

Y4
.P 96/11
87/8

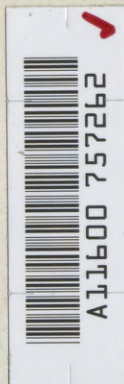
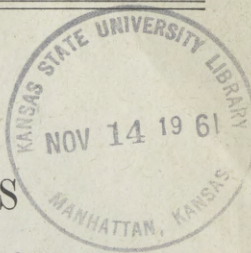
87/8
P96/11
h494

MISCELLANEOUS HIGHWAY LEGISLATION

GOVERNMENT

(No. 87-8)

Storage



HEARINGS BEFORE THE SUBCOMMITTEE ON ROADS OF THE COMMITTEE ON PUBLIC WORKS USE OF REPRESENTATIVES EIGHTY-SEVENTH CONGRESS FIRST SESSION ON

H.R. 4548

THE ACT OF MAY 29, 1930, IN ORDER TO INCREASE THE
ATION FOR FUNDS FOR THE EXTENSION OF CERTAIN
PROJECTS FROM THE DISTRICT OF COLUMBIA INTO THE STATE OF
MARYLAND, AND FOR OTHER PURPOSES

H.R. 5821

TO PROVIDE FOR THE CONVEYANCE OF A PORTION OF THE HENRY
G. SHIRLEY MEMORIAL HIGHWAY TO THE COMMONWEALTH OF
VIRGINIA, AND FOR OTHER PURPOSES

H.R. 6324

TO AMEND SECTION 129(b) OF TITLE 23, UNITED STATES CODE,
ENTITLED "HIGHWAYS", TO REQUIRE CONGRESSIONAL APPROVAL
FOR THE INCLUSION OF TOLL ROADS, BRIDGES, AND TUNNELS AS
A PART OF THE INTERSTATE SYSTEM

H.R. 8558

TO AMEND SECTION 303(a) OF TITLE 23, UNITED STATES CODE,
RELATING TO THE ORGANIZATION OF THE BUREAU OF PUBLIC
ROADS, AND FOR OTHER PURPOSES

H.R. 8678, H.R. 8679 and H.R. 8692

TO PROVIDE FOR THE CONVEYANCE OF A PORTION OF THE HENRY
G. SHIRLEY MEMORIAL HIGHWAY AND OTHER HIGHWAYS ON THE
PENTAGON ROAD NETWORK TO THE COMMONWEALTH OF VIRGINIA,
AND FOR OTHER PURPOSES

H.R. 8770

TO INSURE THAT CERTAIN APPROVED ROUTES ON THE INTER-
STATE SYSTEM IN THE STATE OF FLORIDA SHALL NOT BE AF-
FECTED BY STATE CONSTRUCTION OF THE SUNSHINE STATE PARK-
WAY AS A TOLL ROAD

MAY 16, JULY 12, AUGUST 17, AND 22, 1961

Printed for the use of the Committee on Public Works

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1961

74553

48
11/20/9.
8/18

COMMITTEE ON PUBLIC WORKS

CHARLES A. BUCKLEY, New York, *Chairman*

GEORGE H. FALLON, Maryland
CLIFFORD DAVIS, Tennessee
JOHN A. BLATNIK, Minnesota
ROBERT E. JONES, Alabama
FRANK E. SMITH, Mississippi
JOHN C. KLUCZYNSKI, Illinois
T. A. THOMPSON, Louisiana
IRIS FAIRCLOTH BLITCH, Georgia
JIM WRIGHT, Texas
W. R. HULL, Jr., Missouri
KENNETH J. GRAY, Illinois
FRANK M. CLARK, Pennsylvania
ED EDMONDSON, Oklahoma
JOHN J. McFALL, California
GRACIE PFOST, Idaho
JOHN YOUNG, Texas
FRANK W. BURKE, Kentucky
HAROLD T. JOHNSON, California
ROBERT E. COOK, Ohio

JAMES C. AUCHINCLOSS, New Jersey
GORDON H. SCHERER, Ohio
WILLIAM C. CRAMER, Florida
JOHN F. BALDWIN, Jr., California
FRED SCHWENGEL, Iowa
EDWIN B. DOOLEY, New York
HOWARD W. ROBISON, New York
PERKINS BASS, New Hampshire
WALTER L. McVEY, Kansas
CARLETON J. KING, New York
WILLIAM H. HARSHA, Jr., Ohio
JAMES HARVEY, Michigan
JOHN C. KUNKEL, Pennsylvania
LOUISE G. REECE, Tennessee

MARGARET R. BEITER, *Chief Clerk*
JOSEPH R. BRENNAN, *Engineer-Consultant*
RICHARD J. SULLIVAN, *Chief Counsel*
CLIFTON W. ENFIELD, *Minority Counsel*

SUBCOMMITTEE ON ROADS

GEORGE H. FALLON, Maryland, *Chairman*

FRANK E. SMITH, Mississippi
JOHN C. KLUCZYNSKI, Illinois
CLIFFORD DAVIS, Tennessee
JOHN A. BLATNIK, Minnesota
ROBERT E. JONES, Alabama
FRANK M. CLARK, Pennsylvania
T. A. THOMPSON, Louisiana
ED EDMONDSON, Oklahoma
IRIS FAIRCLOTH BLITCH, Georgia
W. R. HULL, Jr., Missouri

GORDON H. SCHERER, Ohio
WILLIAM C. CRAMER, Florida
JOHN F. BALDWIN, Jr., California
FRED SCHWENGEL, Iowa
HOWARD W. ROBISON, New York
PERKINS BASS, New Hampshire
WALTER L. McVEY, Kansas

CONTENTS

	Page
H.R. 4548, S. 588.....	89
H.R. 5821.....	22
H.R. 6324.....	1
H.R. 8558.....	74
H.R. 8678, H.R. 8679, and H.R. 8692.....	55
H.R. 8770.....	91
Testimony of—	
Broyhill, Hon. Joel T., a Representative in Congress from the State of Virginia.....	23, 44, 50, 56
Cramer, Hon. William C., a Representative in Congress from the State of Florida.....	1
Fenwick, Charles R., State senator, Commonwealth of Virginia.....	45
Harris, H. H., commissioner of highways, Commonwealth of Virginia; accompanied by F. A. Davis, chief engineer, department of highways.....	39
Kneipp, Robert F., assistant corporation counsel, District of Columbia government; and Lloyd Rivard, Assistant Chief Engineer, Office of Planning and Programing, Department of Highways and Traffic.....	66
Lankford, Hon. Richard E., a Representative in Congress from the State of Maryland.....	84
Stolzenbach, C. Darwin, Administrator, National Capital Transportation Agency.....	49, 71
Turner, Francis C., Deputy Commissioner, Bureau of Public Roads, Department of Commerce.....	12, 29, 42, 57, 75, 101
White, C. Belden, II, Assistant Corporation Counsel, District of Columbia.....	35
Whitten, Rex M., Federal Highway Administrator, Bureau of Public Roads; accompanied by Francis C. Turner, Deputy Commissioner.....	12, 29, 57, 75
Additional information—	
Hodges, Luther H., Secretary of Commerce, letters:	
August 11, 1961, re Shirley Highway.....	72
August 16, 1961, re H.R. 8558 and H.R. 8559.....	75
Incorporation of toll roads in the Interstate System, by Clifton W. Enfield, minority counsel.....	111
McCarty, Robert L., president, Belle Haven Citizens Association, letter, May 12, 1961, re H.R. 5821.....	37
Nicholson, Jesse F., Executive Director, the Maryland National Capital Park and Planning Commission, letter, January 30, 1961, re S. 588.....	85
Stolzenbach, C. Darwin, Administrator, National Capital Transportation Agency, letter, August 10, 1961, re Shirley Highway, etc.....	71
Tobriner, Walter N., President, Board of Commissioners, District of Columbia, letters:	
May 15, 1961, re H.R. 5821.....	36
August 17, 1961, re H.R. 8678, H.R. 8679, and H.R. 8692.....	66

CONTENTS

1	1. The first part of the book is devoted to a general survey of the history of the world, from the beginning of time to the present day.
2	2. The second part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
3	3. The third part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
4	4. The fourth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
5	5. The fifth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
6	6. The sixth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
7	7. The seventh part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
8	8. The eighth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
9	9. The ninth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
10	10. The tenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
11	11. The eleventh part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
12	12. The twelfth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
13	13. The thirteenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
14	14. The fourteenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
15	15. The fifteenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
16	16. The sixteenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
17	17. The seventeenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
18	18. The eighteenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
19	19. The nineteenth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.
20	20. The twentieth part of the book is devoted to a detailed account of the history of the world, from the beginning of time to the present day.

MISCELLANEOUS HIGHWAY LEGISLATION

TUESDAY, MAY 16, 1961

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

The subcommittee met, pursuant to call, at 10:15 a.m., in room 1302, New House Office Building, Hon. George H. Fallon (chairman of the subcommittee) presiding.

Mr. FALLON. Ladies and gentlemen, the Subcommittee on Roads of the Public Works Committee is meeting this morning for the consideration of H.R. 6324 and H.R. 5821.

(H.R. 6324 follows:)

[H.R. 6324, 87th Cong., 1st sess.]

A BILL To amend section 129(b) of title 23, United States Code, entitled "Highways", to require congressional approval for the inclusion of toll roads, bridges, and tunnels as a part of the Interstate System

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 129(b) of title 23, United States Code, entitled "Highways", as amended, shall be further amended by striking out the first sentence thereof and substituting the following language: "Upon a finding by the Secretary, concurred in by the Public Works Committees of the House and the Senate, that such action will promote the development of an integrated Interstate System and conform to the basic policies of this Act and this title as contained in section 301, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge, or tunnel, now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System, when such toll road, bridge, or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System."

This Act shall become effective ten days after the enactment of this Act.

Mr. FALLON. The first bill under consideration will be H.R. 6324. The Chair recognizes Mr. Cramer.

STATEMENT OF HON. WILLIAM C. CRAMER, A MEMBER OF CONGRESS FROM THE STATE OF FLORIDA

Mr. CRAMER. Mr. Chairman, I want to thank the subcommittee for hearing this legislation and giving the interested parties an opportunity to be heard.

Mr. Chairman, I am testifying today in favor of my bill, H.R. 6324, which amends section 129(b) of title 23, United States Code, entitled "Highways," to require congressional approval for the inclusion of toll roads, bridges, and tunnels as a part of the Interstate System.

Presently the Bureau of Public Roads takes the position that it has the authority under the 1956 Federal-Aid Highway Act, as amended, under section 129, to approve the integration of future toll facilities without further action or review by Congress.

My bill has the purpose of requiring, through the Public Works Committees of the House and Senate, congressional approval for any future injections of toll facilities or toll traps into the free Interstate and Defense Highway System. Some review is necessary if the free and defense concepts of this program are to be preserved.

The need for this legislation becomes increasingly apparent when one recognizes the large numbers of applications for inclusions of such toll facilities presently pending before the Bureau of Public Roads, as well as evidenced by the number that have already been approved by the Bureau. The inclusion of these toll facilities would, in many instances, subvert the free concept of the Interstate System as set forth in section 201 of the 1956 Highway Act, as amended, which says:

All highways constructed under provisions of this title shall be free from tolls of all kinds.

But, their inclusion doubly taxes the road users who are already paying road-user taxes, including the recently extended 1-cent-per-gallon gasoline tax, with the understanding that they will have, upon completion of this system, a network of integrated freeways as set forth in the act.

Now, I am authoritatively informed that construction of toll facilities is underway, or is contemplated, in the States of Delaware, Florida, Maryland, Massachusetts, and Oklahoma, and am further informed that there are other States in which consideration in varying degrees is being given to toll roads. In Delaware and Maryland the State road boards have already asked the Bureau of Public Roads for such inclusions in the Interstate System.

Of course, the Delaware and Maryland situation would not be subject to my bill, in that this specific inclusion was authorized by Congress in the 1960 Highway Act. This specific provision in the 1960 act, in my opinion, substantially strengthens my position that all inclusions in the future, as is the case in Delaware and Maryland, of toll facilities on the free system, should require congressional approval. Whether this is accomplished through just committee approval or approval by the full Congress is a matter for this subcommittee to decide. This was specifically provided for under section 6 of the Federal Highway Act of 1960, although it was a somewhat different situation with Delaware and Maryland wanting to repay the Federal Government for the integrated section already constructed as a freeway in order to make a toll facility out of it.

This specific action by Congress would seem to further strengthen my position that congressional approval in the future for the integration of any toll road, bridge or facility in the Interstate System should be reviewed by Congress.

Apparently the Bureau of Public Roads takes their position under section 129, subsection (b), which my bill amends, which provides as follows:

Upon a finding by the Secretary that such action will promote the development of an integrated Interstate System, the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel, now or hereafter constructed which meets the standards adopted for the improvement or projects located on the Interstate System, when such toll road, bridge or tunnel is located on a route heretofore or hereafter designated as a part of the Interstate System.

The Bureau takes the position that this section gives it authority to integrate not only bridges and tunnels, but toll roads as well, into the Interstate System, upon a finding by the Secretary that such action will "promote the development of an integrated Interstate System."

This is substantiated by a communication between myself and the Bureau, dated April 14, 1961, copy of which I submit for the record, in which Mr. Rex M. Whitton, Federal Highway Administrator, states that the Bureau has such authority within the framework of existing law to "withdraw the approval of such route, or to approve the construction of a part thereof as a toll road," referring to the Florida Interstate Highway 75 situation.

I also include a copy of the memorandum submitted by the Bureau on "Legal and Legislative Considerations Involving the Designation of Toll Roads as a Part of the Interstate System," which ends up with the conclusion:

It is of interest to note that the particular problem presently raised in the Florida case of constructing a toll section between two free sections of the system does not seem to have been considered by the Congress. Only the situation where a free road might be constructed paralleling a toll road was discussed both in the committee reports and hearings.

The Bureau further in conclusion of its opinion concerning the State of Florida's proposal to build a proposed toll road as a part of Route 75, states as follows:

It will be necessary that the Bureau of Public Roads reappraise its approval of the route as a part of the Interstate System involving the considerations required by said section 129(b), including a finding that its designation will promote the development of an integrated system and that it meets the standards adopted for the system under section 109(b) of title 23. Legally, such reappraisal may result in the Bureau's withdrawing its approval of the present location of Interstate Route 75, in changing the approved location, or in approving the toll road as a part of the Interstate System.

Therefore, the Bureau takes the position that it has authority under the wording of section 129(b) concerning toll roads, bridges or tunnels located on a route "heretofore or hereafter" designated as a part of the Interstate System gives the Bureau authority to integrate such facility into the Interstate System.

My recollection of the legislative history is, however, that this language was intended to cover such facilities under construction or programed at the date of the 1956 act for inclusion as a part of the Interstate System and did not intend to include new proposals from the States for such integration.

I further call to the committee's attention the fact that under section 129(a) there is a specific provision that when a bridge or tunnel is integrated into the Interstate System there is a requirement in subparagraphs 1, 2, and 3, specifically requiring the use of all funds collected for freeing such bridge or tunnel. I have some doubts as to whether this same provision would apply to a "toll road" unless subparagraph (d) involving approaches to toll roads could be construed to make such a requirement.

Therefore, assuming that my analysis is correct, a State could integrate a toll trap on a freeway along the Interstate System and indefinitely collect tolls, which again would seem to necessitate the congressional review of any proposals by the State for such integration.

Certainly, we cannot condone the insertion of toll traps with the purpose of taking advantage of freeway traffic on the Interstate System to finance toll facilities indefinitely or to result in the State draining funds from toll collections off into other highway construction or for other purposes. This is a matter that should also be clarified in the proposed legislation which could easily be cured by making section 129(a) applicable to toll roads as well as bridges and tunnels.

Now, to get to the situation in my own State of Florida, from a factual standpoint: Already some 44 miles of toll road along the Sunshine State Parkway, between Fort Pierce, south to a point 9 miles north of West Palm Beach, has been integrated into Interstate 95, going down the east coast of Florida. The integration of this 44 miles toll facility has resulted in the loss of approximately \$20 million in matching funds to Florida at the rate of about \$1½ million annually deducted from the State's apportionment during the life of the program. All road users traveling Interstate 95 to the lower east coast of Florida, including Miami, are forced to pay a toll. I have never been informed as to whether any agreement has been secured from the State at the time of this integration that would assure the Federal Government that all tolls would be used to eventually make this section free, which, of course, is a difficult proposition with this 44 miles being only a portion of the parkway completed to date. If this has not been accomplished, then this toll facility could remain indefinitely.

A similar proposal for the integration of some 77 miles toll facility into Interstate 75, which feeds into the entire west coast of Florida, came to light upon testimony by Mr. William C. Peterson, division engineer, U.S. Bureau of Public Roads, Tallahassee, Fla., when testifying on March 9, 1961, before the Special Subcommittee on Federal Aid to Highways, on which I have the privilege of being ranking minority member.

This latest proposal would result in injecting a toll trap into the Interstate 75 Freeway and would force users of Interstate 75 to pay tolls on a portion of the freeway previously programmed under the Interstate and Defense Highway System, and for which the road users are already paying substantial sums.

I include a copy of Mr. Peterson's testimony, which commences on page 371 through page 372 of the committee hearings on the disposition of right-of-way improvements in Florida, where Mr. Peterson brought this matter to light upon my interrogation:

Mr. CRAMER. I have one other question. You indicated that your fundamental problem was lack of a long-range program which is needed, and I understand presently there is now, under the new administration, discussion about rerouting the Sunshine Parkway which is the toll facility going down the east coast of Florida, and there was considerable discussion under the previous administration and a lot of negotiation, was there not, in determining whether to integrate a portion of that expressway into the Interstate System, or whether to permit the State to parallel the toll facility, with a freeway, was there not?

Mr. PETERSON. That is right.

Mr. CRAMER. And that problem was finally worked out, after lengthy consultations?

Mr. PETERSON. Yes, sir.

Mr. CRAMER. And now, after some 5½ years, since the Interstate System was supposedly fixed, the State finds itself in a position, as far as your responsibilities are concerned, of having to contemplate a new location for that expressway, Orlando to the north, is that correct?

Mr. PETERSON. What I know about that is that I attended a meeting at the road board about a month ago. A man was there who was in charge—I guess he is with the Sunshine State Parkway, and they had a consulting engineer, and they asked Mr. Anderson, our regional engineer, to attend this meeting. What they proposed to do is extend the Sunshine State Parkway from Fort Pierce northwestward to Orlando, from Orlando to Gainesville and from Gainesville to Ocala and then north to a little town called Alachua, where we already have the interstate under construction, making this a toll facility. That will then eliminate approximately 85 miles of the interstate between there. And we were alerted that is what they were about to do, and I don't know what decision will be made.

Mr. CRAMER. In other words, initially, as I understood it, the parkway was to go through Gainesville and over to Jacksonville, is that correct?

Mr. PETERSON. That is right.

Mr. CRAMER. And all agreements were reached and plans were made with regard to permitting the Interstate System to also have a route covering the east coast of Florida from Jacksonville to Miami and it was done in a way that was in conformity with your regulations, is that correct?

Mr. PETERSON. That is right.

Mr. CRAMER. As I understand the regulations, you cannot have an Interstate System freeway in close proximity, paralleling a toll facility. Is that correct?

Mr. PETERSON. As far as I know, you cannot, because you are conflicting with free enterprise. I believe that was the decision they made on Highway 9 down there and they set up certain stipulations that if the toll road authority would agree to letting them build the parallel facility, would give them a letter to that effect, and other understandings, they could build it.

Mr. CRAMER. If in fact they build this parkway from Gainesville to Alachua, you say they will lose some 85 miles on the present Interstate System?

Mr. PETERSON. On present 75, sir.

Mr. CRAMER. Where does 75 go from and to in that area?

Mr. PETERSON. Route 75 comes from Valdosta, Ga., where you hit the State line, through Lake City, down through the central part of the State, and goes eventually into Tampa.

Mr. CRAMER. In the Alachua-Ocala area?

Mr. PETERSON. That is right.

Mr. CRAMER. So, therefore, that could possibly mean Florida would lose its allocation on interstate money for 85 miles of the interstate road presently approved, is that right?

Mr. PETERSON. That would have to be decided by higher echelons. I don't know whether that is right or not, sir. I presume that is correct. We made the 1961 estimate, we have it completed and whether or not this would be deducted from that estimate, I don't know.

Mr. CRAMER. Would it result in a person traveling on 75 having to use a portion of the parkway, which is a toll facility, in order to negotiate the full route?

Mr. PETERSON. That is right, he would have to ride 85 miles on a toll facility.

Mr. CRAMER. Isn't that contrary to the basic policies of the Interstate System program, that is should be freeways?

Mr. PETERSON. Well, I believe it is, but I can't be certain about those things. Those are legal questions, I believe.

Mr. CRAMER. The reason I mentioned it is here is another example, right or wrong, on the long-range merits and I am not suggesting whether it is right or wrong, but here is an example, is it not, of where lack of long-range planning in Florida becomes very difficult from your standpoint, is that not correct?

Here is a very substantial change in the routing of the Sunshine Parkway, which can affect the Interstate System measurably, being made by the new administration, after you have relied for some 6 years under the previous administration that the route was fixed. Is that correct?

Mr. PETERSON. That is my understanding; yes, sir.

Mr. CRAMER. That is all.

Mr. BLATNIK. Thank you, Mr. Peterson.

This testimony was substantiated upon my request by a memorandum from the Bureau of Public Roads, dated March 13, 1961, copy of which I include for the record, in which it was stated as follows:

Mr. Cramer, as I understand it, is interested in how the proposed turnpike extension would affect Interstate Route 75.

On the attached map we have shown the present location of FAI Route 75 by a solid black line. The approximate location of the Florida turnpike is shown by a solid green line from Fort Pierce to a point where it would connect with relocated FAI Route 75. From that point northward to a point north of the town of Alachua, it is understood that FAI Route 75 would be relocated approximately as shown by the dashed green line and would be financed with bond funds and operated as a toll road. The location shown by a dashed black line is the portion of FAI Route 75 that would be relocated to tie into the toll portion but still financed with interstate funds as a free facility.

Mr. Cramer also desired that we furnish him with the length and estimated cost of the portion of FAI Route 75 which would be eliminated due to its inclusion in the proposed turnpike extension.

The estimated cost of the portion of FAI Route 75 between points A and B on the attached map is \$6.1 million and is 20 (plus-minus) miles in length. This same approximate cost would probably apply to the relocated portion (dashed black line).

Between points B (Wildwood) and C (Alachua) on the attached map, the estimated cost is \$29.2 million and the length is 77.2 (plus-minus) miles.

Thus, it is seen on a Florida map that a toll trap has already been inserted on Interstate 95 in Florida, and one is being considered on Interstate 75 so that north-south traffic in central and eastern Florida, supposedly traveling on a freeway, would end up having to pay tolls, in my opinion, contrary to the basic concept of the 1956 act.

Likewise, in Florida it has been reported to Congress in January of this year, two toll bridges have been integrated into the Interstate System in the Jacksonville area as well. I think the committee should determine under what conditions these were included and particularly whether any of the funds collected can be used for purposes other than paying off the bond obligations. Likewise, it should thoroughly explore as to whether alternative free routes are available as required by the act.

As is stated by Mr. Peterson, the integration of the toll facility on Interstate 75 would be accomplished by running the Sunshine State Parkway from Fort Pierce, its present terminus, across southwest of Orlando to approximately Wildwood, where it would interconnect with Interstate 75. The toll trap would be inserted from this point north approximately to Alachua, where again it would join with the freeway Interstate 75. This would result, according to Mr. Peterson's estimates, in a loss of about \$30 million or of some \$2 million annually from Florida's apportionment for the balance of the program.

This, in my opinion, certainly subverts the free concept of the Interstate System. This is a clear example of what is being considered, and with our committee having knowledge of this, I think we are dutybound to review any such proposals if we are to preserve the military and free concept of the Interstate System.

It is manifestly contrary to the defense concept of the 1956 Interstate and Defense Highway Act to inject toll traps into the free system, as well as being basically against the free concept itself.

It is unfair to the road users who are paying for this project supposedly as a free system through road user taxes.

In order for Congress to retain some control over retaining the free and defense nature of the Interstate System, I think it is essential that Congress approve legislation similar to that which I have introduced permitting Congress to review any such applications

approved by the Bureau and the Secretary of Commerce before they become effective to make certain that the basic policies of the act are being carried out. This doesn't prevent the States from submitting such plans—but, it does assure the Congress that any integration of toll traps into the free system will require congressional review and approval.

Mr. Chairman, elaborating on my statement, I would like to say that the Bureau of Public Roads takes the position presently that it has the authority under the 1956 Federal-Aid Highway Act, under section 129, to approve the integration of future toll facilities without further action or review by the Congress. Although I personally would construe it somewhat questionably in view of the legislative history, having been involved in this matter from the beginning, as to whether when Congress wrote this language into section 129 concerning toll roads, bridges, and ferries, it actually intended to give the Bureau of Public Roads the authority in the future to approve toll roads, bridges, or tunnels and integrate them into the Interstate System, which were constructed and planned after those which were proposed as a part of the 41,000-mile system that came into effect.

Therefore, the Bureau of Public Roads takes the position that this language which appears in 129(b)—and I referred to it in my statement on page 5—on a finding that such use will promote the development of an integrated system, the Secretary is authorized to approve as part of the Interstate System any toll roads, bridge, or tunnel now or hereafter constructed, which meets the standards adopted for the approval of projects located on the Interstate System when such toll road bridge or tunnel is located on a route heretofore or hereafter designated.

So it is the "hereafter" that the Bureau of Public Roads construes as giving them authority to approve inclusions not only of bridges or tunnels, but toll roads in the future.

I am not necessarily arguing the legislative background or otherwise, but it is a construction which can reasonably be placed on it, although I feel when this was under consideration what we had in mind when that language was added on the Senate side, I believe—what Congress had in mind was that only toll road facilities then planned or under construction would be integrated into the Interstate System, although they were not then completed; but that matter, I think, is moot.

We are in this situation where applications are coming into the Bureau of Public Roads and there are a number that are presently under consideration, as I understand it.

As I explained on page 2 of my statement, I am informed that construction of toll facilities is underway, or is contemplated in the States of Delaware, Florida, Maryland, Massachusetts, and Oklahoma; and I am further informed that there are other States in which consideration in varying degrees is being given to toll roads.

In Delaware and Maryland the State road boards have already asked the Bureau of Public Roads for such inclusion in the Interstate System.

Of course, the Delaware and Maryland situation, Mr. Chairman, would not be subject to my bill, and it is not my intention that it should be, in that this specific inclusion was authorized by Congress

in the 1960 Highway Act. However, I do think that that gives additional strength and credence to this approach requesting congressional committee approval for future inclusions of new toll bridges, tunnels, and highways, or toll sections, in that the Congress has shown, by putting the section into the 1960 act that it believes it is necessary for Congress to have something to say about such inclusions in the future.

That strengthens my position, I believe, in support of this legislation in itself.

Now, what does the bill actually do? It modifies the section I just read, that is, section 129, subsection (b), to the following effect: Upon a finding by the Secretary that adds the language "concurred in by the Public Works Committees of the House and Senate." It also adds the language that it shall conform to the basic policies of this act and this title as contained in section 301.

Congress was very explicit when it passed the 1956 Federal-Aid Highway Act for the Interstate System program. Under chapter 3 thereof, and I am reading from the Code, Design of Highways, section 301, it says, "Except as provided in section 129," which is what I just read, "of this title with respect to certain toll bridges and toll tunnels, all highways constructed under provisions of this title shall be free from tolls of all kinds."

That was the basic concept.

Mr. Chairman, it is my position that this concept is being in some instances subverted by including toll roads or toll traps in what are now free highways. I want to point to a specific example in the State of Florida that I think very clearly shows what the problem is. You will see on the map of Florida that red stretch of Interstate 95, which is about 44 miles of toll road that is part of the Sunshine State Parkway, that goes now from Stewart, which is the northern point of that red line in Florida on the east coast south to 9 miles north of West Palm Beach. That is that red section of toll road. It has been integrated into the freeway system, the Interstate System. That is Interstate 95. Of course, it was done in 1957 on State request and I have no quarrel with the Bureau of Public Roads as far as the State having requested it although I do quarrel with the State for substituting this toll section for a free section. From 9 miles north of Palm Beach on the southern end of that section to Miami, the Bureau of Public Roads approved a parallel freeway, with which I have no quarrel. But if you go from Miami to Jacksonville you will have to pay 44 miles of tolls.

That is the injection of a toll trap into the freeway system, and I would like to have the Bureau of Public Roads explain the manner in which it became a part. It was done on request of the State, but later I want to find out if the Bureau of Public Roads received any assurances that at the time that was integrated into the Interstate System, the tolls collected would be used solely for paying off the facilities. Also what are the limitations, if any, on refinancing. It brings up another point and, as I understand it—and I discussed it with our counsel, who was formerly with the Bureau of Public Roads—that is, that there is under section 129 a requirement with regard to bridges and tunnels, but not with regard to toll roads such as this 44-mile stretch. There is a specific requirement under subparagraph 1 on tolls

received from the operation of the bridge or tunnel, but it does not say toll road. It says less the actual cost of such operation and maintenance it shall be applied to the repayment to the State or to the public authority of such cost of construction. Then it says under subparagraph 2, that no tolls shall be charged for the use of such bridge or tunnel after the State or public authority shall have been so paid.

The obvious objective, and it is a good one, is that if these toll roads are integrated into the Interstate System, which is supposed to be, No. 1, free, and, No. 2, for important defense purposes, to see that it will not be subverted if you have toll traps there. It is necessary, No. 1 that all the tolls be used for repaying the cost of the project and it become free as soon as possible.

That same provision does not apply to toll roads unless you construe subparagraph (d) involving approaches to toll roads as requiring that, and I think there is some doubt. Therefore you have the situation of a toll bridge or a tunnel where you have to use all of the toll facilities to pay it off to make it free if you are going to put it on the Interstate System, so that in 8 or 10 or 15 years from now that facility will eventually become free. In that way we hopefully will eventually end up with relation to toll roads and bridges at least as a free system. We are talking about toll facilities in the future integrated into the system and not the New Jersey Turnpike and others in the Nation that it was understood from the beginning would be integrated into the system. We are talking about future integration.

So we get to the point now of the additional facility in the State of Florida that is being considered.

A similar proposal for the integration of some 77 miles of toll facility is being made in the State of Florida.

Mr. Turner, would you mind pointing to the map indicating where Interstate 75 is in Florida, please?

This is my concern with regard to this route. Interstate 75 feeds the central west coast area of Florida, my district included, and goes all the way up through the central and eastern part of the United States. Just above Wildwood, which is above the Tampa-St. Petersburg area, and going some 77 miles north to the Alachua area, which is just about below the intersection of the interstate going across the State, a similar proposal is being made to take the turnpike which now runs to the northern point of that red line there on the east coast at Stewart—to run it across to Interstate 75, straight on across that point at Wildwood, and to substitute it, which is what will have to be the effect, for Interstate 75. That is a 77-mile stretch. You see what will happen in Florida. We end up with a toll stretch on Interstate 75 serving the west coast of Florida, and a 44-mile stretch on the east coast, and two toll bridges in the Jacksonville area. I do not know whether commitments were received on those with respect to paying them off, but on the stretch on the east coast I would be interested in finding out whether that is true.

On the west coast section, Interstate 75, the result will be that \$30 million will be lost to the State and about \$2 million a year during the life of the program. Secondly, we will end up with the people coming all the way down from the northern part of the United States through Florida going to have to pay a toll. The road users, who have already paid or are in the process of paying road user taxes on the

assumption that they are going to pay for the building of a freeway, then will end up with a toll facility.

That was all specifically brought out through Mr. Peterson, when he was here, the division engineer out of Tallahassee, who testified to that effect, that that was the plan of the State. He attached a map, and this is his work, coming out of his office, indicating what the plan is. Here it is demonstrated on that map as well.

This is the toll trap which is to be inserted into the Interstate System, and this is the one inserted. The objective is obvious. It is to run this toll facility across the Interstate System, so they can tap into it from the freeway traffic income and therefore finance the turnpike at the same time with these funds.

It is my understanding that there is no requirement in the law presently that would require the State to pay off this facility within the period required by the tolls to do so. In other words, they could keep this on the Interstate System and collect tolls for it indefinitely, and use that money for other highway construction, if they want to.

Mr. SCHERER. Is this the proposed route of the toll road?

Mr. CRAMER. That is correct.

Mr. SCHERER. Does that mean that you would eliminate this section of the thruway?

Mr. CRAMER. That is correct. That was Mr. Peterson's analysis—that it would be the obvious result. You couldn't have a parallel freeway with a parallel toll facility.

Mr. FALLON. This green line, from this point to here—is that on the Interstate System now?

Mr. CRAMER. No. It is the turnpike now being proposed. It had been constructed up to this point from Miami up to Stewart.

Mr. FALLON. There is nothing to prevent them from building it as a toll road from this point to here.

Mr. CRAMER. That is correct.

Mr. FALLON. Because it is not on the Interstate System.

Mr. CRAMER. That is correct. There is no argument about that.

Mr. FALLON. What you are arguing about now is from this point to here.

Mr. CRAMER. That is right. Substituting the freeway with a toll road facility in the dotted-line section for about 77 miles.

Mr. FALLON. If the gentleman will yield, I do not know what the reasoning is that the administration in Florida has for building this toll road. I do not know whether they are similar to the conditions that exist in Maryland. The reason why we had it put into the last road bill—and I think it was the last one in 1958—the reason given by the officials of the State of Maryland and the State of Delaware was that in order to build this highway with Federal funds and State funds it would take about 10 years; whereas to build it as a toll road they could build it and have it open in several years less. Also, they considered that it was one of the most needed stretches of highway in the country today trafficwise. So there the reason for building it was not to trap anybody, but actually to correct a condition that exists there, which is extremely grave at the present time.

Mr. SCHERER. Will the gentleman yield? Are you through?

Mr. FALLON. Yes.

Mr. SCHERER. Under your amendment to the act, Mr. Cramer, a situation such as the chairman explains existed in Maryland would not go unremedied. All you would have to do is get approval of the two committees.

Mr. CRAMER. That is right. In other words, there are situations where I am sure the committee would determine an the merits that they were justified, and would still be in keeping with the basic concept of a defense highway system and free Interstate System program. I have no quarrel with those situations.

There are other situations, and I think that this is an example. I am sufficiently familiar with it, I think, to know what the basis of the proposal is. In those instances our committee would review such situations, as was done in the 1960 act in the case of Maryland and Delaware. The committees would review the situations and decide is this in the best interests of the freeway system or the defense system, or isn't it?

I feel unless we do recoup or recapture this jurisdiction that decisions will be made on the executive level without any consultation with the legislative branch. I think it is essential that we do this if section 301 is properly to be carried out, and providing for freeways.

Mr. SCHERER. May I ask you again, has the proposed turnpike which you have told us about, and the substitution for the 77-mile section which is now freeway—has that been approved by the Bureau of Public Roads?

Mr. CRAMER. No, it has not. It has been in the discussion stage. That was one of the reasons why I was hoping we could take action on this legislation. So that the Bureau would know if it approves it that it will come to Congress for review.

