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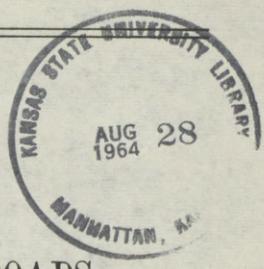
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VEHICULAR TUNNEL UNDER U.S. CAPITOL GROUNDS

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HEARING
BEFORE THE
COMMITTEE ON PUBLIC ROADS
OF THE
COMMITTEE ON PUBLIC WORKS
UNITED STATES SENATE
EIGHTY-EIGHTH CONGRESS
SECOND SESSION

ON
H.R. 10392 and S. 2692

WASHINGTON, D.C., JUNE 19, 1964

Printed for the use of the Committee on Public Works



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1964

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VEHICULAR TUNNEL UNDER U.S.
CAPITOL GROUNDS

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VEHICULAR TUNNEL UNDER U.S. CAPITOL GROUNDS

FRIDAY, JUNE 19, 1964

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC ROADS OF THE
COMMITTEE ON PUBLIC WORKS,
Washington, D.C.

The subcommittee met, pursuant to notice, at 9:10 a.m., in room 4200, New Senate Office Building, Senator Jennings W. Randolph presiding.

Present: Senators Randolph, Moss, Metcalf, Fong, and Cooper.
Staff members present: Richard E. Gerrish, assistant chief clerk, and Richard B. Royce, professional staff.

Senator RANDOLPH. Good morning, ladies and gentlemen. The Committee on Public Works resumes its hearing on H.R. 10392, the companion bill to S. 2692.

I will place a copy of H.R. 10392 in the record at this place. S. 2692 is the bill introduced by Senator McNamara. It is identical to H.R. 10392 and, hence, will not be printed.

(H.R. 10392 is as follows:)

[H.R. 10392, 88th Cong., 2d sess.]

AN ACT Authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the United States Capitol Grounds and the United States Botanic Garden grounds, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are authorized and directed, in constructing, maintaining, and operating a vehicular tunnel in the city of Washington, District of Columbia, extending from the vicinity of Second and C Streets Southwest, to the vicinity of Third and Constitution Avenue Northwest, as a part of the Innerloop Freeway System, to locate a portion of such tunnel under square W-576, which is a part of the United States Botanic Garden grounds, and reservation 12, which is a part of the United States Capitol Grounds.

SEC. 2. Subject to the approval of the Architect of the Capitol and to such conditions as he may prescribe, the Commissioners of the District of Columbia are authorized to make such use of square W-576 and reservations 12 and 6B as may be necessary for the construction of the tunnel, including borings and other preliminary work and storing of materials, and the reconstruction of that section of the Tiber Creek sewer located under square W-576 and reservation 6B.

SEC. 3. Except as provided in section 6, nothing in this Act shall be construed to grant to the Commissioners of the District of Columbia any right, title, or interest in or to any real property of the United States, and reservation 12 shall in its entirety continue to be a part of the United States Capitol Grounds, and square W-576 shall in its entirety continue to be a part of the United States Botanic Garden grounds. The Commissioners shall have jurisdiction and control of, and sole responsibility for the operation and maintenance of, those portions of the tunnel beneath square W-576 and reservation 12.

SEC. 4. All areas of square W-576 and reservations 12 and 6B disturbed by reason of operations under this Act shall, except as otherwise provided in this Act, be restored to their original condition to the satisfaction of the Architect of the Capitol.

SEC. 5. Except as provided in section 6, the United States shall not incur any expense or liability whatsoever under or by reason of this Act, or be liable under any claim of any nature or kind that may arise from the construction, or the operation or maintenance, of that portion of the tunnel authorized by this Act.

SEC. 6. The Architect of the Capitol is authorized to convey to the Commissioners of the District of Columbia, for purposes of constructing the Innerloop Freeway System, all, or so much as he determines necessary, of the right, title, and interest of the United States in and to reservations 6B, 6C, 6D, 6E, 6F, and 286 in the District of Columbia. Any real property conveyed under this section shall thereafter be under the sole jurisdiction and control of the Commissioners of the District of Columbia.

SEC. 7. Notwithstanding the joint resolution entitled "Joint resolution providing for the construction and maintenance of a National Gallery of Art", approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71), the Commissioners of the District of Columbia are authorized to use the east 65 feet of the area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive Northwest, in the District of Columbia for the construction and maintenance of a vehicular tunnel, on condition that after such construction is completed (1) the surface thereof is maintained at its original grade, (2) no portion of the tunnel, including ventilating equipment and utilities, is nearer the surface than eight feet, and (3) the surface ingress and egress to such property is not limited.

Senator RANDOLPH. On May 18 and 19 the Subcommittee on Public Roads received testimony on this measure from Federal Highway Administrator Rex M. Whitton and Engineer Commissioner for the District of Columbia, Brig. Gen. Charles M. Duke.

We welcome both of these gentlemen again this morning, as we welcome our other witnesses, Mrs. James Rowe, and Mr. William Walton. Since the hearings of the subcommittee in May, the House of Representatives passed this bill on June 3. The Senate Subcommittee on Public Roads reported it to the full committee with the reservation that the action on this measure would not be taken until the committee has today's hearing testimony studied and evaluated.

This hearing is called as a result of questions which have been raised by some committee members regarding the proposed tunnel under the Mall, and the so-called center leg of the inner loop. Now we cannot, of course, entirely separate our consideration of the pending bill from the center leg itself. However, I would point out that this committee has neither the responsibility nor the authority for determining the alinement of projects in the Interstate System in the District of Columbia.

Our authority has the same limitations with regard to the District of Columbia as it has with the State of Kentucky or with the State of Montana or the State of West Virginia, or the Commonwealth of Puerto Rico. We have requested testimony from those agencies which have such authority, and of course we have reports from the responsible and respective officers of the Congress who are charged with protecting the integrity of the Capitol Grounds itself.

We are primarily concerned with congressional authorization of the District of Columbia Department of Highways and Traffic to trespass on Federal property. I would hope that our discussion will be concentrated on that aspect, and not go astray into a consideration of the concept or possible alinement of the inner loop.

With that thought in mind I welcome our first witness, the Federal Highway Administrator, Rex M. Whitton. Mr. Whitton, before you begin your testimony, if Senator Metcalf or Senator Cooper desires to make an opening statement, the Chair would be very pleased to entertain that.

Senator METCALF. Mr. Chairman, I think that the chairman has very clearly set forth the problems that some of the members of this committee have. We are concerned about an invasion of not only the Capitol Grounds but other recreational areas over which this committee has responsibility, and I acquiesced in bringing this forward, knowing the importance that you put on this project at the last meeting. I hope that we can develop a record that would satisfy the members of the committee, and I think the chairman has very well stated the position of some of us on this side as members of the committee.

While I don't quite agree with the chairman that alinement is completely out of the purview of this committee, because after all the alinement does take into consideration where and under what circumstances we are going through some of the Capitol Grounds, which is our responsibility, and if we are in a position of having a freeway come up one side of the Mall and the other side of the Mall, we are going to be in an unenviable position of saying that freeway will be useless or else we are going to have to acquiesce in whatever your program is.

So I felt that this was the time to discuss this and, within the boundaries that the chairman has laid down, I hope that we will have a free discussion after you have presented your testimony.

Senator RANDOLPH. Senator Cooper?

STATEMENT OF HON. JOHN SHERMAN COOPER, A U.S. SENATOR FROM THE STATE OF KENTUCKY

Senator COOPER. Yes; Mr. Chairman. I might say of course that I appreciate very much the courtesy of the chairman in arranging this hearing and summoning the witnesses which I and others have suggested.

I know very well that this committee has no authority to determine the location or alinement of a public road in the Interstate System, the Federal-State system. I think we are in agreement on that. What I do object to, however, is for this committee to be used to determine the alinement, and I think that is what is happening. I knew nothing about this project until the last hearing, and then this thought came to me during the hearings and subsequent studies I have made of this project. I don't want to get into this question of the outer loop because as you say that is beyond our jurisdiction, but there is a center leg which moves from one side of the loop to the other, and it is proposed that a portion of that center leg be a tunnel under the Capitol Grounds.

From the investigation that I have made I am informed that a number of agencies must give approval before the alinement and the design of the center leg can be fixed and determined. We will find out if all of these agencies have given their approval. As I understand it there is still some controversy and conflict over the alinement, the design, and the cost of the center leg. If that is correct, then I believe that in coming here and asking for the Congress, whether it is our committee or not, to give approval for a section of the center leg does in effect fix the alinement of the inner leg.

And with that approval those who favor the center leg and favor a certain alinement could, of course, go to the other agencies involved

and say that Congress has given this approval. Our decision would have its influence on the other agencies. In my own judgment I think it would be better for the District Highway Department and the Commissioners to complete their plans, and to secure approval from these agencies, and then to seek congressional approval of this final part.

It seems to me the Highway Department is putting the cart before the horse. One other point. I think we are interested in seeing to it that the design of this segment of the center leg is one which does not affect the beauty or the utility of the Capitol Grounds. Testimony was taken at a prior hearing to the effect that there would be a tunnel and that therefore it would not affect the beauty or utility of the Capitol Grounds.

I think we have some obligation to see that his proposed center leg, its location, design, and so forth, affect the beauty of this city. We have no models before us to show the alinement or the design of the inner leg at the points where it enters and leaves the tunnel. As I understand it, it will be about 200 or 250 or 300 feet wide in a depressed channel of some kind entering and leaving immediately at the edges of the Capitol Ground.

I am sure there would be a great deal of noise and fumes, and I just don't think these matters have been determined, and I think if there is to be a complete design we should have all these facts before we approve what I would call a pig in a poke. I wanted to make my position clear before we proceed with the hearing, and I am inserting in the record of this hearing a statement covering my views.

(The prepared statement of Senator Cooper follows:)

STATEMENT BY SENATOR JOHN SHERMAN COOPER

The Subcommittee on Public Roads held a hearing on S. 2692 on May 20. At that meeting the subcommittee heard testimony from Brig. Gen. Charles M. Duke, District of Columbia Engineer Commissioner, and Mr. T. F. Airis, Director, District of Columbia Department of Highways and Traffic. Statements on behalf of the Architect of the Capitol, the U.S. Botanic Garden, and the National Gallery of Art were received and made part of the record.

The Commissioners of the District of Columbia seek this committee's authorization to locate a portion of a vehicular tunnel under parts of the Capitol Grounds and the U.S. Botanic Garden grounds. The proposed tunnel will constitute a segment of the center leg freeway—a 1.8-mile highway linking the Southwest freeway to the inner loop freeway on the north. Since the tunnel segment represents more than 25 percent of the entire center leg, I believe that this committee has a duty to scrutinize the plans of the Board of Commissioners for the construction of the connecting segment.

I am informed that the National Capital Transportation Agency, the National Capital Planning Commission, and the District Commissioners, supported by various civic organizations, have agreed on the need of a north-south freeway and have endorsed the general concept of a center leg freeway as proposed by the District Highway Department.

I am not informed as to what decisions have been made and approvals obtained concerning the exact route and type of construction. While there appears to be agreement as to the general direction the freeway should take, detailed planning as to route and construction have provoked controversies. The proposal for an eight-lane highway to run through the center of the city requires the acquisition of costly rights-of-way, displaces residential properties, commercial properties, office buildings and churches, and eliminates a majority of the east-west cross streets. Without adequate planning, the proposed thoroughfare may create more community problems than the transportation problem it is designed to solve.

I am not an advocate of any particular route or type of freeway. My concern is that detailed plans be made and final decisions reached by all the agencies

charged with a responsibility in this matter. I am not impressed by prior testimony that the entire project has been delayed pending a search for a satisfactory scheme for crossing the Capitol Grounds or that various officials have given their initial approval to preliminary plans of the District Highway Department for a route. This is putting the cart before the horse. For I fail to understand why the Commissioners cannot come before the subcommittee with a completed plan approved by all the agencies concerned. After all, the connecting segment is scheduled to extend only a mile and a quarter beyond the proposed tunnel segment, and it should not be too difficult to reach agreement on this small extension.

Unless such a plan is presented, I feel the request to this subcommittee for the authorization to tunnel under the Capitol Grounds is not only premature, but may serve to prejudice and to foreclose the advice and counsel of other agencies and officials charged with a responsibility in these matters.

Senator RANDOLPH. Thank you, Senator Cooper and Senator Metcalf.

Mr. Whitton, will you now proceed please and bring those associates with you whom you desire?

STATEMENT OF HON. REX M. WHITTON, FEDERAL HIGHWAY ADMINISTRATOR, BUREAU OF PUBLIC ROADS; ACCOMPANIED BY JOSEPH BARNETT, DEPUTY DIRECTOR OF ENGINEERING, BUREAU OF PUBLIC ROADS

Mr. WHITTON. Mr. Chairman, and members of the committee, I would like to have Mr. Joseph Barnett sit with me this morning. He is Deputy Director of Engineering of the Bureau of Public Roads, and can answer questions in detail about this that I cannot answer.

We are happy to have the opportunity of appearing before you again to discuss H.R. 10392, which is a bill to authorize the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds.

This proposed tunnel would be part of the center leg of the inner loop freeway in the District of Columbia, an important segment of the National System of Interstate and Defense Highways as proposed by the District of Columbia Highway Department. The route concerned is Interstate 95, the main north-south route on the east coast of the United States.

The enactment of H.R. 10392 is necessary because a portion of the center leg is to be constructed in a vehicular tunnel under the westernmost projection of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds. While this tunnel would in no way disturb the appearance of these grounds, except during the period of construction, statutory permission is needed to cross these areas since they are under the jurisdiction of the Architect of the Capitol. It is my understanding that the Architect of the Capitol is agreeable to the location and general concept as proposed by the District of Columbia Highway Department.

The inner loop, as planned by the Highway Department of the District of Columbia, is vital to the relief of congestion in the central area of the city. After extensive studies for both vehicle and mass transit it was included in the 1959 transportation plan of the National Capital region prepared by the National Capital Planning Commission and the National Capital Regional Planning Council in cooperation with the several jurisdictions in the area and was shown again as a vital part of the plan for the year 2000 prepared by the same agencies

in 1961 and endorsed by the President. The data which lead to the conclusions in these reports clearly showed that the District of Columbia freeway pattern should be an inner loop around the central area, with radials emanating therefrom in many directions.

With congestion increasing on the streets of the Capital, particularly in the central area, the development of the entire inner loop complex of freeways, which will enable much through traffic to avoid the central area in reaching important destinations such as the Pentagon and the airport, should be delayed no longer.

The center leg cuts across the area bounded by the inner loop and forms part of the most reasonably direct route for Interstate 95. Without it, traffic approaching the inner loop and destined beyond would have extra travel distance by way of the east leg or north and west legs of the inner loop. It connects via the Southwest Freeway and the 14th Street Potomac River crossing with the Henry G. Shirley Memorial Highway which is presently under design and is to be increased in capacity and updated, also as part of Interstate Route 95. To the north the proposed center leg connects with Interstate Route 95 to Baltimore which is in the planning stage by the Maryland State Roads Commission, and on which some right-of-way has already been acquired.

The tunnel contemplated by H.R. 10392, is in turn a necessary part of the center leg as proposed by the District of Columbia. Early enactment of this legislation is necessary to permit the Highway Department of the District of Columbia to proceed with an orderly schedule in the development of Interstate Route 95 and thus, as far as this important route is concerned, meet the declared intent of the Congress to bring the system to simultaneous completion in all the States.

It is in urban areas such as Washington that the greatest difficulties and delays in interstate highway construction are encountered. The District of Columbia is far behind at this time in comparison with other States, in the development of the Interstate System. Indeed, its obligations of Federal-aid interstate highway funds provided by the Congress is nearly the lowest percentage in the country. I am advised that the center leg of the inner loop can proceed to construction in the very near future if the most important barriers are cleared by the enactment of H.R. 10392, which we earnestly recommend.

Senator RANDOLPH. Mr. Whitton, your prepared statement has been followed with interest by the members of the committee. We welcome Senator Fong.

I ask you now, do you wish to supplement or do you wish to have questions at this point?

Mr. WHITTON. I have no further prepared statement, Mr. Chairman. I will be happy to answer questions, and Mr. Barnett will.

Senator RANDOLPH. Mr. Whitton, on page 3 of your statement I note something that causes the chairman of the Subcommittee on Public Roads considerable concern. I am sure this concern is shared by all the membership of the Congress. You point out that it is the intent of the Congress that the Interstate System be completed by all the States at approximately the same time; is this true?

Mr. WHITTON. That is right.

Senator RANDOLPH. Now you further indicate that the District of Columbia is almost on the lowest rung of the ladder in connection with its progress on the Interstate System. Is this true?

Mr. WHITTON. Yes, sir.

Senator RANDOLPH. And you indicate in the general tenor of your statement that it is necessary to have, if the orderly program is to proceed in the District of Columbia, the development of the tunnel under the edge of the Capitol Grounds area; is that right?

Mr. WHITTON. Yes, sir; that is part of the Interstate System as of now.

Senator RANDOLPH. Yes. Now I return to page 1 of your statement, and I read: "This tunnel would in no way disturb the appearance of these grounds."

I think this is a point at issue that has been raised here by Senators Metcalf and Cooper, and I am sure it will be raised by certain witnesses this morning. It is important to the chairman and I am sure to all of us, to have you elaborate on this statement, and Mr. Barnett perhaps can be brought into the discussion.

Mr. WHITTON. Mr. Chairman, as I view it, the tunnel will be under the ground, and after construction the surface of the area of the Capitol Grounds will be restored as it now is. I have not seen the detailed plans, Mr. Chairman and members of the committee, so I comment only to the extent of my ability and knowledge. There will, of course, be disruptions and unpleasantness during construction. This as I understand it is not a bored tunnel. It is to be a dug-and-covered tunnel. It will be a cut put through there and the tunnel will be built and then it will be covered over. Now this question as to the methods of construction should properly be directed to the District people because they are more familiar than I am with how they propose to proceed.

Senator RANDOLPH. At that point I ask you now, are the plans to be approved by the Federal Highway Administrator?

