. That is right.

Mr. CRAMER. On this grandfather clause problem that you brought up in your testimony, do you know how many States have increased the limits on motor vehicle weights since 1956?

Mr. MORTON. I am advised that in the statement I am making we have incorporated information to the effect as to what the States are currently using. We can develop that information and file it directly with you.

Mr. CRAMER. Can you provide us with that information?

Mr. MORTON. Yes, we can.

Mr. CRAMER. The grandfather clause in the Senate bill would limit the width of vehicles permitted to operate on public highways. You have a copy before you.

On line 19 it says, "Using the public highway of such State under the laws and regulations established."

This grandfather clause is contained in the bill. Should it not refer to weights and widths permitted by State law on the interstate rather than on noninterstate highways? This applies to all highways. If you will look on page 2, you will find it specifically refers to public highways rather than interstate, meaning all public highways.

Mr. MORTON. Our recommendations really are to the effect that they apply to all of the highways that are on the State highway system, whether they are interstate or noninterstate.

Mr. CRAMER. We are talking here about the grandfather clause, where the States have increased these weights and widths on other than the Interstate System, perhaps sometimes in excess of what is permitted on the interstate.

Mr. MORTON. That is so.

Mr. CRAMER. Would you give some further consideration to that question, relating to whether that should be limited to the Interstate System?

I have just one other question in view of our other witnesses and our time.

If the State violates the weight and size limitations of State and Federal law, whether it is inadvertent or otherwise, it can be penalized 100 percent of Federal-aid highway funds. Although the weight and dimension limitations apply only to the Interstate System, they can be penalized on funds for all systems. Do you think any adjustment to the penalty provision is justified?

Mr. MORTON. Yes. Under the present regulation, that is the case.

Mr. CRAMER. In other words, do you think they should have penalties on all systems? Do you think that is a sound policy position?

In other words, the State could lose 100 percent of their money, ABC as well as interstate, if they do not conform to interstate standards.

Mr. MORTON. I think my personal view is that our interstate is built to the highest standards of any highway system that we have. These encroachments that have gone toward increasing the weight on other parts of our State highway system are not completely desirable, by any means.

Mr. CRAMER. Because these are such technical questions, but we will have to deal with them, I suggest, Mr. Chairman, that I ask the association to answer this series of questions for our purposes when we get into further consideration of it.

Mr. MORTON. We will be most pleased to do so.

Mr. CRAMER. Thank you.

Mr. KLUCZYNSKI. Mr. Harsha?

Mr. HARSHA. Thank you, Mr. Chairman.

Would it not be better to let the States continue to handle the problem of weight and size limitations rather than the Federal Government?

Mr. STAPP. We like to have the top ceiling in the States control that, because, for example, it is the States in the East who do not like as long a load as we do in the West; and I think it would be well to have an upper limit and let the States follow through with their own regulations.

Mr. HARSHA. But that at least gives an incentive to the States to go to the maximum limit.

Mr. STAPP. If you do not have an upper limit, it gets to the place where one State will go higher and then the pressure is put on to get the other States to that top limit, until you have a ceiling on the upper limit.

Mr. HARSHA. Do you propose to have the same ceiling on interstate and primary roads?

Mr. STAPP. It is my personal opinion that we should have less on a two-lane highway. Of course, we still must have one system. It is hard to control. According to the balloting of the AASHO representatives, whom I am representing today, they say 65 feet should be the maximum, so that is what we have to use.

Mr. HARSHA. For both highways?

Mr. STAPP. Yes, that is the maximum.

Mr. HARSHA. Then if you limit the length to 65 feet for two lane, you do not employ the full maximum use of the four-lane highway, do you?

Mr. STAPP. That could be, but I can only represent the majority of AASHO, which is a two-thirds majority, and they voted for the 65 maximum length.

Mr. HARSHA. How many voted for the 65 maximum?

Mr. STAPP. It was in excess of two-thirds. It had to be at least a minimum of 36. I do not know exactly, but there were at least that number.

Mr. HARSHA. Thirty-six of the 50?

Mr. STAPP. Yes, sir.

Mr. HARSHA. Back on page 5 of your testimony you said that balloting on the 34,000-pound-weight figure lacked a few votes of getting the necessary two-thirds. Therefore, your position was on the 32,000-pound axle figure.

How many voted on that particular issue?

Mr. STAPP. It lacked two of getting the 36 votes. It was either 33 or 34 votes in favor of the 34,000 pounds. It was very close.

Mr. HARSHA. Did all 50 States vote?

Mr. JOHNSON. All 52 member departments voted.

Mr. STAPP. The District of Columbia and Puerto Rico are also included in AASHO.

Mr. CLAUSEN. On that very point, I do not know that I fully understand exactly what you are trying to get at. You are trying to suggest that your own position is to recognize a 34,000-pound figure as the real desire of AASHO, or what is your position?

Mr. STAPP. That is the maximum, Mr. Claussen, that we could approve, due to the test road results; but we have to stand on the 32,000 because the 34,000 did not receive a two-thirds majority.

The maximum we could agree to under any circumstances would be the 34,000.

Mr. CLAUSEN. Additionally, you cannot recognize anything over 32, but you have a personal desire to recognize 34; is that right?

Mr. STAPP. That is right.

Mr. CLAUSEN. Is that not what is in the Senate version?

Mr. STAPP. That is right.

Mr. HARSHA. Mr. Stapp, you say there had to be 36 members voting for the 65-foot length?

Mr. STAPP. Yes.

Mr. HARSHA. Can you tell me whether it was 36 or 37 or what?

Mr. STAPP. We do not have the results here, but they can be obtained and sent to you, if you would like.

Mr. HARSHA. Was that also a close vote?

Mr. STAPP. I do not believe so; but it can be sent to you, if you would like, Mr. Harsha.

Mr. HARSHA. That is all I have, Mr. Chairman.

Mr. KLUCZYNSKI. Mr. Denny?

Mr. CLAUSEN. Mr. Chairman, I had one more question.

On page 2 you indicated that the site specifications for the project had been fairly average of conditions found throughout the United States.

Out in California, particularly in the northern part of California, we have rather extraordinary rain conditions. I would like to have you give me an indication of something other than just the clay soils, and also the amount of frost penetration that you consider to be average.

Mr. MORTON. I believe we will have to take the position that in running a test we try to get some area where conditions basically represent the average conditions in the country. Frost action and excessive moisture could be influential in deteriorating the stability of the subsoil to support these heavy loads.

Then you would have to treat that particular locality by adding to your foundation under your pavement or with the thickness of your pavement.

My particular State is subject to extremely heavy frost action. The results of the test road, where they form a good basis for evaluating pavement thickness, basic thickness and so forth, again for your own particular special conditions, we have to take this information and then interpret it in the form of how much frost penetration do we have, what is the type of soil, which actually requires us to go much heavier in foundations than would come out from the test road, a recommendation from the test road.

Am I making myself reasonably clear?

Mr. CLAUSEN. Partially, except for the fact that you did not answer the question about the amount of precipitation.

Mr. JOHNSON. Mr. Clausen, at the time we started the test road, we took an average of frost penetration in the ground, rainfall for the United States, and we also specified that the site would have to be a clay soil, a cohesive, expansive clay soil, because those are the soils that give you some of your greatest design problems in highways.

We went to the various States with this specification and asked them to submit a site for our consideration to carry on this big road test project.

Illinois submitted a site in the vicinity of Ottawa, in the south, and it did meet those specifications; so it was average frost penetration and average rainfall.

I believe it was 20 inches of frost penetration and 40 inches of rainfall; but I am not certain as to those exact figures.

Mr. CLAUSEN. I will not prolong the question on this, but I think we are treading on rather thin ice in trying to arrive at average conditions in one selected site for any form of testing. It seems to me that the States themselves are going to have to be given maximum consideration in their own recommendations on this.

Mr. JOHNSON. Part of the test road project itself was satellite tests, to relate the test road in Illinois to their own particular conditions.

Mr. McEWEN. In your statement you referred to the problem of the mirrors that sometimes extend way out. Does AASHO take a position regarding the maximum width of the vehicle?

Mr. MORTON. Yes.

Mr. STAPP. Yes.

Mr. McEWEN. Was that in your statement?

Mr. JOHNSON. No, sir; it is in the policy.

Mr. McEWEN. That is in the testimony that was included in the record?

Mr. MORTON. Yes.

Mr. McEWEN. I will defer further questions for the time being.

Mr. DENNEY. Mr. Chairman.

Mr. KLUCZYNSKI. The gentleman from Nebraska.

Mr. DENNEY. Mr. Stapp, in your testimony you say:

Basically, the incremental method shows that the larger trucks, even at their present sizes and weights, and not those that would be allowed under S. 2658, do not pay their total share of the highway cost.

You list four other methods up above. Did you try any other tests with reference to this statement as to the larger trucks paying their total share of the highway cost?

Mr. STAPP. This was the 210 study made with the Bureau of Public Roads, with material they requested and information they requested

from the State highway departments. This was the result, and it applied equally to all other categories.

Mr. DENNEY. But that is the only test you did make; is that correct?

Mr. STAPP. That is correct.

Mr. DENNEY. Then you said:

In all four methods that were probed by the Bureau of Public Roads in the 210 Study, two basic facts appeared: (1) that the heavier trucks and truck combinations should be paying more in relation to the payments made by the lighter trucks, and (2) that vehicles using diesel fuel generally should be paying more than like vehicles using gasoline.

Is that based on the fact that they must use more gallons of gasoline?

Mr. STAPP. That is right.

Mr. DENNEY. You recommend they should be paying more. How would you recommend to this committee we should be determining how much more they would pay, through license fees or what?

Mr. STAPP. We did not make a recommendation on this. That is for the wisdom of you people.

Mr. DENNEY. You are not recommending any method of collecting more. All you are saying is that they should be paying more; is that right?

Mr. STAPP. Yes, sir.

Mr. DENNEY. Could that be covered under the weight limitations that you have recommended in your statement?

In other words, what I am trying to get at, what weight limitations did you use, and what overall length limitations, in arriving at the conclusion that under the incremental method they were not paying their total share of the cost?

Mr. STAPP. Mr. Johnson is closer to this 210 study.

Mr. JOHNSON. This 210 study actually made a study of the trucks actually in use on the roads at that time.

Mr. DENNEY. There are some trucks that have a 98-foot length; is that not correct?

Mr. JOHNSON. Yes, but this did not have any particular relation to that length. There is a certain number of over-the-road trucks, the heavy trucks, some propelled by gasoline and some propelled by diesel fuel. This reference has to do with those that pay diesel fuel at the same tax rate that they pay for a gallon of gasoline. They actually get a little better mileage out of the diesel fuel. So, therefore, they are not paying, really, as much into the trust fund as a like truck, a similar weight truck, that uses gasoline.

Mr. DENNEY. You are not recommending to this committee that we put in the regulations a law having to do with gasoline and diesel fuel, are you?

Mr. JOHNSON. No, and I would imagine if there was anything to be considered on the matter, it would be in another jurisdiction.

Mr. DENNEY. I am trying to find out why such a statement was made.

Mr. JOHNSON. We were asked to outline what we found out on the test road before this committee.

Mr. DENNEY. I see.

That is all, Mr. Chairman.

Mr. KLUCZYNSKI. Are there any other questions?

If not, thank you, Mr. Stapp.

Mr. MORTON. Mr. Chairman, if you are agreeable, I will proceed to read my statement made in connection with H.R. 17134.

Mr. KLUCZYNSKI. Mr. Morton, do you want to read the full statement or do you want to cover the highlights?

Mr. MORTON. I feel it would be more appropriate if I read the full statement, Mr. Chairman.

Mr. KLUCZYNSKI. You may proceed.

Mr. MORTON. Mr. Chairman and members of the committee, I am John O. Morton, commissioner of highways for the State of New Hampshire, and president of the American Association of State Highway officials.

The AASHO testimony today is based on the results of a survey made of our member departments after they had reviewed H.R. 17134. We will also comment on some related subjects.

A copy of the above-mentioned bill was sent to the States for their review on April 25 and to date we have received replies from 47 of the State highway departments. The following comments refer to the sections of H.R. 17134.

Section 2: Interstate authorizations.—Seventeen of the States felt that this section was acceptable as written.

Eighteen wonder why the Interstate authorizations were set at \$4 billion a year after the 1970 fiscal year, and whether or not it should increase in line with expected trust fund income, so as to complete the Interstate program as early as possible.

Some of the States were of the opinion that \$4 billion might be too high, and that more of the money should probably be channeled into mounting urban problems and updating our primary system which are becoming extremely pressing needs. The interstate authorizations for 1970 and 1971 are generally satisfactory.

Section 8: Approval of the 1968 Interstate cost estimate for apportioning funds for the 1970 and 1971 fiscal years.—Affirmative action on this matter is required by your committee in order that the 1970 fiscal year interstate funds can be apportioned to the States during the coming summer months and not delay the program.

Section 4: Extension of time for the completion of the Interstate program.—The specified date of June 30, 1974, is unrealistic and inaccurate when one considers the latest interstate cost estimate for completing the Interstate System, the amount of money that will be available in the trust fund, and the continuing factors that increase the cost of building highways.

Based on the trust fund revenues and the 1965 interstate cost estimate, and with \$1 billion of the trust fund being assigned annually to an ABC program, with the balance going to the Interstate System as now designated would probably be late in the 1975 calendar year.

Considering the additional cost introduced by the 1968 cost estimate, and making the same assumptions, the completion date will probably be somewhere around 1978 or later.

Section 5: ABC and other authorizations.—Eighty percent of the member departments feel that the section pertaining to the ABC program is generally satisfactory, except some would not be disappointed if more moneys would be made available for the APC categories. However, they realize this would extend the actual completion date of the Interstate System further into the future.

We recommend that if Congress gives consideration to the authorizations proposed in section 5(2) on the subject of traffic operation projects in urban areas, that your action be for a biennial period only in line with ABC program practice.

Many of the States feel that the increase in funding included in this subsection should not be limited to a TOPICS program alone, but should also be available for improvements on the ABC systems.

In fact some of the States are of the opinion that the cities involved in the proposed TOPICS activity would not be able to furnish matching money at the present time and, of course, the States are limited to expending their own funds for matching purposes and for maintaining and operating these roads that are included in their official State highway systems.

The proposed program, as outlined in H.R. 17134, would include many streets off the State highway systems.

In regard to the proposal for providing authorizations for the traffic operation program in urban areas, we would strongly suggest your committee give consideration to make any additional funds available for establishing and helping finance necessary improvements on a new Federal-aid category which our After 75 Committee on a continuing Federal-aid highway program calls a Federal-aid metropolitan arterial street system.

Such a system would be developed in the 233 metropolitan areas through the 3C planning process in accordance with section 134, title 23, United States Code: Highways, and would give to the cities the same kind of participation in the Federal-aid highway program that is now available to the counties in the secondary program.

AASHO, the National League of Cities, and the National Association of Counties are all in accord that such a system is essential and should be provided for as soon as possible in light of the expanding transportation needs.

AASHO has agreed with the National League of Cities that a separate Federal trust fund, separate and apart from the highway trust fund, would be a desirable thing to help provide money to the cities for transportation purposes for which the highway trust fund is not allowable.

The National League of Cities has been talking in the neighborhood of a billion and a half dollars annually. We make no recommendations as to how the money would be raised, but we agree that something of this nature is desirable to cope with the ever-expanding transportation needs of the cities and could be used for furnishing parking facilities, subsidizing mass transit operations, and other things that are outside the scope, purpose, and intent of the highway trust fund, but are needed. We do not want such a new trust fund to be a part or special account in the present highway trust fund or to be financed from any of the present revenues assigned to the highway trust fund.

Since our after 75 committee will be talking to your committee on June 3 on the subject of our after 75 recommendations, we will go into more detail on this and other items mentioned later in this statement at that time, which we understand will be before the time that the record is closed on these current hearings.

The State highway departments are generally in accord with the recommended authorizations for roads and trails in the public land highways coming from the highway trust fund.

The most conservative estimate of highway needs is so much greater than available highway funds in sight that we must oppose anything that might further dilute the highway trust fund.

Section 6: Authorization of the highway safety programs.—About half of the States that responded felt that the proposal was generally acceptable as written; however, seven were of the opinion that too much was recommended for the second year. It is interesting to note that 18 States made no comment at all on section 6.

It is unusual for the State highway departments to offer no comment on legislative proposals, and in our responses relative to this bill under consideration we had several such reactions.

Section 7: Authorization for highway safety research and development programs.—We received the same reaction from the State highway departments on this section that we received on section 6. Some of this attitude may be the result of a lack of adequate dialog at the State level between those handling the State safety programs and the State highway departments.

Section 8: Authorization for highway beauty.—Twenty-six States felt that the language as written was generally acceptable; however, there was considerable feeling that the penalty clause in the present beautification language should be eliminated.

Some suggested a slowdown of the program until it is determined the general direction in which the highway beautification program is to take and until it is better defined and stabilized.

Nine States made no comment on this section.

The State highway departments are for an effective beautification program and they would like to stop the growing ugliness along our highways, but we feel that something more definitive could be done in defining the program to make certain that the funds expended do not produce disappointing results in the long run.

Section 9: Advance acquisition of rights-of-way.—The State highway departments generally are in accord with the purpose of this section, however, eight opposed it.

Some felt that the 7-year limitation should be lifted.

The AASHO After 75 Committee has been developing a proposal along this same subject. In essence, it provides a \$100 million revolving fund to be financed from the highway trust fund, with no interest being charged a State for using the revolving fund. It would be made available to a State upon application, and could be used only if construction were 5 years or more in the future, and it was desirable to obtain the right-of-way in advance, and without the State using current funds needed for construction.

The States supported the AASHO-developed version by a 91-percent vote. We will be explaining this in greater detail when our After 75 Committee appears before your committee.

Section 10: Definitions of forest roads and trails and forest development roads and trails.—Roads and trails under these categories do not involve all of the highway departments, but only about half. As a

result, we found that half of the States felt the definitions as written are generally acceptable. The other half offered no comment.

Section 11: Amendment dealing with forest development roads and trails pertaining to the size of project where bids would be solicited for construction.—The comments received on this section from the State highway departments were almost identical to those pertaining to section 10.

Section 12: Urban area traffic operations improvement programs, TOPICS program.—In response to this section, we received the same type of replies from the State highway departments that we got pertaining to the authorizations for the same purpose.

Less than half the States felt this proposal as written was acceptable, and an equal number felt that it should not be tied specifically to a TOPICS program, but the legislation should make the money available for improving the ABC systems.

Four felt the proposal was not spelled out in sufficient detail to clearly understand the intent. Five States offered no comment. In general, much can be accomplished through the TOPICS type of program.

Section 13.—Whether or not this section is enacted would depend on whether or not your committee saw fit to provide for an urban area traffic operations improvement program.

Section 14: Fringe parking.—Only five of the State highway departments felt that this proposal is acceptable as written.

Eleven States are completely opposed to it on the grounds that it is further fragmenting or diluting the highway trust fund, which was intended originally for constructing an Interstate System and to maintain a certain minimum level of development on the ABC systems during the time the Interstate System was being built.

Thirteen States would accept such a program, if the financing were not to come from the trust fund, or in case the parking facilities could be self-financing and self-sustaining.

Eighteen States offered no comment whatsoever on section 14.

To have any chance of success, fringe parking must provide convenient, adequate, safe parking, and be served with convenient, adequate, comfortable, and attractive commuter service at reasonable costs.

This is the type of program that might be included in a separate trust fund program, as proposed by the National League of Cities.

It has generally been the policy of the State highway departments that parking facilities should be included in overall transportation planning in urban areas, and that they are a necessary part of transportation, but since conventional highway needs are so much in excess of available highway funding, some other means must be found to supply the facilities, especially since they are generally patronized by repeat users and they are for the almost exclusive benefit of the local community or urban area.

AASHO will make recommendations on this subject at the time that our After 75 Committee reports to your committee.

During the time of the annual meeting of the Mississippi Valley Conference of State Highway Departments, in March of this year, that regional highway association adopted a resolution entitled

"Proliferation of Activities and Memoranda," in which it states that the Department of Transportation and the Federal Highway Administration are delving into new areas in transportation and particularly in highways, and it is becoming increasingly apparent that many studies and investigations are being made in these new areas and each new study and investigation results in time-consuming conferences on the part of the State highway personnel and apparent expansion of Federal staff, and that each of the aforementioned activities result in greatly increased numbers of instructional memorandums, policy and procedure memorandums, and circular memorandums, to the extent that it is becoming increasingly burdensome on the administrative staff of the respective highway departments to read and analyze such memorandums and respond thereto, and that many of the memorandums are apparently written by individuals having limited experience in the respective area covered, and that many of the new areas involved matters which are within the authority and responsibility of the respective States and their State highway departments.

A copy of this resolution was sent to the American Association of State Highway Officials. As a result, the State highway departments were polled as to their attitude on this matter and, as a result, 46 States have responded and 46 States are of the opinion that Congress must define the respective roles of the State highway departments and the Federal Government in carrying out the Federal-aid highway program if the partnership concept is to survive.

They are all concerned over new philosophies of nonhighway people in authority that are being forced on the highway departments, the fragmentation of authority to others having no official responsibilities in the program, and the eroding of responsibilities assigned by the States to their highway commissions.

We ask your committee to direct the Federal Highway Administrator, in cooperation with the State highway departments, to study this matter thoroughly and to come to your committee with joint recommendations as to the responsibilities prerogatives and actions that will be assigned to the State highway departments and those of the Federal Government.

In order to speed up the Interstate program, we would also recommend that the Congress write some language in title 23, United States Code: Highways, that the Secretary and the State highway departments shall reach agreement before December 31, 1969, on the approved location of all remaining segments of the Interstate System, that are included in the 1968 cost estimate, House Document 199, 90th Congress, second session, and in case such agreements vary from the location actually used as a basis of estimating the cost in the 1968 estimate, the Secretary shall obtain the concurrence of the Public Works Committees of Congress, before approving any funds herein authorized to be expended on such revised locations.

In case approval of a location or segment of the Interstate System upon which the above cost estimate was based has not been reached or a revision in the location has not been cleared, as provided above by the date of December 31, 1969, the funds contained in the above-mentioned cost estimate for financing such segments of the Interstate System shall lapse, and shall not again be included in a subsequent

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 enroaches 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

the program and we believe that this should still be the requirement and that the State highway commission should be allowed to exercise their basic responsibilities and be accountable to the public. We are not suggesting that we should be allowed to operate without any controls for such regulations are essential to protect the Federal interest in the Nation's highways, and to coordinate a joint venture program.

We have not known too much about how the recent Reorganization Plan No. 2, involving an agreement between the Department of Transportation and the Department of Housing and Urban Development, might affect the urban transportation planning process, as contained in section 134, title 23, United States Code: Highways.

We have studied such material as is available to us and, at the present time, have a special committee in AASHO studying the matter now and in the coming weeks to help us develop a policy position on the subject.

We did, however, find the letter from Mr. Cecil Mackey of the Department of Transportation to Chairman Fallon, and Secretary Boyd's recent statements before your committee assuring, but in some degree seemed to conflict with our understanding of some of the agreements between the two Federal agencies.

We would hope that the role of HUD, which we agree has a part in urban planning, would be only advisory to the Department of Transportation as it might affect the approval of highway proposals.

The State highway departments and the Bureau of Public Roads have been the pioneers in developing highway planning techniques and procedures.

The State highway departments have insisted, over the past half century, in dealing with one Federal agency only. If other Federal agencies have an interest in the project or the program, we depend upon the Federal agency administering our program to deal with the other Federal agencies at an interagency level, but that these other agencies would have no direct veto authority over the States' proposals.

Planning is the fundamental tool which the State highway commissions must utilize to carry out their assignments of creating, building, maintaining, and operating a State highway system.

Recently, we sent to you a resolution adopted by our executive committee regarding some complications that we were having in regard to the bidding procedures in the highway program in complying with the equal employment opportunity program.

We believe that the objectives of the Federal equal employment opportunity program can be accomplished without eroding the competitive bidding process that has been used over the years in the highway program, and without adding to the cost of the highway program.

Highway bidding procedures developed over the past 50 years are very precise, sophisticated, and competitive. They are definitely in the public interest and we feel they must be protected.

In this regard, we believe that the matter has now been straightened out due to the efforts of Congressman Cramer and others. Much of the problem was brought about by attempting to apply the same type of negotiation with low bidders used in supply-type Government contracts to the highway program type of bidding.

There seems to be a current tendency to downgrade experienced highway professionals in favor of people in other fields that are relatively inexperienced in highways, thus failing to utilize fully the vast resource and background already available to solving essential highway transportation problems.

This is causing severe morale problems in the highway departments and even in the engineering schools. It seems to be the "in" thing to criticize the highway program and the highway engineer, even though both are an essential part of the future of this country.

We are still looking at the "design concept team" approach, and will be interested in the results that it might produce, and as to the time and money that might be involved.

We are also concerned about the tendency to deal directly with dissident groups by going around State highway departments instead of going through channels. The Federal role should be one of approving or denying a States' proposal in whole or in part and not making agreements directly with local people or officials.

We are also concerned over the philosophy that local lay people have a more prominent role in highway location and design. Some of these particular problems are in declining corridors where the new highway improvement will surely reconstruct the entire corridor because a new highway is a very real catalyst. We should not attempt to conform too greatly to the existing community that is almost certain to change.

We are firm believers that local people should have a role through the public hearing and have recourse through their appropriate elected officials who, in turn, should and must participate fully in the planning process at the project development stage. To allow local people to have a greater voice in the highway location and design for which they are not trained, would negate the expertise of trained highway professionals.

Highway officials are unlikely to insist on a project that does not have the approval of appropriate elected local officials. Highway officials certainly will insist that their project not only serve the primary purpose of the facility, but that it will be an attractive and good neighbor to the community traversed.

We would suggest that Congress also give consideration to strengthening the role of the Bureau of Public Roads by putting the highway and traffic engineering portion of the safety program into that agency, and lodging the remainder of the safety program dealing with vehicles and other items in the relatively new National Highway Safety Bureau.

We believe that the public works committees should give attention to amending Title 23, U.S. Code, Highways, to require all levels of government, including the Federal, to hold public hearings before reserving lands for any purpose where such a reservation might create physical barriers to future transportation needs, and that such a proposal would have to receive the approval of the State highway department involved, and the Secretary of Transportation.

At the present time, highway departments must hold hearings regarding their programs and we believe that the same should hold true for other agencies when their programs might affect present or future highway transportation needs.

At the present time, certain reservations, such as the establishment of a primitive area, can be made unilaterally by an executive department without a hearing and before congressional action might formalize it is a wilderness area reserve.

We believe that similar hearings and approvals should be required where major changes in zoning are involved that could obsolete existing facilities on a Federal-aid route or require extensive improvements on that route, especially where such change in zoning was unanticipated and unknown at the time that the highway facilities were provided.

At the present time, highway departments must hold hearings regarding their programs and we believe the same should hold true for other agencies as their programs might affect present and highway transportation needs.

At the time our "after 75" committee appeared before your committee last June 7, 1967, we called your attention to the numerous planning reviews, consultations, coordinations, concurrences or approvals, either required by statute, Executive order or other means, affecting the conduct of the highway program. It was contained on pages 30 and 31 of the Preliminary Report of AASHO on the Federal-aid Highway Needs after 1972 (90-6) 90th Congress, first session. We would ask that you again review that tabulation.

This particular comment is not intended to reflect on the men holding the positions at this time, both of whom we hold in high esteem, but looking to the future and considering some of the contemporary philosophies surrounding the highway program, we would suggest that your committee might wish to spell out certain qualifications and duties for the Federal Highway Administrator and the Director of Public Roads, to make certain that they have the qualifications, interest, and background for administering the highway program.

At the time we appeared before your committee on February 21 of this year, we submitted some draft language that would stabilize the financial aspects of the highway program, or at least minimize some of the uncertainties of cutbacks and threatened cutbacks.

It would also specify a time that the States would receive their fiscal year apportionments, and suggests language intended to strengthen the contractual obligation feature of the highway program which the States consider essential if a Federal-aid highway partnership program is to continue.

As we remember, at the time of the joint hearings on the subject of the November 1966 cutback, the Department of Transportation introduced an Attorney General's opinion which, in effect, stripped this basic contractual obligation of some of its meaning. We recommend that your committee study this submission we made on February 21 and take steps to strengthen the contractual obligation feature of our program to the point that we have believed existed and upon which the States made their financing and construction plans, as well as awarding contracts.

We also recommend to you that you direct the Bureau of Public Roads, in cooperation with the State highway departments, to make a functional classification of the Federal-aid primary and secondary systems, to treat the States equitably, and to be assured that the right road is in the right system, and that after this is done that there be a

highway needs study made on those revised systems on the basis of a manual developed jointly by the Bureau of Public Roads and the State highway departments.

A better cost estimate on total highway needs than now is available is needed. Although the ones presently available do give us valuable information as to the enormity of the problem, as compared to the funds available, there has always been some variation in the estimating procedures used by the States in estimating needs on the Federal-aid systems, other than the interstate.

There is quite a variation from State to State as to the percentage of the public roads included in the Federal-aid secondary system which has been reflected in the respective estimates.

You have solicited comments from the several State highway departments regarding additions to the Interstate System. At the time our "After 75" Committee appears before your committee, we will go into this matter and give you the position on this important subject, and the reasons behind that position as developed by our member departments.

We have spent a great deal of time on the matter of a functional reclassification and adding to the Interstate System, and we believe that we will have something constructive to offer.

We believe the State highway departments would be content if your committee were to decide to report out at this time a simple, uncluttered authorization bill that would approve the 1968 interstate cost estimate for apportioning purposes, and provide for the necessary biennial authorizations to keep essential existing programs going and to consider some of the other proposals that are before you at a later time.

Thank you for the opportunity of appearing before your committee to express the views of our member State highway departments.

Mr. KLUCZYNSKI. Thank you, Mr. Morton.

It is always a pleasure to have AASHO before this committee. You have been very helpful to this committee at all times.

Do the committee members have any questions?

Mr. CRAMER. Mr. Morton, I have appreciated very much your statement, particularly your references to the continuation of the partnership contract and obvious problems we are getting into with new programs and new moneys coming out of the trust fund and so forth.

My first question relates to some of those subjects. On page 1 of your statement you referred to a million dollars annually for the ABC system, with the balance going to the Interstate System.

Actually, the balance under this proposed bill and other proposals being made, including the TOPICS program, transferring the forest highways and public lands highways to come out of the trust fund, means, in effect, does it not, that this actually ends up coming out of the interstate money?

In other words, ABC sticks to a million a year, and what is left goes to everything else. When you start adding to those everything else, in addition to the Interstate System, then you automatically reduce what goes to the interstate, do you not?

Mr. MORTON. You extend the time it takes to complete the Interstate System.

Mr. CRAMER. So, in effect, the Interstate System, by the operation of the program, out of the trust fund, gets last priority?

Mr. MORTON. That is right.

Mr. CRAMER. Everything else comes before it, such as beautification and safety, and so on.

The suggestion of the administration is that this Topics program, \$2.5 million a year for 5 years, for forest highways \$33 million, and over 5 years \$166 million, and public lands \$16 million a year or \$80 million over a 5-year period, and whatever fringe parking costs, that without fringe parking is about \$1.5 billion. They have no hesitancy in recommending that coming out of the trust fund, with the result that it stretches out the Interstate System further.

What is your reaction to that?

Mr. MORTON. I think I should speak personally. I think the important thing here would be to complete the Interstate System and make this a usable system as quickly as we possibly can.

I recognize that we have the tremendous population trends toward suburbia, and that there is more and more attention that must be given to the highway problems in the cities. When you start to take it away from the trust fund, you will just dilute your ability to complete the Interstate System.

I think a completed Interstate System will do a great deal for this country. We are perhaps 65 or 68 percent complete at the present time.

Mr. CRAMER. Maybe if we set up a second priority for interstate, they would not be so anxious to recommend new programs.

Mr. JOHNSON. Would you care to comment on that? Maybe that is the way to solve this problem of constant new programs to take funds out of the trust fund, is to give interstate a second priority. Maybe it would also give more money to the trust fund.

Mr. JOHNSON. Mr. Cramer, I believe in the language of the 1956 act that was what was intended. It said the ABC authorizations would come out first in the apportionment process, and the rest of it would go to the interstate. I think that was what we were talking about at that time.

Mr. CRAMER. At that time we had only two major programs, the ABC and interstate, so there wasn't any problem.

It is now being interpreted in view of new programs being proposed and enacted, that the interstate, in effect, has last priority. Perhaps we could solve this whole problem by giving the interstate the priority it was intended in the first place.

Mr. JOHNSON. I think there is a great deal in favor of such a statement.

Mr. CRAMER. And then provide the alternative that these other programs come out of whatever surplus is left in the trust fund, or out of the general fund. We could dream up programs here, and they have for some time, as to how to spend this trust fund money at the expense of the Interstate System.

It is my opinion that completion of the Interstate System is one of the highest priority items, and was so established in 1956; but it is losing its priority.

Mr. MORTON. I agree with your statement.

Mr. CRAMER. When we get cutbacks from the trust fund, a good portion of that comes out of the interstate.

Mr. MORTON. That is right.

Mr. CRAMER. You suggest that the funds for this TOPICS program should be made available for projects on ABC as well.

Is it your understanding that such funds would not be available under the present wording of the bill?

Mr. MORTON. I believe that under my interpretation of the bill these funds would not be available for ABC sections of highway.

Mr. CRAMER. Do you agree with that?

Mr. JOHNSON. Mr. Cramer, I believe that under the present language a TOPICS program can be carried on through the regular ABC authorizations under the Federal-aid system, and comes out of the regular ABC. If they are going to have some additional authorizations, another quarter of a billion, we have made some recommendations that the use should be expanded to use on interstate and not on the Topics alone.

One State called us and indicated that their cities could not match this sort of program at the present time.

Mr. CRAMER. If these funds are expended on the TOPICS program, as I understand they can be, on non-Federal-aid highways, do you think that expenditure should come out of the trust fund where they are spending this money in non-Federal-aid highways?

Mr. JOHNSON. We are recommending that at some time there be another Federal-aid system program created in the cities which would be off the Federal-aid system and give them the same deal the counties have in the Federal-aid secondary.

The way this is written here in the bill, it would apply to roads off the Federal-aid system and off the State highway systems, which would require matching on the part of the cities.

The States could not match it. It would be coming out of the Trust Fund.

Mr. CRAMER. The trust fund that otherwise is used for Federal-aid highways?

Mr. JOHNSON. That is right.

Mr. CRAMER. So it appears this trust fund has become quite a grab-bag. They keep dreaming up new programs to come out of the trust fund, even though it means less highways being built.

Mr. JOHNSON. I think any program in history, after so long a time, has had all sorts of appendages and sophistications added to it, even before you took care of the basic requirements of the program.

Mr. CRAMER. On page 4 you discussed advance acquisition of right-of-way and indicated that eight States oppose the legislative proposal before us of \$100 million.

Can you indicate why, in your understanding, those States opposed the setting up of \$100 million for advance acquisition?

Mr. JOHNSON. These eight States were of the opinion this program was not needed, or at least not in their States. We did not say that we approved the language in the bill in that first sentence, but we said that the States generally were in accord with the purpose of this section.

Mr. CRAMER. As you know, I was the author of the 7-year advance acquisition position, but it has not been taken advantage of by too many States, because most of them would rather spend the money on construction. That is understandable, because there is not enough money to do the construction anyway.

Mr. JOHNSON. The advance acquisition program could be helped along if we were able to get this right-of-way at an earlier period in the project development. At the present time we almost have to have final construction plans before it can be used.

Mr. CRAMER. Do you not think in the long run it would end up saving far more money than it actually costs by acquiring in advance?

Mr. JOHNSON. Yes, I think in California, for example, where they have a \$30 million revolving fund, they have saved \$600 or \$700 million all told as a good estimate over the years.

Mr. CRAMER. You have discussed a revolving fund. I am sure you are familiar with the fact that the administration bill does not provide for a revolving fund.

Mr. JOHNSON. That is right.

Mr. CRAMER. I have introduced a bill, H.R. 16622, along with a number of other members of this committee, providing for a revolving fund, carrying out the acquisition of right-of-way recommendations with the study which this committee directed, the 100 million for a 3-year period, giving us a total of 300 million to put into a revolving fund.

What is your reaction to that proposal?

Mr. JOHNSON. In talking this matter over with the State highway departments, the State that has had the most experience in the revolving fund, California, recommended that we not get it above \$100 million, and that would be a revolving fund, that is, used, that it be brought back up to \$100 million; and, as it is repaid, it will be repaid into the Trust Fund.

They are of the opinion that if you get too large a total in the revolving fund there is a tendency on the part of land developers and others to come in and make certifications about their intentions which are not entirely right in order to get some money to operate on.

Mr. CRAMER. As I see it, the basic problem with regard to the \$100 million limitation is that if that is absorbed in the first couple of years, which I would anticipate it would be, then you might have a substantial waiting period before the moneys paid back in construction occurred.

Mr. JOHNSON. That is right.

Mr. CRAMER. So there is a question on that. I assume you support the concept.

Mr. JOHNSON. We do, and we do not think that the money ought to be apportioned to the States. It ought to be used when a State needs it. It ought to be used on application.

Mr. CRAMER. Relating to fringe parking on page 5, you say that only five States favor the fringe parking proposal as written. Could you indicate what those States are?

Mr. JOHNSON. No. We can furnish that to the committee.

Mr. CRAMER. That is another area where we do not know what the cost is going to be, where it ends up as a Trust Fund expenditure. Is that right?

Mr. JOHNSON. Indirectly it is out of the Trust Fund, yes. It could be used out of an authorization for any of the Federal-aid systems.

Mr. CRAMER. So it comes out of that money?

Mr. JOHNSON. Yes. I believe the statement was 466,000 spaces at about \$1,000 a space, was the estimate made by the Department of Transportation.

Mr. CRAMER. To the extent to which it relates to the Interstate System, it would thus increase the cost of that system and be further stretching that out; is that correct?

Mr. JOHNSON. It would be estimated at about half a billion dollars.

Mr. CRAMER. I can foresee in the Washington area, with this circumferential, where there are something like 36 major interchange areas, where they could ask for such parking at all of these places. You are talking about probably some very substantial funds out of the Trust Fund.

My own reaction is that I do not think enough study and careful preparation were given to that proposal.

Nobody suggested where the money ought to come from.

Mr. JOHNSON. Historically the highways departments have never felt this sort of thing should come from the Trust Fund.

Mr. CRAMER. There is no definition relating to what fringe parking is in the proposal, is there?

Mr. JOHNSON. I think some of the States brought that up. I do not know whether we mentioned it or not.