Of course, I can understand the Bureau of Public Roads' attitude that they do not want to give the jurisdiction back to the Congress which was given to them by the Congress in the first instance. However, I am not too swayed by that argument in that Congress itself had to cede that jurisdiction to them in the first instance.

I think that there are a number of ways that it could be done. It could be done by an act of Congress—I did not go that far in my proposal—as we did in the Public Buildings Act of 1958, whereby we set a precedent in having the committees of Congress authorize it. This would just be following that precedent. We would review the toll bridges and tunnels. There are not such a large number that they could not be reviewed by this committee if the chairman saw fit to do so. That is all the bill does.

I feel if we are basically to carry out our responsibilities in keeping with section 301 of the act that this be a free system, that now is the time for use to do something. Practically all of these toll facilities, the bridges, tunnels, and roads, which were initially contemplated to be a part of the Interstate System, are completed. Now is the time for us to take a look as Members of Congress at any future toll facility under consideration for integration in the Interstate System.

Mr. SCHERER. I do not imagine we are going to have too much in the way of additional toll road mileage built in the United States any more. I say that because there are very few sections where it would be profitable to build toll roads in view of the rapid building of the Interstate System. I do not imagine we would have this problem except on occasion.

Mr. CRAMER. I think so, but where we do have it I think it is important, such as in this situation in Florida, that we do have something to say about it. It is only because it happened to me in Florida, and I am familiar with it, that I am particularly concerned about it. But it could happen in other States just as easily and I think that we should take a look at it.

Mr. SCHERER. Mr. Turner, am I correct that in view of the fact that we are going forward with the building of the Interstate System, that there are not many areas in the country, or many sections of the system that could any longer support toll roads?

Mr. TURNER. That is right, Mr. Scherer. There are very few sections that will probably go to toll financing in the future. This is probably the longest single instance I can think of anywhere around the country where this condition might occur.

Mr. SCHERER. In view of that, I suppose that the Bureau of Public Roads is here today to tell us what they think about Congressman Cramer's proposal.

Mr. TURNER. Yes, sir. The Administrator has a statement for the committee.

Mr. FALLON. Are there any further questions of Mr. Cramer?

If not, we would like to have Mr. Whitton take the witness chair.

On behalf of the committee, Mr. Whitton, I would like to welcome you here this morning, because your advice and opinion on these matters are always welcomed by the committee.

STATEMENT OF REX M. WHITTON, FEDERAL HIGHWAY ADMINISTRATOR, BUREAU OF PUBLIC ROADS; ACCOMPANIED BY FRANCIS C. TURNER, DEPUTY COMMISSIONER, BUREAU OF PUBLIC ROADS, DEPARTMENT OF COMMERCE

Mr. WHITTON. Thank you, Mr. Chairman and members of the committee.

Mr. Chairman and members of the committee, it is a pleasure to appear before you again, this time to express the views of the Department of Commerce with respect to H.R. 5821 and H.R. 6324. Both of these bills concern subjects which are of direct interest to us, and I am glad to have the opportunity to discuss them with you.

H.R. 6324, which was introduced by Congressman Cramer, would require the concurrence of the Public Works Committees of the House and Senate in order for toll facilities to be approved as part of the Interstate System. Before discussing the views of the Department of Commerce with respect to this bill, it might be well to outline the background and present situation with regard to the incorporation of toll facilities in the Interstate System.

Since the inception of the Federal-aid highway program it has been the general policy, spelled out in the law, that highways constructed with the aid of Federal funds should be free of tolls. This policy is now set forth in section 301 of title 23, United States Code, which provides that all highways constructed under the Federal-aid highway laws shall be free of tolls, with certain exceptions with respect to toll bridges and toll tunnels. However, it must be borne in mind that Federal-aid highway funds are made available to the States on a voluntary basis and no State is obligated to accept such funds, on

either a statewide basis or for any particular project. If a State is not willing to comply with the conditions applicable to Federal-aid funds, it may proceed with a highway project with its own funds, without the obligation of complying with the conditions of Federal-aid highway laws. No Federal law prohibits a State from constructing a toll road, bridge, or tunnel at any location it may select, with or without the approval of the Secretary of Commerce, unless the State chooses to apply for and use Federal-aid funds to pay part of the cost of such construction, or unless the location coincides with a highway facility previously constructed with Federal-aid funds.

The first provision relative to the designation of the Interstate System was contained in the Federal-Aid Highway Act of 1944. Pursuant to this act, the majority of the routes of the present Interstate System were selected by the States and approved by the Secretary of Commerce. The routes approved on August 2, 1947, under this 1944 enactment included no toll roads, since the law made no provision for approval of such facilities at that time.

The Federal-Aid Highway Act of 1956 increased the authorized mileage of the Interstate System to 41,000 miles and, for the first time, authorized the appropriation of funds for the completion of the system. During consideration of this enactment, the Congress gave attention to the fact that a complete and integrated Interstate System would necessitate the construction of highways through traffic corridors then served or to be served by existing or proposed toll roads. Recognizing the fact that duplication of such toll roads would be an economic waste and could jeopardize the financial stability of existing or proposed toll roads, the Congress authorized the Secretary to approve toll facilities as part of the Interstate System if he found that such action would promote the development of an integrated system. However, the Federal-Aid Highway Act of 1956 did not authorize participation of Federal-aid funds in toll roads, nor did it prohibit the States from constructing toll roads at any place they might choose, including routes approved as the location of interstate highways, provided Federal-aid funds did not participate in such construction. In regard to the provision which authorized the approval of toll facilities as part of the Interstate System, the House report on the subject contained the following:

The language is intended to promote maximum integration of the system by including both free and toll portions of the system, and the committee does not anticipate that free facilities would be built in such locations and to such standards as to be in direct competition with toll roads so included (H. Rept. 2022, 84th Cong., p. 15).

Following enactment of the Federal-Aid Highway Act of 1956, and in recognition of the problems which would result from the accelerated highway construction program instituted by the act, the Bureau of Public Roads began a decentralization program, and delegated considerable authority to field offices. However, because of the importance and the policy aspects of the matter, the authority to approve toll facilities as part of the Interstate System was not delegated, but was retained in the Washington Office of Public Roads. This authority is still retained in the Washington office, and field offices cannot approve toll facilities as part of the Interstate System, although the recommendations of the field offices are given serious consideration.

When a State proposes a toll facility as a part of the Interstate System, the proposal is analyzed in light of all circumstances which exist with respect to the particular toll facility and interstate route involved. Of course, a controlling factor is the statutory requirement that toll facilities may be approved as part of the Interstate System only when such action will promote the development of an integrated system. In addition to this, three specific considerations are used as guides in determining whether a toll road can be accepted as an interstate highway location or whether the interstate location should be constructed along a parallel alinement. Those considerations are—

1. Whether the toll facility will be adequate to accommodate safely and efficiently the type and volume of traffic, both local and interregional, forecast for the year 1975;

2. Whether the toll facility will adequately meet local needs as well as those of interstate commerce; and

3. Whether construction of an alternate free facility will jeopardize the financial structure of the toll facility.

Under these principles a total of about 2,264 miles of toll facilities are now reported as open to traffic on the Interstate System. The 2,264 miles of toll facilities represent only about 5 percent of the total 41,000 miles of the Interstate System. It should be pointed out that this is less than half the mileage of toll facilities which the Congress evidently contemplated would or might be approved as part of the Interstate System at the time the Federal-Aid Highway Act of 1956 was enacted. In the 1955 Clay Committee Report on the National Highway Program it was stated that 5,242 miles of toll roads in operation, under construction, financed, or authorized, either paralleled or coincided with the Interstate System in 23 States. During the same year (1955), Senate Report 350, 84th Congress, indicated that at that time 2,300 miles of toll roads were in operation, under construction, or financed, that in addition approximately 3,000 miles of toll roads were authorized, and that most of these toll roads closely paralleled the Interstate System.

We do not favor enactment of H.R. 6324 for several reasons. The bill would require the concurrence of the Public Works Committees of the House and Senate before the Secretary could approve a toll facility as part of the Interstate System. Since the inception of the Federal-aid highway program more than 40 years ago, the responsibility and authority to propose and approve Federal-aid highway routes, locations, and systems, programs for the improvement thereof, and particular projects for carrying out approved programs, have been vested in the States and the Secretary of Commerce, or a comparable Federal official. Since the inception of the Federal-aid highway program these functions have been carried out in strict accord with the terms and intent of the law. This arrangement has resulted in the development of the world's finest system of highways.

It seems apparent that the selection of the highway systems, routes, locations, programs, and projects are so interrelated that it is essential that a single authority have the full responsibility for all decisions, subject to the general guidance of the Congress. If H.R. 6324 is enacted, there would be divided authority with respect to one small area, with the inevitable result that decisions affecting a major part of the interstate highway program might have to be deferred, pending action by the Congress.

An excellent example of the potentially adverse results can be found in the situation which led to the introduction of H.R. 6324. It has been suggested that a section of Interstate Highway No. 75 in Florida be constructed as a toll road. If approval of this proposal must await congressional action, it is apparent that approval of other projects on this interstate route might also have to be deferred, since the effect of the congressional action cannot be definitely known. It is my considered opinion that the responsibility and authority to approve the selection of Federal-aid highway systems, routes, locations, programs, and projects should be vested in a single official or body. I do not believe that it is desirable to divide this function by transferring a part thereof to a different entity, nor to impose conditions upon one aspect of the matter which are not applicable to others.

We believe that earlier development of the Interstate System can be realized by approval of some toll roads as parts of the system, under circumstances set forth in existing law. In the case of an existing toll highway, aside from the fact that the provision of a parallel free interstate highway facility would jeopardize the investment made in good faith by holders of the toll authority bonds, it would be wasteful to expend public moneys to provide a highway in an area where traffic is already adequately accommodated. With either existing or proposed toll highways, there is an overall benefit to such action and benefit to the individual highway user in that Federal-aid funds available may then be devoted to the development of interstate highways elsewhere, thus making it possible to complete a greater mileage of the Interstate System in a shorter period of time with resulting benefit to the economy of the Nation.

Furthermore, we do not believe that the bill would be effective in accomplishing its objectives. As I mentioned earlier, the toll-free requirements of Federal law exist only as conditions to Federal financial assistance to highway projects. Highways constructed with Federal-aid funds must be free of tolls, with certain exceptions in the case of toll bridges and tunnels. But if a State wishes to construct a toll road with its own funds it may do so, and the Bureau of Public Roads is without authority to prevent this, even though the location of the toll road may be coincident with a route selected for the future construction of a Federal-aid highway, including an interstate highway.

H.R. 6324 would not change this. Under the terms of the bill, even if the Secretary of Commerce and the Committees on Public Works of the Senate and the House of Representatives refused to approve a proposed toll road as part of the Interstate System, the State could proceed to construct the toll road on the route of the interstate highway, and the Federal Government would have no legal way to prevent it. The only result would be that Federal funds could not participate in the construction of the toll road, nor in the construction of approaches thereto, and reconsideration could be given to the approval of the route of the interstate highway involved.

Mr. CRAMER. At that point, in other words, if the State went ahead with the toll road and it paralleled the freeway, then the Bureau of Public Roads would have authority to refuse to provide Federal funds for the freeway. Is that right?

Mr. WHITTON. That is right.

Mr. CRAMER. That is the only thing, and only in that instance would Congress review the matter under the bill I have proposed. Isn't that correct? So that the preliminary decisions as to whether in fact it does parallel it, or whether in fact these conditions have been met, as you stated under the bill and under the present law—those determinations would be made by the Bureau of Public Roads, and only in the instance where the Bureau of Public Roads said that these conditions have been met and therefore we will not provide Federal funds for a parallel free facility if this toll road is constructed—only then would the committee enter the picture—after you had made your decision. Is that correct?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. And our position would be solely to review those decisions on the merits with regard to the integration of the toll facility.

Mr. SCHERER. Do I understand from your statement, Mr. Whitton, that the State would have the right to build a toll road on the exact location of a proposed freeway on the Interstate System?

Mr. WHITTON. We would have no authority to prevent them from doing it, providing that they didn't ask for Federal funds.

Mr. SCHERER. I understand that, but it could be on the exact location?

Mr. WHITTON. Yes, sir.

Mr. SCHERER. It does not even have to parallel it?

Mr. WHITTON. Yes, sir. The Bureau of Public Roads has no preempting rights to keep a State from going ahead and building a road if they use their own money.

Mr. CRAMER. And this bill would not change that?

Mr. WHITTON. In our opinion it would not.

Mr. SCHERER. Pardon me just a moment. If the State decided to build a toll road on the exact location of a proposed Interstate System road, then under your bill they would not have to come to Congress anyhow, would they, Mr. Cramer?

Mr. CRAMER. If the Bureau of Public Roads then took the action that it obviously would, that Federal funds would be withheld from this section pursuant to subsection (b) of section 129, and so decided, then it would come to Congress as a result of that decision.

Mr. SCHERER. There is nothing for Congress to do, is there?

Mr. CRAMER. Precisely the same thing the Bureau of Public Roads does today. Advise the State if it is done that Federal funds will not be available for the Interstate System section for so many miles. That is what the Bureau of Public Roads does today, is it not?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. And Congress would continue to do it.

Mr. FALLON. If the gentleman will yield, I do not think that the Connecticut and Maryland situation has anything to do with what you are trying to do. It would not be affected in any way. If my recollection serves me right, the reason for the Connecticut and Maryland amendments was because work had been done on the engineering, or some other kind of work had been done, and some money was spent on this route. The reason for the legislation was so that Maryland could return the money back to the Federal Government. There was no other way of paying this money back under the law. It did

not give them right to build the road, but merely gave them the right to turn the money back to the Federal Government that had already been expended on it.

Mr. SCHERER. Pursuing this a little further, I am a little bit confused here. If the State decides to permit the toll authority or the private interests to build a toll road on the exact location of a proposed Interstate route already established, there is nothing you can do about it, is there? You do not have to take any action. I am talking about the Bureau. You just withhold funds automatically.

Mr. WHITTON. They would not ask us for our opinion. They would just go ahead and build it. But there is a possibility they would want connections to it, and we could have some control over those connections, you see.

Mr. SCHERER. I understand that. All you would have to do then is incorporate it. You would almost be forced to incorporate it automatically into the Interstate System if they would follow the exact route, which I think they could do if they so decided to do it as in Florida.

Mr. CRAMER. That is the very point. It is on a finding by the Secretary. The section reads that upon a finding by the Secretary it is done. My provision says that it must be concurred in by the committees of the House and Senate—

that such action will promote the development of an integrated Interstate System * * * the Secretary is authorized to approve as part of the Interstate System any toll road, bridge or tunnel now or hereafter constructed which meets the standards adopted for the improvement of projects located on the Interstate System * * *.

Mr. SCHERER. Suppose they didn't do anything. If you had this section built on the exact location as I concede it can be done in the situation in Florida—suppose you do not do anything. You just would not build that section of the Interstate System, would you? You would not have to, I mean. As a matter of fact, if this section would be physically incorporated in the Interstate System you could not do anything about it, could you? You would not have to. As a practical matter you would not have to take any action, and if the State did not make any request that it be incorporated as a part of the Interstate System there would be no action taken by the Bureau of Public Roads, would there?

Mr. WHITTON. That would be my opinion.

Mr. SCHERER. It would be an accomplished fact.

Mr. CRAMER. That is a hypothetical that will never happen, I think. For instance, the State of Florida has already been in discussion with the Bureau of Public Roads about integrating this section into the Interstate System. So obviously they are interested in whether the Bureau of Public Roads will approve or not approve of the integration as a part of the Interstate System.

Mr. SCHERER. That is the only thing Florida is interested in integrating.

Mr. CRAMER. That is right. Florida is interested in integrating in this instance. But is there any instance where the Bureau of Public Roads has not taken action in integrating under section 129(b)?

Mr. WHITTON. We know of two pending that have not been acted upon.

Mr. CRAMER. I mean in the past they have actually been integrated?

Mr. WHITTON. There have been no refusals.

Mr. CRAMER. There have been no refusals?

Mr. WHITTON. That is right.

Mr. CRAMER. All my bill does is say that where the merits of the situation are up for consideration and the Bureau has made its determination, that that matter be submitted to the committees of the House and Senate for their consideration. The point the gentleman from Ohio made in my opinion shows why Congress should have something to say about it. Here you have the States with a proposal with regard to integration, and Congress should be able to make a decision as to whether that integration is consistent with the policies and purposes of the Interstate System and so advise the State, and the State can act as they see fit.

Mr. SCHERER. But as a practical matter, what difference does it make in a situation such as you have in Florida whether they follow the exact routes or run parallel a few miles over? What difference would it make if the Bureau of Public Roads or Congress failed to act?

Mr. CRAMER. The Bureau of Public Roads under the legislation has a duty to act. Isn't that correct? If in fact a toll road parallels a free system on the Interstate System?

Mr. WHITTON. We think it is the intent of Congress that we act and that we not build a free road within a mile or two or five of a parallel toll road.

Mr. CRAMER. You took action, as a matter of fact, in the State of Florida on Interstate 95.

Mr. WHITTON. Yes.

Mr. CRAMER. And integrated 44 miles.

Mr. WHITTON. That is right.

Mr. CRAMER. Because it too closely paralleled the freeway system.

Mr. WHITTON. Yes, sir.

Mr. CRAMER. So as a matter of carrying out the congressional intent they do act in each instance where there appears to be any conflict. Is that right?

Mr. WHITTON. That is right.

Mr. SCHERER. But if the State refused to act, or if the Bureau or Congress refused to act to integrate it, as a practical matter you would not build that section of the freeway anyhow. Isn't that right?

Mr. WHITTON. That is right.

Mr. CRAMER. Let us take this instance: Instead of being 77 miles, as this section is, if it were 10 or 15 miles. It is obvious that the toll facility wants to tap into the freeway system for toll traffic to help pay off the facility in order to make it feasible. That is the kind of situation I am talking about.

Mr. SCHERER. I am trying to find out whether we accomplish anything.

Mr. WHITTON. You can carry it further than that, Mr. Cramer, and say that they might build a toll facility 5 miles long.

Mr. CRAMER. That's right.

Mr. WHITTON. The answer to it might be, in my judgment, the Bureau of Public Roads might go ahead and build another road around it, if we have two hypotheses.

Mr. CRAMER. Don't you think Congress should have a chance to take a look at that situation? There is a perfect example of where I think Congress should have a chance to take a look at it.

Mr. WHITTON. I am certainly not qualified to tell Congress what it ought to do, but I think it is a bad policy to have divided authority in the laying out of the Interstate System and in its approval.

Mr. CRAMER. It is already laid out, but this is just a case of limited assistance where you are going to permit a toll facility to be injected into the toll system.

Mr. WHITTON. I have one further comment that might affect that.

If the committee feels that congressional action is desirable in connection with this subject, consideration might be given to requiring that all project agreements for projects on the Interstate System obligate the State not to construct any toll facilities on the interstate highway involved without approval of the Secretary.

That is an administrative action. I think we would call it administrative action, wouldn't you, Mr. Turner?

Mr. Turner thinks that we would have to have congressional authority to apply that.

The Bureau of the Budget has advised that there is no objection to the presentation of these views on H.R. 6324 from the standpoint of the administration's program.

Mr. CRAMER. Let me ask you a question here. Of course, the alternate proposal has no teeth in it at all. Isn't it true with regard to the suggestion you made of bypassing the section of road, that before that can be done, the request for that has to initiate with the State, does it not?

Mr. WHITTON. Yes.

Mr. CRAMER. That hypothetical does not hold water at all. The State would have to initiate a request for a parallel stretch.

Mr. WHITTON. Yes, sir. That is our present act.

Mr. CRAMER. This occurs if you are consulted by the State for any matters under consideration, as was the case in Interstate 75, and was the case in Interstate 95. You suggest on page 6 that you should have full authority and responsibility to make all these decisions "subject to the general guidance of Congress."

How are we going to guide you if we do not review what you are doing, other than general policy statements in the legislation itself?

Mr. WHITTON. That guidance has been given in the legislation and in the legislative history.

Mr. CRAMER. When the interstate section of 95 was integrated, consisting of 44 miles in the State of Florida, the State of Florida lost some \$20 million as a result of it, or \$1½ million in its allocation yearly, which is the effect of it. If this were integrated Florida would lose about \$2 million a year, or \$30 million. Therefore, \$31½ million would be lost from Florida's allocation. That is on an annual basis. We will lose it next year.

Mr. WHITTON. That is right.

Mr. CRAMER. When this was integrated, Interstate 95, were there assurances required that all tolls charged would be used to pay off the bond authority and thereafter it would be free?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. That was required?

Mr. WHITTON. Yes.

Mr. CRAMER. There are toll gates at the two ends?

Mr. WHITTON. Yes.

Mr. CRAMER. And they have to keep separate those funds going through those two toll gates to pay off that one section where the bond issue involved a toll section from Stewart to Miami?

Mr. TURNER. You do not segregate the receipts for that particular portion of the road, but the governing consideration there is the approach to our toll road concept. We could not approve the location of a project which would be put up against the end of a toll road unless the proceeds from the tolls were used to service the debt and maintain the road.

Mr. CRAMER. Exclusively?

Mr. TURNER. Exclusively. And when that had been accomplished the road would become free. That is under section 129(d) of the legislation.

Mr. CRAMER. The one I referred to?

Mr. TURNER. In the situation you are describing there on the existing toll road, the reason why a part of it is in the system and part of it is paralleled by a proposed location is a question of the volume or capacity of the road. On the northern end——

Mr. CRAMER. But to get to the point of how you segregate those funds——

Mr. TURNER. They don't have to.

Mr. CRAMER. How do they do it to assure you that all of the money collected at those two toll gates is going to be used for that purpose?

Mr. TURNER. They do not. It applies to the entire receipts from the Sunshine Parkway.

Mr. CRAMER. In other words, the entire parkway funds have to be used for that purpose?

Mr. TURNER. The entire parkway would have to be considered as a unit and not the proceeds from the two toll gates. But to get back to the other point, the reason why the southern end of the parkway is paralleled by the proposed piece of the Interstate System to be constructed at some time in the future is a question of the capacity of the existing four lanes to carry the forecast traffic from the area below Palm Beach. The growth occurring in that area is such that we anticipate that before 1975 traffic volume will grow so rapidly that it will greatly exceed the capacity of those four lanes to accommodate it, and under the legislation we have to design the Interstate for 1975 traffic volumes and types. So we felt on the basis of the showing made by the State, that it was necessary to create additional capacity in that particular part of the corridor.

Mr. CRAMER. So by 1975 there will be sufficient traffic there so that the parkway itself will be saturated and therefore you will need a parallel road. That is why there is a freeway from Palm Beach south to Miami.

Mr. TURNER. That is right.

Mr. CRAMER. But not Palm Beach north to Stewart?

Mr. TURNER. But north of Palm Beach it appeared that the existing facility would continue to be adequate to 1975.

Mr. CRAMER. So for all practical purposes that toll facility will remain on the Interstate System until it is paid up?

Mr. TURNER. Presumably.

Mr. CRAMER. Even though by 1978, as I understand it, there will be traffic enough to justify a parallel road?

Mr. TURNER. There might be, but 1975, of course, is the statutory target date we have to consider.

Mr. CRAMER. I realize that.

The reason why I brought this out is it shows the problem involved in facing a date of that sort. On these two bridges at Jacksonville, were assurances given us? They were integrated into the Interstate System. Were assurances given that all of those tolls would be used for paying off the bridge bonds?

Mr. TURNER. Yes. Those were part of a different situation, of course. The Jacksonville Expressway Authority, which is an older authority than the Sunshine Authority, and I believe some of that was built back in the late 1940's, in fact. But the provision would still be the same. Those bridges would have to become free when the debt service had become liquidated.

Mr. CRAMER. They cannot use any of those funds for any other purposes?

Mr. TURNER. Not if we incorporate them into the system.

Mr. CRAMER. They have been incorporated.

Mr. TURNER. It must go directly to them.

Mr. CRAMER. They have been incorporated, haven't they?

Mr. TURNER. Yes. Two of them have.

Mr. CRAMER. One other question.

Mr. Whitton, as I gathered the basis of your statement, it is fundamentally that there would be nothing changed by my bill that is presently required. It would not affect in any way the cooperation between the States and the Federal Government. The only thing it would do is, after you make the decision in the Bureau of Public Roads that this stretch should be integrated or it should take the place of the present freeway stretch, then Congress would come into the picture in approving or disapproving the decision?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. Or it would be up for review by Congress?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. Other than that, there is no change in existing law.

Mr. WHITTON. We would not make the decision, but we would make a recommendation to the groups, which in my judgment would create some delays that might be a little difficult to live with.

Mr. CRAMER. This situation in Florida, of course, has been going on for some time and it is a major decision affecting the whole highway program in the State of Florida. It would be well to take a few weeks to make a decision like that, would it not?

Mr. WHITTON. Yes.

Mr. CRAMER. If, in fact, the State decides to do that and the Governor indicated that is their decision, it would be well for someone to spend a little time studying it.

Mr. WHITTON. Yes, sir.

Mr. CRAMER. And, of course, you will spend considerable time studying it?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. My bill says that Congress, if it felt it was necessary to take expeditious action, could do so through the committee.

That is all I have.

Mr. FALLON. Are there any other questions?

Mr. SCHERER. You would be inclined to take favorable action, would you not?

Mr. WHITTON. On what?

Mr. SCHERER. It would give the Bureau \$30 million to spend on highways some place else.

Mr. CRAMER. You get \$30 million and we lose \$30 million.

Mr. WHITTON. I would not want to say at this time, Mr. Scherer.

Mr. CRAMER. If in fact the toll road came as close to the freeway as proposed here you would have no alternative.

Mr. WHITTON. We are getting near the end of this program with the bill which you gentlemen so wisely passed, which brings it to a point where at least—and I am talking for myself now—where at least it looks doubtful as to whether there will be many toll roads advanced between now and 1972, let me say.

The time is not so long that we won't be able to build most of the important ones with regular Interstate money. So I think, Mr. Cramer, or one of you gentlemen made the statement that there are not many toll possibilities left on the Interstate System, and this may be one of them. I am not too familiar with it yet.

Mr. CRAMER. That means that there would not be too many cases for Congress to review then.

Mr. WHITTON. In my judgment.

Mr. CRAMER. As a matter of fact, the act that was just passed this session provides funds to construct this 77-mile stretch in Florida as a freeway, does it not? Within the balance of the program?

Mr. WHITTON. It is in the instrument.

Mr. FALLON. When these projects are submitted to the Bureau of Public Roads they stipulate their reasons for wanting a toll facility rather than a free facility. Is that right?

Mr. WHITTON. They would.

Mr. FALLON. Do you know the reasons submitted by the State of Florida for wanting these particular projects?

Mr. WHITTON. We do not have anything on it yet, Mr. Chairman.

Mr. FALLON. Are there any questions?

Thank you very much, Mr. Whitton, for taking the time to appear here at this session.

Mr. WHITTON. Thank you, sir.

Mr. FALLON. Mr. Whitton, you are going to remain to testify on H.R. 5821?

Mr. WHITTON. Yes, sir.

(H.R. 5821 follows:)

[H.R. 5821, 87th Cong., 1st sess.]

A BILL To provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway to the Commonwealth of Virginia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce shall convey to the Commonwealth of Virginia all the right, title, and interest of the United States in and to that portion of the Henry G. Shirley Memorial Highway in Arlington County, Virginia, as described in subsection (b) of this section, on condition that the Commonwealth of Virginia shall, within one year

after the date of enactment of this Act, institute a project to bring such highway up to the standards of the National System of Interstate and Defense Highways. The Federal share payable on account of such project on the Interstate System shall be increased by an amount equal to the cost to the United States of maintaining such highway for a four-year period but not to exceed an additional 5 per centum of the total cost of such project.

(b) That portion of the Henry G. Shirley Memorial Highway in Arlington County, Virginia, authorized to be conveyed to the Commonwealth of Virginia by subsection (a) of this section shall be deemed to include the following roads, together with such pertinent bridges, interchanges, approaches, connections, and other facilities as may be agreed upon by the Secretary of Commerce and the Secretary of the Army.

(1) United States Route 1 from the vicinity of bridge 21 as may be agreed upon by the District of Columbia Highway Department and the Secretary of Commerce to the present northerly limit of State maintenance on such route in the vicinity of Army and Navy Drive (G road), approximately seven-tenths mile (NS road).

(2) The Henry G. Shirley Memorial Highway (State Route 350) from United State Route 1 to State Route 7, approximately four miles (CD road).

(3) Connecting road, between the Henry G. Shirley Memorial Highway and Arlington Ridge Road, approximately two-tenths mile (JK road).

SEC. 2. Notwithstanding any other provision of law the Secretary of Commerce, acting in cooperation with the Virginia State Highway Department, shall designate as a part of the National System of Interstate and Defense Highways a highway running approximately parallel to the Henry G. Shirley Memorial Highway and connected with such highway at or near Woodbridge, Virginia, and at or near the Potomac River.

Mr. FALLON. Mr. Broyhill, would you like to present your case in regard to this legislation you have sponsored?

Gentlemen, our next witness does not need any introduction to this committee. I think you are all acquainted with who Mr. Broyhill is, and whom he represents, so we are very happy to have you here this morning, Mr. Broyhill.

STATEMENT OF HON. JOEL T. BROYHILL, MEMBER OF CONGRESS FROM THE STATE OF VIRGINIA

Mr. BROYHILL. Thank you, Mr. Chairman.

I wish to express my thanks to the committee for their courtesy in permitting me to testify this morning on this legislation which seeks to arrive at a solution to a very serious problem which exists right here in the shadows of our Nation's Capital.

Mr. Chairman, at the outset let me state that I had hoped in having this legislation drafted, that the legislation in its entirety would be completely noncontroversial. However, I have learned that the Bureau of Public Roads and the District of Columbia Highway Department do object to one portion of the bill, or, rather, one section of the bill. I do not propose to tell this committee how to act, but I do hope that since this is an emergency situation which exists, that the committee will act on the legislation in one way or another.

If the committee considers the section or the portion of the bill unsatisfactory or controversial, I hope that they will make some changes in that section or delete it. But I do think that affirmative action is necessary.

Before getting into the bill itself, I would like to explain for a moment the background of the problem, and why this legislation is necessary.

We have here on this map shown in red, a portion of the highway which is more popularly known here as the Shirley Highway and Pentagon Network. It runs from the 14th Street Bridge by the Pentagon Building and out past the Fairlington and Shirlington area to Route 7. That distance is approximately 5 miles, or 4.9 miles. That highway, which has just been outlined there, was built by the Federal Government back in 1941, when the Pentagon Building was constructed. It is still owned by the Federal Government and maintained by the Federal Government through the Bureau of Public Roads.

It is a rather obvious fact that the highway is now overloaded. It must be modernized and improved and widened. It is now carrying traffic in excess of what a six-lane highway would be required to carry, and it is now only a four-lane highway. It is carrying approximately 70,000 vehicles per day.

The chairman of this committee has known of the problem for quite a long time and recognized the problem, and I think in fact introduced legislation back in the 84th Congress to improve this highway and bring it up to standards and then convey it over to the State Highway Department of Virginia for maintenance, but that legislation was not approved. I think it just died through lack of action.

Subsequent to that we have inaugurated the present Interstate Highway System. The Bureau of Public Roads is attempting to get the State of Virginia to incorporate that in the interstate highway program. I think that is a very sound approach to the problem. However, we have to have legislation to authorize that conveyance, and have to get the State of Virginia to agree to accept it and include it in the Interstate System in that section of Virginia.

We have had a little difficulty there in arriving at an agreement between the Bureau of Public Roads and the State of Virginia Highway Department. The State of Virginia Highway Department has felt that Shirley Highway could not be widened sufficiently to take care of all of the traffic which is being generated in that area, and will be generated in that area in the future. In fact, the State highway department and the Bureau of Public Roads agree that we actually need 12 lanes in that corridor in order adequately to handle the traffic.

The State of Virginia Highway Department wants to build another right-of-way through that section, to be included in their portion or in the portion of the Interstate System in that area. The Bureau of Public Roads has insisted that the Shirley Highway right-of-way be designated as the Interstate System route. And because of that disagreement we have deadlocked. There is a deadlock that has existed and the problem continues to be compounded every day.

I have had several meetings with and communications between the State Highway Department of Virginia and the Bureau of Public Roads in an effort to end that deadlock. As a result of a recent trip to Richmond I did get agreement from the State highway department there, which I have incorporated in this legislation, and I hope that Congress will approve it. That is, they will take over the Shirley Highway and bring it up to the highway standards as required by the Bureau of Public Roads, providing that the Federal Government would contribute 95 percent of the cost rather than 90 percent of the

cost. If we could not widen it, or if it is not feasible from an engineering standpoint to widen it sufficiently to take care of all the traffic that would be generated in the area—and, as I stated before, they would require 12 lanes—then the Bureau of Public Roads would approve of an additional right-of-way running parallel to the Shirley Highway to be incorporated in the Interstate System on a 90-10 basis.

So I have prepared the legislation to carry out that agreement.

The first section of the bill, the portion which is noncontroversial according to my understanding—the Bureau of Public Roads supports it—authorizes the conveyance of this section of Shirley Highway over to the State of Virginia, with the understanding that the State of Virginia will bring it up to standards and maintain it in the future. It provides for the 95 percent Federal contribution in lieu of the 90 percent. The reason for that is it is costing somewhere in the neighborhood of \$180,000 a year to maintain Shirley Highway now, before it is even brought up to standards.

This legislation states that the 90-percent formula will be increased by an amount equal to the cost to the United States of maintaining such highway for a 4-year period, but not to exceed an additional 5 percent. This is how we arrive at the 5-percent so-called bonus there, because it will cost the Federal Government that amount anyway if the State of Virginia does not take it over for maintenance. We provide a little incentive in the bill in that the only way they can get the 5-percent bonus, or the amount that the Federal Government will save in maintenance, is that it will be granted if the State highway department would take it over and provide the action to bring it up to standards in a 1-year period.

So if the highway is taken over as provided for in the bill, that 5 percent would not be in the final analysis an additional expenditure on the part of the Federal Government.

Section 2 of the bill that is objected to, which provides an additional right-of-way, can be constructed to provide for the traffic. The traffic, we know, is going to be generated in the area.

I hope that the committee, or feel that the committee, will have to decide as to whether or not this is establishing an improper or unreasonable precedent. Also, whether or not you feel in completing this Interstate System particularly into the Nation's Capital, that we should do it adequately and properly. If the committee thinks that we should do it properly then, of course, you might be inclined to go along with section 2.

If you do not think that this is a fair and reasonable request I hope the State of Virginia that other States do not have and Virginia should not have, then, of course, you are not likely to approve section 2. But in any event, I think that the committee should take some affirmative action in stating what is going to be done about the Interstate System in this section, and so that the State of Virginia will know that this is a final and complete and firm decision on the part of the Federal Government, and it cannot sit back and let this traffic continue to grow and increase and delay action, hoping that they can get the Bureau of Public Roads and the Congress to get into it.

If you do not think that this is a fair and reasonable request I hope that the committee will say so. Then if we convey the Shirley Highway over to the State of Virginia with this incentive to make a start on it in 1 year, we make it known that this is the situation and that

this is where the highway will be in Virginia, and they cannot hope by procrastination and further delay to have Congress build it for them. I think it is an emergency situation and action should be taken now to correct it.