Mr. WHITTON. Yes, sir; they will be approved when presented or disapproved.

Senator RANDOLPH. Just as in relation to interstate projects in Kentucky and West Virginia?

Mr. WHITTON. Yes, sir; the same procedure.

Senator METCALF. Will the chairman yield?

Senator RANDOLPH. Yes.

Senator METCALF. Before there is an approval of the plans, will they give you alternate suggestions as to the cost of boring a tunnel?

Mr. WHITTON. That is the normal procedure; yes sir.

Senator METCALF. And the cost of an open cut.

Mr. WHITTON. Yes, sir.

Senator METCALF. And have you received any of those or have they made a survey of costs?

Mr. WHITTON. No, sir.

Senator METCALF. You don't know whether it would be cheaper or how much more expensive it would be?

Mr. WHITTON. We have no information on that subject at this time.

Senator METCALF. Who would be able to supply that?

Mr. WHITTON. The District representative would be the proper person to discuss that.

Senator RANDOLPH. We will have General Duke.

Mr. WHITTON. Yes, sir; General Duke is here and the Chief Engineer is here.

Mr. BARNETT. Mr. Chairman, I might add that General Duke told me that he was in touch with the Architect of the Capitol, as a result of which there was a very fine suggestion made. The original tunnel terminated at the south borderline of Independence Avenue, and as a result of this conference, they extended the tunnel to C Street, Southeast, so that the area west of the Rayburn Office Building is free for whatever future planning there might be, so that it will also be tunneled under that area, the future of which we do not know at the present time.

Senator RANDOLPH. Mr. Barnett, what are the limits of the Capitol Grounds in the southwest—

Mr. BARNETT. The Capitol Grounds stop at Independence Avenue, but this is the block farther south. I don't know what the particular ownership is now. General Duke would probably be able to tell you.

Senator RANDOLPH. Yes, sir.

Mr. BARNETT. But at least we thought that this was a very good suggestion in that it made it flexible, made the future planning flexible for the area west of the Sam Rayburn Office Building. Instead of having an open highway, you have a tunnel at that location.

Senator RANDOLPH. Mr. Whitton?

Mr. WHITTON. Mr. Chairman, I would like to amplify somewhat my statement in answer to your question. In the first part of your question you said something about the progress that the District is making in obligating its interstate money, and I would like to call the committee's particular attention to the unique position of the District as compared to other States.

The District is composed entirely of an urban area. All the other States or all the States have rural areas, and that being the case, those States are in a position to absorb delays in their urban areas. They can move into the rural area and normally go ahead with their work. The District has no such safety factor in relation to its progress. District officials have to develop their program inside an urban area, and therefore that accounts in my judgment for most of the cause, maybe all of the cause for their being behind in the development of the interstate program in the District.

Senator RANDOLPH. Senator Metcalf?

Senator METCALF. Thank you, Mr. Chairman. I have just been handed a letter from the Midtown Business Association dated June 16. It is directed to the committee. I have only had an opportunity to see it this morning, Mr. Whitton, or I would have supplied you with a copy. You will be supplied with a copy, and I ask that the letter be put in the record at this point.

Senator RANDOLPH. Yes. This letter will be placed in the record at this point.

(The document referred to follows:)

MIDTOWN BUSINESS ASSOCIATION,
Washington, D.C., June 16, 1964.

HON. LEE METCALF,
Subcommittee on Public Roads,
U.S. Senate Office Building, Washington, D.C.

DEAR MR. METCALF: The Midtown Business Association composed of owners and operators of business enterprises in midtown Washington, strongly oppose

the construction of the proposed inner loop in the heart of the Nation's Capital and respectfully urge that the project be abandoned for the following reasons:

(1) The proposed inner loop will be of no particular value to Washington taxpayers, residents, and an overwhelming number of its businessmen and industrial plant operators.

(2) It will bring an increase of taxes to Washington residents and businessmen to pay for freeways and highways which will benefit out-of-town people and businesses at the expense of Washingtonians.

(3) Such distinguished civic-minded organizations as the Fine Arts Commission, the American Institute of Architects, the Committee of One Hundred for the Federal City, the Interreligious Committee on Race Relations, and the Committee on Historic Monuments oppose this structure. These organizations have no mercenary interests for or against the inner loop and oppose it strictly on esthetic grounds and in behalf of the future of the Federal City and its residents and taxpayers. In contrast, organizations such as the Washington Board of Realtors, the American Automobile Association, the American Trucking Association, and the Highway Users Conference, all of whom will profit in one way or another, are vigorously promoting the inner loop.

(4) The inner loop will remove hundreds of additional acres of highly valuable real estate from the District of Columbia tax rolls. In a front page story on May 24, the Washington Post reported that 9,378 of Washington's 39,276 acres were now in highways and streets. This is nearly 25 percent of the city's total acreage. What other city devotes 25 percent of its area to streets and highways? It may also be pointed out that the District is limited forever to its 39,276 acres, whereas other cities have means of expanding their areas.

(5) As any map of the Washington metropolitan area will show, the Capital has more and broader highways leading into the downtown area and the Mall than any other city of similar size or population, particularly traffic coming into the city from the northeast. Between New Hampshire Avenue on the northwest end to South Capitol Street on the southwest end, there are Riggs and Sargent Roads, Eastern, Michigan, Rhode Island, and New York Avenues, Bladensburg Road, Kenilworth and Minnesota Avenues, East Capitol Street, the Anacostia Freeway, and Constitution and Independence Avenues and the Southwest Freeway, to name only the principal highways into downtown Washington and the Mall. What other city can boast so many and such broad routes into its heart?

(6) There are already three major interstate freeways, the Capital Beltway, No. 495; the Anacostia Freeway, No. 295; and the Southwest Freeway, No. 695 for interstate traffic between Maine and Florida through the less populated area of the city—all more direct and less time consuming than the proposed inner loop. Why a fourth freeway which will cause so much human suffering and economic disruption?

(7) Why spend millions for an apparently unneeded, and, as far as Washington residents and businessmen are concerned, unwanted inner loop, when millions are needed for new schools, hospital facilities, housing, public welfare, and other urgent public services? Whatever money is available for the inner loop can be channeled into more desperately needed projects by a simple act of Congress.

(8) The inner loop will force hundreds of families and scores of prosperous businesses and industrial plants into the suburbs (if not out of business) thus losing many urgently needed job opportunities and thousands of dollars in taxes to the District.

(9) Thousands of dollars in new buildings has been stopped because of the proposed inner loop—apartments and motels which would now be in operation and bringing taxes and providing homes for Washingtonians and to shoppers in downtown department stores and other businesses.

(10) The inner loop appears to be sponsored primarily by people who do not live in the District and pay no District of Columbia taxes, and professional people who are interested in the fees for their services and have no particular personal interest in Washington or its future.

We are, of course, wholeheartedly behind the President's plan to modernize Pennsylvania Avenue. As this proposal will cost many millions, the money saved, from the inner loop, if it cannot be used for new schools, hospital facilities, housing and welfare, can obviously be utilized for the Presidents' project.

Representatives of this association will be glad to meet with you or your you or your committee in behalf of this petition, at your convenience. We are enclosing pertinent charts for your information and guidance.

Respectfully yours,

JEROME MARKOWITZ, *President.*

REAL ESTATE ASSESSMENTS, D.C.DISTRICT OF COLUMBIA TOTAL AREA: 39,276 AcresHIGHWAYS AND STREETS

1935- 8,074 Acres

1963- 9,378 Acres

Gain - 1,304 AcresFEDERAL GOVERNMENT

1935-10,978 Acres

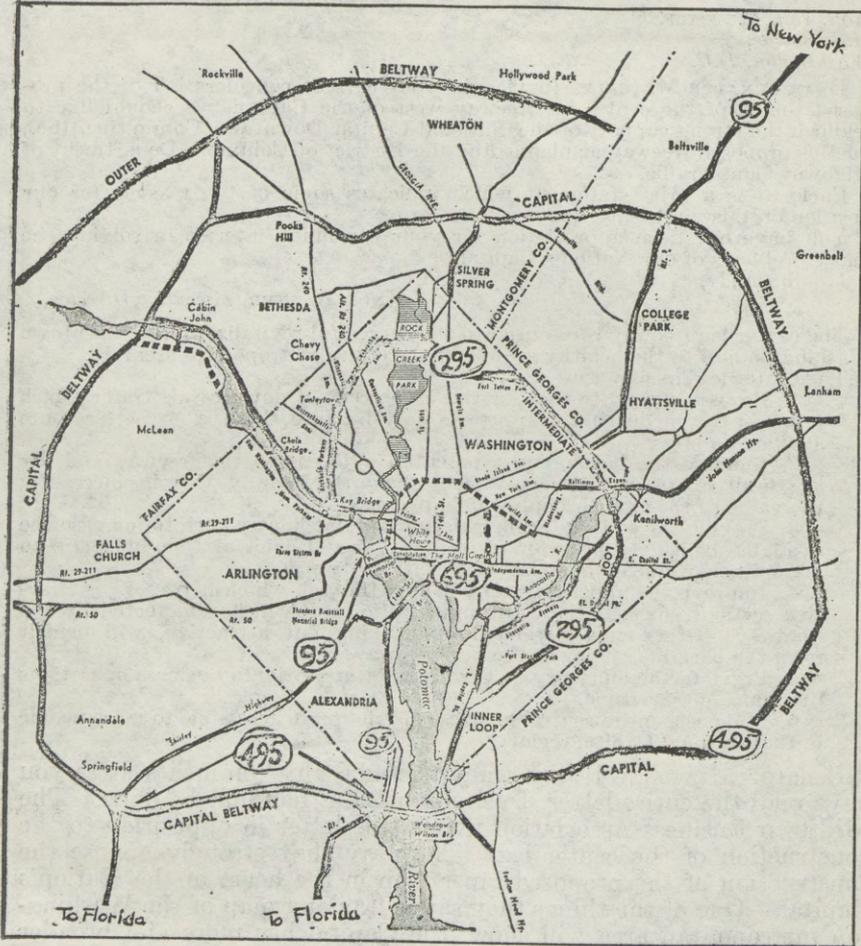
1963-13,271 Acres

Gain- 2,293 AcresD.C. Government, Schools, Parks,
Playgrounds, Churches, Embassies, Etc.TAXABLE REAL ESTATE

1935-17,988 Acres

1963- 14,120 Acres

Acreage Lost - 3,868 Acres



Senator METCALF. I have also received a letter and accompanying statement from the National Capital Downtown Committee, Inc., which I would like to include in the record at this point.

Senator RANDOLPH. Without objection it will be entered in the record.

(The documents referred to follow:)

DOWNTOWN PROGRESS,
Washington, D.C., June 18, 1964.

HON. LEE METCALF,
U.S. Senate,
Washington, D.C.

DEAR SENATOR METCALF: In view of your current consideration of the proposed tunnel of the center leg freeway west of the Capitol, we should like to reaffirm the strong support of the National Capital Downtown Committee, Inc., for this proposed freeway as planned by the District of Columbia Department of Highways and Traffic.

Enclosed is a brief statement which indicates some of the reasons for our position on this vital matter.

You have our deep appreciation for your continued interest in solving the many problems of our Nation's Capital.

Sincerely,

KNOX BANNER, *Executive Director.*

The center leg freeway is essential to the successful revitalization of downtown Washington and to the healthy growth of the entire metropolitan area.

The center leg freeway can—

1. Provide a good bypass for the 59 percent of downtown's traffic which is presently on our business streets only because there is no better route available.
2. Increase the development potential adjacent to the freeway and, by use of air rights, permit development above the freeway, thereby increasing the value of the area through which it passes.
3. Provide the setting for high-rise apartment houses both to increase the available housing supply for residents of the District of Columbia and to attract new residents back into the central city.
4. Improve the appearance of the area through which it passes. Attractive sections, such as the Mall and Capitol Hill will be unaffected by the roadway. Other areas, which are anything but attractive, will benefit from the parklike setting of the new freeway.
5. Promote the efficiency of Government and private business operations by reducing traveltime.
6. Make the entire central business district more accessible to more people in the National Capitol region.

Senator METCALF. If you want to make any comments after you have read the entire letter, I ask permission that that be done. The Midtown Business Association writes this letter in opposition to the construction of the center leg. They say they strongly oppose the construction of the proposed inner loop in the heart of the Nation's Capital. One of the things they say is "As any map of the Washington metropolitan area will show, the Capital has more and broader highways leading into the downtown area and the Mall than any other city of similar size and population, particularly traffic coming into the city from the northeast."

Then are enumerated the various routes coming in. "What other city then can boast of so many and such broad routes into the heart of the city?" Would you comment on that? Doesn't that answer the chairman's statement that we are behind in the construction of interstate approaches?

Senator RANDOLPH. I didn't say that. That is the statement of Mr. Whitton.

Senator METCALF. Your response to the chairman's question indicates we are behind.

Mr. WHITTON. It is my opinion that we are behind in this area in the construction of approaches to this city. I would like to have the opportunity of reading that letter and replying to it formally.

Senator METCALF. You said in your statement that if this inner loop were not constructed, and I suppose if permission is not granted that the tunnel—

Mr. WHITTON. Senator Metcalf, are you talking about the inner loop now or are you talking about the center leg?

Senator METCALF. I am talking about the center leg.

Mr. WHITTON. Yes, sir.

Senator METCALF. If it were not constructed there would be an extra travel distance. Now how much is it going to cost to construct the center leg?

Mr. WHITTON. Senator Metcalf, I don't have that accurate figure. We could ask General Duke or we could ask Mr. Airis at this point if you would like to.

Senator METCALF. In hearings before the District of Columbia Committee, it was reported that it would cost \$71,150,000 for the construction of, I believe, 1.8 miles.

Mr. BARNETT. How much?

Senator METCALF. \$71,150,000. Now isn't there some formula you have in the Bureau of Public Roads to determine the feasibility of such a program?

Mr. WHITTON. Yes, sir. We have what we call the cost-benefit formula that we apply to various construction jobs; yes, sir.

Senator METCALF. Now have you made a survey of the extra travel distance and so forth to justify the extra cost of \$71 million?

Mr. BARNETT. That, sir, will be the economic data that the District submits to the Bureau of Public Roads as part of their justification for this expenditure.

Senator METCALF. None of that has been submitted?

Mr. BARNETT. Sir, it is not only the extra travel distance. It is also the fact that if this isn't built, you then have to increase the capacity of the belt to take the additional traffic, or you increase the capacity of the streets to take the additional traffic. There is no question that we are having a steady increase of about 6 percent per year in the travel on all our streets. In fact, right now it is getting more difficult to travel through the central area of the city of Washington in the nonrush hours than it is in the rush hours.

The pattern of developing traffic is getting so that the traffic is spread over the entire day now simply because it is impossible to get through in 1 hour or 2 hours, and there is no question that 20 years from now the situation will be just impossible, even though we assume a complete mass transit system built in the city, and that is brought out in both these reports to which Mr. Whitton referred prepared by the National Capital Planning Commission and the National Capital Regional Planning Council, because the requirements of the freeways in those reports assume a mass transit, and you need both.

There is no question about that.

Senator METCALF. Now this would all be part of an economic study to be submitted to you on the cost-benefit relationship of this justifying this expenditure of \$71 million?

Mr. BARNETT. Yes, sir.

Senator METCALF. And it has not been submitted?

Mr. BARNETT. Not formally. The plans, specifications, and estimates in their final form have not been submitted to us yet. But as a practical measure, while legally we can wait until the plans, specifications, and estimates are completed before we tell a State (in this case the District of Columbia), approved or disapproved. That would be a very poor way of administering a program of this character.

Instead we have a division engineer in each State, including the District of Columbia, who works closely with the highway department during all the development stages.

Senator RANDOLPH. And we have that in the States.

Mr. BARNETT. Of course.

Senator RANDOLPH. Yes.

Mr. BARNETT. It would be an impossible situation if they waited until the last minute and then took all the time necessary to review what a State does. They work right along with the State and more or less give them tentative approval in each State.

In the particular case tentative approval of the center leg has been given ever since 1955 when it was first designated.

Senator METCALF. Now you do have then some information upon which you can base feasibility?

Mr. BARNETT. Yes, sir.

Senator METCALF. And can you supply that information as against your formula for the record?

Mr. BARNETT. I am sure the District can, and I am sure that our division office has it. I don't have it.

Senator METCALF. Mr. Whitton, as the chairman has suggested, has frequently told the State of Montana that a certain route or a certain underpass or a certain cloverleaf isn't justified because of the traffic situation or the saving doesn't justify the extra cost. Whether he tells it after a formal presentation or informally as a result of approximate figures, he makes that decision for every one of our States, and you must have made that decision for the District of Columbia, or you wouldn't be in here.

What I am trying to find out is how you can justify such an expenditure of \$71 million for 1.8 miles. It seems to me it takes a lot of extra travel, and a lot of rerouting, especially in view of this contention of the Midtown Business Association that there are more routes into the heart of this city than any other city of comparable size in the United States.

Mr. WHITTON. We will furnish that information for the record. (The supplementary information referred to follows:)

U.S. DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., July 1, 1964.

HON. JENNINGS RANDOLPH,
Chairman, Subcommittee on Public Roads,
Committee on Public Works,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to the request of the subcommittee at the recent hearings on H.R. 10392, I am pleased to furnish for the record General Duke's letter of June 22, 1964, to me commenting on the objections of the Midtown Business Association to the inner loop. This letter is accompanied by an

enclosure entitled "Impact of Highway Program on Real Estate Tax Revenues."

I trust this is the information you desire, and if we can be of any further assistance, please do not hesitate to call on us.

Sincerely yours,

REX M. WHITTON,
Federal Highway Administrator.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., June 22, 1964.

Mr. REX M. WHITTON,
Federal Highway Administrator,
U.S. Bureau of Public Roads,
Washington, D.C.

DEAR MR. WHITTON: I am pleased to comment on the June 16 letter to Senator Lee Metcalf from the Midtown Business Association indicating their objections to the proposed inner loop.

Since the objections contained in the 10 numbered paragraphs are somewhat repetitive, I will summarize the main points raised, rather than attempt to categorically answer each paragraph.