Mr. CRAMER. You have referred to overemphasis in administering section 4(f) of the Department of Transportation, having to do with park lands. This has been raised by a number of people and of course 4(f) reads, in the first sentence, "The Secretary shall cooperate and consult with the Secretaries of Interior, Housing, Urban Development, Agriculture, and of the States developing transportation programs," and so forth.

Then it goes on to a discussion of minimizing harm to such park and recreation areas, and so forth.

This is interpreted as not permitting the use of these lands for highway purposes, the comparative costs notwithstanding; is that correct?

Mr. JOHNSON. That is right.

Mr. CRAMER. Could you explain to us what your overemphasis is, what you mean by that?

Mr. JOHNSON. Well, we might cite the particular instance here in Washington where the Virginia Department has an agreement about the location of the Three Sisters Bridge. We might cite the situation in San Antonio, Tex., where the city actually voted a bond issue to get the right-of-way which involved getting a little section of a park area, and they were asked to come back and consider a location taking several hundred houses instead.

There is a situation south of San Francisco, which I am certain the California people could talk on.

There are others around. That is the type of thing we are talking about.

We have got one down in Memphis, Tenn., dealing with a park.

Mr. CRAMER. Do you know how much more it is going to cost the State of Colorado, for instance, for I-70 if it cannot go across the primitive area?

Mr. JOHNSON. No, but that was the major reason for which we made this recommendation for hearings before primitive areas could be set aside.

Mr. CRAMER. I understand it is substantial.

Is it your position that you feel that the comparative costs and advantages and disadvantages should be considered rather than this being administered as a prohibition, in effect?

Mr. JOHNSON. The States should take a look at every alternative location. In this matter that we had down in San Antonio, where the local people actually approved the location and ordered the bond issue to buy the right-of-way, I do not think it should have been opened up again.

Mr. CRAMER. That was a city park, was it not, not a federally owned park?

Mr. JOHNSON. That was a city park. As I understand it, there were close to 500 houses that would have to be moved in the alternative location that was asked to be considered.

Mr. CRAMER. Do you have some language you suggest relating to this section that would put it in proper focus in your opinion?

Mr. JOHNSON. Congress wrote a pretty good legislative history on that section.

Mr. CRAMER. It is being ignored, so I thought we might write something into law.

Mr. JOHNSON. I think if that legislative history were put into the act, a condensation of it, it would do the job.

Mr. CRAMER. I would like to ask you to consider perhaps embodying that language in some manner in the legislation.

You have referred to the Equal Employment Opportunity program. I presume you are aware of the fact that the Comptroller General has recently provided that specific regulations must be adopted by the Department of Labor. With specific criteria established as a condition precedent to the bid process, do you think that is satisfactory, realizing that Equal Employment Opportunity is the law? It is an approach to this problem, assuming that the Department of Labor might be kind enough to consult with this committee and perhaps with some of the States?

Mr. MORTON. Yes, I think this is real major step in the right direction. I think your committee should meet with them and work out some of the details. I think this is a long step toward being able to specify in the contract exactly the terms that the contractor will be confronted with when he is the low bidder and performs the work.

Mr. CRAMER. We wrote on this subject again of preservation of park lands, in the 1966 Highway Act, public volume 9574, language in there, and this is what I wanted to call your attention to, Mr. Johnson. It took into consideration park lands use.

We wrote in that any land from any Federal, State, or local government, park or historic site, the Secretary shall not approve any program which requires the use of this unless such program includes all possible planning, including consideration of alternatives to the use of such land to minimize any harm to such park or site resulting from such use.

Mr. JOHNSON. That language is all right.

Mr. CRAMER. We tried to balance off the merits of these proposals. Then the Transportation Act came along, of course, the Reorganization Act, which was publicized as really not making many, if any, basic policy changes in basic law relating to highways. This is an example where it did. They just sneaked a few things in here and there, which, incidentally, they have done in a few other reorganizations, such as the Bureau of Public Roads, being downgraded.

I have just one other question because of the time problem. You recommend that the State highway departments should make a functional classification of Federal-aid primary and secondary systems. Can you indicate a little more specifically what you have in mind relating to functional classification?

Mr. MORTON. I would say that activity along that line is already initiated. We would like to take a look at the total highway program or the total highway system of this Nation, and we believe that through proper study, roads can be assigned certain functional uses. Once we get their functional uses defined, then, by a very careful need study we can eventually develop a most realistic manner of apportioning funds to the rehabilitation or operation of this total highway system.

Mr. CRAMER. This functional classification, what effect do you contemplate it would have on the apportionment procedures?

Mr. MORTON. I cannot say at the present time.

Mr. CRAMER. You think this functional classification ought to be written into the law as a requirement, or should a study precede it, or how should it be approached?

Mr. MORTON. I think a study should be authorized.

I think you have got to find out just exactly what the study is producing. We believe that it can produce results that will be highly beneficial, but I would not dare to project just exactly what those results would be at this time.

Mr. CRAMER. Do you have any comment on that, Mr. Johnson?

Mr. JOHNSON. Yes, Mr. Cramer.

This study has actually already started. The Bureau of Public Roads has started it. They have been over to meet with me a half-day. What they are thinking of doing is to write up the functional classification that a primary road should do, what its performance should be, and the same thing for a secondary road.

As you know, when you get on 301 and go from here down to your home, you travel over several sections of secondary Federal-aid highways on Route 301. They were put there for the purpose of having money available, or that was where the funds were available at the time that the projects were actually built. So we do have roads that are actually on the wrong system as far as classification is concerned.

We would like to get a 7-percent primary system that is a primary system, the roads serving the primary function. What is a primary system supposed to do?

The secondary system, then, would connect with and supplement and feed to the primary system and do what a secondary road is supposed to do.

If we can get those done, get that reclassification done, and then get it on a uniform basis, we can give a far better estimate than is currently available in the highway program.

We have, for instance, in one State, nearly every public road in the State is on the Federal-aid secondary system, if it is not on the primary. In a couple of other States we have only 5 percent of the public mileage in those States on the secondary system.

So it is logical that no State is going to get enough money, secondary money, ever to do 90 percent of its mileage. An estimate involving that State that has 90 percent of its mileage on the second system is not going to be in line with the Federal-aid needs of another State that has 5 percent.

Mr. CRAMER. There has been some discussion by AASHO and others relating to reprogramming what to do, on a long range, concerning metropolitan areas and so forth.

Do you think that such a classification should be first made before questions of apportionment and other matters could be considered on a long-range basis?

Mr. JOHNSON. Yes, I do. That is the reason we are asking you for this.

Mr. CRAMER. If we are going to get at classification, we ought to get at it pretty soon.

Mr. JOHNSON. We are asking that a cooperative study be made. We think it would add a lot of prestige to it, and would help it along if you would see fit to do so.

Mr. KLUCZYNSKI. Mr. Cramer asked a question that I wanted to ask. Mr. Johnson stated that he would furnish the committee with the five States who had voted to take the money out of the trust fund for fringe parking. I am sure the committee will be happy to have that.

We all know the trust fund is for the construction of roads.

I think you gentlemen will agree with me that money will be going and going from the trust fund. Money is coming in every day, and there is temptation, I am afraid, where that money is going in, to let them put their hands in that barrel and shake out the salt and divert that to some other agency.

I want you to know as long as I am chairman of this subcommittee, and with this fine committee we have, we are going to protect that trust fund. We are not going to divert any of that money for anything but construction for roads.

I have said that time and again, and I mean it. We are going to continue to do the same thing.

I am sure the members of the committee will support the chairman on this.

Are there any questions of the gentlemen here?

The gentleman from California, Mr. Clausen.

Mr. CLAUSEN. Thank you, Mr. Chairman.

I do want to compliment all the gentlemen present. I think they are a very fine panel, and have presented an extremely fine statement. Throughout this statement I detect that you feel as though your own personal activities are inhibiting you, they seem to be preventing the activities that you felt were established. You have certain opportunities to administer your program, based upon the 1956 act, and I detect all through your statement that somehow you are being preempted or postponed or in some way hindered in your normal activities. Is this correct?

Mr. MORTON. Yes. I think I could maybe define this.

Mr. CLAUSEN. Is this a general condition in all of the States?

Mr. MORTON. Yes, I think it is. I think we are reaching the stage where through bureaucracy they try to spell out every particular detail. Consider the climatic conditions and the population and the terrain in the States. They are individual problems. To me it is impossible to write these directives so that they are going to fit the situation in every specific State or every particular locality. We are creating volumes and volumes and reams of paperwork that are not meaningful as far as I can see. It is time consuming and it is taking a lot of people to assemble this information.

I think after it is assembled there is very little value to it.

Mr. CLAUSEN. I note you are not offering any recommendations for additional moneys, and that will come later; is that right?

Mr. MORTON. That will be dealt with at some length, when we appear before you on June 3d.

Mr. CLAUSEN. There seems to be a general attitude that you do not seem to be coordinating within other transportation departments within the confines of the States as far as developing a balance in your transportation system.

I know in the State of California this is not true. Will you comment on this briefly?

Mr. MORTON. Some people say that. I would like them to be specific as to where we are not cooperating.

Mr. CLAUSEN. Throughout most of the States, is there not an increasing tendency on the part of the State departments and agencies to want to coordinate among themselves, to come forth with a recommendation as far as a balanced transportation system is concerned?

Mr. MORTON. Right. We consult with the Fish and Game Department, Forestry and Recreation, Planning and Development. Many of our hearings are before the public utilities commissions. We consult with the power companies, the water pollution people.

In all of these things where we meet and discuss, our hearings are open. People come in and testify. We feel that we are working cooperatively, with an open mind. There are always going to be some people who say the road as it is being laid out is not in the right place.

Mr. CLAUSEN. Then the final point. You made a comment about the fact that the population is tending toward suburbia, and seems to suggest that attention be given to those particular areas.

I am one of those who feels that the way we can resolve the problems of the cities is to reverse this population trend. I think one of the ways this can be accomplished is to improve our primary and secondary roads.

I am of the opinion that the ABC program and its formula is totally inadequate, but I realize we have a basic financial problem in the overall picture.

Are you of the opinion that the primary and secondary road system recommendation in the bill is adequate?

Mr. MORTON. No. We recognize that it is the best we can do right now with the funds available.

Mr. CLAUSEN. So under these circumstances you are really holding back on recommending what you would really like to?

Mr. MORTON. I think I have to go back. My first statement was that I think the greatest contribution we can make is still to go ahead and complete the Interstate System we have laid out. I think we see

this tremendous need for modernizing our primary highways and expanding our secondary roads.

Our primary highways, I would say, that would connect between centers of population, between cities where we do not have good arterial connections at the present time, and the secondary system that acts as feeders.

I think as far as the statement is concerned about the development of suburbia, all of our records show that the core of the city is not growing particularly fast. There is very slight growth in the core of the big city.

But in suburbia, where the population explosion is taking place, there is greater growth. That is where we see a need for primary and secondary roads, to serve those areas.

Mr. CLAUSEN. This committee generally feels that there is a direct relationship between road construction that provides access into some of the rural sections of this country and economic growth. In many ways, this will do more to provide relief from the pressures that are building up in the cities than any one thing I can think of.

Do you agree with this?

Mr. MORTON. Yes. I think our Interstate System is doing a great deal in that direction, toward fostering this economic growth back into the areas that are not so heavily populated.

Mr. KLUCZYNSKI. Mr. Morton, either you or Mr. Stapp testified this morning that you were doing away with this 10 percent penalty. Did I not hear somebody say something about doing away with that?

Mr. MORTON. We are opposed to any penalty being associated with the highway beautification program.

Mr. KLUCZYNSKI. We had 100-percent penalty, but in the amendment we adopted a 10-percent penalty.

Mr. CRAMER. First it was no penalty, and we lost that.

Mr. MORTON. Some of us have thought that instead of a penalty there might be a small bonus that would stimulate States to showing good taste and judgment in executing at least a reasonable beautification program.

Mr. CRAMER. Will the chairman yield?

Mr. KLUCZYNSKI. Yes.

Mr. CRAMER. In the State of Florida, for instance, with the encouragement of Congress, and it was quite proper they went into a very substantial safety program. It is going to cost a lot of money. Lo and behold, when their first year's appropriation came up, it was about one-third of the authorization. This year it is no better.

There seems to be no great push, even to get more money into safety. But there is a terrible push to get that beauty money going.

I just cannot see how, logically, you can put beauty ahead of safety, No. 1; and No. 2, we make all these promises of these big authorizations to the States. We insist on them acting, and if you do not act we are going to give you a 10-percent penalty on all your highways.

They go ahead and act and then we do not provide the money for it. That is not very fair treatment, is it?

Mr. MORTON. No, it is not.

Mr. CRAMER. That is about what is happening, is it not?

Mr. MORTON. Yes.

MR. CRAMER. We tell them they have to adopt legislation for this beauty program and then we don't put any money in it. I do not think that is keeping faith with the States.

I think it is basic. We are faced with a similar problem in all of these new ideas, such as fringe parking, topics programs, and forest highways and what have you, and adding them to the trust fund.

We are faced with the same problem of knowing full well that the money is not going to be there.

MR. MORTON. That is right.

MR. CRAMER. So I think we have to view these very carefully and not mislead the States and trap them into legislating on these programs and then ending up with no money and the States have to finance the entire program.

MR. JOHNSON. Mr. Cramer, in some instances, that threat of a penalty is an irritant to the legislatures.

MR. CRAMER. I used to be in a legislature. I can see that it is.

MR. KLUCZYNSKI. Mr. Denney?

MR. DENNEY. Mr. Chairman, I want to compliment the panel for appearing before this committee.

Out in our State of Nebraska we have a great respect for AASHO. I think you received a letter from the State engineer, addressed to you, Mr. Chairman, asking unanimous consent that a copy of his letter that was sent to me, addressed to you, be included in the record.

MR. KLUCZYNSKI. Without objection, the letter will be included with the other letters received from other State highway engineers in the appendix to these hearings.

(See p. 808.)

MR. DENNEY. Mr. Johnson, I take it from the testimony that has been given here today, No. 1, you are opposed to the 10-percent penalty, and you recommend the bonus that Mr. Morton was talking about; and, second, it seems to me the thrust of your testimony is that we have too many chiefs around in the Federal Government, and you have to hire lots of people to do the paperwork, and then you are not quite sure of who you should see. Is that correct?

MR. MORTON. That is right.

MR. DENNEY. And you would like to see this committee try to work out some type of legislation so that the State highways departments and your group would know who to turn to if they needed help, is that correct?

MR. MORTON. Yes. I think honestly, going back over the years, we hear all this grief about certain highway projects, but I think when you truly evaluate what has been accomplished in the past 50 years or the past 10 years, billions of dollars have been well spent and I think some real solid accomplishments have been made.

I hate to see the program deteriorated because a few people say it just is not doing the things they would like to see it do.

MR. DENNEY. In other words, we should have some nonproliferation in Federal Government; is that not about right?

MR. MORTON. I would say so.

MR. KLUCZYNSKI. If there are no further questions, I want to thank you, Mr. Morton and Mr. Johnson and Mr. Stapp, for your statements before this committee. You have always been very helpful to us.

(Statement of Ward Goodman attached to statement of Mr. Morton follows:)

STATEMENT OF WARD GOODMAN, DIRECTOR OF HIGHWAYS, ARKANSAS HIGHWAY DEPARTMENT, CHAIRMAN, AASHO COMMITTEE ON BRIDGES AND STRUCTURES; HEARING S. 2658, ROADS SUBCOMMITTEE OF THE HOUSE PUBLIC WORKS COMMITTEE, MAY 28, 1968

Mr. Chairman, and Gentlemen of the Committee, I am Ward Goodman, Director of Highways for the State of Arkansas and Chairman of the Bridges and Structures Committee of the American Association of State Highway Officials.

I am pleased to have the opportunity of appearing before you and express our views on S. 2658, to amend Section 127 of Title 23, U.S. Code, relating to weight and size limitations on the Interstate System which is a part of the Federal Aid Primary System. For your convenience, my statements are listed first and the discussion follows.

This statement pertains to the effect of the weight provisions of S. 2658 on bridges only. Discussions pertain to main carrying members. Overstress in secondary members and floor system is just as critical but failure is not as catastrophic.

The revised formula in S. 2658 adds 4,000 pounds to every value listed in Table I of AASHO "Policy of Maximum Dimensions and Weights of Motor Vehicles to be operated over the highways of the United States."

The proposed changes by S. 2658 will have little adverse effect on bridges designed for HS 20-44 design load.

However, for all bridges in the United States, those designed for HS 20-44 represent a small percentage of all the bridges, which are presently confined to the Interstate System.

Practically all bridges off the interstate system are designed for H 15-44 or less.

The provisions of S. 2658 will overstress bridges designed for H 15 or less to a dangerous extent.

Fatigue stress loss will reduce the safe life of a majority of bridges.

In a recent ballot, 18 Chief Highway Administrators who are charged with the operation and maintenance of bridges and highways voted against raising the present allowable 32,000 lbs. on a tandem axle by AASHO policy to 34,000 lbs. allowable, and all but a couple of the bridge committee members opposed going above the design loading of 32,000 lbs.

It is important that the gross weight bridge formula will not only apply to the overall wheel base of the vehicle or combination vehicle, but also apply to intermediate axle groupings of the vehicle or combination vehicle.

It is our hope that the final version of the bill will contain a table similar to that contained in the AASHO recommended policy showing maximum permissible gross weights to guard against misinterpretations and to aid in administration.

It hasn't been too many years since the builders of bridges were building them on the basis of intuition and experience. When the design of railroad bridges became a scientific analysis based on assumed sequence of wheel loads spaced very similar to an actual train, much progress had been made. The railroads have been largely successful in keeping the applied loads today very much in line with those used to design railroad bridges even as early as those designed prior to the nineteen hundreds. Equality of design and actual load on railroad bridges remains so today because of the railroads' strict enforcement on their own, and peculiarities of track requirements. Highway people have not been so fortunate because no one could foresee the future of traffic wanting to use the highway bridges, either in profile of vehicles or application of load. Such flexibility could not be predicted. When highway bridge builders first began to design highway bridges, they borrowed from their friends the architects and assumed a uniform dead load to represent the coming live loads. Later it will be seen that our predecessors did a fine job in their assumptions. The application of a uniform load over the entire structure to take care of live load simply does not represent the actual condition of a live load moving across a bridge. Some members are over designed, some are under designed and none are designed for a reversal stress. Fatigue as a feature in design in the early years was practically unheard of and not taken into the design of a bridge at all and there was practically no uniformity in the load to be assumed. Some designers were concerned about impact, others were not.

Even until 1920 each state, city or other municipality developed its own specification for live load for highway bridge structures in this manner. Some called for impact, others did not.

Table I shows some typical uniform loadings for steel truss bridges (note year 1916). It is interesting to note that an analysis of these loadings give moments

TABLE II.—UNIFORM LIVE LOADS FOR HIGHWAY BRIDGES

American Concrete Institute, 1916						Ketchum's specifications, 1918					
Class A			Class B			Class D ₁			Class D ₂		
Span (feet)	Load (pounds per square foot)		Span (feet)	Load (pounds per square foot)		Span (feet)	Load (pounds per square foot)		Span (feet)	Load (pounds per square foot)	

very close to the present H15-44 loading as specified in the AASHO Specifications. Moment is the principal measure of force which stresses the bridge load carrying members, and is the basis used for analysis in this statement.

About 1920 the use of concentrated loads gained in popularity.

The 1923 highway bridge specifications of the American Association of State Highway Officials, the Iowa State Highway Commission, and the 1923 tentative specifications of the American Society of Civil Engineers contain the following specifications for floor loads for girders and trusses, and for floors, as given in Table 1-a.

TABLE 1-a.—UNIFORM LIVE LOADS FOR GIRDERS AND TRUSSES

Loaded length (feet)	Live load in pounds per square feet, proportionate values for intermediate lengths		
	1- to 15-ton truck	1- to 20-ton truck, 2 to 15 ton truck	2- to 20-ton truck
50.....	100	130	180
100.....	80	90	120
200 and more.....	60	70	90

"The uniform load used shall correspond to the length of that portion of the span which, when fully loaded, will produce maximum stress in the member under consideration.

When the loaded length is less than 50 ft., girders and truss members shall be designed for the floor live load. The trucks shall be placed so as to produce the most severe stresses. Two trucks shall be considered as headed in the same direction. Trucks in tandem need not be considered.

Floor Live Loads.—All parts of the floor system and all girders and truss members when the loaded length is less than 50 ft. shall be designed for the following loads: (1-15) one 15-ton truck, or 100 lb. per sq. ft. of roadway; (1-20) one 20-ton truck, or 130 lb. per sq. ft. of roadway; (2-15) two 15-ton trucks; (2-20) two 20-ton trucks.

In bridges involving three or more lines of traffic, the floorbeams and floorbeam hangers shall be designed for two trucks assumed to be located in the most unfavorable position, together with a uniform live load of 100 lb. per sq. ft. on the remaining lines of roadway not occupied by the trucks."

1924 Requirements in Highway Bridge Loadings are clearly shown in the following excerpts from the Am. Soc. C.E. 1924 Specifications. The Standard Specifications of the A.A.S.H.O. for 1926 differ only slightly from these loading requirements.

"Traffic Classification of Bridges. Bridges shall be classified, on the basis of traffic, as follows:

Class A. City bridges or other bridges carrying a highway traffic of exceptionally heavy load units.

Class B. Bridges on primary roads.

Class C. Bridges on secondary roads.

Class D.—Bridges carrying electric railway traffic in addition to highway traffic.

Roadway Live Load.—The live loads for roadway shall be represented by typical truck loadings. Each typical truck loading shall be considered as occupying one lane of traffic 9 ft. wide. Typical truck loading shall be designated by the Letter H, followed by a numeral indicating the weight in tons of the typical truck loads.

Typical Truck Loadings.

For Floor System:

H20, 20-ton trucks

H15, 15-ton trucks, or one 20-ton truck

H13, 13-ton trucks, or one 15-ton truck

For Girders and Trusses:

H20, 600 lb. per lin.ft. and 28,000 lb. concentrated

H15, 450 lb. per lin.ft. and 21,000 lb. concentrated

H13, 390 lb. lin.ft. and 18,200 lb. concentrated

The concentrated loads are to be placed so as to cause maximum effect.
Selection of Live Load.

Class A Bridges, H20 loads
Class B Bridges, H15 loads
Class C Bridges, H13 loads . . ."

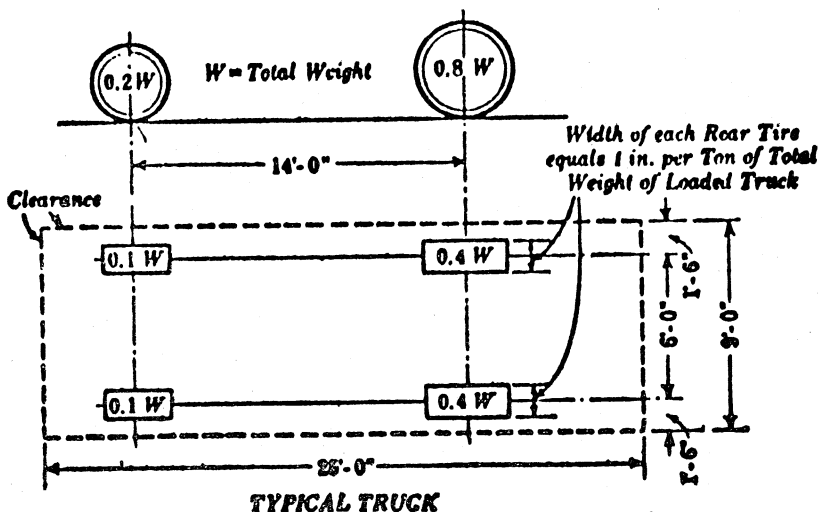


Figure 1.

Typical trucks shall have total loaded weights distributed as in figure 1.

This is the *first reference to H15 Loading*. It must be emphasized that when we refer to the standard truck or H15 design truck that this is a *design loading*. It is not a composite truck or typical truck of the present and it has never been intended that it represent an actual truck. It is just a selected design truck for application of live loadings for purposes of design. It is not to be confused with the Type 2 or Type 3 or any other types listed in the AASHTO "Policy on Maximum Dimensions and Weights of Motor Vehicles to be Operated Over the Highways of the United States", or any trucks presently in operation on the highways. The problem now and always has been is how to rationalize design load with safe load carrying capacity.

The 1935 AASHTO Specifications provided for trucks and truck trains and also the equivalent lane loadings.

The present AASHTO Specification states the system of lane loads was developed in order to give a simpler method of calculating moments and shears than that based on wheel loads of the trucks.

In 1944 the HS series of trucks were developed. These approximate the effect of the corresponding 1935 truck preceded and followed by a train of trucks weighing $\frac{1}{4}$ as much as the basic truck.

The traffic classification of bridges as shown for the 1926 AASHTO Specifications has been removed from the Specifications and for the past 30 years (approximately) the load classification has been a function of the State Highway Department, the Bureau of Public Roads, and other agencies. Some states followed the policy of using heavier design loads, say H20 for Primary and H15, etc. for Secondary, etc. Present AASHTO Minimum Loading for trunk highways, or for other highways which carry, or which may carry, heavy truck traffic, the minimum live load shall be the HS15 designated therein. It is shown that the so-called H15 has been the governing design load for approximately all bridges built prior to 1935 and has been the basic design load for all except major and interstate bridges since 1935.

The use of a standard truck say H15 for purposes of design provide a convenient method for design, but leads to problems when comparing with the actual traffic patterns and loadings.

The problem of determining permissible loads for bridges is involved. This is due to the fact that the critical stresses produced in bridges by heavy vehicle loads are influenced by no less than seven variables. The seven important variables which must be taken into account in the calculation of critical stresses for even a simple span bridge are as follows:

1. Span lengths
2. Gross weight of vehicle
3. Wheel base length of vehicle
4. Number of axles
5. Spacing of axles
6. Distribution of gross weight among the axles
7. Repetition of load applications (fatigue)

If all of these variables are taken into account by use of conventional methods, the only way in which the stress producing characteristics or effects of various heavy vehicle types and loadings on a given bridge can be determined accurately is by making a complete analysis of the stresses for that particular bridge, produced by each individual vehicle under consideration. And though such an analysis for any particular vehicle or loading on a given span is not too difficult, it is, to say the least, tedious and time consuming, if all possible combinations are investigated.

The percent of live load overload which can be tolerated is a function of the type of structure and the length of span. As Figure 2 shows the ratio of dead to live load varies with the length of span for any particular type of structure. The lighter the structure is the most critical the overload becomes.

We see from Figure 2 that for a 60' span the live and dead load moments using a H15 loading are equal. With a 60% overload of the live load, the actual over-stress in the structure would be 30%. Later, when we discuss fatigue loading we will have more to say on this subject in regard to stress ranges.

The present formula and tables which show the loads on 32,000 lbs. tandem axles which produces a 30% live load overstress are shown in Table II. The unit stresses used in highway bridge design provide a factor of safety of approximately 1.8 applicable to the stresses from the assumed design loads. Recurring over-stresses up to 30% of H15 bridges maintained in good condition are not considered by some to be extremely objectionable. This is a subject on which uniform agreement among the bridge engineers and other highway officials of the states is unobtainable. When the present formula and tables contained in "Policy on Maximum Dimensions and Weights of Motor Vehicles to be Operated Over the Highways of the United States" were adopted, major opposition was overcome after a defeat of a first proposal, which included a table based on the formula

$$W = 500 \frac{N-1}{N-1} (\overline{LN} + 12N + 36) \text{ modified.}$$

The general feeling seems to be that with a

small frequency of overloads some sacrifice can be made on the safety and life of the structure. Therefore, a $\frac{2}{3}$ majority of AASHO members has accepted the 30% overstress. (Constant in formula becomes +32.)

Along this line it should be noted that the 1965 AASHO Specifications contain the following overload provision. "The following provision for overload shall apply to all loadings except the H20 and HS20 loadings. Provision for infrequent heavy loads shall be made by applying in any single lane an H or HS truck as specified, increased 100 per cent, and without concurrent loading of any other lanes. Combined dead, live and impact stresses resulting from such loading shall not be greater than 150 percent of the allowable stresses prescribed herein. The overload shall apply to all parts of the structure affected except floor slab."

The question arises as to when the conditions of traffic change from an infrequent heavy load to a load which should be the design loading. This question can only be answered by an analysis of the traffic at each bridge.

It would be worthwhile to explain here that although the design load has remained relatively constant at H15 for the major percentage of the bridges, the load carrying capacity on newer bridges has generally increased. This is due to the increase in roadway width. For the typical I-Beam or R.C.D. Girder bridge with four or more members the loads for an extremely heavy loading in one lane are generally distributed more uniformly than our specifications provide.

The AASHO road test has provided basic information on the equivalent effects of single- and tandem-axle weights on both rigid and flexible pavements for the conditions of the road test. This information is a basic requirement in establish-

ESTIMATED PERCENT OF TOTAL DESIGN STRESSES REPRESENTED
BY LIVE LOAD PLUS IMPACT AND DEAD LOAD STRESSES FOR SIM-
PLE SPAN DECK GIRDER BRIDGES OF H-15 DESIGN

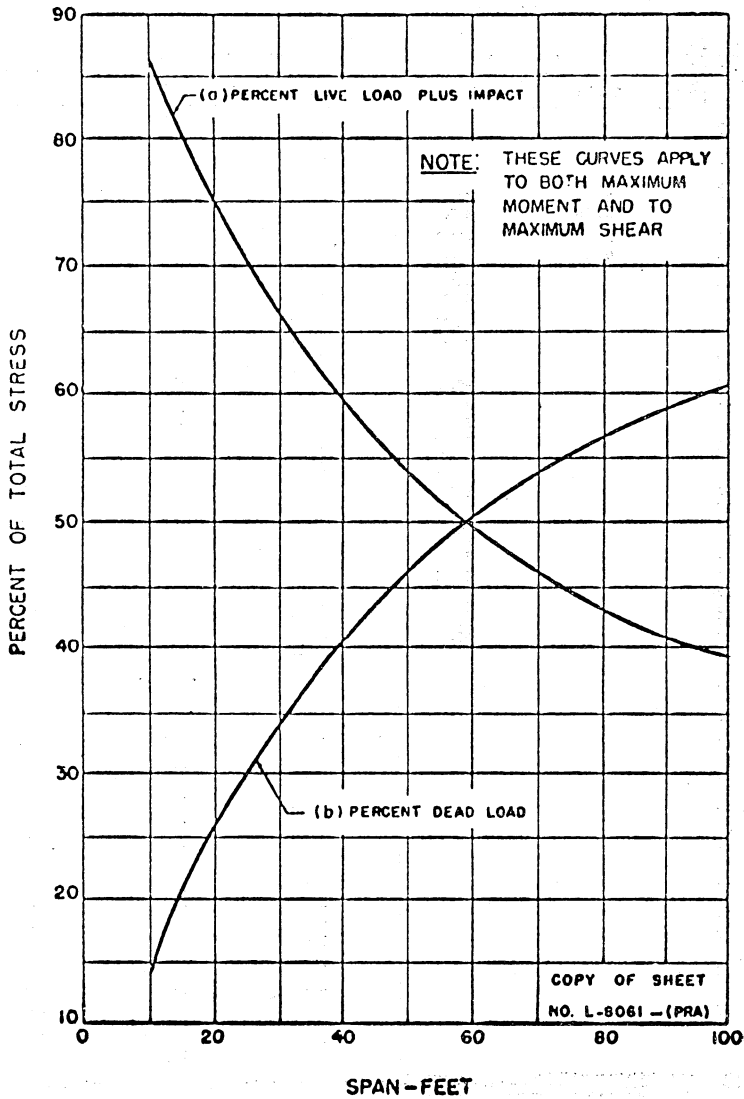


FIGURE 2

TABLE I

COMPUTED GROSS WEIGHT TABLE
 For various spacings of axle groupings
 BASED ON AASHO H15 (44) BRIDGES WITH OVERSTRESSES NOT TO EXCEED 30 PERCENT
 Weight Formula $W = 500 \left(\frac{LN}{N-1} + 12N + 32 \right)$

Distance in feet between the extremes of any group of two or more consecutive axles (wheelbases)	Maximum computed weight in pounds for any group of two or more consecutive axles (wheelbases)				
	2 axles	3 axles	4 axles	5 axles	6 axles
4					
5					
6					
7					
8	32000				
9	37000	40500			
10	38000	41500			
11	39000	42000			
12	40000	43000	48000		
13		43500	48500		
14		44500	49500		
15		45000	50000		
16		46000	50500		
17		46500	51500		
18		47500	52000		
19		48000	52500		
20		49000	53500		
21		49500	54000		
22		50500	54500		
23		51000	55500		
24		52000	56000		
25		52500	56500		
26		53500	57500		
27		54000	58000		
28		55000	58500		
29		55500	59500		
30		56500	60000		
31		57000	60500		
32		58000	61500		
33		58500	62000		
34		59500	62500		
35		60000	63500		
36			64000		
37			64500		
38			65500	69500	
39			66000	70500	
40			66500	71000	
41			67000	71500	
42			68000	72000	
43			68500	73000	
44			69500	73500	
45			70000	74000	
46			70500	74500	
47			71500	75500	
48			72000	76000	81000
49			72500	76500	81500
50			73500	77000	82000
51			74000	78000	82500
52			74500	78500	83000
53			75500	79000	83500
54			76000	79500	84500
55			76500	80500	85000
56			77500	81000	85500
57			78000	81500	86000
58			78500	82000	87000
59			79500	83000	87500
60			80000	83500	88000

Note: The loads are computed to the nearest 500 lbs.

The modification consists in limiting the maximum load on any single axle to 20,000 lbs. and the load on any two axles spaced 8 ft. or less to 32,000 lbs.

Loaded vehicles of 7 or more axles regardless of type and of wheelbase are not permitted.

The weight formula given above should be applied to determine the permissible loads of vehicles whenever the load on the front axle is considerably less than the permissible loads.

TABLE II

PERMISSIBLE GROSS LOAD TABLE
 BASED ON AASHO H15(44) BRIDGES WITH OVERSTRESSES NOT TO EXCEED 30 PERCENT
 FOR CERTAIN TYPICAL VEHICLES IN REGULAR OPERATION ILLUSTRATING WHEN TOTAL COMPUTED GROSS WEIGHT
 OR THE AXLE LOADINGS CONTROL THE PERMISSIBLE GROSS LOAD OF THE VEHICLE.

$$\text{Weight Formula } W = 500 \left(\frac{LN}{N-1} + 12N + 32 \right)$$

(A)—Permissible Gross Load of Vehicle Limited by Axles

(B)—Computed Gross Load Controls

Distance in feet between the extremes of any group of two or more consecutive axles	Maximum load in pounds carried on any group of two or more consecutive axles									
	2 Axles		3 Axles		4 Axles		5 Axles		6 Axles	
	Type 2	Type 3	Type 1-3	Type 2-3	Type 1-3	Type 2-3	Type 2-3	Type 2-3	Type 1-3	All Types
4										
5										
6										
7										
8										
9	32000	32000	32000	32000	32000	32000	32000	32000	32000	32000
10	30000	40500	40500	40500	40500	40500	40500	40500	40500	40500
11	38000	41500	41500	41500	41500	41500	41500	41500	41500	41500
12	39000	42000	42000	42000	42000	42000	42000	42000	42000	42000
13	40000	43000	43000	43000	43000	43000	43000	43000	43000	43000
14		43500	43500	43500	43500	43500	43500	43500	43500	43500
15		44000	44000	44000	44000	44000	44000	44000	44000	44000
16		46000	46000	46000	46000	46000	46000	46000	46000	46000
17		46500	46500	46500	46500	46500	46500	46500	46500	46500
18		47000	47000	47000	47000	47000	47000	47000	47000	47000
19		48000	48000	48000	48000	48000	48000	48000	48000	48000
20		49000	49000	49000	49000	49000	49000	49000	49000	49000
21		49500	49500	49500	49500	49500	49500	49500	49500	49500
22		50500	50500	50500	50500	50500	50500	50500	50500	50500
23		51000	51000	51000	51000	51000	51000	51000	51000	51000
24		52000	52000	52000	52000	52000	52000	52000	52000	52000
25		52500	52500	52500	52500	52500	52500	52500	52500	52500
26		53500	53500	53500	53500	53500	53500	53500	53500	53500
27		54000	54000	54000	54000	54000	54000	54000	54000	54000
28		55000	55000	55000	55000	55000	55000	55000	55000	55000
29		55500	55500	55500	55500	55500	55500	55500	55500	55500
30		56000	56000	56000	56000	56000	56000	56000	56000	56000
31		57000	57000	57000	57000	57000	57000	57000	57000	57000
32		58000	58000	58000	58000	58000	58000	58000	58000	58000
33		58500	58500	58500	58500	58500	58500	58500	58500	58500
34		59500	59500	59500	59500	59500	59500	59500	59500	59500
35		60000	60000	60000	60000	60000	60000	60000	60000	60000
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Note: The loads are computed to the nearest 500 lbs.
 The modifications consist in limiting the maximum load on any single axle to 10,000 lbs. and the load on any two axles spaced 6 ft. or less on centers to 32,000 lbs.
 Loaded vehicles of 7 or more axles regardless of type and of wheelbase are not permitted.
 Table 2 is applicable to gross loads of vehicles.
 The permissible load on any group of 3 or more axles spaced 6 ft. or less between the centers of the extreme axles of the group is 32,000 lbs.
 For the purpose of this table the clearing axle is assumed to be 10,000 lbs. and 6 feet is subtracted from the maximum permissible vehicle length to arrive at the distance between the centers of extreme axles.

ing axle weight limits. The equivalence relationship for a range of single and tandem axles on rigid and flexible pavements, based on the road test data, has been established.

There are many formulas that would approximate the maximum desirable loads. One is the present simplified bridge formula which may be used to determine permissible gross weights and axle weights.

This formula in its present form as stated in "Policy on Maximum Dimensions and Weights of Motor Vehicles to be Operated Over the Highways of the United States" conforms with the results of the AASHO road test mentioned earlier.

I wish to emphasize the present formula was not devised by the AASHO Bridge Committee, was developed in its general form prior to the AASHO road tests, and was never approved by a $\frac{2}{3}$ vote of the AASHO Bridge Committee. It was the opinion of those voting against, that the formula allowed gross loads that were too high.

The basic axle loads used for development of this formula are 18,000# for a single axle and 32,000# for a tandem axle. The present AASHO Policy is modified to allow 20,000# on a single axle when spaced 8 feet or more apart.

The change in the proposed formula from the present formula is a change from 32,000# to 36,000# for a tandem axle. This changes the permissible gross load of the vehicles, even though it may not be a vehicle with tandem axles.

Chart No. 1 shows graphically the comparison of the proposed loading S.B. 2658 and the three (3) common types of AASHO Standard Loadings (H15, H20 and HS20).

Chart No. 2 shows the percentage of the moments produced by the proposed loading as a percent of the standard loadings.

