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PUBLIC BUILDINGS COOPERATIVE USE

GOVERNMENT

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HEARINGS  
BEFORE THE  
SUBCOMMITTEE ON  
PUBLIC BUILDINGS AND GROUNDS  
OF THE  
COMMITTEE ON  
PUBLIC WORKS AND TRANSPORTATION  
HOUSE OF REPRESENTATIVES

NINETY-FOURTH CONGRESS

SECOND SESSION

ON

**H.R. 15134**

TO AMEND THE PUBLIC BUILDINGS ACT OF 1959 IN ORDER TO PRESERVE BUILDINGS OF HISTORICAL OR ARCHITECTURAL SIGNIFICANCE THROUGH THEIR USE FOR FEDERAL PUBLIC BUILDING PURPOSES, AND TO AMEND THE ACT OF AUGUST 12, 1968, RELATING TO THE ACCESSIBILITY OF CERTAIN BUILDINGS TO THE PHYSICALLY HANDICAPPED

AUGUST 25 AND 26, 1976

Printed for the use of the Committee on Public Works and Transportation



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1 constructing, operating, maintaining, altering, and otherwise  
2 managing or acquiring space necessary for the accommoda-  
3 tion of Federal agencies and to accomplish the purposes  
4 of this title, the Administrator shall—

5 (1) acquire and utilize space in suitable buildings  
6 of historic, architectural, or cultural significance, unless  
7 use of such space would not prove feasible and prudent  
8 compared with available alternatives;

9 (2) give preference, after first complying with  
10 paragraph (1) of this subsection, to the acquisition and  
11 use of space in other existing buildings, unless use of such  
12 space would not be feasible and prudent compared with  
13 available alternatives;

14 (3) encourage the location of commercial, cultural,  
15 educational, and recreational facilities and activities  
16 within or near public buildings;

17 (4) provide and maintain space, facilities, and ac-  
18 tivities, to the extent practicable, which encourage pub-  
19 lic access to and stimulate public pedestrian traffic  
20 around, into, and through public buildings, permitting  
21 cooperative improvements to and uses of the area be-  
22 tween the building and the street, so that such activities  
23 complement and supplement commercial, cultural, edu-  
24 cational, and recreational resources in the neighborhood  
25 of public buildings; and

1           (5) encourage the public use of public buildings,  
2 including commercial, cultural, educational, and recrea-  
3 tional use of such buildings outside of regular Federal  
4 working hours.

5           (b) In carrying out his duties under subsection (a) of  
6 this section, the Administrator shall consult with Governors,  
7 areawide agencies established pursuant to title II of the  
8 Demonstration Cities and Metropolitan Development Act  
9 of 1966 and title IV of the Intergovernmental Cooperation  
10 Act of 1968, and chief executive officers of those units of  
11 local government in each area served by an existing or  
12 proposed public building, and shall solicit the comments of  
13 such other community leaders and members of the general  
14 public as he deems appropriate.

15       SEC. 103. The Public Buildings Act of 1959 is  
16 amended—

17           (1) by striking out at the end of section 7 (a) (3)  
18 the word "buildings;" and inserting in lieu thereof  
19 "buildings designed to enhance the architectural, his-  
20 torical, social, cultural, and economic environment of  
21 the locality;"

22           (2) by striking out "and" at the end of section  
23 7 (a) (4), by redesignating section 7 (a) (5) as section  
24 7 (a) (6), and by inserting the following new section  
25 7 (a) (5) :

1           “(5) a statement by the Administrator of the eco-  
2           nomic and other justifications for not acquiring or pur-  
3           chasing a building or buildings identified to the Adminis-  
4           trator pursuant to section 12 (c) of this Act as suitable  
5           for such a public building need; and”;

6           (3) by redesignating section 12 (c) and section 12  
7           (d) and all references thereto as section 12 (d) and  
8           section 12 (e), respectively, and by inserting after sec-  
9           tion 12 (b) the following new section 12 (c) :

10          “(c) Whenever the Administrator undertakes a survey  
11          of the public buildings needs of the Federal Government  
12          within a geographical area, he shall request that, within  
13          sixty days, the Advisory Council on Historic Preservation  
14          established by title II of the Act of October 15, 1966 (16  
15          U.S.C. 470i), identify any existing buildings within such  
16          geographical area that are of historic, architectural, or cul-  
17          tural interest and which would be suitable, whether or not  
18          in need of repair, alteration, or addition, for acquisition or  
19          purchase to meet the public buildings needs of the Federal  
20          Government.”.