That completes my statement, Mr. Chairman.

Mr. FALLON. Mr. Broyhill, do you know whether the State of Virginia has made application to the Bureau of Public Roads for this, or a parallel route to be included in the Interstate System?

Mr. BROYHILL. Whether the application is an official and formal one, I do not know. They have for a number of years been planning another route through northern Virginia for their Interstate System, and the Bureau of Public Roads, whether they have officially stated it or not I do not know, but they tell me that they will not approve any other corridor for the Interstate System in this section other than the Shirley Highway. So we are deadlocked, and that is the problem.

We all know, those of us who live in Virginia, that Shirley Highway is a disgraceful situation, and as long as it belongs to the Federal Government it is a Federal problem. I am asking you to turn it over to the State of Virginia and insist that they bring it up to standards.

Mr. FALLON. Are there any questions?

Mr. JONES. Mr. Chairman, I will have one question of Mr. Broyhill. On the first page of the bill, commencing in the middle, it says—

* * * as described in subsection (b) of this section, on condition that the Commonwealth of Virginia shall, within 1 year after the date of enactment of this Act, institute a project to bring such highway up to the standards of the National System of Interstate and Defense Highways.

And so forth.

Is that mandatory that the State of Virginia shall initiate construction within 1 year?

Mr. BROYHILL. Initiate action, Mr. Jones. I would imagine that would be plans and programming of it, because I don't know whether it means a pick in the ground. I don't think the language would imply that.

Mr. JONES. That is the point I meant to inquire about.

Mr. BROYHILL. That is the incentive I was referring to, in order for the State of Virginia to get the additional 5 percent, which will be equivalent to what the Federal Government will save in maintenance by the State of Virginia expediting the action. It is not meant to be an additional cost in the final analysis to the Federal Government.

Mr. JONES. That is all.

Mr. CRAMER. I have a question, Mr. Chairman.

Mr. FALLON. Mr. Cramer.

Mr. CRAMER. I would like to congratulate the gentleman on his fine statement in pointing out the importance of something being done about the Shirley Memorial Highway coming into Washington. I travel it every day and I do not think there is a more congested entrance to our Nation's Capital in Washington, D.C., than the Shirley Memorial Highway. With this second bridge across the Potomac River at 14th Street it will have the effect of funneling additional traffic into the Shirley Highway, or making it necessary to carry an additional load.

Mr. BROYHILL. That is the position of the District of Columbia Highway Department. They claim that a problem would be created if we built an additional highway paralleling Shirley Highway. However, we are now completing the Theodore Roosevelt Bridge, the Cabin John Bridge, the Jones Point Bridge, and the new 14th Street Bridge, and the circumferential highway. I think whatever amount we can widen Shirley Highway, whether it be to six or eight lanes, there will be adequate bridges crossing to take care of the traffic. The District of Columbia Highway Department is fearful that an additional four lanes running parallel might be too much traffic.

Of course, if an additional four lanes are built, it would probably require an additional bridge to be included in the Highway Act, at that point. But this legislation will permit the widening of the highway to 12 lanes if it is considered feasible from an engineering standpoint; but I question whether the Bureau of Public Roads will ever approve that much widening in the area.

Mr. CRAMER. It is a serious situation and I am glad you brought it to the attention of the committee. I feel Congress will have to do something to relieve that situation, and this may be the answer.

Also, I want to congratulate the gentleman for working out an agreement with the State of Virginia, which is something new to the whole approach, as I see it, in order to make it possible for the Congress to consider it.

Mr. BROYHILL. While there has been a lot of intolerable procrastination in this matter, the State of Virginia does have some defense of their position. In the Interstate System Act there is a master plan you had before you to run Route 95 through northern Virginia at that point. The State of Virginia wants to go ahead and do that, and ignore Shirley Highway in that it belongs to the Federal Government and they are having it rammed down their throats. There may be some defense for that position, but in the meantime we are having congestion in there now.

It is an emergency situation and we should correct it now.

The Bureau of Public Roads takes the position that since we have this highway in there now, that should be the interstate part. The State of Virginia does not quarrel with that, provided they will not be prohibited from bringing through the other route, which will provide the number of lanes which are needed to take care of the traffic.

There is a disagreement between the State of Virginia and the Bureau of Public Roads that has caused this deadlock, and the committee should help to break that deadlock by saying here is what we think the Federal Government should do, and that is all we are going to do, and let us get moving.

Mr. FALLON. If this bill is enacted will we have two interstate roads coming into Washington?

Mr. BROYHILL. If section 2 of the bill is enacted it would mean two rights-of-way on the Interstate System for that section.

Mr. FALLON. That would mean 10 miles of Interstate System rather than 5 miles?

Mr. BROYHILL. That is right, and that is why the Bureau of Public Roads objects.

Again, pardon me for being repetitious, but if the committee feels that they should take section 2 out, they should make it clear that this

is the Interstate System and we might as well go ahead with it; and that waiting till 1972 will not ease the situation or the formula one iota, as far as the State of Virginia is concerned.

Mr. FALLON. Of course, you know Congress has never taken the position where they would decide the location of the Interstate System and at what point the Interstate System should come in. That has all been done and we have stayed away from the location of it so far as I know since the inception of the Interstate System, or any other system.

Mr. BROYHILL. I realize that. But, Mr. Chairman, I feel that this being at the door of the Nation's Capital, the committee would be concerned with this problem and should not be sitting back and permitting a deadlock to cause this congestion to continue. Someone has to act here in order to break it, and the present legislation, I think, will do that.

Mr. BALDWIN. Mr. Chairman.

Mr. FALLON. Mr. Baldwin.

Mr. BALDWIN. I also would like to congratulate you for giving recognition to this serious traffic problem on Shirley Highway. Although I do not use it now, I did have to make use of it in an earlier term of office I served here, and I found it to be a very confused traffic route.

Let me ask you this question: It says:

* * * on condition that the Commonwealth of Virginia shall, within one year after the date of enactment of this Act, institute a project to bring such highway up to the standards of the National System of Interstate and Defense Highways.

What do you contemplate as to who is going to set this standard to which it will be built?

Mr. BROYHILL. That is set, as I understand it, by the Bureau of Public Roads in the act, and they work it out with the approval of the States involved.

Mr. BALDWIN. With the approval of the State?

Mr. BROYHILL. Yes. They have been studying recently the feasibility of widening it to eight instead of six lanes. Whether that has been finally determined or not I do not know, but they feel that six lanes is the maximum number of lanes that can be constructed in that right-of-way from an engineering standpoint and still be feasible.

Mr. BALDWIN. So you want to give the Bureau of the Public Roads with the consent and approval of the State the right to establish the standard to which the State would have to construct the route?

Mr. BROYHILL. That is the way it is everywhere. Yes.

Mr. BALDWIN. My second question is, the following sentence on page 2 says:

The Federal share payable on account of such project on the Interstate System shall be increased by an amount equal to the cost to the United States of maintaining such highway for a four-year period, but not to exceed an additional 5 per centum of the total cost of such project.

What 4-year period?

Mr. BROYHILL. I would think the 4-year period or estimated 4-year period for maintaining it from now on. I have a letter here from the Bureau of Public Roads which says that during the last 3 years maintenance has cost over \$540,000, or an average of \$180,000 a year. I also believe that widening it to six lanes will cost about \$7 million.

So 5 percent of that would be only \$350,000, and that is the maximum. That is the reason for the maximum figure in there.

I don't have any position whether it is the next 3 years or the past 3 years.

Mr. BALDWIN. Your bill does not specify which 4-year period and I think this point ought to be clarified so this committee may consider it in excessive session. This does not say the estimated cost for the next 4 years. You state that it should be "an amount equal to the cost to the United States of maintaining such highway for a 4-year period." The United States would not know the cost for the next 4 years. The cost for the last 4 years would be a known figure, and I think we should know what you have in mind.

Mr. BROYHILL. I think we can clarify that language, Mr. Baldwin. originally I proposed a 5-percent bonus or additional contribution, but it was felt that the committee would raise objection to giving the State of Virginia 5 percent more on the Shirley Highway portion than any other State has. So we felt that we ought to bring out the fact that that 5 percent will not exceed what the maintenance cost would be.

As I got the estimate from the Bureau of Public Roads at that time, 5 percent will not exceed what the maintenance cost has been for the past 4 years. Actually, I think that was the intent in drafting the legislation. Whether the language makes it clear or not, I would be willing to have it amended to conform to that.

Mr. BALDWIN. You have in mind the 4-year period preceding the enactment of this act?

Mr. BROYHILL. Yes. Because that is where we arrived at the 4-year period, which is actually more than 5 percent of the cost.

Mr. BALDWIN. Thank you.

Mr. FALLON. Are there any other questions?

Thank you very much, Mr. Broyhill.

Mr. Whitton, would you give us the Bureau of Public Roads' position on H.R. 5821?

STATEMENT OF REX M. WHITTON, FEDERAL HIGHWAY ADMINISTRATOR, BUREAU OF PUBLIC ROADS; ACCOMPANIED BY FRANCIS C. TURNER, DEPUTY COMMISSIONER, BUREAU OF PUBLIC ROADS, DEPARTMENT OF COMMERCE—Resumed

Mr. WHITTON. Yes, sir, Mr. Chairman.

Mr. Broyhill has very ably described this to you.

Having completed that portion of my statement concerning H.R. 6324, I will now discuss the provisions of H.R. 5821 and the recommendations of the Department of Commerce with respect to this bill.

Under the provisions of H.R. 5821, the Secretary of Commerce would convey to the Commonwealth of Virginia the interest of the United States in that portion of the Henry G. Shirley Memorial Highway described in subsection (b) of section 1 of the bill. A condition would be imposed upon this transfer that, within 1 year after the date of the enactment of the bill, Virginia shall institute a project to bring the Shirley Memorial Highway up to the standards of the Interstate System. The Federal share payable, which would normally be 90 percent, inasmuch as this highway is part of the Interstate System, would be increased by an amount equal to the cost to the United States

of maintaining the highway for a 4-year period. In no event, however, would the share of the United States exceed 95 percent of the total cost of the project.

The Bureau of Public Roads and the Department of Commerce would recommend the enactment of section 1 of the bill with certain amendments which I shall shortly discuss.

Section 2 of H.R. 5821 would require the Secretary of Commerce to designate as a part of the Interstate System a highway parallel to the Shirley Memorial Highway and connecting it with this highway near Woodbridge, Va., and at another point near the Potomac River. We firmly feel that this provision is not in accord with the concept of the Interstate System as established by the Congress in 1944, providing for the designation, on a national basis, of the Interstate System by the State highway departments, subject to the approval of the Secretary of Commerce. Moreover, it would result in a designation of an additional route for the Interstate System in single traffic corridor.

The designation of a parallel route of this nature would be inconsistent with basic policies followed over the years relating to the Interstate System. The Department of Commerce has consistently opposed bills seeking to add specific routes to the Interstate System. We believe that present efforts should be directed toward the completion of the system as now designated. Accordingly, it is recommended that section 2 of the bill be deleted. If the Commonwealth of Virginia should desire to have such a parallel route included in one of the other Federal-aid highway systems, it could initiate action under usual Federal-aid procedures for this purpose.

Turning again to section 1 of H.R. 5821, I would like to give you some of the history and background of the Pentagon network, of which a portion of the Shirley Memorial Highway is a part. The Pentagon network was constructed by the Bureau of Public Roads of the Department of Commerce during World War II under the Defense Highway Act of 1941. It was constructed in part on lands owned by the Federal Government and in part on lands owned by the Commonwealth of Virginia in Arlington County, Va. While it was constructed primarily to serve the immediate needs of the Pentagon Building and surrounding area, in the period following World War II the rapid residential development of Arlington County, Alexandria, and Fairfax County, resulted in continually increasing traffic demands on the Pentagon network and the Shirley Highway. Thus, for some time, these highways in the vicinity of the Pentagon Building have served many local needs, as well as the main original purpose for which they were built.

Since the construction of the network, its maintenance has been the responsibility of the Federal Government, and such maintenance has been performed by the Bureau of Public Roads, using funds available from unexpended balances of appropriations authorized by the Defense Highway Act of 1941, as amended. Heavy increases in traffic, of course, have resulted in substantial maintenance costs. During the last 5 years, from 1956 through 1960, the amounts expended for maintenance on this system totaled \$643,978. Substantially all funds available to the Bureau of Public Roads for this purpose will have been expended or obligated in fiscal year 1962.

The Department of Commerce has for many years favored the transfer of the Pentagon network, including a portion of the Shirley Highway referred to in the bill, to the Commonwealth of Virginia. Legislation was introduced in previous Congresses, in 1956 during the 84th Congress and again in the 85th Congress, directing the transfer of the Pentagon network and a portion of the Shirley Highway to the Commonwealth of Virginia and authorizing the appropriation of funds for the reconstruction of the network. The Department of Commerce supported these proposals. The legislation was not successful in passage; consequently, the Bureau of Public Roads has continued the maintenance of this highway system.

We believe, that in addition to the portion of the Shirley Highway described in section 1 of the bill, certain other roads in the area included in the Pentagon network, together with interchanges, frontage roads, structures and other facilities appurtenant thereto, should also be transferred. All of these highways, which were included in the earlier proposals just referred to, are an appropriate part of the highway system of the State. These additional routes are as follows:

(1) Jefferson Davis Highway from U.S. Route 1 to the intersection with Arlington Ridge Road near Wilson Boulevard, approximately 2.3 miles (H Road).

(2) Connecting road, from the Henry G. Shirley Memorial Highway along the south boundary of Fort Myer, to a point near Arlington Boulevard, approximately 1.3 miles (AB Road).

(3) Connecting road, from the Henry G. Shirley Memorial Highway to Columbia Island, approximately 1 mile (AB Road).

(4) Columbia Pike extension, from old Arlington Ridge Road to connecting road between Henry G. Shirley Memorial Highway and Columbia Island, approximately four-tenths mile.

It is accordingly recommended that H.R. 5821 be amended by adding a new section providing for the transfer of these sections of highways to the Commonwealth of Virginia.

Mr. CRAMER. May I ask a question there?

Do all of these highways suggested connect with the present Virginia highway system?

Mr. WHITTON. Yes; all of them do.

The transfer to the States of highways constructed under the Defense Highway Act of 1941, after their original purposes were served, was one of the objectives of that 1941 act. While the section of the 1941 act providing for this conveyance, as codified under section 210(e) of title 23, United States Code, provides for such conveyance upon terms and conditions as may be agreed upon by the Secretary of Commerce and the State highway department, we were unable to secure necessary agreements on the part of the Commonwealth of Virginia for transfer under the 1941 act. Virginia had agreed, by resolution of its State highway department, to transfer under the legislation proposed in the 84th and 85th Congresses, but I understand that it has since rescinded this action. Further attempts on the part of this Bureau to negotiate on the matter have not been successful.

Enactment of H.R. 5821, as proposed to be amended, would clarify what often has been a confusing and troublesome jurisdictional problem, particularly insofar as policing of the Pentagon network has been concerned.

Since this conveyance is long overdue and the terms and conditions of the pending bill, as we propose it to be amended, are on a fair basis, the Department of Commerce urges its enactment. However, due to the many ramifications of this matter it has not been possible to obtain the advice of the Bureau of the Budget concerning these views with respect to H.R. 5821.

My staff and I will be glad to answer any questions you may have on either of the bills now under consideration.

That completes my testimony, Mr. Chairman.

Mr. FALLON. Thank you very much for your statement, Mr. Whitton.

Mr. Scherer.

Mr. SCHERER. I would like to ask Mr. Broyhill how he feels about the second amendment suggested by the Bureau of Public Roads, namely, the transfer of these additional highways to the State of Virginia?

Mr. BROYHILL. As Mr. Whitton stated, the Virginia Highway Department did agree to take those over for maintenance under the proposal in the 84th and 85th Congress, wherein the Department of Commerce at full Federal expense would bring it up to standards. I have not discussed those portions with the Virginia State Highway Department since then because my primary concern was the Shirley Highway portion, which is carried in my bill. The other portions are not part of the Interstate System, but can be properly considered as part of the State highway system.

Mr. SCHERER. You would be agreeable to that amendment?

Mr. BROYHILL. Maybe I have no choice, Mr. Scherer. I am hopeful that the State will agree to amendments to taking section 2 out of the bill, and I am hopeful that they will go ahead and get this job done.

Mr. SCHERER. I think we should have the testimony of some official or representative of the State of Virginia if we are going to eliminate section 2 as proposed by the Bureau of Public Roads, don't you?

Mr. BROYHILL. I think that that would be proper. The main thing we have to do now is to tell the State what the Federal Government will do in order to get this thing going. If the State says that they will not take over the Shirley Highway with section 2 taken out of the bill, where will we stand? We can leave that section of the highway high and dry by the time 1972 rolls around.

Mr. FALLON. Let me ask the Bureau of Public Roads how they feel about passing section 1 without the amendment suggested by the Bureau of Public Roads? Then we are only dealing with the Interstate System.

Mr. WHITTON. We would rather have that than nothing, Mr. Chairman, but we have a maintenance problem there. As far as I know, in no other State does the Bureau of Public Roads maintain any part of the Interstate Highway System, except bridges and parks and public lands. But here is a rather difficult maintenance situation and it would be rather more difficult if they take Shirley and leave us with that small stretch of 4 or 5 or 6 miles, whatever it adds up to. That is a problem we would like to dispose of, and we think that the State is more adequately organized to do that type of work than the Bureau. I am referring to maintenance work.

Mr. BALDWIN. I would like to ask a question there.

I notice on page 11 of your testimony you said, "Substantially all funds available to the Bureau of Public Roads for this purpose" of maintenance "will have been expended or obligated in fiscal year 1962."

In other words, you have been living off the unexpended balances of appropriations authorized for the Defense Highway Act of 1941, and they are going to run out in fiscal year 1962. Is that right?

Mr. WHITTON. That is right. Yes, sir.

Mr. BALDWIN. That means at that point you will have to come to Congress if this is not resolved, which means in the next year in the appropriation bill for fiscal years 1963, for a special appropriation to handle this problem, unless it is resolved.

Mr. WHITTON. That is right.

Mr. CRAMER. What is the estimated cost of bringing the Shirley Highway up to the interstate standard?

Mr. WHITTON. I will let Frank Turner answer that, Mr. Cramer.

Mr. TURNER. To bring it up to the standard that we have in mind and that we have discussed with the State, would be \$7.7 million, including a separation structure at the Washington & Old Dominion Railroad crossing there, just this side of Shirlington Circle. This would provide for two additional lanes on the present roadway, the modification of structures, the revamping of what we call the mixing bowl—the section at the top of the hill just beyond the Pentagon Building, and the strengthening and resurfacing of the existing surface that is in pretty bad shape in some places.

Mr. CRAMER. So \$7.7 million would not result in additional lanes of traffic. Is that right?

Mr. TURNER. Two additional lanes of traffic.

Mr. CRAMER. One in each direction?

Mr. TURNER. Yes.

Mr. CRAMER. And the other modifications you mentioned?

Mr. TURNER. It would result in at least a 50-percent increase in capacity of the facility.

Mr. SMITH. Mr. Chairman.

Mr. FALLON. Mr. Smith.

Mr. SMITH. What effect would this increase in the ability of the highway to carry traffic have on the 14th Street Bridge?

Mr. TURNER. The 14th Street Bridge would take care of it all right, Mr. Smith. We have looked into the adequacy of connections and the distributing routes on each end of this if it were brought up to the standard I am talking about. Those facilities will be adequate to take care of it.

Mr. SMITH. You mean they would not get there any faster?

Mr. TURNER. You would get there somewhat faster. Yes, sir.

Mr. SMITH. That is the point. I don't think that the 14th Street Bridge takes care of it right now. I am wondering how it will take care of more traffic getting people there faster.

Mr. TURNER. I think the 14th Street Bridge might take care of the situation after the connections are completed that are underway at the present time. It is not the capacity of the bridge so much that causes that congestion as it is the streets on this side that try to take it away.

Mr. SMITH. I do not want to have to sit and wait while Mr. Broyhill and Mr. Jones cross the 14th Street Bridge. I want to get up on it too.

Mr. CRAMER. For how long a period will six lanes handle the traffic?

Mr. TURNER. Until about 1975—1970 to 1975. It is pretty hard to forecast growth in that area, Mr. Cramer.

Mr. CRAMER. That is true. It is growing very fast, is it not?

Mr. SCHERER. It depends on how fast we increase the bureaus of the Federal Government.

Mr. TURNER. Whether you locate them out at that end of the county.

Mr. BALDWIN. Can I ask a question on the four connecting routes you propose as an amendment?

The bill provides basically if it is transferred to the State of Virginia they have to proceed on this construction program and bring it up to standard. They are going to be given this additional equivalent to the 4 years' maintenance cost not to exceed 5 percent. If we include an additional provision in the bill about the transfer of these four connecting links, what about the maintenance costs on these four connecting links? Do you have in mind that would be simply a separate section of this bill transferring them to the State of Virginia and they would take over the maintenance cost immediately, and they would not bring in a related section for compensation of maintenance costs additional to the 5 percent, or would it be included in the 5 percent?

Mr. TURNER. We would have to calculate the cost of maintenance for that Shirley Highway portion only, Mr. Baldwin, but we keep the books at the present time in total for the network, as well as the Shirley Highway. It would be simpler to transfer the entire network as an entity if we possibly could.

Mr. BALDWIN. Let me ask you this question: Mr. Whitton, you just mentioned that half a loaf would be better than nothing and you would be glad to get rid of the Shirley Highway. Suppose we put in a separate section in the bill authorizing the transfer of these four connecting links to the State of Virginia with their assumption of the maintenance costs. We could put that separate section in it just as a separate thing, and if the State of Virginia entered into an agreement with the Bureau of Public Roads we could give you authority to do so. We could also put it in as an absolute requirement before the first section can be carried out, which involves the transfer of Shirley Highway.

Which does your Bureau prefer?

Mr. WHITTON. I do not know, Mr. Baldwin. I think we would want to study that a little bit before we gave you a proper answer on it.

Mr. BALDWIN. We would surely have to know. We are going to have to resolve that problem because we can handle it either way. But we have to make the decision.

Mr. WHITTON. Give us a little time to consider that before you get to marking up the bill and we will have an answer for you by that

time. It is expensive for us to have to go on maintaining this thing. We are faced not only with maintenance costs, but very major reconstruction costs if something is not done to the system out there before very many years, and then we will have to come back to Congress and get money for all of that.

Mr. SCHERER. You made a good argument right then in favor of the bill.

Mr. WHITTON. This is an attempt to save money on behalf of the Federal Government and the public certainly, because if we do not transfer the Shirley Highway, for example, so that we can make major reconstruction of it in the next few years we will be faced with having to do a very major maintenance repair job, which we will then have to lose in substantial amounts in the reconstruction that will subsequently have to be done anyway.

Mr. SCHERER. From what you said I think we should enact section 1 and enact another amendment such as you have recommended, not dependent on the conditions set forth in section 1.

Mr. WHITTON. In either event, in either of the sections.

Mr. SCHERER. I think Mr. Broyhill would like that better, too.

Mr. BROYHILL. Mr. Chairman, if I may, if we strike out section 2 from the bill we have eliminated part of the incentive to encourage the State of Virginia to take this over and move rapidly, save for the 75-percent feature, which is a saving for the Federal Government anyway. You add this other feature in there and say you have to give this to get 5 percent, and the State of Virginia may refuse and delay.

Mr. SCHERER. That is why I say this proposed section or amendment should not be dependent, but should be separate.

Mr. BROYHILL. Yes, sir.

Mr. FALLON. Are there any other questions?

Thank you very much again, Mr. Whitton and Mr. Turner.

Mr. WHITTON. Thank you.

Mr. FALLON. Is Mr. Aitken here?

STATEMENT OF C. BELDEN WHITE II, ASSISTANT CORPORATION COUNSEL, DISTRICT OF COLUMBIA

Mr. WHITE. Mr. Chairman, Mr. Aitken had to leave, but I am here for the Commissioners.

Mr. FALLON. You are here to speak for the Commissioners?

Mr. WHITE. Yes, sir.

My name is C. Belden White II. I am an Assistant Corporation Counsel. I am speaking for the Commissioners of the District of Columbia.

Mr. FALLON. Mr. White, I have a letter here addressed to the chairman of the full committee, signed by the President of the Board of Commissioners.

Mr. WHITE. Yes, sir. I have it right here. I was going to ask that it be made part of the record.

Mr. FALLON. All right. Without objection, it will be made a part of the record at this point.

(The letter referred to is as follows:)

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., May 15, 1961.

HON. CHARLES A. BUCKLEY,
Chairman, Committee on Public Works,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. BUCKLEY: The Commissioners of the District of Columbia have for report, H.R. 5821, a bill to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway to the Commonwealth of Virginia, and for other purposes.

The first section of the bill conveys all right, title, and interest of the United States in certain portions of Shirley Memorial Highway to the Commonwealth of Virginia, on condition that the Commonwealth, within 1 year after date of enactment of the bill, institute a project to bring such highway up to the standards of the National System of Interstate and Defense Highways.

The second section authorizes the Secretary of Commerce, acting in cooperation with the Virginia State Highway Department, to designate as a part of the National System of Interstate and Defense Highways a highway running approximately parallel to the Shirley Highway and connected with such highway at or near Woodbridge, Va., and at or near the Potomac River.

The Commissioners approve the purpose of the first section, namely, to alleviate the present inability of Shirley Highway to adequately handle traffic in the corridor through which it extends.

With regard to section 2, however, and in view of the scope of the Interstate Highway System as now designated in the District of Columbia, the Commissioners are not in favor of the designation of a new interstate route that would require a new crossing of the Potomac River within the District of Columbia, or which might direct the flow of traffic that would be handled by such interstate route to present highway bridges spanning the Potomac. The Commissioners are of the opinion that section 2, if enacted and put into effect, might severely overload the existing and presently authorized bridges over the Potomac.

The Commissioners, therefore, recommend that H.R. 5821 be amended by striking section 2 therefrom. They approve its enactment if the bill be so amended.

Time does not permit securing the views of the Bureau of the Budget as the relationship of this report to the program of the administration.

Yours sincerely,

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

MR. FALLON. Do you want to proceed in your talk, Mr. White?

MR. WHITE. I was just going to read a very few excerpts from the letter.

MR. FALLON. All right. Go ahead.

MR. WHITE. Thank you.

The Commissioners approve the purpose of the first section, namely, to alleviate the present inability of Shirley Highway to adequately handle traffic in the corridor through which it extends.

With regard to section 2, however, and in view of the scope of the Interstate Highway System as now designated in the District of Columbia, the Commissioners are not in favor of the designation of a new interstate route that would require a new crossing of the Potomac River within the District of Columbia, or which might direct the flow of traffic that would be handled by such interstate route to present highway bridges spanning the Potomac. The Commissioners are of the opinion that section 2, if enacted and put into effect, might severely overload the existing and presently authorized bridges over the Potomac.

The Commissioners, therefore, recommend that H.R. 5821 be amended by striking section 2 therefrom. They approve its enactment if the bill be so amended.

Time does not permit securing the views of the Bureau of the Budget as the relationship of this report to the program of the administration.

I think that is all.

Mr. FALLON. Mr. White, I assume you take the same view that the Bureau of Public Roads do?

Mr. WHITE. Yes, sir.

Mr. FALLON. That you oppose a second route into Washington?

Mr. WHITE. Yes, sir.

Mr. FALLON. At this time?

Mr. WHITE. Yes, sir. Because the bridges that are now over the Potomac and the ones now being built and to be built, the flow of traffic anticipated has not brought in the anticipation of a second interstate route coming down through Virginia, the way this bill proposes.

Mr. FALLON. Into Washington?

Mr. WHITE. Into Washington. It would definitely overload it.

Mr. FALLON. Are there any questions?

Thank you very much, Mr. White.

I have a letter here from the Belle Haven Citizens Association, which is self-explanatory, I think. You have a copy of it, Mr. Broyhill.

Mr. BROYHILL. No, I do not.

Mr. FALLON. It says there is a copy addressed to the Honorable Joel Broyhill.

Mr. BROYHILL. I have not received it.

Mr. FALLON. It takes very much the same view as the Bureau of Public Roads does with regard to a second interstate route through Alexandria and Arlington County.

If there is no objection, it will be made a part of the record.

Mr. SMITH. Let me see it, reserving the right to object.

Mr. FALLON. Off the record.

(Discussion off the record.)

Mr. FALLON. If there is no objection, it is so ordered and the letter will be made a part of the record.

(The letter referred to is as follows:)

BELLE HAVEN CITIZENS ASSOCIATION,
Alexandria, Va., May 12, 1961.

HON. CHARLES A. BUCKLEY,
Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.

DEAR MR. BUCKLEY: The Belle Haven Citizens Association, representing over 330 homeowners in this long-established community located in the Mount Vernon District of Fairfax County would like to express its opposition to section 2 of H.R. 5821, which provides for the so-called Potomac Freeway.

The presently planned route would bring a major through Interstate Highway into the midst of our area and destroy the present shelter belt now screening much of the community from U.S. No. 1 Highway. On the basis of our observations and information available to us we fail to find any corresponding benefits warranting such a route.

We believe as residents of Fairfax County commuting in large numbers to Washington, that the proposed route, instead of relieving the existing bottleneck to travel in Alexandria, would pile a large volume of additional traffic into the heart of downtown Alexandria, making access into the District of Columbia even more difficult. Unless the Potomac Freeway were to penetrate into Washington, it would merely dump traffic into a gigantic vortex in downtown Alexandria—eventually 24 lanes of it. No effective means of moving this traffic through the Nation's Capital has been planned or even considered by the authorities concerned, to our knowledge.

It seems to us after studying the interchanges on the proposed freeway, that the alinement developed by the Fairfax County Planning Staff would provide very little additional service to the inhabitants of the Mount Vernon District. The proposed route would threaten some of the best residential districts of the county. It would move a heavy volume of traffic away from the Shirley Highway corridor which has been planned to receive it for more than 15 years. It would be, even assuming agreement on a route through Alexandria, an extremely expensive and dislocating operation. The proposed route does not appear needed in the immediate future in view of planned improvements to existing routes. Further improvements such as the increase of the capacity of the Circumferential Highway would easily be carried out which would move increased traffic to the carrying capacity of the Woodrow Wilson Bridge without the need for additional costly purchase of right-of-way.

As both State and Federal taxpayers concerned with the economic expenditure of public funds, we endorse the purpose of section 1 of H.R. 5821 which implements current national policy to build the Interstate System to adequate standards for 1975. We believe, however, that section 2 of the bill, on the route proposed, would result in a road which would be extravagant and disruptive to a number of communities in northern Virginia and unjustified in terms of the lack of corresponding advantages. We believe our views generally conform with the position taken by the U.S. Bureau of Public Roads.

We would appreciate this letter being made a part of the record of your consideration of H.R. 5821.

Respectfully,

ROBERT L. MCCARTY, *President.*

Mr. FALLON. The committee will stand adjourned, subject to the call of the chair.

(Whereupon, at 12 noon, the subcommittee adjourned subject to the call of the chair.)

MISCELLANEOUS HIGHWAY LEGISLATION

WEDNESDAY, JULY 12, 1961

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

The subcommittee met, pursuant to call, at 10:15 a.m., in room 1302, New House Office Building, Hon. George H. Fallon, chairman of the subcommittee, presiding.

Mr. FALLON. Ladies and gentlemen, the Subcommittee on Roads of the Public Works Committee is meeting this morning for further consideration of H.R. 5821, introduced by our colleague, Mr. Broyhill, to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway to the Commonwealth of Virginia, and for other purposes.

We had one hearing on this legislation some weeks ago but postponed any action until we could study it further. Subsequent to that hearing I received a communication from the Department of Highways of the Commonwealth of Virginia, from Mr. Harris, the Commissioner, who would like to be heard before the committee on this legislation.

On behalf of the committee I am very pleased to have Mr. Harris here this morning as our first witness.

Mr. Harris, would you give the reporter your full name and title, please?

STATEMENT OF H. H. HARRIS, COMMISSIONER OF HIGHWAYS, COMMONWEALTH OF VIRGINIA; ACCOMPANIED BY F. A. DAVIS, CHIEF ENGINEER, DEPARTMENT OF HIGHWAYS

Mr. HARRIS. Mr. Chairman and members of the committee, my name is H. H. Harris. I am highway commissioner for the State of Virginia.

Mr. FALLON. Would you be seated, Mr. Harris?

Mr. HARRIS. Thank you, sir.

Mr. DAVIS. Mr. Chairman, I can say as a Tennesseean, it is a real pleasure to drive over the Virginia roads and note that you have for many, many years, done a remarkable job. Long before this new, big highway program came into effect you had done a wonderful job. I am not talking about the Shirley Highway, but the long lengths of mileage across the State and in the south.

Mr. HARRIS. Thank you very much. We appreciate that.

Mr. Chairman, I have with me today Mr. Davis, our deputy commissioner and chief engineer. We appreciate your invitation to ap-

pear here and testify in this matter. I know that the people of this area, and possibly some of the members of this committee, feel that the State of Virginia has been dragging its feet on the Shirley Highway. I would like to give you just a little background of the Shirley Highway, especially the section that is now being maintained by the Bureau of Public Roads.

Soon after the Interstate System came into being, we met with the Bureau of Public Roads to study the needs in this particular area, and the priorities that we should, of course, start work on. It was decided that the capital beltway and Route 66 had the highest priority. The Virginia Highway Department has been giving their attention to these two interstate facilities in this area.

Back in 1944, when Commissioner MacDonald was heading the Bureau of Public Roads, the Virginia Highway Department approached the Bureau of Public Roads in regard to taking over the Shirley Highway, which was built under the 1941 act by the Bureau of Public Roads. They purchased the right-of-way and prepared the plans and supervised the construction. As I said, we approached them in 1944 in regard to taking over the Shirley Highway and the Pentagon network.

At that time we were advised by Mr. MacDonald that he thought it would be advisable for the Bureau of Public Roads to retain supervision of that section of the Shirley Highway and the Pentagon network until after World War II; and the Virginia Highway Department agreed with him.

Ten years later we were approached by the Bureau of Public Roads to take over the Shirley Highway and the Pentagon network, and the Bureau of Public Roads and the Virginia Highway Department agreed on what should be done before Virginia took over this system. Approximately \$5 million was recommended to this committee, I believe, by the Bureau of Public Roads in 1954, and, I believe, Mr. Fallon, that this committee did not feel that they should go to Congress for additional funds at that time—I believe it was in 1956—soon after the Interstate System came into being, when funds were allotted for that.

That brings us up to date on what has more or less taken place in the past.

In making out our estimates for the Interstate System in Virginia, which was turned over to the Bureau of Public Roads last year, the Bureau of Public Roads insisted that the Virginia Highway Department make their estimates for six lanes on the section of the Shirley Highway which is now being maintained by the Bureau of Public Roads.