The maximum percentage for the H15 loading is 176% which is for the 83' span.

You will note that the effect of the new load on bridges with HS20 design loading is minor. Bridges designed for H20 loading have an overload of approximately 32% which will result in a maximum overstress of probably 15%.

The effects on H15 bridges is much more critical. With 76% overload for the live load moment an overstress of approximately 40% can be anticipated. While no definite statement can be made as to this overstress we feel that this is in excess of what can be tolerated without exceeding the proper limits of safety and structural life.

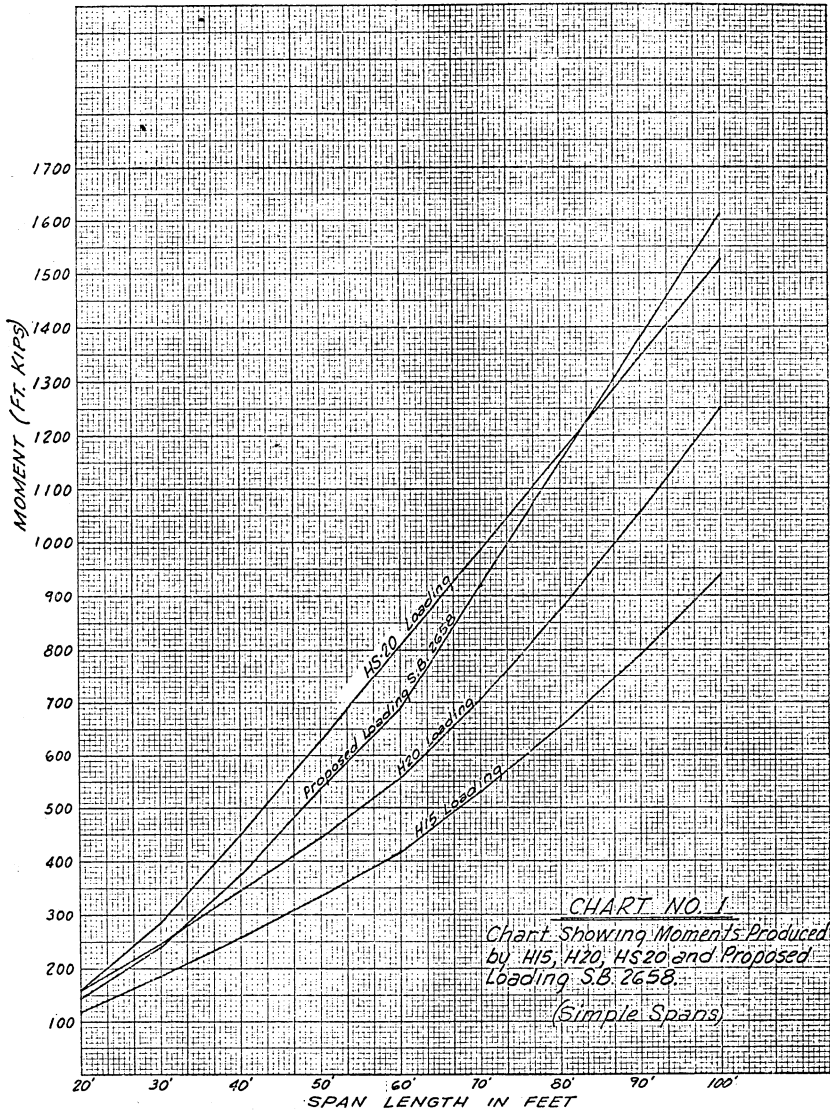
Until recently, the AASHO Specifications considered that only loadings which produce a change in sign of the stress were critical in fatigue. The specifications also assumed that the loads would be repeated at least 2 million times, and therefore, allowable stresses were kept below the fatigue limit. Recent research and study indicated that these limits were not adequate. Therefore, in the 1965 Specifications a new set of criteria was published.

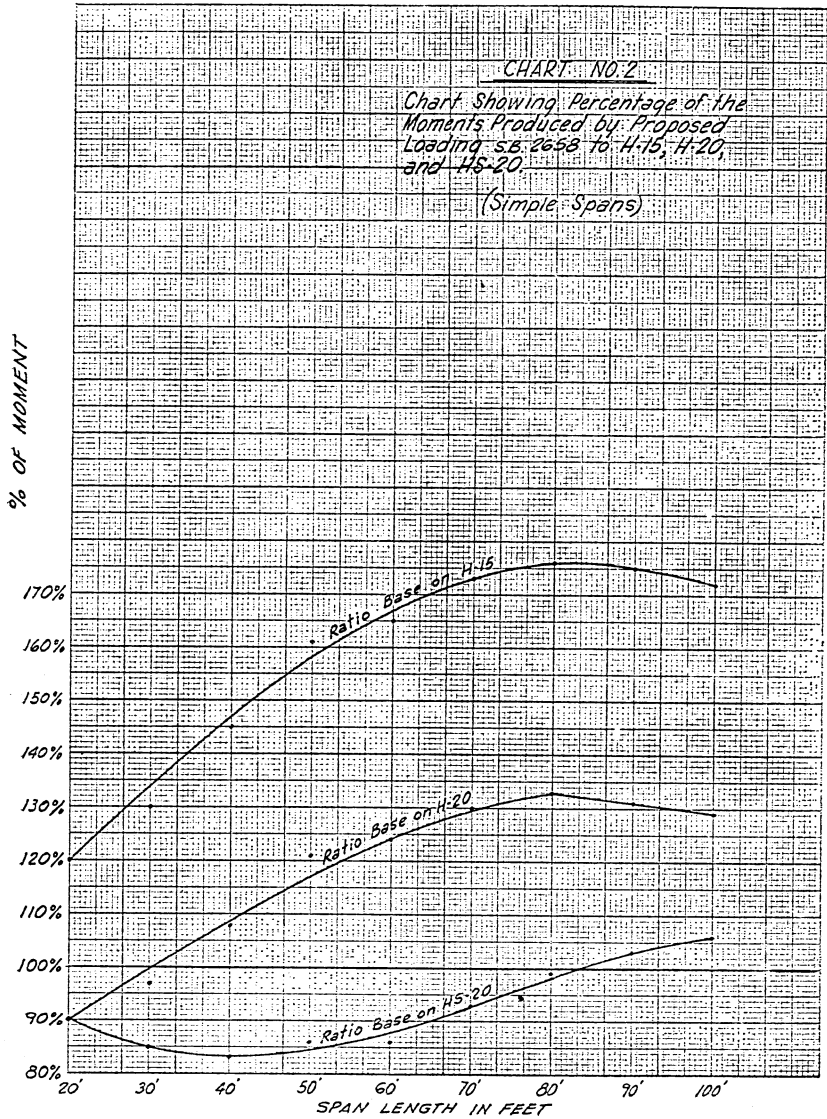
Table 2 shows the cycles of loadings for the different types of roads.

TABLE 2

Case	Type of road	Number of cycles of maximum stress to be used when the length ¹ of load producing maximum stress is		
		0 to 14 feet inclusive (H loading)	Over 14 feet to 44 feet inclusive (HS loading)	Over 44 feet (lane loading)
I	1. Freeways; 2. Exressways; 3. Major highway and streets.....	2,000,000	500,000	100,000
II	Other highways and streets not included in Case I.....	500,000	100,000	100,000

¹ Defined as: (1) the distance from first to last axle on the bridge; (2) the length of uniform live load.





As is shown in Figures 3 and 4 a reduction in the basic allowable stress is made for stress ranges which are always a + for some conditions.

This takes us back to the previous discussion where we discussed the 60% overload and 30% overstress. With a critical number of large loads or overloads, the allowable stress should be reduced. Thus we see that the fatigue life of a member may be reduced by a large number of stress cycles slightly in excess of the fatigue limit or by a few cycles greatly in excess of the fatigue limit (overstressing). While we cannot say specifically what a change in the allowable loads will do to the actual number and size of heavy loads it is logical to assume that the truckers will take advantage of this increase. Therefore, it would seem that the fatigue life of the structures could be greatly reduced.

Just to give you an idea as to what must be considered in regard to fatigue the following discussion probably will be of value.

FACTORS AFFECTING FATIGUE OR SERVICE LIFE

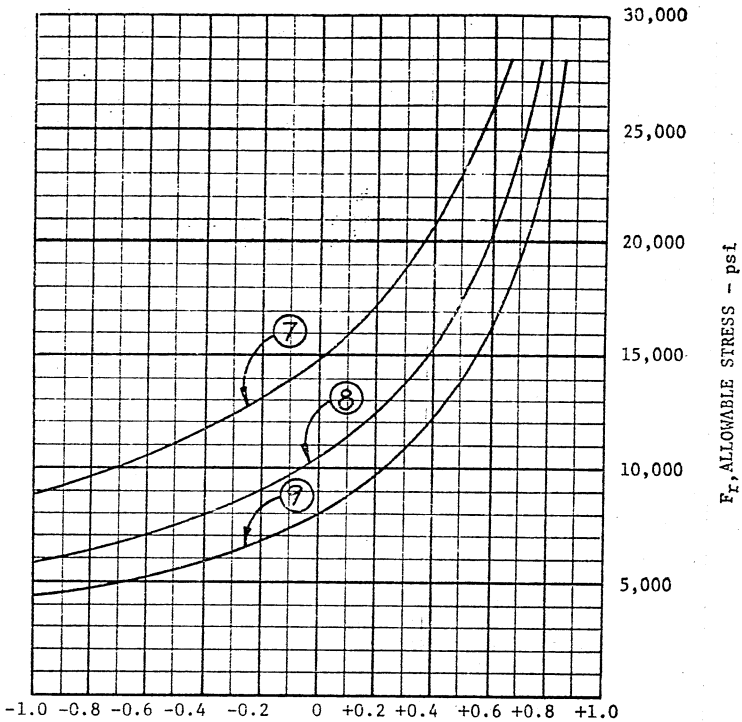
The prediction of fatigue resistance is complicated by the fact that citation of maximum stress alone does not define a unique service life. In general, the stress spectrum to which a member or connection will be subjected, the nature and condition of the part, and the environment in which it will function will all influence the service life.

The factors influencing the fatigue resistance of a structural part or laboratory specimen are:

- A. Load Spectrum
 1. Stress ratio R
 2. Maximum stress
 3. State of stress
 4. Repetition of stress
 - a. Regular or random
 - b. Frequency
 - c. Rest periods
 5. Understressing or overstressing
- B. Nature and Condition of Member
 1. Prior stress history
 - a. Residual stresses
 - b. Work-hardening
 2. Size and shape of member
 - a. Size effect (simulation of a member by a small specimen)
 - b. Stress gradient
 - c. Presence of notches
 3. Metallurgical structure
 - a. Microstructure, grain size, and chemical composition
 - b. Mechanical properties
 4. Welding
 - a. Metallurgical
 - b. Mechanical
- C. Environment
 1. Temperature
 2. Atmosphere

The stress range and the number of cycles of loading are the two (2) most critical factors for fatigue. For example, it has been shown that for welded girder bridges with partial length cover plates a stress range of 11,300 psi leads to failure at approximately 2,000,000 cycles. If the stress range is increased to around 15,000 psi, which is a 33% increase in stress, failure can be expected to occur at approximately 1,000,000 cycles. Therefore, with a 33% overstress for this particular type of structure a reduction of 50% in the life of the structure can be anticipated. I might say that partial length welded cover plates are a common type of structural member for highway bridges.

Although it may be concluded that if controlled similar to the 1964 AASHTO Policy the increased weight provisions occasioned by the 36,000 lb. tandem axle or the revised formula provided by S. 2658 will not have too bad an effect on those bridges designed for HS 20-44, it is my opinion that the increase cannot be tolerated for bridges designed for less than HS 20-44. Although the Bill provides that the new allowance apply to the Interstate System only, it is my judgment that it will be only a matter of time until pressures extend them to other systems. The matter of containing trucks to the Interstate System is, in our



$$R = \frac{\min.}{\max.}$$

These curves are for A36, A441, and A242 weldable steel.

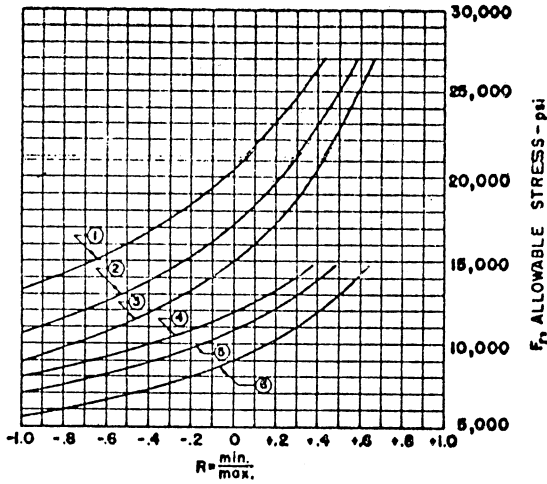
$$K_t = 1.00$$

Fatigue stress, F_r shall not exceed the basic allowable stress.

Base Metal adjacent to or connected by fillet* or plug welds	CYCLES	FORMULA	CURVE NUMBER	TYPE OF STRESS
	100,000	$\frac{k_1(15,000)}{1-0.70R}$	7	TENSION OR COMPRESSION
	500,000	$\frac{k_1(10,500)}{1-0.80R}$	8	
	2,000,000	$\frac{k_1(8,000)}{1-0.83R}$	9	

* Does not apply to the usual continuous fillet welded flange web connections and similar connections which are governed by BASE METAL criteria.

ALLOWABLE STRESSES (FATIGUE)



	CYCLES	FORMULA	CURVE NUMBER	k_1 - low alloy steel			TYPE OF STRESS
				$1 < \frac{1}{R} \leq \frac{1}{2}$	$\frac{1}{2} < \frac{1}{R} < 1\frac{1}{2}$	$1\frac{1}{2} < \frac{1}{R} < 4$	
BASE METAL	100,000		①	1.22	1.17	1.09	TENSION
	500,000	$\frac{k_1(20,500)}{1-0.55R}$		1.16	1.12	1.07	
	2,000,000			1.11	1.08	1.05	
BASE METAL adjacent to Bearing Type Fastener	100,000		①	1.22	1.17	1.09	TENSION
	500,000	$\frac{k_1(20,500)}{1-0.55R}$		1.16	1.12	1.07	
	2,000,000			1.11	1.08	1.05	
BASE METAL adjacent to Bearing Type Fastener	100,000	$\frac{k_1(20,500)}{1-0.55R}$	①	1.00	1.00	1.00	TENSION OR COMPRESSION
	500,000	$\frac{k_1(17,200)}{1-0.62R}$	②	1.00	1.00	1.00	
	2,000,000	$\frac{k_1(15,000)}{1-0.67R}$	③	1.00	1.00	1.00	
WELD METAL or BASE METAL adjacent to Butt Weld	100,000	$\frac{k_1(20,500)}{1-0.55R}$	①	1.14	1.10	1.06	TENSION
	500,000	$\frac{k_1(17,200)}{1-0.62R}$	②	1.05	1.04	1.02	
	2,000,000	$\frac{k_1(15,000)}{1-0.67R}$	③	1.00	1.00	1.00	
WELD METAL	100,000	$\frac{k_1(12,000)}{1-0.60R}$	④	1.16	1.12	1.07	SHEAR
	500,000	$\frac{k_1(10,800)}{1-0.65R}$	⑤	1.08	1.06	1.03	
	2,000,000	$\frac{k_1(9,000)}{1-0.68R}$	⑥	1.00	1.00	1.00	

For A36 steel, use values from plotted curves.

For low alloy steels, multiply the curve value of F_r by the appropriate k_1 value from the table.

Fatigue stress, F_r , shall not exceed the basic allowable stress.

ALLOWABLE STRESSES (FATIGUE)

FIGURE 4

opinion, an impossible one. Practically all have to enter and leave the Interstate by some road, not a part of it. Enforcement would be a problem that could not be handled by most states. Simply stated, these new heavier loads would be using all highways.

For purposes of Defense there has been established a Principal Highway Network consisting of 244,753 miles, or *one-seventh* of the total Highway Network. These miles include the Interstate System and the cream of the other systems including toll roads. These routes are highways which might be reasonably used for important shipments or movement of troops. On this best of all of our highways, there are approximately 95,750 bridges. Of these, at least 68,700 are designed for less than HS-20, 30,073 for H-15 and less. When all roads in the United States are considered, according to information furnished by the Bureau of Public Roads, there are 518,226 highway bridges in use now that were built prior to 1936. They are over thirty years old and practically none of them were designed for loads over the H-15 design load, and many are for the equivalent of H-12, H-10, and even less.

As you consider this proposed legislation, we will appreciate your giving our testimony serious consideration.

CREDITS AND REFERENCES

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- Figure 1—"American Civil Engineers' Handbook" by Thaddeus Merriman and Thos. H. Wiggins, John Wiley & Sons, Inc., 1951.
- Figure 2—"Stress Producing Effects of Equivalent Design Loads on Modern Highway Bridges" by Henson K. Stephenson and Kriss Cloninger, Jr., Bulletin No. 132. Texas Engineering Experiment Station, 1953.
- Tables I and II—"Policy on Maximum Dimensions and Weights of Motor Vehicles to be Operated Over the Highways of the United States", Prepared by the Committee on Highway Transport, American Association of State Highway Officials, 1964.
- Charts 1 and 2 by W. C. Zwick, Bridge Engineer, Oklahoma, Chairman Subcommittee on Loads of AASHO Bridge Committee.
- Table 2 Figures 3 and 4—"Standard Specifications for Highway Bridges Operating Committee on Bridges and Structures of American Association of State Highway Officials", 1965.
- "Structural Steel Design", Fritz Engineering Laboratory, Department of Civil Engineering, Lehigh University, Lambert Tall, Editor-in-Chief, The Ronald Press, 1964.
- "Standard Specifications for Highway Bridges, American Association of State Highway Officials". All Editions.
- "Maximum Desirable Dimensions and Weights of Vehicles Operated on The Federal-Aid Systems". U.S. Government Printing Office, Washington, 1964.
- "Highway and Bridge Record Data as of December 31, 1966" Bureau of Public Roads, 6 November 1967.

Mr. KLUCZYNSKI. Our next witness will be Burton F. Miller of the American Road Builders Association.

STATEMENT OF BURTON F. MILLER, EXECUTIVE VICE PRESIDENT, AMERICAN ROAD BUILDERS ASSOCIATION

Mr. MILLER. Mr. Chairman, with your permission and in view of the circumstances, I would request that my paper be included in the record in full, and I will try to just hit the highlights.

Mr. KLUCZYNSKI. Without objection, it is ordered that the statement of the gentleman, Mr. Miller, will be made a part of the record in its entirety.

(Prepared statement follows:)

STATEMENT OF BURTON F. MILLER, EXECUTIVE VICE PRESIDENT, AMERICAN ROAD BUILDERS' ASSOCIATION

Mr. Chairman and Members of the Committee, my name is Burton F. Miller, and I am the Executive Vice President of the American Road Builders' Association, with headquarters in Washington, D.C.

We are a national federation of highway interests, embracing all facets of the vast national highway program. Our membership is a cross-section of the industry and highway engineering profession, composed of highway officials at all levels of government, highway contractors, manufacturers and distributors of construction equipment, producers and suppliers of highway materials, engineers, educators and students.

Mr. Chairman, we very much appreciate this opportunity to comment on the legislation before this committee, both the Administration's bill, H.R. 17134, and the bill sponsored by Chairman Fallon and Chairman Kluczynski, H.R. 16994.

In studying the various proposals contained in this legislation, and having heard the testimony of the Secretary of Transportation and the Federal Highway Administrator before this Subcommittee last Thursday, we are impressed by the fact that the legislation incorporates a number of innovations, almost all of which would result in added costs to the Highway Trust Fund, and that, in the absence of any real prospect that the revenue sources of the Highway Trust Fund will be augmented in the near future, these added costs will, as a practical matter, result in a decrease in the amount of money available for the Interstate program.

It is evident, therefore, that this Committee is confronted with a question of priorities.

Which of the innovations are of such importance and urgency that they should now be adopted at the expense of Interstate construction? And which can properly be deferred until such time as additional funds are placed in the Highway Trust Fund to pay for them?

We believe that an order of priorities should be determined, through careful study, prior to the enactment of legislation which would place additional burdens on the Highway Trust Fund. We realize that a study such as we are proposing would delay the enactment of the legislation until 1969.

But only a few sections of the bill are essential this year. Authorizations should be made for the ABC program for the fiscal years 1970 and 1971, so that the regular apportionments can be made this year.

The 1968 Interstate cost estimate should be accepted as the basis for the Interstate apportionments for the same two fiscal years. And authorizations should be made to permit the continuation of the existing programs for the improvement of roads in the Federal domain.

Let me now turn to the specifics of the legislation before you.

With regard to the Interstate program, we share the general pessimism as to the date of completion of the Interstate System. We can only hope that the Vietnam War situation will be resolved in the not too distant future, and that we will then be able to accelerate lagging domestic programs. With that hope in mind, we disagree with the Administration's view that the Interstate program should be stretched out by adding authorizations for fiscal years 1973 and 1974. This would be tantamount to scheduling a new completion date of 1978. We can't afford this extravagance.

We suggest that the Interstate authorizations contained in existing law remain unchanged, and that this Committee reschedule this matter for consideration in the next session.

As to the ABC program, the American Road Builders' Association is on record as favoring an increase of the annual authorizations to \$1.5 billion annually, an increase of \$500 million.

These authorizations should be considered in relation to, and in conjunction with, the proposed authorizations for TOPICS (Traffic Operations Program to Increase Capacity and Safety).

It has been fairly obvious for some years that the ABC program is less than adequate. The needs of the cities and suburban areas are acute. More Federal-aid highway funds should be channeled to meet these needs. However, we also have equally pressing rural needs, on the regular Federal-aid primary and secondary routes. On many of these routes, little has been done to improve their capacity and safety in the last 10 to 15 years.

We have advocated that the ABC authorizations be increased in amounts at least sufficient to reflect rising unit construction costs, and the added costs which come about due to improved safety standards and greater emphasis on environmental quality.

In the legislation before you, the Administration has asked that TOPICS be funded at the level of \$250 million per year. The TOPICS money, added to the \$250 million regularly allocated to urban construction under the ABC formula, would double the Federal-aid funds available for the construction of non-Interstate highways.

We believe that this increase in urban funds should be accompanied by an increase in the funds authorized for the rural Federal-aid roads. We propose, therefore, that the TOPICS authorization be accompanied by the authorization of an additional \$250 million for each of the two fiscal years 1970 and 1971 to augment the apportionments for the Federal-aid primary and secondary systems.

The proposal would have this effect:

The authorization for the rural primary program would be increased from \$450 million to \$600 million.

The authorization for the rural secondary program would be increased from \$300 million to \$400 million.

The authorization for the urban extensions thereto would be increased from \$250 million to \$500 million.

As will be noted in the accompanying table, the percentage increase for urban improvements would be 100 percent while the increase for other categories would be 33 $\frac{1}{3}$ percent.

ARBA PROPOSAL TO INCREASE ABC PROGRAM AUTHORIZATIONS

[In millions of dollars]

	Present	Proposed	Percent increase
F-A primary.....	450	600	33 $\frac{1}{3}$
F-A secondary.....	300	400	33 $\frac{1}{3}$
F-A urban.....	250	500	100
Total.....	1,000	1,500	50

It may seem inconsistent for us to come before this Committee recommending an increase in the ABC program authorizations at a time when highway construction levels are being limited administratively. As Secretary Boyd advised the Committee last Thursday, another substantial cutback in the highway program is under consideration in connection with the surtax legislation now pending in Congress.

We deplore these cutbacks. In the long run, we believe, they increase the costs of highway construction by disrupting the programs of the highway departments and the long-range planning of the industry. Program disruption, in our view, is equivalent to economic waste. We shall continue to express this position, as forcefully as we can.

Our proposed increase in the ABC program is within the capability of the Highway Trust Fund. We believe it should be made in spite of the prospects of continued cutbacks, with the hope that it will be possible to put the entire Federal-aid highway authorization to work before the 1969 construction season begins.

The highway safety, highway safety research and highway beautification programs are presently funded from the general fund of the Treasury. The Highway Trust Fund is not in a position to sustain them. While this is perhaps not the appropriate time to discuss the logical source of funds for these programs, we wish to take this opportunity to make a few general observations.

First, the highway beautification program suffers, we believe, from unfortunate terminology. We are speaking, to a large extent, of a kind of work that was known for many years as roadside development. A term now coming into vogue, somewhat pretentious, perhaps, but otherwise acceptable, is "environmental quality improvement."

Whatever it may be called, the program consists largely of efforts to improve the quality of the driving environment and thus improve the efficiency of the process of driving a vehicle. The provision of visual reference points, to enable the driver to better judge distances; the elimination of distractions, the leveling

of steep slopes just off the shoulder area; the provision of rest areas—all these, and other procedures, go well beyond esthetic considerations.

It would be well, we believe, to document the extent to which so-called beautification procedures are, in actuality, procedures which enhance the efficiency of the highway as a mode of transportation. Eventually, it would be logical to use the Highway Trust Fund as the medium for channeling revenue into such improvements. On the other hand, those expenditures which have esthetic value only, should be considered as such as should be funded in the same manner as other Federal expenditures in the general area of esthetics, recreation and the enjoyment of the outdoors.

A similar analysis might well be made of the safety programs, to determine which of the activities being carried out or proposed relate directly to the highway facility—the engineering part of the “three E’s”, engineering, education and enforcement.

It seems reasonable to us that all highway safety and scenic enhancement expenditures at the Federal level which are directly attributable to the highway construction program could logically be charged to the Highway Trust Fund *if* the fund is augmented sufficiently to be able to support such expenditures.

By the same token, safety and beautification measures which are more directly related to the vehicle and the driver should *not* be paid for from the Highway Trust Fund.

We take the position, as we have in the past, that the construction of roads in the Federal domain, including forest highways and public lands roads, should be paid for from the general fund of the Treasury.

We support the position that a more liberal policy with respect to relocation payments would be equitable and in the public interest. We are not altogether convinced of the wisdom of the Administration's position that relocation procedures for the Federal-aid highway program should be identical to a uniform relocation assistance plan applicable to all Federal and Federally-assisted programs. The fact that the States have the primary responsibility for relocation assistance, coupled with the fact that the individual State highway departments have, in many cases, developed their own workable procedures, casts doubt on the desirability of trying to make all conform to Federal requirements. We hope that this Subcommittee will take up the matter of relocation assistance and make its own judgments rather than accepting any proposed uniform plan which has not been carefully correlated with the Federal-aid highway program.

While we have no doubt as to the general desirability of fringe parking as a means of reducing traffic pressures in the central business district, we do not believe that the proposition contained in H.R. 17134 can be justified as a proper charge against the Highway Trust Fund at this time.

In conclusion, Mr. Chairman, ARBA again goes on record as being unalterably opposed to the application of Davis-Bacon procedures to the Federal-aid highway program, and particularly the extension of such procedures to the ABC program.

Mr. Chairman, I am grateful for the privilege of presenting the views of the American Road Builders' Association regarding the very significant legislation before this committee.

Mr. MILLER. Mr. Chairman and gentlemen of the committee:

We sincerely appreciate this opportunity to comment on the legislation before this committee, both the Administration's bill, H.R. 17134, and the bill sponsored by Chairman Fallon and Chairman Kluczynski, H.R. 16994.

In studying the various proposals contained in this legislation, and having heard the testimony of the Secretary of Transportation and the Federal Highway Administrator before this subcommittee last Thursday, we are impressed by the fact that the legislation incorporates a number of innovations, almost all of which would result in added costs to the Highway Trust Fund, and that, in the absence of any real prospect that the revenue sources of the Highway Trust Fund will be augmented in the near future, these added costs will, as a practical matter, result in a decrease in the amount of money available for the Interstate program.

It is evident, therefore, that this committee is confronted with a question of priorities.

Which of the innovations are of such importance and urgency that they should now be adopted at the expense of Interstate construction? And which can properly be deferred until such time as additional funds are placed in the Highway Trust Fund to pay for them?

We believe that an order of priorities should be determined, through careful study, prior to the enactment of legislation which would place additional burdens on the Highway Trust Fund, and hence retard the progress of the Interstate System.

We realize, Mr. Chairman, that such a study as we are suggesting would delay the enactment of many of the new proposals before this committee until 1969.

But, in our opinion, only a few sections of the bill are essential insofar as enactment is concerned this year. Authorizations should be made for the ABC program for the fiscal years 1970 and 1971, so that the regular apportionments can be made this year. This is a must.

The 1968 Interstate cost estimate should be accepted as the basis for the Interstate apportionments for the same 2 fiscal years, and authorizations should be made to permit the continuation of existing programs for the improvement of local and Federal domain roads.

Now, Mr. Chairman, if I may turn to some of the specifics of the legislation before the committee.

Referring to the Interstate program, we share the general pessimism as to the date of completion of the Interstate System. We can only hope that the Vietnam war situation will be resolved in the not too distant future, and that we will then be able to accelerate lagging domestic programs.

With that hope in mind, we disagree with the administration's view that the Interstate program should be stretched out by adding authorizations for fiscal years 1973 and 1974.

Mr. Chairman, this would be tantamount to scheduling a new completion date of 1978. In the opinion of the American Road Builders Association, we cannot afford any such extravagance.

We suggest, therefore, that the Interstate authorizations contained in existing law remain unchanged, and that this committee reschedule this matter for consideration in the next session of Congress, presumably under more definitive and favorable conditions.

As to the ABC program, the American Road Builders Association is on record as favoring an increase of the annual authorizations to \$1.5 billion annually, an increase of \$500 million.

This has previously been presented to your committee in the form of a resolution from the 1968 convention of the American Road Builders Association.

However, these authorizations should be considered in relation to and in conjunction with the proposed authorizations for TOPICS.

It has been fairly obvious for some years that the ABC program is less than adequate. The needs of the cities and suburban areas are acute. More Federal-aid highway funds should be channeled to meet these needs. However, we also have equally pressing rural needs, on the regular Federal-aid primary and secondary routes. On many of these routes, little has been done to improve their capacity and safety in the last 10 to 15 years.

It might be noted that there has been no increase in the ABC since 1964, and that the total of the ABC program since the inception of the 1956 program has been only \$300 million, which is not enough to meet increased costs and changes in standards, much less providing for an acceleration of the program.

That \$300 million is indeed meager when you think of the adjustments in the Interstate program ranging in round figures, Mr. Chairman, from \$25 billion at the start to almost \$50 billion today. So we see the great deficiencies that are continuing to be created in the ABC programs.

We have advocated that the ABC authorizations be increased in amounts at least sufficient to reflect rising unit construction costs, and the added costs which come about due to improved safety standards and greater emphasis on environmental quality.

Many of the advanced standards which we favor, applicable to the Interstate System, find their influence in the ABC program.

In the legislation before you, the administration has asked that TOPICS be funded at the level of \$250 million per year. The TOPICS money, added to the \$250 million regularly added to urban construction under the ABC formula, would double the Federal-aid funds available for the construction of non-Interstate highways.

We believe that this increase in urban funds should be accompanied by an increase in funds authorized for the rural Federal-aid roads. Therefore, we propose that the TOPICS authorization be accompanied by the authorization of an additional \$250 million for each of the 2 fiscal years 1970 and 1971 to augment the apportionments for the Federal-aid primary and secondary systems.

Then in the following text, Mr. Chairman, you can see the effect of this recommendation.

To sum up, without boring the committee with details on dollars and cents, our recommendation would have a net result of providing an increase of 33 $\frac{1}{3}$ percent for Federal-aid primary money, 33 $\frac{1}{3}$ percent for Federal-aid secondary, and 100 percent for Federal-aid urban. It may seem inconsistent for us to come before this committee recommending an increase in the ABC program authorizations at a time when highway construction levels are being limited administratively.

As Secretary Boyd advised the committee last Thursday, another substantial cutback in the highway program is under consideration in connection with the surtax legislation now pending in Congress.

We deplore these cutbacks. In the long run, we believe, they increase the costs of highway construction by disrupting the programs of the highway departments and the long-range planning of the industry. Program disruption, in our view, is equivalent to economic waste. We shall continue to express this position as forcefully as we can.

It is our opinion, from the best information we can obtain, that the proposed increase in the ABC program of \$500 million is within the capability of the trust fund, providing these other cats and dogs are not tacked onto it.

We believe it should be made in spite of the prospects of continued cutbacks with the hope that it will be possible to put the entire Federal-aid highway authorization to work before the 1969 construction season begins.

Mr. Chairman, if this is contemplated, we must have some assurance now to start planning.

Mr. Chairman, you will notice the next sections dealing with highway safety and beautification I will pass over without making any comment.

We will jump quickly to a very serious problem, and that is the problem of relocation. This problem has virtually shut down the entire highway program in the District of Columbia, in Baltimore and in other metropolitan areas. An answer must be found.

We have no specific recommendations, Mr. Chairman, but I would like to state that we were concerned and alarmed by the testimony of Federal witnesses before your committee last Thursday indicating that national uniform relocation procedures were being studied by the other side, on the recommendation of the Bureau of the Budget.

Mr. Chairman, to be as brief as I possibly can, we would recommend strongly that this distinguished committee assume jurisdiction over such a vital problem, which, in our opinion, cannot be separated from the highway program and dealt with separately, because our problems are quite different from those generally in the field of public works of the Federal Government.

On fringe parking, Mr. Chairman, I will merely say that we are firmly opposed to that as set forth in this bill for the reasons heretofore stated before your committee.

In conclusion, Mr. Chairman, the American Road Builders Association, before this committee in 1956, went on record as being opposed to the incorporation of Davis-Bacon procedures in the act of 1956, and certainly with that background we are opposed to any extension thereof.

The provision in the administration's draft to increase the amount permitted for force account work by the Department of Agriculture, Forest Roads and Trails, dollarwise is not much but it is a 50-percent increase in the current amount permitted for force account work.

It would seem to us sound that this additional amount should only be permitted if they are unable to get competitive bids.

Mr. Chairman, there has been much testimony this morning before this distinguished committee regarding the role of the Federal Government in the administration of the Federal-aid highway program. The State highway departments' positions have been clearly and forcefully presented to you. Speaking for industry, Mr. Chairman, I say to you that we share their concern because in many instances the red tape, the bureaucratic controls, filter down through the State Highway departments to the men in industry who have to do this work.

I point no finger at our very distinguished Secretary of Transportation or the Federal Highway Administrator. This goes beyond one department.

We are shut down, literally, in the Philadelphia area and the Cleveland area today, involving something like \$238 million worth of work, because of bureaucratic edicts coming out of Washington. I refer now to the Equal Employment matter which Mr. Cramer has done such a wonderful job with, in helping to alleviate the problems, and he was successful in getting a favorable opinion, if you please, from the Comptroller General, but we still have to see how successful that is in practice.

While involving Congress itself, undoubtedly this difficulty stems from administrative direction.

Mr. Chairman, I received a call this morning from the director of one of the largest States in the United States advising us that tomorrow the highway program in the State would probably be shut down and thousands and thousands of men put out of work.

Mr. Chairman, I refer to the legislation pending before this Congress and the supplemental appropriation bill involving \$400 million. It is tied up in the Senate, and I am sure you know the reasons better than I. But, suffice it to say, in one great State tomorrow the program will be shut down, and that will be rapidly followed in other States, because the State highway departments have been advancing their own funds now for several weeks. They have run out of money. They have notified the industry there will be no more payments.

Sir, I can assure you that industry cannot afford to finance the Federal-aid highway program.

Mr. Chairman, I am indeed grateful for this privilege of appearing before your recommittee. Our problems today are many and serious. The conditions existing throughout the Nation and throughout the world and in the District of Columbia would lead us to believe that in the wisdom of this distinguished committee it would be welcome to us if you could find your way clear at this time to pass a simple bill authorizing the continuation of the ABC program and making permissible the continuation of the Interstate program by accepting the new cost estimates.

Again, Mr. Chairman, thank you most sincerely.

Mr. KLUCZYNSKI. Thank you, Mr. Miller, for your very good statement.

Chairman Fallon?

Mr. FALLON. Thank you, Mr. Chairman.

Mr. Miller, you endorsed the recommendations of AASHO, although AASHO has 11 pages of suggestions on what should be added to or deleted from the basic laws, and they have an expression on a lot of new things that may come. Even though they used 11 pages in outlining their position, in most cases they suggest the same thing that you do, that we have a simple highway bill, an extension of the ABC program, and allocate to it \$1 billion over the next 2 years.

Is that your recommendation?

Mr. MILLER. Yes, Mr. Chairman, most strongly.

Mr. FALLON. Thank you, Mr. Miller. It is always nice to have you up here before the committee. The committee has benefited from your wealth of knowledge and experience over many years.

Mr. KLUCZYNSKI. You spoke about the \$400 million supplemental appropriation. When Mr. Turner came to us in May he told us that he would like to have a supplemental appropriation so the contractors, those who have finished their work, could get their pay, and we immediately got busy in the House and they passed it the following day. We did our duty. You know that we passed it on the 13th of May, and it is tied up over in the Senate.

Mr. FALLON. Mr. Miller, I might say, adding to what the chairman said, that the House leadership made known to the Appropriations Committee the importance of this \$400 million being passed as quickly as possible because of the problem it was causing in the future planning

and the money owed to contractors so they could go on and bid on other work.

Mr. Cramer talked to the Republican leadership and I talked to the leadership on the Democratic side in the Senate, and we have been assured they will do everything they can to get this out right away. They all realize the condition, as we do.

Mr. MILLER. Mr. Chairman, we are most appreciative of the expeditious manner in which the problem was handled in the House. I think I have the authority to let the record show that the State I was referring to, Mr. Chairman, was the State of Pennsylvania. Since the Bureau of Public Roads has run out of funds, so to speak, the State has managed to scrape up \$47 million of its own money to try to keep the program going. They have advised the contractors yesterday that they are out of money, and the contractors are meeting today to see what they can do.

My information is, sir, that they will have to shut down every project in the State of Pennsylvania and throw thousands of people out of work.

Mr. KLUCZYNSKI. Are there any further questions?

Mr. CLAUSEN. I am certainly pleased to have you supporting some of the comments that I have made about the need to increase the ABC formula. I do not know whether I will fully agree with the way you would distribute this, but if someone else does not do this, I am going to offer an amendment. Whether it will go any place, I do not know.

I fully agree with what you said.

Mr. MILLER. Thank you, Mr. Clausen.

Mr. KLUCZYNSKI. Mr. Cramer?

Mr. CRAMER. On further discussion of the \$400 million, as I understand it the States were advised that there would be no more Federal matching funds as of May 16.

Mr. MILLER. That was about the date.

Mr. CRAMER. It was approximately that date.

If they went forward with the work, realizing they would not be reimbursed this year unless there was a supplemental appropriation passed for the balance of this fiscal year; is that correct?