21          SEC. 104. (a) The Federal Property and Adminis-  
22          trative Services Act of 1949 is amended—

23                  (1) by striking out “and” at the end of section  
24          210 (a) (14), by striking out the period at the end

1 of paragraph (15) and inserting in lieu thereof a semi-  
2 colon and the following new paragraphs:

3 “(16) to enter into leases of space on the major  
4 pedestrian access level of any public building with per-  
5 sons, firms, or organizations engaged in commercial,  
6 cultural, educational, or recreational activities. The Ad-  
7 ministrator shall establish a rental rate for such leased  
8 space equivalent to the prevailing commercial rate for  
9 comparable space devoted to a similar purpose in the  
10 vicinity of the public building. Such leases may be  
11 negotiated without competitive bids, but shall contain  
12 such terms and conditions as the Administrator deems  
13 necessary to protect the public interest;

14 “(17) to make available, on occasion, or to lease  
15 at such rates and on such other terms and conditions as  
16 the Administrator deems to be in the public interest,  
17 auditoriums, meeting rooms, courtyards, rooftops, and  
18 lobbies of public buildings to persons, firms, or organiza-  
19 tions engaged in commercial, cultural, educational, or  
20 recreational activities that will not disrupt the operation  
21 of the building;

22 “(18) to deposit into the fund established by sub-  
23 section (f) of this section all sums received under leases  
24 or rentals executed pursuant to paragraphs (16) and

1 (17) of this subsection and each such sum shall be  
2 credited to the appropriation made for such fund appli-  
3 cable to the operation of such building;

4 “(19) to pay sums in lieu of real property taxes to  
5 States and units of local government on any space leased  
6 pursuant to paragraph (16) or (17) of this subsection  
7 to persons, firms, or organizations otherwise subject to  
8 taxation; and

9 “(20) to furnish utilities, maintenance, repair, and  
10 other services to persons, firms, or organizations leasing  
11 space pursuant to paragraphs (16) and (17) of this  
12 subsection. Such services may be provided during and  
13 outside of regular working hours of Federal agencies.”.

14 (b) The Federal Property and Administrative Services  
15 Act of 1949 is amended by adding at the end of section 210  
16 (e) the following: “The Administrator shall, where prac-  
17 ticable, give priority in the assignment of space on the  
18 major pedestrian access level not leased under the terms  
19 of subsection (a) (16) or (a) (17) of this section in such  
20 buildings to Federal activities requiring regular contact with  
21 members of the public. To the extent such space is unavail-  
22 able, the Administrator shall provide space with maximum  
23 ease of access to building entrances.”.

24 SEC. 105. As used in this title—

1       (1) The term "Administrator" means the Adminis-  
2       trator of General Services.

3       (2) The terms "public building" and "Federal agency"  
4       have the same meaning as is given them in the Public  
5       Buildings Act of 1959.

6       (3) The term "unit of local government" means any  
7       city, county, town, parish, village, or other general purpose  
8       political subdivision of a State.

9       (4) The term "historical, architectural, or cultural  
10       significance" includes, but is not limited to, buildings listed  
11       or eligible to be listed on the National Register estab-  
12       lished under section 101 of the Act of October 15, 1966  
13       (16 U.S.C. 470a).

14       (5) The term "commercial activities" includes, but is  
15       not limited to, restaurants, food stores, craft stores, dry goods  
16       stores, financial institutions, and display facilities.