What studies have been made, not by the Virginia Highway Department but by the Bureau of Public Roads, indicate that sections of that section of the Shirley Highway now being maintained by the Bureau of Public Roads would require in 1975 from 8 to 12 lanes. We have felt that we should not come to any agreement in taking over the Shirley Highway and the Pentagon network until a study is made, certainly to convince the Bureau of Public Roads that we should not build six lanes in that corridor, which we know would be inadequate the day when it is opened. We have all agreed, and I think in all of the States, with the Bureau of Public Roads,

that not more than eight lanes should be built in one corridor. We agree with that. If we could be assured that eight lanes, or not less than eight lanes, would be built on that section of the Shirley Highway, I would be glad to recommend to our Commission that we take over the Shirley Highway and the Pentagon network that has been recommended, and make such agreement with the Bureau of Public Roads.

I am sure that this committee would not want to include in any bill the design features of any highway. However, I would suggest that the bill include that a study be made with the Bureau of Public Roads to indicate whether we should go to eight lanes, or in another corridor.

Mr. SCHERER. I didn't hear what you said. Did you say, go to eight lanes in another corridor?

Mr. HARRIS. I don't believe that you would want to include that in this bill.

Mr. SCHERER. I didn't understand the last part of your statement.

Mr. HARRIS. Let me phrase it this way: The Highway Department of Virginia and the Bureau of Public Roads enter into an agreement to study the Shirley Highway as to the number of lanes that should be required, and whether we should adopt the Shirley Highway as the Interstate System or go into another corridor.

Mr. SCHERER. Or go into another corridor?

Mr. HARRIS. Or go into another corridor. Yes.

I feel that the highway department and the Bureau of Public Roads can work out this problem and could do it in a very short time.

Mr. FALLON. Mr. Harris, if the study showed that the Shirley Highway was not suitable to carry the traffic proposed for the next 15 or 20 years, it is then your suggestion that a new route, an additional route, be constructed?

Mr. HARRIS. That is right.

Mr. FALLON. I think you further suggested in your letter that a new route be established and this become a primary or secondary road, and the State of Virginia would take it over and use the secondary money, which would be 50-50 money.

Mr. HARRIS. Yes, sir.

Mr. FALLON. Providing that you can get a new route in addition to that.

Mr. HARRIS. We realize, Mr. Chairman, that you cannot have two Interstate corridors. Of course, if it is necessary to go to another corridor, the Virginia Highway Department is willing to take over the Shirley Highway and the Pentagon network on a 50-50 construction basis in the future. That is ABC funds.

Mr. BALDWIN. Mr. Chairman.

Mr. FALLON. Mr. Baldwin.

Mr. BALDWIN. Mr. Harris, the problem that bothers many of us on the committee the most is that we do have some responsibility for the accesses to the District of Columbia. Many of our Members live in that section of Virginia and we get out there in the traffic and know that it is an urgent and immediate problem. I am not very enthusiastic about anything that will delay a solution to the problem, because a study is just another delay which might resolve itself soon, or it may be an indefinite postponement.

Do I understand your testimony to be that if the committee were to make a provision in this bill that the Shirley Highway should be constructed up to an eight-lane standard, that you would then be in agreement with the principle of this bill?

Mr. HARRIS. Yes, sir.

Mr. BALDWIN. And you would therefore be willing to defer any further consideration of holding it up until a survey would be made. A survey can be made any time in the future on where another road should be built to supplement this, but if I understand you correctly, if we were willing either to insert in this bill or get an agreement with the Bureau of Public Roads that the standard would be eight lanes, then you would be willing, as far as the State of Virginia is concerned, to go ahead with this immediately and not have any further delay?

Mr. HARRIS. We would, of course, have to make a survey, Mr. Baldwin, but I don't think it would be necessary then to make the study we are talking about. We would go to the eight lanes, and we have all agreed there should not be any more than that in one corridor, and I think that would eliminate the study we are talking about.

Mr. BALDWIN. I am not quite sure of that. You said you would have to make a survey, but you would not have to make a study?

Mr. HARRIS. We would have to make a survey on the plans.

Mr. BALDWIN. You mean on actual construction?

Mr. HARRIS. That's right.

Mr. BALDWIN. But this would eliminate anything as far as a study of an alternate route is concerned.

Mr. HARRIS. For the present time, it certainly would.

Mr. BALDWIN. As I say, I think this problem is extremely urgent. The trend of the population to that section of Virginia is great, and it has its base of employment here in the District. I am very much concerned about any delay of an indefinite nature, because I think we must resolve this problem, and must resolve it as fast as we can.

Mr. SCHERER. We have this issue pinpointed, as I understand it, Mr. Baldwin. Don't you think we can ask somebody from the Bureau of Public Roads right now what its position is on agreeing to an eight-lane-wide road, as suggested by the representative of the State of Virginia? I see our friend Frank Turner back there from the Bureau.

Mr. FALLON. Mr. Turner, would you care to comment on that?

**STATEMENT OF FRANCIS C. TURNER, DEPUTY COMMISSIONER AND
CHIEF ENGINEER, BUREAU OF PUBLIC ROADS—Resumed**

Mr. TURNER. Do you want me to comment on that?

Mr. SCHERER. If you would, please. We seem to be getting somewhere.

Mr. FALLON. You can sit next to Mr. Harris.

Mr. TURNER. We are in the process of trying to determine whether or not the eight lanes on that one right-of-way is a good expenditure of funds, or whether we should take the money that would be required for the difference between the eight and six lanes and use it as a starting expenditure on this second roadway that would have to be built. The seventh and eighth lanes on the eight-lane facility get pretty expensive.

Mr. SCHERER. You have six lanes on Shirley Highway now?

Mr. TURNER. No. Just four. Primarily because of the restricted horizontal clearances at the grade separations, there is quite a problem involved in cost and engineering in widening it to more than three lanes in each direction, because we would have to take down some of those existing structures and start over again. There is some question as to whether or not we would get our full value out of trying to widen it to eight lanes on the existing right-of-way because of the sharp increase in cost that is created by that last two lanes. The first two lanes can be added relatively inexpensively, but the second two lanes would cost nearly twice as much as the first two.

Mr. SCHERER. What about the safety factors when you get into an eight-lane pavement?

Mr. TURNER. We have no problem in an eight-lane facility in terms of four lanes in each direction, which is what I presume you are talking about. There is no particular problem in that, but as Mr. Harris said, most of the highway engineers are unanimous in believing that more than four lanes in one direction will begin to be unsafe because of the inability of the cars in the middle lane, that may be disabled, to get quickly over to the outside lanes and stop.

Mr. SCHERER. What do you think should be done to help us to solve this problem?

Mr. TURNER. I think that the Commissioner has made a reasonably good suggestion to you, and I think we would like to go back and sit down with him and see if we can come to some agreement between our two agencies.

Mr. FALLON. Mr. Turner, is it not true there is nothing we can do if the State of Virginia is not agreeable?

Mr. TURNER. There is nothing that the committee can do, you mean?

Mr. FALLON. Nothing that this committee can do unless it is agreeable to the State. Is that right?

Mr. TURNER. I know of no way that you can force Virginia to accept responsibility for the Shirley Highway and the Pentagon network out there unless they are agreeable to it.

Mr. FALLON. I might also add this committee does not want that authority.

Mr. BALDWIN. Could I ask a question, Mr. Chairman?

Mr. FALLON. Mr. Baldwin.

Mr. BALDWIN. Mr. Turner, I understood that you had made a recommendation some time in the past in the Bureau of Public Roads that this road be widened to six lanes. Do you have any estimate as to how long that would handle what you consider to be the peak traffic load on the Shirley Highway?

Mr. TURNER. With the traffic volumes that are presently on the system, Mr. Baldwin, they are approximately equal to the capacity of a six-lane facility right now.

Mr. BALDWIN. So if you were building it to six lanes it would immediately be operating up to peak capacity.

Mr. TURNER. Practical capacity. Yes.

Mr. BALDWIN. Then why are you recommending six lanes?

Mr. TURNER. Because with the Interstate System we have never had the concept that we were obliged for that one system alone to take care of all the traffic in any single corridor which might wish to use the facility. There are many places where the theoretical de-

mand is up in the neighborhood of 15 or 20 lanes or more. Obviously we could not take care of such a need with our Interstate System. So we have adopted the policy of taking care of a practical volume on that one right-of-way, and then any additional traffic load has to be taken care of with some other facility and with other financing.

Mr. BALDWIN. In other words, your basic position is that if that facility does not take care of the entire traffic needs it would be basically the obligation of the State to determine what other State primary routes would be established in the immediate area to take care of the additional traffic. Is that correct?

Mr. TURNER. That is the position we have taken. As Mr. Harris has said, we could go up to probably eight lanes, but we would not be willing to go beyond that on this one right-of-way. Neither do we feel we have the responsibility for trying to take care on the Interstate System right-of-way of more than eight lanes. But the problem we are faced with is an engineering and economic question. Is it better for us to expend the money that is required to go from six lanes to eight lanes on that one right-of-way, or to take that same amount of money and use it on some other right-of-way to build the additional lanes we know will be required somewhere in that corridor?

Mr. SCHERER. Will the gentleman yield?

Mr. BALDWIN. I yield.

Mr. SCHERER. As Mr. Baldwin pointed out, this matter is urgent. You indicated just a minute ago that you two might get together and work something out. Do you think it is possible to reach an agreement before this Congress adjourns, so that this committee could act? Because we want to be helpful, if we can. As I see it, there is another year's delay if we wait to March of next year.

Mr. TURNER. Using the information we have already got, Mr. Scherer, I am sure we could.

Mr. SCHERER. Assuming we run here to Labor Day.

Mr. BALDWIN. That is a safe bet.

Mr. TURNER. Mr. Harris and I are in agreement that we could certainly reach an agreement long before that time.

Mr. DAVIS. I would move we recess then.

Mr. FALLON. I would suggest that would be a proper procedure, except that we have two witnesses who would like to be heard. I think one has a statement to file and another is Senator Charles Fenwick. The fact that he has come up here this morning I think indicates it might be right that we hear any statement he would like to make in this connection.

Mr. SCHERER. Mr. Chairman, may I respectfully suggest before we hear these next two witnesses that we get the reaction of Mr. Broyhill to what has just been stated with reference to the Bureau of Public Roads and the State of Virginia getting together and coming back with a recommendation before this Congress adjourns, so that the committee might recommend the necessary legislation.

STATEMENT OF JOEL T. BROYHILL, MEMBER OF CONGRESS FROM THE STATE OF VIRGINIA—Resumed

Mr. BROYHILL. Mr. Chairman, I might add, if I understood Mr. Turner correctly, you thought you could come to an agreement before Labor Day. I think we have made excellent progress here this morn-

ing and are certainly going about this thing in the proper manner. I was very pleased to hear Mr. Harris tell the committee he would take over Shirley Highway's maintenance if it would be widened to a sufficient amount. I had been prepared to give some testimony this morning, but I am so pleased with the progress of this that I am willing to go along with the committee in waiting to see what these two groups can do in solving the problem.

Mr. FALLON. Mr. Harris and Mr. Turner, on behalf of the committee, I do appreciate your suggestion, and I think we can get along faster, and probably much better, if you come in with an agreement. Then if there is any legislation you might need, certainly the committee will be very happy to help, so that we can expedite this thing which is so strongly needed by the traveling public.

We appreciate it very much and we would like to hear Mr. Fenwick, if you have a statement to make.

Senator, would you give your full name and title to the reporter, please?

STATEMENT OF CHARLES R. FENWICK, STATE SENATOR, COMMONWEALTH OF VIRGINIA

Mr. FENWICK. I am Charles R. Fenwick, State senator from Arlington, Va., and a member of the roads committee of the senate of the State of Virginia.

Mr. Chairman and members of the committee, we all, of course, are tremendously interested in trying to relieve the terrific situation which we find on Shirley Highway. At the present time there are approximately 75,000 vehicles a day passing over that portion of Shirley Highway, which is from Route 7 to the District line. Virginia finds itself in something of a difficult position.

I might point out to the committee that in 1955 the State of Virginia and the Bureau of Public Roads reached an agreement whereby the Bureau of Public Roads at a higher cost must add two lanes to the Shirley Highway from Route 7 to the District line, and that remains in effect up to 1959 for a period of 4 years after action on the part of Virginia was rescinded. So there was no intention on the part of Virginia to drag its feet. They reached an agreement that two additional lanes would have been added if Congress would have appropriated the money.

The present Brovhill bill calls upon the State of Virginia within a period of a year to bring Shirley Highway, that is, that portion from Route 7 up to the District line, up to the standards of the Interstate Highway System. The standards set by law require such highways may be, and I quote:

adequate to accommodate the types and volumes of traffic forecast for the year 1975.

The study indicated that from 8 to 12 lanes were necessary to take care of that traffic. The Brovhill bill provided that there should be a parallel route to the existing Shirley Highway.

Commissioner Whitton in testifying before this committee took the position that that was against the policy of the Bureau to have a parallel route in the same corridor, and calling both of them interstate

highways. The State of Virginia felt that it had to have some assurance that if it was to take over that portion of the Shirley Highway that was completely controlled by the Federal Government, that the additional lanes would be built under 90-10 money; that if it was necessary to put additional lanes outside of the existing right-of-way, under the Bureau of Public Roads position they would have to build that with 50-50 money, or so-called ABC money. They wanted assurance that if that became necessary from an efficient management and efficient engineering standpoint, that that could be built on that basis.

The bill, of course, they felt should carry that assurance. The Virginia Highway Department finds itself confronted with the requirement to take over and assume responsibility for a Federal highway, admittedly requiring additional lanes, though there is no assurance how these additional lanes will be financed. If they take the form of a parallel route in the same corridor the Bureau of Public Roads says that such a route cannot be built under the Interstate System financing. Yet the Broyhill bill calls for such a route. This means if Virginia took over the existing Shirley Highway from the Federal Government, it would have to build what is estimated to be eight additional lanes in the same location as the existing Shirley Highway, or build the additional lanes with 50-50 matching funds instead of the 90-10 matching funds provided for under the Interstate System construction program.

It should be emphasized that the State of Virginia Department of Highways is not opposed to the widening of the Shirley Highway and providing additional lanes. It has been suggested the present Shirley Highway be increased from four to six lanes for immediate relief. It has been pointed out that the Broyhill bill makes no such specific recommendation, but rather in section 2 contemplates a separate route. The question naturally arises, how can the present Shirley Highway be increased to six lanes without depriving commuters of at least one lane each way during construction.

It is hard to imagine a worse traffic situation that could exist than to reduce the present number of lanes from four to three. It has been suggested that this might be done by adding one lane at a time, thus reducing the lanes to three by providing cross-over facilities, so that there are two lanes available for peak traffic going in one direction and one lane in the other direction. It is pointed out that such a procedure would be highly questionable. Traffic during the peak period or periods is so heavy in both directions that to cut it down to one lane of traffic in either direction would create an intolerable bottleneck.

It must be borne in mind, although the heaviest traffic in the morning is that coming into Washington, there is also a tremendous volume going from Washington to the Pentagon, Navy Annex, Fort Belvoir, and other governmental installations. Of course, the converse is true in the evening.

There is also the problem of providing crossovers since this is a divided highway. This situation is further complicated by the necessity of providing facilities for express busways, or rapid transit, as is called for by the plans of the National Capital Transportation Agency, which was created by this Congress to provide adequate mass transportation for that region. Median strips must provide in either case for such transportation.

The Virginia Department of Highways recommended, in view of the present situation, a complete and detailed engineering and economic study of the area. Such request is now pending before the Bureau of Public Roads. As Commissioner Harris of Virginia has said, whatever is done now will be the final development so far as Interstate Route 95 is concerned. If some stopgap relief is to be made to the Shirley Highway, it should not be done at the expense of the future, or in such a way as to subject the users of Shirley Highway to greater discomfort than they are presently experiencing.

I am delighted this morning to hear that there is a possibility of the Bureau of Public Roads and the Virginia Highway Department coming together. I think it should be done in working out a feasible plan to relieve this situation as soon as possible. I think that the National Capital Transportation Agency should also be brought into the picture, since they are charged with the responsibility for mass transit, and undoubtedly there will have to be median strips provided for bus transportation or rapid transit. However, I do feel that this committee must realize once we assume the responsibility of taking over this portion of the highway, the Shirley Highway, and possibly the Pentagon network of roads, that we must have some protection that we are not going to be called upon to build additional lanes on 50-50 money, instead of the 90-10, or 90-5-5, as provided for in this bill. We want to help and cooperate, but there is also a certain amount of protection that should be given to the State of Virginia. Thank you very much for the opportunity of coming here and making this statement today.

Mr. FALLON. Are there any questions?

Mr. BALDWIN. I have one question, Mr. Chairman.

Mr. FALLON. Mr. Baldwin.

Mr. BALDWIN. Senator Fenwick, I was a little puzzled at your testimony that you feel there should not be any effort made to expand Shirley Highway even to six lanes, on the ground of inconveniencing its users. I have been on the Roads Subcommittee for several years, and I have traveled over a lot of roads all over the country that are under construction. We all recognize the fact that highway users must be willing to subject themselves to some temporary inconveniences for the longer range benefits they will get once the additional lanes are available.

I do not know of a road in my district that during the time of construction did not impose a handicap on the users of the road, but they were more than willing to subject themselves to the handicaps for the longer range benefits of eventually having the additional lanes.

Mr. FENWICK. I did not mean to give the impression I was opposed to this, but I wanted to point out that in undertaking to do it, what a terrific problem you are confronted with. Also, I do not believe, sir, that there are very many highways carrying 70,000 vehicles a day. When you cut down on one of those lanes, I think you will have the worst possible situation you can imagine, and I do not want to have the responsibility of facing the commuters, even though they know it is for their benefit, realizing that this will involve a period of 18 months to 2 years.

I suggest the alternate plan, which has been suggested that there would be one lane added at a time in order to get six, which would

take twice the time. I just throw out for consideration to the engineers—and I am no engineer—that that is a consideration against proceeding to try to add two lanes to the existing Shirley Highway, whereas conceivably three lanes could be constructed independently of the four lanes, and by the time that was done they could then have a total of eight lanes; and by the time that was done they could afford to cut down one or two lanes if it was necessary to do it, and it would not bottleneck us.

Mr. BALDWIN. As I understand it, however, you are perfectly willing that we go ahead with the suggestion of your State highway engineer that their highway department meet with the Bureau of Public Roads and come in with a recommendation before we adjourn at this session of Congress?

Mr. FENWICK. I think it is an excellent suggestion; and I have another suggestion, namely, that the National Capital Transportation Agency also be there because they are charged with rapid transportation, or mass transportation, and certainly in construction of those additional lanes there must be some provision made for rapid transit of some type.

Mr. FALLON. Thank you very much, Senator Fenwick.

Mr. SCHWENGEL. I have a question, Mr. Chairman.

Mr. FALLON. Mr. Schwengel.

Mr. SCHWENGEL. First I want to say I appreciate hearing from you. I have served in the State legislature and also on the roads committee, and I am aware of the problems that the State has, and I can appreciate your interest in this problem. Also, I want to say to you that your problem is much less in the area you represent than a similar problem we have in the State of Iowa. You, sir, thanks to your very good Congressman and those who preceded him, and others in your State who represent your State in the Congress, have the advantage of more free bridges than any State in the Union. In Iowa, under similar circumstances, we built our own bridges. Here the Federal Government built your bridges for you. Some of those bridges are now going across the Potomac here, which are helping to relieve the traffic in this community and are adding to the problem you are trying to resolve this morning.

Your very fine Congressman here, whom I very much admire, got the bridges for you, so you have a great deal of advantage by living as close to the capital as you do. I want to ask you this question: While you oppose Congressman Broyhill's bill, you will have to admit that this is one answer to the problem. Is that right?

Mr. FENWICK. Did I understand you to say that I opposed the Broyhill bill?

Mr. SCHWENGEL. Yes. As I understand you, you opposed the bill.

Mr. FENWICK. I do not oppose the effort that is being made to meet this situation; and in essence I would be more inclined to be in favor of the bill if it could be guaranteed that we could get this extra corridor, if that was necessary, without it being done on 50-50 money. However, I understand that there is a strong possibility that might not be the situation in having a parallel route, in which case I have directed myself to what might be some alternate problems.

I do not want to be put down as opposing Mr. Broyhill's bill, because I think in many respects it is a good bill. On the other hand, in view of the attitude of the Bureau of Public Roads—and I do not

say it in any critical sense—they would be opposed to section 2, which provides for the parallel route, so if it was built, then it would be built with 50-50 money instead of Interstate System funds of 90-10. I have made some other suggestions in lieu of it.

I might say that we are appreciative of what Congress has done in realizing this problem. I could extend my remarks considerably as to the other side of the picture, namely, that we have many problems because of it, but I think together we can solve many of our problems.

Mr. SCHWENGEL. Then you agree with Congressman Broyhill's suggestion of waiting to hear from the Bureau of Public Roads and the Highway Commission of the State of Virginia?

Mr. FENWICK. Yes. I think that is an excellent suggestion.

Mr. SCHWENGEL. I would like to hear Congressman Broyhill further on this point.

Mr. FALLON. He already testified. If there are no further questions, thank you very much, Senator Fenwick.

Mr. FENWICK. Thank you very much, sir.

Mr. FALLON. Is Mr. Stolzenbach here? Mr. Stolzenbach, would you give your full name and title to the reporter, please?

STATEMENT OF C. DARWIN STOLZENBACH, ADMINISTRATOR, NATIONAL CAPITAL TRANSPORTATION AGENCY

Mr. STOLZENBACH. C. Darwin Stolzenbach. I am the Administrator for the National Capital Transportation Agency.

Mr. FALLON. You may proceed, Mr. Stolzenbach.

Mr. STOLZENBACH. I appear before your committee this morning for the purpose of explaining to you how the work of the National Capital Transportation Agency bears on the question of expansion of Shirley Highway raised by H.R. 5821.

Congress established the Agency in July 1960 and directed it to prepare a comprehensive program for improved transportation in the National Capital region. The Agency is required by statute to cooperate with Government agencies in order to coordinate the planning of highway and transit facilities and it is empowered to construct and operate transit facilities with the approval of the Congress.

During the first 9 months of its life, the Agency, which at no time had a technical staff of more than 12, made some limited progress in the direction of preparing its program. We anticipate a substantial speedup in the work of the Agency during fiscal 1962, if the funds appropriated by Congress will permit.

Necessarily, with the limited staff at hand, we have not had an opportunity to come to grips with many of the area's pressing transportation problems. For example, with respect to the particular legislation which your committee is now considering, we have not as yet developed a proposal for a coordinated highway-transit system for either the Shirley Highway corridor or the Pentagon network. Nonetheless, it is my very firm view that any expansion of highway facilities in this sector of the region must take transit operations into account. I know this view is shared by Commissioner Harris of the Virginia Department of Highways and by the Bureau of Public Roads.

I should point out further that express transit in the Shirley corridor is not a new concept. The "Mass Transportation Survey Report" prepared by the National Capital Planning Commission and the National Capital Regional Planning Council recommended precisely what I have suggested; namely, that provision should be made for express transit service in connection with the Shirley Highway.

Two years have passed since that report was issued and the traffic volumes in this corridor have created a problem that demands immediate attention. Naturally, I would prefer to present our proposal for transit in the Shirley corridor as part of the Agency's overall regional program. Nonetheless, we are ready and willing to go to work immediately with representatives of the Bureau of Public Roads and the Virginia Department of Highways to develop with them a plan for the Shirley corridor which would provide the kind of balanced transportation system which Congress envisaged when it passed the National Capital Transportation Act of 1960. I have had preliminary discussions with representatives of the two agencies and I am convinced, as I believe they are, that the possibilities for this kind of balanced system have not been fully explored.

Thank you.

Mr. FALLON. Mr. Stolzenbach, the committee does appreciate your appearing here before us this morning. I might suggest that you have heard the statements from the Bureau of Public Roads and the State of Virginia, and I am sure that they would be pleased to have the cooperation of your organization, and would be willing certainly to consider any suggestions that might be for the good and welfare and benefit of the traveling public in this area.

Mr. STOLZENBACH. We want to work with them and will start right away.

Mr. FALLON. Are there any questions?

Mr. SCHWENGEL. No questions, Mr. Chairman, but I do think in the light of this additional testimony and these other suggestions I would like to hear Mr. Broyhill's further comments on the matter.

Mr. FALLON. I thought we would reserve that, and if he wants to make any statement the Chair would be glad to recognize him. Thank you, Mr. Stolzenbach.

STATEMENT OF JOEL T. BROYHILL, MEMBER OF CONGRESS FROM THE STATE OF VIRGINIA—Resumed

Mr. BROYHILL. As I pointed out before, Mr. Chairman, I was very pleased with the general agreement between the State of Virginia Department of Highways and the Bureau of Public Roads this morning. I felt that the statement I had planned to make would be rather superfluous. I do have it prepared and if there is no objection I would like to make it now for the record, in view of Mr. Schwengel's request.

I should like very briefly to summarize the Shirley Highway situation as I see it.

First, there is no question but that something needs to be done and done very soon. Thousands of people daily are confronted with frustrating and timewasting trips trying to get to and from work over a road system designed to take a fraction of their number. There is

nothing that these people can do individually to improve the situation, which increases their frustration and leads to a growing anger. Solution of the problem lies in the hands of the elected and appointive officers of the Federal Government and of the Commonwealth of Virginia—in other words, with us.

The problem is not a new one, for we have been a long time doing something about it. There have been good reasons for much of the delay, but in any case, discussion of past history at this point would be fruitless. What we must now do is to discuss the alternatives before us, reach a conclusion, and work toward carrying out that conclusion as rapidly as possible.

As I see the situation, we have two basic proposals before us, which may be defined in simple terms as:

1. Proceed at once with a widening and renovation program for the existing Shirley Highway; or
2. Develop an alternative route through the corridor and build it before doing anything about the Shirley Highway.

Briefly discussing these two alternatives in reverse order, the following facts stand out, in my opinion, as to the feasibility of the second method.

1. Once the feasibility and general course of a new route were determined, it might be possible to complete the engineering work as quickly as for expansion of the Shirley Highway. It might also be possible to complete the actual construction as quickly and with less disruption to traffic patterns during the construction period. However, a study to determine the feasibility could very well run into many differences of opinion which would require much time to resolve if, indeed, they ever were. In addition, selection of actual routes could be made only after long and difficult political negotiations in the face of bitter objections by those affected by any route that might be proposed. Assuming these hurdles were surmounted, there would still remain the question of actually acquiring the property, with all the problems of dispossessing householders and business people. I doubt if anyone in a responsible position would be willing to make an estimate they would swear by as to how long all of this would take.

2. The costs for a new route would be tremendous. I have heard estimates from responsible people of 50 to 60 millions, or even more. Before we decide at this time to put aside the immediate work on the Shirley Highway in favor of a plan to first build a new highway, I think the hard question should be asked of both the Federal and State officials whether money of this sort will actually be available, and whether they really could proceed with this program if it were decided upon. If they cannot make this guarantee, to decide at this time to plan a new highway rather than to proceed with improvement of the Shirley would be futile. In fact, it would be worse, for it would raise the hopes of the citizens for relief through promises that we cannot be sure we can keep.

When we consider these two points with respect to an immediate program for the Shirley Highway, on the other hand, we find:

1. A simple widening of each of the present lanes to three can be done on the existing right-of-way. If one of the more elaborate patterns, such as the 4-4, or the 3-2-3, are selected, far less additional right-of-way would be required than for a new route, and most of this,

if not all, concentrated at the points of access. The political problem accordingly would be greatly simplified and relatively few people disturbed by condemnation of their property, with the result that the time required to get the job really underway and finally completed would be greatly reduced.

As to the problems caused by construction, I am confident that the citizens of the area would be much more patient of delays caused by actual construction than they would be of those caused by another lengthy period of planning.

2. The costs would be much less. Depending upon the pattern of expansion, figures have ranged from about \$7.7 million to about \$19 million. Furthermore, it is my understanding that both the Federal Government and the Commonwealth of Virginia can meet financial obligations of this order within their present budgets.

I am fully aware that widening of the Shirley Highway may not be adequate to accommodate traffic generated through this corridor in perpetuity. But I am also aware that, if a new road is built through the corridor, there will nevertheless have to be very considerable expenditure on the Shirley Highway to bring it up to modern standards. By adding a relatively small amount to this, we can do a good job right now, and leave the question of a new route to the future.

I realize that the Commonwealth officials fear that if this is done, they may be faced with the greater costs of a new road through the corridor under a much less favorable ratio of Federal and State funds than they would be if the new road were designated and constructed as an interstate route at this time. As a fellow Virginian, I both sympathize with their point of view and commend them for their dedication in protecting the best interests of the Commonwealth. But their assumption does not necessarily have to be true. There is precedent for designation of a new interstate route after an earlier route has been constructed, accompanied by recalculation of the earlier construction under the ABC formula. This committee could make it clear that this procedure would be available in this situation, which should satisfy Virginia's concern.

As a last point, although I do not wish to appear visionary, I believe we should consider the possibility that in this age of fantastic technological development, other means of moving people may be developed, or older means adapted to the current problem within the near future. The new Transportation Agency is barely getting off the ground in attacking its assignment to study and plan ways of speeding the movement of people throughout the metropolitan area. The Agency needs time, and relief that would be afforded by an enlarged and improved Shirley Highway, along with the other transportation improvements soon to be completed in the area, will greatly help to provide that time.

I would like to make this additional statement. This controversy seemed to have narrowed down. The principal problem is getting some relief in that corridor and getting Shirley Highway widened. I can appreciate the position of the State of Virginia in that they did not want to be forced to take over the Shirley Highway and include it in the Interstate System, and not have it adequate, and then wind up having to build an adequate highway with 50-50 matching funds.

However, I would like to point out to the committee we could authorize the State of Virginia to take over the Shirley Highway, and they could take it over and widen it, and at a later time if it is determined that another corridor or right-of-way should be constructed and brought into the Interstate System, they could reevaluate or reestimate the cost of the Shirley Highway and build that with ABC 50-50 funds, and bring the new highway in at 90-10. The State indicated they would be willing to go along with that if they had complete assurance that once they took over the Shirley Highway the door would not be slammed in their face. You cannot blame them for taking that position. They took the position this morning that if they would go to eight lanes they would be willing to go along with that. I think we have gone a long way this morning toward solving that problem.

Mr. FALLON. Thank you, Mr. Broyhill. Are there any questions?

Mr. SCHWENGEL. No questions.

Mr. FALLON. Are there any other statements to be made or submitted by anyone? If not, the committee will stand adjourned to the call of the Chair.

(Whereupon, at 11:05 a.m., the subcommittee adjourned subject to the call of the Chair.)

MISCELLANEOUS HIGHWAY LEGISLATION

THURSDAY, AUGUST 17, 1961

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

The subcommittee met, pursuant to call, at 10:15 a.m., in room 1302, New House Office Building, Hon. George H. Fallon, chairman of the subcommittee, presiding.

Mr. FALLON. Ladies and gentlemen, the Subcommittee on Roads of the Public Works Committee is meeting this morning in hearings on several bills. The first bill this morning will be testimony on an agreement between the Bureau of Public Roads and the State of Virginia. These bills are H.R. 8678, and similar bills H.R. 8679 by Congressman Fallon and H.R. 8692 by Congressman Broyhill. (H.R. 8678 follows:)

[H.R. 8678, 87th Cong., 1st sess.]

A BILL To provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Secretary of Commerce may convey to the Commonwealth of Virginia all the right, title, and interest of the United States in and to that portion of the Henry G. Shirley Memorial Highway in Arlington County, Virginia, as described in subsection (b) of this section, if the Commonwealth of Virginia agrees to promptly undertake the necessary project or projects to bring such highway up to the standards of the National System of Interstate and Defense Highways. The Federal share payable on account of such project on the Interstate System shall be 95 per centum of the total cost of such project.

(b) That portion of the Henry G. Shirley Memorial Highway in Arlington County, Virginia, authorized to be conveyed to the Commonwealth of Virginia by subsection (a) of this section shall be deemed to include the following roads, together with such pertinent bridges, interchanges, approaches, connections, and other facilities as may be agreed upon by the Secretary of Commerce and the Secretary of the Army:

(1) United States Route 1 from the vicinity of bridge 21 as may be agreed upon by the District of Columbia Highway Department and the Secretary of Commerce to the present northerly limit of State maintenance on such route in the vicinity of Army and Navy Drive (G road), approximately seven-tenths mile (NS road);

(2) The Henry G. Shirley Memorial Highway (State Route 350) from United States Route 1 to State Route 7, approximately four miles (CD road); and

(3) Connecting road, between the Henry G. Shirley Memorial Highway and Arlington Ridge Road, approximately two-tenths mile (JK road).

SEC. 2. (a) The Secretary of Commerce may convey to the Commonwealth of Virginia, together with interchanges, frontage roads, structures, and other facilities appurtenant thereto, the following routes:

(1) Jefferson Davis Highway from United States Route 1 to the intersection with Arlington Ridge Road near Wilson Boulevard, approximately two and three-tenths miles (H road);

(2) Connecting road, from the Henry G. Shirley Memorial Highway along the south boundary of Fort Myer, to a point near Arlington Boulevard, approximately one and three-tenths miles (AB road);

(3) Connecting road, from the Henry G. Shirley Memorial Highway to Columbia Island, approximately one mile (AB road); and

(4) Columbia Pike Extension, from old Arlington Ridge Road to connecting road between Henry G. Shirley Memorial Highway and Columbia Island, approximately four-tenths mile.

(b) There is hereby authorized to be appropriated to the Department of Commerce an amount not to exceed \$2,500,000 to improve the routes authorized to be conveyed to the Commonwealth under subsection (a) of this section to adequate standards for current traffic. Such sums shall be available until expended for the purposes of this section: *Provided*, That no funds authorized under this section shall be used to improve the routes under subsection (a) of this section until the Commonwealth has agreed to accept the conveyance of these routes after the improvements herein authorized.

Due to other commitments our colleague from Virginia, Mr. Broyhill, has to leave. So, Mr. Broyhill, would you like to make a statement and then we will continue on with the hearing afterward.

**STATEMENT OF HON. JOEL T. BROYHILL, A MEMBER OF CONGRESS,
FROM THE STATE OF VIRGINIA—Resumed**

MR. BROYHILL. Just a couple of brief comments, Mr. Chairman.

As the chairman knows, we have a very important meeting over at the Committee on Post Office and Civil Service this morning to get out one of the major parts of the President's program. They need every vote for the postal rate bill, which is what I have reference to. I just want to say briefly here this morning, Mr. Chairman, how much I appreciate the courtesy and the interest of this committee in holding hearings on this legislation. This is the third day that the committee has taken its valuable time to consider this very important matter. I want to state frankly that I do not believe, and I will say this with all due respect to all of the people who are interested in this problem—I do not believe we would have brought it to a successful conclusion, as we would have at this time, without this expression of interest on the part of the committee. I do want to congratulate and thank the representatives of the Bureau of Public Roads and the State Highway Department of Virginia for their willingness to get together and make some concessions possibly on both sides. It has been rather frustrating because we have had so much delay in arriving at an agreement, but I think it is to the credit of both sides in that they were trying to do the best job for the agencies and the governments they represented.

Just one comment, if I may, on the bill itself, Mr. Chairman. As the chairman pointed out in reading the numbers of the bills, we do have clean bills before us. In substance, the bill is the same as the original bill which I introduced in that the main thing we are getting at here is to provide for the transfer of Shirley Highway to the Virginia State Highway Department, with a new formula of 95.5, in order to bring it up to Interstate System standards.