In regard to the value of the inner loop, I would like to point out as I did in my recent testimony that the inner loop is an essential link in the Interstate Freeway System. The inner loop here in the District has received the approval of the U.S. Bureau of Public Roads and it is a comparable facility to similar inner loops being constructed in most other major cities in the United States. Specifically, the inner loop will serve to distribute traffic destined for the District into the downtown area, thereby relieving the city streets from the choking traffic congestion which otherwise will continue to worsen. We feel its construction will be of value to Washington businessmen and residents, and that it is definitely in the overall public interest.

Since all highway construction is financed from users taxes (gas tax, etc.), the statement that Washington residents and business will bear the cost is in error.

Although there has been some opposition to the center leg from a few organizations, the overwhelming majority, including all of the official agencies responsible for transportation planning, have been in favor of the project.

In connection with Mr. Markowitz' comment on the tax loss due to the inner loop, I would like to point out his belief is contrary to actual experience of other cities and it is specifically contrary to our experience to date in areas adjacent to our Southwest Freeway and the so-called "Foggy Bottom" area adjacent to elements of the Potomac River and E Street Expressways.

Our experience in this respect was recently furnished Subcommittee No. 6 of the Committee on the District of Columbia, House of Representatives, in hearings held on May 18 and 25, 1964. The data appear on page 55 of the hearing record, and since it succinctly summarizes experience to date here in Washington, I am appending an excerpt for ready reference.

I am in agreement with Mr. Markowitz that the District has a number of serviceable arterial streets, but there is no refuting the fact that they are presently heavily congested with traffic and will become more so unless proper additional facilities are authorized and built.

In regard to the comment on displaced families and businesses covered by this improvement, I would like to note that the District government is dedicated to holding the number of such cases to a minimum by studying all practical alternative routings. Once the route is adopted, however, we will lessen the impact on those affected by all means at our disposal. In this connection, we see a tremendous potential for minimizing displacement and increasing the tax base through development of the use of air rights over freeways.

In conclusion, I would like to point out again that the inner loop and the center leg in particular, have the solid support of the great majority of the District organizations such as Downtown Progress, the Washington Board of Trade, and others, and that we are convinced that this improvement is definitely in the overall public interest.

Sincerely yours,

C. M. DUKE,
Brigadier General, U.S. Army, Engineer Commissioner.

Enclosure.

IMPACT OF HIGHWAY PROGRAM ON REAL ESTATE TAX REVENUE

The Bureau of Census recently reported that the Washington region has experienced the most rapid growth since 1960 of any metropolitan area in the United States. In the District of Columbia the growth in mainly reflected in more intensive land use, created through the replacement of old, obsolete structures by modern buildings. Private enterprise both unaided and in conjunction with urban renewal has undertaken the major share of this rebuilding. One of the main factors attracting investment capital within the central city is the accessibility to/from all parts of the region. In order for this renewal activity to continue it must be accompanied by improved access. Undoubtedly some redevelopment would take place if no new freeways were constructed, but it is unlikely that it would be at the same rate as is being experienced. This additional incentive to growth can be expected to more than offset the initial loss in tax revenue where land is acquired for highway purposes.

The experience in two areas where land was acquired for freeways, Foggy Bottom area (unaided private development) and Southwest (private development through the urban renewal program) is as follows:

In the Foggy Bottom area (bounded by L Street and Pennsylvania Avenue on the north, 24th Street on the east, F Street on the south, and the Rock Creek Parkway on the west minus the one square which will be in the Columbia Plaza urban renewal project) the real estate tax revenue collected in 1959, before the right-of-way taking for the Potomac River Freeway, was \$281,387. The taking for the freeway reduced potential tax revenue by \$33,096 at 1959 rates and assessed valuations. The 1964 estimated real estate tax revenue for the same area is \$724,824 or slightly over 2½ times the taxes collected in 1959 before the freeway taking. The 1964 estimate does not take into consideration the planned \$45 million Watergate Towne project which is within the area. This project will further increase real estate tax revenue by an estimated \$550,000 annually. For purposes of comparison, the 1964 estimated real estate tax revenue for the entire District of Columbia was 1½ times the amount collected in 1959. During the period 1959 to 1964, the real estate tax rate increased from \$2.30 per hundred assessed valuation to \$2.50 per hundred.

In the southwest urban renewal area the assessed valuation of taxable properties, according to the Redevelopment Land Agency, was \$27,029,000 before redevelopment and the right-of-way taking for the Southwest Freeway, and is estimated to be \$143,563,000 after redevelopment and construction of the freeway. This later value is 5½ times the former. The land taken for the freeway from the Washington Channel crossing to South Capitol Street on the east and Independence Avenue on the north, had an assessed valuation of \$2,444,900; however, due to the diversion of traffic from local streets to the freeway, a net of 37 acres of highway right-of-way was turned over to the Redevelopment Land Agency for redevelopment. It should be pointed out that due solely to the Federal office building complex within the renewal area the amount of taxable land within the area was actually reduced by a net of 6.4 acres.

Senator METCALF. Now I am pleased that this proposed tunnel, if it is built, will extend on beyond Independence Avenue and pass the Rayburn Office Building. I feel that that would be very necessary. I went down and looked at some of these tunnels that you talked about that we could compare, and it seems to me that at the edge of the Capitol Grounds over by the Esso Building and over by the Rayburn Building there is going to be a maze of roads coming in and coming out. How much ground are you going to take at each end?

Mr. WHITTON. We haven't seen those design plans yet, sir.

Senator METCALF. You haven't seen the designs?

Mr. WHITTON. No, sir. We will just say we haven't seen the plans or the detail of the design.

Senator METCALF. Probably, Mr. Chairman, most of these questions should be addressed to General Duke.

Mr. WHITTON. Yes, sir.

Senator RANDOLPH. I think that would be a better procedure.

Senator Cooper?

Senator COOPER. Mr. Whitton, part of the argument in your statement rests upon the necessity for completing the defense highway system, better known as the Interstate Highway System.

Mr. WHITTON. Yes, sir.

Senator COOPER. Has this center leg been designated as a part of the Interstate System.

Mr. WHITTON. Yes, sir.

Senator COOPER. When was that done?

Mr. WHITTON. The original designation was shown in this booklet that was published in September 1955.

Senator COOPER. I don't want to take up too much time, but would you outline step by step the procedure followed for the approval of a segment of the Interstate Highway System, particularly as it refers to the District of Columbia.

Mr. WHITTON. Yes, sir. On September the 15th, 1955—

Senator COOPER. Without going into dates, what procedures are followed?

Mr. WHITTON. I would like to ask Mr. Barnett to give you that.

Mr. BARNETT. The September 1955 designation was done at the request of the Bureau to complete the then 40,000-mile system. A few thousand miles were reserved for routes into, through, and around urban areas, and all the States submitted their requests.

They were analyzed by the Bureau, and those that were approved by the then Commissioner of Public Roads were documented in this yellow book that Mr. Whitton spoke about. That simply designated a general location for the system to insure their continuity and their integration, which is, of course, in accordance with the Highway Act.

Subsequent to that, for each designated route, there is an appeal by the State highway department for a corridor location.

That doesn't tie it down to a street.

Senator COOPER. Let's just apply it now to the District of Columbia.

Mr. BARNETT. Yes, sir.

Senator COOPER. With respect to this center leg?

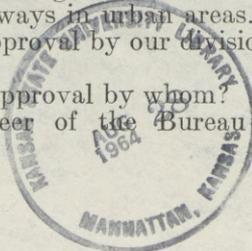
Mr. BARNETT. Right. They in turn submitted a map to our division office showing the Interstate System for the District of Columbia. I have a copy of that map here, and in that map is included the outer belt, the radial routes between the outer belt and the inner belt, the inner belt itself, and the center leg.

This is still given tentative approval, and that sets the corridor concept of the center leg. It could be shifted one block either way. Of course in a rural area it could be shifted a half a mile either way but in an urban area it might be a shift of one block, depending upon a more detailed analysis particularly of costs, its effect on the neighborhood, the kinds of property that would be destroyed, the kinds of property that could be saved by minor shifts.

This analysis includes all the engineering and socioeconomic effects that go into the construction of highways in urban areas. This has also been done and given tentative approval by our division office, so that right now the center leg—

Senator COOPER. Given tentative approval by whom?

Mr. BARNETT. The division engineer of the Bureau of Public Roads.



Senator COOPER. In the District of Columbia?

Mr. BARNETT. Yes, sir. Then this is sufficient—we don't give final approval until there is a public hearing, and the Highway Department has considered the material that has been submitted at the public hearing, and has considered the economic effects of the location.

Senator COOPER. Now have public hearings been held?

Mr. BARNETT. A public hearing was held on September 23, 1963.

Senator COOPER. What is the next step?

Mr. BARNETT. The next step is awaiting a formal proposal by the District Highway Department for final approval, and Mr. Whitton has indicated to the Highway Department that since this particular location crosses the grounds of the Capitol, he would not give such approval until, while we were satisfied with the location, he would not give such formal approval until the Congress enabled, passed legislation enabling, the highway to be constructed across these grounds.

That is the reason for the bill in front of you now.

Senator COOPER. Is the approval of the District of Columbia Commissioners required?

Mr. BARNETT. They made the proposal to us.

Senator COOPER. Have the Commissioners of the District of Columbia approved this center leg?

Mr. BARNETT. You might ask General Duke. I imagine they have or they wouldn't have proposed it to us.

Senator COOPER. Are funds available?

Mr. BARNETT. Federal funds are available.

Mr. WHITTON. Yes.

Senator COOPER. Do you know whether District funds are available?

Mr. WHITTON. I don't know, Senator.

Senator COOPER. Have any detailed plans been prepared showing the location and the specifics for this center leg?

Mr. BARNETT. In sufficient detail for us to approve the location between Third and Second Streets and the location that is before you for this tunnel. In more detail you will have to ask the District.

They probably have later plans than the ones I saw.

Senator COOPER. Have you seen the specific plans yourself?

Mr. BARNETT. I have got some old plans here which have not been changed as I understand it for a couple of years now, between Third Street and Second Street.

Senator COOPER. Why hasn't the center leg been approved by the Bureau of Public Roads?

Mr. BARNETT. I tried to explain, Senator, that the administrator would not give formal approval until we were sure that it could be built, and it could not be built without enabling legislation from this committee to construct it under the Capitol Grounds.

Senator COOPER. Do you know whether or not alternative plans have been suggested such as extending the tunnel, which is proposed to go under the Capitol Grounds, through a longer portion of the center leg, rather than constructing a depressed highway?

Mr. BARNETT. No, sir. Of course, when you extend the tunnel the cost mounts up.

Senator COOPER. Mr. Whitton, you said in your statement, and I read on page 1:

"While this tunnel will in no way disturb the appearance of these grounds" referring to the Capitol Grounds, you then said that of course you have not seen the plans or the design. I think you said that.

Mr. WHITTON. Yes, sir.

Senator COOPER. With all due respect you express the judgment without having seen the plans or any designs that the tunnel would not affect in any way the appearance of the Capitol Grounds. Don't you think that we have some responsibility to determine from models or from plans whether or not it would affect the appearance of the Capitol Grounds or that portion of lands which are adjacent to the Capitol Grounds?

Mr. WHITTON. Senator, I certainly do think that you have some responsibility, and I am sure that is why I am here this morning trying to convince you that it will be feasible and it will not deter from the general appearance of the Capitol after it is completed, and will render service to the people who want to come to the center part of the city.

Senator COOPER. You said you haven't seen any plans. You haven't seen any model of course.

Mr. WHITTON. No, sir.

Senator COOPER. I was very much interested the other day in hearing General Duke and others say that they were not able to give any specific information on these points. I was also interested to learn that no one has been able, except under a good deal of pressure, to find out what the cost would be. Wouldn't that be a fundamental fact that the Bureau would know?

I think the other day I asked this of General Duke and he wasn't able to give me an estimate of the cost. That was last week.

Mr. WHITTON. This project has not proceeded to the stage where a factual estimate is available. They have made estimates of their judgment of what the cost will be based on other tunnels and experiences but the actual detailed plans for this have not been prepared, pending approval by the Congress, and until they are prepared, our estimates are going to be rather vague but I think close enough for us to determine that the project is justified. I haven't seen the estimate myself, but I think Senator Metcalf said that the District had used the figure of \$71 million, didn't you, Senator?

Senator METCALF. That was the testimony that was presented.

Mr. WHITTON. And no doubt that will be the estimate that we will use in the cost-benefit determination. As the Senator spoke so wisely, we sometimes say you can't do it. It costs too much for the service rendered, and I have to admit to having made some of those statements, perhaps with reference to Montana.

But there will be a detailed estimate prepared. There will be an estimate on which we can be sure of ourselves.

Senator COOPER. Is it correct that it will be necessary to build access roads from this proposed depressed freeway connecting the tunnel on either side of the Capitol Grounds.

Would you have to have roads that move into this highway?

Mr. WHITTON. Senator, I think that close or nearby the exits or the mouths of the tunnel there should be roads that you could get

off of the open freeway and drive into the central district, and also that you can get on to the expressway. Again I am not trying to dodge anything, Senator. I am not going to testify to anything I don't know.

Senator COOPER. Yes, I understand that, Mr. Whitton. I understand that very well.

Mr. WHITTON. I wish you would understand.

Senator COOPER. I have great confidence in what you say.

Mr. WHITTON. Thank you, sir. I have not seen the detailed plans or the proposed plans for an entrance beyond the tunnel. Personally I think there should be, but whether we can work it out in this particular area, and how it can be worked out, I don't know yet.

Senator COOPER. There is a possibility that at the entrance to the tunnel, you would have a complex of roads which would lead out from the highway into the streets.

Mr. WHITTON. Yes, sir; I think it is probable that there will be some kind of an interchange so that you can get on and off of the Interstate System near the north end and near the south end of the tunnel, so it would adequately serve the area.

Senator COOPER. That would be very near the Capitol grounds?

Mr. WHITTON. Perhaps Mr. Barnett has seen that, Senator?

Mr. BARNETT. Senator Cooper, if I were designing the freeway, and from what I have seen up to now this would be the logical design, take the portal north of the tunnel north of Constitution Avenue. I would prefer to take, and I think they will take, all the right-of-way between Second and Third Streets. Second and Third Streets remain as they are now, serving the adjoining land, and at the same time serving the freeway. By means of slip ramps you go to and from the freeway to either Second Street or Third Street and thus have access to all the cross streets.

This is a proven type of freeway for urban areas where the cost of right-of-way is very high. The cost of land in the District of Columbia is very high, not only for first cost but we would naturally want to take as little land out of the tax rolls as possible. So an engineer would not normally design a complex with a lot of inner loops and things of that nature, but would choose the type of design that would take as little land as possible, and that is the type of design that would probably be used. But General Duke probably has the latest design on that.

I am sure they must have a preliminary design and a preliminary estimate on this by now.

Senator COOPER. Would there be very much noise at the entrances to these tunnels?

Mr. BARNETT. There will be very much noise but no more noise than there is on the streets of the District today. We have made tests in that direction. Continuous moving traffic actually makes less noise than stop and go traffic, and with the tunnel, of course, you will have the advantage of not having noise on the Capitol Grounds.

Senator COOPER. What do you do about fumes in the tunnel?

Mr. BARNETT. A tunnel of this length will require artificial ventilation, and there is nothing mysterious about that. It has been done in several cities.

Senator COOPER. Has there been any model constructed or specific plans to show—

Mr. BARNETT. We have not seen any model.

Senator COOPER. That is all.

Senator RANDOLPH. Senator Fong.

Senator FONG. Would we, coming up Constitution Avenue, notice the entrance of this north tunnel, the north end of the tunnel?

Mr. BARNETT. That is right, north of Constitution Avenue.

Senator FONG. It will be north of Constitution Avenue, but, driving up Constitution Avenue, would we notice the autos?

Mr. BARNETT. Would you notice what?

Senator FONG. Notice the entrance, the north entrance, or would it be so far away that we won't even know that it exists?

Mr. BARNETT. I should think as you pass between Second and Third Streets you will notice nothing to the right, which is the Capitol Grounds, nothing to the south, but to the north you will notice this depressed freeway.

Senator FONG. A depressed freeway?

Mr. BARNETT. Yes, sir.

Senator FONG. Where does the depressed freeway start?

Mr. BARNETT. At the north, as I understand it, at the north boundary of Constitution Avenue.

Senator FONG. Is it possible to go north a little further?

Mr. BARNETT. General Duke is wagging his head no. I may have the wrong information. That is the latest plan that I have.

Senator RANDOLPH. I think that certain of these questions should be reserved for the District officials to answer. I don't mean to stop the questioning. I want that to proceed. But I think we have repeatedly heard you say, Mr. Whitton and Mr. Barnett, that certain questions as to the detailed planning and so forth—

Mr. BARNETT. Mr. Whitton and I hope you know that we are not trying to dodge the issue, Senator. It is just when we don't know we had better say we don't know.

Senator FONG. I will reserve the question. Mr. Whitton, as I understand it, the Interstate Highway will be completed by 1970, is that correct.

Mr. WHITTON. 1972, Senator.

Senator FONG. 1972?

Mr. WHITTON. The latter part.

Senator FONG. And you expect as the coordinator of the public roads program that all of these highways are to be completed?

Mr. WHITTON. Yes, sir.

Senator FONG. And if they are not completed, then the moneys that have been reserved and the roadways, the mileages that have been reserved for the various States will be eliminated; is that correct?

Mr. WHITTON. At that time if the interstate highways are not completed by October and the money paid as we understand it by October 1972, then the law becomes nonexistent, and we revert back to the status before the Congress passed the law in 1956, and all roads then will be completed on a 50-50 basis as we understand it now.

The Congress can change that.

Senator FONG. Now as far as the District of Columbia is concerned, if this doesn't go through by 1972—

Mr. WHITTON. And completed.
Senator FONG. The District of Columbia will be losing \$70 million, is that correct.

Mr. WHITTON. Yes, sir.

Senator FONG. Now let me ask you this question. With your knowledge of the system and how it is operated, could you foresee difficulties in an extension of the law whereby one State would be allowed to complete its highways at a date subsequent to 1972.