17       (6) The term "cultural activities" includes, but is not  
18       limited to, film, dramatic, dance and musical presentations,  
19       fine art exhibits, studios, and public meeting places, whether  
20       or not used by persons, firms, or organizations intending to  
21       make a profit.

22       (7) The term "educational activities" includes, but is  
23       not limited to, libraries, schools, day care centers, labora-  
24       tories, and lecture and demonstration facilities.



1 insure" and inserting in lieu thereof "to insure whenever  
2 possible".

3 (4) Section 4 is amended—

4 (A) by striking out "is authorized to prescribe  
5 such" and inserting in lieu thereof "shall prescribe";  
6 and

7 (B) by striking out "as may be necessary to in-  
8 sure" and inserting in lieu thereof "to insure whenever  
9 possible".

10 (5) Section 6 is amended—

11 (A) by striking out "is authorized";

12 (B) by inserting immediately after "(1)" the fol-  
13 lowing: "is authorized"; and

14 (C) by striking out all that follows "(2)" and  
15 inserting in lieu thereof "shall establish a system of con-  
16 tinuing surveys and investigations to insure compliance  
17 with such standards."

18 (6) By adding at the end thereof the following new  
19 section:

20 "SEC. 7. The Administrator of General Services shall  
21 report to Congress during the first week of January of  
22 each year on his activities and those of other departments,  
23 agencies, and instrumentalities of the Federal Government  
24 under this Act during the preceding year including, but not

1 limited to, standards issued, revised, awarded, or repealed  
2 under this Act and all case-by-case modifications, and waivers  
3 of such standards during such year.”.

4       SEC. 202. The amendment made by paragraph (1) of  
5 section 201 of this Act shall not apply to any lease entered  
6 into before January 1, 1977. It shall apply to every lease  
7 entered into on or after January 1, 1977, including any  
8 renewal of a lease entered into before such date which re-  
9 newal is on or after such date.

10       SEC. 203. Section 410 (b) of title 39, United States  
11 Code, is amended by adding at the end thereof the following:

12             “(8) The provisions of the Act of August 12, 1968  
13             (42 U.S.C. 4151-4156).”.

## PUBLIC BUILDINGS COOPERATIVE USE

WEDNESDAY, AUGUST 25, 1976

U.S. HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS  
OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,  
*Washington, D.C.*

The subcommittee met, pursuant to notice, at 10:14 a.m., in room 2253, Rayburn House Office Building, Hon. Bo Ginn (chairman of the subcommittee) presiding.

Mr. GINN. The Subcommittee on Public Buildings and Grounds will please come to order.

This morning, and tomorrow, in room 2167, at 10 a.m., the subcommittee will be holding hearings on H.R. 15134, legislation which seeks to enhance as well as protect the environment by preserving our architectural heritage and encourage a lively pedestrian setting in and around Federal buildings.

The legislation further attempts to insure that all Federal buildings are designed, constructed, and altered in such a manner as to be readily accessible to the physically handicapped.

Title I, cited as the Public Buildings Cooperative Act of 1976, is almost identical to S. 865 which passed the Senate in August 1975.

Specifically, title I authorizes two new options in the manner in which the General Services Administration can acquire and operate its office space.

The legislation encourages the Government to utilize the country's existing architectural resources and conserve energy by requiring GSA to give consideration to the adapting of existing buildings for Federal use, particularly structures of architectural, historic, or cultural significance.

It is estimated that renovation of an existing structure cost approximately one-half the cost of a new building providing comparable facilities. In addition, since renovation tends to be more labor intensive per dollar invested, more jobs would be generated.

Second, the legislation provides for multiple use of Federal buildings, whereby, GSA is authorized to lease space on the major pedestrian access level of Federal buildings for commercial, cultural, educational, or recreational activities. This approach, I believe, will encourage new life and vitality to the Federal neighborhood. The concept of multiple use is not new. The Canadians currently devote about a quarter of space in new Government office buildings to private commercial use.

Further, throughout our country the concept is employed, and I believe a good example would be Crystal City, located in Virginia. Currently, the majority of Federal buildings are not on the local tax roles. However, this legislation would allow the space rented to

commercial enterprise on the access level to become revenue producing for municipalities by authorizing GSA to pay sums in lieu of real property taxes.