There are two changes in details in that section 2 of the original bill, which provided for a parallel highway, has now been dispensed with by the agreement made and it would have to come out of the original bill. The Bureau of Public Roads asked that other parts of the Pentagon network be brought into this particular program. So it was proper that a clean bill be introduced.

Of course, it is my understanding that the tradition and precedents of the committee, as well as that of all committees of Congress, are that possibly the bill of the chairman of this subcommittee or of the full committee will be reported out. I support that and I believe in going along with the rules of the game. Frankly, it is preferable because it will show that the committee and Congress are supporting this program, because it is in the Federal interest and is something that would be important even if it were in any other section of the Nation, and not just a special concession that the committee is making to northern Virginia.

I thank you particularly, Mr. Chairman, for this attention to this matter, which is of grave concern to all of us in Virginia.

Mr. FALLON. Thank you very much, Mr. Broyhill. Are there any questions?

Mr. BALDWIN. Mr. Chairman, I would like to commend the gentleman from Virginia for the deep interest he has demonstrated in this subject. Many of the Members live on the Virginia side of the Potomac and are familiar with the problem, but he has focused attention on and brought legislative attention to bear on it, and I think this legislation will be beneficial for everyone concerned.

Mr. BROYHILL. Thank you, Mr. Baldwin, and thank you, Mr. Chairman.

Mr. FALLON. Thank you, Mr. Broyhill.

Mr. Whitton and Mr. Turner, we will be glad to hear from you.

STATEMENTS OF REX M. WHITTON, FEDERAL HIGHWAY ADMINISTRATOR, BUREAU OF PUBLIC ROADS; AND FRANCIS C. TURNER, DEPUTY COMMISSIONER AND CHIEF ENGINEER, BUREAU OF PUBLIC ROADS—Resumed

Mr. WHITTON. Mr. Chairman and members of the committee, I am glad to have the opportunity of appearing before you again this morning and discussing the problems of the Henry Shirley Highway. I know that this, as Mr. Baldwin has said, a matter of great concern to many of us, since there are some 70,000 drivers using this road every day.

Since the hearing you last held on this matter, I am glad to report we have met with Commissioner Harris of Virginia, and have also met with Mr. Darwin Stolzenbach of the National Capital Transportation Agency, and we are in accord on what should be done. These bills we are discussing today carry out that accord.

I have a letter from Commissioner Harris in which he agreed to the following points:

That the Henry G. Shirley Memorial Highway will be Interstate Route 95;
That eight traffic lanes will be provided on the highway between Route 7 and Bridge 21;

That the Bureau of Public Roads will seek enabling legislation to permit the use of interstate funds to pay 95 percent of the cost of the Shirley Highway, which is included in the bill; and

That the Virginia Department of Highways will take over the Shirley Highway and the remainder of the Pentagon network upon the completion of reconstruction work on the network.

As I said before, we have conferred with Mr. Stolzenbach, the Administrator of the National Capital Transportation Agency, with respect to coordinating our future plans and programs in the Transportation Agency and the Bureau of Public Roads in the traffic corridor served by the Shirley Highway and the Pentagon network. We reached agreement on these matters and the understanding between us has been set forth in an exchange of letters between Secretary Hodges and Mr. Stolzenbach.

So I recommend that Congress enact the necessary legislation to permit the State and the Bureau of Public Roads to proceed with this very important work in the immediate future.

Mr. FALLON. Mr. Whitton, what funds would the money come from that is necessary to carry out the agreement?

Mr. WHITTON. The building of the Shirley Highway, or the improvement of the Shirley Highway, would come out of interstate funds. The improvement of the Pentagon network would come out of the general funds.

Mr. SCHERER. Is there anything in the bill that indicates that the \$2,500,000 provided therein would come out of the trust fund? I rather think it is not clear.

Mr. WHITTON. No, I do not believe so. We have it in our budget recommendation for next year to come out of the general funds. That is the \$2½ million.

Mr. FALLON. The \$2½ million would come out of the general funds?

Mr. WHITTON. Yes, sir.

Mr. FALLON. How much money would be necessary to complete it, according to the agreement, that would come out of the trust fund?

Mr. WHITTON. Are you talking about the Pentagon network, or the Shirley Highway?

Mr. FALLON. I am talking about the Shirley Highway.

Mr. WHITTON. There are two possibilities on the Shirley Highway that we have not come to an agreement on yet, as to how the eight lanes will be built, and that will not be decided for some time. There is a possibility of building two four-lane pavements, or building eight lanes by building three-two-three. The three-two-three costs about \$19 million, we figure, in a loose estimate, and the two four-lane pavements comes to about \$13 million.

We have not decided yet, and it will be some little time before we do decide, which one of those will better and more adequately serve the traffic corridor, but the cost to the interstate funds or the trust fund will be 95 percent of either \$13 million or \$19 million.

Mr. SCHERER. The \$2½ million is what I am interested in, because we were talking about whether this bill could be put on the consent calendar or not. That, you say, will come out of general funds.

Mr. WHITTON. Yes, sir. The Pentagon network in connection with my understanding. I assume it was built out of general funds previously, and so the bringing of that network up to a desirable standard, or an adequate standard, naturally would seem to us to indicate that the improvement of it should come out of general funds.

Mr. SCHERER. You feel it should come out of general funds rather than trust funds?

Mr. WHITTON. Yes, sir.

Mr. FALLON. After the responsibility for the network is assumed by the State of Virginia, that would mean that the State of Virginia would maintain it?

Mr. WHITTON. That's right.

Mr. FALLON. What does it cost to maintain that highway network per year now?

Mr. WHITTON. About \$200,000 a year, Mr. Turner says, for inadequate maintenance. The maintenance has not been as good as it should have been.

Mr. SCHERER. What would be the objection to this \$2½ million being paid for out of the trust fund?

Mr. WHITTON. I will say what Mr. Turner has told me, and that we have no particular objection. We just assumed, I guess, that it would come out of the same fund that it was originally built out of.

Mr. SCHERER. The only reason I ask that is the Administration is having so much difficulty in meeting the expenditures of the Federal Government, which have increased tremendously, as you know, since January 20. I think they would like to preserve as much as they can for the general fund.

Mr. WHITTON. I will say this quite frankly, and I say it honestly, that in order to get this job done I personally would be very willing to see it come out of the trust fund, because we would like to get this behind us. This is a job that needs to be done. I am talking about the improvement of the Shirley Highway. We need to transfer the maintenance of the network and the Shirley Highway from the Bureau of Public Roads to the State of Virginia.

We merely thought that since it had originally been built out of general funds, that the bringing of it up to a desirable standard today, before Virginia takes it over, should be done out of general funds also. If there is something due to that that is likely to keep this bill from getting through this Congress, why, we would very much like to get the bill through the Congress so we can get going on the Shirley Highway.

Mr. FALLON. Mr. Whitton, I agree with Mr. Scherer that we would have less difficulty if this would come out of funds other than one that might tend to increase the national debt.

Mr. SCHERER. I am just looking after your administration and the solvency of the country.

Mr. JONES. That is the most charitable attitude I have ever seen the gentleman display.

Mr. SCHERER. You would be surprised.

Mr. FALLON. Could it be that if we designated the Pentagon network to come out of the trust fund, could we do it on a 100-percent basis, or would it be necessary to do it on a 90-10 basis?

Mr. WHITTON. I think it would be necessary to do it on a 100-percent basis, because that has been our understanding with the Virginia Highway Department—that they would take the Pentagon network over if and when it was put in a satisfactory condition. I am sure that they understood that the cost of putting it in satisfactory condition would be borne by the Bureau of Public Roads and not part of it by the Virginia Department of Highways.

Mr. SCHWENGEL. Mr. Chairman.

Mr. FALLON. Mr. Schwengel.

Mr. SCHWENGEL. I would like to ask this question: Would it be your feeling that in the long run the Federal Government would be better off?

Mr. WHITTON. Absolutely. We will make money by getting this transfer arrangement completed. As it is now, it is a piece of highway that is separate and it cannot be maintained economically by a separate organization. It is much more economical to maintain the 4 or 5 miles of the Shirley Highway and whatever the distance is of the Pentagon network—2½ miles—which makes 6½ or 7 miles in toto—it is much more economical to have that maintained by the Virginia Department of Highways with their well-organized maintenance crews than it is for us, the Bureau of Public Roads, to set up a small group to take care of 6 or 7 miles of highway. It is just not an economical nor satisfactory method of maintenance.

Mr. SCHWENGEL. Do you have any information to indicate the cost of maintaining this highway to the Federal Government to date?

Mr. WHITTON. We could furnish that to you. I do not have it at my fingertips.

Mr. SCHWENGEL. I think it would be valuable information for us to have in our records.

Mr. FALLON. Is the gentleman referring to the——

Mr. SCHWENGEL. To the maintenance cost.

Mr. FALLON. Of the Pentagon network?

Mr. SCHWENGEL. Of the present obligations we have in that area, which Mr. Whitton believes should be taken over by the State of Virginia under the present arrangement.

Mr. FALLON. Mr. Whitton just testified that the maintenance of the present Pentagon network costs about \$200,000 a year.

Mr. WHITTON. That is right.

Mr. FALLON. Do you want to know what the cost is on the Shirley Highway in addition to that?

Mr. SCHWENGEL. Yes. Do we take care of the Shirley Highway too?

Mr. WHITTON. Yes. We take care of 4 or 5 miles of the Shirley Highway—the portion we are talking about transferring now. You see, the big problem with us not only on the network, but on the Shirley Highway, is that we are facing reconstruction of it. Just the routine maintenance of it will not put that highway in a satisfactory condition, so we have a reconstruction, and if we do not get that accomplished through this bill we will have to be back with another bill asking for money to reconstruct the network and the Shirley Highway. The \$200,000 annual maintenance cost includes both the Shirley Highway and the Pentagon network.

Mr. SCHWENGEL. I would like to have that cost and the estimated cost of a rebuilding program which you anticipate will be necessary if we do not make the suggested change.

Mr. FALLON. Mr. Whitton just testified one plan would cost \$13 million and another plan \$19 million in addition to the \$2½ million for the network.

Mr. WHITTON. Yes, sir.

Mr. FALLON. Mr. Whitton also testified if we get control of these highways, or ownership of them, we are going to have to rebuild

them anyway. So in the case of the Shirley Highway, the Government will put up 95 percent and the State of Virginia will put up 5 percent. We do save something there because we will have to build the whole thing out of Federal funds, otherwise, and rightly so, the control of these highways should be with the State of Virginia.

Mr. SCHERER. If we should decide that the \$21½ million in this bill should come out of the trust fund, as I am inclined to think it should, we will have to amend this bill. Don't you think we would?

Mr. WHITTON. I assume you would. There will certainly have to be some directive that would permit us to spend 100 percent of the funds out of the trust fund in improving the Pentagon network, which is not a part of the Interstate System.

Mr. JONES. Mr. Chairman.

Mr. FALLON. Mr. Jones.

Mr. JONES. Mr. Whitton, I noticed in the newspaper the other day that you proposed to have eight lanes on the Shirley Highway.

Mr. WHITTON. Yes, sir.

Mr. JONES. And that would relieve the congestion?

Mr. WHITTON. Yes, sir.

Mr. JONES. How do you think adding additional lanes out there is going to aid in relieving the congestion, when you do not have enough bridges to take care of the traffic that you have going over now?

Mr. WHITTON. Well, we think that a lot of that will be cured. Of course, we are building new bridges now, Mr. Jones, across the Potomac, one at Jones Point which is being built, which would help to relieve the 14th Street and Memorial Bridge traffic, and then we are building a new bridge now at 14th Street.

Mr. JONES. Yes.

Mr. WHITTON. And there is also one under construction——

Mr. JONES. How many lanes will you have on the new bridge at 14th?

Mr. WHITTON. The new bridge over 14th is four each way. And the new one over the Potomac, which is north of the Memorial Bridge, is being built now, and Mr. Turner says that will have six altogether.

Mr. JONES. That seems to be your trouble. I live out on Shirley Highway and yesterday morning I left 5 minutes to 9 to come to the Capitol and it was 10 o'clock when I got to the House Office Building here, simply because we do not have enough bridges down there to take care of your traffic. If you are going to build other arteries and make them accessible to those bridges, I don't see how you are going to improve the situation.

Mr. WHITTON. I think when the bridges are completed that they will certainly be in better shape than they are now. I think construction work itself is somewhat tying up the traffic.

Mr. FALLON. That works in reverse too, does it not, Mr. Whitton? What is the use of having all of these lanes on the bridges funneling into a very narrow highway system if you are going south?

Mr. WHITTON. Yes.

Mr. JONES. What do you plan to do in the arrangements and negotiations with the State of Virginia Highway Department in modernizing that Shirley Highway? What are you going to do with the railway that intersects the highway?

Mr. WHITTON. Across the Shirley Highway?

Mr. JONES. Yes.

Mr. WHITTON. There would be a separation. We would separate the grade of the railroad and eliminate the grade crossings with the new improvement.

Mr. JONES. When you turn it over to the Virginia Highway Department, is there going to be any assurance that it will be policed by the Virginia State Highway Department? It is not now.

Mr. WHITTON. I would assume they would if it is turned over to them. I would assume they would police it the same as any other highway.

Mr. JONES. Have they given any assurance to the Bureau of Public Roads that they would?

Mr. WHITTON. You mean policing by an officer of the law?

Mr. JONES. Yes, sir. If you get lost on the Shirley Highway now and a traffic jam occurs, you don't see a policeman there. You just stay there. That's a no man's land from 14th Street Bridge on. You're just in a jungle of vehicles and you can't get out. The District of Columbia has no policemen down there and the Federal Government does not have any policemen there, so it's every man for himself. Also, you fight through those trucks for about 12 years, as I have, and you will understand what I am talking about.

Mr. WHITTON. That is the reason why we are trying to get you to pass this bill, Mr. Jones. We think we can get this improved and turned over to Virginia, and that they will then take care of it as they do the remainder of their system.

Mr. JONES. We had a prohibition on trucks on the Shirley Highway at one time and you changed that. We were getting along pretty well until it was opened up to truck traffic.

Mr. SCHERER. Has it not been because of all these things that Mr. Jones rightfully complains about that we are here today, and is it not a fact that this bill is the first step in correcting it?

Mr. JONES. I want to have some assurance that it is going to be corrected. That is my point.

Mr. SCHERER. I think it is. Were you here the other day when we had testimony on it?

Mr. JONES. No, sir. I'm sorry, I was not.

Mr. SCHERER. I think they cleared it up then.

Mr. WHITTON. This is certainly our view of it: That the passage of this bill will put us in shape and the Virginia Department of Highways and the National Capital Transportation Agency, to work out a solution to this problem.

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

Mr. SMITH. Mr. Chairman, I would like to ask Mr. Whitton a question.

Mr. FALLON. Mr. Smith.

Mr. SMITH. I am sure he has indicated it in the question he has just answered, about the assurance that Virginia will fully meet their responsibilities in regard to this matter.

Mr. WHITTON. Yes, sir. We have a letter from Virginia saying that they will accept this into their system, and that makes them responsible for the maintenance and policing of the highway, the same as they are responsible for the rest of their highway system.

Mr. SMITH. As another resident of Virginia I have been sorely disappointed at the lack of interest that Virginia seems to express in its residents and taxpayers out there. The only solutions to so many of their problems come entirely from the Federal Government. Virginia is a great State where they talk continuously about the encroachments of the Federal Government, but nothing is ever done to northern Virginia except by the Federal Government.

I want to make sure that anything I do about it, that Virginia makes some ironclad commitments to follow through.

Mr. SCHERER. Didn't I understand your testimony to be, Mr. Whitton, that this is one transaction where the Federal Government is going to get the better of the deal with the State? Didn't you say that?

Mr. WHITTON. In my opinion, the Federal Government will save maintenance money in this by providing a way that Virginia will take over the maintenance of the Pentagon network, and the 4- or 5-mile section of highway that the Bureau of Public Roads is now responsible for the maintenance of.

Mr. SCHERER. Didn't I understand you to say just a few minutes ago in your testimony, Mr. Whitton, that as far as dollars were concerned this would be an advantage to the Federal Government.

Mr. WHITTON. Over the long run. Yes, sir.

Mr. SCHERER. Over the long run?

Mr. WHITTON. Yes, sir.

Mr. SCHERER. This is the first program I am cognizant of where we have been involved in a State transaction that the Federal Government will get the better of it.

Mr. SMITH. Theoretically I agree, but I have serious doubts about it working out that way, regardless of what is said here.

Mr. SCHERER. Do you live over there?

Mr. SMITH. I live over there too, and the only thing that has ever been done to help anybody there is what was done by the Federal Government.

Mr. BLATNIK. They treat all these Federal employees as a nuisance. "Look at what a burden you are casting on us by having these thousands of people employed in the Federal Government and living out here," is what they seem to say. I wish we had that problem in northern Minnesota.

Mr. SMITH. The only work I have ever seen done over there by the State is by convicts, who continually escape. They had a group working in front of my house the other day and two of them escaped from the road gang. The guards were so stupid and illiterate that they didn't know how to make a phone call, and my wife had to call the officials to tell them that they had escaped.

Mr. CRAMER. I understand that this is probably the last public hearing we will have before we adjourn this subcommittee. No other hearing is contemplated. Is that right?

Mr. FALLON. No.

Mr. CRAMER. As you recall, I introduced a bill, H.R. 3624, which has to do with the injection of toll roads in the Interstate System. I am hopeful that some action will possibly be taken on this. The chairman recalls that, does he not? I wish I could take just a couple of minutes to ask a couple of additional questions in that we will probably not have additional hearings on this matter.

Mr. SCHERER. Would you mind if we finished this, because I am interested in this and I have another command performance at 11 o'clock.

Mr. CRAMER. Then could I ask these questions immediately following this particular bill here?

Mr. FALLON. Yes.

Mr. CLARK. May I say to gentleman from Florida that I am also interested in a couple of questions that I want to ask.

Mr. FALLON. Are there any questions on the bills before us now?

Mr. SCHWENGEL. I don't have any questions, but I want to say that I am almost completely in agreement with the remarks of the gentleman from Mississippi. I live in Virginia too and I want to say that the people in this area are getting more benefits from the Federal Government than any other area in the entire United States. There are comparable situations as far as roads are concerned that exist in the Midwest and in the State of Iowa.

We build our own bridges with no help from the Federal Government, and we do not get all of these extra bridges built for us. We do this in the course of the regular programs that are provided for us. The benefits to the people in this area, both in the District and in Virginia, are over and above those we grant to any other part of the United States.

Mr. SCHERER. Representatives of the State of Virginia are here today. We don't want to get on them too hard. They might back down on this agreement they made.

Mr. FALLON. I think we are all in agreement on the attitude toward the State of Virginia.

Is there any other question on these bills before us?

Mr. McVEY. I would like to ask Mr. Whitton a question, Mr. Chairman.

Mr. FALLON. Mr. McVey.

Mr. McVEY. Would it be possible when the circumferential highway is completed to eliminate this truck traffic on the Shirley Highway?

Mr. WHITTON. I think it will be very helpful. I don't know that we can say we could eliminate it, but certainly truck traffic that has no desire to go through Washington can very easily go around Washington, and miss it via the circumferential highway.

Mr. McVEY. I happen to be one of those who lives in Virginia and it seems, while it may not be really connected with Shirley Highway, but we have everything funneling into the bridges and into Washington, D.C., truck traffic, and everything else. No matter how big Shirley Highway is, if everything comes into the bottleneck we are going to have a problem.

Mr. WHITTON. That is the purpose of the circumferential—to take off the traffic that does not have Washington as its destination.

Mr. McVEY. Yes. Thank you.

Mr. JONES. I will say to the gentleman from Kansas, I do not know whether they will escape coming through the Capital, because if you go out in front of this building you will see truck after truck after truck coming down Independence Avenue on its way to Baltimore or

points east. They have a truck route through here, and nothing is done to manage the traffic pattern as far as trucks are concerned.

Here the Capitol of the United States is almost inaccessible to motorists who come to Washington to visit it, because there is no effort made at all to try to regulate the truck traffic flowing in and out of the District of Columbia. We have one of the most congested capitals in the world, and it is just inexcusable for the people who come great distances here and have to spend 25 to 30 minutes to come 2 blocks because of the truck traffic and the butt ends of these cranes on Independence Avenue which creates almost an impossible traffic situation there.

Mr. McVEY. You have another thing which adds to the congestion. In the last day or two there has been a blockoff of the other route going by the Bureau of Engraving and Printing. I do not know who is responsible for that, but they are blocking all the streets leading into the Capital.

Mr. JONES. All you need to do is go out and see some of these frustrated tourists trying to get to the Capitol. It is almost sickening.

Mr. FALLON. Gentlemen, we have a witness here from the District of Columbia. I would suggest maybe those questions should be held in abeyance.

Mr. JONES. Mr. Chairman, I think it bears some relationship to the traffic pattern that will be formed by the new management of Shirley Highway, because the 14th Street Bridge, as I understand it, has a traffic index there now of about 105,000 vehicles per day. Is that right?

Mr. WHITTON. Yes, sir.

Mr. JONES. So here you have the most congested flow of traffic existing any place in the world. As I understand it, the 14th Street Bridge carries more traffic than any other bridge in the world.

Mr. WHITTON. Well, Mr. Jones, I think that the completion of the Jones Point Bridge will take some of that traffic.

Mr. JONES. If we had assurances that the pattern of traffic was going to be managed.

Mr. WHITTON. Was going to be what?

Mr. JONES. That is the point. We are allowing these superhighways to be built and making this tremendous investment in them with no possible assurance that they will manage the traffic problem. That is the problem there, it seems to me. We have seen an unmanageable situation exist as far as the Shirley Highway is concerned. That is what it is at the present time, and nothing is being done to ease the situation as it presently exists.

How are we to believe that there is going to be better management just by a transfer of title?

Mr. FALLON. Are there any other questions? If not, thank you very much, Mr. Whitton.

Mr. WHITTON. Thank you very much, sir.

Mr. FALLON. Mr. Whitton, will you remain because we will take up some other legislation?

Mr. WHITTON. Yes, sir.

Mr. FALLON. Mr. Kneipp.

STATEMENTS OF ROBERT F. KNEIPP, ASSISTANT CORPORATION COUNSEL, DISTRICT OF COLUMBIA GOVERNMENT; AND LLOYD RIVARD, ASSISTANT CHIEF ENGINEER, OFFICE OF PLANNING AND PROGRAMING, DEPARTMENT OF HIGHWAYS AND TRAFFIC

Mr. KNEIPP. Mr. Chairman, I am Robert F. Kneipp, Assistant Corporation Counsel for the District of Columbia, representing the Commissioners of the District of Columbia. With me is Mr. Lloyd Rivard of the Department of Highways and Traffic of the District of Columbia.

Mr. Chairman, the Commissioners have no objection to the enactment of any of the bills before the committee today, and they are so stating in a copy of the report which I am furnishing the clerk, and which I ask be made a part of the record.

Mr. FALLON. Without objection, it may be made a part of the record at this point.

(The letter referred to is as follows:)

AUGUST 17, 1961.

HON. CHARLES A. BUCKLEY,
Chairman, Committee on Public Works,
U.S. House of Representatives, Washington, D.C.

MY DEAR MR. BUCKLEY: The Commissioners of the District of Columbia have for report H.R. 8678, H.R. 8679, and H.R. 8692, 87th Congress, identical bills to provide for the conveyance of a portion of the Henry G. Shirley Memorial Highway and other highways on the Pentagon road network to the Commonwealth of Virginia, and for other purposes.

The Commissioners have no objection to the conveyance to the Commonwealth of Virginia of the portions of roads and the routes described in each of the bills. They are of the view, however, that paragraph numbered (1) of subsection (b) of the first section of the bill, appearing in lines 13 through 18 on page 2 of H.R. 8678, and in lines 13 through 19 on page 2 of each of the other bills, should specifically authorize the conveyance of U.S. Route 1 from the boundary line between the District of Columbia and the Commonwealth of Virginia to the present northerly limit of State maintenance. To this end, the Commissioners recommend that paragraph numbered (1) of subsection (b) of the first section of each of the bills be amended to read as follows:

"(1) United States Route 1 from the boundary line between the District of Columbia and the Commonwealth of Virginia established by section 101 of the Act approved October 31, 1945 (59 Stat. 552; sec. 1-101 note, D.C. Code, 1951 ed.) to the present northerly limit of State maintenance on such route in the vicinity of Army and Navy Drive (G road), approximately seven-tenths mile (NS road);"

As they have noted above, the Commissioners have no objection to the enactment of any of the bills, particularly if they be amended in the manner set forth in this report.

The Commissioners have been advised by the Bureau of the Budget that, from the standpoint of the administration's program, there is no objection to the submission of this report to the Congress.

Yours very sincerely,

WALTER N. TOBRINER,
President, Board of Commissioners, District of Columbia.

Mr. KNEIPP. However, the Commissioners have one recommendation. On page 2 of the bill, beginning with line 13, there is a reference to the U.S. Route 1 under subsection (b) of the bill, where it is stated that the Henry G. Shirley Memorial Highway, shall be deemed to include the following roads, and then skipping down to paragraph numbered (1), it says:

United States Route 1 from the vicinity of Bridge 21 as may be agreed upon by the District of Columbia Highway Department and the Secretary of Commerce to the present northerly limit of State maintenance on such route in the

vicinity of Army and Navy Drive (G road), approximately seven-tenths mile (NS road);

The intent of that paragraph is, I understand, to allow the transfer to Virginia of a portion of U.S. Route 1 from the District line to the beginning of State maintenance. The language "from the vicinity of Bridge 21" in the eyes of the Commissioners is a little too indefinite.

If I may show the committee on this map there is a difference apparently of about three-tenths of a mile. Bridge 21 is at the northerly limit of the black marking here. Then evidently the District boundary and Bridge 21 is the orange bit here. This map is on a scale of 3,000 feet to the inch, so it would be roughly 1,500 feet difference between the boundary line and Bridge 21. Yet it is the Commissioners' understanding that this portion is to be transferred to the State of Virginia under the authority of this bill. So they are asking that paragraph No. 1 of subsection (b) in the first section of the bill be amended, so as to specify with particularity that the Secretary of Commerce is authorized to transfer from the boundary line of the District, which is the high water mark on the Virginia side of the river to the south.

The language that is proposed in the Commissioners' report is the following:

Substitute for the present paragraph (1), subsection (b) of the first section:

(1) United States Route 1 from the boundary line between the District of Columbia and the Commonwealth of Virginia established by section 101 of the Act approved October 31, 1945 (59 Stat. 552; sec. 1-101 note, D.C. Code, 1951 ed.) to the present northerly limit of State maintenance on such route in the vicinity of Army and Navy Drive (G road), approximately seven-tenths mile (NS road).

Mr. Chairman, may I ask Mr. Rivard, would that seven-tenths of a mile be extended?

Mr. RIVARD. Yes. To about 1 mile.

Mr. KNEIPP. So it should read approximately 1 mile in lieu of the language set forth in the Commissioners' report. I ask that that change be made in the Commissioners' report. However, other than that one recommendation the Commissioners approve the enactment of the bills.

Mr. SCHWENGEL. It would give Virginia an additional obligation, would it not?

Mr. KNEIPP. It would allow the Secretary of Commerce, or specify the authority that the Secretary of Commerce would have with respect to the transfer of this road, rather than leaving it on an indefinite basis in the vicinity of Bridge 21, which is three-tenths of a mile south.

Mr. SCHWENGEL. The main result would be that Virginia would have an additional seven-tenths of a mile to maintain. Is that right?

Mr. KNEIPP. Yes. In the bill, except for this fact: I understand it is the intent of all parties involved to make that transfer anyway. So it is giving Virginia nothing more than they expected to get anyway, but just makes the bill more specific.

Mr. SCHWENGEL. Who would take care of it if it were not amended? Who would have that, in your opinion?

Mr. KNEIPP. For example, if the Secretary of Commerce did not transfer that three-tenths of a mile or so then I assume that the Federal

Government—the District Government would continue to maintain it. But outside the District boundary.

Mr. SCHWENGEL. Does the District maintain from that point on under the present legislation?

Mr. KNEIPP. May I refer to Mr. Rivard?

Mr. RIVARD. I believe it is just the pavement they maintain at the present time. The original 14th Street Bridge provided we build that to bridge 21, and that is the only reason why with District of Columbia funds we are building approaches in Virginia. We just want to establish the District line as the southerly limit of our operations concerning highways in that area.

Mr. SCHWENGEL. We are giving some more money to the District under this then?

Mr. RIVARD. No.

Mr. SCHWENGEL. We are giving some more help to the District.

Mr. RIVARD. No.

Mr. SCHWENGEL. You would have to assume this maintenance if this were not carried out.

Mr. RIVARD. That is right. We do not want to be involved in maintenance or construction work with District of Columbia money in the State of Virginia.

Mr. FALLON. This is in the State of Virginia?

Mr. RIVARD. This is in the State of Virginia. Yes.

Mr. FALLON. It seems to me if it is in the State of Virginia that the language of the bill should be amended so that if and when this transfer is made and the road is built, that the State of Virginia should maintain the whole road.

Mr. BALDWIN. Mr. Chairman, could I ask Mr. Whitton at this point whether he would like to comment on this proposed amendment.

Mr. FALLON. Mr. Whitton.

Mr. WHITTON. Yes, sir.

Mr. BALDWIN. Could we ask you, Mr. Whitton, whether you have any objection to this proposed amendment?

Mr. WHITTON. No, sir. They have mentioned they are just putting the finger on where it is, which is what we had expected to agree to administratively. We have no objection to that.

Mr. FALLON. Are there any other questions?

Mr. CLARK. You mean on this particular amendment?

Mr. FALLON. On this amendment, recommended to the bill. It is agreeable to the State of Virginia and the Bureau of Public Roads.

Is there any other testimony, Mr. Kniepp?

Mr. KNEIPP. No. Thank you, sir.

Mr. CLARK. Mr. Chairman, I would like to ask a couple of questions.

Mr. FALLON. I asked if there were any other questions.

Mr. CLARK. You asked on the amendment. I have no questions on the amendment, but I would like to ask some additional questions now.

The Jones Point Bridge is really being built to take care of truck traffic more than anything else, is it not? Isn't that where truck traffic is going to be located?

Mr. KNEIPP. May I refer these questions to Mr. Rivard, our expert on these matters?

Mr. RIVARD. Actually, the Jones Point Bridge is a bypass of Washington. It will serve a major function to bypass trucks by Washington itself.

Mr. CLARK. That is what I understood, and I wanted to make sure.

Mr. JONES. What assurances can you give the committee that that will be a fact?

Mr. RIVARD. No more than would be the case in a normal case of a truck that wants to go by the District of Columbia. This will be the best route for him to take. If he wants to come into the District of Columbia he will come in on a direct radial route, but the route around, by way of the Jones Point Bridge, is a shorter and a much more efficient route than going directly through even on the freeway.

Mr. JONES. Let me ask you a further question: You have a truck route through the District of Columbia now.

Mr. RIVARD. Right.

Mr. JONES. And you do not confine the trucks to that route, but you let them meander in any direction they want to take off on; don't you?

Mr. RIVARD. But most of the great, great majority of the trucks going through Washington use the truck route.

Mr. JONES. I know that, but that is the one causing all the trouble.

Mr. RIVARD. The others have some destination in Washington and, of course, they have to get off the route.

Mr. JONES. I invite you to stand, as soon as you leave this committee room, in front of this building for an hour or so, or the rest of the day, if you wish, and you will see just about as many trucks destined to some terminus other than Washington using this street. Complaints have been made to the District of Columbia repeatedly and repeatedly, and the District of Columbia evidently does not want to assume any responsibility for traffic patterns as far as the Capitol is concerned. We have every kind of difficulty in the world with all of this construction going on here, and all of these dump trucks. As I said earlier, here is the Capitol of the United States and the tourists are having all kinds of difficulties getting up to see it. It is not just a parking problem, but the inaccessibility. Here are all of these trucks coming through here.

It seems to me a very simple matter for the recognized police powers to keep these trucks off of this street and area.

Off the record.

(Discussion off the record.)

Mr. CLARK. The 14th Street Bridge is now being built. After it is built and the traffic is on it, what is going to happen to the old bridge? We will still have the new bridge.

Mr. RIVARD. Our present position on the old bridge is to leave it set until we see exactly what use may be made of it, if at all. You recall in some of the very bad snowstorms last year there were some very bad tieups. On inaugural eve there was one very big one. We have developed a plan where the bridge can be used with two lanes in either direction in the peak hours if this becomes necessary. If it develops after some of the freeway construction is built and Jones Point is open and the bridge is no longer needed, it will undoubtedly be torn down.

Mr. CLARK. The longer you wait, the more traffic you are going to get. I would suggest you use that second bridge at least as a point

at the present time to take care of some of the bottlenecks going over between 4:30 and 6 o'clock in the evening. If you do not have the necessary roads accessible to the bridge you are not going to be able to take care of it.

Mr. RIVARD. We have established a plan on how to use the bridge if the necessity arises, by making some minor and temporary connections to it from the present permanent construction that is underway. Then if the need arises it will be there.

Mr. McVEY. Mr. Chairman, I do not want to belabor this issue but we may never get these men before us again.

Mr. FALLON. Mr. McVey.

Mr. McVEY. Mr. Rivard, is any thought being given to rerouting this highway that runs right past our office building here?

Mr. RIVARD. Yes. It is part of the Interstate System in the District of Columbia. We have under construction the southwest freeway, which is now under construction as far as South Capitol Street, which will be extended to Sousa Bridge and on the east leg of the inner loop which will go to the approximate line of 11th Street north and south a few blocks from here, and it will form a bypass for approximately all of the traffic using Independence Avenue.

That part would also get down there and would be a direct connection to the Sousa Bridge to 11th Street, which is to be reconstructed to eight lanes, and on the north to the east leg of the inner loop.

Mr. McVEY. It looks like all of the routes coming into the House Office Building here at the Capitol from Shirley Highway are somewhat impeded. Of course, there is construction going on in the New House Office Building, and construction going on on the Treasury Building. Can't there be some plan that these cranes will be operated at night, or at least after 10 o'clock in the morning and before 4 o'clock in the afternoon, so that the bulk of the traffic can get through?

Mr. RIVARD. There is a provision in the contract for the 14th Street Bridge project, that the contractors must maintain three continuous through lanes to traffic during the peak periods.

Mr. JONES. Have you been down there lately?

Mr. RIVARD. Yes, sir. I have every morning, and admittedly the situation is not the best. But it is typical of anywhere that we have construction underway. We can never get the maximum that we can out of the finished product.

Mr. JONES. In addition to that, they reduced the number of lanes of traffic by letting them move a tailgate out there.

Mr. RIVARD. I am not familiar with the situation you mentioned.

Mr. JONES. When I go by there I have to shift around and wait and get in line. You have it reduced to three lanes and then you put the tailgates on the side about 4 to 6 feet out at the sides of the road, and you have to wait for a reduction to two lanes of traffic.

Mr. RIVARD. This provision is in the contract and if such a thing happens it is a violation that should be picked up. It had originally been provided for that there should be three lanes in each direction continuously.