Mr. WHITTON. My personal opinion is that I don't think we ought to talk about extending it. If we talk about extending the law then some States are going to let up on their push to get the job done, and I just won't talk about it.

Senator FONG. So as an expert and as a coordinator of this program, you would advise that everything be closed as of that date, is that correct?

Mr. WHITTON. Let's just don't talk about it, Senator. Let's say that as far as the law is concerned we have got to complete it by October 1972, and as we approach that date, we will reassess what is the wise thing to do.

Senator FONG. I bring up this question because we have a problem in Hawaii continuing the Interstate System subsequent to its beginning.

Mr. WHITTON. Yes, sir.

Senator FONG. One of my colleagues says that because we came in late there is a possibility of extending it. I maintain that it is going to be very, very difficult to maintain—

Mr. WHITTON. I hope you keep that position.

Senator FONG. Thank you. That is all I have.

Senator RANDOLPH. We would ask you, Mr. Whitton and Mr. Barnett, to continue to be present at the hearing this morning for possible supplementary information.

Mrs. Rowe, will you come forward please and give us the help which we know you will be able to supply. Mrs. Rowe, will you give your correct name and the position you hold, please.

STATEMENT OF MRS. JAMES H. ROWE, JR., CHAIRMAN, NATIONAL CAPITAL PLANNING COMMISSION

Mrs. ROWE. Yes; I am Mrs. James H. Rowe and I am the Chairman of the National Capital Planning Commission. I am very pleased to be invited. I have no formal statement, Mr. Chairman. The legislation that the committee is reviewing today has not been formally before the Planning Commission nor has the precise alinement of the center leg which is reflected in the legislation that you are considering today.

The Planning Commission has of course over the years had on its maps and proposals the general concept of the center leg of the inner loop, but we have never taken any action on its precise alinement.

There has been a great deal of concern in the Planning Commission because of its effect on the Capitol Grounds and on the city as to just how the center leg should be designed and where exactly it should go.

In approving funds which the Planning Commission does regularly in its review of the Capital budget of the District, the Planning Commission has stated over several occasions, and reiterated again

this year, its concern for just how this proposed route should be built. I want to quote a little language to you:

In approving the funds for the center leg the Commission did so on the provision that before bids for construction are advertised, the Commission shall approve a model of the project indicating the architectural treatment of the center leg. An objective of the design of the project shall be to enhance the beauty and the livability of the city.

Now, one of the Planning Commission's responsibilities is to review the capital expenditures proposed of the District. We have in addition in the basic statute of the Planning Commission, which the Commission acts as the city's planning agency, fiscal planning agency and also the agency for fiscal planning of the Federal establishment in the region.

One of the charges that our basic statute gives us is the preparation of the comprehensive plan for the city, including the thoroughfare plan. If I might read to the committee some of the language of that in the law:

The major thoroughfare plan may include established and proposed routes. Following the preparation and adoption by the Commission of the major thoroughfare plan or parts thereof, it shall be submitted to the Board of Commissioners of the District of Columbia, and if approved by the said board shall be deemed to be the approved plan. Revisions in the major thoroughfare plan or parts thereof shall similarly require the adoption by the Commission and the approval by the Board of Commissioners of the District of Columbia.

I read this only to emphasize that under the statute establishing the Planning Commission, there is a large measure of responsibility residing in the Commission for review and approval of all the thoroughfare planning in the city, and obviously this is a very important part of it.

Now as far as this particular tunnel is concerned, perhaps this is the best location, but the Commission hasn't had an opportunity to review it. Our concern is not limited just to where the tunnel might go under the Mall itself, but what is going to happen on either end.

I know Senator Cooper mentioned, and Senator Fong too, the north end of the proposed tunnel, and what it would do to the approaches to the Capitol from an esthetic point of view. The Planning Commission of course must be concerned not just with the esthetics but with how the people in the city are going to live. This is going to be a big relocation problem. We can't determine it when we have no precise information on just where and how extensive the proposed route is going to be. As I say, we have agreed in the past to the general concept, but we have asked for a model preliminary to final approval.

I would be glad to answer any questions.

Senator RANDOLPH. Thank you, Mrs. Rowe. As I understand it the Planning Commission has given its approval to the general plan for the center leg?

Mrs. ROWE. That is correct.

Senator RANDOLPH. What was the vote in that approval?

Mrs. ROWE. Well, it has been on the books for some time as a general concept. In 1959 the Planning Commission prepared the mass transportation survey. I don't know what the vote was at that time.

Senator RANDOLPH. You will provide that for the committee?

Mrs. ROWE. Yes; when it first appeared on the Planning Commission's agenda as a part of the District budget, all of the members of the Commission with the exception of myself supported the inner loop. It is not the first time I guess that a chairman has been outvoted, but since then the inclusion in the District budget has been unanimous with the proviso that we first have a model before any construction is advertised, any bids for construction.

Senator RANDOLPH. I think at this point the chairman would like to say that it was his understanding that congressional authorization of the tunnel is permissive. It does not force the construction or alinement if the other responsible agencies do not approve the specific alinement. I would like to have the record indicate this.

I have no further questions.

Senator METCALF?

Senator METCALF. Mrs. Rowe, how long have you been on the Commission?

Mrs. ROWE. A little over 3 years.

Senator METCALF. Someone on my staff or someone dug out that the first proposal before the National Capital Planning Commission was submitted in 1950.

Mrs. ROWE. That was long before my day.

Senator METCALF. Yes; and I am informed that it was rejected at that time, both by the Commission and by the Highway Department and the District of Columbia Commissioners because of excessive cost.

It wasn't until we had the Interstate Highway so that we could have 90 percent, or roughly 90 percent, paid by the Federal Government that this proposal came back again to the Commission with recommendation from the Commissioners. Perhaps I should address this to Mr. Duke too.

Mrs. ROWE. You are a better historian than I, Senator Metcalf.

Senator METCALF. This is not my material. This is just material that was dug up by the people on the staff. I have been running back and forth to the Senate floor as the rest of the Senators have in the last few days, answering quorum calls and roll calls and haven't had time to dig this material out. I am concerned as you have expressed yourself, concerned as to the exits and entries that Mr. Whitton and Mr. Barnett talked about, the cloverleaves or the ramps or whatever they are going to be at the entrances and exits of this tunnel over by the Esso Building or wherever it is going to be and by the Rayburn Building.

I suppose that was the concern of the Commission.

Mrs. ROWE. That is the reason we asked for the model, because it is very difficult to determine just what a road is going to look like if you see it only in two dimensions, as just a line on a map. We find that having a model is of great service. Recently we have been reviewing the county center site. We have a model there not only of the building itself but of the roads and the approaches. It is of invaluable assistance to have something in three dimensions. Perhaps a well-trained engineer can project the third dimension from two, but for most of us it is a real necessity to have a model to work on.

Senator METCALF. So this approval by the Commission which is required by statute—is that what your testimony was?

Mrs. ROWE. Yes, sir.

Senator METCALF. Has been tentative and conditioned upon the submission of a working model?

Mrs. ROWE. That is right. The Commission didn't want to delay any planning and approve the planning funds, but felt that before any construction was started or bids for construction were advertised, that there should be a model that could be reviewed, and the District Highway Department was agreeable to preparing a model, but it has not yet been prepared. We haven't seen it.

Senator METCALF. Apparently you are in the same position as the Bureau of Public Roads in not having seen the final plans.

Mrs. ROWE. That is correct.

Senator RANDOLPH. Thank you, Senator Metcalf.

Senator Cooper?

Senator COOPER. The statute will speak for itself, but is it your statement that the National Capital Planning Commission must give its approval of the center leg before its construction could be undertaken?

Mrs. ROWE. I believe so under the statute under which we operate.

Senator COOPER. The approval that you gave concerns only general concept of the center leg?

Mrs. ROWE. That is right.

Senator COOPER. Has the Commission given its approval, its final approval, for the construction of the center leg?

Mrs. ROWE. No; we haven't because we haven't had the model which we asked for.

Senator COOPER. Has the Commission asked the District Highway Department to furnish plans or models of the design of the center leg?

Mrs. ROWE. Yes, in our budgetary review of the District's proposed capital expenditures budget for the last 3 years we have asked for the model before any construction was started, and they are not at the stage yet as I understand it to advertise for construction bids, and I gather we will get the model. But this is preliminary to any final approval.

Senator COOPER. Do you know whether or not in the past years there have been discussions between the District authorities and the Capital Planning Commission and any committees of the Congress respecting authority for this tunnel.

Mrs. ROWE. I don't know, Senator. I know that there has been informal conversation. We have formally had the tunnel before the Commission and a precise alinement. It has been part of the general concept that there should of course be a tunnel and not a surface or a street or an open cut across the Mall.

Senator RANDOLPH. Thank you, Senator Metcalf and Senator Cooper.

I want the record to show that I was very specific in speaking of your approval of a general plan. Thank you very much, Mrs. Rowe.

Mrs. ROWE. You are very welcome.

Senator RANDOLPH. Mr. Walton, please. Mr. Walton, will you give your name, title, and the Commission you represent, sir?

STATEMENT OF HON. WILLIAM WALTON, CHAIRMAN,
COMMISSION OF FINE ARTS

Mr. WALTON. I am William Walton, Chairman of the Commission of Fine Arts. I also have laryngitis so my testimony may be rather blurred. My Commission is entrusted, as you know, with the preservation and development of the beauty of the Federal sections of the District of Columbia. We by common agreement look on the Mall as the center of our inherited beauty and one that we wish to protect the most, so that we have quite strong views about what highways cross or encroach or do not encroach on that area.

There are already two tunnels under the Mall, both of which we think are a great addition to the beauty, because they divert traffic from the surface underground. In general we feel this about the center leg, that in principle it would be a step toward preserving the surface beauty. There are already long lines of trucks thundering across the Mall at Sixth and Fifth Streets.

If those were to be underground we think it would be a great improvement. However, we have severe reservations about the design of a tunnel as close as this proposed one is to the Capitol, and in considering it we think one of the great difficulties is the flaw in the planning process. We as the Commission of Fine Arts never see a plan until it is so advanced that we couldn't modify anything but superficial details such as railings and the tailings of ramps and other things on the ground that so many millions have already been committed to a project that any change was impossible. We have a strong feeling that we should be consulted much earlier in the process, not at great expense to the agencies involved, because the submission of preliminary sketches, of discussing locations, because a hole or trench visible on either side of the Capitol is definitely an unesthetic sight that affects the entire landscape.

That in general is our position about the center leg which is under consideration. I will be happy to discuss anything else that you like.

Senator RANDOLPH. Mr. Walton, what is the statutory responsibility of your Commission?

Mr. WALTON. It is defined under two acts. I believe that we have control of the design for all roads and buildings in the District of Columbia, and designs of buildings facing Federal property, and of bridges and other public structures of that nature.

Senator RANDOLPH. Senator Metcalf.

Senator METCALF. I have no questions.

Senator RANDOLPH. Senator Cooper.

Senator COOPER. I would like to ask that there be placed in the record at this point the statutes which define the authority of the Fine Arts Commission.

Senator RANDOLPH. Yes, we will have that included.

(The document referred to follows:)

UNITED STATES OF AMERICA

THE COMMISSION OF FINE ARTS

Established by Act of Congress, May 17, 1910

*Let Your Watchword
Be Order
and Your Beacon Beauty*

—DANIEL BURNHAM, *First Chairman.*

Public Law No. 181—61st Congress—H.R. 19962

40 U.S.C. 104, 36 Stat. 371

SIXTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA

AT THE SECOND SESSION

*Begun and held at the City of Washington on Monday, the sixth day of December,
one thousand nine hundred and nine.*

AN ACT Establishing a Commission of Fine Arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a permanent Commission of Fine Arts is hereby created to be composed of seven well-qualified judges of the fine arts, who shall be appointed by the President, and shall serve for a period of four years each, and until their successors are appointed and qualified. The President shall have authority to fill all vacancies. It shall be the duty of such commission to advise upon the location of statues, fountains, and monuments in the public squares, streets, and parks in the District of Columbia, and upon the selection of models for statues, fountains, and monuments erected under the authority of the United States and upon the selection of artists for the execution of the same. It shall be the duty of the officers charged by law to determine such questions in each case to call for such advice. The foregoing provisions of this Act shall not apply to the Capitol building of the United States and the building of the Library of Congress. The commission shall also advise generally upon questions of art when required to do so by the President, or by any committee of either House of Congress. Said commission shall have a secretary and such other assistance as the commission may authorize, and the members of the commission shall each be paid actual expenses in going to and returning from Washington to attend the meetings of said commission and while attending the same.

SEC. 2. That to meet the expenses made necessary by this Act an expenditure of not exceeding ten thousand dollars a year is hereby authorized.

J. G. CANNON,
Speaker of the House of Representatives.

J. S. SHERMAN,
Vice President of the United States and President of the Senate.

Approved May 17, 1910.

Public Law No. 461—86th Congress—S. 2778

40 U.S.C.A. 106, 74 Stat. 128

AN ACT To amend the Act relating to the Commission of Fine Arts.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2 of the Act entitled "An Act Establishing a Commission of Fine Arts," as amended (40 U.S.C. 106) is amended to read as follows:

"SEC. 2. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act."

Approved May 13, 1960.



EXECUTIVE ORDER 1259

It is hereby ordered that the plans for no public building to be erected in the District of Columbia for the General Government shall be hereafter finally approved by the officer duly authorized, until after such officer shall have submitted the plans to the Commission of Fine Arts created under the Act of Congress of May 17, 1910, for its comment and advice.

WM. H. TAFT.

The WHITE HOUSE,
October 25, 1910.

EXECUTIVE ORDER 1862

It is hereby ordered that whenever new structures are to be erected in the District of Columbia under the direction of the federal government which affect in any important way the appearance of the City, or whenever questions involving matters of art and with which the federal government is concerned are to be determined, final action shall not be taken until such plans and questions have been submitted to the Commissioners of Fine Arts designated under the Act of Congress of May 17, 1910, for their comment and advice.

WOODROW WILSON.

The WHITE HOUSE,
November 28, 1913.

EXECUTIVE ORDER 3524

It is hereby ordered that essential matters relating to the design of medals, insignia and coins, produced by the executive departments, also the designs of statues, fountains and monuments, and all important plans for parks and all public buildings, constructed by executive departments or the District of Columbia, which in any essential way affect the appearance of the City of Washington, or the District of Columbia, shall be submitted to the Commission of Fine Arts for advice as to the merits of such designs before the executive officer having charge of the same shall approve thereof.

WARREN G. HARDING.

The WHITE HOUSE,
July 28, 1921.

SHIPSTEAD-LUCE ACT

PUBLIC LAW 231—71ST CONGRESS—S. 2400

40 U.S.C. 121, 46 Stat. 366

AN ACT To regulate the height, exterior design, and construction of private, and semipublic buildings in certain areas of the National Capital.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in view of the provisions of the Constitution respecting the establishment of the seat of the National Government, the duties it imposed upon Congress in connection therewith, and the solicitude shown and the efforts exerted by President Washington in the planning and development of the Capital City, it is hereby declared that such development should proceed along the lines of good order, good taste, and with due regard to the public interests involved, and a reasonable degree of control should be exercised over the architecture of private or semipublic buildings adjacent to public buildings and grounds of major importance. To this end, hereafter when application is made for permit for the erection or alteration of any building, any portion of which is to front or abut upon the grounds of the Capitol, the grounds of the White House, the portion of Pennsylvania Avenue extending from the Capitol to the White House, Rock Creek Park, the Zoological Park, the Rock Creek and Potomac Parkway, Potomac Park, The Mall Park System and public buildings adjacent thereto, or abutting upon any street bordering any of said grounds or parks, the plans therefor, so far as they relate to height and appearance, color, and texture of the materials of exterior construction, shall be submitted by the Commissioners

of the District of Columbia to the Commission of Fine Arts; and the said commission shall report promptly to said commissioners its recommendations, including such changes, if any, as in its judgment are necessary to prevent reasonably avoidable impairment of the public values belonging to such public building or park; and said commissioners shall take such action as shall, in their judgment, effect reasonable compliance with such recommendation: *Provided*, That if the said Commission of Fine Arts fails to report its approval or disapproval of such plans, within thirty days, its approval thereof shall be assumed and a permit may be issued.

SEC. 2. Said Commissioners of the District of Columbia, in consultation with the National Capital Park and Planning Commission, as early as practicable after approval of this Act, shall prepare plats defining the areas within which application for building permits shall be submitted to the Commission of Fine Arts for its recommendations.

Approved May 16, 1930.

PUBLIC LAW 248—76TH CONGRESS—H.R. 5660

40 U.S.C. 121, 53 Stat. 1144

AN ACT To include Lafayette Park within the provisions of the Act entitled "An Act to regulate the height, exterior design, and construction of private and semipublic buildings in certain areas of the National Capital," approved May 16, 1930.

The Act, approved July 31, 1939, amended the Shipstead-Luce Act to include private or semipublic buildings fronting or abutting upon Lafayette Park within its provisions.

OLD GEORGETOWN ACT

Public Law 808—81st Congress—H.R. 7670

D.C. Code 5-801, 64 Stat. 903

AN ACT To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created in the District of Columbia a district known as "Old Georgetown" which is bounded on the east by Rock Creek and Potomac Parkway from the Potomac River to the north boundary of Dumbarton Oaks Park, on the north by the north boundary of Dumbarton Oaks Park, Whitehaven Street and Whitehaven Parkway to Thirty-fifth Street, south along the middle of Thirty-fifth Street to Reservoir Road, west along the middle of Reservoir Road to Archbold Parkway, on the west by Archbold Parkway from Reservoir Road to the Potomac River, on the south by the Potomac River to the Rock Creek Parkway.

SEC. 2. In order to promote the general welfare and to preserve and protect the places and areas of historic interest, exterior architectural features and examples of the type of architecture used in the National Capital in its initial years, the Commissioners of the District of Columbia, before issuing any permit for the construction, alteration, reconstruction, or razing of any building within said Georgetown district described in section 1 shall refer the plans to the National Commission of Fine Arts for a report as to the exterior architectural features, height, appearance, color, and texture of the materials of exterior construction which is subject to public view from a public highway. The National Commission of Fine Arts shall report promptly to said Commissioners of the District of Columbia its recommendations, including such changes, if any, as in the judgment of the Commission are necessary and desirable to preserve the historic value of said Georgetown district. The said Commissioners shall take such actions as in their judgment are right and proper in the circumstances: *Provided*, That, if the said Commission of Fine Arts fails to submit a report on such plans within forty-five days, its approval thereof shall be assumed and a permit may be issued.