Mr. MILLER. The work was actually underway. These are checks that have been issued, and the Federal Government says now we cannot cash them.

Mr. CRAMER. These were projects on which contracts had already been let and work was in progress?

Mr. MILLER. That is correct.

Mr. CRAMER. As I understand it, it has been known for some time that there was going to be this \$400 million deficit. They knew it last year, as a matter of fact.

Mr. MILLER. That is my understanding.

Mr. CRAMER. And I understand the administration submitted a \$400 million supplemental request and then withdrew it and then submitted it again and withdrew it. It was not until the notice went out, and many of us tried to importune the Appropriations Committee to come up with a supplemental, that a supplemental was approved in the House.

It seems to me—and of course we are confronted with the problems of the other body, and everybody knows what they are—they do not

want to take on a lot of other expenditures. It just seems to me this is one heck of a way to run the highway construction program in this country, with constant cutbacks, with short-range planning concerning supplemental appropriations.

It is the type of program that can be conducted only if it is on a long-range plan basis. Is that not correct?

Mr. MILLER. Nothing could be truer. It is so important to the highway departments and industry to redefine the role of the Federal Government.

To us the legislative history is clear, going back to the original study of the joint committee in 1911, but it seems to me we have gotten off the track.

Mr. FALLON. If the gentleman will yield, I might say further that I have suggested to the chairman of the Appropriations Committee of the House that if possible he find some way to lift that particular item out of the supplemental and pass that, and then go on and talk about the additional expenditures which have no relationship to the \$400 million we are talking about.

I do not know whether he has been able to accomplish that or not; but I certainly will ask him what he has done about the suggestion I made to him the other day.

Mr. MILLER. That is most encouraging, Chairman Fallon. So far as we can ascertain, there is no controversy, per se, over the \$400 million item.

Mr. FALLON. That is what I understand, too.

Mr. MILLER. If we could pull that out from the supplemental bill and put it through separately, it would be a great help to many, many persons.

Mr. CRAMER. Relating to your suggestion concerning the increased \$250 million in the urban areas, that increase, I assume, is for the TOPICS program, is it not?

Mr. MILLER. Yes, sir.

Mr. CRAMER. Do you really feel that the TOPICS program, as a new program, should get priority over the Interstate System?

That would be the effect of increasing this \$500 million in the ABC system.

Mr. MILLER. Congressman Cramer, hopefully, some day soon, the treatment of the Interstate System will be approached factually.

Unfortunately, up to the present time, as you have mentioned, there has been stretchout after stretchout, and each time a new program is proposed—and many of them are highly desirable—the net result is to stretch out the interstate program.

I quite agree, Congressman Cramer, with your position that the interstate program should be firmed up and financed properly. This stretchout and stretchout is a costly thing.

Mr. CRAMER. When you recommend a quarter of a billion a year to go for TOPICS as an increase in their program, you are in effect, recommending that we take it out of the interstate. I do not know whether that is your intention or whether you think it is justified to start this new program with that amount of money and take it out of the present interstate funds.

Mr. MILLER. Congressman Cramer, hopefully the Congress someday will find a change in conditions and will face up to the responsibilities

so clearly enunciated in the basic act of 1956. As these cost estimates increase, additional funds will be forthcoming.

But the ABC program, sir, I can assure you, both in your urban and rural areas, are sorely hurting for improvements.

The only thing we are recommending, Congressman Cramer, is what your distinguished committee has reiterated time and again, and that is a balanced program. We have gotten way out of balance and we might end up with a beautiful Interstate System and have no connecting roads.

The problem, in itself, I am sure you are very conversant with.

Mr. CRAMER. Have you had occasion to look at the relocation bills introduced in the other body, to which you referred on page 9, that provide for a relocation program on a national basis for all Federal programs?

You have read that, and studied it, have you not? Do you think it goes too far? Do you think it gives us some guidelines as to what we might do in this legislation?

Mr. MILLER. I think it goes entirely too far insofar as the Federal-aid highway program is concerned. We must approach this carefully, because many States have developed their own procedures that are very adequate.

Mr. CRAMER. Thank you very much.

Mr. KLUCZYNSKI. I want to thank you, Mr. Miller. You have been very helpful to this committee.

Gentlemen, we are very fortunate. We have unanimous consent to sit this afternoon. We will recess until 2:30 this afternoon, at which time the first witness will be Mr. L. P. Gilvin, of the Associated General Contractors of America, and Mr. Teer.

(Whereupon, at 12:50 p.m., the subcommittee recessed, to reconvene at 2:30 p.m., the same day.)

AFTERNOON SESSION

Mr. KLUCZYNSKI. The committee will come to order. We will now resume the hearing before the Subcommittee on Roads.

As I said before we recessed, the first witness this afternoon will be Mr. L. P. Gilvin, vice president of the Associated General Contractors of America, of Amarillo, Tex. We will also hear from Mr. Nello L. Teer, chairman of the Highway Contractors Division of the AGC.

You may proceed, Mr. Gilvin.

STATEMENT OF L. P. GILVIN, VICE PRESIDENT, ASSOCIATED GENERAL CONTRACTORS OF AMERICA, AMARILLO, TEX., ACCOMPANIED BY NELLO L. TEER, CHAIRMAN, HIGHWAY CONTRACTORS DIVISION, AND JAMES M. SPROUSE, ASSISTANT EXECUTIVE DIRECTOR, THE ASSOCIATED GENERAL CONTRACTORS OF AMERICA

Mr. GILVIN. Mr. Chairman and members of the committee, my name is L. P. Gilvin. I am president of Gilvin-Terrill, a highway construction firm in Amarillo, Tex.

Currently, I serve as vice president of the Associated General Contractors of America, a trade association. Over 8,400 of these are high-

way contractors, and are the men who are building the road networks this committee is considering.

I am accompanied by Mr. Nello L. Teer, Jr., who will present a separate statement concerning the extension of Davis-Bacon law to the ABC program. I am also accompanied by several members of the AGC national staff, who will assist as needed.

My firm performs about \$8 million worth of highway construction a year. We work only in Texas.

AGC TRANSPORTATION POLICY

To set the tone for my testimony, and because it covers areas which your committee is considering in these hearings, I should like to read the official AGC policy statement on transportation.

The members of the Associated General Contractors recognize the nation's need for an overall, integrated transportation system, encompassing all proven modes of transportation, and designed and constructed to serve, as nearly as possible all the transportation needs of all the people.

We believe that within this concept, highways will continue to be a dominant force and a major transportation mode for years to come. The need for more and better highways grows. The planning of any transportation system should reflect this need.

The need for rapid, efficient transportation from the suburbs to the center city becomes more acute each day. We believe that the most practical and economical way of filling this need is by the use of exclusive bus lanes on the highways. While there may be specific locations where other modes rail, subway, etc. might be more practical, we are convinced that the exclusive bus lane offers a flexibility that other modes do not have.

To the absolute maximum extent possible local transportation systems should be self-supporting—financed by those who use the systems, and operated by local entities.

We repeat our long-standing position that moneys dedicated to the Highway Trust Fund should be used only for the construction of highways and for the administrative functions of the Bureau of Public Roads. The funding of other forms of transportation should come from those who use and benefit from those forms.

We recommend the development of limited access forms of transportation as an integral part of the airport facility, serving only airport traffic, to international airports.

We support the joint development concept, which is designed to make the maximum use of both space and funds in locating and building urban freeways. This, we believe, makes the most efficient use of both money and space. It also makes possible a rebirth of the downtown area, with its consequent benefit to the city tax rolls.

We advocate and support the education of specialists in the economics, engineering and planning of transportation systems, and recommend that the AGC, nationally and locally, award scholarships in that field.

The Associated General Contractors of America, at its 49th Annual Convention, March 25-28, 1968 declares this to be its official policy statement on transportation.

This statement is the result of more than a year's consideration by the members of our association. I will refer back to it at appropriate times during my testimony.

INTERSTATE AND ABC AUTHORIZATIONS

We agree with and support the schedule of appropriations and authorizations for the completion of the Interstate System, and for the continuation of the ABC program. We hope they will materialize, and that some administrative actions which are delaying these projects and increasing their cost will stop.

Completion of the Interstate, already at least two years behind schedule, is a major importance to the economy and well-being of our country. While we have repeatedly urged that every effort be made to complete the Interstate by 1972, we would be unrealistic if we did not realize that it will not be completed by that time. There is, furthermore, considerable speculation as to whether it will be completed by 1974 and at what ultimate cost. Certainly the longer its completion is delayed, the more it will cost. Testifying to this point in April, 1966, Mr. W. Ray Rogers, a past president of our association, stated that if wage rates trends of that time continued, the average wage rate in the construction industry would be between \$5 and \$7 an hour by 1969. This has proved to be true, and we now advise you that if today's trend continues, and if the outrageous demands of organized labor are met, the increased labor costs will be more than double that of 1956, when the Highway Act was passed.

Continuation of the ABC program is, we believe, even more important. The continued improvement of this network of arterial roads is vital to our nation's security, and is urgently needed for the development of cities, for the full utilization of our natural resources and for the promotion of our industrial and agricultural growth.

AUTHORIZATIONS FOR THE TOPICS PROGRAM

We favor the authorization of \$250 million for fiscal years 1970 through 1974 for the TOPICS program, but we come again, as we always do, as to what should be paid from the Highway Trust Fund. The AGC would support proposals to finance all Federal and federally aided highway programs from the Highway Trust Fund, provided sufficient funds were dedicated to the trust fund, but this is presently not the case. Although we would like to see the principles of the TOPICS program applied to the A-B-C system, it is still our position, as it has been since 1956, that expenditures from the Highway Trust Fund should be limited to the purposes for which it was established; the construction of highways and the administrative costs of the Bureau of Public Roads. In this matter we are guided by our official policy statement on transportation which I read to you in the beginning.

We have exactly the same feelings regarding the transfer to the Highway Trust Fund of expenditures for forest highways and public lands highways. We have no objection to this, provided sufficient funds for their construction are dedicated to the trust fund.

HIGHWAY BEAUTIFICATION

We have stated in the past many times that members of the AGC are as eager to preserve and enhance the beauty of this country as any other group of citizens, but the financial crisis confronting the Nation today raises serious questions as to the wisdom of spending millions of dollars for beautification at this time.

ADVANCE ACQUISITION OF RIGHTS-OF-WAY

In 1955 and again in 1956 when this committee was considering the legislation authorizing construction of the Interstate System, the AGC recommended that adequate provision should be made for the purchase of right-of-way well in advance of construction. This is still our position today. We favor pursuing every means available to reduce the cost of highways and consider the establishment of a revolving fund for the acquisition of right-of-way a significant step. Experience of states which use such a revolving fund has proven that it will minimize the cost of acquiring land by forestalling the development of land which will ultimately be used for highway purposes and will prevent a great deal of the land speculation involved. Additionally, such a fund will facilitate the relocation of both families and businesses and will go a long way toward averting many of the problems we are facing in our urban centers today.

FRINGE PARKING FACILITIES

We refer again to our policy statement, in which we state that we believe that the most practical and economical way to have rapid, efficient transportation from the suburbs to the center city is by the use of exclusive bus lanes on the highways.

The AGC recognizes the need for the development of adequate parking facilities on the outskirts of metropolitan areas, as well as in the center city. We in no way object to the development of fringe parking areas, and agree that they should complement the exclusive bus lanes. Again, however, the cost of their development should not be paid by the highway trust fund without additional money going into the trust fund for this purpose.

Again in accordance with our policy statement, if parking facilities are developed for use of other modes of transportation, such as mass transit, rail or subway lines, we believe that the users of those modes of transportation should pay their share of the cost of the parking facilities.

COMMENTS ON THE AVAILABILITY OF FUNDS

We note that at least 14 bills have been introduced, five by members of this committee, which would prohibit the withholding of highway funds by the executive branch of the Government.

We do not presume to attempt to advise the legislative that it should place restrictions on the executive. We feel, however, that we should point out to this committee that even as we are advocating the continuation of the highway program on an orderly basis, we are suffering from the effects of cutbacks, past and present, in that same program, and

we certainly would be remiss if we did not bring to your attention the serious consequences of those cutbacks and their effect on those who depend on highway construction for their livelihood.

The great majority of firms participating in the construction of Federal-aid highways are small organizations. They are not diversified, and highway construction provides their only income. Many must obtain contracts to enable them to meet payments on their plant and equipment. These firms are always the first casualties of a cutback in the Federal-aid highway program, since most lack the resources to carry them over long periods of idleness. Even if they do survive, they can hardly be expected to reinvest in a future program, with no assurance of its continuity.

For all highway contractors, small or large, cutbacks create difficulty in intelligently planning work, in bidding on contracts, in mobilizing equipment, personnel, and resources and sources of supply. Contractors have made long-term commitments for plant and equipment, relying on the stated intent of Congress to maintain a balanced, orderly, properly financed highway program.

The design and construction of highways is a continuing and long-reaching process. Projects must be scheduled far in advance of actual construction, and that schedule is of necessity based on the predictable availability of Federal funds. Short, intermittent, delayed, and unscheduled releases of these funds undermine the entire planning process, and serve only to prevent orderly completion of highways and to substantially increase their overall cost. Unless a basically stable letting schedule can be carried on by the State highway departments, contractors cannot maintain efficient operational organizations; they lose the construction momentum necessary for economical operations. All too frequently they are forced out of business.

CONCLUSION

In conclusion, we support the authorization contained in the bills you are considering; we hope you will approve the 1968 cost estimate for making those authorizations; and we most sincerely hope that you will continue to protect and maintain the integrity of the trust fund which you established in 1956.

Thank you.

Mr. KLUCZYNSKI. Does that complete your statement, Mr. Gilvin?

Mr. GILVIN. That concludes my statement, Mr. Chairman. I would now like for the committee at this time to hear Mr. Teer's statement.

Mr. KLUCZYNSKI. We have the questions after we have heard the testimony of Mr. Teer.

Mr. Teer, you may proceed.

Mr. TEER. Mr. Chairman and members of the committee, my name is Nello L. Teer, Jr., I am president of the Nello L. Teer Construction Co. of Durham, N.C. We are highway-heavy and building contractors and operate as far north as Pennsylvania, as far south as Florida, and as far west as Oklahoma. We also operate extensively overseas.

I currently serve as chairman of the Highway Contractors Division of the AGC of America and a member of the executive committee. I am here today to express the association's opposition to the extension of the Davis-Bacon law to the A-B-C program. We have many reasons

for opposing this measure. I will explain them in the course of my testimony.

First I would like to point out that the Associated General Contractors, the Association of State Highway Officials, and the Bureau of Public Roads opposed the extension of Davis-Bacon requirements to the interstate highway program in 1956. It was made clear in testimony and debate at that time that the extension of Davis-Bacon to that program, which was based largely on the argument that 90 percent of the funds would be Federal, would not lead to a later extension of Davis-Bacon requirements to the ABC highway system which, of course, involves only 50 percent Federal funds. Now we see that we were deluded by the observations that were made on that occasion and we now face pressure from organized labor for the extension of Davis-Bacon to the A-B-C system.

It should also be noted that the A-B-C system was initiated in 1916 and has provided a fine record of secondary road construction efficiently over a 52-year period without any application of the Davis-Bacon prevailing wage laws or the 8-hour overtime laws. I think you will agree that it is somewhat curious that suddenly after this 52-year record that the unions suddenly decide that it must have these laws extended to the A-B-C program.

The Associated General Contractors has firm policy opposing further extensions of the Davis-Bacon prevailing wage laws, based on many years of experience and observations as to the undesirability of such extensions. We feel the 52 years of productive A-B-C highway construction without these Federal administrative handicaps is a sufficient reason, in itself, to drop this proposal as unwarranted and unnecessary.

We have many reasons, however, for opposing the extension of Davis-Bacon and the 8-hour laws to the A-B-C system. In the first place it is obvious to us and should be to the subcommittee that such a proposal is grossly out of step with the needs of the times. The trends, of course, are inflationary, with the inflationary heat rising rapidly. Construction, of course, gets the full brunt of inflationary trends at the bargaining table, by way of chronic labor shortages generally, increasing strikes for higher wages, and tremendous pressure for more and more increases.

Lest the subcommittee think we are exaggerating the trends of the times I would like to submit several enlightening documents on this point. These include a staff report to the AGC labor conference of May 20 and 21 documenting the experiences at the bargaining table at the present time which, of course, include a Bureau of Labor Statistics tabulation of construction wages compiled currently which shows an average hourly rate of \$5.37 an hour, which, incidentally, includes common laborers whose average is now \$4.16 an hour. I would also like to include a sheet from the monthly labor review of May 1968 reflecting a more comprehensive study than the \$5.37 an hour survey noted above. The monthly labor review sheet reports an average hourly rate of \$2.67 for all employment surveyed in 1967. The same study includes an average hourly rate of \$3.55 for highway and street construction and \$2.83 an hour for manufacturing employment. With construction wages ranking among the top scales, even making allowances for seasonality, and with construction labor making the greatest gains each year in their wage levels, it certainly seems to us that these

facts demonstrate beyond a doubt that the Davis-Bacon extension is out of step with the needs of the times. It doesn't seem that construction unions need any more protection than they now enjoy. It is the public and the taxpayer who need the protection and adding Davis-Bacon to the A-B-C system provides no protection for the public whatsoever.

DAVIS-BACON PREVENTS EMPLOYMENT OF HARD-CORE UNEMPLOYED

We also believe Davis-Bacon extension is not only out of step but contrary to the needs of the times, which is to develop additional construction manpower particularly from the hard-core unemployed. I think this subcommittee should take an interest in the fact that the Davis-Bacon Division is currently providing a serious roadblock to the maximum employment of hard-core unemployed in the construction industry by refusing to allow contractors to begin hard-core employees as trainees at somewhat less than the normal scales for fully trained construction workers. I would like to submit a Labor Department letter to the subcommittee which documents this point and shows that contractors are not permitted to employ trainees from the hard-core unemployed except under generally impractical conditions, namely that organized labor first approve such activity. As a result the Davis-Bacon laws are manipulated in such a way as to give organized construction labor a veto power on the maximum employment of hard-core employees on Federal and Federal-aid construction. This roadblock, of course, does not exist at the present time on the A-B-C highway system but as soon as the Davis-Bacon and 8-hour requirements are extended to the A-B-C system this roadblock would, of course, be instantly applied.

Since it is our observation that Davis-Bacon extension to the A-B-C system is unnecessary we make further observation that such an extension would result in an unwarranted increase in labor costs, and unwarranted increase in expensive administrative procedures, and an unwarranted interference with normal collective bargaining procedures and an unwarranted interference with the normal construction wage patterns in local areas and with normal operations of state government procedures with respect to their own prevailing wage requirements.

LABOR COSTS

Davis-Bacon extension would clearly increase labor costs beyond any reasonable amounts based on our thorough experience with Davis-Bacon administration in the past. This, of course, would mean fewer farm-to-market roads for the farmer and the rural areas for given amounts of State and Federal appropriations and, of course, it would mean higher taxes upon the farmers without justification as well as upon the general public. The higher labor costs would result almost automatically from the new extension of the Work-Hours Act to the A-B-C system which application is automatic whenever Davis-Bacon requirements applies. The 8-hour law would require time and a half the regular rate paid for work on the A-B-C system over 8 hours a day. Now an 8-hour day is not feasible in the highway construction industry, because of the necessity for constantly doing makeup work due to incle-

ment weather. While the construction industry is well adjusted to overtime over 40 hours a week under the Fair Labor Standards Act, the new extension of overtime over 8 hours a day would immediately add 50 percent to the normal labor costs for the ninth, tenth, eleventh, or more hours each day. And, gentlemen, that would be an amount of unnecessary labor costs right there.

Lest the subcommittee feel we are exaggerating the difficulties we would foresee in Davis-Bacon extension to the A-B-C system I would like to submit a few documented cases of Davis-Bacon maladministration for the committee's enlightenment. I am not personally involved in any of the 11 cases I would like to bring to the committee's attention, but they are completely documented and authentic. I would like to submit five letters from the Comptroller General to the Congress transmitting reports of Davis-Bacon maladministration dating from 1962 to 1966. The full text of these reports are no doubt available in congressional files and I am merely submitting the cover letters and a few excerpted pages from these reports.

The Comptroller General is the representative of the Congress to check upon the propriety of all executive department expenditures which, of course, involve Davis-Bacon administration which has to do with the minimum labor rates on literally billions of dollars worth of Federal and Federal-aid construction. However, the Comptroller has no authority to interfere with erroneous or wasteful Davis-Bacon wage determinations, because only the Secretary of Labor has supreme authority in that field, by virtue of congressional authority. But the Comptroller has the duty of reporting wasteful practices to the Congress in the hope that eventually there will be some conscientious response to the facts. Gentlemen, if there ever was an occasion for conscientious response to the facts of wasteful Davis-Bacon administration, it is today with the Congress struggling with the tax bill, the budget and inflationary problems in general.

In one of his reports on the Southeastern States, the Comptroller says "We believe that the higher determined rates (for Federal-aid housing) are unreasonable and detrimental to the government. When applied to the federally financed projects reviewed by us having a contract value of about \$20 million, the higher rates resulted in extra labor costs estimated at \$1.4 million." In another report on Federal-aid housing in Dallas and Fort Worth, the Comptroller says that "the difference between the wage rates determined by the Department and the rates we found to be prevailing in the project areas, when applied to the federally financed housing projects reviewed by us having a total contract value of about \$74 million, amounted to about \$1.1 million which we believe is largely extra labor costs."

Another example relates to heavy construction which is of particular interest to the highway problem. In that report involving Carter's Dam in Georgia, the Comptroller says, "We estimate that as a result of the Davis-Bacon wage rate increases, the contract value of the principle phase of the Dam, about \$15.4 million dollars included about \$1.7 million dollars in extra labor costs." The extra labor costs referred to in the Comptroller's reports mean, of course, that the same project would cost the Government more because of Davis-Bacon requirements than it would have cost private or State agencies to build in the same areas. While some of these reports relate to Federal-aid

housing they nevertheless illustrate the dangers of unnecessary added labor costs for the A-B-C highway program if Davis-Bacon is extended to that program.

I also make reference to five decisions by the Wage Appeals Board also pointing out certain maladministrations of the Davis-Bacon Division. While the Secretary of Labor is the supreme authority on Davis-Bacon wage determinations, he has created a Wage Appeals Board to review the work of his Davis-Bacon Division and take any necessary remedial action on his behalf. It is our observation that this Board has done a commendable job and we are drawing the five decisions to the subcommittee's attention to indicate the necessity of having such a Board continued indefinitely, by statutory authority if necessary. It can, of course, under present arrangements be dismantled at the Secretary's pleasure.

But these cases demonstrate the kind of wasteful Davis-Bacon errors that inevitably creep in, and our point is that while five errors were corrected by the Wage Appeals Board in these particular cases, it stands to reason that a great many other wasteful decisions necessarily go uncorrected at the expense of the taxpayer. And if Davis-Bacon were extended to the A-B-C system it would also be at the expense of the farmers who need more and more farm-to-market roads.

I am attaching a checklist of these five cases for quick reference and I would like to submit the text of these decisions to the subcommittee for its full information. For example, in one case involving paving at a helicopter plant in Saginaw, Tex., the Wage Appeals Board reversed a Davis-Bacon decision that would have required building rates on paving work contrary to area practice.

In another case, involving the Florida Barge Canal the Board reversed the Davis-Bacon decision that would have required building rates on excavation for a spillway. The Board characterized the ruling as "erroneous." In another case involving Bexar County, Tex., the Board reversed a Davis-Bacon ruling that would have precluded the use of pipelayers to install a plastic and metallic conduit in accordance with area practice in that area. In another decision involving a hurricane-protection project in Galveston, the Board had to order the Davis-Bacon division to take into account wages paid on similar highway construction in that area because the Davis-Bacon division insisted upon the use of the much higher building scales for the huge levee embankments involved.

These examples are not many, but they are well documented and as far as we are concerned leave no doubt that similar errors would be widespread in connection with the application of Davis-Bacon to the A-B-C system.

I would like to give the subcommittee one additional illustration showing an experience under the extension of Davis-Bacon to the interstate highway system. In this case the Secretary of Labor decided to require building construction rates to be paid on the Missouri River Bridge at Bismarck, N. Dak., contrary to the fact that a good many similar bridges were built in that general area with heavy and highway rates which are normally lower. The added costs and the disruption of the wage patterns by the Secretary's actions were so pronounced that the 38th Legislative Assembly of North Dakota adopted a resolution on January 9th, 1963 "strongly urging the Davis-

Bacon section to determine wage rates for such bridge construction consistent with those currently prevailing in the state of North Dakota as required by law." But contrary to the petition of the State legislature, a Member of Congress and the facts of the case the Secretary of Labor persisted in his position and the higher building rates had to be paid.

In addition to the increased labor costs noted above Davis-Bacon extension to the A-B-C system would also entail large increases in administrative procedures for the State governments, for the Federal bureaus and in fact for the construction contractors and subcontractors themselves, the latter costs having to be passed along in the contractors bids. While no dollar value could possibly be placed on these added administrative procedures, let me assure you that it would run into the millions in a short time. These procedures would include the work of the contractors and local and national trade association personnel in collecting the necessary wage information for the use of the Davis-Bacon section on A-B-C highway wage predeterminations. It would include checking for noncompliance by local and Federal officials, costly duplication of filing payrolls and endless processing and appealing of Davis-Bacon errors and questionable enforcement actions against the contractors and subcontractors. The expensive administrative procedures which Davis-Bacon extension would add to the A-B-C system should be sufficient reason to appall the members of this subcommittee.

INTERFERENCE WITH NORMAL WAGE PATTERNS

I believe the Comptroller General's cases and the Wage Appeals Boards Cases demonstrate how Davis-Bacon administration interferes with the normal wage patterns in local areas. Oftentimes the excessive Davis-Bacon rates in a local area will cause all wages in that area to rise accordingly to avoid pirating of employees of local employers. That trend can leave an inflationary impact long after the Government project has been completed.

INTERFERENCE WITH STATE PROCEDURES

One of the most unfortunate aspects of Federal-aid projects is the interference and undermining effect these programs have on State government operations. Certainly the trend of the times should be toward strengthening the responsibilities and authority of the State governments in every way possible. In connection with the A-B-C highway system some 70 percent of the States currently provide for very adequate prevailing wage requirements as determined by state agencies. These should by all means be preserved and strengthened by Federal legislation rather than eroded. The subcommittee might well be interested in an opinion of a distinguished Attorney General of New Hampshire to the effect that the inclusion of Davis-Bacon requirements on the interstate highway program preempted the State prevailing wage law as far as State contracting under that program is concerned. We would strongly urge the subcommittee to give the most serious consideration to the problem of State prevailing wage laws and in that connection we believe this consideration is an added reason for not extending Davis-Bacon to the A-B-C system.

CONCLUSION

In summary, we believe extension of Davis-Bacon to the A-B-C system is out of step with the need of the times and adds fuel to the current inflationary trends. It would also constitute an unnecessary handicap to the construction industry's efforts to make maximum use of the hard-core unemployed and disadvantaged as trainees. We believe Davis-Bacon extension to the A-B-C system is unnecessary and would constitute an unwarranted increase in labor costs and in expensive administrative procedures and would interfere with collective bargaining and normal wage patterns in local areas, and would constitute an unwarranted interference with the normal operations of State governments' prevailing wage procedures. For these reasons, we would urge the defeat of all proposals to extend Davis-Bacon to the A-B-C system.

Thank you.

Mr. KLUCZYNSKI. Thank you, Mr. Teer, for a very nice statement.

Now, Mr. Gilvin, in line with your comments on the cost, do you consider these present estimated amounts adequate, or do you believe the actual cost to complete the Interstate System would be higher; if so, how much higher?

Mr. GILVIN. We have an estimate on that and I will ask Mr. Sprouse to answer that.

Mr. SPROUSE. The present estimate is \$56.5 billion.

Mr. Chairman, in April of 1966, Mr. W. A. Rogers testified before the committee and said that it was our considered opinion that the ultimate cost of the Interstate System would reach \$53 billion.

I testified personally later in the Senate on that and we were not ridiculed by some of our colleagues. We were told we had inflationary ideas on our minds.

I will have to speak personally to this point. I do not think the estimate is nearly enough. Mr. Gilvin may not agree with me.

Mr. KLUCZYNSKI. Mr. Fallon, any comments or questions?

Mr. FALLON. Mr. Kluczynski, I certainly have a comment on Mr. Gilvin's paper, and I do not think I can agree more with the text of his statement than if I had written it myself.

I would say that Mr. Gilvin has stated this afternoon what the members of this committee have tried to do all along.

I might say also that you have agreed with us in what we have been doing for so many years because you have been one of the greatest supporters of this program and I certainly want to not only welcome you, but thank you for coming all the way from Amarillo, Tex., to Washington, D.C., I hope that you had good roads all the way.

Thank you again for coming here.

Mr. SPROUSE. He flew in from San Antonio, Mr. Chairman.

Mr. GILVIN. Mr. Chairman, I am having to guess on this, but it is \$56 billion now.

Mr. KLUCZYNSKI. What did you say?

Mr. GILVIN. If your estimate is \$56 billion now, it would be a minimum by 1974 of \$18 billion more.

Mr. SPROUSE. We projected some of the wage increases we are faced with this year on out to 1974, which is the date you are attempting to

establish for the Interstate System of the operating engineers in Delaware who will be making \$8.49 by that time.

Mr. FALLON. That would be \$3 billion a year increase.

Mr. GILVIN. If the present wage trend keeps going up in my area where I live and our company's records show that the average in all of the highway work that we do, the bridges, the dirtwork, and the asphalt work and all of it, why about one-third of what we take in is labor and if a third of \$56 billion is what we are looking at and you add the present trend to labor or onto that, you are pretty near going to double it if it goes up like it has been.

For instance, in Missouri they are striking, as I said, for \$5 and something like an increase to \$7.02 per hour. If you are going to get that kind of increase, you are going to go to \$18 billion.

Mr. SPROUSE. We are talking in a few years of \$100 per day for mechanics on highway construction.

Mr. KLUCZYNSKI. It seems only a few years ago when we passed the Interstate Highway System, the father of the system, Mr. Fallon, the chairman of this committee, we all remember in those days talking about spending \$27 billion to complete the Interstate Highway System in 16 years, which would be a completion date of 1972.

You went up to 1973 and 1974, and now we are talking about 1975, and the trust fund dies in 1972, so we will have to have an extension and whether we should extend it to 1975 when here we are up to \$56 billion, we are about 66 percent complete, and if we do not complete that Interstate Highway System, it will cost a lot more next year.

So as Mr. Cramer said when he started the hearings, this 1968 is the year. We must do something with the highway system in the country this year.

Mr. SPROUSE. If I may, Mr. Chairman, I think the average wage on the highway construction industry when you passed this in 1956 was a little over \$3 per hour and today it is up to \$5 per hour.

Mr. KLUCZYNSKI. Mr. Cramer?

Mr. CRAMER. Thank you, Mr. Chairman.

I thank the gentlemen for their very kind and unsolicited remarks. I do appreciate it a great deal. That is kind of an introduction to my question.

I will say at the outset that so far as I'm concerned as one member of the committee, it is not my intention to vote for anything that I think is going to increase the cost of this program—period.

We are in serious money troubles now and getting more serious. So far as I'm concerned, if I am satisfied with the legislative extensions if it is going to do that, I am happy. I do not plan to support it as one. I understand some wires were sent to some of the State administrations relating to your AGC chapter, relating to what they estimate the increased cost would be if the AGC system had it applied to them.

I understand, for instance, that in the State of Florida on behalf of the west coast AGC, they had indicated a result about 25- to 30-percent increase; is that correct?

Mr. SPROUSE. Yes, sir. That was a spot check, Mr. Congressman, and not all of these States were covered.

Mr. CRAMER. I understand also that in Louisville, Ky., it is estimated that it will increase about 20 percent. Is that correct?

Mr. SPROUSE. Yes, sir.

Mr. CRAMER. Mr. C. J. Potter, president of that AGC and Preston Ager, manager of the Louisiana heavy branch, estimated a 25- to 30-percent increase; is that correct? They have a 10 percent in Texas, 5- to 10-percent in Kansas, 20 percent in Louisville, Ky., area, and the Kentucky Highway Department estimates would add approximately another 20 percent. Are those figures that you recall seeing?

Mr. SPROUSE. Yes; I point out, Mr. Cramer, that in the case of Tampa, Fla., area, as I recall he said labor costs. That is a very definite answer. In some of the replies they refer to the administrative costs of applying the Davis-Bacon Act, so it is now not all labor costs.

In Florida, Clay McCullers' answer was labor. In some States we advertise it would not affect the cost. They are already heavily unionized and they pay wages above the Davis-Bacon.

Mr. CRAMER. Mr. Teer, you recall, I am sure, from the Davis-Bacon Act, the interstate section, in 1956 and in section 116 we put some restriction on how it should be administered. I recall that very vividly because I helped to write in the restriction.

In the first instance, and I am reading from that section, they shall be paid wages at rates no less than those prevailing for the same type of work, No. 1, restriction on similar construction and No. 2, restriction in the immediate locality, No. 3 restriction, and now as I gather by your testimony and other information that has come to your attention these restrictions have not been properly divided in the interstate experience; has that been your experience?

Mr. TEER. It has; yes.

Mr. CRAMER. I understand, for instance in some places in New Jersey, Mr. Sprouse, that a high operating engineer's wage rate has been applied as the prevailing wage rate.

Mr. SPROUSE. That is correct.

Mr. CRAMER. For contract purposes; is that correct?

Mr. SPROUSE. That is correct.

Mr. CRAMER. Well, that clearly violates the stated intent of Congress relating to the same worth, does it not?

Mr. SPROUSE. Yes, sir; you will also recall, Mr. Cramer, because you were one of the leaders in this also that we had in 1956 a court review. It was knocked out in the other body.

Mr. CRAMER. I recall that, also.

So, the experience we have had on Interstate System, as this has been administered, certainly would not recommend extending even that limited language to the AGC, let alone considering our cost problem.

Mr. SPROUSE. No, sir.

Mr. CRAMER. I gather, Mr. Gilvin and members of the panel, that you are generally approaching this as similar to that expressed by some members of this committee. That we are going to have these new programs and they certainly should be financed at the expense of present, ongoing interstate programs.

Mr. GILVIN. That is correct, if we are going to have this new stuff, we need new financing.

Mr. CRAMER. Thank you very much.

Mr. KLUCZYNSKI. Any further questions?

Mr. CLAUSEN. Any comments, anyone? Mr. Chairman, I will not prolong this because we have other witnesses, but I would not want to lose this opportunity to compliment you gentlemen for taking the time to come as far as you have and in particular to focus attention on the problem of the availability of funds.

Those funds have been actually obligated and anticipated in the trust fund and you have spelled out the overall effect to your organization that the personnel that you are trying to gather, to do the work, and I am pleased to have this very fine statement put on the record because I tell you not only are you affected by this as entrepreneurs and contractors, but my own people from the State of California who are involved in the public sector find themselves faced with the same problem, and I am pleased that you put this so well into focus in your testimony.

I thank you for coming.

Mr. KLUCZYNSKI. Thank you. There are no further questions.

Mr. SPROUSE. Could the telegrams which the minority counsel has received be made a part of the record?

Mr. CRAMER. I so request.

Mr. KLUCZYNSKI. Without objection, it is so ordered.

(Telegrams and other papers referred to follow:)

PIERRE, S. DAK.,
May 24, 1968.

J. M. SPROUSE,
*Associated General Contractors of America,
Washington, D.C.:*

Davis-Bacon rates or better currently paid on primary and urban. If extended to secondary would increase cost of that program by about 1½ million or 15 percent to avoid added contract cost and disruption of scale paid their own employees, many counties would probably refuse Federal and and build by day labor.

JAMES H. HUNT,
Manager, Associated General Contractors of South Dakota.

TOPEKA, KANS.,
May 24, 1968.

J. M. SPROUSE,
*Associated General Contractors,
Washington, D.C.:*

In Kansas 80 to 90 percent of our work is open shop. Wage surveys made by our highway department and by this association to assist the Davis-Bacon section are obsolete at the time they are made. Shortage of workman and steady increase in wage rates render wage rates determined on surveys of work during the past year of no value. To burden the ABC system with this procedure would add 5 to 10 percent to ultimate costs to the State and Federal Governments and serve no useful purpose.

K. W. COMFORT,
Manager, Kansas Contractors Association.

AUSTIN, TEX.,
May 24, 1968.

J. M. SPROUSE,
*Associated General Contractors of America, Inc.,
Washington, D.C.:*

Reurtel estimate extension of Davis-Bacon to ABC System would increase the cost about 10 percent or about \$12 million.

JAMES M. RICHARDS,
*Associated General Contractors,
Texas Highway Heavy Branch.*

LOUISVILLE, KY.,
May 24, 1968.

JAMES SPROUSE,
Associated General Contractors of America,
Washington, D.C.:

Reference telegram George Long our Kentucky Highway Department estimates Davis-Bacon rates applied ABC system would add approximately twenty percent to costs ABC program this fiscal year approximately \$40,000,000 bulk added costs in material supplier and subcontractor inclusion remainder department administrative costs.

C. J. POTTER,
President, Ruby Construction Co., Inc.

BATON ROUGE, LA.,
May 24, 1968.

J. M. SPROUSE,
Associated General Contractors,
Washington, D.C.:

Estimate extension of Davis-Bacon rates to ABC system would cost Louisiana 25 to 30 percent. This chapter unalterably opposed to any such proposal.

PRESTON EGGERS, Jr.,
Managing Director, Louisiana Highway and Heavy Branch.

MINNEAPOLIS, MINN.,
May 27, 1968.

J. M. SPROUSE,
Associated General Contractors of America,
Washington, D.C.:

Accurate estimate of increase in cost to Minnesota due to extension of D-B rates to ABC system not available now. We oppose extension because we feel it would increase local rates where high union organizations not in existence.

L. R. ANDERSON,
Administrator, Highway Heavy Division,
Associated General Contractors of Minnesota, Inc.

TAMPA, FLA.,
May 24, 1968.

JIM SPROUSE,
Associated General Contractors of America,
Washington, D.C.:

Ref your telegram regarding Davis-Bacon rates to ABC road program would estimate that applying Davis-Bacon prevailing wage would add 25 to 30 percent to labor cost, this area of Florida.

CLAY MCCULLOH,
Executive Manager,
Florida West Coast Associated General Contractors.

DES MOINES, IOWA,
May 23, 1968.

J. M. SPROUSE,
Associated General Contractors of America,
Washington, D.C.:

Re telegram May 23 Davis-Bacon rates now being required by highway commission on all primary projects—cost increase if extended to secondary probably not very great—administration costs more serious factor

C. L. HOFFMAN,
Associated General Contractors of Iowa.

RUBY CONSTRUCTION COMPANY, INC.,
GENERAL CONTRACTORS,
Louisville, Ky., May 24, 1968.