Mr. JONES. What is your title with the District of Columbia? Are you head of the Traffic Division?

Mr. RIVARD. I am Assistant Chief Engineer of the Office of Planning and Programming of the Department of Highways and Traffic.

Mr. JONES. Who has charge of the Traffic Department?

Mr. RIVARD. Mr. Aitken, Director of the Highways and Traffic Department, has direct charge of it.

Mr. JONES. Does Mr. Aitken ever come up here during rush hour to see this traffic?

Mr. RIVARD. Many times, I am sure.

Mr. JONES. Invite him to come back again and let me extend an invitation to him to come and see it.

Mr. RIVARD. Yes, sir.

Mr. FALLON. Are there any other questions?

Mr. Stolzenbach, would you give your full name and title to the reporter, please?

**STATEMENT OF C. DARWIN STOLZENBACH, ADMINISTRATOR OF
THE NATIONAL CAPITAL TRANSPORTATION AGENCY—Resumed**

Mr. STOLZENBACH. My name is C. Darwin Stolzenbach. I am Administrator of the National Capital Transportation Agency.

My testimony this morning is in support of H.R. 8678 and 8679, which provide that the Henry G. Shirley Memorial Highway and portions of the Pentagon network are to be conveyed to the Commonwealth of Virginia contingent upon improvements of these roads. The National Capital Transportation Agency strongly endorses these bills.

Apart from indicating the Agency's endorsement of these bills, my main purpose in testifying this morning is to explain to the committee very briefly the role which the National Capital Transportation Agency will play in the projects contemplated by H.R. 8678 and 8679.

The National Capital Transportation Act of 1960 calls for a degree of coordination in highway and transit development that has not existed in the past. Necessarily such coordination depends in large measure on cooperation between the various agencies and governing bodies concerned. A very important step in this direction has been achieved insofar as the Shirley Highway and Pentagon network projects are concerned.

On August 11, 1961, by an exchange of letters, the Secretary of Commerce and I entered into a memorandum of understanding reflecting agreement reached by the Federal Highway Administrator and myself. The agreement provides for a coordinated effort by the Bureau of Public Roads and the National Capital Transportation Agency to develop highway and mass transit facilities in the traffic corridor served by the Shirley Highway, including the Pentagon network. I request, Mr. Chairman, that a copy of this memorandum of understanding be made a part of the record of this hearing.

Mr. FALLON. Without objection, it is so ordered.

(The document referred to is as follows:)

NATIONAL CAPITAL TRANSPORTATION AGENCY,
Washington, D.C., August 10, 1961.

HON. LUTHER H. HODGES,
*Secretary of Commerce,
Washington, D.C.*

DEAR Mr. SECRETARY: This will confirm recent conversations I have had with the Federal Highway Administrator, Mr. Rex M. Whitton, concerning the desirability of a coordinated effort by the Bureau of Public Roads and the National Capital Transportation Agency to develop highway and mass transit facilities in the traffic corridor served by the Shirley Highway, including the Pentagon net-

work, in such manner as to promote attainment of their respective objectives and responsibilities to the greatest possible degree. To provide a basis for such efforts, I propose that we agree as follows:

1. The Bureau of Public Roads and the National Capital Transportation Agency will jointly consider means whereby express bus service may make optimum use of the Shirley Highway and the Pentagon network. Among other things, consideration will be given to recommending that the appropriate officials of the Commonwealth of Virginia provide exclusive lanes for express buses during peak traffic hours.

2. The Bureau will consider the impact of improved bus service on the Shirley Highway in reviewing and approving plans and designs for the future improvement of the highway including the number of additional traffic lanes to be provided; it being understood that the Bureau is obligated to comply with the provisions of section 109 of title 23, United States Code.

3. The Bureau and the Agency will cooperate in coordinating plans and arrangements for mass transit facilities and plans and designs for the improvement of the Shirley Highway and the Pentagon network to the greatest possible degree, with the objective of carrying out their respective duties and responsibilities in a manner consonant with economy and the best public interest.

4. The Agency will undertake studies and engineering design work for the purpose of supporting recommendations to the Commonwealth of Virginia and the Bureau for modifications, revisions, or special provisions in planned highway improvements on the Shirley Highway or the Pentagon network considered necessary or desirable in connection with plans for providing express transit service to the District of Columbia, the Pentagon, the Washington National Airport, and adjacent areas.

5. Any additional costs attributable to recommendations of the Agency which are accepted by the Commonwealth of Virginia and the Bureau will be paid for out of funds available to the Agency, and not from State or Federal highway funds. The Agency shall have full responsibility for obtaining funds to pay any such additional costs.

6. The Bureau and the Agency shall expedite the performance of all aspects of this matter, in order that the necessary improvements of the Shirley Highway and the Pentagon network can be completed at an early date. No project for the improvement of the Shirley Highway or the Pentagon network shall be delayed by the failure or inability of the Agency to obtain the funds referred to in paragraph 5, above, or to carry out any other action contemplated by this agreement. The Bureau or the Commonwealth of Virginia may proceed with any such project without adopting the recommendations of the Agency in any case where the Agency has failed to promptly perform any such contemplated action or to obtain funds to pay the additional costs attributable to its recommendations, if the Bureau determines that proceeding with the project is necessary in the public interest.

This letter, together with a letter from you indicating your assent to the points stated above, will constitute a memorandum of understanding between us regarding this subject.

Sincerely yours,

C. DARWIN STOLZENBACH,
Administrator.

THE SECRETARY OF COMMERCE,
Washington, D.C., August 11, 1961.

Hon. C. DARWIN STOLZENBACH,
Administrator, National Capital Transportation Agency,
Washington, D.C.

DEAR MR. STOLZENBACH: This is to acknowledge receipt of your letter of August 10 concerning the desirability of a coordinated effort by the Bureau of Public Roads and the National Capital Transportation Agency to develop highway and mass transit facilities in the traffic corridor served by the Shirley Highway, including the Pentagon network. The proposed items of agreement appear to be fully satisfactory, and I believe that if carried out they will promote attainment of the objectives and responsibilities of the Bureau and the Agency to a great degree.

This letter, together with your letter of even date, may be considered a memorandum of understanding between us regarding this subject.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

The memorandum provides that the Bureau of Public Roads and the National Capital Transportation Agency will work together to consider a means whereby express bus service may make optimum use of the Shirley Highway and the Pentagon network. The Bureau and the Agency will consider, among other things, recommendations that exclusive lanes be provided for express buses during peak traffic hours.

In addition, consideration will be given to the impact of improved bus service in this corridor when a determination is made as to how many additional traffic lanes are needed on the Shirley Highway.

Finally, consideration will be given to such modifications and revisions of planned Shirley Highway and Pentagon network improvements as may be necessary to accommodate express transit service to the District of Columbia, the Pentagon, the Washington National Airport and adjacent areas.

I think, Mr. Chairman, it is quite clear to the highway authorities, and it is clear to ourselves, that highway expansion alone cannot solve the transportation problems of the National Capital region. The very existence of the National Capital Transportation Agency shows that Congress, too, accepts this premise. Somehow, some way, transit service must be vastly improved or we will find that existing traffic congestion problems will only become worse as the region continues to grow in the coming decades. This problem is not unique in the National Capital region. It is a nationwide problem that plagues all of our large urban areas. The cooperative working arrangement between the Bureau of Public Roads and the National Capital Transportation Agency may well be the beginning of a solution of this problem for this region.

In closing I think it is important that the record show that the Agency's program plans for fiscal year 1962 did not until recently contemplate concentration on the Shirley Highway and Pentagon network traffic problems. However, enactment of the bills which are before your committee today would force us to engage in a crash program to develop proposals for improving transit service in this corridor. Were we not to do so, in all likelihood highway improvements would be undertaken without provision being made for express transit service. Accordingly, I intend very shortly to ask for a small additional appropriation for the fiscal year 1962 work of the Agency so that it can meet its responsibilities and so that there will be no delay in the improvements to the Shirley Highway and the Pentagon network.

Mr. FALLON. You say you are going to ask for additional appropriations?

Mr. STOLZENBACH. Yes, sir.

Mr. FALLON. From what committee?

Mr. STOLZENBACH. Well, this would come under our general authorization that is in our act. It would be before the Appropriations Committee. We have not determined the precise amount. It is in the order of magnitude—

Mr. FALLON. In other words, it would come out of general funds?

Mr. STOLZENBACH. Yes, sir. It is \$200,000.

Mr. CRAMER. How much did you say you will request?

Mr. STOLZENBACH. In the order of \$200,000.

Mr. FALLON. Thank you very much, Mr. Stolzenbach.

If there are no further witnesses on this bill, I would like to call Mr. Whitton back.

Mr. JONES. Mr. Chairman, could I ask one question before we leave this bill?

Mr. FALLON. Mr. Jones.

Mr. JONES. Mr. Whitton, after the highway is turned over to the State of Virginia, do you have assurances that there is going to be limited access, as there is at the present time?

Mr. WHITTON. It will be more limited than it is at the present time. In my judgment there are some entrances out there on the Shirley Highway that will have to be eliminated when it becomes a full interstate route to Interstate System standards, Mr. Jones. If I understood your question correctly, we will have full control of the access to the Shirley Highway, and you will only be able to get on at certain specified points. I don't know what these points are, or will be.

Mr. JONES. You have that agreement now. Is that agreement binding on the State of Virginia that it would not at a subsequent date make it fully accessible?

Mr. WHITTON. No. They could not make it fully accessible. They could not change from the agreement. It is in the Federal law, that no additional access points can be made to any interstate highway without the consent of the Administrator.

Mr. FALLON. That means it will have to be built to the Interstate System standards, which is the law?

Mr. WHITTON. That is right. If we take this over as an interstate route, which we are proposing to do, then it will be built to Interstate System standards, with controlled access, and stay the way we build it.

Mr. FALLON. Mr. Whitton, we have two other bills before us. If there are no further questions on the Shirley Highway bills, we will turn to the others.

Mr. Whitton, I wish you would explain to the committee just exactly what the purpose of H.R. 8558 and H.R. 8559 by Congressman Scherer is. They are identical bills.

(H.R. 8558 follows:)

[H.R. 8558, 87th Cong., 1st sess.]

A BILL To amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 303 of title 23, United States Code, is hereby amended to read as follows:

"(a) The Bureau of Public Roads shall be in the Department of Commerce as a primary unit administered by the Federal Highway Administrator, appointed by the President by and with the advice and consent of the Senate. The Administrator shall receive basic compensation at the rate prescribed by law for Assistant Secretaries of executive departments and shall perform such duties as the Secretary of Commerce may prescribe or as may be required by law. There shall be a Deputy Federal Highway Administrator, who shall be appointed by the Secretary and perform such duties as may be prescribed by the Federal Highway Administrator. The Deputy Federal Highway Administrator shall receive basic

compensation at a rate \$1,000 less than the rate provided for the Federal Highway Administrator."

Sec. 2. Section 107(a) of the Act approved July 31, 1956 (70 Stat. 739), is hereby amended by deleting the paragraph which reads:

"(16) Commissioner of Public Roads."

STATEMENT OF REX M. WHITTON, FEDERAL HIGHWAY ADMINISTRATOR, BUREAU OF PUBLIC ROADS; ACCOMPANIED BY FRANCIS C. TURNER, DEPUTY COMMISSIONER AND CHIEF ENGINEER, BUREAU OF PUBLIC ROADS—Resumed

Mr. WHITTON. Mr. Chairman and gentlemen. Chairman Buckley received a letter from the Secretary of Commerce which I would like to read into the record, if I may.

Mr. FALLON. Go ahead.

Mr. WHITTON. This is addressed to the Honorable Charles A. Buckley. The letter reads as follows:

THE SECRETARY OF COMMERCE,
Washington, D.C., August 16, 1961.

HON. CHARLES A. BUCKLEY,
*Chairman, Committee on Public Works,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: I appreciate your letter of August 15 concerning the scheduled hearing on H.R. 8558 and H.R. 8559, bills which would abolish the position of Commissioner in the Bureau of Public Roads. These bills authorize appointment of a Deputy Federal Highway Administrator, in the place of a Commissioner.

Mr. Rex M. Whitton, the Federal Highway Administrator, will appear at the hearing to present the Department's views on these bills and to answer any questions your committee may have.

I should like to take this opportunity to emphasize our interest in this matter and our strong support of these bills. As you will recall until a few years ago the Commissioner in the Bureau of Public Roads was the head of the Bureau. Then the position of Federal Highway Administrator was created but no change in the laws was made with respect to the position of Commissioner. As a matter of fact, since the creation of the position of Federal Highway Administrator, the person who has served as Commissioner has in effect served as Deputy Highway Administrator. The organization and operation of the Bureau would, I believe, be far better understood by persons having business with the Bureau and by the public generally if the position of Commissioner were changed in name to coincide with what it should be in fact, that is, Deputy Federal Highway Administrator.

Also, as pointed out in the departmental letter transmitting this draft legislation to Congress the "salary for the position of Commissioner is fixed by Statute and the present statutory rate has become obsolete due to changes in the Salary Classification Act, so that now a subordinate of the Commissioner in a GS-18 position would receive a salary higher than the rate (\$17,500) set for the position of Commissioner. We strongly recommend that the statute be amended to provide that compensation of the Deputy Federal Highway Administrator should be fixed at \$1,000 less than the rate provided for the Federal Highway Administrator. With the statute thus worded, the salary for the deputy would be kept in proper relationship to the salary of the Administrator without requiring a change in this statute every time a more general change in the law was made affecting the salary of the Highway Administrator.

If we can be of any further assistance to you in your consideration of this legislation, please let us know.

Sincerely yours,

LUTHER H. HODGES.

That is the end of the Secretary's letter, and I subscribe to it, Mr. Chairman.

I have a further statement here of my own.

Mr. Chairman and members of the subcommittee, I am pleased to appear before you today on behalf of the Department of Commerce and the Bureau of Public Roads concerning H.R. 8558, which relates to the organization of the Bureau of Public Roads.

Under the present law, section 303(a) of title 23, United States Code, it is provided that the Bureau of Public Roads of the Department of Commerce shall be administered by the Federal Highway Administrator, who is appointed by the President with the advice and consent of the Senate. The statute also requires that there be a Commissioner of Public Roads, appointed by the Secretary of Commerce, who shall perform such duties as may be prescribed by the Administrator. The Commissioner's rate of basic compensation as provided for in the law is \$17,500 annually.

The bill before this subcommittee, H.R. 8558, would amend a portion of the statute to which I have just referred by the deletion of its provisions relating to the office of the Commissioner of Public Roads. It would also amend the Federal Executive Pay Act of 1956 by deleting a reference to the Commissioner in that act. Under the bill, provision would be made for a Deputy Federal Highway Administrator, who would be appointed by the Secretary of Commerce and who would perform duties prescribed by the Federal Highway Administrator. Under the proposal, the Deputy Administrator would receive basic compensation at a rate of \$1,000 less annually than the rate provided for the Administrator, whose salary is now \$20,000 annually.

The position of Commissioner of Public Roads is vacant at present. It is appropriate, therefore, for Congress to consider at this time legislation which would amend existing law concerning the position second in authority in the Bureau of Public Roads and to provide for a more realistic salary basis for that position.

We believe that the organization and operations of the Bureau of Public Roads would be better understood by persons having official business with the Bureau, both in other governmental agencies and in private business, as well as by the public generally, if the position of Commissioner were eliminated and a position of Deputy Federal Highway Administrator were established in lieu thereof.

It is apparent that the position of Commissioner of Public Roads is misleading in that it connotes a Commission of Public Roads, which, in fact, does not exist either within or outside of the present Bureau. The designation of a "Deputy" would also make it more readily apparent that the incumbent of this position is second in authority and responsibility in the Bureau and that he properly serves as Acting Federal Highway Administrator when the Administrator is absent from the office.

We believe that enactment of the proposed legislation is in the best interest of the Federal Government and would be an effective factor in the efficient operations of this Bureau.

The Department of Commerce urges the early consideration and enactment of legislation such as H.R. 8558.

Mr. FALLON. Mr. Whitton, actually what the Secretary wants is to abolish the job of Commissioner of Public Roads as it has been very confusing.

Mr. WHITTON. Yes, sir, it has, both inside and outside the Bureau.

Mr. FALLON. And it creates another position known as the Deputy Administrator.

Mr. WHITTON. Highway Administrator. Yes, sir.

Mr. FALLON. At an increase in cost of \$2,000 a year as a salary increase?

Mr. WHITTON. \$1,500, I believe, Mr. Chairman. It goes from \$17,500 to \$19,000.

Mr. FALLON. Are there any questions?

Thank you very much.

Mr. CRAMER. Mr. Chairman, I have a couple of questions.

Mr. FALLON. Mr. Cramer.

Mr. CRAMER. You say that will mean an increase in salary for the Administrator?

Mr. WHITTON. No. It does not change the salary of the Administrator, Mr. Cramer.

Mr. CRAMER. But it does for the deputy?

Mr. WHITTON. But it does for the deputy.

Mr. CRAMER. And the Administrator's salary is what? \$20,000?

Mr. WHITTON. It is \$20,000.

Mr. CRAMER. And it will remain that?

Mr. WHITTON. Yes.

Mr. CRAMER. And the Deputy Administrator gets what? He goes from \$17,500 to \$19,000.

Mr. WHITTON. The Commissioner's position, which is now open, does the work of the Deputy, and the Commissioner's salary now is \$17,500. Under this bill the Deputy's salary would be \$19,000.

Mr. CRAMER. At the present time there is a Deputy Administrator, but not an Assistant Commissioner. Is that right?

Mr. WHITTON. There is no Deputy Administrator, and there is no Commissioner in the present job, but there is a Deputy Commissioner.

Mr. CRAMER. But at the present time then is the Commissioner an Assistant Commissioner? Is that right?

Mr. WHITTON. There is a position of a Commissioner and a Deputy Commissioner.

Mr. CRAMER. Who is the present Deputy Commissioner?

Mr. WHITTON. Frank Turner.

Mr. CRAMER. The duties of the Deputy Commissioners presently, as I understand it, or the Assistant Commissioners, are as follows:

Assistant Commissioner for Engineering, Assistant Commissioner for Administration, Assistant Commissioner for Operations, and Assistant Commissioner for Research.

Is it expected that the Assistant Commissioner titles will be changed.

Mr. WHITTON. Yes, sir.

Mr. CRAMER. And the duties changed?

Mr. WHITTON. Yes, sir. We are going through a sort of reorganization of titles now that would change those to Director of Engineering, and Director of Research, and Director of Administration. Instead of being Assistant Commissioners they would be Directors.

Mr. CRAMER. Will that change their authority or status?

Mr. WHITTON. No. There is no change in authority.

Mr. CRAMER. How about their status?

Mr. WHITTON. No change in their status.

Mr. CRAMER. Salary-wise?

Mr. WHITTON. No change.

Mr. CRAMER. So we will end up with what?

Mr. WHITTON. We will just be changing the title only, so it will not be Assistant Commissioner when there is not a Commissioner.

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

Mr. SMITH. Will that increase come out of the trust fund?

Mr. WHITTON. I suppose it would, Mr. Smith. It would be \$1,500 a year.

Mr. SMITH. We will have to raise the gas tax to take care of that.

Mr. WHITTON. I think we can afford it.

Mr. FALLON. Are there any other questions?

Mr. EDMONDSON. No questions, Mr. Chairman. I think the bill will operate to clear up some confusion in the lines of authority that have been present for some time, and I think it represents administrative approval.

Mr. WHITTON. Yes, sir. It will be very helpful.

Mr. FALLON. Will you remain a moment? Mr. Cramer wants to ask some questions on another matter which does not pertain to a matter before us at the moment. It will be before us when Mr. Cramer asks the questions.

Mr. CRAMER. This pertains to H.R. 6324, involving toll roads, and their effect on the free interstate system which in all fairness I say the Department reported adversely on, and which will require the review of Congress when any toll road is proposed to be inserted as a part of the Interstate System.

It has been called to my attention that this has happened in Florida on I-95—between West Palm Beach and Fort Pierce and numbers of other places, where a toll road has been inserted and free mileage has been replaced, and the States as a result have lost that resulting mileage from the free system, and therefore have lost that amount of annual allocation in this instance about \$20 million and \$1.5 million annually. So in effect by injecting the toll road into the free system they have lost that amount of money on an annual allocation basis (about \$1.5 million) relative to the amount of mileage (44 miles) they lost when they inserted the toll road into what was previously I-95 the free system. Isn't that the effect of it?

Of course, it did happen in Florida between Fort Pierce and a little bit north of West Palm Beach. Florida lost about 44 miles on the free system, and it has been losing an annual allocation of about \$1.5 million subsequently.

Since the hearings were held there has been another and additional program in the State of Florida, which has been under consideration. The State now announced, and I am sure you are familiar with it, its intention to build an extension of that expressway from Fort Pierce to Orlando, and probably on to Wildwood near Ocala. The hearings previously on this bill, H.R. 6324 brought out that the State was at one time planning a 77-mile toll insertion in the Ocala area on I-75 to extend the turnpike but when I exposed the effects of this—the loss of \$30 million—it was abandoned. I understand they have presently under public hearing the question of whether Interstate 75's location under a modified plan should be moved, or a portion of 75 should

be moved eastward to accommodate the expressway extension, and I assume you could be receiving an application at some time in the near future concerning that. Those hearings are being held now as of Tuesday, I presume.

Mr. WHITTON. I don't know when the hearings are, Mr. Cramer. I know they are going to have them.

Mr. CRAMER. And, of course, you are familiar with the fact, and you have been familiarized with the fact, that that raises additional questions with regard to the effect of this additional road extension on the freeway system—on I-95.

Specifically for the committee's information I have here an indication of what the problems are. You see, we lost this mileage here—Fort Pierce to West Palm Beach—by virtue of this toll road extension between Miami and Fort Pierce. We lost the West Palm Beach to Fort Pierce section when the toll road was inserted. They did retain a parallel Miami to West Palm Beach link on I-95 as a section authorized in the Interstate System. Is that right?

Mr. WHITTON. That is right.

Mr. CRAMER. Even though it was paralleling. The justification was that there would be adequate traffic.

Mr. WHITTON. To service both of them.

Mr. CRAMER. By 1975.

Mr. WHITTON. That's right.

Mr. CRAMER. To service both of them.

Mr. WHITTON. Yes, sir.

Mr. CRAMER. Admittedly, in order for that construction to start in that area, it would require, would it not, that the State submit to the Bureau of Public Roads a statement that they would be ready, willing, and able contractually and otherwise to construct the entire link by 1973 at the end of the system. Is that right?

Mr. WHITTON. What are you talking about? I don't know which section you are talking about now.

Mr. CRAMER. West Palm Beach to Miami. If they are going to build that section they have to certify to the Bureau of Public Roads, do they not, that they are able to conform to the requirements, one of which is that they will commit themselves as one condition to build this entire link by the end of the system. Is that right?

Mr. WHITTON. Yes, sir. That is my understanding between West Palm Beach and Miami, is it not?

Mr. TURNER. Yes.

Mr. CRAMER. The State presently has under consideration the re-issue of that present bond issue, and a condition of that, as has been announced by the State, and as is obvious—a condition of that issue will be they, the Turnpike Authority, will have to commit themselves not to construct a competing highway facility which will in any way jeopardize the financing of the toll road. How is the State going to be able to certify to that, or to the Bureau of Public Roads, that they are able contractually and otherwise to build this competing system, in view of that existing contractual obligation?

Mr. WHITTON. How can the State do it?

Mr. CRAMER. How can the State possibly do that?

Mr. WHITTON. I don't know. The only way I know of is unless they can show—are you talking about between Fort Pierce—

Mr. CRAMER. No [pointing to West Palm Beach to Miami section].

Mr. WHITTON. Oh, down here. The traffic volume will probably be or should be sufficient, or at least we think it is to justify two routes.

Mr. CRAMER. In other words, they will have to get an agreement with the bondholders that they can go ahead and do it in spite of the fact that that condition is contained in the validation proceedings, and in the contract?

Mr. WHITTON. In previous cases of this nature it is my understanding we have required a release from the bondholders or from the bond people to the effect that the construction of this facility would not jeopardize the bonds. Am I right, Frank?

Mr. CRAMER. And an obvious condition to that would have to be that the State worked out some arrangement with the bondholders whereby they would not be in breach of the contract with the bondholders in so doing.

Mr. WHITTON. We can show, I think, and I believe we can reasonably be certain, that there is sufficient traffic between West Palm Beach and Miami to build this additional road. The free road.

Mr. CRAMER. So far as you are concerned, but it has nothing to do with the State's required commitment as it relates to their bond issue.

Mr. WHITTON. I don't know about that.

Mr. CRAMER. Let us get to this section between Daytona Beach and Fort Pierce. The same conditions will be required, will they not, if in fact this toll road is built, as the conditions that will be required in this lower link?

Mr. WHITTON. I don't think there will be the same conditions, Mr. Cramer.

Mr. CRAMER. You testified on H.R. 6324 before this committee before that the conditions that must be considered, where a toll road facility is built, in order to have a free road serve the same traffic corridor as the toll road serves that first, it (the free interstate road) must be adequate to accommodate safely and fully the type of traffic both local and regional, forecast for 1975. Is that right?

Mr. WHITTON. Yes. Are you reading my testimony?

Mr. CRAMER. Yes.

Secondly, whether the toll facility will adequately meet local needs, as well as those of interstate commerce; and, thirdly, whether construction of a free facility will jeopardize the financial structure of the toll facility.

So in order to approve this [pointing to Fort Pierce to Daytona Beach I-95 link] when an application is made for a section of the Daytona Beach to Fort Pierce link, which is 135 miles, it will require a finding on the part of the Bureau of Public Roads that the facility first will not jeopardize the toll road. Isn't that correct? Your answer is "Yes"?

Mr. WHITTON. Yes.

Mr. CRAMER. And the second finding that will be required is that there will be adequate traffic by 1975 to justify both?

Mr. WHITTON. By 1975.

Mr. CRAMER. Excuse me. There will be adequate traffic to justify by 1975. Isn't that the test date?

Mr. WHITTON. That is the traffic date.

Mr. CRAMER. That is what I mean. But the traffic date is 1975. By 1975 there will have to be adequate traffic to justify construction by 1972 of this additional link, which would be in competition with this turnpike-toll-alternate route.

Mr. WHITTON. That is the point I am not so sure of. I am not sure that that is in competition.

Mr. CRAMER. You would have to make a finding to that effect, would you not?

Mr. WHITTON. We would take it into consideration.

Mr. CRAMER. If the State as I have been trying to get them to do made the application for the construction of a link or for a decision on this issue you would have to make a finding at that time, would you not, as to whether they could meet those qualifications of traffic, and, secondly, competition with the toll facility?

Mr. WHITTON. We would give them consideration.

Mr. CRAMER. If they made an application to you you have to make a decision.

Mr. WHITTON. Yes.

Mr. CRAMER. As to whether you will or will not approve it as a link on the Interstate System. The point is this: It is obvious once this is built, the toll road facility between Fort Pierce and Orlando, it is going to be too late to preserve the State's interest in and to protect the free system from Daytona Beach to Fort Pierce. So, how can the issue be resolved prior to the time that the toll road is built, other than by your making a decision now? That is the point. How can that issue be resolved so that the State will know before they build this toll road that this free road I-95 will be safe from the standpoint of Federal matching funds? You see what the problem is?

The State is in the process of validating a bond issue and the suit has been filed. The question is, What will be the effect of this toll road on Interstate 95. The further question is, It is obvious that that issue has to be resolved before the toll road is built, or it may be too late. If in fact there is inadequate traffic and in fact the turnpike authority and the State is unable to certify that they will not adversely affect the bond issue program or traffic, the conditions won't be met. The free road, I-95, obviously would compete to some extent because traffic will use this as a free road rather than the turnpike as a toll road. How can this issue be resolved in advance of the actual construction of the toll road, because then it will be too late?

Do you know of any way it could be resolved? For instance, can the State apply to the Bureau of Public Roads for an advisory opinion, or a commitment in advance of this actual toll-road construction?

Mr. WHITTON. I see nothing to keep them from applying.

Mr. SMITH. It seems to me to be something that can be resolved by a letter written to the Director of the General Accounting Office, or a hearing on this bill.

Mr. CRAMER. We have held a hearing on my bill, H.R. 6324, and this has come up subsequently. It shows the adverse effect that the building of a toll road can have on a free system, and a lot of times the States do not realize it until after they build the toll road and they turn around and try to build a free road. But the Bureau says

you cannot meet these standards. This happened in Texas and Massachusetts.

Mr. EDMONDSON. I think you would be well advised to submit that question to the General Accounting Office as well as the Administrator here by letter for a formal opinion, because you are raising questions that the General Accounting Office might well get into.

Mr. CRAMER. My objective obviously is to try to preserve the free system which we have been legislating on since 1956. Let me show you what happened in Massachusetts. Massachusetts and New York built an expressway from Boston across to the Albany Interstate System, and then they made application for the Interstate System as a free road between Lee and Albany forming the north and east sides of a triangle, which was scheduled as a part of the free system and involved \$92 million. This is after we passed the 1956 act. They were turned down on the same basis—with a toll road serving the same traffic corridors—that they could not meet those standards. This is the reason why I have tried to clear this question up now, before it is too late. It is not my thinking. The point I have tried to suggest to this subcommittee and the committee is that it is a serious question. We have heard a lot of suggestions about how these States should be treated concerning toll roads and when they should or should not be injected into the free system. That matter is under consideration, but at the same time there are decisions being made by the Bureau of Public Roads that have the effect of denying States their free system allocations. There are examples down in Texas, also, and I think there is a justification for a review of these matters and the Bureau's policies. I don't want to see Florida suffer under these policies.

Mr. FALLON. The agreement between the State of Maryland and the State of Delaware was that the State Legislature of Delaware just this last week gave the right to the commission to enter into an agreement with the commission of the State of Maryland to build a toll road in lieu of a free road.

Mr. CRAMER. But the State wanted to do that or made the choice.

Mr. FALLON. That is right.

Mr. CRAMER. But this is a case where the State does not want to choose—the State and myself—want to preserve the free road and build the toll road, too, if justified and properly handled.

Mr. FALLON. I do not see why they should have both.

Mr. CRAMER. But this is a different situation in Florida and the point is that I don't think the construction of this toll road should jeopardize the free road.

Mr. FALLON. It is entirely up to the State highway commission.

Mr. CRAMER. I grant you that the State has the power to plan those programs, but here is an instance where the State is in a position of having to make a decision. The State wants both. I want both—the turnpike toll facility and the free road. But if it means the State would lose the free road by building the toll road or thus impose conditions on the free road the State should be advised. Shouldn't they know, if they are programming a toll road, that there is a possibility it might result in imposing conditions on, and possibly getting an adverse decision on, the free road?

Mr. FALLON. I think what happens there automatically is, if the toll road is built in place of a free road then sometime, either before

it opens or when it opens, the allocation to the State is cut on the number of miles that the toll road is built.

Mr. CRAMER. Precisely; that is the problem under present policies, although Florida doesn't intend to replace the free road.

Mr. FALLON. And that is exactly what happened in the State of Maryland.

Mr. SMITH. That is the way it should be.

Mr. CRAMER. In some instances; but here is a situation where the decision as to whether this would be the effect should be made in advance of the State moving forward on the toll road. This is not a case of where the road is absolutely parallel, but here (pointing to Florida map) you have a triangular shape (although in Massachusetts they had a rectangular situation) and the State might not be aware of the fact that by building the toll road on the west side of the triangle they are possibly jeopardizing the free road on the east side of it. Florida doesn't acknowledge this problem.

Mr. FALLON. I think my State is.

Mr. CRAMER. Yes. Your State is.

Mr. WHITTON. Don't you think the Florida commission is aware of it?

Mr. CRAMER. I hope they are. I am telling them they are running this risk but they ignore it—and fail to apply for a solution. You made a statement which I thought was a fair statement, and I have it here. It is to the effect that the Bureau has no authority over the decision to build a toll road, but I can't ignore the possible effects on the free system of such action. If the State should determine to build a toll road between Fort Pierce and Orlando, the routine procedure for the Bureau is to inquire of the State when projects are proposed on Interstate 95 between Daytona and Fort Pierce as to whether construction with Interstate System funds on that location would jeopardize the bonds of the toll road. Then, of course, further there is the question of the traffic and whether the traffic would justify it in 1975.

Mr. EDMONDSON. I would like to join the gentleman from Florida in a request that we have hearings on this particular question because I think it is a major question, and I think there should be some—

Mr. FALLON. I agree with the gentleman for a hearing, but for an additional reason it was not anticipated this question would come up when our schedule was made up, so we have other witnesses here. I would suggest that we have other matters to take up before the committee in this regard, and we postpone further talk on this.

Mr. EDMONDSON. I agree.

Mr. FALLON. Until we have had an open hearing, so we can get along with our schedule today.

Mr. CRAMER. I agree, and I will ask this additional question. If the State should request an opinion on this matter prior to the time it is too late, that is, when they issue bonds and start building, the State has authority to make such a request, does it not?

Mr. WHITTON. Yes, sir.

Mr. CRAMER. Would your Bureau have authority to make a definitive decision at this time?

Mr. WHITTON. We would make some kind of decision.

Mr. CRAMER. But you do not know whether it will be definitive and unequivocal?

Mr. WHITTON. We make a decision to the best of our ability on it.

Mr. CRAMER. Your decision could be dependent on whether further traffic studies are made, whether the free road would jeopardize toll revenues, and whether the State will be willing to commit itself in 1972 to build it in its entirety. Is that right?

Mr. WHITTON. If we think it would have to be built in 1972 to comply with the act, and we certainly would want to stay with that.

Mr. CRAMER. You would have to. Congress instructed you to do so.

Mr. WHITTON. That is right.

Mr. CRAMER. The problem is, by that time the State will have built the expressway, and by then it will have committed itself if the bond issue agreement carries the usual terms not to build any competing free highway under the bond issue that will take away traffic from the toll road until the termination of the bonds, or the payoff of the bonds, which is 40 years from now.

Mr. WHITTON. Mr. Cramer, we do not say what kind of a road we will want on that Interstate System. Certainly by 1975 it will justify two lanes of pavement on the interstate route between Daytona Beach and Fort Pierce, or whatever it is.

Mr. CRAMER. Daytona Beach and Fort Pierce.

Mr. WHITTON. Yes. Well, certainly we have places in our Interstate System—I do not want to go into it now. I do not want to take up the time of the committee.

Mr. FALLON. Why don't we see if we cannot take it up one day next week.

Mr. CRAMER. I appreciate that. I brought it up not to catch the committee or Mr. Whitton by surprise. I know Mr. Whitton is fully familiar with it. The question has been kicked around in the Bureau of Public Roads for some time.

Mr. WHITTON. I have a personal opinion, and I think we are going to build an interstate road along the coast, but I do not want to get into it now.

Mr. FALLON. Thank you, Mr. Whitton.

Mr. WHITTON. Thank you, Mr. Chairman.

Mr. FALLON. We have several other bills to get to, but our colleague, Mr. Lankford, is here to testify on H.R. 4548. We will be happy to hear you now, Mr. Lankford. Of course you need no introduction to the members of our committee. Mr. Lankford is the distinguished Member from Maryland representing one of the most beautiful districts, I think, in the United States, bordering on the Chesapeake Bay.