SEC. 3. In carrying out the purpose of this Act, the Commission of Fine Arts is hereby authorized to appoint a committee of three architects, who shall serve as a board of review without expense to the United States and who shall advise

the Commission of Fine Arts, in writing, regarding designs and plans referred to it.

SEC. 4. Said Commissioners of the District of Columbia, with the aid of the National Park Service and of the National Park and Planning Commission, shall make a survey of the "Old Georgetown" area for the use of the Commission of Fine Arts and of the building permit office of the District of Columbia, such survey to be made at a cost not exceeding \$8,000, which amount is hereby authorized.

SEC. 5. Nothing contained in this Act shall be construed as superseding or affecting in any manner any Act of Congress heretofore enacted relating to the alteration, repair, or demolition of insanitary or unsafe dwellings or other structures.

Approved September 22, 1950.

AMERICAN BATTLE MONUMENTS ACT

Public Law 456—79th Congress—H.R. 6393

36 U.S.C. 124, 60 Stat. 317

AN ACT To amend the Act entitled "An Act for the creation of an American Battle Monuments Commission to erect suitable memorials commemorating the services of the American soldier in Europe, and for other purposes," approved March 4, 1923, as amended, in order to extend the Commission's authority to all areas in which our armed forces have operated during World War II, and for other purposes.

* * * * *
SEC. 3. That before any design or material for memorials is accepted by the Commission, the same shall be approved by the National Commission of Fine Arts.

Approved June 26, 1946.

NATIONAL CAPITAL PLANNING ACT OF 1952

Public Law 592—82d Congress—H.R. 7502

40 U.S.C. 72, 66 Stat. 781

AN ACT To amend the Act of June 6, 1924, as amended, relating to the National Capital Park and Planning Commission, and for other purposes.

Under the provisions of the Act, approved July 19, 1952, the National Capital Planning Commission seeks the advice of the Commission of Fine Arts in the selection of lands suitable for the development of the National Capital park, parkway, and playground system in the District of Columbia, and the States of Maryland and Virginia.

Public Law 263—85th Congress—H.R. 896

10 U.S.C. 4594, 71 Stat. 589

AN ACT To amend title 10, United States Code, to authorize the Secretary of the Army to furnish heraldic services.

Under the provisions of the Act, approved September 2, 1957, the Commission upon request advises the Heraldic Branch, Quartermaster Corps, Department of the Army, upon merits of proposed designs for medals, insignia, seals, etc., prepared under the authority of the Act of August 26, 1957 (10 U.S.C., 1958 ed., section 4594), which authorizes the Secretary of the Army to furnish heraldic services to the other departments and agencies of the Government.

"And so, without creation of any power of legal compulsion, there was brought to the service of the Government the authority of competent opinion upon questions of art arising in the course of administration, and widespread and habitual deference to such an opinion has saved the Government and the community from God knows how many atrocities."

—*Letter to Hon. Chas. Moore, dated April 22, 1935, from Hon. Elihu Root, who sponsored the enabling act in the Senate.*

MEMBERS OF THE COMMISSION

CHAIRMEN

Daniel H. Burnham, 1910-1912	Gilmore D. Clarke, 1937-1950
Daniel Chester French, 1912-1915	David E. Finley, 1950-1963
Charles Moore, 1915-1937	William Walton, 1963-

ARCHITECTS

Daniel H. Burnham, 1910-1912	Charles L. Borie, Jr., 1936-1940
Thomas Hastings, 1910-1917	Henry R. Shepley, 1936-1940
Cass Gilbert, 1910-1916	William F. Lamb, 1937-1945
Peirce Anderson, 1912-1916	Paul P. Cret, 1940-1945
Charles A. Platt, 1916-1921	John A. Holabird, 1940-1945
William Mitchell Kendall, 1916-1921	William T. Aldrich, 1945-1950
John Russell Pope, 1917-1922	L. Andrew Reinhard, 1945-1950
Louis Ayres, 1921-1925	Frederick V. Murphy, 1945-1950
Henry Bacon, 1921-1924	Joseph Hudnut, 1950-1955
Milton B. Medary, Jr., 1922-1927	Edward F. Neild, Sr., 1950-1955
William Adams Delano, 1924-1928	Pietro Belluschi, 1950-1955
Abram Garfield, 1925-1930	Wallace K. Harrison, 1955-1959
Benjamin W. Morris, 1927-1931	Douglas W. Orr, 1955-1963
John W. Cross, 1928-1933	William G. Perry, 1955-1963
John L. Mauraan, 1930-1933	Ralph Walker, 1959-1963
Egerton Swartwout, 1931-1936	Gordon Bunshaft, 1963-
John Mead Howells, 1933-1937	Burnham Kelly, 1963-
Charles A. Coolidge, 1933-1936	John Carl Warnecke, 1963-

LANDSCAPE ARCHITECTS

Frederick Law Olmsted, 1910-1918	Elbert Peets, 1950-1958
James L. Greenleaf, 1918-1927	Michael Rapuano, 1958-1962
Ferruccio Vitale, 1927-1932	Hideo Sasaki, 1962-
Gilmore D. Clarke, 1932-1950	

SCULPTORS

Daniel Chester French, 1910-1915	Lee Lawrie, 1933-1937, 1945-1950
Herbert Adams, 1915-1920	Paul Manship, 1937-1941
James E. Fraser, 1920-1925	Ralph Stackpole, 1941-1945
Lorado Taft, 1925-1929	Felix W. de Weldon, 1950-1963
Adolph Weinman, 1929-1933	Theodore Roszak, 1963-

PAINTERS

Francis D. Millet, 1910-1912	Henry V. Poor, 1941-1945
Edwin H. Blashfield, 1912-1916	Maurice Sterne, 1945-1950
J. Alden Weir, 1916-1919	George Biddle, 1950-1955
William Sergeant Kendall, 1920-1921	Emily Muir, 1955-1959
H. Siddons Mowbray, 1921-1928	Peter Hurd, 1959-1963
Ezra Winter, 1928-1933	William Walton, 1963-
Eugene F. Savage, 1933-1941	

LAYMEN

Charles Moore, 1910-1940	David E. Finley, 1943-1963
Edward Bruce, 1940-1943	Aline B. Saarinen, 1963-

SECRETARIES

Colonel Spencer Cosby, 1910-1913	Lt. Colonel C. O. Sherrill, 1921-1922
Captain U.S. Grant III, 1910-1912	H. P. Caemmerer, 1922-1954
Colonel William W. Harts, 1913-1917	L. R. Wilson, 1954-
Colonel C. S. Ridley, 1917-1921	

ADDRESS

Room 7000, Interior Department Building

Washington, D.C. 20240

Senator COOPER. How long have you been a member of the Commission of Fine Arts?

Mr. WALTON. One year.

Senator COOPER. You are not the Chairman?

Mr. WALTON. I am.

Senator COOPER. I think generally the function of the Commission is to advise the various agencies upon any construction which might affect in any important way the appearance of the city.

Mr. WALTON. And to give advice—

Senator COOPER. Do you know whether or not the District Commissioners or the Highway Commissioners have sought the advice of the Commission of Fine Arts on the design of this proposed freeway and tunnel?

Mr. WALTON. Not on the design, no.

Senator COOPER. What?

Mr. WALTON. Not on the design.

Senator COOPER. I don't think your Commission has any responsibility for the planning, construction, or location of these freeways, but you do have a responsibility in advising with respect to design?

Mr. WALTON. Indeed.

Senator COOPER. And as to whether or not the design will affect the appearance of this Federal city?

Mr. WALTON. Yes.

Senator COOPER. I think you said that you are not consulted until it is too late?

Mr. WALTON. That is our feeling.

Senator COOPER. Too late to make any important recommendations which would really bear upon this question of the appearance of the Federal City?

Mr. WALTON. Correct.

Senator COOPER. And has that been your general experience?

Mr. WALTON. Yes, it has in the past.

Senator COOPER. Do you have some reservations about the effects of a depressed freeway—with possible ramps moving out of this freeway at the entrance to these tunnels—upon the appearance of the Federal City, taking into consideration the fact that the freeway will be very close to the Capitol Grounds?

Mr. WALTON. From what I have seen in the press and so forth, I would say that the length of the tunnel south somewhat solves the problem, but the north approach looks to me like a very bad one, an open cut that with access highways would have a very negative effect on the Federal landscape. The tunnel should be probably longer if they must have one.

Senator COOPER. Mr. Chairman, I say this with all deference, but I think the position of the Commission of Fine Arts and our position is quite analogous.

You are consulted when it is too late to do anything, and we are asked to approve the design without knowing what it is.

Mr. WALTON. We should jointly prevent that.

Senator COOPER. I thank you very much.

Senator RANDOLPH. Thank you, Mr. Walton.

General Duke, would you and your associates come forward, please, to the witness table.

General, for the record will you give your name and the position you hold and also identify the gentleman who sits with you.

STATEMENT OF BRIG. GEN. CHARLES M. DUKE, ENGINEER COMMISSIONER, DISTRICT OF COLUMBIA; ACCOMPANIED BY TOM F. AIRIS, DIRECTOR OF DEPARTMENT OF HIGHWAYS AND TRAFFIC, DISTRICT OF COLUMBIA

General DUKE. I am Brig. Gen. Charles M. Duke, the Engineer Commissioner of the District of Columbia. On my left is Mr. Tom Airis, the Director of our Department of Highways and Traffic of the District of Columbia.

I thank you, Mr. Chairman, on behalf of the Board of Commissioners of the District of Columbia, for the opportunity to appear again before this committee to voice the Commissioners' support of S. 2692. In general, I shall only amplify some of the remarks presented in my last appearance before this committee, perhaps at the risk of being somewhat repetitious.

I believe it is particularly important to reemphasize the extent of coordination undertaken by the District of Columbia in fostering this vital segment of our interstate highway program. This project has been presented to the National Capital Planning Commission as an item in our 6-year public works program and also through the regular budget procedures wherein the Planning Commission reviews all capital outlay expenditures of the District of Columbia. The Planning Commission, as the central planning agency for the Federal and District Governments in the District of Columbia, has recommended favorably the center leg of the inner loop, noting that this recommendation was conditioned upon approval by the Commission, before bids for construction are advertised, of a model for the project indicating the architectural treatment. This will certainly be done as one of the first steps of the design contract and I have no concern at all over our ability to reach agreement with the Planning Commission on the esthetic treatment required.

Senator RANDOLPH. Would that carry over to the Fine Arts Commission?

General DUKE. I would like to inject a similar statement with respect to the Fine Arts Commission, that we definitely plan to coordinate the esthetics of this project with them at a very early date, and here again I really have no reason to believe that we will not be able to reach complete agreement on the beauty of this area that must be preserved.

Senator RANDOLPH. Thank you.

General DUKE. We feel that we have carefully coordinated the portion of the center leg involving the Capitol Grounds, U.S. Botanic Gardens, the National Gallery of Art, and the Mall with the responsible agencies, including the Architect of the Capitol, the National Park Service, and the General Services Administration. The overall

center leg project is also included in the transportation plan of the National Capital Transportation Agency. At the appropriate time, models of the freeway portraying those areas of concern to the Commission of Fine Arts under the Shipstead-Luce Act of 1930 and Executive Order 1862, dated November 28, 1913, will be submitted to that Commission for its comment and advice.

Senator METCALF. May I interject there, General Duke? Mrs. Rowe testified that it was a conditional approval. Suppose you don't get the approval of the Planning Commission that you are so confident of getting. What would happen then?

General DUKE. Sir, I can only state that we have always been successful in getting this approval, and I am confident that we will get it in the future. As far as I know, if we don't get the approval of the Planning Commission, so far as I know, sir, we wouldn't proceed with this project.

Senator METCALF. That would be the end of the project under the statute?

General DUKE. The thing that makes me hesitate, sir, is "under the statute."

Senator METCALF. I was just trying to get your understanding of the authority of the Planning Commission as against the authority of the Commission.

General DUKE. I have to hesitate, sir, and I hope you will forgive me in this connection because I can't actually cite extemporaneously the statutory requirement in this connection. I really say this sincerely. We plan to get the approval of the Planning Commission, and we will get it.

Senator METCALF. And you plan to adjust your plans so that you will get the approval?

General DUKE. Yes, sir; absolutely.

Senator METCALF. Very good. Go ahead.

General DUKE. The center leg plan has also been specifically developed to accommodate those street changes that may be required by the Pennsylvania Avenue report of the President's Council on Pennsylvania Avenue.

I am sure that all members of this committee appreciate the necessity of coordinating the municipal and Federal interests if we are to continue developing the Nation's Capital as a place of prideful beauty. In this connection, I would like to introduce into the record the various endorsements and concurrences of the agencies concerned.

Senator METCALF. Without objection they will be received and incorporated in the record at this point.

(The documents referred to follow:)

[H. Rept. No. 1348, 88th Cong., 2d sess.]

AUTHORIZING THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA TO LOCATE A PORTION OF A VEHICULAR TUNNEL UNDER PARTS OF THE U.S. CAPITOL GROUNDS AND THE U.S. BOTANIC GARDEN GROUNDS

The Committee on Public Works, to whom was referred the bill (H.R. 10392) authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

H. R. 10392 authorizes and directs the Commissioners of the District of Columbia to construct, maintain, and operate a vehicular tunnel to extend from the vicinity of Second and C Streets SW., to the vicinity of Third Street and Constitution Avenue NW., as a part of the District of Columbia's inner loop freeway system, and to locate a portion of such tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds.

GENERAL STATEMENT

Section 1 of H. R. 10392 authorizes and directs the Commissioners of the District of Columbia, in constructing, maintaining, and operating a vehicular tunnel, extending from the vicinity of Second and C Streets SW., to the vicinity of Third Street and Constitution Avenue NW., in the District of Columbia, as a part of the inner loop freeway system in the District of Columbia, to locate a portion of the tunnel under square W-576, property of the U.S. Botanic Garden, and a portion of the tunnel under reservation 12, property of the U.S. Capitol Grounds.

Section 2 authorizes the Commissioners of the District of Columbia to make test borings and to do other preliminary work and to store construction materials in square W-576 and reservation 12, as well as in adjacent reservation B, also Botanic Garden property, and to reconstruct the section of Tiber Creek sewer located under square W-576—all subject to the approval of the Architect of the Capitol.

Section 3 provides that title to square W-576 and reservation 12 shall remain vested in the United States of America and that the Commissioners of the District of Columbia shall acquire no rights, title, or interest in either of these properties, which shall remain a part of the U.S. Capitol Grounds and U.S. Botanic Garden grounds, respectively; but shall have jurisdiction and control of, and sole responsibility for the operation and maintenance of, the portions of the tunnel located under the Botanic Garden and Capitol Grounds property.

Section 4 provides that all areas of Botanic Garden and Capitol Grounds property disturbed by construction of the tunnel shall be restored to their original condition to the satisfaction of the Architect of the Capitol.

Section 5 provides that the United States shall not incur any expense or liability whatsoever under or by reason of the act, or be liable under any claim of any nature or kind that may arise from the construction, operation, or maintenance of the portions of the tunnel located under Botanic Garden or Capitol Grounds property.

Section 6 authorizes the Architect of the Capitol to convey to the Commissioners of the District of Columbia, for purposes of constructing the inner loop freeway system, the right, title, and interest of the United States in and to all, or such parts as may be necessary, of reservations 6-B, 6-C, 6-D, 6-E, 6-F, and 286, all of which is Botanic Garden property. These are narrow strips of grassplots in the center of Canal Street which the Botanic Garden acquired from the War Department in 1922 and constitute land reclaimed from the Old James Creek Canal. They are not of importance to the Botanic Garden and transfer of portions of these reservations will make for improved traffic conditions. They are shown on the enclosed map in red.

Section 7 provides that the Commissioners of the District of Columbia may construct part of the freeway tunnel under property under the jurisdiction of the National Gallery of Art, on which no buildings are now located, and specifies certain construction conditions that must be met. This area under the jurisdiction of the National Gallery of Art is bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, and was reserved by section 1 of the public resolution approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71), as a site for future additions to the National Gallery of Art to observe a condition of the gift to the Nation of the National Gallery of Art Building and the renowned Mellon collection of works of art.

HEARING

A hearing was held on H. R. 10392 on April 7, 1964, by the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, at which time testimony was received from the Honorable J. George Stewart, Architect of the Capitol, and Brig. Gen. Charles M. Duke, Engineer Commissioner, District of Columbia Board of Commissioners. Both of these witnesses testified in favor of the legislation.

During the hearing the committee was advised that H.R. 10392 was drafted by the Commissioners of the District of Columbia in collaboration with the legislative counsel of the House of Representatives. Members of the office staff of the Architect of the Capitol were consulted on this legislation and it carries out the wishes of the House Office Building Commission with respect to freeway construction in the vicinity of the House Office Building. Officials of the National Gallery of Art were consulted in this connection as part of the freeway tunnel may be constructed under their property, and the language contained in H.R. 10392 meets with the approval of the authorities in charge of the National Gallery of Art insofar as the proposed tunnel would affect their property.

COMMITTEE VIEWS

The committee recommends the enactment of H.R. 10392. This legislation is necessary legislation to provide the proper solution to the full-scale prosecution of the center leg highway project for the District of Columbia. It is a satisfactory plan traversing the U.S. Capitol Grounds without adverse impact on the Capitol or the Grounds therein. It does not depreciate the vista of the Nation's Capitol, and yet still provides the essential traffic service needed within the bounds of engineering feasibility and economy.

FEDERAL COST

The proposed tunnel, which is authorized by H.R. 10392, will be a portion of the Interstate System for the District of Columbia. Federal participation in the construction of this tunnel to the extent of 90 percent of the funds involved is already authorized under existing law, the Federal-Aid Highway Act of 1956, as amended. Ten percent of the funds will be matched by the District of Columbia. The cost of construction covered by H.R. 10392 is estimated at between \$18 and \$20 million.