Re Davis Bacon Rates on ABC System.

JAMES SPROUSE,
Associated General Contractors of America,
Washington, D.C.

DEAR JIM: In answering your wire to George Long regarding above reference, I talked to our Highway Department. They advise that the basic rates on the prime contract would not change. They estimate that local suppliers such as ready mix, aggregate, and other material suppliers which are not presently bound by the contract rates would become involved under Davis Bacon.

In addition to this, there would be added administrative costs to administer this type of program over and above their present commitment under the Interstate and Appalachia Program. Their estimate on these additional costs would be an approximation of twenty percent of the contract amount. Our ABC system in Kentucky varies somewhat, but anticipate approximately forty million dollars in Kentucky this year in this program.

Trust this information will be helpful in your fight with Congress.

Very truly yours,

RUBY CONSTRUCTION Co., Inc.,
C. J. POTTER, *President.*

Mr. KLUCZYNSKI. Mr. Fallon?

The CHAIRMAN. I would like to correct the record. I would like to go back to Mr. Gilvin's figure on increased cost of the future of the program.

You used a \$56 billion figure and you divided this by 3 as the additional cost which would be one-third.

Do you not think that you should have subtracted the money that is already spent from the \$56 billion and then divided it by 3?

Mr. GILVIN. That was a horseback estimate.

The CHAIRMAN. That was just a suggestion.

Mr. KLUCZYNSKI. Thank you, gentlemen.

The next witness will be Mr. Burton W. Marsh, executive director, The Institute of Traffic Engineers.

Mr. Marsh, you may be seated, and proceed.

STATEMENT OF BURTON W. MARSH, EXECUTIVE DIRECTOR, THE INSTITUTE OF TRAFFIC ENGINEERS

Mr. MARSH. The 1958 National Highway Needs Report transmitted by the Secretary of the Department of Transportation to the Congress earlier this year points up and need to begin promptly the planning for future highway programs to assure an orderly transition from the present program. Now is the time to determine highway transportation policies that will best serve the Nation in the years ahead.

The Institute of Traffic Engineers has a fundamental interest in national highway transportation policies and programs. Its over 3,000 members are largely employed in street and highway transportation, with the common objectives of the safe, efficient and convenient movement of persons and goods.

This statement of the Institute of Traffic Engineers is authorized by a resolution adopted by the membership in its annual meeting in St. Louis, September 1967. The board of direction has approved the statement under authority granted by the resolution and the constitution and bylaws of the institute.

PAST PROGRESS: FUTURE PLANNING

Past progress in highway transportation in the United States has been noteworthy—and the Congress deserves great credit for the legislative leadership which it has given over the years through progressive Federal highway acts.

Looking ahead, indications are that highway travel will nearly double in the next 20 years—with much faster growth in our burgeoning metropolitan areas. Meeting such needs presents a huge challenge.

Planning for such a future demands a sound foundation and procedure. Fortunately the technology of planning has advanced greatly, particularly for urban areas. Much credit should be given to the requirement of urban transportation planning contained in the Federal Aid Highway Act of 1962.

Fulllest benefits from the planning process can result only from a coordinated and genuinely cooperative participation of appropriate agencies of all levels of government. Full involvement of overall planning agencies of local governments is essential to securing desired results—though it has often not been achieved.

Institute policy “supports the integration of transportation planning, freeway development, and the comprehensive planning process with the goal of making our cities better, healthier, happier, safer, more convenient and more attractive places in which to live . . .” “The Institute recognizes that the planning and development of urban freeways should not only fit the local environment but also contribute to raising urban standards and to enhancing the aggregate of community values. Safety, convenience and economy are significant among these values and should not be relegated to secondary importance.”

The Institute urges that the Congress include in appropriate legislation the provision that in local communities of over 10,000 population future street and highway developments involving any form of Federal assistance shall be based on planning and design consistent with standards approved by the Department of Transportation and developed or approved by municipal or metropolitan authorities having street and highway responsibilities.

LEGISLATION FOR NATIONWIDE NEEDS STUDY

The Institute of Traffic Engineers urges the Congress to enact legislation calling for the Federal Highway Administration in cooperation with the States and local governments to make a comprehensive nationwide study of future street and highway transportation needs, both physical and financial, and to report to the Congress the resulting findings and recommendations by an appropriate date. A study period of 3 years is suggested. The legislation should also provide that the needs studies be on a continuing basis.

Many matters must be included in such a needs study, including tax sources and rates, economic factors, estimates of population and motor vehicle growth, urbanization trends, metropolitan development, trends in work and travel patterns, shifts in urban development, and the needs and desires of people.

As to the street and highway aspects of such a study—including financing, four bases should be used:

1. Functional classification of all highways and streets: All streets and highways should be classified as to their primary function. This is the cornerstone of the study, and should be the first step taken. Local communities should be involved in the classification of their streets and highways. The term "functional classification" as used here means dividing all roads and streets into classes providing similar services to traffic and land use—each class ranked by its importance to the economic and social welfare of the State, region or urban area, to the driver, and to land use.

Such classification will provide a sound basis for recommending highway systems or subsystems and for assigning governmental responsibilities for each. It will provide a guide for standards of improvement suitable for the services afforded by each functional class. It will provide a major basis for equitable allocation of available highway funds.

2. Cost analyses for needed improvements: Costs of warranted improvements—operational as well as physical—should be developed on a long-range basis for each system. Upgrading improvements should receive equal consideration with new construction. The status of each road should be compared with standards of service applicable to each functional class. Such standards should be agreed upon by the governmental agencies involved and should be applied on a nationally uniform basis. Review of data assembled at State and local levels as to accuracy, uniformity, and agreement with principles and standards, can most logically be correlated by the U.S. Bureau of Public Roads.

3. Determination of methods of financing: Means of financing total needed improvements should be so established as to equitably relate cost requirements to benefits with due consideration of financial resources of those benefited. Current financing methods should be reappraised.

4. Allocation of funds for improvements: Formulas for future allocations of funds for Federal-aid highway systems should be based on, and closely related to, the costs of all improvements required to provide the accepted level of service for each functional class involved. This principle should apply to allocation of Federal aid to the States and in turn by States to local governments.

FUTURE FEDERAL-AID SYSTEMS

While final decisions should await the proposed report on the above-mentioned study of future highway transportation needs, there appear to be clear indications of need to review and redefine Federal-aid highway systems. The institute urges that the Congress consider the following:

1. Interstate System: The Institute of Traffic Engineers supports the concept that the Interstate System should retain its identity and mileage limitation. The future program should provide for design changes and reconstruction to increase capacity and safety where needed and feasible.

2. Primary system: The Federal-aid primary system should be appropriately adjusted to future needs as developed by the above-mentioned nationwide study. In most States, there seems little doubt that this means a large shift of emphasis to urban needs.

Moreover, needs studies already made in several States and other informed judgment indicate the likely desirability of a new "intermediate" subsystem made up of highways only somewhat less important than those in the Interstate System providing nearly the same level of service, but still part of the primary system.

3. Secondary system: The secondary system should be limited in all States by congressional action to only the most important secondary routes.

4. New Federal-aid metropolitan system: The Institute of Traffic Engineers strongly supports designation of a new Federal-aid metropolitan system. About half of all U.S. vehicle-miles of highway travel are in urban areas, although 14 percent of our total street and highway mileage is in urban areas and 6 percent of the present Federal-aid mileage is urban. The trend toward urbanization continues. Urban highway travel is growing at roughly twice the rate of urban population growth. Urban road costs are much higher than rural. Urban travel patterns are changing with fast-growing needs for crosstown, belt, and intersuburban routes—in addition to large needs for more capacity and safety on existing urban arterials. Moreover, recent comprehensive urban studies show that even with improved public transportation, rubber and rail, the predominant means of urban transport will continue to be by automobile and truck. Most trips can only be served by motor vehicles.

Unquestionably, urban areas are where the major highway transportation problems of the decades ahead will be. Far too little progress has been made on street and highway needs in urban areas in recent years. Hence a separate, new Federal-aid metropolitan system is clearly needed, to include most if not all urban arterial streets so important to urban transportation.

The term "metropolitan system" is proposed because there are usually a number of municipalities in most urban complexes, and in those cases such a system should be planned on a metropolitan basis.

FEDERAL AID FOR HIGHWAY TRANSPORTATION—NEW EMPHASES

The role of highway Federal aid is really not to build highways—or it should not be. The role now and for the future should be to provide for safe, efficient, and convenient movement of persons and goods—for the provision of transportation service. The goal should be to serve people, and while building highways is a very important part of such a broad goal, it should not be the total goal of Federal aid for highway transportation. Some other parts of this broadened goal which now call for inclusion or increased emphasis in Federal aid follow.

TRAFFIC OPERATIONS

Until recently, the Federal-aid highway program has been directed wholly to major construction improvements, with traffic engineering features included only as incidental elements of construction projects.

So states the U.S. Department of Transportation in "1968 National Highway Needs Report."

In 1967, the report continues, the Bureau of Public Roads initiated the TOPICS program whereby "for the first time, the use of available

Federal-aid highway funds was authorized—and encouraged—for projects to improve the capacity and safety of existing urban arterials without major construction, but rather by the systematic and comprehensive application of traffic operations and minor construction improvements in combination. These include intersection channelization, traffic control and lighting installations, judicious street widening at bottlenecks and intersection approaches, and a variety of other proven engineering techniques * * *.”

The Institute of Traffic Engineers strongly concurs, as it does also with this further important point in the same report:

To be fully helpful, the TOPICS program will need additional Federal-aid funds, available for use on all urban arterial streets and highways. Making such additional funds available should be considered in the formulation of a future Federal-aid highway program.

The institute urges the Congress to position the traffic operations concept strongly in “Federal Aid for Highway Transportation,” because of its often-demonstrated capacity, efficiency and safety benefits to highway transportation usually at relatively low costs.

URBAN FREEWAY OPERATIONS

The operation of freeways within sizable municipalities poses a dilemma. Freeways by their nature serve through traffic. Their values are enhanced by consistency of design, signing and other traffic control devices, police patrolling and enforcement, and emergency service programs. Nonuniformity in the matter of acceleration and deceleration lanes and of on- and off-ramp location can be very troublesome, for instance.

Yet local authorities are rightfully concerned about freeway traffic in its relationship to local streets and terminals. Local streets are directly affected by onramp metering and other onramp traffic operations, and by the traffic loads which must be absorbed from offramps. In the planning of interchanges in municipalities, therefore, local traffic operational specialists should have an active role because of the very great effects of such interchanges on urban traffic conditions.

Hence, the institute urges that Federal highway legislation provide that on freeways on which there is any form of Federal assistance, and which will affect traffic in municipalities of 10,000 population or more, concurrence of local authorities shall be obtained in all location, design and operational decisions—subject to arbitration by the Department of Transportation in case of disagreement which State and local authorities cannot resolve.

SAFETY

The public wants more attention to highway safety. Fortunately, through the Highway Safety Act of 1966 and its companion act on vehicle safety, the Congress gave new stature to highway safety, calling for safety programs in all States meeting national standards and providing for Federal funds to aid in various aspects of highway safety. The institute commends those congressional actions and urges that all necessary measures be taken, including Federal grants, to assure that the momentum achieved and the effectiveness of the National Highway Safety Bureau will be continued and even increased.

TERMINALS

Movement is what is ordinarily thought of when transportation is mentioned. But all trips have beginnings and endings, and for many trips terminals are essential—for example, freight terminals, bus terminals, parking terminals. Such terminals are important elements of highway transportation just as roads and streets are.

As pressures mount for attaining maximum capacity of urban arterials, it will often be realized that if there were adequate offstreet parking spaces available, parking could be eliminated on such arterials with significant increases in safety and mobility of traffic. Parking terminals tied to freeways have important values, as do fringe parking facilities for coordinating automobile transportation with public transit. Thus offstreet parking is an essential element of the urban transportation system. Many similar benefits could be cited for other types of urban terminals.

It is therefore urged that the Congress consider terminals for inclusion as part of the proposed program of Federal aid for highway transportation. Study or demonstration projects might be a wise way to start.

FUNDING AND MANAGEMENT RESPONSIBILITIES

The institute recognizes that in addition to deciding what should be done, the Congress must determine how needed improvements are to be financed and managed—generally a difficult, thankless task.

The institute makes the following points as to funding and management of highway transportation improvements:

1. Funds derived from taxes levied on highway users and highway transportation products should be continued and should continue to be placed in the highway trust fund to be used solely for highway improvement.

2. Federal aid funds for the Interstate, primary and secondary systems are needed for those traditional purposes—as to interstate funds until the Interstate System is completed. Additional funds should be provided in the meantime for a metropolitan system, for the topics and other traffic operational program elements, for safety, and for warranted parking programs. It seems reasonable that the proposed intermediate subsystem as a distinct part of the primary system be started upon completion of the Interstate System, utilizing then newly available highway trust funds but at a lower Federal matching percentage than the present 90 percent for the Interstate System.

3. In future highway legislation, the Congress should specify that in all street and highway transportation projects to which any form of Federal assistance is to be applied in municipalities of over 10,000 population, local authorities having street and highway responsibilities, shall participate in all decisions.

4. Further, as to management responsibilities, the institute strongly favors continuation of the U.S. Bureau of Public Roads as the agency to administer the Federal share of all Federal-aid highway transportation funds.

For most Federal-aid allocations to and within States, the State highway department should continue to have general management responsibilities.

However, as to the proposed new Federal aid metropolitan system, the involved local government(s) should be given the opportunity of full partnership with the State highway department in selecting and initiating projects and in other decisionmaking—provided that a suitable mechanism exists and appropriate procedures are used to assure reasonable rates of progress.

There may not be a legal metropolitan government agency, but other effective mechanisms for metropolitan planning and decision-making such as councils of governments may exist or can be created. Where legal metropolitan government authority exists, it should have the main if not the sole responsibility for initiating projects in such metropolitan areas. Where no mechanism exists, consideration should be given to requiring that it be created. The increasing importance of the urban problem demands that greater participation by urban government be provided toward solutions.

URBAN-METROPOLITAN NEEDS

Prior to 1944 only quite small percentages of Federal-aid or State highway funds were used on urban projects. In 1944, Federal highway law earmarked 25 percent of Federal aid funds for use in urban areas. From 1944 to 1956 less than a third of Federal-aid highway funds were used in urban areas of 5,000 or more population. Furthermore, for many years urban governments have been able to allocate only very inadequate funds to their street improvement needs.

Yet from 1920 until now, about half of all vehicle-miles of travel have been in urban areas. And the per mile costs of urban road improvements have always been much higher than for rural areas.

In recent years, fast increasing urbanization of population has produced new attention to urban problems and has importantly shifted political power in legislatures.

There is now much more extensive realization of the importance of highway transportation to the life and economic well-being of urban communities. And there is increased acceptance of the appropriateness of much greater emphasis on, and Federal and State financial aid for, urban road needs.

In a number of cities there is also realization of the importance and value of transportation planning and attention to traffic operations—though in relatively few cities is traffic engineering given the status, support, professional manpower, and budget warranted.

The institute urges the Congress to legislate not only a new Federal aid metropolitan system but also to provide new funds solely for the TOPICS program and to make such funds available on all urban arterial streets and highways. It is urged that the amount of such funds be not less than 20 percent of Federal aid grants for highways, exclusive of interstate funds.

The institute also urges the Congress to include in such legislation the provisions which the Bureau of Public Roads included in its administrative "Guidelines for the Traffic Operations Program To Increase Capacity and Safety (TOPICS)": as follows:

1. Before a TOPICS program can be approved "it must be supported by a comprehensive areawide plan for traffic operation improve-

ments, including a program for implementing a significant portion of the plan within 5 years."

2. State highway departments must "reach agreement in writing with local units of government having jurisdiction to the effect that local governments will establish and maintain a traffic engineering unit or will make other arrangements which will guarantee the proper maintenance and operation of the traffic operation improvements installed." " * * * if the local government fails to fulfill its agreements in this regard, such failure will disqualify that municipality from future Federal-aid participation on projects for which the municipality has maintenance responsibility until such time as a traffic engineering staff satisfactory to the State is properly established and functioning, and the traffic operation improvements are brought to a satisfactory condition of maintenance."

It is recognized that under a sufficiently broad definition of the proposed new Federal aid metropolitan system to meet the proposed highway transportation concept, the TOPICS program could be an integrated part thereof. Indeed, certain advantages could result including greater flexibility of action in achieving optimum results and best benefit-cost ratios. Such integration from the start merits consideration of the Congress.

MANPOWER AND TRAINING

The Institute of Traffic Engineers again urges the Congress to legislate provisions for Federal help in developing and maintaining adequate qualified professionals in all phases of highway transportation including traffic engineering wherein present professional personnel deficiencies are large and growing. A nationwide deficiency of 1,400 traffic engineers was indicated by a study made a few years ago.

Specific authorization is urged for use of Federal funds for university-level undergraduate and graduate education in traffic engineering, for upgrading courses, and for training of subprofessional specialists.

PLANNING, RESEARCH, AND DEVELOPMENT

The institute believes that it is important that the Congress continue to make available an adequate percentage of Federal aid funds for planning, research, and development.

Such funds have aided urban transportation planning studies and in development of ways of improving the efficiency and safety of traffic operations.

The growing problems of urban areas, increasing highway travel, freeway operational needs, changing conditions, and other factors call for much further planning, research, and development for such purposes as to improve capacity and general operations; to reduce hazards; to develop communications, surveillance and control systems; effectively to interrelate various modes of transportation; to develop optimum use of rights-of-way by different transportation media; and to most beneficially relate urban transportation to broad objectives of community life and development.

The Institute of Traffic Engineers urges the Congress to:

1. Require a cooperative comprehensive study of highway needs, including functional classification of streets and highways.

2. Continue the present Interstate System, adjust as necessary the primary system, limit the secondary system, and create a new metropolitan system, providing funds for each from the highway trust fund.

3. Emphasize the concept of improved operation of the Federal aid systems by providing new funding for the TOPICS program in an amount not less than 20 percent of all non-Interstate Federal aid money.

4. Consider terminals as a necessary part of the total highway program.

5. Involve urban governments more deeply in the planning and administration of highway projects in urban areas.

6. Provide funds for education and training of traffic specialists.

7. Continue its interest in and support for safety, for planning and for research and development in this field.

The institute appreciates greatly this opportunity to present its views and recommendations. Thank you.

Mr. KLUCZYNSKI. Thank you, Mr. Marsh. This is absolutely a fine detailed statement. It must have taken you a long time and it would have taken me months and months to prepare a statement like this.

We are very happy to have you appear before us and this committee. Your testimony is most helpful.

I drove a truck in 1912 when there were no roads, so you can imagine with the hard tires and the chain drive what it was like.

Mr. MARSH. I remember that.

Mr. KLUCZYNSKI. I very much appreciate your testimony and it will be very helpful when we sit down in executive session to write the bill.

Mr. Cramer, any comments or questions?

Mr. CRAMER. I want to congratulate you on the statement. It was obviously a tremendous amount of work that was put into this and number one, you suggested this needs a study and should be a continuing type of thing.

Of course, we wrote into the 1965 act that such a report shall be made every 2 years so it will be continuing.

Mr. MARSH. That is fine.

Mr. CRAMER. Are you suggesting in your No. 2 on page 13, summary recommendations, create a new metropolitan system, as well as doing these other things, providing funds for these from the highway trust fund.

Now, of course, you realize that the fund is limited and presently there is not enough there to take care of this.

Where do you suggest this new metropolitan system money come from outside of the TOPICS program?

Mr. MARSH. I would hope, sir, the trust fund would increase very substantially in the years ahead, according to the indications of traffic growth, which up to now we have almost always been on the low side and it would seem to suggest that there ought to be considerable increases in money, which I would hope would exceed the amount that would be necessary for the expanding program or other parts of the expanding program.

Mr. CRAMER. Our best estimates that anticipated revenue means at best a stretch out of the Interstate System to 1975 at least, and maybe

to 1978, and that being the case, where does the money for the new metropolitan system come from?

Mr. MARSH. We are not, as an organization, in a position to state anything very significant on that, I am sure. We recognize it as a serious problem. That we only are emphasizing the plea that because the urban metropolitan needs are so great and are going to grow, that there be readjustment in thinking and finally, I must state personally, I believe this is inevitable. I think it is inevitable within 10 years that there will be marked changes in concepts of what the program calls for.

Mr. CRAMER. Well, I do not disagree with that kind of statement of yours. However, I do not foresee in the next few years at least, of getting a substantial additional fund from the trust fund, with which we can go forward with this long range planning of new systems such as the new metropolitan system and I gather your recommendation was that we consider the matter in this year.

Mr. MARSH. We would like to see it considered right now because we think it is so urgent, but we recognize the very real problems which you gentlemen face and I would hate to be facing them myself, but I think what we are really trying to say is that there just needs to be a modification in the concept of what we are trying to do and this modification, if it comes about and I am positive it will, in my own mind, may help to do something to help in this part of it.

Aside from that fund, it has got to come from taxation and that is all.

Mr. KLUCZYNSKI. Mr. Clausen?

Mr. CLAUSEN. Mr. Chairman, first I want to pay special commendation to Mr. Marsh for his testimony before the committee and to bring to the attention of my colleagues the extraordinary performance, the overall effectiveness, of Mr. Marsh when he appeared with the U.S. delegation before the 10th Pan-American Highway Congress.

I went down to that Congress, representing the committee, Mr. Chairman, and Mr. Marsh was the most diligent man I have ever seen performing with our own delegation and I want to welcome him before the committee as a very efficient delegate.

Mr. Marsh, in your statement, you say that the secondary system should be limited to only the most important secondary routes.

Now, you know under existing laws, section 103(c), title 23, of the United States Code, the secondary system, may include farm and market roads, county and local rural roads, and so forth.

Now, the question I would like to ask you is, would you define what you mean by the most important secondary roads and secondly, would you suggest a change in the definition of the secondary system?

Mr. MARSH. Well, I think this gets to one basic point. In the first place, let me be very quick to say that I am sure that no one in the institute is anything but having a desire to see all of the necessary roads built in this country.

I think that what is involved here gets to the question of the problem ahead as far as Federal aid is concerned and the sense of where the obligation or the responsibility begins and ends.

I think that our thought is that, and know our thought is that as far as the secondary road, there should be a fairly sharp cutoff with the idea that other roads still need to be built, but that this is not the

greatest call for Federal aid, but Federal aid, by the nature of it, should be for the more important roads.

Now, sir, I am sure that I would be one of the poorest of persons to attempt to redefine Federal aid. I am a city person. I would not wish to be in that role at all.

I would doubt if the institute or any of its officers would want to be specific in any redefinition though I understand your point perfectly.

I think it is important to bring out this basic point that this sentence is in here and I must say that personally I think it becomes a very important point if one can stand off and look at the problem in the overall, and say where are the greatest needs, where can the best service be performed for the people of America.

I think if one does this it is doing something about the consideration of where Federal aid responsibility lies as to the left, sir, of the secondary roads, be they urban and/or rural.

Mr. CLAUSEN. Actually, Mr. Marsh, I think the fact that you indicated that you are more city oriented probably attempts to explain why you establish that kind of a priority in your mind where a number of the people, of course, that come from rural areas would tend to reflect that point of view, and with this in mind, when Governor Rockefeller from the State of New York was here before the committee, we were discussing the method of allocation for sewage treatment and discussing the method of allocation for sewage treatment plants and that sort of thing and at that time, I brought up the fact that statistically we find that the 70 percent of the people in this country are living on 1 percent of the land, and I think that this is a little on the ridiculous side.

I believe with a change in our revenue allocations and some of our formulas for financing public facilities, including sewage treatment plants and/or roads that we might be able to conceivably provide quite a bit of pressure relief in these major cities by actually improving the opportunity for rural America to absorb a portion of this population that is now seeking opportunities and adding to the burdens of the problems in the urban areas.

While I will not prolong it, I did want to at least convey to you what some of us are very much concerned about, because we have this problem in California.

We have many people going into the Los Angeles Basin and being a native myself, I try to relate the entire State of California to that with which I am familiar. If you were to distribute your population in an airplane on the same pro rata basis as we have in California, it would not fly. We need to balance out the population patterns of the people in this country and the economy and relieve some of the pressures on the cities.

Mr. MARSH. This sentence does not represent my thought. It is the representation of a composite group of a number who are rural oriented and which I am not. I am city oriented.

I understand your point, sir, and I have great sympathy for it and I would like to say again with utter sincerity that I have the greatest sympathy for the needs of the people in rural areas.

This is just a question of how you come to the hard business of where the basic and major responsibilities are and, even if we do not think that some people should be in urban areas, that is where they are. They seem to be growing.

Mr. CLAUSEN. I do not think they necessarily have to stay there. There are a great many values out in rural America.

Mr. MARSH. I agree.

Mr. CLAUSEN. Some of these people need a little access.

Mr. MARSH. I agree.

Mr. CLAUSEN. Thank you, Mr. Chairman.

Mr. KLUCZYNSKI. Any further questions?

Thank you, Mr. Marsh. You have done a wonderful job.

The next witness will be Mr. Emerson Rhyner, deputy chief counsel, California Division of Highways, accompanied by Mr. Sam Helwer, California deputy State highway engineer.

Mr. CLAUSEN. Mr. Chairman, I wonder if I might be recognized just briefly to extend my personal welcome to these gentlemen for taking their time and my appreciation for their appearance before this committee.

I want you to know, Mr. Chairman, that you now have before you what I think are the most qualified men in roadbuilding in America today. I am not at all prejudiced.

Mr. KLUCZYNSKI. Nice to have you, Mr. Rhyner and Mr. Helwer.

**STATEMENT OF EMERSON RHYNER, DEPUTY CHIEF COUNSEL,
CALIFORNIA DIVISION OF HIGHWAYS, ACCOMPANIED BY MR.
SAM HELWER, CALIFORNIA DEPUTY STATE HIGHWAY ENGI-
NEER**

Mr. RHYNER. We want to thank you for the opportunity to testify before your committee. There are four subjects which we would like to discuss briefly. They are:

1. Cost estimates for the Interstate System;
2. Additions to the Interstate System;
3. The TOPICS program;
4. Relocation assistance.

COST ESTIMATES FOR THE INTERSTATE SYSTEM

One of our major concerns is that the apportionment factors used for the Interstate System in the draft legislation prepared by the Department of Transportation for the Federal-Aid Highway Act of 1968 do not include the cost of the Century Freeway which has been added to the Interstate System in San Francisco in 1965. It is our understanding that appropriate adjustments will be made in the apportionment factors to reflect the inclusion of the Century Freeway in the Interstate System in California. The reason we bring this to your attention at this time is that if for some reason the appropriate adjustments in the apportionment factors were not made, it would seriously impair our ability to complete the Interstate System on a timely basis, particularly so in view of the recent addition of the Century Freeway.

INTERSTATE ADDITIONS

With respect to additions to the Interstate System, our basic position is that there should be no additions to the presently authorized 41,000 miles except as already provided by existing law.

As in the past, we continue to strongly support the present interstate program. It is a vital element in the Nation's transportation system. We urge that every effort be made to achieve its completion as expeditiously as possible.

We also recognize that to insure the proper functioning of the presently designated system, it may be necessary to make certain adjustments or minor additions to the system. We would be hopeful, however, that these adjustments or minor additions could be made within the present 41,000 mile limitation as modified by the provisions of Public Law 90-238. With the completion of the presently designated Interstate System we will have established a backbone network of highways which will provide the base upon which to build or improve the remaining intra-State routes which are so vital to the economic welfare of the individual States, and which also provide the necessary feeders to the Interstate System.

While we are in full agreement with the method used to accomplish completion of the presently designated Interstate System, which method established a fixed System, assured financing, and a set completion date—we are concerned about the effect that a continuation of this inflexible approach would have on other vitally important highway routes.

The fixed system with its mandatory completion date has had an adverse effect on eliminating highway deficiencies on other important State routes in California, many of which have higher priority than certain portions of the Interstate System. In many instances we have found it necessary to construct certain portions of the Interstate System far in advance of need when compared to other State highways which are presently deficient in terms of both congestion and safety.

Before expanded interstate or other Federal-aid systems are considered, we strongly urge that a comprehensive study be made. We believe a uniformly administered functional classification and needs study is necessary to develop a sound, continuing Federal-aid highway program. This should include determination of the extent of the Federal-aid system, or systems. This study should include all highways, roads and streets, not just the present Federal-aid systems. It is our opinion that only after such studies are completed can a proper assessment be made of the relative extent of responsibilities of Federal, State, and local jurisdictions.

If there is to be a substantial expansion of the Interstate System at this time, without benefit of a functional classification and needs study, we would of course have to make a complete reassessment of our needs. The mileage amount of such an expansion would be of prime importance. We have vitally important routes such as U.S. 50, U.S. 101, and U.S. 395, among others, that might be included in such an expanded system. We would reiterate, however, that we strongly urge a comprehensive study before any major modifications in the Interstate program are made.

TOPICS PROGRAM

First, we are in complete agreement with the concepts and objectives of the TOPICS program. In California we have encouraged local jurisdictions to give even greater attention to maximizing the

capacity and safety of their road and street systems by application of the principles envisioned in the TOPICS program.

Encouragement alone is not enough, of course. The Legislature in California has taken a positive role in providing the necessary funding for local road and street improvements. A substantial portion of revenues from highway users is now allocated to California cities and these allocations are controlled by the State legislature. The statutory programs which have been developed in California for allocating highway user revenues to the various highway, road and street systems are based on exhaustive studies of the total transportation needs of the State. For this reason we believe that the TOPICS program should be made permissive rather than mandatory so that each State can continue to allocate its total resources to the various highway, road and street systems in accordance with their individual needs.

Because of the massive transportation needs in our urban areas we strongly urge that the funds proposed for the TOPICS program be required to be used in urban areas but on a permissive basis with respect to the specific type of improvements envisioned in the TOPICS program. In this way other types of improvements essential to the proper functioning of the total urban transportation network would be provided for.

Our recommendation for your consideration is that the \$250 million annual apportionment proposed for use exclusively in the Topics program be instead added to the urban portion of the present ABC program. This would insure their availability not only for the Topics program but also for other needed urban transportation improvements. Only in this way do we believe that a truly functional and balanced urban highway transportation system can be achieved.

RELOCATION ASSISTANCE

The last subject which we would like to comment on is relocation assistance.

In some areas in California, freeway locations require the acquisition of large volumes of low-cost housing in economically depressed areas. For example, in Watts we will displace 2,600 families. Many of those displaced are in owner-occupied, single-family dwelling units. Comparable low-cost housing is not available to meet the needs of this volume of displaced families.

The concept of market value alone will not provide equity in this situation. In Watts, there is no real active market. The withdrawal of normal economic forces since the riots has made loans for the purchase and sale of homes almost unavailable. Hence, where sales do not occur, market value cannot be determined by ordinary procedures; if a sale does occur, the distressed economic conditions that exist depress values.

In these cases, where the public agency is seeking to achieve equity for the property owner, the criteria should be to provide adequate replacement housing. The Department of Public Works has been concerned with and has been actively studying this very real urban problem for quite some time.

Legislation has been introduced in California, AB 1072 (Ralph). This bill provides that the Department of Public Works may acquire property outside of the freeway right-of-way, and it may contract with public and private organizations for the development of replacement housing. For example, one of the replacement procedures we are considering in Watts is moving houses. We are acquiring many single family homes for the freeways we are building in Los Angeles. We propose to purchase a large vacant parcel and move on sound single family residences to provide some of the replacement housing needs for those displaced in Watts.

We believe that in such circumstances, since Government is responsible for the displacement of families, Government should also be responsible to insure that adequate replacement housing is available. Replacement housing, and not the direct payment of money, should be the objective of any such program.

For this reason, we do not feel that a bonus payment would in and of itself provide adequate replacement housing. In our opinion, payment of a bonus would result in general inflation in the real estate market and would not necessarily provide the needed replacement housing. On the other hand, replacement housing can be provided without inflation, both by the public and private sector, through programs which would develop replacement housing.

This entire principle, of course, does not apply to persons who do not have low income and who do not live in economically depressed areas. For all other property owners, the payment of market value is normally adequate and, together with adequate reimbursement for moving costs, is sufficient to enable them to relocate in comparable residences.

As we have indicated, we have been concerned with this problem for some time. During the time that applications were made by the State of California to place the Century Freeway on the Interstate System, we proposed that this concept be used in the Watts area to take care of the homeowners who lived there. When the Department of Transportation approved the State's application, it directed that the urban design plan for the project include, where desirable, relocation housing. For this reason, together with the fact that we believe that these principles are very worth while and desirable, clear authorization should be given to the Department of Transportation to reimburse the State for the Federal share of the cost of this activity.

Mr. KLUCZYNSKI. That has been a very fine statement. It was brief and to the point.

Like you said, and for this reason, we believe that the Topics program should be made permissive rather than mandatory.

Now, we try to do something for both the people who are moved because of the Federal bulldozers going into the community and the construction of roads. We would pay the family \$200, is that right?

Mr. RHYNER. Yes, sir.

Mr. KLUCZYNSKI. And we would pay \$3,000 for a business.

Mr. RHYNER. Yes, sir.

Mr. KLUCZYNSKI. That is not nearly enough. We are trying to do something.

The gentleman from Florida.

Mr. CRAMER. I yield to my colleague from California, Mr. Clausen.

Mr. KLUCZYNSKI. Mr. Clausen from California.

Mr. CLAUSEN. Thank you again, Mr. Chairman.

Mr. Rhyner, you say we also recognize to insure the proper functioning of the designated system, it may be necessary to make certain adjustments or minor revisions to the system. We would be hopeful that these adjustments could be made within the 41,000.

I want to make sure the record shows that we who benefit by public law 90-238 are not going to foreclose the opportunity on some of the other States just because we, in effect, have had our problems resolved and because there are certain areas where there is a need for modification and/or adjustment and I know that some of the members of the committee themselves have personal problems.

As I understand it, you certainly have by no means attempted to foreclose on any other provisions or adjustments.

Mr. RHYNER. No, sir.

Mr. CLAUSEN. Because I know that there are certain adjustments we think have to be made much in the same way we found ourselves frankly trapped in some of these areas and we simply had to come up with some additional mileage to solve the problem.

Mr. RHYNER. Mr. Clausen, California's most appreciative and I want to underline the word most, the most appreciative to this committee and to the Congress for saving our necks practically on the lost San Francisco mileage and enabling us, through legislation to get the century instead. It would be inexcusable if we, having obtained that, foreclosed other States with similar problems.

Mr. CLAUSEN. I am sure this is exactly what you meant and I wanted to be certain, however, that you had an opportunity to clearly state this on the record.

Then finally, Mr. Chairman, I just have one thing that I would like to ask unanimous consent to have added to the record, following their testimony, and that is an item that was sent to me by Mr. Gordon Lewis, the Secretary of Transportation for the State of California, and it is a resolution passed by the Western Governor's Conference following their 1968 annual meeting and it contains certain basic recommendations relating to the Federal highway trust fund. I would like to have that put in the record at this point.

Mr. KLUCZYNSKI. Without objection, it is so ordered.

(The resolution referred to follows:)

XIV. FEDERAL HIGHWAY TRUST FUND

Whereas upon completion of the federal interstate highway program there will be highway needs to be met in each state; and

Whereas an overly large federal program restricts flexibility of the individual states to meet their own problems; and

Whereas administrative costs in Washington, D.C., have reduced the amount of funds available for highways in each state; and

Whereas the recent highway cutback damaged proper highway planning, caused higher right of way and construction costs, and had an adverse effect on the economy of some states: now, therefore, be it

Resolved, That the 1968 Annual Meeting of the Western Governor's Conference in Honolulu, Hawaii, vigorously opposes reductions in highway funds; and be it further

Resolved, That Congress be asked to prevent future deferrals from hindering state highway programs; and be it further.

Resolved, That after completion of the interstate system, federal participation be continued in the form of block grants to allow states to meet their individual transportation needs; and be it further

Resolved, That highway funds should not be diverted to other transportation needs without approval of the states; and be it further

Resolved, That copies of this resolution be distributed to the President of the United States, the Secretary of Transportation, the House Ways and Means Committee, the Senate Finance Committee, the Public Works Committees of both Houses of Congress, and the Governors of all States.

Mr. KLUCZYNSKI. Gentlemen, I want you to know you have two outstanding Members of Congress on this committee, Mr. Johnson and Mr. Clausen, one a Democrat and one a Republican. This committee is not Democratic or Republican. This is an all-American committee. I am sure your testimony will be very beneficial to all members of the committee.

Mr. Dorn, do you have any questions or comments?

Mr. DORN. No questions, Mr. Chairman.

Mr. KLUCZYNSKI. Mr. Cramer?

Mr. CRAMER. Following up on the question of the gentleman from California, I have, of course, been one of the supporters of the mileage adjustment legislation under the public law, fully realizing what the effect would be in many States, in Florida, California, and many other States, moneywise and for other reasons.

I thought it was an equitable adjustment and I am glad to see it was made.

You suggested there are certain other adjustments, perhaps, that would in effect make the system more serviceable and according to your letter of May 20, I gather you have a similar view as it relates to somewhat limited mileage, such as extension of Interstate 605 from the present terminus of interstate, northerly to Interstate 210, 5.5 miles; second, the connection between extension Interstate 580 and 680 in Alameda County, Calif., 14.8 miles.

I gather those are the type of adjustments that you feel would be justified in this committee giving consideration to, before the terminal date, of the interstate, which looks like now it may be as late as 1978. Is that correct?

Mr. RHYNER. Yes; that was sent in answer to a telegram from the chairman, Mr. Cramer, and in asking for a minimum amount of miles and we have picked those out as two minor adjustments which would be desirable to the State.

Mr. CRAMER. So if adjustments are made to needs, you do not have any objection to those being considered?

Mr. RHYNER. No, sir.

Mr. CRAMER. I am very interested in your suggestion with regard to this TOPICS program on page 4 being permissive rather than mandatory, so that if the State wanted to use some of its apportioned money for this purpose, rather than construction purposes or presently authorized programs, they could do so, but they could not be forced to do so.

Mr. RHYNER. That is the intent of our statement; yes.

Mr. CRAMER. You suggested \$250 million annual apportionment of the TOPICS program to be added to the urban portion of the present ABC system. That money, of course, the additional \$250 million would have to come from some place.

Where do you suggest that it come from?

Mr. RHYNER. First of all, Mr. Cramer, that was the amount set forth in the Department of Transportation bill and we just took it out of that. It really isn't our suggestion.

Mr. CRAMER. Whatever the amount is.

Mr. RHYNER. It isn't our suggestion as to the amount. Let me say that we think that the TOPICS program is a good worthwhile program.