STATEMENT OF HON. RICHARD E. LANKFORD, MEMBER OF CONGRESS FROM THE STATE OF MARYLAND

Mr. LANKFORD. Mr. Chairman, I shall be very brief on this. As we all know, one of the gravest problems we have in the metropolitan area is the preservation of open spaces, particularly in areas growing as fast as this area is around the District of Columbia. In 1930 some foresighted Members of Congress passed what was known as the Capper-Cramton Act, which provides for stream valley parks in the

areas surrounding Washington. It goes further than, or is actually an extension of, the parks in the District itself.

At that time there were only some 670,000 people in the Washington metropolitan area, and the population today is over 2.2 million. By 1980 it will be 3 million, and it will double to 6 million by the year 2000. Of course, this creates great pressures on the open spaces. Moneys have been authorized to acquire these open spaces since the inception of the program, with Maryland and the Federal Government entering into a partnership agreement. The Federal Government contributed \$1,646,000 in grants and \$1,917,000 in loans, of which \$1,705,000 has been repaid, and the remaining \$212,000 will be repaid when due on February 1, 1967.

On the other hand, the Maryland Commission contributed \$3,127,000 for land acquisition and in excess of \$7 million for the development and maintenance and operation of the stream valley portion of its park system. In this there is \$600,000 that has been requested in the 1962 budget for this work, and this will exhaust the authorization under the original act and subsequent amendments to it.

This bill, my bill, is identical to one which was introduced in the Senate by Mr. Beall and which, incidentally, passed the Senate on the 15th of this month. This would increase the authorization by some \$3 million for grants and \$4,500,000 in loans. The bill has a favorable report which is in the committee files. This report also suggests some perfecting amendments with which I agree.

I would like to offer for inclusion in the record a letter, copy of which was sent to me and sent to Senator Beall from the Maryland-National Capital Park and Planning Commission, which tells the story a little bit more in detail than I have.

Mr. FALLON. If there is no objection, it is so ordered.

(See S. 588 on p. 89.)

(The document referred to is as follows:)

THE MARYLAND-NATIONAL CAPITAL PARK
AND PLANNING COMMISSION,
January 30, 1961.

Re S. 588.

Hon. J. GLENN BEALL,
U.S. Senate, Washington, D.C.

DEAR SENATOR BEALL: We are indeed gratified to learn that you have reintroduced legislation providing for an increase in the grant and loan authorizations under section 1(b) of the Capper-Cramton Act (46 Stat. 482) relating to the acquisition of stream-valley parks in Montgomery and Prince Georges Counties, Md. You have asked me to give you a statement on behalf of this commission in support of this legislation.

As you know, this bill will increase the grant authorization under this section of the act from \$1,500,000 to \$4,500,000, and the loan authorization from \$3 million to \$9 million. Except for the loan authorization, this amendment will give to Maryland the same grant authorization of \$4,500,000 as was given to Virginia when that State was included in the act on July 19, 1952. (See sec. 1(c).)

The record of this commission in the acquisition and development of parks in the Maryland counties adjoining the Nation's Capital is an enviable one. Our park system today consists of nearly 5,700 acres of which 3,800 acres are stream-valley parks. Without the increased authorizations proposed in your bill, the stream-valley program will be halted at a time when it is only 60-percent complete and when the remainder is being seriously threatened by subdivision encroachment.

Since the inception of the program in 1930, when Maryland and the Federal Government entered into this partnership agreement, the Federal Government has contributed \$3,563,752: \$1,646,218 in grants and \$1,917,534 in loans, of which \$1,705,534 has been repaid by the Maryland commission and \$212,000 will be repaid when due on February 1, 1967. On the other hand, the Maryland com-

mission has contributed \$3,127,534 for land acquisition and in excess of \$7 million for the development, maintenance, and operation of the stream-valley portion of its park system. Furthermore, the Maryland commission has advanced more than \$1,200,000 (including the Federal Government's one-third share) for the purchase of certain critical parcels in order to preserve the stream-valley parks until Federal funds could be made available.

Back in 1930, the total population of the entire Washington metropolitan area was only 670,000 persons. Our population today is over 2.2 million. By 1980 it will be nearly 3 million, and will double to 6 million by the year 2000. As you are aware, the Capper-Cramton Act is famous throughout the country as an enlightened formula of regional cooperation toward building what is really a metropolitan park system enjoyed by visitors from all sections of the United States.

Now, in an era of population explosion, the Nation has awakened to the need for solutions to problems of urban concentration and suburban growth, among which parks and open spaces are the most pressing. The Federal Government spends billions of dollars on urban highways and insures mortgages on millions of homes which, in effect, spur urbanization. In this region, where the Federal Government is the dominant figure in employment and real estate investment, not to mention cultural investment, we believe the Federal Government has the responsibility to share in the cost of the metropolitan park system and that this stream-valley formula is really an excellent arrangement for the Federal Government.

This program not only enhances the quality and value of the Capital City but the bedroom communities as well where 50 percent of the Federal employees now live. The local governments, however, pay two-thirds of the land cost, all of the cost of the development, and then maintain the parks in perpetuity.

We submit that it is false economy to abandon this program. Land has a lasting value, is an irreplaceable resource, and will enhance values throughout this region forever.

The President of the United States has recently recognized the Government's obligation to continue this project by including \$1,200,000 in the Federal budget for the acquisition of stream-valley parks in Maryland and Virginia. Certainly the Federal Government shares with these sister States the benefits derived from recreation facilities, open space, soil conservation, and flood control. And it was for these reasons that the Capper-Cramton Act was enacted over 30 years ago.

We wish to express our appreciation for your continued interest in this vital program and we stand ready to give you whatever assistance you may desire.

With kindest personal regards and best wishes, I am,

Sincerely yours,

JESSE F. NICHOLSON,
Executive Director.

Mr. BALDWIN. Mr. Chairman, may I ask a question?

Mr. FALLON. Mr. Baldwin.

Mr. BALDWIN. Mr. Lankford, I notice there seem to be different figures in the Senate bill and your bill, and I am just curious about it. The Senate bill says you propose to increase the figure from \$13,500,000 to \$16,500,000 and your bill proposes to increase it from \$9 to \$12 million. What is the correct situation?

Mr. LANGFORD. Those are the perfecting amendments I spoke of, Mr. Baldwin, suggested by the Department.

Mr. BALDWIN. I see. In other words, your figures were just not actually—

Mr. LANGFORD. Mine were just plain not accurate when I started off.

Mr. FALLON. Are there any other questions?

Mr. BALDWIN. One further question, please. These funds are available on a loan basis?

Mr. LANGFORD. Some on a loan basis and some on a grant and matching basis.

Mr. BALDWIN. You mean the \$3 million would be on what basis?

Mr. LANGFORD. The \$3 million would be grants.

Mr. BALDWIN. And the \$4½ million is the loan?

Mr. LANKFORD. I beg your pardon. The \$4½ million is the loan and the \$3 million is for grant authorization.

Mr. BALDWIN. I see. The loan has to be repaid within some specified period of time. Is that correct?

Mr. LANKFORD. That is correct. Yes, sir.

Mr. BALDWIN. Is this a loan at interest? Do you know?

Mr. LANKFORD. I do not really know.

Mr. BALDWIN. I am just trying to get some background information on it. That is all.

Mr. LANKFORD. I do not know, but I do not believe so.

Mr. BALDWIN. Thank you. The reason why I am asking the questions is that when we get a bill like this on the House floor we get questioned by Mr. H. R. Gross of Iowa, and we might as well know what we are discussing.

Mr. LANKFORD. I think that the figures will show Mr. Gross that everything paid for in Virginia and Maryland by the Federal Government is not entirely so, in answer to his contention, because some of the figures I quoted there show we spent over \$7 million in the development and maintenance of these parks, and we have spent almost as much as the Federal Government in acquisition and we have repaid or are current on repaying loans we have gotten. There are only \$212,000 left, which is not due until 1967—I think is the date—and that will be repaid at that time.

Mr. BALDWIN. Let me ask you one further question. Does the State of Maryland have some specific plans already worked out as to what these funds will be used for?

Mr. LANKFORD. Yes.

Mr. BALDWIN. What are they?

Mr. LANKFORD. It is to preserve the stream valleys in Montgomery and Prince Georges Counties. It is like an extension of Rock Creek Park, is what it is. That type of park land.

Mr. BALDWIN. Would it be specifically an extension of Rock Creek Park, or on some other waterway?

Mr. LANKFORD. No. Some other waterway, but it is similar to Rock Creek Park.

Mr. BALDWIN. But waterways that feed down into the District of Columbia?

Mr. LANKFORD. Into the Anacostia River and into the Potomac River.

Mr. SCHWENGEL. Those loans are not interest-bearing loans, are they not?

Mr. LANKFORD. I don't think they are.

Mr. SCHWENGEL. What would be the justification for that?

Mr. LANKFORD. The only thing I know is that in 1930 it was set up that way in the Capper-Cramton Act. What it is for is to serve the people in the metropolitan area, and all of the visitors who come here from all over the country. If we accept the concept that Washington and the District of Columbia belongs to the whole Nation, this is to serve the whole Nation and not just the people of Virginia and Maryland.

Mr. SCHWENGEL. When those people are here they help business activities around here, do they not?

Mr. LANKFORD. Yes.

Mr. SCHWENGEL. Are you not requiring those people to pay twice then?

Mr. LANKFORD. No, I do not think so.

Mr. SCHWENGEL. They are paying for facilities here that are participated in by the businessmen of the area, and in turn you are asking us to pay for this also.

Mr. LANKFORD. Of course, that is also true of your highway program.

Mr. SCHWENGEL. In this area?

Mr. LANKFORD. In any area.

Mr. SCHWENGEL. No. It is more true here.

Mr. LANKFORD. Improved transportation will bring more people into the State and the more people that come in the more money they leave there for gasoline and services.

Mr. SCHWENGEL. But my point is maybe we ought to be thinking in terms of letting local people pay for these things as they do in the Midwest and the rest of the United States.

Mr. LANKFORD. The local people are paying.

Mr. SCHWENGEL. In this instance you are asking for money from the Federal Government.

Mr. LANKFORD. I am not asking for the money right now, but just asking for the authorization.

Mr. SCHWENGEL. I know, but this is your objective.

Mr. ROBISON. It is a long-term plan. Is that right?

Mr. LANKFORD. Yes, it is more than 5 years.

Mr. FALLON. Are there any other questions of Mr. Lankford? If not, thank you very much.

Mr. LANKFORD. Thank you, Mr. Chairman and gentlemen.

Mr. FALLON. Gentlemen, noting the hour and the importance of the legislation that is coming before us today, I am sure you all want to be over there on the floor of the House. It was intended that we would go over these bills quickly and have an executive session and try to report those out if the committee saw fit to do it. We have other legislation that I think the committee should consider also. I think if we could arrange another meeting for next Tuesday, if our other subcommittees are not using the premises, that might be a good time.

Mr. BALDWIN. Could I make one comment? There is one bill that there is apparently no controversy on, H.R. 8558.

Mr. FALLON. We could not report it out today anyway because most of the members have left.

Mr. BALDWIN. No, but I do not think anybody will raise objection.

Mr. FALLON. We will take it up next week. Off the record.

(Discussion off the record.)

Mr. BALDWIN. Could I make one observation on the bill Mr. Lankford just testified on. I see as far as the District is concerned, the agency involved is apparently the National Capital Planning Commission and I feel if we bring this bill to the House floor without having some idea of specific plans, and what not, we will not be able to defend it. You and I know questions come up when we get these bills to the floor from a few of our colleagues. I think we should possibly have somebody from the National Capital Planning Com-

mission here. I would like to know specifically some of the plans involved.

Mrs. BEITER. We invited them to come.

Mr. FALLON. What I have in mind is this: There is no emergency here on this bill. You have enough money to carry you past next year. So if we let this go over until after January nobody will be hurt.

Mr. BALDWIN. I see. But before we hit the floor I think we should know what it is going to be used for.

Mr. FALLON. I think we can develop that in the meantime, and after we come back the first of the year, because there is no rush on the thing and it will not hurt anybody if we take it up in January. I think we can eliminate it from the executive session.

Mr. CRAMER. Can we have the matter I brought up this morning following the executive session? It will not last more than half an hour.

Mr. FALLON. That is right.

Mr. CRAMER. About 10:30?

Mr. FALLON. That is right. Then if there is no objection we will adjourn to Tuesday morning.

(S. 588 follows.)

(Whereupon, at 12 noon, the subcommittee adjourned until Tuesday, August 22, 1961.)

[S. 588, 87th Cong., 1st sess.]

AN ACT To amend the Act of May 29, 1930, in order to increase the authorization for funds for the extension of certain projects from the District of Columbia into the State of Maryland, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of the first section of the Act of May 29, 1930 (46 Stat. 482), as amended, is amended by striking out "\$13,500,000", and inserting in lieu thereof "\$16,500,000".

(b) Paragraph (b) of the first section of such Act is amended (1) by striking out "\$1,500,000" the first time it appears therein, and inserting in lieu thereof "\$4,500,000", and (2) by striking out in the third proviso "\$1,500,000", and "\$3,000,000", and inserting in lieu thereof "\$4,500,000" and "\$9,000,000", respectively.

Passed the Senate June 16, 1961.

Attest:

FELTON M. JOHNSTON, *Secretary*.

MISCELLANEOUS HIGHWAY LEGISLATION

TUESDAY, AUGUST 22, 1961

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

The subcommittee met, pursuant to call, at 10:35 a.m., in room 1302, New House Office Building, Hon. George H. Fallon (chairman of the subcommittee) presiding.

Mr. FALLON. The subcommittee will be in order.

Mr. Cramer wishes further testimony on the bill he introduced.

(H.R. 6324 will be found on p. 1.)

Gentleman, we will have further consideration on H.R. 6324 and also H.R. 8770.

(H.R. 8770 follows:)

[H.R. 8770, 87th Cong., 1st sess.]

A BILL To insure that certain approved routes on the Interstate System in the State of Florida shall not be affected by State construction of the Sunshine State Parkway as a toll road

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of Commerce shall not require the modification, revision, or abandonment of any route on the National System of Interstate and Defense Highways in the State of Florida approved pursuant to section 103 of title 23 of the United States Code before August 1, 1961, because of the construction of the Sunshine State Parkway as a toll facility between Orlando and Fort Pierce, Florida, or because of the refinancing and existence of said parkway between Miami and Route Section A-18 north of Palm Beach, nor shall he refuse approval of any project on any such route because of such construction.

Mr. CRAMER. Mr. Chairman, I have a very brief statement I would like to present and I have a few maps to illustrate and to clarify what this problem is.

As you recall, we held hearings previously on H.R. 6324 which had as its objective the requirement that when a toll road is programed to be injected into the free system that this committee and the Committee of the Senate on Public Works shall be consulted and shall approve or disapprove such an insertion. The obvious reason for congressional approval is that if this is to be a defense highway program the concept of the act itself is it shall be a free highway program, excluding those toll sections that have already been inserted into the Interstate System, largely on the basis they were in existence at the time the 1956 act was passed.

Now, obviously there will be subsequent decisions that have to be made, and I have felt, particularly in view of some of the circumstances that have come about and have been brought to my attention in Florida, as an example, that this committee should have some jurisdiction to assist the Bureau or to advise with the Bureau and have the Bureau advise with this committee as an arm of the Congress of any

such problems because they are basically so fundamental and that was the reason why H.R. 6324 was introduced.

It so happens that at that time there was a problem in Florida that I felt necessitated a review by our committee.

If you will show slide No. 3 I can clearly indicate what that problem was at that time.

[Slide.]

This is Florida's Interstate System, Interstate 10, going from Jacksonville west—

Mr. SCHERER. I think you should ask somebody to point that out.

Mr. Cramer, could you point that out, please?

Mr. CRAMER. Interstate 10 goes from Jacksonville west across the top part of the State. Interstate 95, down the east coast, Jacksonville and Miami; Interstate 75 in the center part of the State, Tampa, St. Pete, up to Lake City, and the midwestern part of the country; and Interstate 4, from Tampa to Daytona Beach.

There was proposed, as was brought out in the hearings of the Special Subcommittee on Federal Aid to Highways, when Mr. Peterson, the district engineer from Tallahassee, testified that the State had been discussing with him the proposal to inject a toll trap into I-75 in view of the fact that the turnpike which is a toll facility is in the process of being extended to I-75 from Fort Pierce and presently is constructed between Miami and Fort Pierce and is already in existence.

There is a program underway and validation proceedings have been filed to extend that toll road from Fort Pierce to Orlando and on up to Wildwood and at that time the State, according to Peterson, was talking about extending it further from Wildwood to Alachua, which was about 77 miles and it would have been inserted as a toll trap or toll section in Interstate 75. That is what I was objecting to and wanted this committee to review. The last time we held hearings on the bill H R. 6324 this demonstrated why I felt our committee should have something to say about any such proposal. At least we should be advised.

Well, subsequently, that proposal has now been abandoned, I think largely because I exposed it and they have now gone—give us slide 4, will you?

[Slide.]

The State has now modified its proposal asking that a section of Interstate 75 be moved over to the east in the Wildwood area in order to accommodate the toll road as an alternative to building the toll road as a substitute for I-75 in the Wildwood to the Alachua area.

So that now the bond validation hearings have been set for September 14, that is the reason why I asked for these hearings at this time, validation proceedings have been filed, hearings have been set for September 14 for the extension of the turnpike from Fort Pierce to Wildwood with the section between Orlando and Wildwood designated by a question mark, being in question because of the question of feasibility and the question of whether the Federal Government is going to permit them to move Interstate 75 further to the east to connect with it, which they state is essential from a validation fiscal standpoint to make the toll turnpike shorter and more attractive to the

motorist as compared to U.S. 441, a primary road, which has been improved.

So here is the situation we are in now.

In discussing this with the Bureau and in reviewing the precedents, and I had Mr. Enfield, our minority counsel who is I believe one of the most capable men from the experience standpoint on highway questions, as you know, of course former General Counsel of the Bureau of Public Roads, to prepare a memorandum which I have attached to my statement which clearly points out what the problem is.

It shows that in many similar situations throughout the country decisions have been made to the effect that either the free section where a toll road is built, even though it is not parallel, but is capable of serving the same traffic corridor, meaning from Jacksonville to Miami, as an alternative route, that the Interstate System is either abandoned and the toll road substituted, or in the alternative conditions are attached to the free road such as approval by the bondholders and a statement by the State and the bonding authority; that is the turnpike authority of Florida, to the effect that the building of the free road will not jeopardize the toll road; and, secondly, that there is adequate traffic for both.

Now, it is obvious that if the toll road is built from Jacksonville an alternative route would be available from Jacksonville down Interstate 95 and 4 to Orlando, down the toll road to Fort Pierce and Miami, which takes you about 22 to 24 miles out of the way.

I have been informed by the Bureau previously, and this memorandum indicates the problem, that the Bureau, after this toll road has been built, after it is too late and the toll road has been built, the Bureau could easily make a decision—well, Florida will have in existence an expressway, a limited access highway, that can serve this traffic corridor and therefore you do not need Interstate 95 as a free road from Daytona Beach to Fort Pierce, 135 miles, value of about \$60 million. This would have the obvious effect of losing a \$60 million allocation presently allocated and presently programed and authorized under the 1961 act and previous acts, it having been on the system from the beginning and the substitution of the toll road for free I-95.

Now the alternative effect according to the memorandum and my discussions with the Bureau would possibly be that at the time that the turnpike is completed, at the time the State proposed constructing 95 between Fort Pierce and Daytona there would be three conditions they would have to meet in view of the toll road having been constructed.

The first condition that there is adequate traffic for both, the second condition that the bondholders would be agreeable from the standpoint of it not jeopardizing the toll financing of the toll road which, of course, results in the bondholders controlling what happens to our free system because they would have to agree; and the third requirement would be the State would have to commit itself to complete the Daytona Beach to Fort Pierce section by the end of the construction period of 1973, and the end of the financing period in 1972.

There is no question but that the effect of building the turnpike, even if all other bonds can be met, would be a delay as has already

been evidenced between West Palm Beach and Miami until at least 1973, and only if the bondholders say O.K.

Now, the Bureau has approved a parallel route there between Miami and Palm Beach on the basis that there is adequate traffic and on the basis that the toll road authority has agreed, at least in the past, although I have not seen it in writing that such parallel highway can be built. But that has been delayed at least until 1972.

Now, at least the same delaying effect would take place between Fort Pierce and Daytona Beach, even if the Bureau clears Fort Pierce to Daytona Beach for the obvious reason that the bondholders would not be willing to agree to a free road that would be in competition with their toll road until they had to or until toll income was adequate.

Mr. SCHERER. Pardon me, what did you say about the free section between West Palm Beach and Miami, that that has been delayed?

Mr. CRAMER. Until 1972 and then subject to bondholders approval based upon earnings experienced.

Mr. SCHERER. Before you are going to build it?

Mr. CRAMER. That is right, by virtue of the existence of the toll road, and that has been publicly announced by the State in the past and apparently it was agreed at the time the toll road was built. They agreed that they would not build that free section at least until 1972 or the end of the program. So those people from West Palm Beach to Miami are stuck with a toll road until that period.

Now, between West Palm Beach and Fort Pierce I-95 has been substituted for by the toll road, that is it has been integrated. There is no free system in that section and Florida in 1957 lost about \$20 million of its allocation on an annual subsequent basis, of course, by losing 44 miles of its 1,174 miles on the Interstate System and annually has been losing about a million and a half dollars as a result.

I don't want the same thing to happen between Fort Pierce and Daytona Beach by virtue of the construction of the toll road.

Mr. SCHERER. Isn't that obvious what will happen in view of what has happened between West Palm Beach and Miami?

Mr. CRAMER. I hope not. I hope the Bureau today will commit itself that it will not. I have a statement which states my position and then I think we should hear from the Bureau.

Now, this is a unique situation; this is the first situation that I know of where our committee or the Bureau has been given an opportunity to make a definitive decision before the State takes the final step that is likely to imperil the free road and can advise with the State and inform the State as to what effect, if any, there will be, by virtue of building the toll road, what effect it might have on the free system and that is what the purpose of this hearing is.

Mr. SCHERER. I am asking you the question, isn't it obvious that if the toll facility is built from Fort Pierce on over to Ocala as proposed that you would delay at least or possibly eliminate the building of the freeway between Fort Pierce and Daytona Beach?

Mr. CRAMER. I think we should let the Bureau answer that question. I hope the answer to whether it is eliminated is "No," but the answer to whether it is going to be delayed and subject to future bondholders' approval is obviously "Yes," because that would be the agreement the State will have to enter into if, in fact, they are in competition.

Now, my statement is brief.

I have requested these hearings as a result of my determination that Florida's free interstate system shall remain free, shall not be prejudiced by any action of the State or the Federal Government and shall be adequate to serve our country's defenses.

Florida has announced its intention to build the Sunshine State Parkway and recently validation proceedings were filed.

The proposed toll road's effect on the free highway system in Florida is the subject of these hearings.

When the Federal Bureau of Public Roads Administrator, Rex Whitton, testified before this committee last week on this issue it became apparent that the State of Florida—and I am sure the committee recalls his testimony, I have it here if anyone wishes to read it. Rex Whitton testified before this committee last week on this issue it became apparent that the State of Florida had not asked that the Bureau make a decision on the issue involved despite my urgent pleas and that some action would thus have to be taken by someone to make sure that Florida's free system is protected and that construction of the turnpike will not prejudice that system.

I am sure the members of this committee and the Bureau are familiar with decisions in similar situations where as evidenced by the report filed in January by the Comptroller, and I have a copy of it here, it was filed with this committee in 1958, therein he quotes examples in Texas and Massachusetts, where the Bureau denied the States authority to construct links on the already designated Interstate System because of the existence of a toll road.

Mr. ROBISON. Will you yield?

Mr. CRAMER. Yes.

Mr. ROBISON. Shouldn't New York be added to that?

Mr. CRAMER. Yes; New York had a portion of it, the Massachusetts-New York situation.

Would you show slide No. 5 there?

[Slide.]

This is what happened in Massachusetts-New York. Interstate 90, which has now been designated Interstate 90, the toll road going to Boston from the Albany interstate route, was the toll road first built.

Subsequently Massachusetts and New York asked for permission to build a free road from around Pittsfield to Albany. This is contained in the comptroller's report. That was denied on the basis that there was in existence a limited-access toll road that would serve the same traffic corridor adequately under their standards and therefore they turned down the application for the construction of the free road.

The States were forced into that position because they had already built the expressway. Apparently not realizing, of course, it was built some time ago, but without any knowledge, of course, as to what the effect would be on the free system.

Those highways are not parallel in the sense they are next to each other; they are 10 miles apart.

So, this is the type of decision that has been made in the past, the U.S. Comptroller has suggested that there are certain standards that should be observed, and in view of those standards and of the precedents which I have cited in my statement, in Texas, Massachusetts, and Kansas, for instance, and New York, as the gentleman from New York mentioned, thus on precedent it cannot be gainsaid that the Bureau of

Public Roads has denied the States the right to construct free roads on the Interstate System because of the existence of toll roads serving "the same traffic corridor," and that is possibly the issue in this case.

Does it or doesn't it, and what is the effect?

This I do not want to see happen in Florida because of the construction of the Sunshine State Turnpike, thus losing Florida 135 miles and \$60 million in Federal funds.

Could we have slide 4 again, please?

[Slide.]

Likewise, on the record in instances when the Bureau has approved free route locations which serve the same traffic corridor—in other words, there are two results, if in fact it is determined that that these two roads serve the same traffic corridor two results can happen, either (1) they eliminate the Interstate System, or (2) they attach certain conditions to it which in many instances the State cannot meet which I just mentioned, such as:

No. 1, that they have to get a commitment from the toll authority that it won't prejudice the toll road, and No. 2, that there is adequate traffic for both.

Likewise, on the record in instances where the Bureau has approved free route locations which serve the same traffic corridor such approvals have usually been subject to the conditions that no projects are to be advanced to construction on the free route until it is clearly demonstrated that the toll road cannot carry the traffic and the construction will not jeopardize toll road bonds.

If this attachment of conditions which is now an unincumbered free Interstate 95 would be the result of building the Florida Turnpike, which I hope is not the case, then I think the State should be advised of this before it goes ahead and mortgages our free system to the bondholders.

It is my hope that this committee, after hearing the Administrator, will come to the conclusion that I think should be drawn in the Florida case that the construction of the Sunshine State Turnpike should not affect adversely Florida's Interstate System, that Florida can go ahead with the construction of this vital link on our Interstate Defense Highway System that serves Florida's teeming east coast that is growing by leaps and bounds, and of equal importance, that an adequate highway will be usable by Cape Canaveral for defense and outer space exploration.

It is inconceivable that the Bureau or Congress would fail to give an unconditional green light to the interstate link that connects Cape Canaveral, on which the eyes of the world are focused in the missile and outer space races and which is a vital cog in our efforts to catch up to and surpass the Soviets.

This hearing thus has significance that far transcends Florida and its problems. Our defense, our outer space efforts are affected. The integrity of the Interstate and Defense Highway System as a free system, free from the injection of toll traps wherever possible throughout the country, is at stake. Because similar problems will arise in the future, the States, the country, and Congress should have an understanding of the problem and how it is being handled.

This is a unique opportunity for the Bureau and for Congress to render a service. It is unique because this is the first situation to my

knowledge where Congress has been apprised of problems that may arise by virtue of the construction of a toll road before it is under commitment or construction.

Thus, before the State proceeds, before it is inextricably committed to a toll road program, there is an opportunity—and I think a duty—for all questions to be answered, for decisions to be made, and for a clear road to be paved for Florida's proper and adequate highway program for the future.

I hope that after hearing the Bureau representative that this committee will come to the conclusion that the turnpike should be encouraged, as a matter of fact, because it would connect up Interstate 95 to the east coast with Interstate 75 on the west coast, there now being no limited-access expressway connection between the two and that is the obvious oversight on the part of Congress, I think, in setting up the—on the part of the State actually because they made the recommendations to the Bureau and the Bureau to Congress, in setting up the Interstate System in Florida in the first place.

There is no adequate east-west connection between 75 to the north and Miami, the lower west coast on the west to the lower east coast on the east.

So a cross-State connection, I think, is fully justified, and that is the primary purpose of this expressway. I am hopeful that the Bureau would take that attitude and say, well, all right, in view of the defense necessities at Cape Canaveral on the east coast, the rapidly growing population area, the traffic to the lower east coast of Florida, that it is fully justified that Interstate 95 be constructed even if the State goes forward with the turnpike, but such a decision we would not be able to get, and the State, I would say for obvious reasons, has not made such a request, apparently they are fearful that a request and the reply they may get may be equivocal and therefore leave the question of the effect of the construction of the turnpike on the free system up in the air.

This is the kind of decision that I think we should try to assist in making and I think the Bureau, perhaps, could shed additional light on it.

I will say that between Orlando and the Interstate 95, is about 50 miles straight across, so you are talking about an expressway that starts at zero miles and goes to 50 miles, forming the west side of the triangle.

It is a very interesting situation, but a rather perplexing one and I hope we can get the answer to it here today.

Mr. SCHERER. Do you have any legislation for us?

Mr. CRAMER. I have the two bills, the one I am primarily interested in today is H.R. 8770 which specifically provides that the construction of the toll road will not imperil the construction of the Interstate System on the facts, and I think that defense alone would justify the construction of this highway even though it might be somewhat competitive with the toll road.

Mr. SCHERER. Is this in the nature of a special bill referring to this situation alone?

Mr. CRAMER. That is correct.

Mr. SCHERER. This situation alone.

Mr. CRAMER. That is correct. It only involves this specific highway, Interstate 95.

Mr. FALLON. May I state to the gentleman I think this is a departure of the work of this committee to get into a single State and say to the State that we are not satisfied with the location that you have described or your engineers or your traffic studies have shown that we just differ from them and we suggest that you change your route.

If that is your case, it would seem to me that it would have to apply to all the States in the Union rather than just one State.

Mr. BALDWIN. Mr. Chairman, I would like to make this one observation: I think there is a broader issue here where it involves toll roads. I, of course, formerly felt that the basic objection to the Interstate System should be geared to as large a portion of free roads as possible.

Where there is a free road already serving on an Interstate System and the proposal is then made after the free road has been serving on the Interstate System, to take it off and replace it by a toll road. I think that this committee representing the people in all the States that have free roads and therefore would be using this route when they are on vacation trips and things of that kind, have some interest in what the Bureau is doing.

Mr. FALLON. Well, a decision has been made by the Department on Route 40 in Maryland. The State highway officials felt that Route 40 was probably the most dangerous road to travel over in the country, due to some 50 to 60 deaths a year and thousands of people injured and property damage running into the millions but due to the necessity of using money for the other interstate systems it made it necessary for them to think about a road immediately in order to save the traveling public.

It was estimated that a road to be built with Federal funds, 90-10, the construction of this road would be some 10 years off. So, they planned to build a toll road and a new bridge over the Delaware River connecting with this road system in the State of Delaware. I think the State of Delaware has just recently in the last weeks—their legislature has approved this compact with the State of Maryland.

Now, I talked with the Bureau in regard to saving that mileage to see whether it could be used some place else or not to have our apportionments change the fact that they were building the toll road and we were turned down.

That is exactly what you are asking here today; you are asking the Bureau to say to you that it won't disturb your apportionments for the length of highway which you are constructing as a toll.

Mr. CRAMER. Would the gentleman yield?

The chairman has put his finger right on what the problem is, that many past precedents would indicate that if the State goes forward with the turnpike it might prejudice Interstate 95.

However, there are other precedents where the Bureau has permitted such construction for a number of reasons, and I again point out the road you are discussing, Mr. Chairman, and, of course, legislatively you say this is a new precedent, legislatively we specifically legislated concerning that highway in what was it—the 1960 act or the 1961?

Mr. FALLON. We did not legislate that.

Mr. CRAMER. Giving permission to the States—

Mr. FALLON. No; we did not. We gave the State of Maryland a vehicle to return some money that had already been spent, the location—

Mr. CRAMER. It was the reverse of this situation.

Mr. FALLON. We had nothing to do with the building of the toll road, selection of the route, or anything to do with the State being given the right to build the road.

The State of Florida has a right to build it now without the approval of the Bureau of Public Roads.

Mr. CRAMER. Precisely, and this hearing is not for the purpose of dictating to the State you either can or cannot build a toll road. The purpose of this hearing is to inform the State, through the Bureau and through this committee, that the construction of the turnpike will or will not have the effect on the free system.

Now, that is a factual determination. As I said, this highway is 50 miles at the farthest point from the free system. It serves the obvious principal objective of traffic going from the west to the east coast, from the east to the west coast, and it does not principally serve the purpose of north-south traffic on the east coast.

Therefore, the Bureau could make a decision on the precedents that this turnpike will not serve "the same traffic corridor," particularly if they could justify it, and I think they easily could, on the basis of defense and traffic needs but a division is needed now—before it is too late.

We have to have that free Interstate System down the east coast, we have to have that for defense purposes. We cannot afford not to have it, and it is the duty of this committee and the Congress and the Bureau, I think, to make sure we do have it, regardless of what the State does.

So this is an entirely different situation and I would like to hear the Bureau with regard to what its attitude is.

Now, I have suggested to the State that they make application to the Bureau and get this issue settled so they will know what, if any, will be the effect of building the toll road, and I think the reservations that have been expressed here indicate there is a problem and I would like to hear from the Bureau as to what their views are.

Mr. FALLON. Mr. Turner is here if you want to ask him any questions.

Mr. Turner, would you come up to the witness chair?

Mr. ROBISON. Mr. Chairman, could I add another corollary problem to this which also pertains to New York and shows, I think, or will help to show the gentleman from Florida's point, that this involves some real complex problems that this committee has probably never before considered or thought of.

Now, let me explain what the situation is in New York.

I regret I have another committee so I have to leave in a few minutes but will take the opportunity of doing this briefly.

As you know, New York State was allocated something like 1,200 miles of original interstate mileage. We lost about 500 of that by virtue of the New York State Thruway which runs north from New York City to Albany, and then straight west to Buffalo. The other interstate mileage New York was supposed to have is a line bisecting the State in a north-south direction running from the Pennsylvania border up to the Canadian border north of Watertown, N.Y.

Now, Pennsylvania has constructed a north-south extension of its Pennsylvania Turnpike, a toll road, running a few miles now north—Mr. Turner will know we recently completed an extension of that, part anyway, leading from about 17 miles north of where the Pennsylvania toll road now stops, which is a free interstate road running about 40 miles up into the area of Binghamton, N.Y., in my district.

Now, the projected extension of this free mile is called the Penn-Can Highway, but from Binghamton, N.Y., where it will now end as a free interstate road, to Syracuse, N.Y., which is on the thruway running east and west, a distance of about 50 miles, we are told there is some question as to whether or not this road can ever be built until after 1972 because it might have a jeopardizing effect on the New York State Thruway, a toll road, which runs east and west.

Why would it have that effect? It would have this, because if you had this free road from Syracuse south to Binghamton, at that point it would connect with Route 17 which the State is building as a 50-50 primary road, and that Route 17 would run, then, southeast to New York City about the same mileage as you would have going direct to Albany and down to New York City.