AGENCY COMMENTS

The favorable comments of the interested agencies follow:

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., March 24, 1964.

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

MY DEAR MR. BUCKLEY: The Commissioners of the District of Columbia have for report H.R. 10392, 88th Congress, a bill authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes.

The purpose of the bill, as reflected in its first section, is to authorize and direct the Commissioners to construct, maintain, and operate a vehicular tunnel to extend from the vicinity of Second and C Streets SW., to the vicinity of Third Street and Constitution Avenue NW., and to be part of the District's inner loop freeway system. The bill authorizes that a portion of the tunnel shall be located under square W-576, which is a part of the U.S. Botanic Garden grounds, and reservation 12, which is a part of the U.S. Capitol Grounds.

Section 2 of the bill authorizes the Commissioners, subject to the approval of the Architect of the Capitol and such conditions as he may prescribe, to make use of square W-576 and reservations 12 and 6B for construction of the tunnel and other preliminary work, including the reconstruction of a section of the Tiber Creek sewer located thereunder. Section 3 provides that, except as provided in section 6 of the bill, the United States shall retain its right, title, and interest in the property involved, and that the respective holdings shall continue to be part of the U.S. Capitol Grounds and the U.S. Botanic grounds. However, the Commissioners are granted jurisdiction and control, as well as the responsibility for the operation and maintenance, of those portions of the tunnel beneath square W-576 and reservation 12. Section 4 directs that all areas of square W-576 and reservations 12 and 6B that may be disturbed by reason of the construction of the tunnel shall, except as otherwise provided, be restored to their original condition to the satisfaction of the Architect of the Capitol. Section 5 provides that the United States shall not incur any expense or liability, except as provided in section 6 of the bill, arising out of the construction, operation, or maintenance of the tunnel.

Section 6 of the bill authorizes the Architect of the Capitol to convey to the Commissioners, for the purpose of constructing the inner loop freeway system, all, or so much as he determines necessary, of the right, title, and interest of the United States in and to reservations 6B, 6C, 6D, 6E, 6F, and 286, and provides that any real property so conveyed shall thereafter be under the sole jurisdiction and control of the Commissioners.

Section 7 authorizes the Commissioners to use the east 65 feet of the area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive NW., for the construction and maintenance of the tunnel, provided, however, that upon completion of the tunnel the surface of the defined area shall be maintained at its original grade, that no portion of the tunnel, including ventilating equipment and utilities, be any nearer the surface than 8 feet, and that the surface ingress and egress to such area not be limited.

The Commissioners favor enactment of H.R. 10392 inasmuch as the construction of the tunnel as provided therein is of vital importance to the construction of the proposed center leg expressway facility which is planned as a principal connecting link in the inner loop freeway system. Construction of a tunnel beneath that mall area affected by the bill would mean the elimination of existing unsightly traffic congestion that now continuously encroaches upon this monumental area. Close cooperation with the Architect of the Capitol is assured under the provisions of the bill. The Commissioners, in the realization of the importance of the bill in reaching the solution to one of the most serious transportation problems in the Nation's Capital, most strongly urge that it be enacted.

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.

Very sincerely yours,

WALTER N. TOBRINER.

President, Board of Commissioners, District of Columbia.

ARCHITECT OF THE CAPITOL,
Washington, D.C., March 20, 1964.

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

MY DEAR MR. CHAIRMAN: In response to your communication of March 13, 1964, I have the following report to submit on H.R. 10392, authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes.

This bill was drafted by the Commissioners of the District of Columbia in collaboration with the legislative counsel of the House of Representatives and members of my office staff and carries out the wishes of the House Office Building Commission with respect to the freeway construction in the vicinity of the House Office Buildings.

I am enclosing, herewith, a map of the U.S. Capitol Grounds and adjacent areas, showing the route of the proposed freeway tunnel and where it passes under Capitol Grounds and Botanic Garden properties.

Section 1 of the bill authorizes and directs the Commissioners of the District of Columbia, in constructing, maintaining, and operating a vehicular tunnel, extending from the vicinity of Second and C Streets SW., to the vicinity of Third Street and Constitution Avenue NW., as a part of the innerloop freeway system, to locate a portion of the tunnel under square W-576 (Botanic Garden property), shown on the enclosed map in green, and a portion of the tunnel under reservation 12 (Capitol Grounds property), shown on the enclosed map in blue.

Section 2 of the bill authorizes the Commissioners of the District of Columbia to make test borings and to do other preliminary work and to store construction materials in square W-576 and reservation 12, as well as in adjacent reservation B (also Botanic Garden property) and to reconstruct the section of Tiber Creek sewer located under square W-576—all subject to the approval of the Architect of the Capitol.

Section 3 of the bill provides that title to square W-576 and reservation 12 shall remain vested in the United States of America and that the Commissioners of the District of Columbia shall acquire no rights, title, or interest in either of these properties, which shall remain a part of the U.S. Capitol Grounds and U.S.

Botanic Garden grounds, respectively; but shall have jurisdiction and control of, and sole responsibility for the operation and maintenance of, the portions of the tunnel located under the Botanic Garden and Capitol Grounds property.

Section 4 of the bill provides that all areas of Botanic Garden and Capitol Grounds property disturbed by construction of the tunnel shall be restored to their original condition to the satisfaction of the Architect of the Capitol.

Section 5 of the bill provides that the United States shall not incur any expense or liability whatsoever under or by reason of the act, or be liable under any claim of any nature or kind that may arise from the construction, operation, or maintenance of the portions of the tunnel located under Botanic Garden or Capitol Grounds property.

Section 6 of the bill authorizes the Architect of the Capitol to convey to the Commissioners of the District of Columbia, for purposes of constructing the inner loop freeway system, the right, title, and interest of the United States in and to all, or such parts as may be necessary, of reservations 6-B, 6-C, 6-D, 6-E, 6-F, and 286 (all of which is Botanic Garden property). These are narrow strips of grassplots in the center of Canal Street which the Botanic Garden acquired from the War Department in 1922 and constitute land reclaimed from the Old James Creek Canal. They are not of importance to the Botanic Garden and transfer of portions of these reservations will make for improved traffic conditions. They are shown on the enclosed map in red.

Section 7 of the bill provides that the Commissioners of the District of Columbia may construct part of the freeway tunnel under property under the jurisdiction of the National Gallery of Art, on which no buildings are now located, and specifies certain construction conditions that must be met. This section was drafted by the authorities in charge of the National Gallery of Art and the use of a portion of such property for freeway purposes was agreed to by them.

In conclusion, I wish to state that the bill, as introduced, meets with my endorsement.

Yours very truly,

J. GEORGE STEWART,
Architect of the Capitol.

NATIONAL GALLERY OF ART,
Washington, D.C., March 16, 1964.

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

DEAR MR. CHAIRMAN: Mr. Paul Mellon, President of the National Gallery of Art, has asked me to reply to your letter of March 13, 1964, requesting the views of the National Gallery of Art with respect to H.R. 10392, a bill authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under part of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes.

The area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive NW., in the District of Columbia, referred to in section 7 of the bill, was reserved by section 1 of the public resolution approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71), as a site for future additions to the National Gallery of Art to observe a condition of the gift to the Nation of the National Gallery of Art building and the renowned Mellon collection of works of art.

Brig. Gen. C. M. Duke, U.S. Army, Engineer Commissioner of the District of Columbia, has furnished us a schematic diagram, cross section, and statement with respect to the impingement of the proposed tunnel on this area. We have reviewed this material, and two different drawings which we had made some time ago for proposed additions to the National Gallery of Art on the site, with our architects and engineers. We have also considered other proposals that such additions be made in the form of several connected pavilions.

We have been assured by General Duke that we will be furnished copies of all final drawings of the proposed tunnel which affect the area, and that no relocation of the Tiber Creek sewer or other underground facilities will be made so as to interfere with the use of the area as a site for future additions to the National Gallery of Art. General Duke and his staff have been most cooperative with respect to this matter, and section 7 of the bill incorporates the conditions we have requested.

Our architects and engineers have advised us that the proposed tunnel, if constructed in accordance with the schematic diagram, cross section, and state-

ment furnished to us, would not be incompatible with the reservation of the area involved as a site for future additions to the National Gallery of Art. Accordingly, the National Gallery of Art has no objection to the enactment of section 7 of H.R. 10392, subject to the conditions contained in the section as introduced by Representative Vinson.

Since you have requested that this report be expedited, we have not submitted it to the Bureau of the Budget in advance; however, we are sending a copy to the Bureau.

Sincerely yours,

HUNTINGTON CAIRNS, *Secretary.*

For the information of the Members of the House of Representatives, existing law referred to in the bill, as reported, is set forth below:

“JOINT RESOLUTION OF MARCH 24, 1937

“(50 Stat. 51; 20 U.S.C. 71)

“JOINT RESOLUTION Providing for the construction and maintenance of a National Gallery of Art

“*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the area bounded by Seventh Street, Constitution Avenue, Fourth Street, and North Mall Drive, Northwest, in the District of Columbia, is hereby appropriated to the Smithsonian Institution as a site for a National Gallery of Art. The Smithsonian Institution is authorized to permit the A. W. Mellon Educational and Charitable Trust (hereinafter referred to as the donor) to construct on said site for the Smithsonian Institution a building to be designated the National Gallery of Art, and to remove any existing structure and landscape the grounds within said area. The adjoining area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and North Mall Drive, Northwest, in the District of Columbia, is hereby reserved as a site for future additions to the National Gallery of Art. The project shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

“Sec. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the National Gallery of Art, whose duty it shall be to maintain and administer the National Gallery of Art and site thereof and to execute such other functions as are vested in the board by this Act. The board shall be composed as follows: The Chief Justice of the United States, the Secretary of State, the Secretary of the Treasury, and the Secretary of the Smithsonian Institution, *ex officio*; and five general trustees who shall be citizens of the United States, to be chosen as hereinafter provided. No officer or employee of the Federal Government shall be eligible to be chosen as a general trustee.

“(b) The general trustees first taking office shall be chosen by the Board of Regents of the Smithsonian Institution, subject to the approval of the donor, and shall have terms expiring one each on July 1 of 1939, 1941, 1943, 1945, and 1947, as designated by the Board of Regents. A successor shall be chosen by a majority vote of the general trustees and shall have a term expiring ten years from the date of the expiration of the term for which his predecessor was chosen, except that a successor chosen to fill a vacancy occurring prior to the expiration of such term shall be chosen only for the remainder of such term.

“Sec. 3. Upon completion of the National Gallery of Art, the board shall accept for the Smithsonian Institution as a gift from the donor a collection of works of art which shall be housed and exhibited in the National Gallery of Art.

“Sec. 4. (a) The faith of the United States is pledged that, on completion of the National Gallery of Art by the donor in accordance with the terms of this Act and the acquisition from the donor of the collection of works of art, the United States will provide such funds as may be necessary for the upkeep of the National Gallery of Art and the administrative expenses and costs of operation thereof, including the protection and care of works of art acquired by the board, so that the National Gallery of Art shall be at all times properly maintained and the works of art contained therein shall be exhibited regularly to the general public free of charge. For these purposes there are hereby authorized to be appropriated such sums as may be necessary.

“(b) The board is authorized to accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities, or other property of whatsoever character for the benefit of the National Gallery of Art. Unless otherwise restricted by the terms of the gift, bequest, or devise, the board

is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the National Gallery of Art. The income as and when collected shall be placed in such depositories as the board shall determine and shall be subject to expenditure by the board.

"(c) The board shall appoint and fix the compensation and duties of a director, an assistant director, a secretary, and a chief curator of the National Gallery of Art, and of such other officers and employees of the National Gallery of Art as may be necessary for the efficient administration of the functions of the board. Such director, assistant director, secretary, and chief curator shall be compensated from trust funds available to the board for the purpose, and their appointment and salaries shall not be subject to the civil-service laws or the Classification Act of 1923, as amended. The director, assistant director, secretary, and chief curator shall be well qualified by experience and training to perform the duties of their office and the original appointment to each such office shall be subject to the approval of the donor.

"(d) The actions of the board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

"SEC. 5. (a) The board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the acquisition, exhibition, and loan of works of art, the administration of its trust funds, and the organization and procedure of the board. The board may function notwithstanding vacancies, and three members of the board shall constitute a quorum for the transaction of business.

"(b) In order that the collection of the National Gallery of Art shall always be maintained at a high standard and in order to prevent the introduction therein of inferior works of art, no work of art shall be included in the permanent collection of the National Gallery of Art unless it be of similar high standard of quality to those in the collection acquired from the donor.

"(c) The board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it and all works of art acquired by it.

"(d) The board shall submit to the Smithsonian Institution an annual report of its operations under this Act, including a detailed statement of all acquisitions and loans of works of art and of all public and private moneys received and disbursed.

"SEC. 6. (a) The Commissioners of the District of Columbia are hereby authorized and directed to close Sixth Street, Northwest, within the boundaries of the site for the National Gallery of Art. The National Capital Park and Planning Commission shall determine the building lines and approve the plan of approaches for said gallery, and shall also make recommendations for the widening and adjustment of Third, Seventh, Ninth, and such other streets in the vicinity as may be necessary and desirable to provide for the traffic which would otherwise use Sixth Street.

"(b) Section 10 of the Public Building Act, approved March 4, 1913 (37 Stat. L., p. 881), relating to the George Washington Memorial Building, and all provisions of law amendatory thereof, are hereby repealed.

"(c) The existing bureau of the Smithsonian Institution now designated as a national gallery of art shall hereafter be known as the National Collection of Fine Arts.

"(d) The fifth paragraph under the heading "Smithsonian Institution" in the Independent Offices Appropriation Act for the fiscal year 1924, approved February 13, 1923 (42 Stat. L. 1235), relating to the erection of a national gallery of art, is hereby repealed."

GENERAL SERVICES ADMINISTRATION,
Washington, D.C., January 27, 1964.

Mr. T. F. AIRIS,
Acting Director, Department of Highways and Traffic,
Government of the District of Columbia, Washington, D.C.

DEAR MR. AIRIS: This has reference to your letter of January 10, 1964, in which is cited the general understanding reached by members of our respective offices relative to current planning for the proposed center leg of the inner loop freeway system. We appreciated receiving the three copies of your current

100-foot scale plan for the center leg construction and have noted, with a considerable degree of pleasure and relief, that the McShain Building, a leased structure located at 333 Third Street NW., and Government-owned buildings at 131 Indiana Avenue and 425 Second Street NW., were excluded from the "taking-area."

Pursuant to the request contained in your letter this will serve as a confirmation of the general understanding reached by Messrs. Grant, DeGast, Innamorati, Shipp, Cromwell, and Kress during the meeting held on January 10. In conjunction with this general understanding I consider it advisable to indicate for the record that 212, 214, and 216 Indiana Avenue NW., are currently leased by the General Services Administration. Judging from your 100-foot scale plan it would appear that these three small buildings are within the "taking-area" prescribed for center leg construction.

Based upon the foregoing judgment it is anticipated that the District Government's geometrical layouts will require the complete removal of 212, 214, and 216 Indiana Avenue as well as the Standard Oil Building, located at 216 Constitution Avenue, in which GSA leases 32,794 square feet. In addition to these leased buildings it is expected that the center leg plan will require partial removal of both temporary R and the Third and Canal Streets SW., building.

It is noted that the District Government, having received authorized funds for design and right-of-way acquisition, expects to initiate final design and preparation of construction drawings for this facility within the next 2 months. It is further understood that construction funds have been requested and a tentative target date of mid-1965 set for advertising the first construction contract.

Insofar as GSA is concerned I can foresee no objections or complicating factors which would delay final planning action or to your moving ahead with construction of this important and urgently needed freeway facility.

Please be assured of our continued interest and cooperation in behalf of this project. Mr. Innamorati and his staff will be pleased to work with your representatives on all matters pertaining to the center leg and especially to those involving adjustments of time schedules should flexibility be required in the accomplishment of our respective missions.

Sincerely yours,

H. A. ABERSFELLER,
Regional Administrator.

DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., August 13, 1963.

Mr. H. L. AITKEN,
*Director, Department of Highways and Traffic,
Government of the District of Columbia, Washington, D.C.*

DEAR HAL: I have your letter of August 7, asking for our approval to go ahead with the hearing on September 5, 1963, on the center leg of the Interstate System in Washington. This will be your authority to proceed in view of the fact that the center leg has been a part of the Interstate System since the original designation of the Interstate System in Washington, D.C.

Sincerely,

REX M. WHITTON,
Federal Highway Administrator.

DEPARTMENT OF COMMERCE,
BUREAU OF PUBLIC ROADS,
Washington, D.C., April 9, 1964.

Mr. T. F. AIRIS,
*Director, Department of Highways and Traffic,
District Building, Washington, D.C.*

DEAR MR. AIRIS: The draft bill to authorize construction of the center leg through the Capitol Grounds (H.R. 10392), which was submitted by your letter of March 9, has been reviewed by this office and our General Counsel. There is no legal objection to this bill, as introduced in the House of Representatives.

Very truly yours,

CHARLES E. HALL, *Division Engineer.*

NATIONAL GALLERY OF ART,
Washington, D.C., March 16, 1964.

Brig. Gen. C. M. DUKE,
U.S. Army, Engineer Commissioner, Government of the District of Columbia,
Executive Office, Washington, D.C.

DEAR GENERAL DUKE: In accordance with our discussions with Colonel Israelson I am enclosing a copy of the report of the National Gallery of Art with respect to H.R. 10392, a bill authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes.

If there is anything further you require from us please do not hesitate to let me know.

With all best wishes,
Very sincerely yours,

HUNTINGTON CAIRNS, *Secretary.*

MARCH 16, 1964.

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

DEAR MR. CHAIRMAN: Mr. Paul Mellon, President of the National Gallery of Art, has asked me to reply to your letter of March 13, 1964, requesting the views of the National Gallery of Art with respect to H.R. 10392, a bill authorizing the Commissioners of the District of Columbia to locate a portion of a vehicular tunnel under parts of the U.S. Capitol Grounds and the U.S. Botanic Garden grounds, and for other purposes.