It would obviously have to come out of the interstate money and in weighing priorities, I would think that you would have to give priority to the interstate and the ABC program, even though I think TOPICS is very desirable.

Mr. CRAMER. In other words, to make sure I understand your recommendation, it is that if there is no added money made available for TOPICS, that your position would be to go ahead and make TOPICS a permissible to those States that want to spend some of their allocation for that purpose and those States that do not, would not have to expend that apportionment for that \$250 million program if they didn't want to.

Mr. RHYNER. Yes, sir.

Mr. CRAMER. Now on relocation assistance, we are all looking for guidance relating to this and certainly you have had this experience and it is most helpful.

It is a very interesting concept of providing for replacement housing and for possibly moving some of these structures themselves.

Does that include State programing, public housing of some sort in addition for relocation purposes on this property acquired for relocation?

Mr. RHYNER. Let me say first, Mr. Cramer, that we are in the formative stages of a new program and I cannot be too definite today, as definite as I would like to be.

I think, however, that I can say with reasonable certainty it is our intention to contract with other governmental agencies, the redevelopment agencies, the city and county of Los Angeles, and so forth, and have them construct these redevelopment places and maintain them and operate them with the State contributing toward the cost and also contracting with the private sector to have the private sector do it again with some contribution from the State.

Mr. CLAUSEN. If the gentleman would yield, is this not basically the objective of the administration and the recommendation in AD 1072?

Mr. RHYNER. Yes. We want to get the private sector in, Mr. Clausen, as well as local governmental agencies.

Mr. CLAUSEN. So you contract with them.

Mr. RHYNER. Yes, sir.

Mr. CRAMER. I am sympathetic toward that approach obviously. Let me ask you a couple of questions relating to that.

Is it your understanding that the present law permits—that is, the Federal law, permits the Federal Government to pay a portion of the cost of the acquisition of property for the purpose of moving these relocated houses?

Mr. RHYNER. I doubt it, Mr. Cramer, although I would not want to foreclose myself from raising the point later on.

The Federal Government, as I understand, the Federal Highway Act, reimburses the State for the cost of the right-of-way. If that was put in the Federal act many years ago and at that time I do not think the definition of right-of-way contemplated this activity.

Now, definitions have changed over the course of the years and

the courts have changed them somewhat radically from time to time, so I cannot say with certainty.

Mr. CRAMER. Have you gotten any clearances or explored with the Bureau of Public Roads the concept which you have explained here with the Federal Government paying an equal share to what the cost of acquiring a house would be, the fair market value for the purpose of investing in the property on which it is to be relocated?

Mr. RHYNER. No, we have not, Mr. Cramer.

Mr. CRAMER. You do not know whether that is permissible under the present law?

Mr. RHYNER. We have not gotten it and I would not anticipate that we would get it until we have a firmer plan.

Mr. CRAMER. As I understand the bill involved, and I think it is quite interesting, the reason that I am taking this time, I compliment California, but section 135.5 of it says, the Department may acquire either in fee or in any lessor any unimproved or unoccupied real property or real property not for residential use to provide replacement houses for economically displaced areas, and so forth, displaced because of Federal highway construction and what have you.

That authorization took the Department to acquire the land, there has been no advance clearance of any sort with the Bureau of Public Roads, the Department of Transportation, that that acquisition cost could be reimbursed in any portion by the Federal Government as a relocation cost.

Mr. RHYNER. There has not been a clearance. We have been discussing this in working with them, but as far as getting a clearance, we do not have it, Mr. Cramer.

Mr. CRAMER. Now, how about what happens under this program to those who do not want to have their houses moved to a replacement area? What option do they have?

Mr. RHYNER. That is one of the first questions that I asked, Mr. Cramer, and it is a good question.

The only think I can say is number one, we would try to make the end result attractive enough so that most of the people would want to do it. If they do not, we cannot force them.

The only thing that we can do is to pay them what we or a court determines is the fair market value of the existing dwelling and I do not know where else you would go.

Mr. CRAMER. Actually, so far as those persons are concerned who may not be happy with the house they are in, they would not care to have it moved someplace else and would get no relief under this proposed program.

Mr. RHYNER. Unless we can come up with something, they would not.

Mr. CRAMER. Does this permit you to negotiate or your plan to negotiate with owners of present houses as to whether they might be interested in occupying some other house that you have purchased as an alternative and are willing to move to this relocation area?

Mr. RHYNER. Yes, it does.

Mr. CRAMER. I just have one other question and I think this opens up some pretty interesting ideas.

Relocation obviously is a serious problem that we have to deal with.

A proposal has been made for advance acquisition of the right-of-

way. California has made more advance use of that concept or as much as any State that I know of.

Will you describe what you consider to be the advantages of having advanced acquisition?

Mr. RHYNER. As was indicated this morning, Mr. Cramer, California has approximately \$30 million in a revolving fund and it has had it for a good number of years.

Right-of-way is acquired under that fund for two basic purposes, the first is a hardship case where a freeway is not going to be built for several years and for one reason or another, the owner has not moved.

The other reason is a matter of stopping. It is very extensive improvements which are going to be placed on the property and in those instances, the State confidently says it has saved at least \$100 million. I am confident of that figure. It is just amazing, and I think that a revolving fund in this respect is most important because it keeps replenishing itself.

We have \$30 million and I note that the Department of Transportation bill has \$100 million in it, so you can compare the two and California can be compared against the 50 States.

Mr. CRAMER. By that you think the \$100 million is inadequate?

Mr. RHYNER. It may be if it is going to accomplish the entire purpose.

Mr. CRAMER. The bill I proposed contained \$100 million at 3 years and at the end of 3 years it would be \$1 million in a revolving fund.

Mr. HELWER. I would say \$300 million for 50 States would probably not be too much.

Mr. CRAMER. Do you limit the expenditures under your program to the two categories you described, hardship and preventing improvements so that it would cost more later?

Mr. RHYNER. No, this is the matter of the policy of the California Highway Commission.

There is a provision in State law that we cannot acquire property for any other purpose, other than those two purposes without having a freeway agreement from the local people.

Once we have a freeway agreement, then it is a matter of policy of the California Highway Commission and they have passed a resolution.

Mr. CRAMER. By freeway agreement, do you have an approved location as determined by the procedures or what?

Mr. RHYNER. A freeway agreement is entered into under California law between the State and the local governmental agency involved whereby the local agency agrees that we may close certain streets and until that is done, as I say, we only acquire for these two purposes under State law, and actually as a practical matter, those are the only two purposes that it is used for.

Mr. CRAMER. You have any limitation on how long after the loan has been paid and in effect from the revolving fund a highway must be constructed or a limitation on when it may be constructed, first when it has to be constructed within a certain number of years or cannot be constructed within a certain number of years?

Mr. HELWER. If construction is imminent, and by that I mean within 5 years, we do not use this fund.

Mr. CRAMER. You use 5 instead of 7?

Mr. HELWER. That is right, but as to a limit as to when the freeway must be ultimately constructed, I do not know of any.

Mr. CRAMER. The bill I propose has that it cannot be constructed in less than 2 years and obviously not permit the money to be spent for immediate and contemplated construction which means present construction, of course, or present allocation.

Mr. HELWER. Two years is probably too short. You should be acquiring normal right-of-way 2 years ahead of construction or you will not have the right-of-way clearance.

Mr. CRAMER. Well, thank you very much. You have been very helpful.

Mr. KLUCZYNSKI. Thank you, gentlemen, as you know we have 34 members on this committee. Every State in the Union we would like to have represented on this, which is one of the most important committees.

In California you are very fortunate to have three members on this committee.

Your presence here today, you did a wonderful job and you were very helpful.

Mr. CRAMER. We might ask one more question, Mr. Chairman.

What is your reaction to this fringe parking program or proposal?

Mr. RHYNER. In our answer to Ashville we stated that we would not oppose it so long as it was permissive, that as long as it was left up to the State what to do on that, we would not oppose it.

However, if it were made mandatory we would oppose it very strongly.

We felt as long as it was within the discretion of the State we would go along with it.

I might add this is a serious constitutional problem as far as California is concerned on the matching money.

Article 26 of our constitution says that gas tax money can only be used for the construction and the acquisition of rights-of-way for highways, and that does not include parking.

As far as California is concerned, there is a constitutional question which undoubtedly precludes it.

Mr. CRAMER. If California would not exercise the discretion that you are suggesting, it might be given to other States.

Mr. RHYNER. Not unless the people amended their constitutions.

Mr. CRAMER. Thank you.

Mr. KLUCZYNSKI. The last witness today will be Mr. William D. Hagenstein, representing the Industrial Forestry Association of Portland, Oreg.

Mr. Hagenstein, we are very happy to have you before the committee. You may proceed as you wish.

**STATEMENT OF W. D. HAGENSTEIN, EXECUTIVE VICE PRESIDENT,
INDUSTRIAL FORESTRY ASSOCIATION, PORTLAND, OREG.**

Mr. HAGENSTEIN. Mr. Chairman and members of the committee, my name is W. D. Hagenstein and I reside in Portland, Oreg. I am a professional forester and a registered professional engineer in the States of Washington and Oregon. I am executive vice president

of the Industrial Forestry Association which has been working for a permanent timber supply for the forest industry of the douglas fir region in western Washington and western Oregon for 34 years.

Industrial Forestry Association consists of 105 companies and individuals in the business of growing and harvesting timber and manufacturing lumber, pulp and paper, plywood and veneer, shingles and shakes, hard and soft boards, poles and piling, doors, furniture, and other forest products. Our members operate more than 400 wood-using plants, conduct more than 200 different logging operations and employ more than 80,000 people. The annual payroll of their employees exceeds \$500 million.

Industrial Forestry Association first urged Congress to authorize an adequate system of timber access roads in the national forests in 1947. It supported increased authorizations for forest development roads and trails before your committee and the comparable committee in the Senate in 1952, 1954, 1957, 1958, 1960, 1962, 1964, and 1966.

This has been our consistent position since we knew that without timber access roads the national forests cannot contribute their rightful share to the Nation's economy as envisioned by Congress in the act of June 4, 1897 (30 Stat. 35, 16 U.S.C. 475) when it decreed that one of the two principal objectives of the national forests was "to furnish a continuous supply of timber for the use and necessities of the people of the United States."

In the last 5 years our members have purchased one-third of the national forest timber sold in our region and they buy a significant amount of logs produced by independent loggers from national forests. We have extensive knowledge of the necessity for timber access roads because our industry builds, as part of its timber sale contracts, more than \$30 million worth of roads for the Government in our region annually.

Only a few pertinent data are necessary to make the case for an adequate system of timber access roads in the national forests of Washington and Oregon. What we set forth for our own two States applies to all other States where national forests contain an important part of America's timber supply.

Washington and Oregon have three out of every eight trees in the Nation's timber supply. From them we produce about one-fourth of all the forest products consumed by the American people annually. The annual value of our forest crop is \$2.6 billion. It furnishes an annual payroll of more than \$1 billion to more than 155,000 people. This is our largest individual payroll, unsubsidized in every respect, and backstops 50 percent of our region's basic economy.

Because of the renewability of timber through forestry, we can continue to live off our trees, providing the principal forest ownership, the national forests, does its part. And this means continued capital investment in timber access roads until every national forest is developed for the growing and harvesting of trees on a permanent basis.

Washington's national forests have close to half of the State's total timber supply (table 1¹); in Oregon considerably more than half (table 2). The national forests were the last major forest ownership to be placed under constructive forest management, largely due to their relative inaccessibility until slightly more than a decade ago.

¹ See p. 349.

As timber access roads have been built, however, the contribution of the national forests to our annual timber harvest has been improving steadily as the record of the last decade reveals.

In Washington the national forests have in the last decade doubled their contribution to the annual timber harvest in some years and overall are playing a significantly greater role in the State's economy (table 3²).

In Oregon the national forests doubled their contribution to the annual timber harvest from 1957 to 1966 and overall are also playing a very significant role in the State's economy (table 4³).

The full allowable cut was attained on the national forests of Washington for the first time in 1963. The full allowable cut was attained on the national forests of Oregon for the first time in 1959. Never before had the Forest Service been able to achieve its sustained yield goal of forest management. Primary reason for previous failure to meet this desirable objective for our economy was lack of timber access roads.

Table 5⁴ shows the rising trend of both allocations of appropriated road money and the 10 percent road and trail fund which have greatly increased the potential of the national forests in our region to harvest their full allowable cut and thus make a maximum contribution to employment.

But table 6⁵ shows the major share of the roads have been built by purchasers as part of their national forest timber sale contracts in the last decade.

To put the making of our Federal forests accessible for management in proper perspective let me say that the forest industry is the country's fourth largest. We employ more than 1.5 million people, pay wages of \$7½ billion annually and add more than \$30 billion to the GNP. About one-fourth of our raw material comes from Federal lands, so Government forests directly provide more than one-third of a million jobs. And the key is roads.

Testimony before your committee has been that more timber access roads in Federal forests are still needed to allow the agencies to do a better job of forestry and increase the annual timber harvest. Your committee has often stated the Nation should realize full value from its Federal forests. We ask that the Forest Service and the Bureau of Land Management channel the funds authorized by the pending bill and their road construction efforts to making the maximum amount of commercial timber accessible for harvest and use.

These agencies should be reminded that it is the declared policy of Congress that Federal timber offered for sale should not bear any more of the road costs on multiple-use roads than is properly attributable to timber harvest and haul. This means that in many instances it will be necessary to use appropriated funds to supplement the construction of roads installed by timber purchasers.

In these times of national fiscal crises this Congress cannot in good conscience be asked to authorize appropriations of this magnitude by this committee without insisting that priority be given to financing roads that will return their costs to the Treasury. Timber access road authorization is one of the few cases where the Government is operating a huge commercial business. The citizens of our country are the proprietors of Federal commercial forest lands totaling 113 million

² See p. 349.

³ See p. 350.

⁴ See p. 350.

⁵ See p. 351.

acres. The management of this huge area, larger than the State of California and which now grosses about \$200 million annually from the sale of timber, depends on timber access roads. With proper road development the income from these lands to the Government can be increased substantially.

It would be poor business not to insist that these properties be managed to produce to their fullest capacity consistent with sound forest management principles. Therefore, it is imperative that funds authorized by this bill be used for construction of roads which will produce the maximum returns to the economy and the Treasury.

We also recommend that forest road construction plans be carefully examined to seek reductions in costs per mile to the lowest practical level. Many roads can be built to workmanlike standards for timber harvest now and be upgraded later to handle anticipated future traffic and uses.

Your committee has recognized over the years the exceptionally long-term type of considerations that are necessary for forest management. The same principles apply to forest road planning. We suggest that the agencies give full consideration to interest rates, that is the cost of money, when considering construction standards, that are based on a quantity and kind of road use anticipated in the future. Even if total outlay might be greater for stage construction by taking into account the elapsed time between outlays and the consequent application of the discount principal, true cash outlay for stage construction may be the lesser total cost. This principle is particularly important now when interest rates are at an all-time high and when the need for economy in Government spending is so imperative.

Industrial Forestry Association supports enactment of an authorization for forest development roads and trails for the fiscal years ending June 30, 1970, and June 30, 1971, at the same level of \$170 million per year as per the bill enacted 2 years ago. We believe this essential if the national forests are to be continually developed for sale and harvest of their full allowable timber cut and any increased allowable cuts resulting from new inventories which reflect improved technology of the wood-using industry.

As in 1958, 1960, 1962, 1964, and 1966, we would again seek the committee's serious consideration of our recommendation that the authorization for forest development roads and trails be segregated into two items; namely, (a) construction and (b) maintenance. This is essential to assure the authorization of adequate funds to maintain the ever increasing mileage of the permanent timber access and other roads on the national forests. Segregation of the two main items in our opinion would assist the Appropriations Committees in their analysis and justification of the Forest Service budget request for road funds.

We again appreciate the opportunity of supporting reenactment of the biennial authorization of funds for timber access roads and would be glad to provide the committee with any further information desired on this subject from our operating region in Oregon and Washington.

(Charts referred to in Mr. Hagenstein's statement follow:)

TABLE 1.—OWNERSHIP OF LIVE SAWTIMBER ON COMMERCIAL FOREST LANDS IN WASHINGTON,
JAN. 1, 1963

[In billion board feet, log scale]

	Volume ¹	Percentage
Public:		
National forest.....	166.0	44.5
Other public ²	65.8	17.6
Total.....	231.8	62.1
Private.....	141.3	37.9
Grand total.....	373.1	100.0

¹ Source: Timber Trends in the United States. U.S. Department of Agriculture Forest Resource Report No. 17. 1965.² Includes public domain, Indian, State, County, and municipal lands.

TABLE 2.—OWNERSHIP OF LIVE SAWTIMBER ON COMMERCIAL FOREST LANDS IN OREGON, JAN. 1, 1963

[In billion board feet, log scale]

	Volume ¹	Percentage
Public:		
National forest.....	298.9	55.7
Other public ²	96.7	18.1
Total.....	395.6	73.8
Private.....	140.7	26.2
Grand total.....	536.3	100.0

¹ Source: Timber Trends in the United States. U.S. Department of Agriculture Forest Resource Report No. 17. 1965.² Includes O. & C., public domain, Indian, State, county, and municipal lands.

TABLE 3.—TIMBER HARVESTED BY OWNERSHIPS IN WASHINGTON, 1957-66

[In thousand board feet, log scale]

Calendar year	Private	National forests	Public domain and national parks	Indian	State	Total
1957.....	2,530,700	900,100	19,900	194,700	404,700	4,050,100
Percent total.....	(62.5)	(22.2)	(0.5)	(4.8)	(10.0)	(100.0)
1958.....	2,291,300	1,026,700	17,500	238,400	305,200	3,879,100
Percent total.....	(59.1)	(26.5)	(.4)	(6.1)	(7.9)	(100.0)
1959.....	2,817,500	1,437,400	20,500	304,200	289,200	4,868,800
Percent total.....	(57.9)	(29.5)	(.4)	(6.3)	(5.9)	(100.0)
1960.....	3,000,100	1,181,000	17,800	255,900	272,000	4,726,800
Percent total.....	(63.5)	(25.0)	(.4)	(5.4)	(5.7)	(100.0)
1961.....	2,335,000	891,700	3,900	122,200	285,400	3,638,200
Percent total.....	(64.2)	(24.5)	(.1)	(3.4)	(7.8)	(100.0)
1962.....	2,644,900	1,096,100	4,300	121,900	292,500	4,159,700
Percent total.....	(63.6)	(26.4)	(.1)	(2.9)	(7.0)	(100.0)
1963.....	2,934,600	1,583,300	1,800	338,600	1569,400	5,427,700
Percent total.....	(54.0)	(29.2)	(.1)	(6.2)	(10.5)	(100.0)
1964.....	3,503,600	1,845,000	13,900	424,200	1574,800	6,361,500
Percent total.....	(55.1)	(29.0)	(.2)	(6.7)	(9.0)	(100.0)
1965.....	3,590,923	1,720,090	25,159	459,740	1725,863	6,521,775
Percent total.....	(55.1)	(26.4)	(.4)	(7.0)	(11.1)	(100.0)
1966.....	3,459,617	1,572,825	24,566	430,930	1587,456	6,075,394
Percent total.....	(56.9)	(25.9)	(.4)	(7.1)	(9.7)	(100.0)
Grand total.....	29,108,240	13,254,215	149,325	2,890,770	4,306,519	49,709,069
Average for period.....	2,910,824	1,325,421	14,932	289,077	430,652	4,970,907
Percent.....	(58.6)	(26.7)	(.3)	(5.8)	(8.6)	(100.0)

¹ Includes volume cut from county and municipal lands.

Note: Data furnished by Washington Department of Natural Resources, Olympia, Wash., and Pacific Northwest Forest and Range Experiment Station, Portland, Oreg.

TABLE 4.—TIMBER HARVESTED BY OWNERSHIPS IN OREGON, 1957-66

[In thousand board feet, log scale]

Calendar year	Private ¹	National forest	O. & C. and ² public domain	Indian	State and county ³	Total
1957.....	5,083,600	1,658,200	594,000	52,300	175,000	7,563,100
Percent total.....	(67.2)	(21.9)	(7.9)	(0.7)	(2.3)	(100.0)
1958.....	4,563,700	2,144,700	751,900	98,900	150,000	7,709,200
Percent total.....	(59.2)	(27.8)	(9.8)	(1.3)	(1.9)	(100.0)
1959.....	4,773,600	2,934,700	962,800	75,700	187,200	8,940,600
Percent total.....	(53.4)	(32.8)	(10.8)	(.9)	(2.1)	(100.0)
1960.....	4,927,100	2,314,500	863,000	75,900	204,500	8,385,400
Percent total.....	(58.8)	(27.6)	(10.3)	(.9)	(2.4)	(100.0)
1961.....	3,853,000	2,444,000	895,300	40,600	181,600	7,414,500
Percent total.....	(52.0)	(32.0)	(12.1)	(.5)	(2.4)	(100.0)
1962.....	4,099,200	3,074,900	1,104,600	53,000	169,600	8,500,100
Percent total.....	(48.2)	(36.2)	(13.0)	(.6)	(2.0)	(100.0)
1963.....	3,776,300	3,247,300	1,368,600	71,100	214,600	8,675,500
Percent total.....	(43.5)	(37.4)	(15.8)	(.8)	(2.5)	(100.0)
1964.....	4,014,000	3,431,300	1,637,700	90,500	244,500	9,418,000
Percent total.....	(42.6)	(36.4)	(17.4)	(1.0)	(2.6)	(100.0)
1965.....	4,020,600	3,784,300	1,238,700	73,500	262,300	9,379,800
Percent total.....	(42.9)	(40.3)	(13.2)	(.8)	(2.8)	(100.0)
1966.....	4,099,581	3,269,300	1,249,244	60,241	219,246	8,898,012
Percent total.....	(46.1)	(36.7)	(14.0)	(.7)	(2.5)	(100.0)
Grand total.....	43,211,681	28,303,600	10,668,244	692,141	2,003,546	84,884,212
Average for period.....	4,321,168	2,830,360	1,066,824	69,214	200,355	8,488,421
Percent.....	(50.9)	(33.3)	(12.6)	(.8)	(2.4)	(100.0)

¹ Private volume 1957 to 1959 determined by subtracting total public from total for year.² O. & C. data for 1957-65 from BLM.³ Estimated for 1957 and 1958.⁴ Includes 5,730,000 board feet from U.S. Army Corps of Engineers land.

Note: Data from Pacific Northwest Forest and Range Experiment Station, Portland, Oreg., and Oregon State Forestry Department, Salem, Oreg.

TABLE 5.—ROAD MONEYS ALLOCATED TO REGION 6, U.S. FOREST SERVICE, 1959-68

Fiscal year:	Forest develop- ment road and trail appropriations	Road and trail, 10-percent fund
1959.....	\$2,164,153	\$4,613,246
1960.....	3,327,638	6,564,761
1961.....	4,174,228	7,580,300
1962.....	6,034,017	6,536,483
1963.....	6,013,973	7,214,148
1964.....	12,510,220	7,580,280
1965.....	19,799,428	8,448,972
1966.....	23,608,962	8,448,972
1967.....	18,087,536	10,269,468
1968.....	19,704,072	10,432,093

¹ Includes \$4,850,000 for December 1964 flood damage repair.

Source: Division of Fiscal Control, U.S. Forest Service, Portland, Oreg.

TABLE 6.—TIMBER ACCESS ROAD CONSTRUCTION REGION 6, U.S. FOREST SERVICE, 1958-67

Fiscal year and construction source		Miles	Cost
1958—Purchaser constructed.....		1,393.1	\$23,488,485.03
Government constructed ¹		33.4	7,351,525.39
1959—Purchaser constructed.....		1,484.1	26,644,366.00
Government constructed ¹		84.2	5,417,769.71
1960—Purchaser constructed.....		1,641.4	31,372,209.25
Government constructed ¹		66.6	3,285,469.52
1961—Purchaser constructed.....		1,707.8	34,472,578.08
Government constructed ¹		74.8	5,283,597.17
1962—Purchaser constructed.....		1,844.4	35,038,662.00
Government constructed ¹		74.6	5,572,866.00
1963—Purchaser constructed.....		1,938.1	36,545,800.00
Government constructed ¹		130.3	8,033,777.00
1964—Purchaser constructed.....		1,553.0	32,396,854.00
Government constructed ¹		238.9	11,278,938.00
1965—Purchaser constructed.....		2,178.6	36,297,300.00
Government constructed ¹		315.2	12,273,504.00
1966—Purchaser constructed.....		1,712.8	31,395,271.00
Government constructed ¹		216.8	21,512,219.00
1967—Purchaser constructed.....		1,987.9	29,200,506.00
Government constructed ¹		255.2	18,688,219.00

¹ Forest development roads.

Source: Division of Engineering, U.S. Forest Service, Portland, Oreg.

Mr. KLUCZYNSKI. Fine, thank you.

Mr. CRAMER, any comments?

Mr. CRAMER. Do you know what the reason is or have you been advised of the reason why the recommendations of the administration was cut from 170 in fiscal 1968 to 125 in 1970 and 1971?

Mr. HAGENSTEIN. No, sir; I do not, Mr. Cramer.

Mr. CRAMER. Do you know what has been appropriated under 1968 and 1969, per year?

Mr. HAGENSTEIN. For the 1968 fiscal year the amount was approximately \$120 million.

Then, of course, with the fiscal situation there was a cutback on that and I believe they cut out of the current fiscal year, I believe it is back to \$15.7 million.

Mr. CRAMER. A little over \$100 million actually ended up being appropriated with the cutback.

Mr. HAGENSTEIN. Yes, sir, with the cutback.

Mr. CRAMER. Thank you, very much, sir.

Mr. KLUCZYNSKI. Mr. Clausen?

Mr. CLAUSEN. Thank you again for taking the time to appear before our committee as you have each year.

Mr. Hagenstein, do you agree with what I am going to say in that I think one of the principal reasons for wanting to reinstate this to the initial \$170 million authorized last year should be that of the fiscal situation changes to the point where appropriations can be increased, I certainly would want to have the authorization established by this committee.

Mr. HAGENSTEIN. That is very important because you need that factor of safety in the event the fiscal situation would change and we would not be shortchanged to continue this fine timber-access road program.

Mr. CLAUSEN. And then, in fact, with an improvement in the overall forest roads and trails program, certainly we can anticipate more yield of the timber resources. This will make a contribution to jobs and to

the economy and in effect, permit the forest service themselves to more adequately manage the forest.

Mr. HAGENSTEIN. I would think that without the roads you cannot manage the forests.

Mr. CLAUSEN. It also puts more money in the Treasury to assist in the deficit.

Mr. HAGENSTEIN. Yes, it returns far more than the Government invests.

Mr. CLAUSEN. It seems to me the recommendation of the administration is pennywise and pound foolish.

Mr. HAGENSTEIN. I would not want to comment on that inasmuch as this is a nonpartisan committee as Mr. Kluczynski commented, but I am afraid that I would be constrained to agree with you.

Mr. CLAUSEN. This particular committee happens to be the one friend that you people have.

The chairman certainly is nonpartisan, but he, too, also took the time to go out to the Northwest and observe these things firsthand.

Mr. HAGENSTEIN. I had the privilege of testifying before him in November of 1965 in California.

Mr. CLAUSEN. Thank you.

Mr. KLUCZYNSKI. Thank you, Mr. Hagenstein. We were happy to have you with us.

The committee will adjourn until Tuesday, June 4, 1968, at 10 a.m.

(Whereupon, at 4:45 p.m., the subcommittee adjourned, to reconvene at 10 a.m., on Tuesday, June 4, 1968.)

FEDERAL-AID HIGHWAY ACT—1968

TUESDAY, JUNE 4, 1968

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ROADS
OF THE COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 2167, Rayburn Building, the Honorable John C. Kluczynski (subcommittee chairman) presiding.

Mr. KLUCZYNSKI. The hearing will come to order.

The Subcommittee on Roads will continue hearings today on overall Federal aid-to-highway legislation, including two bills which were introduced by myself and the chairman of the full committee, Mr. Fallon, H.R. 16994 and H.R. 17134, by request.

Last year, when hearings were held and debate was heard on the floor of the House on legislation reported by the committee, I advised the membership at that time that I would give full consideration to any and all requests for an increase in the interstate mileage.

This is one of the purposes of these hearings and particularly at this time when we have our colleagues here who wish to testify on this matter.

We will, of course, hear from all who wish to testify at any time on all points.

At this time as our first witness it is my pleasure to introduce the fine gentleman from Florida, Congressman Fascell.

STATEMENT OF HON. DANTE FASCELL, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA

Mr. FASCELL. Thank you, Mr. Chairman, and members of the committee.

I have a prepared statement, Mr. Chairman, which I would like to submit for the record in toto at this point and then I will summarize the statement and make some extemporaneous remarks.

Mr. KLUCZYNSKI. Without objection, it is so ordered.

(The prepared statement of Mr. Fascell follows:)

STATEMENT OF CONGRESSMAN DANTE B. FASCELL

Mr. Chairman, I greatly appreciate having the opportunity to testify before you this morning. I commend the Subcommittee on its diligence in meeting the pressing highway needs of this country. Today's hearing is yet another indication of your continuing interest in insuring safe and adequate highways to carry the ever-increasing volume of interstate motor vehicle traffic.

I wish to address my remarks today specifically to the extension of the interstate system. All of us are aware that after 1972 expansion in the amount of mileage authorized will be a clear necessity.

The needs of my own area indicate that future allocations to the interstate system must pay increasing attention to the problem of adequate roads in our urban areas. Our rapidly growing cities serve both as the source and destination for the overwhelming majority of the volume of interstate commerce which flows over our highways. Congestion in the cities, if it goes unchecked, can seriously hamper the objectives which Congress sought when it originally authorized the interstate highway system. I, therefore, urge the Committee to begin now to give serious consideration to providing far greater emphasis on providing adequate highways for the major urban areas linked by the interstate system.

I am certain that abundant evidence will be presented by other witnesses on the overall need for additions to the interstate system after 1972 as well as on the need for increased emphasis on the urban areas.

Mr. Chairman, there are, however, areas in my own state, and I am sure in several other states, where we cannot afford to delay another four years in providing needed additional interstate mileage.

One of the most serious gaps in the interstate system in the entire nation exists in my own state of Florida. Despite the fact that it is one of the heaviest traveled routes in the state, there is no interstate highway from Tampa to Miami, the state's two largest cities. Interstate 75 terminates in Tampa on the West coast of Florida while Miami is served by Interstate 95, which runs along the East Coast of Florida and terminates in Miami. There is an immediate overwhelming need of I-75 to be extended as rapidly as possible to Miami. This extension is needed because the present road is inadequate for the substantial commerce between the two cities. The urgency of the need is underlined because the present road is not only inadequate in size but far less safe than interstate highways have proved to be throughout the country.

The present road, U.S. 41, is a narrow two lane road for more than $\frac{3}{4}$ of its distance. It is bordered for much of this length by canals which have, on far too many occasions, served as death traps for motorists who meet with accidents along the way. Not only is this road unsafe, but it is the only direct land route between these two metropolitan areas, each with a population of more than one million.

Clearly, Mr. Chairman, this gap in the interstate system must be closed at the earliest possible date.

Florida also contains many examples of the pressing needs of our urban areas for an increase in their share of interstate highway mileage. Miami's need is particularly great. Because of its location almost at the southern tip of the peninsula the Bureau of Public Roads has made it particularly difficult for Miami to gain any interstate assistance in providing for its urban highway needs. It was only after considerable urging by the state that the Bureau of Public Roads did agree to extend I-95 to downtown Miami and I-195 was constructed to link Miami with the city of Miami Beach which, in almost anyone's mind, except that perhaps of a bureaucrat, is one of the major destinations of American travelers.

Miami, however, is not at the tip of the Florida peninsula. The city of Homestead, which is 28 miles south of Miami, is the center of one of this country's most productive agricultural areas. Almost all of its produce is carried by truck to Miami, from where it is shipped by highway and rail to the rest of the country to provide most of this country's tropical fruits and vegetables as well as a significant portion of the fresh vegetables enjoyed by many of us throughout winter months in the north. Clearly I-95 must at some point be extended to Homestead solely on the basis of its agricultural role in interstate commerce.

This section of highway, however, is needed now because in the last 10 years much of this area has become highly urbanized. The Miami urban area, bound as it is on the west by the Everglades, has only one direction to grow and that is southward along the relatively high coastal plain between the ocean and the Everglades. It is estimated that in only a few years more than 50% of the population of the metropolitan area will be living south of the present terminus of I-95. These half-million American citizens certainly deserve the ready and convenient access to the interstate system which is enjoyed by residents of other major metropolitan areas.

More importantly, failure to immediately begin southward extension of I-95 to Homestead from Miami could seriously hamper the orderly development of this area and create myriad problems. Proper action now could, however,

make South Dade County become an outstanding example of how an urban area can and should grow.

For an additional allocation of 28 miles, the distance from Miami to Homestead, this Committee now could do much to insure the orderly and proper growth of what is fast becoming one of this nation's largest metropolitan areas, while at the same time providing important access to interstate commerce to a major agricultural area now served by only one federal highway, U.S. 1, and one state highway, State Road 27.

In addition to the pressing needs for the extension of I-75 from Tampa to Miami and I-95 from Miami to Homestead on the basis of the need of motor vehicle traffic, there is also a pressing need for these highways in order to provide more adequately for our national defense.

One only has to look back to 1962 and the Cuban Missile Crisis to realize the inadequacies of the interstate highway system in expediting a major military buildup in southern Florida.

In the only case within memory when major American military forces have been necessarily concentrated in one area of our own country, only one interstate highway was available to serve the needs of these forces: I-95. The extension of I-75 to Miami would double the capacity for moving large volumes of military equipment rapidly and safely to south Florida should Cuba again become a base for possible aggression against the United States. Extension of I-95 from Miami to Homestead would bring these forces 30 miles south of Miami and to the vicinity where the majority of forces in the 1962 crisis were deployed. These combined roads would provide needed highway transportation to the major tactical air command facility located at Homestead Air Force Base and speed highway traffic bound for the Key West Naval Base and the Key West Naval Air Station, which is the primary response base for any air threat from Cuba.

The State of Florida is on record in supporting an additional allocation to Florida of interstate mileage sufficient to extend I-75 from Tampa to Miami, a distance of 268 miles, and I-95 from Miami to Homestead, a distance of 28 miles.

I fully support this request but I urge the Chairman and the Committee not to wait until after 1972 to approve these additions. They are needed now.

Thank you.

Mr. FASCELL. I appreciate having this opportunity, Mr. Chairman, to acknowledge publicly that you are a man of your word, thank goodness, because the rest of us in Congress and the country and at large would be in very serious trouble if this subcommittee had not undertaken these very important and vital hearings.

I do not doubt that there is any question at all that you will have ample testimony from everybody about the tremendous needs for additions to the Interstate System after 1972.

I would venture a guess that you would have as much or more than you have in the present system by way of need because by far and large all of us know from firsthand experience that the concept has worked out magnificently well and has provided for every aspect of the country.

As we have learned by experience now we welcome the opportunity therefore for this interim problem of adjustments and I know that there are many of them which ought to be seriously considered.

I take this opportunity today to call attention of this subcommittee to two high-priority gaps in my own State which the distinguished ranking minority Member from Florida has also very strongly advocated and worked on, and I would hope that this committee in consideration of the high-priority adjustments which it will make and recommend for a prior to 1972 will give very serious consideration to the gaps that exist in Florida, and I know that you will.

The one principally that we point out is the link from Tampa to Miami where you have two communities of over 1 million people

and far more than that if you go outside of those immediate areas who are now linked by a very highly inadequate road system and it just does not do the job.

You look at the map and you recognize the geography of Florida, you see what it does to the commerce and transportation in the State, and it is almost an automatic first high priority adjustment gap in the State of Florida. There is no question about it.

Our State Road Board feels about the same way I do and will so testify. I want to take the opportunity of commending my colleague from Florida by saying that the Florida State Highway Department is up here to testify on the bill. This is a very important matter. I was very disappointed when the announcement came out and they were not thinking of testifying.

We recognize that this is a vital thing to the State of Florida and I am sure our State highway department will corroborate everything that we as members of the delegation will say to this committee.

The other gap, Mr. Chairman, is a 28-mile gap running from the city of Miami to the city of Homestead, Fla., which is outside and south of Miami. For three reasons this is a very, very obvious gap in the Interstate System.

First of all, Homestead is the center of one of the most productive agricultural areas in the country for winter truck farming. It is a big operation.

Our present main highway system out of that area is just not able to do the job and therefore it is reflected in prices and in deliveries all over the country.

Secondly, we in that south part, south of Miami are in one of the fastest growing population areas in the country. We have an urban crisis and it is just not fair to those one-half million or 600,000 people who live in that area not to be able to get on the Interstate System and go anywhere in the country which they are able to do from Miami.

This brings up a very important point, Mr. Chairman, and that is the obvious increased emphasis which is going to be necessary either on emergency gap filling on or after 1972 on the urban needs in this country.

We just are, as we all know, not able to keep pace with them, but if we do not make an extra special effort either in the consideration of the high priority adjustment gap filling on or after 1972 in the urban needs of this country, we will, in effect, have wasted all the money we have put into this system.

We might have some obvious connectors that might have to be filled in, but it seems to me the great need, the great emphasis in the emergency part and also the after 1972 is going to be on the urban needs.

While we have other obvious needs in Florida, Mr. Chairman, and members, these are two which I would recommend for your consideration for such action as you intend to take with respect to filling the gaps on the high-priority basis.

We respectfully submit that the technical testimony will be such as to meet whatever criteria you want to lay down, or the Department wants to lay down, to put these projects in and we will take our chances on the after 1972 program along with everybody else.

Whatever you have in Florida, if you double it, it will not be enough.

Mr. KLUCZYNSKI. How much mileage are you talking about? You are talking about 28 miles from Miami to Homestead?

Mr. FASCELL. That is 28 miles and Tampa to Miami is 268 miles.

Mr. KLUCZYNSKI. The gentleman from Florida, Mr. Cramer.

Mr. CRAMER. I join in welcoming the gentleman from Florida to the committee and congratulate him on his testimony.

I also join the gentleman in his stated concern about the prospect that the State roads department might not present the case in support of this missing link principally and in discussing it with the Governor's office and the road board secretary's office, they have agreed it was not of such significance to justify an appearance on that subject in particular.

Now, we have a very able man in Mr. Charles Hopkins, who is the interstate engineer and has been with the program since 1956 here, and I am sure he will justify it.

I want to congratulate the gentleman on his testimony and his support for this because this connection would link the two major population metropolitan areas in the State of Florida and probably the only two major ones in the Nation not now connected by the Interstate System.

Mr. FASCELL. The gentleman is absolutely right and I say it is such an obvious gap that it needs to be filled.