Now, here is our situation in New York, not only have we lost our thruway mileage, we may very well lose until after 1972, this connecting line of about 40 miles of free road because the decision might be based on what the thruway people might say, that this might jeopardize traffic coming east to Syracuse and then here they have a free road from then on, a thruway type road, down to Binghamton, and east to New York City, we may never get that extension.

Mr. SCHERER. We have a similar situation in Ohio. The Interstate System as originally proposed called for a freeway clear across the northern part of Ohio. We built a toll road about 20 miles south of the originally proposed freeway, so we lost 140 miles because they will never in the foreseeable future, at least, build that part of the freeway.

Mr. CLARK. Off the record, Mr. Chairman.

(Discussion off the record.)

Mr. FALLON. That is, of course, a decision and it is a hard one for us to solve, getting them to make the decisions for the States. The State and the department's relationship up until the present time as far as I know has been very cooperative in selecting the routes and being approved by the Bureau of Public Roads.

In this case of course, I sympathize with you because I was looking for a little sympathy myself in the Maryland case, but I can visualize what this committee might have to go through if we get into trying to make decisions for the State highway departments throughout the country.

Mr. CRAMER. You are not making a decision for the State highway department, Mr. Chairman.

What you are doing is helping the State make its own decision in this instance. This is unique. This is the situation where the State has not started construction or committed itself as yet to the turnpike, to the toll road construction. They have fixed its location, they have filed validation proceedings. I think that somebody in the Federal Government has the duty to inform the State that if this toll road is built it is going to have this effect on the free system.

Now, how in the world else can a State make a proper decision?

Mr. FALLON. Under the law we have given that authority to the Bureau of Public Roads.

Mr. CRAMER. All right; let's hear from them. What does the Bureau have to say?

Mr. SCHERER. Isn't it the responsibility of the State of Florida to approach the Bureau of Public Roads?

Mr. CRAMER. They have been unwilling to do so to date. Let's get on the record what the Bureau's position is going to be and that is what I would like to ask Mr. Turner.

Mr. FALLON. Mr. Turner?

**STATEMENT OF FRANCIS C. TURNER, DEPUTY COMMISSIONER,
BUREAU OF PUBLIC ROADS—Resumed**

Mr. TURNER. Mr. Chairman, I had hoped by the time this extended discussion carried on long enough, Mr. Whitton would be here. We had a conflict on the Senate side.

Mr. Whitton had to go to the Senate side and I am here in second place. He will be here, however, as soon as he is released from the Senate Public Works Committee.

We have not received as yet any request from Florida in this matter and obviously we cannot and should not make any decision, any indication of what our position would be in prejudging a submission when and if the State should submit one.

But we do have some notes here which we prepared in anticipation of your questions and I will read part of what we have put together to indicate our position at this time.

As Mr. Whitton indicated to you in testimony on May 16, there are three specific considerations which we use as guides when determining whether an interstate highway should be constructed along an alignment parallel to the route of a toll road.

These considerations, Mr. Cramer, you referred to last week and read them. No. 1, whether the toll facility will be adequate to accommodate safely and efficiently the type of volume of traffic both local and interregional forecast for 1975; No. 2, whether the toll road will adequately meet local needs as well as those of interstate commerce; and No. 3, whether the construction of an alternate free facility will jeopardize the financial structure of the toll facility.

Now, with these considerations there are three possible situations that could result in Florida.

First, it could be clear that the toll facility as proposed will not be adequate to accommodate the traffic volume as forecast for 1975 and will not adequately meet local needs, and that construction of an alternate free facility along the 95 designation will not jeopardize the financial structure of the toll facility.

Under these conditions construction of the free interstate highway along the presently designated I. 95 location could and would be approved.

The second situation—

Mr. CRAMER. Let me ask you a question there.

Mr. Whitton the other day said something about a two-lane highway. Would that be the possible approval?

Mr. TURNER. That could be the determination on the basis of engineering facts that the traffic volume could be adequately accommodated by a two-lane type of facility.

Mr. CRAMER. How in the world are you going to get a 16-foot missile, in that it is round, down a 12-foot one- or two-lane highway to Cape Canaveral? Unless we start building thin-line missiles or something?

Mr. TURNER. We are not talking of a 12-foot width facility. We are talking about two 12-foot lanes, a 24-foot roadway.

Mr. CRAMER. So, you have two-way traffic?

Mr. TURNER. Yes.

Mr. CRAMER. How in the world are you ever going to handle your defense needs on a two-lane highway?

Mr. TURNER. That is exactly the type of facility that we are building in a couple thousand miles on the interstate now in the western parts of the country where the traffic volumes are low.

Mr. CRAMER. We had hearings recently before the Special Subcommittee on Federal Aid to Highways. The Bureau finally resolved, and the Federal Government, at 16 feet vertical clearances for bridges.

Now, on the basis that it is needed for clearance, particularly of heavy materiel, including missiles, how in the world can you with a 16-foot clearance overhead have a 12-foot clearance widthwise?

Mr. TURNER. In addition to the 12 feet that you are talking about as the width of a through traffic lane you, of course, have a shoulder width outside of that which is 10 feet on all of our interstate routes. That shoulder is heavy enough to accommodate the overhang that you are talking about, and we can move without particular difficulty a 16-foot load of the type you are describing on the roadway that Mr. Whitton was referring to the other day.

Obviously, you would have to have some control of the traffic.

Mr. CRAMER. That is right.

Mr. TURNER. But you would also have to have some control of traffic if you were moving that same load down a two-lane roadway of the type—of a four-lane divided-type facility that you were thinking of.

Mr. CRAMER. You would have controls in only one direction, you would not have to have controls in both directions and stop traffic?

Mr. TURNER. But you would still have to have some control of traffic to do that.

Mr. CRAMER. So, you have a missile coming down a two-lane highway and you have to stop traffic in both directions.

Mr. FALLON. Pardon me, how do they get the missiles in there now?

Mr. CRAMER. They have a route that has been designated, but it is a very difficult route to travel. That is beside the point: the point is this is a defense highway; we are paying 90-percent Federal matching money to give us an adequate highway system. Ninety percent instead of fifty percent Federal money. Now we find out in some areas, and possibly even in this, we are going to have a two-lane highway if these decisions are made, if we have any highway at all, on the Interstate System to serve Cape Canaveral.

Pardon me, I did not mean to interrupt your train of thought. That is one possibility—if you find out there is adequate traffic for

95 and it will not jeopardize the toll road, some type could be built.

Mr. CLARK. Mr. Chairman, maybe our fight on these kinds of roads, maybe it should be thought of depending on this. You have your missile program, this supposedly defense highway, and yet, what we are talking about right now is that the transportation of missiles—perhaps our fight is in the Pentagon, to get this road through. I don't know.

I am just asking that question.

Mr. SCHERER. I can't see that any particular criticism should be directed to the Bureau of Public Roads in this instance. I think if the State of Florida goes ahead with the building of this toll facility without consulting the Bureau of Public Roads it is doing so adversely to the interests of the people of Florida. The initiative lies and should lie with the administration in the State of Florida.

Mr. CRAMER. I agree with that wholeheartedly, but what are you going to do when the State administration fails to make application?

Am I as a Member of Congress who has worked on this Roads Committee for 7 years thinking that Florida is going to get an Interstate Highway System to sit back and do nothing when I see that system prejudiced?

Mr. SCHERER. If the people of Florida think this, they should certainly take the official steps to make certain that they were not being deprived of this mileage on the Interstate System or the money that the Federal Government provides for that mileage.

It looks to me that they would be serving perhaps the interests of the bondholders rather than the people of Florida if they neglected to present this problem to the Bureau of Public Roads.

Do you agree with that?

Mr. CRAMER. I agree wholeheartedly and that is what we are trying to accomplish.

Mr. SCHERER. I just want to keep this matter off the back of the Bureau. I do not see any fault on the part of the Bureau of Public Roads.

Mr. CRAMER. I agree with the gentleman. Of course, I am in the position, this committee is in the position, and the Bureau is in the position that the State as yet has been unwilling to make such application.

Mr. SCHERER. If the State goes forward without evaluating all of these factors which you have presented today, without consulting the Bureau of Public Roads, and allows these toll people to build this road, then perhaps it is something for the highway investigating committee should look into.

Mr. CRAMER. I don't know about that.

Mr. SCHERER. Well, I do.

Mr. CRAMER. Would you give the other two results that could come about? The first would be that there is adequate traffic on 75, it does not jeopardize the toll road, therefore, at least a two-lane highway might be built.

Now, what is the second condition?

Mr. TURNER. Before I go to that, Mr. Cramer, I want to comment again on this matter you have raised about a two-lane highway there, you and Mr. Clark.

Mr. Whitton, the other day in mentioning a possible two-lane type of construction there certainly was not meaning to imply that that is the decision as to what would be built.

It should not be construed that that is any indication of the type of thinking for a facility to be built on the I. 95 location. He merely was using that as an illustration of what might be built if the traffic volume was low but still something was needed and in effect it would be stable construction. It would be the first part of an eventual development of a four-lane divided type of highway.

Mr. CRAMER. In other words, by 1975 if it was shown that sufficient traffic was left over from the traffic that would use the toll road then at least a two-lane highway could be approved under the future conditions that it wouldn't interfere with toll financing?

Mr. TURNER. That is correct; as sustaining construction as the first part of an eventual four-lane or more divided type of highway.

Mr. SCHERER. Of course, the missile movement would be considered in determining the type of highway that was needed along with the traffic demands; wouldn't it?

Mr. TURNER. That is correct, that would be a part of the decision that would be made at that time as to the type of facility that was required to accommodate the traffic.

Mr. CRAMER. But the fact that the toll road exists is what forces you into making this decision, right?

Mr. TURNER. Yes; that is definitely a part of it.

Mr. CRAMER. All right; what is the second possible decision?

Mr. TURNER. The second condition is exactly the reverse of the previous one. It could be clear that the toll facility will be adequate to accommodate the 1975 traffic, and that it likewise will adequately meet the local needs, and that construction of an alternate free facility would jeopardize the financial structure of the toll road.

Under this set of circumstances the Bureau of Public Roads would not approve construction of an alternate free facility but would take the position that the toll road should be selected as the route of the Interstate System because of the capability of an existing facility, whether toll or free, to accommodate the type and volume of traffic in that particular corridor. That, we believe, is the intent of the legislation as now written.

Now, the third situation, and this is the one that we think exists in the Florida case, would be one in between those. The situation could be that insufficient facts and data have been developed to firmly support at this time a decision with respect to the three specific considerations that we have outlined as criteria. This is a particular set of circumstances that we feel prevail in this matter in Florida.

While we are inclined to believe that construction of both the toll road between Fort Pierce and Orlando and the interstate highway as now designated between Fort Pierce and Daytona Beach would be justified, we certainly cannot make a final decision at this time until more definite facts and data are available to us for the financing features involved, the types and volume of traffic involved and the effect of the construction of the toll road on the traffic flow pattern in that part of the State.

Mr. SCHERER. It would also depend to some extent on the type of pressures that were exerted by the bondholders after the toll road was built; would it not?

That would have an influence; wouldn't it?

Mr. TURNER. Yes, Mr. Scherer, that is right. One of the criteria that I referred to is that the construction of the free facility would not jeopardize the financial structure of the toll road. The way you would find that out would be to have the highway department to get a statement, to themselves get on the record with respect to whether or not in their opinion the free road would jeopardize the bondholders' positions.

Mr. SCHERER. The bondholders would be inclined to take the position that their interests would be jeopardized; wouldn't they?

Even if there were not?

Mr. TURNER. It certainly has been our experience, I think, Mr. Scherer, in similar situations to date at least, that bondholders have been very—

Mr. SCHERER. They want to protect their revenue?

Mr. TURNER. They are very protective of their position.

Mr. CRAMER. In other words, even in the third condition it would require approval of the toll road authority and then bondholder approval in Florida, even if traffic justified it; is that right?

Even in the third condition?

Mr. TURNER. That would be a part of the procedure that we would follow, Mr. Cramer.

Mr. CRAMER. You have to get approval by the State and a statement to the effect that it will not jeopardize the toll road bond issue; right?

Mr. TURNER. We would ask the State road commission in Florida to give us a statement that in their opinion the construction of I. 95 as a free road would not jeopardize the toll road.

Now, we would not go so far as to say that that would exercise a veto power that would dictate the final decision, but certainly that would be one of the points that would be considered.

Mr. CRAMER. It is interesting to me how the State could get such a commitment from the toll road authority when undoubtedly they are going to enter into and have to enter into the usual agreement between the State toll authority which in Florida is the Florida turnpike authority, and the bond buyers, to the effect that there will be no competing free roads or toll roads built within the life of the bonds, and let me read the condition that was included in the contractual agreement in 1960 when the Collins administration was attempting to consider validation of bonds on this same extension area a year ago.

Here was the condition in the executed agreement between the Turnpike Authority and Shearson, Hammill & Co. bondhouse, dated July 16, 1960.

To the extent they may legally do so the authority—
meaning the toll road authority—

the State road department and other appropriate agencies of the State of Florida shall adopt such resolutions or other proceedings and give such assurance to the company—

meaning the bond selling company—

as shall be necessary to satisfy the company that no free roads or toll roads shall be constructed as long as the revenue bonds to be issued to finance said

Orlando extension are outstanding will materially or adversely affect the revenue which will be derived from the said Orlando extension.

This agreement was signed by T. B. Manuel, chairman of the Turnpike Authority, and James M. Seller on behalf of Shearson, Hammill & Co.

I asked Mr. Whitton when he was here the other day, under those circumstances how we can be hopeful that the State can come up with an agreement with the bondholders that will give the green light to the free road construction?

Mr. SCHERER. You can't.

Mr. CRAMER. Are they irrevocably tying their hands if, in fact, it is a necessary condition of not prejudging bond financing that the Bureau requires before approving the construction of the free road?

Mr. SCHERER. The building of the free road later on would naturally impair the revenues. No question about it. It would impair the revenues of the toll road, and the normal, natural, human thing would be for the bondholders and the turnpike authority to oppose it, and they could show that the building of the free road would impair the revenues of the turnpike. Isn't that obvious?

Mr. CRAMER. Well, it would seem so and that is the problem, that is what I want to find out. I want to know what the problems are going to be in the future.

Now, can the Bureau make on precedent, does it have the authority and power to make a decision that, for instance, in its opinion, because of defense needs and otherwise, that the toll road and the free road, the free road need not be jeopardized or conditions placed upon it which we have just described by virtue of the building of the toll road? For instance, could the Bureau decide that these highways do not "serve the same traffic corridor" and, therefore, these conditions need not attach, and if the bondholders like it or don't like it the State can go ahead with the construction so far as the Bureau is concerned. Of course, that still leaves the policy question with the State as to whether it desires to build it and run the risk of breaching the condition of the toll bond revenue proceedings.

Could the Bureau possibly make that kind of a decision? What is the answer to this thing, that is what I want to know now, before it is too late, before our hands are tied and the horse is stolen?

Mr. TURNER. I think that is oversimplified, Mr. Cramer. The answer is we don't know.

Mr. CRAMER. How are we going to find out now before it is too late?

Mr. SCHERER. By the State making proper application—

Mr. CRAMER. Is that correct? The State making application? It can at this time make such an application?

Mr. TURNER. The State can make an application for a project to be constructed on the presently designated I-95 location, at which time we would raise these questions that you have described here and that we have given you in this statement.

Now, I certainly cannot tell what the State would submit to us when they make such a submission, and therefore I cannot prejudge and give you what the answer would be that we would give to the State because I don't know what they are going to submit, I don't know whether they will give us facts which will show that construction of the toll road will completely satisfy the traffic needs in that part.

I don't know that.

Mr. CRAMER. You are talking like you have already made the decision, and it is the same traffic corridor, that it is, therefore, subject to these conditions and that these conditions must therefore be met?

Mr. TURNER. No, we have not made that decision yet, Mr. Cramer. And I don't know that we can tell you at this time.

Mr. CRAMER. Would it be involved in the validation proceedings as to how much traffic is expected to use this toll road, North-South, from Miami to Jacksonville?

Is that one of the factors you will need, the traffic count tests that are being made, that information being made available to you?

Mr. TURNER. Not only the traffic count, but the origin and destination of that traffic, because we have to consider not only the interregional, interstate type of traffic movement but also the local traffic movement, and there is an important local movement in your State in the Orlando area which is distinct from that over on the east coast.

There are some very important advantages as you indicated previously of having a cross-State route there which will connect the east coast of Florida with the I-75 location coming down from Georgia and our Central States.

That is a very important connection which would improve the layout of a highway system in Florida, an advantage which does not exist with the system as we now have it laid out, so that we would have to weigh the advantage of that and the traffic service that was rendered by that kind of a connection against the indirection to traffic that would occur in a movement, say, on I-95 from a point north of Jacksonville to a point in the Miami area, if that traffic were routed down to Jacksonville, to Daytona Beach, and then over interstate 4 to Orlando and then down over the proposed toll road to Fort Pierce and take you into Miami there would be some indirection for a type of movement, but that indirection for that traveler might be outweighed by the advantage that was given to a traveler coming down on I-75 wanting to reach the east coast of Florida.

Those things we would have to weight one against the other not only the volumes of traffic but the relative volumes of traffic between the two types of movement as well as the local traffic movement.

Certainly the Bureau does not have before it at this time anywhere near enough information on which to prejudge the answer that we might give to the State.

Mr. CRAMER. And this is information which, of necessity, the State must furnish; is that correct?

Mr. TURNER. Yes, sir.

Mr. CRAMER. Procedurally and by precedent you don't go out and search out that information yourself. It is up to the State to submit it to you; is that correct?

Mr. TURNER. Yes, that is correct. Obviously we know considerable about the situation, but we do not have an assembly of facts and a presentation of the State at this time.

Mr. CRAMER. If this issue is going to be decided before the toll road becomes a fait accompli, it will be necessary for such a submission to be made upon which you can base your decision or conclusion in the matter; is that correct?

Mr. TURNER. Insofar as a project that the State might propose on the presently designated I-95 location they could go ahead and build the Sunshine Parkway as they propose and we would have nothing to say about it. If there are no Federal funds involved, they could go right ahead and build that.

Mr. CRAMER. That is the point, you have no control over the toll road?

Mr. TURNER. No, sir.

Mr. CRAMER. And therefore, if the State does not wish to submit this question to you, now, it can wait to submit it until they actually want to construct the section of 95; is that right?

Mr. TURNER. That would be the only point at which we would have any jurisdiction in the matter.

Mr. CRAMER. Therefore, at that time they would be informed that these conditions would attach and can you meet these conditions? Will the bondholders agree and is there adequate traffic?

But it would only be at that time that the issue would be settled, which would be too late, unless they submit it now before they submit themselves to the toll road?

That is the very point that I am getting at, if it is not settled now, it is going to be too late.

Mr. SCHERER. I think you are right and it is obvious that it is even more important after listening to Mr. Turner what I said initially about the necessity of the authorities in the State of Florida submitting this matter to the Bureau of Public Roads. Certainly the people who have charge of this would be rendering a disservice, I think, to the people of Florida if they did not consult with the Bureau or submit this problem to the Bureau before they move forward.

Mr. CRAMER. You say they have given assurances all of I-95 will be built by 1973 and to make application for a specific construction for a specific link on the area in question, that is between Daytona Beach and Fort Pierce, asking for a definitive decision on I-95?

Could they as an alternative ask you for an advisory opinion?

Mr. TURNER. I am sure they could, Mr. Cramer.

That is not a setup standard procedure but obviously in a case of this type we would be willing to give consideration to that because of the importance of it and the effect.

Mr. CRAMER. Well, the State has made the statement publicly that they intended to build, I believe, a 6-mile section in the Cape Canaveral area, it won't be connected up with anything, that is a section they have advanced to this new schedule largely because I have raised the issue, I think, from what they have previously planned. I think by virtue of this question being raised, they have advanced their schedule and are going to build a 6-mile link.

Could they get that overall issue of the future of I-95 decided now by submitting, now, requests for advance engineering work?

What would be the form of this request in connection with that to get this issue decided?

Mr. TURNER. That project might serve the purpose.

The law, as you know, requires us to contemplate the completion of a 41,000-mile system, all parts of which would be completed simultaneously in all States by 1972.

Obviously we could not accept a procedure which would initiate a 6-mile section of improvement in the middle of a 135-mile stretch of the interstate with no prospects that the remainder of that would be finished by the 1972 deadline in the act.

So, before we start the first project and approve the expenditure of interstate moneys on that project, we certainly would want to have some assurance that we were going to finish the system, that we would not have a project sitting out there by itself, have a 129-mile gap in the Interstate System.

Mr. CRAMER. The State would have to commit itself to complete the link, connect up with the system by 1972 which would require also the State's commitment that it would not interfere with the bond, so we are right back where we started, the bondholders would have to be satisfied.

Mr. SCHERER. The bondholders according to the language you just read, the other section of this road, south.

Mr. FALLON. Well, Mr. Cramer, are you finished with Mr. Turner?

Mr. CRAMER. I think this demonstrates what the problem is. As I said I think this is a unique situation. I think as I have said before, it is inexcusable that the State has not accepted what I think is its responsibility in making a request to the Bureau for a definitive situation before they commit themselves to the turnpike construction and I think these hearings have clearly demonstrated that that is the remedy available to the State, that the State has not taken such action and the Bureau indicates that until the States does take such action and provides the background information that the Bureau is not in a position to make a decision.

The information Mr. Turner is giving to this committee is precisely the same that he has given to me previously, it is the same that Mr. Whitten has indicated previously, that these conditions will have to be met if they build a freeway for the turnpike.

But I think this serves a valuable purpose because this is the first time that I know of that the question of what the Bureau's policy is in such instances has been made a part of the record and this subcommittee has been advised of it and these are the kinds of decisions which I believe our committee should constantly be reviewing on the facts as evidenced by my introduction of my bill.

I think our committee should have something to say about it when the Bureau is in a position to make a decision, the State has made its proper request and I think then this committee should be given the opportunity to review the decision made in view of the basic policies of the Interstate Act, that is first that they shall serve defense and the traffic needs of the country, that they should be limited as to access, that they should be free, and any time that we inject a toll road into the free system I think we are doing a disservice to the motoring public and it should be avoided wherever possible.

That is just my personal view, and I think that our committee should review these situations in the future, but this is even more unique because the turnpike has not even been constructed or under construction at the present time.

I want to thank Mr. Turner for his discussion of the matter. I think he has been very frank about it.

I want to thank the committee for the time and I would like to take the matter up in the future in executive session and I would also like to ask Mr. Turner and the Bureau to keep the subcommittee advised as to whether the State makes such an application and what the Bureau's anticipated reply is, because if, in fact, the reply is in the negative, I am going to request that this subcommittee again consider the matter after adequate facts have been made available upon which a final and definitive decision can be made.

Mr. TURNER. Mr. Cramer, Mr. Chairman, this toll-road question on the Interstate System is a troublesome problem to us and has been for several years.

We believe that the policy that we are following, the gist of which is included in these three points that I have read to you, is in accordance with the policy as we understand it, that the committee wanted us to follow.

Now if it is not the way you want the policy to be set, of course, we ask your guidance to tell us what it is that you want done.

We believe that the way that we are operating in deciding these individual questions is in agreement with our understanding at least of your thinking as a committee on this question. It is troublesome to us and we may need some additional guidance from you.

Mr. CRAMER. If the State makes an application how long do you think it would take to get a decision?

Mr. TURNER. I had hoped you would not pin me down on that one, Mr. Cramer. I don't know how long it would take. We would certainly get it as quickly as we could.

Mr. CRAMER. One month, 2 months, 3 months? How long do these decisions usually take?

Mr. TURNER. I would think it would probably take us 30 days to review the submission completely and arrive at an answer.

Mr. CRAMER. So, within about 30 days after the State's submission they could get a definitive answer as to what the effect of building the turnpike would be on the free system?

That seems to me to be handling it pretty expeditiously and again shows how inexcusable it is that the State does not make such a submission. They are not going to hold up the turnpike.

In other words, they could make a submission to you now before they were ever ready to sell the bonds, be in a position to answer this question.

As I said, Mr. Chairman, I am going to ask if, in fact, this submission is made, I am going to ask this committee to consider the matter again if the decision of the Bureau is adverse because I think this is the sort of factual matter that our committee should consider and if, in fact, a submission is not made by the State, I would like to have the opportunity of discussing it further in executive session, to see what, if anything, this subcommittee could do to help decide the question.

Mr. CLARK. I wonder if I could ask Mr. Turner a question?

Mr. FALLON. Mr. Clark.

Mr. CLARK. Has the State administration at any time given any evidence that they need this route, that they want this road built in the immediate future?

Mr. TURNER. Do you mean the I-95 road or the toll road?

Mr. CLARK. The one in Mr. Cramer's bill.

Mr. TURNER. We do not have any program submission for early construction on the presently designated I-95 along the coast.

Mr. CLARK. The administration at this time must not feel it is too important, is that it? Would you say that?

Mr. TURNER. I understand that they have some plans for other types of improvement in certain areas. They are spot improvements but I do not believe they have any immediate plans for early improvement of the entire 135 miles.

Mr. CLARK. Thank you.

Mr. FALLON. Are there any other questions?

Mr. CRAMER. I want to thank the subcommittee and thank Mr. Turner for his time.

Mr. FALLON. On behalf of the committee, I wish to thank, you, too, for coming up here this morning.

Mr. TURNER. I am sorry Mr. Whitton wasn't here and you had to be content with second choice.

Mr. FALLON. I would like to pay you lots of compliments but it might be at the expense of somebody else, so I will withhold these compliments.

There will be an executive session Thursday morning at 10 o'clock.

The subcommittee is now adjourned.

(The following was furnished for insertion:)

COMMITTEE ON PUBLIC WORKS,
July 25, 1961.

To: Hon. William C. Cramer.

From: Clifton W. Enfield, minority counsel (formerly General Counsel, Bureau of Public Roads).

Subject: Incorporation of toll roads in the Interstate System.

As you know, the provisions of the Federal-Aid Highway Act of 1956 (now codified as 23 U.S.C. sec. 129) for the first time authorized the Secretary of Commerce to approve as part of the Interstate System any toll road then or thereafter constructed which meets the standards adopted for the system. Shortly after the enactment of this act the Department of Commerce established a policy for the incorporation of toll roads as a part of the Interstate System and for the construction of free sections of the Interstate System which compete with toll roads for traffic within the same traffic corridor. This policy has frequently been reaffirmed, and it was last stated by Rex M. Whitton, Federal Highway Administrator, before the Committee on Public Works in his testimony on H.R. 5821, as follows:

"When a State proposes a toll facility as a part of the Interstate System, the proposal is analyzed in light of all circumstances which exist with respect to the particular toll facility and interstate route involved. Of course, a controlling factor is the statutory requirement that toll facilities may be approved as part of the Interstate System only when such action will promote the development of an integrated system. In addition to this, three specific considerations are used as guides in determining whether a toll road can be accepted as an interstate highway location or whether the interstate location should be constructed along a parallel alignment. These considerations are:

"1. Whether the toll facility will be adequate to accommodate safely and efficiently the type and volume of traffic, both local and interregional, forecast for the year 1975;

"2. Whether the toll facility will adequately meet local needs as well as those of interstate commerce; and

"3. Whether construction of an alternate free facility will jeopardize the financial structure of the toll facility."

There is inherent in this policy statement a prohibition against constructing any interstate free route in the vicinity of a toll road which will adequately serve the traffic needs of the traffic corridor through which it runs until 1975 and if the construction of such a free route would jeopardize the financial structure of the toll road.

Subsequent to enactment of the 1956 act, and in response to expressions of concern by persons interested in assuring the financial structure of existing toll facilities, the Secretary of Commerce on September 10, 1956, issued a press release, a copy of which is attached hereto, wherein among other things he stated:

"There is no intention whatever of building any interstate routes paralleling a toll road which until 1975 will adequately serve the traffic needs of the area through which it runs."

This policy has prevailed continuously since its enunciation and as far as I know is still the policy of the Department of Commerce. This policy has also been made known to the Congress, and it apparently has received congressional approval by acquiescence. It was fully brought to the attention of the Congress by a report to the Subcommittee on Public Roads of the Committee on Public Works of the U.S. Senate by the Comptroller General of the United States, in connection with his review of cost estimates for completion of the National System of Interstate and Defense Highways, which report was submitted on May 16, 1958. On page 19 of the Comptroller General's report, a copy of which is attached hereto, reference is made to this announced policy of the Secretary of Commerce, and it was commented upon in hearings before a subcommittee of the Committee on Public Works of the U.S. Senate on August 12, 1958, in connection with hearings of the subcommittee on the report of the Comptroller General.

In applying this policy to the proposed extension of the Sunshine State Parkway in Florida, it would appear, according to Bureau standards previously applied, that if Interstate Route 4 from Daytona Beach to Orlando and that section of the Sunshine State Parkway (which is to be constructed as a toll road) from Orlando to Fort Pierce can adequately serve the traffic needs until 1975 within the corridor between Jacksonville to Miami, that a free section of Interstate Route 95 between Daytona Beach and Fort Pierce would not be justified nor would its construction be consistent with the previously announced policy of the Secretary of Commerce.

It is understood that the general location of Interstate Route 95 between Daytona Beach and Fort Pierce has already been approved by the Bureau of Public Roads, and should the Sunshine State Parkway be extended as a toll road from Fort Pierce to Orlando so as to connect with Interstate Route 4 and provide an adequate traffic facility between Fort Pierce and Daytona Beach prior to construction of the free section of Interstate 95 between Fort Pierce and Daytona Beach the decision as to whether or not to construct such free section would necessarily have to be made by the Bureau of Public Roads whenever the first project on this section is submitted for program approval by Public Roads. Such program submission may be for either preliminary engineering, right-of-way acquisition, or construction, and before giving approval thereto in carrying out the announced policy of the Department of Commerce it would be necessary for Public Roads to determine if the combination of the Sunshine State Parkway and Interstate Route 4 between Daytona Beach and Fort Pierce will adequately serve traffic in the area until 1975 and if construction of the free section of the Interstate System to be initiated by the project submitted for program approval would jeopardize the financial structure of the toll road. Presumably if these two determinations are answered in the affirmative, based upon the announced policy of the Secretary of Commerce, approval of a project leading to construction of the free section would not be given by Public Roads.

There are at least three precedents, as I recall, for Public Roads' refusal to approve the location of a free interstate route where a parallel toll road will adequately serve traffic in the area until 1975 and where construction of the free road would jeopardize the financial structure of the toll road.

Such a situation existed with respect to a free route of the Interstate System proposed by the States of New York and Massachusetts between Albany, N.Y., and Lee, Mass., which would parallel the New York Berkshire Thruway and a part of the Massachusetts Turnpike, both of which are toll roads, for a distance of approximately 41 miles and on a location varying from 2 to 8 miles north of the toll road. The proposed free section in New York was estimated to cost \$61.7 million and the portion in Massachusetts \$30.5 million, for a total estimated cost of \$92.2 million. The Bureau of Public Roads did not approve the specific location of this proposed free section but insisted that the toll roads, which were determined to be adequate for service of traffic in the area until 1975, should be the location of the interstate highway. The two States ultimately selected the toll roads as the interstate route, and Public Roads has approved the same.

The State of Texas proposed the route of a free section of the Interstate System between Fort Worth and Dallas parallel to and up to approximately 10 miles distance from an existing toll road. This free section was estimated to cost approximately \$36 million. Public Roads refused to approve this location because it was determined that the toll road would adequately serve traffic in the area until 1975, and the toll road was subsequently designated as the interstate route between the two cities.

In each of the above instances the action of Public Roads pertained to the withholding of approval of a specific location of an interstate route as proposed by a State. It is recognized that Public Roads has already approved the location of Interstate Route 95 in Florida, generally along the present route of U.S. 1; however, there is also precedent for Public Roads requiring the designation of a route differing from one previously approved where a toll road will adequately serve traffic in the area until 1975. Prior to the enactment of the Federal-Aid Highway Act of 1956, which, as previously pointed out, first authorized the incorporation of toll roads in the Interstate System, Public Roads approved the location of an interstate route that generally paralleled the Kansas Turnpike, which is a toll road, between Wichita and Kansas City for a distance of about 220 miles. Following enactment of the 1956 act, Public Roads requested the State to revise the location of the parallel free route and include the entire length of the Kansas Turnpike as the interstate route location between Wichita and Kansas City. The State objected to this change on the grounds that (1) the Kansas Turnpike is not actually in the same traffic corridor as the proposed free route, (2) the proposed location of the interstate route would serve numerous towns and a population of nearly one-half million people, and (3) the turnpike will not adequately serve local needs, as intended by the 1956 act.

A compromise agreement was ultimately reached between the State and Public Roads whereby a part of the Kansas Turnpike between Wichita and Emporia was designated as the route of the Interstate System in lieu of 112 miles of the designated free road in the same general area. The remaining 108-mile section of the designated free route which paralleled the Kansas Turnpike between Emporia and Kansas City, at distances varying up to approximately 40 miles was retained as the interstate route.

In instances where Public Roads has approved free-route locations of the Interstate System which parallel toll roads such location approvals have often, if not always, been subject to the conditions that no projects are to be advanced to construction on the free route until it is clearly demonstrated that the toll road cannot carry the traffic and the construction will not jeopardize toll road bonds. With regard to this latter condition Public Roads has usually required a written statement from the toll-road authority that construction of the free route will not jeopardize the financial structure of the toll road.

Application of the announced policy, of the Department of Commerce, not to build an interstate road serving the same traffic corridor as a toll road which until 1975 will adequately serve the traffic needs of the area through which it runs might be applied with different effects under different situations based upon the facts of a particular case. In interpreting and implementing this policy with respect to construction of Interstate 95 between Daytona Beach and Fort Pierce it is required that the following determinations must be made to permit construction of Interstate 95 even though it would generally parallel Interstate 4 and the proposed extension of the Sunshine State Parkway within the same traffic corridor between Daytona Beach and Fort Pierce:

- (1) The Interstate 4 and the toll road will not adequately serve local needs of the industrial, commercial, and residential areas which are building up along the route and particularly in the vicinity of Cape Canaveral and will not adequately serve the defense requirements.

- (2) That highway users generally prefer the proposed route of Interstate 95 between Daytona Beach and Fort Pierce over the longer and more circuitous route provided by Interstate 4 and the proposed extension of the Sunshine Parkway.

- (3) That traffic counts would justify both limited-access routes.

In light of the announced policy of the Department of Commerce not to construct a free interstate route paralleling a toll road which will adequately serve traffic in the area until 1975 and the aforementioned precedents where this policy has been applied to designate a toll road as the interstate route rather than a parallel free road proposed by the State, before proceeding with

the proposed toll-road extension, if the State of Florida does not intend to abandon construction of presently designated Interstate 95 between Daytona Beach and Fort Pierce, it would appear to be in the interest of the State to secure from Public Roads an interpretation of its policy as applied to the facts existing in Florida and a commitment from Public Roads that construction of the proposed extension of the Sunshine State Parkway will not be a basis for Public Roads withholding approval of construction projects on Interstate 95.

(Whereupon, at 11:55 a.m., the subcommittee was adjourned.)

○