The area bounded by Fourth Street, Pennsylvania Avenue, Third Street, and Madison Drive N.W., in the District of Columbia, referred to in section 7 of the bill, was reserved by section 1 of the public resolution approved March 24, 1937 (50 Stat. 51; 20 U.S.C. 71) as a site for future additions to the National Gallery of Art to observe a condition of the gift to the Nation of the National Gallery of Art Building and the renowned Mellon collection of works of art.

Brig. Gen. C. M. Duke, U.S. Army, Engineer Commissioner of the District of Columbia, has furnished us a schematic diagram, cross section, and statement with respect to the impingement of the proposed tunnel on this area. We have reviewed this material, and two different drawings which we had made some time ago for proposed additions to the National Gallery of Art on the site, with our architects and engineers. We have also considered other proposals that such additions be made in the form of several connected pavilions.

We have been assured by General Duke that we will be furnished copies of all final drawings of the proposed tunnel which affect the area, and that no relocation of the Tiber Creek sewer or other underground facilities will be made so as to interfere with the use of the area as a site for future additions to the National Gallery of Art. General Duke and his staff have been most cooperative with respect to this matter, and section 7 of the bill incorporates the conditions we have requested.

Our architects and engineers have advised us that the proposed tunnel, if constructed in accordance with the schematic diagram, cross section, and statement furnished to us, would not be incompatible with the reservation of the area involved as a site for future additions to the National Gallery of Art. Accordingly, the National Gallery of Art has no objection to the enactment of section 7 of H.R. 10392, subject to the conditions contained in the section as introduced by Representative Vinson.

Since you have requested that this report be expedited, we have not submitted it to the Bureau of the Budget in advance; however, we are sending a copy to the Bureau.

Sincerely yours,

HUNTINGTON CAIRNS, *Secretary.*

ARCHITECT OF THE CAPITOL,
Washington, D.C., January 29, 1964.

Mr. T. F. AIRIS,
Director, Department of Highways and Traffic,
District of Columbia Government, Washington, D.C.

DEAR MR. AIRIS: This is to confirm that at a meeting of the House Office Building Commission on January 14, 1964, the Commission unanimously approved the revised scheme for the center leg of the Southwest Freeway and directed that General Duke and I draft the required legislation for submission to the Congress.

Sincerely yours,

J. GEORGE STEWART.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Washington, D.C., January 7, 1964.

Brig. Gen. CHARLES M. DUKE,
Engineer Commissioner,
Government of the District of Columbia,
District Building, Washington, D.C.

DEAR GENERAL DUKE: Today, Mr. Al Grant very kindly furnished us with the drawings showing the alinement and construction limits of the center leg of the inner loop where it crosses the Mall. We have reviewed these drawings and agree that the continuous curved tunnel section would be preferable to the "broken back" type of curve.

The District of Columbia Department of Highways and Traffic has done a very good job in reanalyzing and restudying this problem. You will recall at the public hearing last September I indicated that the National Park Service preferred this tunneled section of the center leg to utilize Third Street NW., and extend westward into the Mall area rather than locating it in the panel between Second and Third Streets NW. We believe the Highway Department has recognized the views of the Park Service, and we concur in the proposed continuous curved alinement of the center leg as it crosses the Mall.

It is recognized that a considerable number of trees will have to be removed west of Third Street in the Mall panels, but this is preferable to the destruction of the trees between Second and Third Streets. When the project reaches the stage where construction will begin, a permit will then be issued to the government of the District of Columbia by this Service.

We anticipate this permit will specify replacement of trees, particularly between Jefferson and Madison Drives. Since this is the internationally famous Mall and trees play such an important part in the esthetic qualities of this park, we believe that trees of maximum size should be replaced. The replacement trees within the construction limits of the project between Jefferson and Madison Drives should be 8 to 10 inches in diameter and root pruned a year in advance of planting. Also, the necessary earth cover over the tunnel section should be a minimum of 6 feet.

We are pleased to cooperate on this project and feel that it will be a benefit to the Nation's Capital. We will be glad to work out specific details with members of your staff at their convenience.

We are returning the drawings loaned to us by Mr. Grant.

Sincerely yours,

CONRAD L. WIRTH, Director.

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D.C., November 7, 1963.

DISTRICT OF COLUMBIA FISCAL YEAR 1965 PUBLIC IMPROVEMENTS PROGRAM

The National Capital Planning Commission has reviewed the fiscal year 1965 public improvements program of the District of Columbia and reports thereon to the Board of Commissioners of the District of Columbia and the the Bureau of the Budget as follows:

1. SCHOOLS

- (a) The Commission recommends favorably the following projects:

Elementary schools

- (1) 10-86 (Green addition—plans, construction).
- (2) 10-94 (New school at Wheeler and Mississippi SE.—construction).
- (3) 10-96 (New school at 17th and E NE.—construction).
- (4) 10-120 (Raymond addition—construction).
- (5) 10-121 (New school at 7th and Webster NW.—Construction).
- (6) 10-122 (Morgan replacement—site, plans).
- (7) 10-123 (Kimball addition—equipment).
- (8) 10-124 (New school at Texas and Burns SE.—plans, construction).
- (9) 10-126 (Benning replacement—site, plans).
- (10) 10-127 (Garfield Annex replacement—site, plans).
- (11) 10-129 (New school at Lincoln Road and Douglas NE.—site, plans)

10. HIGHWAYS

- (a) The Commission recommends favorably the following projects:

- (1) 28-1 (Citywide street improvements and extensions).
- (2) 28-3 (Citywide highway planning, programming, and surveys).
- (3) 28-12 (East leg of the inner loop—right-of-way, construction). In its review of the fiscal year 1964 program, the Commission withdrew its approval of the 11th Street NW., alinement for the east leg of the inner loop between interchange C and the Northeast Freeway and directed the staff to make a study in consultation with the National Park Service, the District of Columbia government and the National Capital Transportation Agency, of other possible aline-ments for the east leg. Following such study and at its meeting on July 18, 1963, the Commission approved in principle the use of the west bank of the Anacostia River for the east leg subject to further review by the Park Service and the District of Columbia Highway Department and approval by the Commission of the precise alinement, grades, connections, landscaping, and replacement of park land.

(4) 28-16 (11th Street Expressway, between Constitution Avenue and Southwest Freeway—construction).

(5) 28-17 (12th and 13th Streets NE., between Rhode Island Avenue and Sargent Road—right-of-way, engineering, construction).

(6) 28-20 (11th Street Bridge and north approaches—construction).

(7) 28-22 (Center leg of the inner loop—right-of-way, construction). Favorable recommendation by the Commission of this project in the fiscal year 1964 program was conditioned upon approval by the Commission, before bids for construction are advertised, of a model of the project indicating the archi-tectural treatment of the center leg. Favorable recommendation of the fiscal year 1965 request is similarly conditioned.

(8) 28-27 (H Street NE., railroad viaduct—construction).

(9) 28-39 (Lanham Tree Nursery replacement—plans, construction).

(10) 28-45 (Minnesota Avenue NE., between Sheriff Road and Eastern Avenue—construction).

(11) 28-49 (New York Avenue NE., between 1st Street and Bladensburg Road—construction).

(12) 28-54 (Northeast Freeway—right-of-way).

General DUKE. The Interstate Highway System here in our metro-politan area, as well as in most urban areas today, provides for a basic network of circumferential and radial freeways, including an inner loop to distribute traffic in the downtown area. While this

center leg project has been planned as an integral part of the Interstate System, it is also capable of standing on its own merit as a logical northerly extension of those portions of the Interstate System that have already been completed.

In my earlier testimony, I noted the through-route nature of the center leg facility, and I think it is important to note that this description also encompasses through traffic in a metropolitan sense, or, in other words, traffic from the bordering area of Maryland through the District of Columbia to the bordering area of Virginia.

Although we are engaged in system planning and not "piecemeal" actions, the center leg in itself will provide the following services as a logical extension of our existing completed freeway system to date.

1. One of its principal functions will be to provide downtown distribution for both local and long-distance trips. It will thus relieve the local streets of substantial volumes of traffic so that the local streets can perform their prime function of providing access to abutting businesses and residential properties.

2. A considerable portion of the traffic approaching downtown from both the Southwest and Southeast Freeways will be destined for the downtown area and for the industrial area to the north. The center leg tunnel will carry this traffic under the Mall and provide a limited access type facility for this service.

3. The construction of the center leg tunnel will eliminate the continuous flow of traffic on U.S. 1 which now uses Third Street. I am certain that the members of this committee are familiar with the present congestion which tends to cut off the Capitol Grounds from the Mall. An example of this type benefit is the recently completed 12th Street Expressway under the Mall. Here some 16,000 daily trips were removed from the surface streets across the Mall and directed into the tunnel. Even greater benefit will be derived at this location.

In summary, Mr. Chairman, the center leg is one of the major and essential elements in the transportation system for the District of Columbia. It has been generally accepted and endorsed by all of the official agencies responsible for transportation planning in the region. In addition to its being a major link in the highway network, it provides a much needed connection between the business district and the service areas to the north and the already completed sections of the Interstate Freeway System. Furthermore, it will provide a close-in bypass of the downtown area, thereby freeing the downtown streets of much of the present congestion. Finally, it will serve to enhance and preserve the beauty of the Capitol Grounds and the Mall by eliminating traffic now using the surface streets in this monumental area.

We, therefore, consider it essential that this bill, which will allow us to proceed with the construction work, be passed and we respectfully urge your favorable and early action.

Senator METCALF. Do you have anything to add, Mr. Airis?

Mr. AIRIS. No, sir.

Senator METCALF. Thank you very much, General. Now I asked you at your last appearance before the committee whether or not this center leg could stand apart from the inner loop, and your response was that it was an integral part of the Interstate System in and of itself.

Now may I ask the other part of the question. If we didn't have the center leg, could we have an Interstate System composed of the outer loop and the inner loop, if we did not have the center leg?

General DUKE. Sir, you are assuming of course that the balance of the inner loop, that is the east leg and the commonly referred to north leg, would be constructed, I would have to agree, and I think it would be obvious from a map which I will be glad to display, that we could in fact have an Interstate System.

In other words, you could go from Maryland through the District of Columbia into Virginia, and not leave an interstate freeway. So the answer to that is "yes; you could," sir.

I must if I may, sir, elaborate a moment.

Senator METCALF. Surely, I want you to.

General DUKE. I hate to interrupt. This in our opinion and in the opinion of the transportation planners of the District would not provide the adequate service that we would require. The entire concept of the inner loop, of which the center leg has deliberately been made a part for many years, we feel provides that balance of transportation between Maryland and Virginia and the urban area of the District of Columbia required for proper balance of the transportation requirements.

Senator METCALF. You have made an economic study to determine that that balance you have justifies the expenditure of 64 million Federal dollars in Federal funds and \$7 million or whatever it is in District funds?

General DUKE. Yes, sir.

Senator METCALF. That was the economic justification I asked Mr. Whitton about, and he said that you only had a rough approximation. Now can you supply for the record—none of us is going to have time before we have to convene on a very historic and important day in the Senate today—to go completely into this, and probably it isn't within the jurisdiction of the committee to go into all of the economic justification. Nevertheless if we should say that aesthetic invasion of the Capitol Grounds in our opinion is not warranted, we are probably going to shut off the construction of the center leg. And so this does come into the question of alinement in part.

General DUKE. Yes, sir.

(The information requested follows:)

DISCUSSION OF ECONOMIC JUSTIFICATION

The independent economic analysis of an isolated element of an integrated and balanced transportation system is difficult, since total system planning and analysis provides the basic justification for each element of the system.

In response to committee members request, for economic justification used in support of the center leg, we are extracting pertinent portions of testimony on "Criteria for Selection of Interstate Routes," submitted to the Subcommittee on Roads of the Committee of Public Works of the U.S. Senate on April 15, 1955, by C. D. Curtis, then Commissioner, Bureau of Public Roads. When the 2,300 miles of Interstate System in and around urban areas was allocated under the above criteria, the center leg of the inner loop was approved as an integral part of the District of Columbia Interstate System. Of the criteria listed, the following have special application to the center leg:

"1. *Connection with city approach routes.*—For the service of Interstate System traffic and other traffic bound in and out of the city to and from exterior points, the routes selected should provide for convenient collection and delivery. Al-

though the interstate routes must bear a proper relation in location and character to other parts of the street system, they will be the routes of principal service to the Interstate System traffic."

The center leg provides connection to principal arteries serving the central business district for convenient collection and delivery of traffic to and from exterior points.

"2. *Penetration of city.*—At the approaches to cities and particularly the larger cities, a very large part of the traffic on the Interstate System originates or is destined to the city itself. Distributing routes within cities should be provided in addition to circumferential routes which serve to bypass the traffic that is not destined for the city."

The center leg is required for efficient distribution of a large share of traffic, interstate in nature, that originates or is destined to the District of Columbia.

"3. *Relation to traffic-generating focal points and transportation terminals.*—Railway terminals, both passenger and freight, wharves and docks, and airports generate large volumes of street and highway traffic associated with the essential interchanges between the several modes of transportation. The location of the Interstate System routes at cities should be so placed as to give convenient express service to these various major traffic-generating locations within and in the vicinity of cities and also to the business center of the city and main industrial areas. The location of the Interstate System should permit and encourage a desirable coordination of highway transportation with rail, water, and air transportation."

The center leg will provide convenient access to Union Station, the major passenger and freight railway terminal in the District. In addition, the center leg is favorably located with respect to the central business district, the Federal Triangle, the U.S. Capitol, the Municipal Government Center and the Northeast No. 1 urban renewal area—an entirely new industrial renewal area of over 80 acres. All of these land uses are major traffic generators requiring safe and convenient access.

"4. *Relation to urban planning.*—Interstate System routes will provide for only a small portion of the movement of traffic in most cities. The routes should be located and designed to be an integral part of the entire urban transportation plan."

Proposals for the entire Interstate System of the District of Columbia including the center leg have been and are being coordinated with all local planning agencies concerned with the urban transportation plan, including the National Capital Planning Commission, the National Capital Transportation Agency, and the National Capital Downtown Committee, Inc.

"5. *Civil defense.*—The Interstate System routes to be provided in and near any city should be carefully studied and integrated with the planning for civilian defense."

The center leg has special impact relative to civil defense due to its potential use as an evacuation route serving the U.S. Capitol and the Senate and House Office Building.

In addition to the justification previously furnished which has been summarized above, additional information has been brought to light in subsequent refinement studies. These additional analyses provide further justification as summarized in succeeding paragraphs.

Detailed benefit-cost ratios were determined for the center leg interchanges in connection with the 1961 estimate of the cost of completing the Interstate System. These analyses were made to determine whether each proposed interchange was economically justified on its own merits. They revealed that the interchange just south of Independence Avenue, serving the Capitol Hill area and the Federal office building complex, had a benefit-cost ratio of 3.64, and the pair of interchanges north of Constitution Avenue, serving the Capitol Hill area and the central business district, had benefit-cost ratios of 7.40 and 18.25. Since the completion of the 1961 estimate, changes in the land use, employment, and population forecasts by the Bureau of the Census, National Capital Planning Commission, and the suburban planning agencies have caused the projected traffic volumes for the center leg and the entire Interstate System in the District of Columbia to increase more than 20 percent, even though the new forecast has been based upon the assumption that the full National Capital Transportation Agency proposed rail rapid transit system will be in place. The estimated increase in traffic would tend to further increase the benefit-cost ratio of the system.

Inasmuch as the downtown street system is already overloaded, the alternative of not building the center leg is unreasonable. It is estimated that as many as

26 additional lanes of arterial streets would be required in the downtown area to handle the center leg traffic, if it were not constructed. The benefit-cost ratio of building these 26 additional lanes (compared with doing nothing) is estimated at 0.4, because of the high capital costs. The additional lanes, not including interchanges with the inner loop, would cost approximately \$85 million, while the center leg, not including interchanges with the inner loop, would cost approximately \$64 million. The annual user savings of the 26 additional lanes (compared with doing nothing) is estimated to be approximately \$3 million while the user savings for the center leg is estimated to be approximately \$5 million.

It would, however, be difficult, if not impossible, to provide the additional 26 lanes on the downtown street system where they would be needed. As an example of the problems involved, the traffic on Independence Avenue just west of the new Rayburn House Office Building would be increased from approximately 37,000 vehicles per day in 1985 (with the center leg constructed) to approximately 54,000 (without the center leg). This increase would require at least two additional lanes on Independence Avenue. The effect on the Capitol Grounds from such a widening would be far more severe than the effect of tunneling the center leg under the Mall.

If the 26 additional lanes of surface streets were built, the socioeconomic consequences, both long and short range, would be dramatically more adverse. Without question the tax base of the District would be greatly reduced. The consequences to the orderly development of the Nation's Capital, the fastest growing area in the Nation, would also be severe. The year 2000 plan, the Pennsylvania Avenue plan, the plan for downtown Washington, and the student and visitor center plan have all been based upon the assumption that the inner loop freeway system, including the center leg, will be built.

The stimulated private development and the recent doubling of the real estate tax assessment within the center leg corridor have been, in large part, based in anticipation that the center leg will be built. This facility has been a part of the Interstate System since at least 1955 and has been included in every Interstate System estimate.

Senator METCALF. Taking into consideration the relocation of the people that are going to be involved, the fact that you are going to have an open ditch that will cut the city of Washington—the Capital of the United States—into two parts, coming into the so-called north part, taking into consideration the cost, between \$71 and \$72 million, and the fact that there is an alternate, as Mr. Whitton says, to travel an extra amount of mileage, but those are economic considerations to take into consideration, you still feel that the center leg is an important component of this transportation system.

General DUKE. I definitely do, Mr. Chairman, and if I may I would like to comment on that a bit. In the first place, the Board of Commissioners is quite conscious of the adverse effect of the construction of any public improvement in the District of Columbia. This is I should say one of its foremost responsibilities. The Commissioners never under any circumstances plan to construct any public improvement, a major freeway at least, without giving full effect to all of the adversities that are occasioned by such construction, and these adversities center around dislocations, the destruction of people's homes, the destruction of their businesses and other items of this nature. We reluctantly, and I say this genuinely, we reluctantly approve construction items of public improvement that have such a grave impact upon the citizens of the District of Columbia, and I can assure you that the Board, after due consideration of all these factors, unanimously are of the opinion that this leg should be built.