Title II will amend the Architectural Barriers Act of 1968, as amended. This legislation was enacted to insure that Federal buildings are designed, constructed, and altered in such a manner to be readily accessible to the physically handicapped.

At the request of the chairman of the Subcommittee on Investigations and Review, Mr. Wright, and the ranking minority member, Mr. Cleveland, the General Accounting Office conducted a study on implementation of the act and submitted a report back to the Congress in July 1975 entitled "Further Action Needed To Make All Public Buildings Accessible to the Physically Handicapped."

The report discussed the interpretation and implementation of the Architectural Barriers Act by those Federal agencies responsible for moving architectural barriers from buildings covered by the act. In October 1975 the Subcommittee on Investigations and Review held hearings on the report and the recommendations as a result of the hearing and the study are encompassed within title II.

Specifically, title II will impose a clear statutory mandate that Federal agencies named in the act insure that public buildings are made accessible to the physically handicapped. The legislation would include within the coverage of the act all Government-leased buildings and facilities intended for public use or in which the physically handicapped might be employed, all privately owned buildings leased to the Government for public housing, and the Postal Service.

In addition, agencies named in the act would be required to establish a system of continuing surveys to insure compliance with prescribed standards. Lastly, an annual report to Congress is required on GSA's activities pursuant to the act.

We are pleased to have with us this morning the ranking minority member of our subcommittee, Congressman Walsh.

Congressman Walsh, would you care to make an opening statement?

Mr. WALSH. Thank you, Mr. Chairman.

First of all, my apologies for being late this morning, but an emergency developed in my district, and I assure you that it was unavoidable, but I do apologize to you, and to all of the witnesses.

I, too, welcome the witnesses before the subcommittee this morning on the important legislation before this subcommittee. This bill strives for two purposes:

(1) To promote more efficient use of the Nation's construction resources, to foster the preservation of buildings of historic and architectural significance, to enhance the social and economic environment in and around Federal office buildings, and

(2) To strengthen the architectural Barriers Act of 1968 which sets as a goal a barrier-free design for Federal and federally used buildings in the United States.

These two purposes have a common bond; that is, to make Federal buildings more compatible for and more accessible to the needs of the citizens of this country.

There are in many parts of our country buildings that are old and in need of repair. They have seen better days, but their useful potential is great. Many of these old buildings have historical value and are more durable and are of considerably better quality than that which we can afford to build today.

Refurbishing old buildings is more labor intensive than construction of new buildings, and thus can provide employment opportunities far better than those in new construction. Many modern Federal buildings are latter day fortresses with little or no activity in the first floor with most citizen-oriented agencies tucked away and out of reach for the citizens who need the services provided. These modern buildings die at night with no commercial activity currently in existence in these buildings.

In fact, the term public building is a misnomer, for they can hardly be called public in the sense of their foreboding characteristics.

This legislation before us also amends the Barriers Act of 1968 to strengthen that act in providing a barrier-free design for Federal and federally used buildings.

Last year the Investigative Subcommittee looked into the subject of compliance with the Barriers Act of 1968 and through a GAO report discovered that many Federal buildings do not meet the American National Standards Institute standards for barrier free design for the handicapped.

It is estimated that there are between 18 and 68 million handicapped Americans in this country. It is a disgrace that Federal buildings or public buildings cannot be accessible to a large portion of our citizens.

A little foresight in the design of new buildings would provide wider doors, ramps, lower elevator buttons, drinking fountains, phones, and other features essential to the handicapped.

I join in with you in welcoming the witnesses here this morning.

Mr. GINN. Thank you, Mr. Walsh.

We are very pleased this morning to have several outstanding witnesses to appear before the subcommittee to give us their views and recommendations on this legislation. First to lead off this list of distinguished witnesses we have a person who is well known here and in Congress, because she was one of the first to urge the implementation of this kind of legislation.

