

stabilization works in the downstream reach protect existing levees, the stabilization works between Index and Denison will prevent the future erosion and loss of agricultural land and also provide an incentive for conversion of presently idle and woodland to agricultural uses. On this basis the proposed stabilization works are similar to major drainage improvements for which a cash contribution in recognition of land conversion benefits has been recommended by the Chief of Engineers and enacted into law on a project basis. In this case, as in the case of major drainage works, the method of determining the cash contribution depends upon the relative magnitude of land conversion benefits compared to total project benefits with credit being given to local interests for the estimated value of lands, easements and rights-of-way furnished by them.

APPLICATION OF LOCAL COOPERATION REQUIREMENTS ON RED RIVER BELOW DENISON DAM WITH RESPECT TO NAVIGATION

The first aspect concerns the application of navigation servitude within the stated requirements of local cooperation. As used in the report recommendations, "local interests" refer collectively to non-Federal interests and is not intended to shift existing responsibilities under navigation servitude from affected owners to the local project sponsor. Whenever applicable, the Government will exercise its rights in servitude of navigation to compel the owners of project affected lands and facilities to assume all project responsibilities toward their respective ownerships which are assigned to local interests in the recommended requirements of local cooperation.

The second aspect concerns roads, railroads and any other improvements which do not cross the present or proposed navigation channel but which require relocation (alteration or removal) due to higher water surfaces resulting from the proposed navigation improvements. The report is based upon a project plan which considered the obviously necessary relocations of facilities crossing the proposed navigation channel. Detailed preconstruction planning could reveal the need to relocate (alter or remove) other improvements which do not cross the proposed channel. The wording of the recommended requirements of local cooperation is sufficiently broad to clearly assign full responsibility to local interests for all non-crossing type relocations except those involving roadway and railroad facilities. If and as non-crossing type road and railroad relocations are found necessary, the relocation of such roads will be a local interest responsibility and the relocation of such railroad facilities will be a Government responsibility. Except for right-of-way furnished by local interests, provision at Government expense for the necessary relocation of all railroad facilities not previously subject to navigation servitude would be consistent with similar action authorized by the Overton-Red River Waterway plan, which would be superseded by authorization of the plan recommended in the report.

The third aspect concerns design standards to be used in the alteration of highway facilities crossing the proposed navigational channel. The construction of new highway bridges crossing proposed land cut reaches of the navigation channel is to be entirely at Government expense. In accordance with the principles established in Section 207 of the Flood Control Act of 1960, as amended, these new highway bridge facilities will normally incorporate at Government expense, any higher design standards of the local governmental owner which are applicable at the time of taking. However, it is also recommended that local interests be required to participate in the alteration cost of highway bridges crossing the existing navigation channel in accordance with the principles of the Truman-Hobbs Act, and the text of the plan shows that only high level fixed span bridges are to be provided for highways. The principles of the Truman-Hobbs Act as now administered provide that higher design standards are a betterment to be incorporated only at the request and expense of the bridge owner. The intention of Congress regarding design standards to be employed in the relocation of public roadways and the earlier intention of Congress regarding the incorporation of betterments at owner expense in Truman-Hobbs type bridge alterations, present a hidden conflict in principles of which the Congress should be aware. In the absence of further guidance by the Congress or its Committees, the Corps will follow the principles of the more recent legislation and consider that incorporation of current design standards does not constitute a betterment within the principles