Mr. CRAMER. You have about 1.2 million in the west of Florida and about 1.5 million on the lower east coast of Florida. That gives us two of the major metropolitan areas in the country not connected by the system.

Mr. FASCELL. The gentleman has raised a very important one, the additional need is a defense need and between Homestead and Tampa. We saw this in the Cuban missile crisis when we had to move a tremendous amount of materiel over inadequate highways and one of the areas affected was the Tampa to Miami link.

Mr. CRAMER. I think it is correct also to say that the Florida delegation is unanimously in support of this missing link, in closing this missing link.

Mr. FASCELL. I believe that is right. I do not think we all have bills. I know you have a bill and I have a bill and I think everybody else does.

Mr. CRAMER. I thank the gentleman.

Mr. KLUCZYNSKI. Any questions?

The gentleman from South Carolina, Mr. Dorn.

Mr. DORN. I want to commend my distinguished and able colleague for his testimony and I am in complete agreement with the gentleman.

Mr. FASCELL. I thank you. I cannot think of a finer thing to do than to link Florida with South Carolina.

Mr. DORN. I might say to my friend that down Highway 75 it is possible, and I have done so, to get up when there is ice in Greenwood, S.C., and go swimming in Miami that night. That used to be a 2-day trip. I think this is one of the connecting up of all the roads. It is obvious to me that Tampa and Miami should be directly connected with superhighways and perhaps even west of Miami to the southern

tip of Florida through the Everglades. That is pretty bad roads there sometimes when traffic is heavy.

Mr. FASCELL. That is right. This is the road that we are talking about, the existing two-way highway, U.S. 41.

Mr. KLUCZYNSKI. Any further questions?

The gentleman from California, Mr. Clausen.

Mr. CLAUSEN. You have made a very excellent presentation.

Mr. FASCELL. Mr. Chairman, thank you very much.

Mr. KLUCZYNSKI. It is always a pleasure to have you before the committee.

The chairman of the House Appropriations Committee will be here very shortly. I see my very, very good friend, the gentleman from Texas, Mr. Pickle. Will you kindly take the witness chair.

STATEMENT OF HON. J. J. PICKLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. PICKLE. Mr. Chairman and members of the committee, I have a statement which I will ask to be distributed to each member. The statement takes I would assume about 8 minutes to give. May I read it or what is my time limitation here?

Mr. KLUCZYNSKI. Well, if you want to make your statement you may read it or you may submit it for the record and hit the high points.

Mr. PICKLE. Well, Mr. Chairman, if I may ask consent to submit my statement in its entirety for the record and then if I may, I will hit some of the high points in the testimony.

Mr. KLUCZYNSKI. Without objection, it is so ordered.

(The prepared statement and additional material follow:)

STATEMENT OF HON. J. J. PICKLE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. Chairman, I appreciate very much the opportunity to appear before you this morning in connection with the Interstate Highway System. Before starting, I would like to say that in a State as large and expansive as Texas, the Interstate Highway System is much more than a remote benefit to the transportation system. It is something virtually every citizen has the need to utilize extensively, and its convenience and benefits are above question.

Since the time there were indications that this subcommittee was to consider possible extensions to the Interstate Highway System, a great deal of enthusiasm has been generated in my congressional district.

A noticeable gap in the highway coverage in Central Texas has been apparent in the system from the start, and better coverage is needed for East-West traffic. The Interstate Highway System in Texas, in bridging the distance from Houston westward to El Paso, now runs through San Antonio rather than through Austin. While Austin is the more direct route, San Antonio is admittedly the larger of the two metropolitan areas, and when the system was first established in the mid-1950's, San Antonio was the logical choice.

Now, however, in light of the considerable shift of economic emphasis in Central Texas, I feel this subcommittee should have the benefit of some of the latest changes, and specifically, would like to recommend for your consideration an extension of Interstate Highway 10, to be known as IH-10 North.

This proposal would create a spur 200 miles on the East-West transcontinental roadway in Texas to run on a line roughly from Columbus, La Grange, Smithville, Bastrop, Austin, Dripping Springs, Johnson City and tying back into the existing Interstate Highway 10, southeast of Junction. I feel this spur is the natural compliment to the existing roadway for reasons of safety, public convenience and necessity and efficient highway engineering to prevent a bottleneck mid-way from Houston to El Paso.

The growth experienced in Austin over the past 5 years is phenomenal. There is simply no other way to describe it, and I will support this statement in the Hearing Record with charts and tables.

The "adequate" service of yesterday is simply not good enough today, and the surging economic growth of the area demands new service. Attached at the end of my statement are seven of the economic indicators often used to measure a city's economic growth. They demonstrate dramatic progress. The Austin area leads the national averages on six of the seven scales. The significant economic indicator of effective buying income in Central Texas has increased more than 50% in the period from 1962 to 1966, while in the U.N. generally, the increase was only 16%.

These economic increases are due to a number of contributing factors:

The University of Texas continues to grow and already stands as an outstanding educational and research center. The University has increased 25% in both its enrollment and employment in the last five years, and the combined total now reaches 39,000. The University registrar estimates that today's enrollment of 29,841 will reach 35,000 in 1975. Let me repeat that figure—35,000 transient students on one university campus.

The State government, based in Austin, continues to grow and expand in influence. Already, it has a building complex covering a large area, and the need to connect Houston and El Paso with the seat of government is pressing.

Commercial enterprises are on the up-swing. Such companies as Tracor, Inc., Glastron Boats, and International Business Machines, to mention a few, all have plants in Austin. Tracor, an electronics manufacturer, established a plant in 1963, and now has an employment of over 1,500. IBM employs over 700 in an operation emphasizing skilled office machine workers.

Federal activities includes the Internal Revenue Service Center for the Southwest District, the regional headquarters for the Office of Economic Opportunity for an eight-state region, the Economic Development Administration regional office and the Veterans' Administration Automatic Data Processing Center, to mention a few.

Bergstrom AFB was recently designated as the headquarters for the 12th Air Force, and its military complement is now 7,000.

Although the Interstate Highway System was last reviewed comprehensively in the mid-50's, let's take a look at other developments just in the recent years. To begin with, the population in Austin has increased 19.4 percent since 1960, and the rate is comparable in surrounding counties; and this is in light of population slow-down on a State-wide scale. The national average increase is 8.7 percent.

Another economic index, effective buying income, demonstrates the same acceleration of growth in the Central Texas area. Also, in the 1960-1963 period the growth was 17.3 percent but this increased to 20.9 percent in the 1963 to 1966 period.

These figures are merely indicative of the growth witnessed over the past few years. With dramatic increases in government, the military, and education, the needs of the area are not only increasing in their own right, but are also becoming much more important to the entire State.

Mr. Chairman, to this point, most of my comments have not detailed the support and need of this proposal in the areas outlying Austin itself. I would like to point out that the surrounding towns are also much in need of improved traffic service.

Already, virtually every town to be affected by this proposal has met to consider the impact of an approved Interstate Highway-10N, and I am pleased to report to you that the response is overwhelmingly favorable. I would like to insert for the record copies of the petitions and resolutions to show the ground-swell support this idea has marshaled in the areas to be affected. In short, I can say, that the ground work is laid.

These resolutions show that there is solid agreement among residents of the eight counties the road would pass through that the loop would be a great asset to travel to the state capital and east and west through Texas.

Groups, under the direction of their respective county governments and chambers of commerce, are meeting regularly to discuss the northern loop and are working actively to turn this idea into reality.

A steering committee has been set up through the Austin Chamber of Commerce to help provide leadership in the vital area of planning on this project.

I might add that this loop is not proposed to replace or attempt to replace the designation of Interstate Highway 10 as its course now runs through San Antonio, but merely offered as the most logical plan for utilization of the Interstate System.

The northern loop would tie nearly 800,000 potential highway users into the Florida to California route in Central Texas alone. Figures are not available at this time to show the total benefit to highway users using transcontinental Interstate Highway 10, but I imagine it would be substantial.

Along these lines, I would add that The Texas Highway Department has already indicated its favorable consideration of the plan, and it is very well received.

In fact, I am informed by Texas District Highway Engineer, Tom Wood, that a survey is currently underway along the existing roadway from Austin to Columbus at the intersection of Interstate Highway 10. The Texas Highway Department feels that the traffic situation along this route warrants the updating of the existing roadway—perhaps not to Interstate standards—but at least to the standards of a major route.

Finally, I would like to say a few words about the difficulties I know this subcommittee faces. Certainly, every proposal must be weighed in terms of others, and there must be consideration to the merits of other proposals. I understand the pressures which are doubtlessly brought to bear, and the fact that spending cuts loom as distinct discouragement. Still, I ask that you look at this proposal closely, both for today, and for the coming years. In the event it is not practical to give 100% endorsement this year, I ask that you at least give some indication of the nature of your feelings on it. Thank you for your attention and consideration.

AUSTIN'S SOLID RECORD OF ECONOMIC GROWTH,
1960-66

Economic indicator	1960	1961	1962	1963
Population (thousands).....	216.2	221.1	227.3	234.4
Employment (thousands).....	79.0	81.0	85.6	91.0
Effective buying income (thousands).....	\$383,266	\$420,599	\$447,854	\$468,119
Retail sales (thousands).....	\$238,783	\$242,806	\$269,356	\$285,629
Bank deposits (thousands).....	\$240,924.3	-----	\$306,255.3	-----
Employment per 1,000 population.....	365	366	377	388
Per capita effective buying income.....	\$1,773	\$1,902	\$1,970	\$1,997

Economic indicator	1964	1965	1966	Percent increase 1966/1960	
				Austin	United States
Population (thousands).....	239.5	244.9	258.2	19.4	8.7
Employment (thousands).....	96.3	99.2	107.2	35.7	10.8
Effective buying income.....	\$500,386	\$547,461	\$577,729	50.7	40.1
Retail sales (thousands).....	\$290,540	\$315,944	\$344,161	44.1	37.2
Bank deposits (thousands).....	\$354,760.9	-----	\$430,758	78.9	56.4
Employment per 1,000 population.....	402	405	415	13.7	1.9
Per capita effective buying income.....	\$2,089	\$2,235	\$2,238	26.2	28.8

Source: "Sales Management," "Survey of Buying Power," May 1961, June 1962-1966, July 1967; Department of Commerce, "County Business Patterns," 1st quarter, 1962, 1964, 1965, and 1966; Bureau of the Census, "Statistical Abstract of the United States," 1967; Federal Reserve Board, "Distribution of Bank Deposits by Counties and Standard Metropolitan Areas," December 1960, 1962, and February 1965; Texas Employment Commission.

AUSTIN CITY TABLE 2.—SOME LARGE AUSTIN EMPLOYERS

Firm/organization	Products/function	Employment	
		1967	Percent increase, 1967/1962
Bergstrom Air Force Base.....	12th Air Force Headquarters.....	7,000	100
Economy furniture/Serta mattress.....	Furniture/mattresses.....	500	40
Glastron Boat Co.....	Fiberglass boats.....	550	50
IBM.....	Office machines.....	1,700	-----
Jefferson Chemical Co.....	Petrochemical research.....	250	25
Steck Co.....	Printing.....	650	40
Texas Nuclear Corp.....	Nuclear research; instrument manufacturing..	250	200
Tracor, Inc.....	Electronic manufacturing; contract R. & D.....	1,500	1,000
University of Texas.....	Higher education:		
	Faculty, staff.....	9,300	25
	Students.....	29,841	25

¹ New Plant.

Source: Austin Chamber of Commerce.

[Austin City Table 3]

Austin's mail and telephone volume to the West

MAIL

Weekly
volume
(pounds)

Origin/destination:

California	1,531
Arizona	30
El Paso.....	72

Subtotal	1,633
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Total out-of-State.....	11,505
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Above destinations as percent of total.....	14.19
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TELEPHONE CALLS ¹

California	14,617
Arizona	1,852

Subtotal	16,469
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Total out-of-state.....	94,000
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Above destinations as percent of total.....	17.52
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¹ 5-day week.

Source: U.S. Post Office, Austin, Tex., November 1967; Southwestern Bell Telephone Co., December 1966.

[Austin City Table 4]

AUSTIN'S COMMUNITY OF INTEREST WITH THE WEST

AUSTIN FIRM/ORGANIZATION	INTEREST WITH THE WEST
American Polystyrene Corp.	1 Berkley plant
Chatleff Controls	California sales office
Glastron Boat Co.	California sales offices
Infotronics Corp.	San Mateo sales office
IBM, Office Products Division	Plants at San Jose and Campbell, Calif. Extensive Calif.-Ariz. sales and service offices
Jefferson Chemical Company	Stock point at Los Angeles
Minnesota Mining & Manufacturing	Sales offices at San Marino & Palo Alto
Tracor, Inc.	4 California plants; 3 California branch sales offices
Texas Instruments	Research, manufacturing and sales facilities in Los Angeles, La Habra, San Diego and Sherman Oaks
Texas Nuclear Corp.	8 California sales offices; 1 Phoenix sales office
University of Texas, Balcones Research Center:	Los Angeles sales and service office
Military Physics Research Div., Defense Research Laboratory	San Francisco sales and service office
Defense Research Laboratory	Coordination of technical and scientific programs with industry representatives in Los Angeles, San Diego, Culver City and Port Hueneme, California
Drug-Plastic & Toxicology	
Electrical Engineering Research	
Engineering Mechanics Research	
Structural Mechanics	
Civil Engineering Structures	
Environmental Health Engineering	
Experimental Aerodynamics Div., Defense Research Laboratory	
University of Texas	Out-of-state students, 200 from California and Arizona, 100 from Hawaii and the Far East and approximately 400 students from the El Paso area
Widelite Corp.	California sales offices
Source: Austin Chamber of Commerce.	

AUSTIN CITY TABLE 5.—SINCE 1963 AUSTIN'S RATE OF ECONOMIC GROWTH HAS ACCELERATED

Economic indicator	Percent increase	
	1963/1960	1966/1963
Population.....	8.4	10.2
Employment.....	19.3	21.5
Employment per 1,000 population.....	13.7	26.1
Effective buying income.....	22.1	23.4
Per capita effective buying income.....	12.6	12.1
Retail sales.....	19.6	20.5
Bank deposits.....	27.1	21.4

1 1964/1962.

2 1966/1964.

3 1962/1960.

Source: Austin City Table 1.

AUSTIN CITY TABLE 6.—SINCE 1963 POPULATION GROWTH IN AUSTIN'S SERVICE AREA HAS EXCEEDED THE STATE AVERAGE

County	Population			Percent increase	
	1960	1963	1966	1963/1960	1966/1963
Bastrop.....	16,700	16,000	17,200	(4.2)	7.5
Blanco.....	3,600	3,500	3,600	(2.8)	2.9
Burnet.....	9,200	8,800	9,600	(4.3)	9.1
Caldwell.....	17,000	16,300	16,400	(4.1)	.6
Hays.....	20,100	20,400	21,600	1.5	5.9
Lee.....	8,900	8,400	8,700	(5.6)	3.6
Travis.....	216,200	234,400	258,200	8.4	10.2
Williamson.....	34,800	35,600	35,700	2.3	.3
Service area.....	326,500	343,400	371,000	5.2	8.0
State of Texas.....	9,706,600	10,342,700	10,895,700	6.6	5.3

Source: "Sales Management," "Survey of Buying Power," May 1961, June 1964, and June 1967.

Note: Figures in parentheses indicates decrease.

AUSTIN CITY TABLE 7.—SINCE 1963 EFFECTIVE BUYING INCOME IN AUSTIN'S SERVICE AREA HAS INCREASED BY MORE THAN 20 PERCENT

County	Effective buying income			Percent increase	
	1960	1963	1966	1963/1960	1966/1963
Bastrop.....	\$19,165,000	\$19,149,000	\$19,910,000	(0.1)	4.0
Blanco.....	4,729,000	6,391,000	6,265,000	35.1	(2.0)
Burnet.....	12,492,000	12,479,000	13,350,000	(.1)	7.0
Caldwell.....	21,451,000	20,371,000	20,352,000	(5.0)	(.1)
Hays.....	26,765,000	30,712,000	33,061,000	14.7	7.6
Lee.....	9,437,000	9,223,000	11,533,000	(2.3)	25.0
Travis.....	383,266,000	468,119,000	577,729,000	22.1	23.4
Williamson.....	44,853,000	46,114,000	58,085,000	2.8	26.0
Service area.....	522,158,000	612,558,000	740,285,000	17.3	20.9

Source: "Sales Management," "Survey of Buying Power," May 1961, June 1964, and June 1967.

Note: Figures in parentheses indicates decrease.

RESOLUTION

Resolution Requesting Designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas, (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct trans-continental route from the Gulf States to the West Coast, and

Whereas, Such new route would directly connect two of Texas' largest cities, Houston and El Paso, with their state capital, Austin, via a full interstate-quality highway, and

Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs;

Now, therefore, This body does hereby resolve and request the Federal Highway Administrator and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 23rd day of May, A.D. 1968.

Adopted: May 23, 1968.

Attest:

ELSIE WOOSLEY, *City Clerk.*

RESOLUTION

Whereas, The original Interstate Highway Program has proved of great value to the nation's transportation needs, to the national defense, and to the national and local economy, and

Whereas, That program is now nearing completion, and

Whereas, The Austin Chamber of Commerce recognizes the need for a continued Interstate Highway Program thereafter, and

Whereas, The American Association of State Highway Officials, after extensive study prepared and presented a recommended plan for such a continued program to the Committee on Public Works, House of Representatives, Ninetieth Congress, on June 7, 1967, and

Whereas, The recommended plan reflects the knowledge and ability of our dedicated highway administrators and is designed to effectively service the public need and benefit: Now, therefore be it

Resolved, That the Austin Chamber of Commerce respectfully urges the Congress to enact into legislation the highway program as recommended by the American Association of State Highway Officials, in order to provide the necessary guidelines for future highway planning, construction and maintenance, and for the supplementation of the national system of interstate and defense highways beyond the currently authorized program to meet the needs of the nation, these expenditures to be made at such a time as to not in any way place in jeopardy the fiscal stability of the nation; be it further

Resolved, That copies of this resolution be submitted to the President of the United States, to Senators Yarborough and Tower; to our congressman, J. J. Pickle; to the Secretary of the Department of Transportation, Alan S. Boyd; to the Federal Highway Administrator, Lowell K. Bridwell; and to the Texas Highway Commission, Hal Woodward, Chairman.

Unanimously adopted by the Board of Directors of the Austin Chamber of Commerce, the 2nd day of May, 1968.

Attest:

LEON STONE, *President.*
VIC MATHIAS, *Manager.*

RESOLUTION

Resolution Requesting Designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway Program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas, (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct trans-continental route from the Gulf States to the West Coast, and

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Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs,

Now, therefore, This body does hereby resolve and request the Federal Highway Administration and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 21st day of May, A.D. 1968.

Attest:

HUB BECHTOL,
President, Austin Board of Realtors.
J. H. WINDSOR,
Ex-Vice President.

RESOLUTION

Resolution Requesting Designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway Program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas, (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct transcontinental route from the Gulf States to the West Coast, and

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Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs.

Now, therefore, This body does hereby resolve and request the Federal Highway Administrator and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 23rd day of May, A.D. 1968.

Attest:

JAMES P. SHARP,
President, Bastrop Chamber of Commerce.
MARGARET PFEIFER,
Secretary-Manager.

RESOLUTION

Resolution Requesting Designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway Program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas, (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct transcontinental route from the Gulf States to the West Coast, and

Whereas, Such new route would directly connect two of Texas' largest cities, Houston and El Paso, with their state capital, Austin, via a full interstate-quality highway, and

Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs,

Now, therefore, This body does hereby resolve and request the Federal Highway Administrator and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 21 day of May, A.D. 1968.

SIDNEY M. HOOKE,
Mayor, City of Fredericksburg, Tex.

RESOLUTION

Resolution Requesting Designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway Program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas, (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct transcontinental route from the Gulf States to the West Coast, and

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Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs,

Now, therefore, This body does hereby resolve and request the Federal Highway Administrator and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 15 day of May, A.D. 1968.

COMMISSIONERS' COURT, KIMBLE COUNTY, TEX.

WALTER W. LEAMANS,

County Judge, Kimble County, Tex.

MAXINE W. BOONE,

County Clerk, Kimble County, Tex.

Attest:

RESOLUTION

Resolution Requesting Designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway Program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct transcontinental route from the Gulf States to the West Coast, and

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Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs,

Now, therefore, This body does hereby resolve and request the Federal Highway Administrator and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 22 day of May, A.D. 1968.

CITY COUNCIL, LA GRANGE, TEX.

MILTON M. MUIDER,

Mayor, City of La Grange.

ELVIRA SAXON, *Secretary.*

Attest:

CITY OF LA GRANGE,
La Grange, Tex., May 23, 1968.

AUSTIN CHAMBER OF COMMERCE,
Austin, Tex.

GENTLEMEN: Enclosed is a resolution passed by the city council in special session held in council chamber, May 22, 1968.

Yours very truly,

(Mrs.) ELVIRA SAXON, *City Secretary*.

RESOLUTION

RESOLUTION of the Smithville Chamber of Commerce urging prompt action by the Congress of the United States to provide for the continuation of planning and construction of a federal interstate system of highways beyond 1972

Whereas, the existing Interstate Highway Program was originally scheduled for completion in 1972; and

Whereas, the need exists for a continuing highway program beyond that program; and

Whereas, the planning and development of a supplemental program will require several years for implementation; and

Whereas, the American Association of State Highway Officials, following an extensive study, devised a recommended plan for a highway program after 1972; and

Whereas, the American Association of State Highway Officials presented this recommendation to the Congress at a hearing before the Committee on Public Works, House of Representatives, Ninetieth Congress, on June 7, 1967; and

Whereas, the Smithville Chamber of Commerce respects the knowledge and ability of our dedicated highway administrators and commissioners; and

Whereas, the Smithville Chamber of Commerce recognizes the value of a good highway system and is aware of the need for action regarding the continuation of a well planned and promptly-executed highway program: Now, therefore, be it

Resolved, That the Smithville Chamber of Commerce respectfully urges the Congress to enact into legislation the recommended highway program of the American Association of State Highway Officials as presented to the Congress at a hearing before the Committee on Public Works, House of Representatives, Ninetieth Congress, June 7, 1967, in order to provide the necessary guidelines for future highway planning, construction and maintenance and for the supplementation of the national system of interstate and defense highways beyond the currently authorized program to meet the needs of the nation; and, be it further

Resolved, That copies of this resolution be submitted to the President of the United States, to our Congressman, J. J. Pickle, Washington, D.C.; to the Secretary of the Department of Transportation, Alan S. Boyd, Washington, D.C.; the Federal Highway Administrator, Lowell K. Bridwell, Washington, D.C.; and to the Texas Highway Commission, Hal Woodward, Chairman, Austin, Texas.

Adopted unanimously by the Board of Directors of the Smithville Chamber of Commerce in Smithville, Texas, the 21st day of February, 1968, A.D.

JOHN J. SHIPROCKY, *President*.
FRANCES E. DEEVERS, *Secretary*.

RESOLUTION

RESOLUTION Requesting designation of Interstate 10 North Route

Whereas, It is anticipated that the present Federal Interstate Highway Program will be extended or renewed at some future date, and

Whereas, Inclusion of a new alternate Interstate Highway route from Columbus, Texas, to Austin, Texas (generally following present State Highway 71), and from Austin, Texas, to Junction, Texas, (generally following present U.S. Highway 290) is urgently needed to best serve the public interest, and

Whereas, Such new route would provide a shorter, more direct transcontinental route from the Gulf States to the West Coast, and

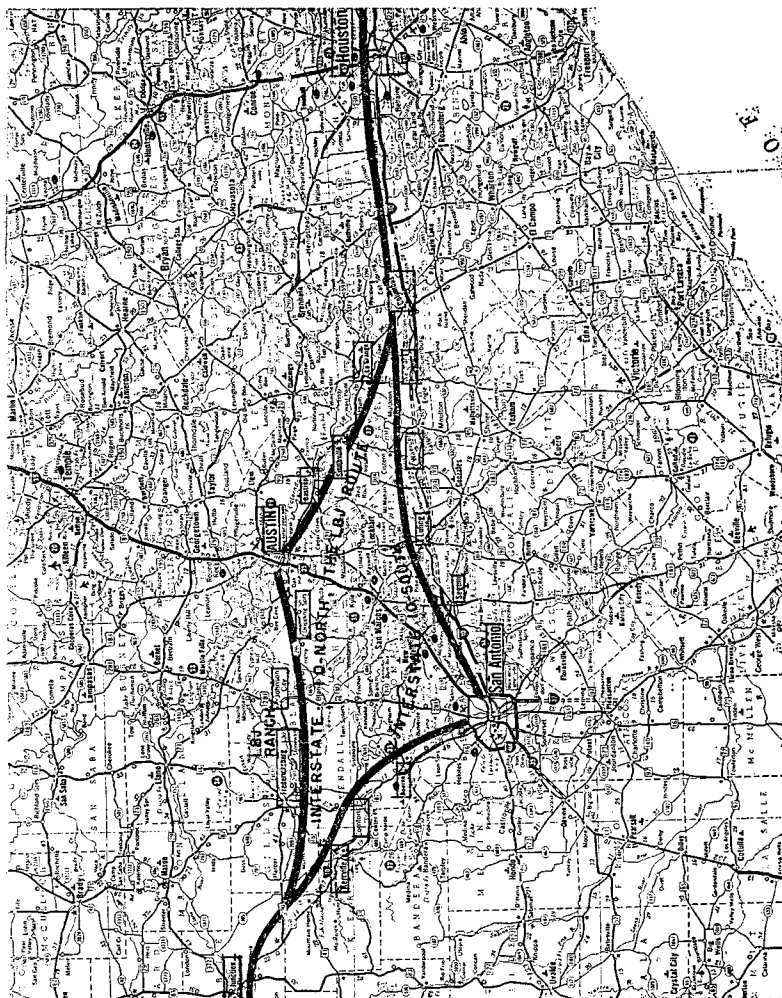
Whereas, Such new route would directly connect two of Texas' largest cities, Houston and El Paso, with their state capital, Austin, via a full interstate-quality highway, and

Whereas, Such new route would provide faster ground linkage of Bergstrom Air Force Base and 12th Air Force Headquarters with N.A.S.A., Houston, Fort Bliss, and other military installations, and would therefore better serve the national security, and

Whereas, Such route would therefore serve important business, tourist, and military needs,

Now, therefore, This body does hereby resolve and request the Federal Highway Administrator and other empowered officials to authorize an *Interstate 10* North designation for the within described route, and to include its construction in any future Federal Interstate Highway Program for which funds may be appropriated by the Congress.

Unanimously adopted this 22 day of May, A.D. 1968.



SMITHVILLE CHAMBER OF COMMERCE.

Mr. PICKLE. I do appreciate the opportunity to appear before your committee.

What I wish to submit to the committee this morning is a proposal for an alternative route of the Interstate 10 road that will go through Austin, Tex.

You will notice in the map over here it runs currently now from Houston to San Antonio and out to El Paso.

The route I am proposing which would constitute some 200 miles or a little less would go from Houston to Austin and then on out to a point near a junction of the western part of the State.

The division point would be where the red and the black lines meet. That is at the point called Columbus, Tex.

The route proposed, shown in red, the alternate route, would be in effect about 20 to 25 miles less than the present route which is the present Interstate 10 system.

The road would run from a line roughly from Columbus through the towns of La Grange, Smithville, Austin, Dripping Spring, Johnson City, and tie in back to a place called Junction. This would be a spur or a loop.

What I would like to submit to the committee now is some information about Austin and why we think this should be seriously considered by the committee.

The adequate road service of yesterday is simply not good enough for today and the surge of the economic growth of the area demands new service.

Each of you will find in the little kit I have distributed a copy of my statement analyzing seven of the economic indicators which are often used to measure a city's economic growth.

I think you will look at them and see that they demonstrate dramatic progress.

The significant economic indicator of effective buying income in central Texas has increased more than 50 percent in the period from 1952 to 1966, while in the United States generally the increase was only 16 percent.

The University of Texas continues to grow. The university itself has had a 25-percent increase in both its enrollment and employment in the last 5 years and the combined total now reaches over 39,000.

The university registrar estimates that our enrollment at the college itself is 29,841 and will grow to some 35,000 in 1975.

The State government is based in Austin. It continues to grow and expand. Already it has a building complex covering a large area and there is a very definite need to connect Houston and El Paso with the seat of government which is in Austin.

It is only natural that the traffic would flow from Houston to Austin and thence to El Paso.

We have a great deal of increase in commercial enterprises and you will see listed many prominent firms that are now locating in Austin with large enrollment.

There is a great deal of Federal activity there in the city of Austin. You have the Internal Revenue Service center for the Southwest, the regional office of the OEO, the Economic Development Administration, and now the Veterans' Administration has an automatic data processing center.

Bergstrom Air Force Base is growing and it has a total complement now of almost 7,000.

Now the Interstate System which was set up in the early 1950's was a logical approach by routing it from Houston to San Antonio and out to El Paso. But, since that time the population in Austin has increased nearly 20 percent. This is an indication that the area is growing, the city is growing, and the surrounding areas are growing.

Now almost every town affected by this proposal has met to consider the impact of an improved Interstate Highway No. 10. They met about 2 or 3 weeks ago again and formed an official body.

Attached to my testimony—and I do not know whether it is in yours, but there is a statement showing a resolution by each of the counties and/or cities by which this alternate or spur would pass. There is complete agreement and a great deal of enthusiasm for this particular loop.

Now let me mention one other point. The Texas Highway Department—and I make reference now to Tom Wood, the district engineer for the State highway department—told me that a survey is already underway now to make a total and an accurate estimate of the traffic through this particular area.

The State of Texas is planning to build a four-lane road now from this point of Columbus, Tex, to Austin. That is at the point again where you see the two black and red lines converging, this point here.

They are going to build a four-lane road into here, into Austin, simply because the volume of traffic now is so heavy from Houston into Austin that this is where the traffic is flowing and they planned to build in a four-lane system. It will not be fully up to interstate standards but they are planning it with the view in mind that it could be converted or made into an interstate system which would mean then that the participation of the Federal Government in cost would almost be halved at some point later. But we are trying to provide for this eventuality.

It would not detract from the traffic from Houston to San Antonio and El Paso. It is already so heavy that there is great congestion. You are going from an area of Houston which is 1.5 million into a city of San Antonio of 1 million, and the difficulty is considerable getting in and around at times particularly with the increased volume of traffic.

We need an alternate route just like, Mr. Chairman, we already have in Texas. You have this Highway 35 coming up, going into Dallas and Fort Worth. We have an alternate route and this is a proposal for an alternate route that would be a complement to this system.

There is a very definite need for it and I wish each member would look at the economic factors in my testimony now or later and see how very sharp the increase of growth is for Austin and the central Texas area.

Now, Mr. Chairman, I will be glad to answer any questions or respond in any way I might if the members of the committee have any questions.

I appreciate this chance to appear before your committee.

Mr. KLUCZYNSKI. Mr. Pickle, how much additional mileage are you asking for?

Mr. PICKLE. It will be a little less than 200 miles.

Mr. KLUCZYNSKI. About 200 miles?

Mr. PICKLE. Yes.

Mr. KLUCZYNSKI. We thank you for your statement, Mr. Pickle.

The Chair recognizes the gentleman from Texas, Mr. Wright.

Mr. WRIGHT. I would like to say, Mr. Chairman, that our distinguished colleague from Texas, Mr. Pickle, has always dealt with this case adequately and well. He has done his homework. I am certain it will attest to the need for this additional mileage to serve this great and growing center of Austin and to facilitate the flow of traffic on this great east-west thoroughfare from El Paso to Houston, two of the fastest growing cities in the entire Southwest.

I want to compliment the gentleman on his splendid presentation today.

Mr. PICKLE. I thank my colleague very much.

Mr. KLUCZYNSKI. Mr. Pickle, is it possible for the committee to have that chart?

Mr. PICKLE. Yes, Mr. Chairman, I will leave the chart for the committee.

Mr. KLUCZYNSKI. Without objection, the chart will be made a part of the files.

I recognize the gentleman from Florida, Mr. Cramer.

Mr. CRAMER. Mr. Pickle, I appreciate your testimony and your interest obviously in this connecting link.

Just as an additional matter, do I understand that the Texas Highway Department has submitted a letter signed by J. C. Dingwall, State highway engineer, on May 16 of this year, in which he indicated, and I quote, in answer to the chairman's request for information concerning additional mileage, he says:

I have polled my commission and our collective judgment is that the minimum additional needs for the Interstate System in Texas is approximately 1,500 miles at this time.

How much mileage is involved in this?

Mr. PICKLE. 200 miles or a little less than 200.

Mr. CRAMER. You know if that was included in the submission by Mr. Dingwall?

Mr. PICKLE. No, sir, I do not, Mr. Cramer. Mr. Dingwall is here and he will testify today.

Mr. CRAMER. I will ask him, then.

Mr. PICKLE. I did not know it is included because I have not received an official vote by the State highway commission for his particular project concerned.

I have reached a complete agreement with all of the counties through which it might pass.

Mr. CRAMER. Thank you very much.

Mr. KLUCZYNSKI. Any other comments or questions?

Mr. DORN, the gentleman from South Carolina.

Mr. DORN. Mr. Pickle, of course we welcome you to the subcommittee and are pleased with this thorough statement that you have gone into. There is no objection on the part of the people around San Antonio on this into Austin, is it?

Mr. PICKLE. I have had no objection to San Antonio. Mr. Dingwall may have some expression on that.

Naturally, some of the towns that would be in the present existing route wondered if this would cut into their traffic and this would be a legitimate question that could be raised.

The increased flow of traffic is such that we need to create another alternate route to eliminate the bottlenecks, so there has been no real objection in any quarters that I know of.

Mr. DORN. What is the approximate population of Austin, about a half million?

Mr. PICKLE. No; Austin now is about 258,000. It is shown on one of our charts I have in the folder.

Mr. DORN. This route does go how close to Johnson City?

Mr. PICKLE. It goes directly from Austin to Johnson City to Fredericksburg and just beyond that it ties in with the present route.

Mr. DORN. Thank you.

Mr. PICKLE. It serves an area of around 800,000 to 1 million people, this particular alternate route.

Mr. KLUCZYNSKI. The gentleman from California, Mr. Don H. Clausen.

Mr. CLAUSEN. Thank you, Mr. Chairman.

As usual, the gentleman from Texas makes a very effective presentation when he appears before any committee of the Congress.

Now, Mr. Pickle, I am assuming that when the routing was originally selected to go from Houston down to San Antonio and westerly out toward El Paso, one of the fine reasons for this was it was considered to be a necessary link because of the defense establishment in and around San Antonio.

If I read your testimony properly I read it to the effect that you feel this would be a very significant alternate route and sincerely believe it to be in the defense interest of the country to have an alternate route through that area. Do I read you correctly?

Mr. PICKLE. Yes. I think defense was a factor in the question of establishing the original Interstate route, plus population, because it is only logical that 15 years ago we connect Houston to San Antonio and El Paso which were the biggest cities in the whole Southwest area. Austin has grown so fast and the military establishment has increased and together with a great deal of research at the University of Texas, both on and off campus justifies this.

Mr. CLAUSEN. You actually combine this with the recommendation to relieve congestion that has been caused by the traffic going in and out of San Antonio?

Mr. PICKLE. Yes.

Mr. CLAUSEN. Well, I think that you make an excellent point when you consider the fact that you have the university and the research going on there.

Thank you very much.

Mr. PICKLE. And also my State capital.

Mr. KLUCZYNSKI. The gentleman from Ohio, Mr. Harsha.

Mr. HARSHA. Mr. Pickle, have you discussed this proposal of yours with the Texas State Highway Department?

Mr. PICKLE. I quoted Mr. Woods, the State highway engineer because he was one who told me that the commission had authorized him to make this study and to start the plan out for a four-lane system from Columbus into Austin.

I have not asked the State highway commission for an official vote of endorsement for the problem.

Mr. HARSHA. Well, without reflecting upon the merits of your proposal in any way, I am a little bit concerned about the Committee getting into the position of ordering specific extensions of specific highways.

I think the committee probably can extend the total mileage on the Interstate System and then apportion it to have the Department of Transportation report under their formula to the State, but I think it is better for the States to determine where that additional apportionment should go.

Mr. PICKLE. Well, Mr. Harsha, I will obtain a statement from the highway officials for this committee as to their recommendation or their priority.

Now, it is a matter they have discussed for some time and whether they have ever taken an official vote on it I do not know. They know there is the need, but whether they will put it at the top of their list I am not certain.

I will get a written statement from the commission for you and the committee.

Mr. HARSHA. Well, to my knowledge with one exception the Committee has been in the position of where it has specifically authorized an extension of a certain route. I think this is left up to the States to do that apportionment or location of highways.

If we get into that field you can see where we are going to have 435 Members asking to extend their specific routes. We are going to get into a can of worms.

Mr. PICKLE. I certainly agree and the State highway engineer will testify to this point in a few minutes.

Mr. HARSHA. Thank you.

I have no further questions.

Mr. KLUCZYNSKI. Any further questions?

Mr. Edmondson, the gentleman from Oklahoma.

Mr. EDMONDSON. I want to compliment the gentleman on a very fine statement. I have not had an opportunity to read all of it but I know he always makes a very persuasive case.

There is just one part I want to take issue on with him in a gentlemanly and friendly way. I cannot understand why anybody would want to drive across Florida to California and really see the beautiful country would go that far south when he had Interstate 40 that would take him right across the heartland of America, across Oklahoma and not have to eat quite as much dust as they would in that part of the country.

Mr. PICKLE. The gentleman makes a good point. If he had been here a little earlier, I made reference to the fact that our Interstate 35 System has a loop going from Dallas, to Denver, towards Oklahoma, only a few miles away from your promised land.

Mr. KLUCZYNSKI. Mr. Pickle, it has been a pleasure to have you before the committee. We thank you for the statement you have given the committee and I am sure every member of it will go over your full statement.

Mr. PICKLE. I thank you, Mr. Chairman, and all the members.

Mr. KLUCZYNSKI. I notice we have another gentleman from Texas who was supposed to be our first witness today, the chairman of the Appropriations Committee. We all know how busy the chairman is and I am sure when we ask for legislation for additional miles, the subcommittee and the full committee will get this first and then we have another hurdle and that will be the Appropriations Committee.

Mr. chairman, in my opening remarks I said last year when hearings were held and debate was heard on the floor of the House on legislation reported by the committee, you remember that this was the additional 200 miles that we had passed the latter part of the last session, I advised the membership at that time that I would give full consideration to any and all requests for an increase in the interstate mileage. Now, this is one of the purposes of these hearings today in particular, and at this time when we have our colleagues here who wish to testify on the matter. We will of course hear from all who wish to testify at any time and on all points.

At this time we will hear from my good friend and great American, the chairman of the Committee on Appropriations, the Honorable George H. Mahon of Texas.