We are delighted to welcome as our first witness the distinguished chairperson of the House Committee on Merchant Marine and Fisheries from the State of Missouri, Congresswoman Sullivan.

Mrs. Sullivan, please proceed as you see fit.

#### TESTIMONY OF HON. LEONOR K. SULLIVAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSOURI

Mrs. SULLIVAN. Thank you, Mr. Chairman and members of the subcommittee.

I am appearing here today to urge favorable immediate consideration of H.R. 9187 by your subcommittee. The passage of this legislation in this session of Congress is imperative in connection with the utilization of the old post office building in downtown St. Louis.

Under date of February 27, 1976, I forwarded to your subcommittee a letter together with a copy of a letter which I had received from downtown St. Louis, an organization composed of all of the outstanding business firms of the city of St. Louis, giving some detail of the St. Louis situation.

The old post office, which is being renovated extensively in this one city block, and sort of sticks out like a sore thumb, waiting for something to happen, is an important area of the city of St. Louis, and has been placed on the register of historic landmarks.

For a number of years, various attempts have been made to utilize this building, which covers one square block, and recently the Kansas City office of the General Services Administration filed a draft prospectus for renovation with its Washington office.

The plan calls for Federal offices on the upper floors, and it also calls for commercial tenants on the first floor, to lease space from the Administrator of GSA. It is proposed that, while the kind of commercial tenants has not been specified, that they would include restaurants, theaters, retailers, et cetera, and others which would attract people to the building, not only during the day, but evening hours and on weekends.

Under the terms of H.R. 9187, it is provided that:

The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public buildings. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions as the Administrator deems necessary to protect the public interest.

The rents would be paid to GSA, and GSA would manage the commercial end of the operations in a Federal building. It further provides that GSA is authorized to furnish utilities, maintenance, repair, and other services to persons, firms, or organizations leasing space.

And, further, that such services would be provided during and outside of regular working hours of Federal agencies.

Furthermore, under the terms of this bill, State and local governments are protected against loss of property taxes through commercial leases in Federal buildings by language in the bill to the effect that GSA is authorized to pay sums in lieu of real property taxes to States and units of local government on any space leased—to persons, firms, or organizations otherwise subject to taxation.

The old post office in St. Louis is a natural for renovation. The building is structurally sound, a fact confirmed by GSA's current studies. A national historic landmark, the building is also of extraordinary architectural significance.

In the opinion of Charles E. Buckley, former director of the St. Louis Art Museum, it is the finest and most important victorian building in the Midwest.

I urge that your subcommittee take immediate action on H.R. 9187.

Again, may I say that passage of this legislation by the House of Representatives is of the utmost importance to the future of downtown St. Louis.

Thank you.

Mr. GINN. Mrs. Sullivan, we greatly appreciate your very informative statement. I fully realize your committee is marking up some rather important legislation, so we shall not detain you much longer, but I wonder if there are any questions or statements by any of the members.

Mr. Walsh?

Mr. WALSH. I have no statement, Mr. Chairman, but having lived in St. Louis during World War II, anything we can do to help downtown out we should do.

Mrs. SULLIVAN. Thank you.

We are doing quite a bit.

Mr. GINN. Any other statements or questions?

Well, Madam Chairman, we greatly appreciate your coming, and good luck to you in your markup.

Mrs. SULLIVAN. I appreciate your courtesy in hearing me first.

Mr. GINN. Thank you for coming. Mr. Walsh?

Mr. WALSH. Mr. Chairman, before we hear the rest of the witnesses, I wonder if I could make a unanimous-consent request.

Mr. GINN. Yes.

Mr. WALSH. I have two statements here, one from Senator Buckley, and the other one from Senator Stafford, both relating to the bill that we are working on and marking up this morning, and they are both tied up with the Senate Public Works Committee meeting, and they cannot be here, but they would like to submit these statements for the record, if possible.

Mr. GINN. Without objection, so ordered.

Mr. WALSH. Thank you, Mr. Chairman.