Now with respect to the beauty of this item, I have only been here about a year, Senator, and if I may say so, I think you should feel confident that the inherent beauty of this area will be protected by the modus operandi in the design of these projects.

The projects must be cleared with several agencies in the District of Columbia, and most of them are independent, completely independent of the Board of Commissioners such as the National Capital Planning Commission, the Commission of Fine Arts, in many cases the National Park Service and other agencies, and I should say of all the places in the country where the procedures are designed to insure beauty and insure a proper outcome, the District of Columbia probably would rank one on the list.

Now if I may say with respect to the possibility of having the Interstate System without the center leg, sir, of the three elements, the north leg, the northwest leg, the center leg, I should say without hesitation that the center leg has encountered the least opposition.

All elements of the freeway network in the District of Columbia encounter opposition, and of these three, the north leg, the northwest leg, probably has encountered the most intense opposition. So if I were to assess at the moment the prospects of early completion of these elements, I would list the north leg at the bottom of the list and the center leg at the top of the list.

The east leg goes around through the area by the stadium, and has not progressed as far as its specific location to the point where I can be either optimistic or pessimistic with respect to this particular element.

This involves extensive coordination with the Park Service and other elements around the District. Therefore, I would say I would place it in the center of these three. But I would under no circumstances say that there is anywhere near as complete agreement with respect to the alinement or the architectural treatments of the east leg as exists with respect to the center leg.

Senator METCALF. Now I asked Mr. Whitton about an alternative proposal of boring rather than making an open cut and refilling. Have you given consideration to that alternative?

General DUKE. At the moment, sir, we only have estimates that have been prepared by our own staff in the District of Columbia, and as you noted a while ago, the estimated cost of this project is very large, about \$71 million.

This estimate has been prepared even with the minimum tunnel that we now contemplate, and the method of construction of open cut and cover.

Any elongation of that tunnel or changing of the method of construction of the tunnel will only serve to increase considerably the estimate of the center leg, and one of the basic problems involved in this project is blending the beauty and the inconvenience on one hand with the cost of the project on the other hand. This is really the final judgment to be rendered.

Our plan quite frankly is to hire a consultant, if the Congress in its wisdom decides to pass this particular bill. We will immediately hire a consultant, and the very first thing that he will be asked to do is to decide answers to some of these questions right now with respect to the length of the tunnel, the type of the tunnel and this sort of thing, after consultation with the other planning agencies of the district. He will also be asked to prepare a model reflecting his judgment, the model to which the Planning Commission and the Fine Arts Commission have so frequently referred.

We have not proceeded to that stage yet because quite frankly we have felt that the permission and really not the direction or the authority of the Congress, but the permission of the Congress to trespass on your property was really an essential ingredient before we hired this consultant to go to the detailed work of preparing the plans.

Senator METCALF. May I make a comment, and then, General, it is with a great deal of regret that I have to leave, but I am going to ask the chairman if I have some further questions, I may consult with General Duke and then submit them for the record.

Senator RANDOLPH. Yes, Senator Metcalf, that will be in order.

Senator METCALF. General, I think that we too would like to have a little more information before we give you permission to trespass on our property. I don't want to get into a chicken or the egg sort of a situation, but it would seem to this Senator that we would have some sort of an idea as to what kind of approaches and how many acres are going to be taken and what the ramps are going to look like and things of that sort that are very difficult for us who are not professional engineers to conceive.

I think some of the concern that we have is because we don't feel that your plans are quite established and full enough so that we can give permission for trespass. I am very sorry that I have to leave.

This has been very interesting, but I have to get over to the Senate.

General DUKE. If I may say, sir, on that score, and I will make it succinct, this was the main problem with the House, and over a period of over a year this particular element was discussed with the House Office Building Commission. It was these discussions that resulted in the adjustment to the original plan, and these adjustments were made specifically with this in mind, to preserve the beauty of the Capitol, and if you would see fit to discuss this with me further, particularly with the idea of what you might have in mind so we could insure that the beauty of this monumental area is preserved, I would be delighted to do so.

Senator METCALF. Thank you very much, General Duke. Thank you, Mr. Chairman.

Senator RANDOLPH. Thank you, Senator Metcalf.

Senator Cooper.

Senator COOPER. I know we will have to adjourn at 11. I have a letter from Adm. Neill Phillips, the chairman of the American Planning & Civic Association. He may not be able to testify because of a lack of time. I am going to ask that his letter be put in the record.

Senator RANDOLPH. That will be included, Senator Cooper.

(The document referred to follows:)

AMERICAN PLANNING & CIVIC ASSOCIATION,
Washington, D.C., June 18, 1964.

Re proposed center loop freeway, Washington, D.C.

Senator JOHN SHERMAN COOPER,
Senate Office Building,
Washington, D.C.

DEAR SENATOR COOPER: Knowing of your interest in the pending bill that seeks congressional approval for construction of the center leg freeway by a tunnel beneath the Mall, I would like to request that you include in the record of the hearings the views of the Committee of 100 on the Federal City on this freeway proposal.

The Committee of 100 strongly supports the concept of tunneling the proposed center leg beneath the Mall but is gravely concerned about the location and design of the freeway north of Constitution Avenue.

The plan thus far disclosed for the center leg north of the Mall is an eight-lane depressed freeway occupying an open trench between Second and Third Streets that would sever most east-west streets and isolate Capitol Hill from the central business and employment area of the Nation's Capital. According to estimates by the District of Columbia Highway Department such plans would result in the condemnation of 20 acres of land (6 in residential use, 12 in commercial use, and 2 in educational and other public uses) at a cost of \$19,310,000. Total costs, including construction, would be over \$35 million per mile. Churches would be destroyed, many hundreds of people would lose their homes, and plans for private renewal investment would be frustrated.

Such adverse effects on the Nation's Capital are costly and avoidable.

It will be recalled that the center leg freeway was first proposed by the National Capital Planning Commission in 1950 as part of an all-highway transportation plan (a concept it has since abandoned). Initially this proposal, together with a similar proposal for a north leg freeway, were rejected by the District Highway Department and District Commissioners because of the cost and property damage that would result. (See Washington Metropolitan Area Transportation Study, "A Recommended Highway Improvement Program," Nov. 17, 1952, p. 40.)

The enactment of the Federal-Aid Highway Act of 1956, with its provision for 90 percent Federal aid for freeways that are a part of the Interstate System, appears to have overcome the reluctance of the District government to construct the center leg freeway. But this Federal legislation obviously was not intended to be construed as a subsidy for unnecessary destruction of central city property. Any doubts about this were removed by the 1961 amendment (23 U.S.C. sec. 111) clarifying the right of cities to utilize tunneling techniques in freeway construction.

The general north-south alinement of the proposed center leg offers a unique opportunity for the District government to utilize existing rights-of-way for construction of a tunneled freeway that would avoid many of the undesirable consequences of the center leg while promoting completion of a downtown freeway bypass removing interstate traffic from surface streets. Thus, by cut-and-cover construction of freeway tunnels beneath Second and Third Streets (for both northbound and southbound traffic) the District could satisfy both the need for this freeway and the equally important need to preserve the character, vitality and economic health of the central city area. Where it may be necessary at the northern end of the center leg to depart from the street right-of-way, then bored tunnel construction should be utilized to the maximum extent feasible.

While the construction and maintenance costs for such a freeway tunnel, including relocation of utilities and provision for ventilation and lighting, undoubtedly would be higher than for an open trench design, the total overall cost would probably be considerably less; since most of the contemplated \$19,310,000 expenditure for property condemnation would be avoided and the District would receive over \$1 million in property taxes alone each year that would otherwise be permanently lost.

The Committee of 100 believes that tunneling is imperative for such freeways as must be built in the heart of the Nation's Capital. We can ill afford more Chinese walls such as the Southwest Freeway or the E Street Expressway now under construction. The proposed tunneling beneath the Mall is an important first step, but the rest of the city's core, no less than the Mall, deserves like treatment.

We therefore hope that if the Congress approves the pending bill that it attaches appropriate requirements that any continuation of the freeway north of Constitution Avenue likewise be tunneled so as to minimize or eliminate the undesirable features that would otherwise result from the open-trench design.

In further documentation of our views, I would also like to submit for the record the testimony of the Committee of 100 on the center leg presented to the District Commissioners September 3, 1963, the answer to such testimony by the former District Highway Director, and the reply by the chairman of our roads subcommittee dated October 2, 1963, which was unanimously ratified and approved by the full Committee of 100 at its meeting of October 11, 1963.

Sincerely yours,

NEILL PHILLIPS, *Chairman.*

Senator COOPER. Just for the record, General Duke, will you state the length of the center leg and its estimated cost?

General DUKE. Our present estimates, Senator, indicate that the center leg will probably run just under 2 miles in length. It was quoted a while ago as running 1.8 miles. I would say that is generally correct. Our cost is roughly \$70 to \$71 million.

Senator COOPER. Do you know how many people would be displaced by the construction of the center leg?

General DUKE. Would you allow me to supply that data for the record, sir?

We have it. I don't have it available at this moment.

(The information requested follows:)

Senator COOPER. Have you made any estimate of the loss of taxable property? I mean by that the valuation of the property that would be removed from the rolls by the construction of the center leg?

General DUKE. Yes, sir, we do have that figure. We treat that on the immediate basis, since in our judgment in the long run the tax rolls are increased rather than decreased.

Senator COOPER. Can you supply this information?

General DUKE. Yes, sir.

(The information requested is as follows;)

ADDITIONAL INFORMATION ON CENTER LEG REQUESTED AT HEARINGS OF SENATE SUBCOMMITTEE ON ROADS, PUBLIC WORKS COMMITTEE, JUNE 19, 1964

DISCUSSION OF DISPLACEMENT AND TAX LOSS

As a result of the public hearing held by the Board of Commissioners on September 3, 1963, the location of the center leg north of the Mall was narrowed down to two alternate alignments. They consisted of the recommended alignment located between Second and Third Streets, and an alternate located between Third and Fourth Streets. The Second and Third Streets alignment was selected because it displaced fewer persons, had better long-range real estate tax potential, cost less to construct and served traffic better. The estimated initial displacement for this alignment is approximately 1,690 persons and the estimated initial annual tax loss is approximately \$220,000.

It is generally recognized that the socioeconomic consequences of any public project are of two types, short range and long range, and that long-range benefits are of much greater importance. The short-range consequences when adverse, however, must be faced to minimize their effects.

In this connection, the District is preparing legislation for the leasing of air rights over and under exclusive transportation rights-of-way. The objectives of this legislation are as follows:

1. Relocation of displaced persons. This act would potentially enable the space above transportation facilities, on a selected basis, to be utilized for residential purposes.
2. Increase of tax base. This act would potentially enable the space above or below transportation facilities to be used for commercial and other structures, thereby increasing the real estate, income, and other tax bases.
3. Transportation facilities sometimes sever vital socioeconomic ties and tend to divide communities. This act would permit a bridging of facilities with buildings in order to provide continuous residential or business districts.
4. Esthetics and recreation. This act would enable the space above and below transportation facilities to be used for recreational or park purposes, to intensify the land use and permit full exploitation of esthetic possibilities.
5. Direct income. The District would derive a direct income in the form of air rights rent.
6. District "expansion." Land within the District is at a premium, and limited in area by law. This act would permit a multiple and more intense use of land in keeping with the dignity and beauty of the Nation's Capital.

As an example of the potential of air right development on the center leg and its implication in terms of displacement and tax base, a study was made which indicated the feasibility of providing apartment developments to house approximately 2,400 persons over that section of the center leg between Massachusetts Avenue and New York Avenue. This study estimated that a potential increase in annual real estate revenue of approximately \$900,000 could result from combined commercial and residential air rights development over the center leg between Constitution Avenue and New York Avenue.

Senator COOPER. If the tunnel should be bored and extended beyond the present point of entry, it would be possible, would it not, that a number of these people would not be dislocated and the taxable property would not be destroyed?

General DUKE. Sir, I would have to say that to a degree this would be technically possible. Whether it would be practical and feasible to extend the tunnel for its entire length and thereby prevent relocations or destruction of business I would have to say that I would question this off hand.

Senator COOPER. I recognize that that is a matter for the engineers and the Bureau of Public Roads. My interest in asking that question is to make certain that the alternative of extending this tunnel as far north as possible be considered by the District Commission, its engineers and by the Bureau of Public Roads. Will that be done?

General DUKE. Absolutely, sir, and I would like to say on that score that this scheme that we have now is really a very rough thing as you have gathered, and will be coordinated with the Planning Commission, with the architect whom we select for design and with the Commission of Fine Arts from the standpoint of the beauty of the area and the aesthetics of the area. Certainly the tunnel will be extended to the proper length with these factors in mind. I wouldn't say that these agencies would necessarily indicate that the tunnel would be extended even further than the esthetics might require, for the express purpose of preventing relocation.

But from the standpoint of the esthetic treatment, I can assure you that this is an open question.

Senator COOPER. You have heard Mr. Walton testify that the Fine Arts Commission has not been consulted on this point. Do you intend to consult with the Fine Arts Commission?

General DUKE. Absolutely; yes, sir. We certainly do. The design of this will be developed as far as I am concerned in complete consultation with the Commission.

Senator COOPER. You do not think it strange that the National Capital Planning Commission withheld its approval until it was shown designs and models of the proposed freeway which Senator Metcalf referred to as a ditch. You don't think that is strange at all.

General DUKE. No, sir.

Senator COOPER. Don't you think that perhaps we should have the same opportunity to see the models and to see the exact plans before giving approval to the construction of a tunnel which in fact fixes the location of the center leg and removes Congress forever in my judgment—except for the appropriation of funds—from having anything to say about the construction of the entrances to this tunnel which even though located off the Capitol Grounds could effect the appearance and the beauty of the Capitol Grounds.

General DUKE. Sir, I sincerely understand your concern over this and I want to make sure, and I can assure you that the design of this center leg will, I am sure, relieve your mind of such concern.

The entirety within which this project has been conceived, Senator, is the same as all of the Interstate Highway Systems. The Bureau of Public Roads, the Secretary of Commerce has been delegated by the Congress the responsibility of reviewing all elements of the Interstate System and the District of Columbia as far as this, the Interstate Highway network is concerned, acts as one of the States. Therefore we have been following the same procedures with respect to the Interstate System as all the other States.

Senator COOPER. May I interject here to say that I think there is a difference. This is the Capital City. This is the Federal City. I think there is a great deal of responsibility for preserving the beauty not only for today but for the future, and you have responsibility to do that under your job. Others do also, but this Congress has the ultimate responsibility. It interests me that you have just assumed from the beginning that we would approve a bill which would give you carte blanche to do whatever you want to do, and that we would have no authority to do anything else about it.

I don't say this was your intention but it is the effect, whether your intention or not. I think that if anything has been accomplished by these hearings it is your assurance that you are going to consult with the Fine Arts Commission and that you are going to produce plans and models for the Capital Planning Commission, because these agencies are concerned not only about the construction of the center leg, but the effect upon the beauty of the city.

Senator RANDOLPH. Senator Cooper, for the record I want to be very clear. This was the effect of what General Duke told us at an earlier hearing before the subcommittee, that he would counsel with these agencies that you have mentioned. I am not disagreeing with the record being made here, but I would want to point out that we haven't had to pull this out of General Duke, because he said it before.

Senator COOPER. The record shows that he has not consulted with the Fine Arts Commission, and the record further shows that he has obtained only a conditional approval of the National Capital Planning Association.

General DUKE. May I inject one thing, Senator, with your permission?

Senator COOPER. Yes.

General DUKE. Just to refresh all of our memories on the technique of insuring that the Board of Commissioners is not given any undue authority to disrupt the beauty of the Capitol Grounds, the method by which this proposed bill would fulfill that requirement is contained in section 2 of the bill which says that this entire permission is subject to the approval of the Architect of the Capitol and to such conditions as he may prescribe.

Senator RANDOLPH. General Duke, insofar as the chairman of the Subcommittee on Public Roads is concerned, he has the same intense interest in the preservation of the beauty of the Capital City and its environs that is shared, I am sure, by the membership of the Congress generally, and yet he recognizes that there is the process of change

which must necessarily be part of our life. I once thought that when I purchased a residence in a certain part of the District of Columbia that it would be a rather quiet location, somewhat remote from the hurry of the city.

But this has been changed with the years, and now the cars are constantly moving by this residence, and sometimes backed up for blocks, and I recognize this as a problem of transportation, a problem of the movement of vehicles and of people.

I could conceive of nothing worse for the District of Columbia than to allow ourselves to bring about insufferable congestion in the District of Columbia by prolonged consideration of projects that are vital to the fulfillment of the Interstate System. I say this with due deference to the needs here of the preservation of the beauty and integrity of the Capitol Grounds themselves.

I want the record to show very clearly that I believe that this is a matter of concern to be sure. It is also a matter of immediate need. It is also a matter for consultation and counseling. I am sure General Duke that you and the Commissioners and the members of the Commissions involved, the Architect of the Capitol, and yes, the Congress, will not allow the project actually to move forward in construction until the answers to the questions that Senator Cooper and others have advanced are clearly enunciated.

Thank you, General.

General DUKE. Thank you, Senator.

Senator RANDOLPH. We must close our hearing for this morning.

Senator Cooper, so that the record may be very clear, we will include all information pertinent to the hearing provided by those who have testified, supplementing their testimony because of questions, and also in the one instance the information by letter which was provided to the committee.

General Duke, we thank you very much.

General DUKE. Thank you very much, sir. It is a privilege to be here.

(Whereupon, at 11:05 a.m., the hearing was concluded.)



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...I would not say that I am a member of the House of Representatives, but I have been asked about my position in the House of Representatives. I am not a member of the House of Representatives, but I have been asked about my position in the House of Representatives. I am not a member of the House of Representatives, but I have been asked about my position in the House of Representatives.

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(Whereupon at 11:55 a.m. the hearing was concluded.)