Mr. Mahon, the witness chair is yours and you may testify as you wish.

STATEMENT OF HON. GEORGE H. MAHON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. MAHON. Thank you very much, Mr. Chairman.

Mr. KLUCZYNSKI. We are glad to have you with us. We need you.

Mr. MAHON. Thank you very much for this glowing introduction.

I am pleased to have this opportunity to appear before the committee and I want to thank you, Mr. Chairman, for the aggressive position which you have taken with respect to the road system of our country.

I realize that all of the requests presented to you cannot be met. Legislation is a matter of compromise and we can only take one step at a time.

Now, I think we must extend the Interstate System. There are those who think we should not. But there are certain areas that have been omitted from the system.

Perhaps the decisions made in the past were then fully justified, but we come to the time when at least a minimum number of additional metropolitan areas just must be added to the Interstate System.

There is a certain imagery involved in the term "interstate." Even cities and metropolitan areas with good road systems, if not designated on the highway map and otherwise recognized as being on the interstate, are at some disadvantage with areas that are on the interstate.

I do not speak of certain cities, certain metropolitan areas which the interstate has bypassed by a relatively few miles. It is understandable that the interstate cannot pass directly through each city. But my hometown of Lubbock, Tex., is the best illustration I can give of areas to which I refer. Lubbock ranks very near the top of the list of the metropolitan areas that are not included in the interstate. It is more than 100 miles from an interstate in any direction.

I just feel that Congress needs to provide at least a minimum extension of the Interstate System to take care of the most pressing cases that exist today.

Let's go as far as we think we can under the circumstances. I come here with a special plea and with a very vital personal interest in my own area. I am sure all members will fully understand as you have problems of somewhat similar nature in legislative matters.

From my hometown of Lubbock, Mr. Arch Lamb will appear who represents the National Association of Counties and also representing our area. Also, Mr. J. C. Dingwall, the highway engineer of the State of Texas, will appear.

I do not want to take the time of the committee beyond saying what I have already said. I hope that you will find a way to extend the Interstate System sufficiently to meet the most pressing cases that are before you.

Thank you, Mr. Chairman.

Mr. KLUCZYNSKI. Thank you, Mr. Chairman, and if there is any additional testimony you are always welcome to put it in.

Mr. MAHON. Thank you very much.

Mr. KLUCZYNSKI. The Chair recognizes the gentleman from Texas, Mr. Wright.

Mr. WRIGHT. Thank you, Mr. Chairman, I want to compliment my distinguished colleague, the chairman of the Appropriations Committee on his testimony. I do know something about Lubbock and its needs and its roads. Certainly it should be connected with the Interstate System.

Lubbock is one of those towns that falls into the category of those that we initially set out to link together in the Interstate System.

I think the rule of thumb was that we were going to try to link together in one connection all the cities of 100,000 or more population. Lubbock certainly has grown to the point where it amply qualifies to be counted in that role and I want to second the suggestion made by my distinguished colleague.

Mr. MAHON. Thank you.

Mr. KLUCZYNSKI. Mr. Cramer?

Mr. CRAMER. I yield to Mr. Cleveland.

Mr. CLEVELAND. I have a question for the gentleman from Texas.

There has been some concern expressed before this committee by members of the committee over the request made by you and Mr. Pickle to extend the interstate, but at the present time, at least some members of the committee are concerned about holding on to what we have got.

I would like to ask you because of your special position as Chairman of the Appropriations Committee if you have any knowledge as to whether or not included in the proposed \$6 billion expenditure cut will be the highway trust fund.

Now, the committee has taken the position that these trust funds should not be cut by administrative action.

We feel that these funds are in a trust fund much as the social security funds are, but it is my understanding that the conferees are going to bring back to the floor the House language, although it will specifically exempt social security trust funds, it is not going to exempt the highway trust fund.

This raises a question and we would appreciate very much if you can shed some light on it, whether you have any knowledge as to whether any highway trust funds are going to be used to make up this \$6 billion expenditure cut that the President is now admitted or acknowledged that he will go along with.

Mr. MAHON. Well, let me first make reference to a collateral matter and come squarely to grips with the question which you have raised, Mr. Cleveland.

As I see it, in extending the Interstate System it is important that we act as soon as we reasonably can in including the extension. It is not vital that the actual construction proceed immediately for these additional mileages.

When designation is made, map makers begin to so indicate on the maps. The maps show that the Interstate will be there sometime in the future. It is true that there are a lot of things we cannot do toward additional interstate at this time.

Now, with respect to your question I do not know where the \$6 billion reduction in expenditure is going to be taken. I think it has to come from many places. I think this cut is going to be very difficult to achieve.

I think Congress itself ought to make the determination of where the cuts will be made and Congress will, up to a certain point. We already have cut this year appropriations by \$5 billion below the President's budget.

We will go to \$6 or \$7 or maybe \$10 billion below the President's budget in reductions in appropriation. We hope we will make cuts to the extent which will reflect savings of not less than \$4 billion in expenditures for the forthcoming fiscal year.

Then it is going to be necessary to decide how the additional cuts will be made. Under the present proposed legislation the additional cuts, if not made by Congress, would have to be made by the Executive.

Mr. CLEVELAND. The other thing I think that confuses some members of the committee is, is it truly a cut, is it truly an expenditure reduction if we are taking money that is coming into a trust fund and just slowing down that expenditure. I mean is it really a budget cut?

Mr. MAHON. If this is done it will be reducing expenditures for the fiscal year 1969. That is the objective. It is not necessarily a savings. It may be a loss from the standpoint of actual savings because the cost may be greater later on.

Those who argue for tax action based on inflation and the economy take the position that by spending less during a particular period, the inflationary pressures will be less and even though the cost may be greater in the long run, the Nation's interest is served.

Now, I just believe we ought to pay our own way insofar as we reasonably can. If we do not want to pay for a program, we ought to be willing to suspend the program. Of course I assume a dollar unexpended in a highway trust fund is no different from the standpoint of the impact on the economy from a dollar not expended in other programs which are funded directly and not through the trust funds.

Mr. CLEVELAND. There is a difference, Mr. Chairman, because if that dollar in the highway trust fund is unexpended this year, it cannot be expended for anything but highways in later years.

Mr. MAHON. That is right.

Mr. CLEVELAND. A dollar that is unexpended for foreign aid this year or unexpended for one of the other programs this year, unlike the trust fund situation, that dollar is saved to the budget, saved to the taxpayers.

Mr. MAHON. Unless it is a deferral.

Mr. CLEVELAND. Well, I appreciate your candor and thank you very much.

Mr. KLUCZYNSKI. The gentleman from Florida, Mr. Cramer.

Mr. CRAMER. I have a couple of questions I wanted to asked the gentleman and I did want to yield to the gentleman from New Hampshire.

On this question of money, of course the money that is deferred and not spent out of the trust fund is going to be spent sometime later on in all probability, is it not, if the so-called inflationary pressures should ease up?

Now, the fact of the matter is we have practically in existence the \$600 million cut in the expenditures in the highway trust fund by Presidential order.

I contemplate that when we have done our work that the President may contact the Congress and outline a program which the legislative branch and the executive branch might jointly undertake in order to achieve the \$6 billion reduction.

As we all know the President has taken the position that the \$6 billion cut is too deep.

To some extent we followed a similar course last year in House Joint Resolution 888.

Now, coming more specifically to the question. If you are going to cut \$6 billion in expenditures, you have to make some cuts in highway expenditures, in my opinion, and I think some cuts will be made there. Nobody has told me that, but I do not think you need a crystal ball to figure out that if we have a \$6 billion cut in spending, some of that cut is going to be in the highways and that would be most regrettable. But I think that is the way we are moving.

Mr. CLEVELAND. I appreciate the candor of the gentleman from Texas and I still am at a loss and I think some members of this committee are at a loss as to how the Executive can cut these highway expenditures when the money is in a trust fund. I have never heard it even contemplated that social security trust funds would be cut back and I just cannot get it through my head how they can turn these highway trust funds on and off like a faucet.

Mr. MAHON. Those who administer a program of this type can slow down expenditures. This can be done through the apportionment process, authority for which is contained in the Antideficiency Act. The road program could be slowed down more conveniently than could a social security program in which case payments must be made to individuals by formula under the law. There is a little difference in the matter but I agree this is a very serious problem.

In addition to that, as of May 18, as I am sure the distinguished chairman knows full well, because he helped to try to solve the problem in the House, at least, of \$400 million short as of May 18, so that as of that date there is no more Federal-aid money available for highway expenditures until July 1 of next year, unless there is a supplemental appropriation passed.

That means, in effect, a \$1 billion cut already. Now, is it contemplated that you will be \$1 billion above that, meaning \$2 billion out of the trust fund? We are only spending \$4.2 billion out of the trust fund.

Mr. MAHON. If I may respond, we passed a supplemental appropriation measure through the House as you gentlemen know.

I had an understanding, I thought, with the Senate appropriations committee that it would act on it promptly. But, the other body, in its fervor and zeal for more social expenditures and summer programs, and so forth, has not been able to come to an agreement on bringing this bill up unencumbered by other programs. The problem is not with the Appropriations Committee of the Senate but with individual Members of that body.

The leadership in the Senate has been unable to bring this matter to a vote. I assume it will come up soon and I assume that there is no doubt that the additional funds will be approved.

Mr. CRAMER. I have been advised for instance that the State of Pennsylvania as of last week is out of money. They cannot borrow any money. They have put all of the State matching money they have available into the system and loaned it to the Federal Government, in effect, to try to get over the hump and their programs are stopped.

There are a number of other States that are in or getting in exactly that same situation. Of course I am sure you realize a stop and a go in a highway program results in extreme high costs when we get started again.

Mr. MAHON. That is the reason we passed through the House the supplemental.

Mr. CRAMER. I appreciate the chairman's quick action to get the Senate to act on the \$400 million passed.

Mr. MAHON. I would like to say to the chairman, Mr. Kluczynski, that he had a major part in helping pave the way for early action by the House in this matter. He has pressed for action and was very helpful. So was George Fallon, the chairman of your full committee.

Mr. CRAMER. Have you had any recent indication as to what the Senate might do?

Mr. MAHON. We had a conference yesterday with the Senate on the urgent supplemental which has been lingering near the point of death for many weeks and the other body wants to add to that more money for Headstart, more money for job programs, and so forth.

The House conferees have refused to yield to the Senate's demands because they are over the budget. We are providing 40 percent more summer jobs this year than we did last year and the House conferees have refused thus far to go above the President's budget. This is the thing that is holding us up in this conference and this conference on the urgent supplemental is having its impact on the highway supplemental.

Mr. CRAMER. It doesn't make any sense to me to put people out of work by withholding money and then paying that money out on a summer job program.

I would like to leave this thought with you. On the highway trust fund I was one in 1956 who introduced the bill and have worked on it and have since. It was my very clear intention that the highway

trust fund should be inviolate from cutbacks for use of that fund for other purposes than Federal highway construction, and I thought we had written into the law pretty clearly that it was the sole use of the money.

We were rather surprised I might add when a year and a half ago the President suggested the first cutback of \$1.2 billion, I believe. So far as this member of the committee is concerned it was our intention, I felt, to make that trust fund inviolate as would be the social security trust fund that I understand was a Presidential cutback.

Thank you very much.

Mr. KLUCZYNSKI. The gentleman from Oklahoma, Mr. Edmondson.

Mr. EDMONDSON. No questions.

Mr. KLUCZYNSKI. Any questions or comments to my left?

The gentleman from California, Mr. Clausen.

Mr. CLAUSEN. Mr. Chairman, I am wondering if you could, for the benefit of the committee, point out on this particular map the exact location of Lubbock so we can get a general idea of what area you are talking about as far as routing is concerned.

Mr. MAHON. I see on this map some relatively unimportant towns, Houston, San Antonio, Dallas, and El Paso.

The more important location here is Lubbock, Tex., right here, the metropolitan area of more than 165,000 people and there is an interstate highway running east-west through Amarillo over 100 miles to the north and one running more-or-less east-west over 100 miles to the south, but we are left isolated here at Lubbock. We feel we are at an economic disadvantage by reason of this. We have good highways but we suffer from not being on the interstate map.

We want some sort of adequate connection here. We have many desires. We would like to have an interstate system running from Oklahoma City down to Wichita Falls down to Lubbock and out to El Paso. That is our dream, but this is not, I think, attainable probably at this time, but we would like to have that matter considered.

More realistically, we would want some sort of link on the interstate that would give us a place in the sun, so to speak, roadwise.

Mr. CLAUSEN. How many miles are you talking about in the routing you are suggesting?

Mr. MAHON. I have not tried to calculate the actual mileage. This would be up to the highway department, I think, but from going each way to the present interstate, you would have to go more than 100 miles.

If you link Interstate 20 with Interstate 40, you would have something in the neighborhood of 200 miles through there.

Mr. CLAUSEN. Has the State of Texas adopted this routing as one of their recommendations?

Mr. MAHON. The State of Texas in my opinion places high priority upon the requirement at Lubbock and the area and, of course, if it does not continue to hold this position, we are sunk because the State of Texas must take the major responsibility in working with the Federal Government as to highway designations.

I believe that is the rule that is followed and properly so.

Mr. CLAUSEN. Well, thank you very much.

Our problem here is to get the kind of priority that is acceptable budgetarily to the entire Congress.

As the gentleman from Florida has pointed out, it was generally considered in 1956 when they established the program that the trust fund would be above anything in the way of a possible cutback because again we are dealing, you know, with safety; we are dealing with lives, and one of the reasons they advanced the program is the fact that they felt they could save, I believe, something like 8,000 lives a year.

In addition to cost, we are talking about the saving of lives and this is one of the reasons for the advancement of the program.

If we cannot continue the program financing as initially outlined in the trust fund, your recommendation that you are asking for here this morning is going to be postponed and deferred.

Mr. MAHON. But if we can get, Mr. Clausen, the designation and get on the map we will be happy with that sort of situation during the existence of the war and the fiscal stringencies which confront us today. That is our general attitude.

Mr. CLAUSEN. I see. The major point then is that you feel you want to see the authorization this year and then set the stage for taking your chances for later appropriations.

Mr. MAHON. That is right; yes.

Mr. DENNEY. Will the gentleman yield?

Mr. CLAUSEN. I yield.

Mr. DENNEY. Mr. Chairman, you made the statement we want to see the designations.

Now, you are not recommending to this committee that we designate certain routes. You are recommending that we authorize an extension of the mileage, leaving it up to the Bureau of Federal Roads and the States to work out the routes, isn't that correct?

Mr. MAHON. This has to be done by or through the authorization process and through the States.

Mr. DENNEY. Not asking this committee to designate it?

Mr. MAHON. That is right.

Mr. DENNEY. Otherwise when we get to the floor we will have 435 members that will give us a problem.

Mr. MAHON. Yes, we would have that problem.

Mr. DENNEY. Thank you.

Mr. KLUCZYNSKI. The gentleman from Oklahoma, Mr. Edmondson.

Mr. EDMONDSON. I merely wanted to tell the able chairman of the Appropriations Committee that I agree with him wholeheartedly that the Congress should take the responsibility in determining where these cuts should occur and it is in a very real sense an abdication of our responsibility to pass the problem to the White house and you decide where we are going to have the \$6 billion in cuts.

Mr. MAHON. We must avoid the erosion of the power of the legislative branch.

Mr. KLUCZYNSKI. The gentleman from South Carolina, Mr. Dorn.

Mr. DORN. Mr. Chairman, I did want, of course, to welcome my beloved colleague to the committee and say that Congress should assume its responsibility and our prerogatives should be preserved.

I want to commend him also for his valiant efforts to give us a sound dollar because you cannot build roads, you cannot do anything if your money becomes worthless.

I commend the distinguished and able chairman of the Appropriations Committee.

Mr. MAHON. Thank you, so very much.

Mr. KLUCZYNSKI. Any further questions?

Mr. McEwen of New York.

Mr. McEWEN. This was interesting to me and I am sure to others that your community of Lubbock you said is 165,000 population, Mr. Chairman.

Mr. MAHON. Yes.

Mr. McEWEN. What was the population of let us say the metropolitan area?

Mr. MAHON. I am talking about the metropolitan area. The city is something over 150,000.

Mr. McEWEN. What was the population of that metropolitan area 10 or 20 years ago?

Mr. MAHON. Well, it has grown very rapidly during my period of service as a Representative. It was nothing approaching that in 1935. I can supply it for the record if you like.

Mr. McEWEN. Lubbock was something in the order of maybe 50,000 going back to the 1940's?

Mr. MAHON. Yes.

(The following population figures were supplied for the record:)

	Lubbock County	City of Lubbock
1940.....	51,782	31,853
1950.....	101,048	71,747
1960.....	156,271	128,691

Mr. McEWEN. What, Mr. Chairman, lies west of there or east if you were to have an east-west connection?

Mr. MAHON. West, of course, if you go west you go more or less toward Albuquerque, N. Mex., and on out.

Mr. McEWEN. And Roswell, N. Mex.?

Mr. MAHON. Roswell, N. Mex., more or less on the line.

Mr. McEWEN. South and west of Lubbock?

Mr. MAHON. Yes. Of course, the highway that way would parallel to some considerable extent Interstate Route 20 to the south and the highway through Amarillo to the north which is Interstate 40. But it would be an important link and serve a very big area.

Mr. McEWEN. It is now you say approximately 100 miles either north or south?

Mr. MAHON. Yes.

Mr. McEWEN. Thank you.

Mr. MAHON. Thank you very much.

Mr. KLUCZYNSKI. It has been a pleasure to have you before this committee.

Mr. MAHON. I have not had this opportunity recently.

Mr. KLUCZYNSKI. You are always welcome because we need you.

Mr. MAHON. Thank you.

Mr. KLUCZYNSKI. I now recognize another Congressman from New York, Mr. Jonathan B. Bingham.

Do you have a prepared statement?

STATEMENT OF HON. JONATHAN B. BINGHAM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. BINGHAM. I do have a prepared statement. I would be glad to just summarize it for you, Mr. Chairman.

Mr. KLUCZYNSKI. Without objection your entire statement will be placed into the record at this point.

(The prepared statement of Mr. Bingham follows:)

STATEMENT BY CONGRESSMAN JONATHAN B. BINGHAM BEFORE THE SUBCOMMITTEE ON ROADS, PUBLIC WORKS COMMITTEE, HOUSE OF REPRESENTATIVES, JUNE 4, 1968

This nation currently faces serious transportation problems, and a disturbing array of new problems continues to arise out of our current, disordered approach to transportation policy.

One of the major questions facing this Committee and this Congress is whether to expand the Interstate Highway System beyond its currently authorized 41,000-mile limit. I focus initially on this particular question not only because it is an important one in itself, but also because it illustrates rather dramatically the imbalance in our total Federal investment in transportation.

In the three years 1964-67, federal aid for highways was 30 times as great as for mass transit (\$12-billion for the former, \$360-million for the latter). The Interstate Highway System alone has accounted for about three-fourths of all funds invested in highways in recent years. Estimates of the total cost of the currently authorized 41,000 miles are constantly rising—the most recent being \$56-billion—and estimates of the completion date have been pushed up from 1972 to 1976 or even 1980. In most of our major cities, hundreds of millions of dollars are being spent to carve six and eight-lane Interstate Highways across the urban landscape, while relatively little attention is paid to mass transportation.

Any significant extension of the Interstate Highway System at this time would aggravate the already indefensible imbalance in our transportation facilities, and will commit us to untold billions of dollars more of Federal expenditures for highways into the 1980's before we have given adequate attention to other transportation needs—all at a time when our fiscal capabilities are stretched nearly to the limit and we are likely to have to cut back on many more vital programs.

I fully support the conclusion of the Secretary of Transportation in his 1968 report to the Congress on Highway needs that "additional broad transportation as well as highway policy considerations need to be weighed in making a final decision" on the question of expanding the Interstate System.

The current imbalance in our transportation investment is due in part to the financial machinery we established in 1956 for highway funding. The Highway Trust Fund has produced an annual account that gets larger every year and that must be spent for highways without any consideration of the priority of highway construction and improvement in relation to other national needs. The more highways we build, and the better they become, the more gasoline, tires and other items are consumed, and taxed, and the more funds accrued annually to the Trust Fund. No other public works program has received such automatic and unquestioned funding, practically insulated from Congressional review.

I have long advocated greater attention by the Federal government to the pressing need for more and better urban mass transportation facilities. The need is undeniable. Predictions are that there will be 120 million automobiles in this country by 1980—one car for every two people. Transportation engineers now estimate that the cost for new roadway and parking facilities needed to permit each additional automobile to travel to the city during peak traffic hours comes to about \$25,000 in most of our largest cities. Costs of building new highways in urban areas range from \$10-million to as much as \$100-million a mile. One Chicago planner has estimated it takes 5-million square feet of off-street parking space to handle additional auto traffic brought by a single new expressway lane.

Cost estimates usually do not account for the fact that land occupied by highways yields no local taxes, and many cities suffer major tax losses as highways displace tax-paying establishments. As transportation expert Winifred Owen indicated in his book *Cities in the Motor Age*:

"Even if we were to try to solve urban transportation problems by highways alone with an urban highway program averaging \$10-million to \$20-million a mile in high density areas, there is every possibility that the remedy would only succeed in killing the patient—by replacing valuable tax ratable property with non-taxable concrete and asphalt."

There are social costs attached to urban highways as well. Neighborhoods are divided and destroyed, families and businesses uprooted, historical landmarks fall, and public recreational areas are invaded. Highway construction with inadequate regard for social factors has been one of the major grievances voiced by minority groups in cities that have experienced civil disorders.

Scientific studies suggest that as much as 65 to 70 percent of city air pollutants may come from motor vehicles operating on urban highways.

The ideal urban transportation system would, in my view, consist of a modern, efficient mass transportation facility supplemented by a network of urban highways.

Mass transportation facilities serving as basic passenger carriers in high-population-density areas would relieve many of the problems posed by our present highway-oriented urban transportation systems. Mass transit facilities can transport passengers more cheaply, more rapidly, and more conveniently than traffic clogged highways. San Francisco's Bay Area Rapid Transit (BART) will have a peak capacity of 30,000 seated passengers in each direction, and will cost \$13-million a mile. A comparable \$13-million-a-mile eight lane expressway would have a peak capacity of only 10,000 to 12,000 passengers before congestion began to slow travel down. And the rapid transit line, of course, requires less right-of-way and no costly downtown parking facilities. The average rush hour journey in an urban area by transit bus requires only from one-sixth to one-fiftieth as much space per person as by automobile, and rail mass transit requires only from one-tenth to one-one-hundredth as much space as automobiles. One study concluded that passenger costs for rail transit are about half those of commuting by automobile.

Most existing mass transportation systems, however, are currently in no condition to take over the passenger loads being borne by urban streets and highways. Discomfort, inconvenience, low average speed and obsolescence of equipment plague users of existing systems. Passenger volume at rush hour in many cities exceeds the seating capacities of trains and buses by as much as 200 per cent. A survey of average rates of speed for rush-hour travel in 25 cities showed the overall average to be 13 miles an hour for mass transit systems as compared with 20 miles per hour for automobiles.

As a result, patronage of existing mass transportation facilities lags in many cities. People will, however, patronize improved facilities. In recent years, improvements in the New York subway system have brought about an increase of 20 million passengers. Modernization of Philadelphia's commuter system has resulted in a 44 per cent increase in riders over the past several years. A change in Boston's Highland Branch from a commuter railroad to a high-speed transit in 1958 resulted in a 1000 per cent increase in passengers.

Considerably more funds than Congress has so far been willing to appropriate will be needed to upgrade and expand mass transportation systems and to bring them up to their rightful place as the core of our urban passenger moving systems. Where this money will come from and how it will be administered is a major problem. To solve it will require all of our political and administrative skill. But solve it we must.

While the needs of the cities for mass transportation are immediate and great, the need for more roads and highways is considerably less pressing. With new road construction projects being undertaken, proposed, and contemplated every day, and little such development of other transportation modes, there is steady movement toward ever greater transportation imbalance. In light of these facts, and in view of the current need to cut back on all non-essential spending, it would seem that less spending on highway construction and upgrading would both help our total financial situation and help restore a proper balance between highways and other modes of transportation.

There are, it seems to me, two major alternatives—two directions in which we might move—to meet the essential and immediate need for urban mass transportation development, and to permit a possible cutback in highway development. One alternative would be to do away entirely with the Highway Trust Fund. This would require the Congress periodically to determine proper spending levels and commit Federal funds for both highways and urban mass transportation through

the regular appropriations process. This alternative would provide the advantage of more frequent Congressional examination of transportation priorities and greater flexibility in controlling spending levels for transportation programs. But mass transportation has depended upon the regular appropriations process for some time, and has not been adequately funded. In addition, powerful political forces support the continuance of the Highway Trust Fund—political forces that would constitute a formidable obstacle to any plan to scrap the Fund.

The second alternative would be to expand the scope and resources of the Trust Fund in such a way that it becomes more than only a highway trust fund. Only a part of the several manufacturers, retailers, and users taxes relating to transportation currently accrue to the Highway Trust Fund, and those funds can be employed only for roads and highways. The Trust Fund, however, might gradually be expanded to receive all Federal transportation-related taxes. Such an expanded trust fund would provide funds for the development of all modes of transportation. This second alternative, it seems to me, is a more viable one. It is politically more feasible. Furthermore, it would insure a continuing source of transportation funds.

I have previously (in 1965) proposed and supported legislation that would permit the States to elect to use some of the funds they receive from the Highway Trust Fund for mass transportation development rather than roads and highways. But under that legislation, any funds used for mass transportation by the States would mean that much less funds for roads and highways—a reduction which the States have been unwilling, if not unable to incur.

While the greater need for improved mass transportation and the lesser need for further highway development demands that some cutback of highway spending be effected, it is unlikely that it would be feasible to cut back highway spending by the full amount that will have to be invested in mass transportation facilities. The magnitude of the mass transportation need and the projected costs are too great.

What is needed is a trust fund with greater resources, that will provide a continuing sources of funds for mass transportation considerably greater than in the past, and that will also allow cutbacks in road and highway spending.

With this in mind, I am introducing new legislation that would:

- (1) Change the name of the Highway Trust Fund to the Transportation Trust Fund, and

- (2) Increase the resources of the Fund by adding the revenues from the manufacturer's excise tax on automobiles now allocated to the general fund.

These additional funds—amounting to about \$1.5 billion a year—along with funds released by any future cutbacks in highway programs, would be available to states and metropolitan areas for construction and upgrading of mass transportation facilities. This legislation, if enacted, would be a major step not only toward putting mass transportation in its proper place in our transportation priorities, but also toward the establishment of a broader financial framework—a Transportation Trust Fund—that should eventually consist of all transportation-related taxes and support all of our transportation needs in a more rational and balanced manner.

Mr. BINGHAM. Thank you, Mr. Chairman, I appreciate the opportunity to appear before this distinguished subcommittee and I am afraid that my position as I outline it here is not going to be a very immediately popular position to this subcommittee.

Basically, what I am suggesting here is that first of all I think that the distribution of Federal funds as between the highways and the mass transportation networks of our country is way out of proportion.

During the period of, for example 3 years from 1964 to 1967 the Federal Government spent 30 times as much in the highway program as it did for mass transit.

I realize, of course, that this committee is not responsible for the funds or the authorization for mass transit purposes. My view is that we should be in a position, we in the Congress should be in a position to make judgments and the community should be in a position to make judgments as to where it is more important to spend our transportation

dollars, whether on extending the Interstate Highway System or whether on improving our mass transportation facilities.

My district is a typical one of many city districts. It is composed very largely of people who have to use mass transportation facilities every day, whether they go to work or whether they go to school or for whatever purpose.

Most of these people are not in a position to use cars. Most of these people are not in position to get out on the interstate highway network very often.

The transportation system in my area is antiquated. We have, for example, stations for the use of people, elderly people that have to climb 50 or 100 steps and this is absurd in this day and age that they should not have escalators. And, the crowding in the subways at the rush hours is something that has to be seen to be believed.

Basically, the New York City transportation system has not really been improved in many decades. I am suggesting that these are priorities that are out of wack and that we should be doing more for the millions who live in the cities and have to rely on mass transportation even if it has to come out of the funds that were allocated originally for highways under the highway trust fund system.

Now, I have previously introduced both in the last Congress and in this Congress legislation that would authorize the States to make use of some of the funds coming under the highway trust fund for purposes of mass transportation.

I realize that this is a legislative proposal that in the practical aspects of things probably is not going to be immediately adopted.

I hope that in time the public pressure will be such that something like this will be done.

There are other alternatives to correcting this imbalance that I seek, Mr. Chairman, and one of these would be to eliminate the special earmarking that is characteristic of the highway trust fund. I don't believe myself that this is sound government.

I think that taxes should be put into the general revenues and that the allocations for expenditures should be made by the Congress and the executive branch in terms of their real need. I don't think it is right that particular taxes should be used for these particular purposes any more than we use liquor taxes to improve the bars.

I realize, too, that this is politically a very difficult and probably in many areas an unpopular suggestion.

I have made here, and this is a new suggestion as far as I am concerned, a different type of proposal which I think would move in the right direction and at the same time might be more practical. That is that the highway trust fund not be eliminated but rather that it be expanded to encompass the principle of a transportation trust fund and that it include the automobile excise taxes which are not now part of it so as to give it more resources rather than fewer resources and also to make clear that it is for purposes of transportation or would be for purposes of transportation generally rather than just for improvement of highways.

I think that this might be a practical approach that would add as I understand it, about \$1.5 billion a year to the resources available and this would make it possible I think both to make the necessary cutbacks

and I think cutbacks are going to be necessary, or delays at least in the highway construction and make it possible to undertake some of the much more urgent and much more critically needed upgrading of mass transportation facilities.

Thank you, Mr. Chairman.

Mr. KLUCZYNSKI. Thank you.

I notice in your statement you are introducing new legislation that would change the name of the highway trust fund to the transportation trust fund and to increase the resources of the fund by adding the revenue of the manufacturers' tax on automobiles.

I am not opposed to the mass transportation. I do not think any member of this subcommittee is opposed to mass transportation.

I do not favor changing the highway trust fund to the transportation trust fund.

The gentleman from Oklahoma.

Mr. EDMONDSON. I would like to ask the gentleman why it is in his proposal to move to mass transit as a program to be funded from this transportation fund, why he has elected to put additional burdens insofar as the program is concerned upon the automobile user and not return to an excise on the mass transit ticket or charge since you are electing to benefit the mass transit user directly by the program, why would you suggest in your bill that you have proposed that the automobile users' money be used for this purpose and apparently overlooking any kind of an excise upon the mass transit user to contribute to the benefit of the mass transit program.

Mr. BINGHAM. Well, I think Mr. Edmondson, this gets to the essence of the question as to whether this type of tax in general should be earmarked for highway purposes.

My view is that it should not.

Now, partly that is a matter of straight economics that the people who generally speaking use automobiles and use trucks and are taxed for this purpose are in a position to pay these taxes.

The millions of people who have to use the mass transit facilities are not in a position to pay additionally for them.

As a matter of fact, they are already in most cities operating in a very difficult situation. I think the same question would apply to the addition of a new, of additional tax as does the original. I would prefer, if it were feasible, as I have indicated to eliminate the idea of the earmarking altogether and make all of these taxes subject to the allocation by the Congress and in the normal way.

I have suggested this as possibly a measure that might make it somewhat more palatable, more easy to move in the right direction here by adding to the resources available so that the cutbacks in the highway program would not be as large as they might otherwise have to be.

I would like to add to that one other thought if I may, Mr. Chairman, and that is that many of those who do use automobiles and who do pay taxes do not get to use the Interstate System very much. This is particularly true in New York. They are operating on city streets and so they are not getting much benefit out of the Interstate System.

Mr. EDMONDSON. In the first place with the increasing diversion of interstate revenue as to expressways for the cities which is a recent pattern we have been seeing a lot of, you do not find many people who are not getting the benefit of the interstate highway money.

Secondly, I think you would add some equity to your proposal if you at least provided a nominal excise tax upon the mass transit user which I know you see on your subways in New York a lot of people who are of limited means just as you meet a lot of people on the highways who are of limited means whether they are riding in automobiles or in buses, but you also see some people well able to contribute to the cost of Federal contributions to mass transit on your subway trains I think and certainly on your trains that run north and west of New York City. You see a lot of people who are fairly well able to participate in this operation.

I think you will find more sympathy in some quarters at least for your proposal if you included in your proposition that the mass transit user, a Federal excise tax would also contribute to this transportation fund that you are proposing to tap for mass transit.

MR. BINGHAM. Those who use the commuter railroads and those who use the railroads are generally in a higher income category and they do pay a tax. But I don't know how you could distinguish.

The gentleman is familiar with New York City's subway system I am sure, and I do not know how you can distinguish between those few who ride the subway system who can afford to pay a tax and the great multitude who cannot.

The economics are not there. The people are hard pressed now.

The point that is well taken about the expressways being built in the cities I have included in my statement here some comments which I am sure the committee is familiar with, the enormous problems created by these expressways in the cities and the fact that they never catch up with the problem. The more expressways you add in the cities the more cars you attract and you develop what we have for instance on our Long Island Expressway which has been described as the longest parking lot in the world.

You are just going to make the problem worse by adding this type of facility whereas you would relieve the problem and make it pleasanter for those who do use the highway and in every way improve the situation if you would put the same emphasis on the improvement of mass transportation facilities so as to make it attractive, to get more people to use it and get more people off the highways instead of adding more people.

MR. EDMONDSON. I thank the chairman.

MR. KLUCZYNSKI. The gentleman from Florida, Mr. Cramer.

MR. CRAMER. Just very briefly because I join the Chairman, and not wanting a further effort to raise trust funds, we have all kinds of suggestions and I think you are the champion as to how much money we take out of the trust fund for other purposes.

We are over \$8 billion short now on income to finish the Interstate System in a reasonable period of time.

Do you not think it is important to the country to finish that System within a reasonable period of time as relates to providing jobs, providing transportation for everyone, meaning Florida produce travels over that highway to New York, Florida orange juice travels over the highways to New York, and without the highways it would cost more; economic well-being to the community, and so forth, providing transportation for industries, and what have you.

Do you not really think it is important to finish the System within a reasonable period of time without lengthening it out further with a grab by mass transit for money?

Mr. BINGHAM. Mr. Cramer, it is a matter of priorities.

I think it would be fine to keep on schedule and finish that in time, but in this day and age when the demands from the conflict in Vietnam are so great I do not think we can do everything we would like to do.

I just think the needs of the cities are more urgent and that is all.

Mr. CRAMER. Well, of course you take page 5 of your statement you say take the automobile excise tax out of the general fund and put it in the trust fund. You are going to take money out of the Teacher Corps, the rent supplement, the housing program, and what have you. It has to come from someplace.

Mr. BINGHAM. I think we have to do more in those other programs.

Mr. CRAMER. What are you going to take it out of, then?

Mr. BINGHAM. I think again it is a question of priorities.

Mr. CRAMER. Where are you going to take the money from if you are going to take \$1.5 billion out of the general fund and put it into mass transit? What program are you going to cut back out of the general fund?

Mr. BINGHAM. I am not in a position to say exactly what programs I would cut back.

Mr. CRAMER. Foreign aid?

Mr. BINGHAM. But in a general way we would have to defer some of the space activities. I think we have to defer the work on the supersonic plane, that type of thing.

I think we could cut back on the expenses of maintaining forces in Western Europe. It seems to me these are some of the areas. Our priorities again are out of whack.

Mr. CRAMER. That is all I have.

Mr. KLUCZYNSKI. Any further questions?

The gentleman from California, Mr. Clausen.

Mr. CLAUSEN. Mr. Bingham, I think you have made a contribution to the hearings here. I think we have similar objectives but maybe different approaches.

I would like to ask you a very pointed question. Do you believe that we should tax the commuters to build highways?

Mr. BINGHAM. I think we should use whatever taxes we have available for whatever purposes are most important.

The way you put the question makes it sound very harsh, but in principle all of our Federal taxes should go to the general fund and then should be allocated in the scale of priorities that the Congress determines the most urgent.

Mr. CLAUSEN. The reason I say that is because we are skating on thin ice when we ask the people in your area who really need as you say to improve the mass transit capabilities to ask them to pay for shall we say highways in another section of the country.

Now, conversely it is questionable in my mind whether we should reverse this and ask for the people who need highways desperately in other sections of the country to pay for your rapid transit system.

I would suggest that you build on this concept you are talking about and ask for a mass transit trust fund and take a page out of the book of the very successful Highway Trust Fund. Everyone would be

very, very happy and you would get your rapid transit system and on a per capita basis your people are better able to pay for a program of this nature in your area than the five or six counties I have in the depressed category.

Mr. BINGHAM. I do not know your district very well and I do not imagine that you know my district very well.

I do not think the people of my district are for the most part capable of paying additionally for the transportation.

Mr. KLUCZYNSKI. Mr. Cleveland?

Mr. CLEVELAND. Mr. Bingham, you have raised some points here that have been raised by others. I think you should know and I will not take the time to go into detail, but yesterday when the AASHO people testified before this committee—

Mr. BINGHAM. What people?

Mr. CLEVELAND. That is the AASHO people, the American Association of State Highway Officials.

For your information they anticipated precisely some of the remarks you have made today and they had a very detailed study of public attitudes prepared and presented to this committee and I just wanted to inform you that based on those studies, and they are set out here as to the sources, these scientific samples of over 5,000 people, you are not marching in tune with the vast majority of people in this country, and I think you will find that some of these people who were questioned are some of your own constituents.

I suggest to you that you obtain from the committee a copy of that study, because as I say it anticipates almost precisely the evidence you have given us in support of your proposal.

Mr. BINGHAM. May I just say a word on that if I may, Mr. Cleveland?

I would be glad to look at that and I welcome the opportunity. I might say, though, that I have last year sent out a questionnaire to all of my constituents and it included a question on this very subject, whether the communities and States should have the opportunity to use some of the Highway Trust Funds for mass transit purposes and the answer from my constituents was overwhelmingly in the affirmative.

Mr. CLEVELAND. I think if the question said even if this means they cannot finish the Interstate System and improve the secondary and primary roads, you might have had a different answer.

There is one other point you made that I think should be met. You said you do not believe we are earmarking funds. We just recently passed, and I know you have long supported land and water conservation. The principle there is that the people who use the parks, the national parks, pay a fee and that fee will go to a fund so land could be acquired for additional parks and improvements of parks we have.

Now, if you are going to come down here and lower the boom on the highway trust fund, I think to be consistent you would have to object to the concept of the land and water conservation fund. And, as I recall, you were one of the strong supporters of that legislation, that is, the Land and Water Conservation Act.

Mr. BINGHAM. I think there is a difference in the sense that one case involved the fee and would be more comparable, let us say, to the use of the fee paid to the toll road; and the other involves a tax.