[The following was received for the record:]

STATEMENT OF HON. JAMES L. BUCKLEY, U.S. SENATOR FROM THE STATE OF NEW YORK

Chairman Ginn, Members of the Subcommittee. It is an honor for me to appear before this distinguished Subcommittee to urge that the subcommittee act affirmatively on H.R. 15134. It is a particular honor to submit this statement during your deliberations as I, until recently, had the honor to serve as the Ranking Member on the Senate Subcommittee that has cooperative jurisdiction with this Subcommittee. Unfortunately, I am unable to appear in person because of a mark-up this morning on an important water pollution bill.

Mr. Chairman, I am confident that this bill merits the wide support it has received. In the Senate, I was pleased to sponsor S. 865, companion legislation. That bill was co-sponsored by a number of my distinguished colleagues, including Chairman Randolph of the full Committee on Public Works, Chairman Morgan of the Buildings Subcommittee, Chairman Muskie of the Budget Committee, Senator Baker, and Senator Stafford.

Title I broadens the policy of the Federal Government in the acquisition and use of public office buildings. It encourages the purchase of older buildings of historic, architectural, or cultural significance and their "recycling" into new office space for Federal agencies. It provides for the multiple use of Federal buildings by allowing rental to commercial and other tenants of a limited amount of space in Federal office buildings, thus enhancing the social and economic environment within and surrounding Federal office buildings. This is an important new direction for Federal building policy.

National policy in the housing of Federal agencies is presently directed toward the development of new office buildings, often under the rationale that Federal agencies must be consolidated into one or two Federal buildings in a city. While this practice will in many cases prove wise and cost effective, it may also prove inadequate in other cases. It is not necessarily a valuable public convenience to have the local Social Security office across the hall from the local Justice Department office. And neighborhoods can be disrupted when the bulldozers move in and the people moved out.

H.R. 15134 seeks to provide added flexibility in meeting office needs by insisting that the General Services Administration at least consider the use of what is worthy in our past. There are many opportunities to preserve it and enhance it, rather than to raze it in favor of needless new construction. Renovation projects would enhance some of the character of our national past, while fostering urban continuity. This is particularly important in these times of tight budget constraints.

The purchase of buildings of historic, architectural, or cultural significance and their transformation into new office space will also save energy. The design of older buildings is generally less extravagant in the use of energy than modern glass designs. A renovation approach would eliminate the consumption of the energy needed to tear down and replace the older building. We heard testimony in the Senate from GSA noting that it is usually cheaper to refurbish than to replace. Renovation is more labor-intensive, per dollar invested, than new construction. And it is work that generally can be accomplished far more expedi-

tiously than demolition and replacement. The American Institute of Architects has estimated that such adaptive use can be undertaken at one-third to one-half the cost of a new building providing comparable facilities.

One of the most effective roles for the Federal Government in our cities is that of catalyst. What better way exists to rejuvenate an area than to convert what is old and usable into something new and vital?

This should not be an effort to select one or two isolated, historic buildings for renovation. GSA can find opportunities for renovation in many older, run-down office buildings, warehouses, railway stations, and theaters. The purpose would not be to preserve the interior as originally constructed, but to convert the interior into modern Federal offices, saving as much of the basic structure as proves to be wise.

This "recycling" must not become a way to hold up new projects. GSA must not become bogged down by lengthy cost-benefit studies, or the need to examine every building urged on it. But the GSA can learn much through the exercise of considering what is available from our national past as it weighs the new construction alternative. Such work, of course, must comply with applicable local and Federal requirements in the same manner as a new construction project.

A complementary need is to create Federal buildings that are more inviting and accessible to the public. As the Nation utilizes its past in this Bicentennial year, it must also seek to add vitality to existing and future Federal offices. This will benefit employees and visitors alike. Too often, Federal employees are found working within an architectural island. There is no place to eat, except in a building cafeteria. There is no place to shop, except possibly at a cigar stand. The general public—the people who paid for the building—have every reason to shun the building, except when forced there on business. A recent report to the National Endowment for the Arts stated the basic problem: "The very term 'public building' has become a contradiction: no one in his right mind now goes into a public building except on business."

By allowing the rental of space for shops and restaurants on the major pedestrian access levels of Federal buildings, H.R. 15134 should encourage public use of these buildings, serving the employees in the building and those who must visit them on business. This will mean greater pedestrian traffic and thus greater public safety. It will enhance the social, cultural, and economic environment in and near Federal office buildings.

Encouraging public use of our Federal buildings is a desirable goal. Broadened usage could also provide a substantial economy to the taxpayers. The most valuable space in most office buildings is the space on the access level. Instead of devoting this prime space to rows and rows of desks and files, the bill would make it available at appropriate commercial rates.

Much can also be achieved through the cooperative, mixed use of Federal office buildings. But as with "recycling", cooperative use is a limited tool. It is not intended to make GSA the Nation's landlord. It will not work everywhere. It should only be utilized where local governments agree. But it is an approach that, used in moderation, should have the ancillary benefit of enhancing employee morale and efficiency.

To give the Committee a more thorough look at this problem, I ask inclusion in your hearing record of an article that appeared in the magazine *Federal Architecture*.

Mr. Chairman, I recognize that your Committee has included a Title II that will benefit handicapped Americans. I believe this addition is valuable, and I would expect that it would be received favorably in the Senate, along with the provisions of Title I.

In conclusion, Mr. Chairman, I commend the Committee for conducting this hearing, and I urge approval of H.R. 15134 as introduced.

Thank you.

[From *Progressive Architecture*, July 1976]

FEDERAL ARCHITECTURE: U.S. PROPERTY KEEP OFF

(By Robert Peck<sup>1</sup>)

From beach houses to courthouses to secret cities, federal architecture has run the gamut of building types; the client-to-architect relationship has run a gantlet of stumbling blocks.

<sup>1</sup> Author: Robert Peck, a lawyer, is assistant director of the Federal Architecture Project of the National Endowment for the Arts. Much of the research and photographs are taken from a book on the history of Federal architecture being prepared by Director Lois Craig, and the F.A.P. staff to be published by MIT press, spring 1977.

In 1974, the most recent year for which there are figures, the Federal Government owned over 400,000 buildings in the United States and leased space in an additional 50,000 locations. Overseas, it owned or rented additional billions of dollars worth of embassies, war cemeteries, and military installations. In one recent fiscal year, 3400 federal A-E contracts paid out \$140 million in fees. Direct public works spending in the fiscal year just ended was about \$5 billion; grants, loans, and subsidies accounted for another \$10 billion or so of construction. These figures suggest the magnitude, if not the quality, of the U.S. government's current architectural activity.

Two hundred years ago, the national government's property consisted only of the fortifications and encampments of Washington's army. Before it finally settled in the Capitol, Congress met in nearly as many places as Washington slept. In 1776 the Continental Congress met in borrowed space in the Pennsylvania state-house (now Philadelphia's Independence Hall), and was forced to flee even that location late in the year, a step ahead of British occupation forces. In 1789, convening for the first time under the Constitution, Congress acquired a place of its own—the hundred-year-old New York City Hall, which Pierre l'Enfant neo-classically remodeled for the occasion, now long since demolished). By 1800, there were only 130 civil servants to be moved into quarters in the new city of Washington.

As the 19th Century progressed, the government planted its presence throughout the states and territories. It built, bought, leased (and, in at least one case, conquered) banks, customhouses, post offices, lighthouses, coastal defenses, frontier garrisons, and—shades of welfare state-ism—marine hospitals. Through the Army and its Corps of Engineers, the federal Government encouraged expansion and settlement. The Corps built roads, canals, dams, and bridges, explored new territory (new to whites, anyway), and surveyed railroad rights-of-way. Following the Civil War, industrial growth stimulated construction of larger post offices and courthouses, as well as penitentiaries, mints, assay offices, and immigration stations. As the frontier dwindled, national parklands were set aside, patrolled for a time by the U.S. Army Cavalry.

#### SELECTED FEDERAL BUILDING TYPES

agricultural research stations	fish hatcheries
aircraft repair depots	garages
airports	ice cream plant (for armed forces in Europe)
air monitoring stations	indian schools
animal quarantine facilities	laboratories
aboretums	libraries
art galleries	missile sites
athletic facilities	munitions plants
atom smashers	navy bases
beach houses	nuclear reactor plants
border stations	observatories
bowling alleys	performing arts centers
bullion depositories	police stations
comfort stations	radio/TV stations
computer centers	trading posts
consulates	visitor centers
dry cleaning plants	wind tunnels
film vaults	zoos
firehouses	

#### THE CLIENT LOOMS LARGER

World War I put the government in the housing business. Dormitories for wartime clerks sprang up in the open spaces of central Washington, while suburban-style housing estates were built near shipyards and munitions factories. The "return to normalcy" did not immediately revive the civil construction program. But late in the 1920's, prosperity caught up with it. Most of the new effort was concentrated on providing permanent office space for the enlarged bureaucracies in Washington. Plans for memorials and grand open spaces in the Capital also were unveiled amid oratory about the founding fathers' original plans for the city and its new position as a prominent world capital.

New Deal pump-priming and welfare policies simply expanded the program. Migrant labor camps, rural and urban housing projects, and Greenbelt towns established a unique federal residential presence. Flood control, electric power, and conservation projects exploded the scale of federal public works undertakings, and federal workers built schools and civic centers, roads, bridges, and airports.

World War II mobilization produced the Pentagon, designed over a weekend, completed in 18 months, and scheduled, the public was assured, to become a storage depot when post-war needs would render it superfluous. (This was not the government's first "fast-tracked" job. That honor probably goes to the Treasury building in Washington, the foundations for which were poured before designs were finished in 1836.) The war effort gave birth to entire cities built and populated in secret—Oak Ridge, Tenn., Los Alamos, N.M., and Hanover, Wash.; and others not so secret—the Japanese-American detention camps. It also gave us the Quonset hut.

#### . . . AND MORE MYSTERIOUS

Not surprisingly, federal activities did not subside to pre-war levels when the war ended. Since then, building types, as well as fewer numbers of buildings, have proliferated. And semi-secret "cities," have remained a part of the architectural mix: military camps under the ice in Greenland and atop the ice in Antarctica, underground missile complexes with living and dining facilities connected by tunnels, military command centers in mountain caverns on giant shock absorbers to withstand near-miss nuclear strikes, and underground cities, complete with sidewalks, streetsigns, and caches of currency, to maintain a post-holocaust civilian government. Even apart from this architecture of apocalypse, a sampling (see box) of the current building inventory shows a dazzling variety of building types.

#### CONCENTRATION OF EFFORT

Despite the wide variety of building needs, only a few agencies carry out construction to satisfy their individual requirements. Two agencies, on the other hand, the General Services Administration and the Army Corps of Engineers, undertake a lot of work on behalf of others. The Corps of Engineers, which actually employs many more civilians than soldiers, will be responsible for approximately \$1.6 billion worth of military construction in fiscal year 1977. Much of it is constructed for the Air Force, which maintains only a small construction branch of its own. (The Naval Facilities Engineering Command will carry out the Navy's approximately \$400 million of construction on its own.) This work comprises airfields, barracks, family housing, equipment shelters, reserve centers, medical facilities, etc. In addition, the Corps has been allocated over \$1.7 billion to continue its historic civil public works role—river dredging, and dike, dam, and canal work.

The Corps' most unusual work at the moment is superintending \$4.5 billion worth of work for the government of Saudi Arabia: Under the Foreign Military Sales Act, the Corps manages the design and construction of installations for all of the Saudi armed forces, who reimburse the Corps for salaries and other expenses. As in most Corps projects, private American architects, engineers, and contractors are awarded contracts to execute the work. And, as in all work done for the Arabs, there has been controversy over the status of Jewish employees.

The Public Buildings Service of the General Services Administration, often called "the government's landlord," is the successor to a line of federal building offices dating back to the mid-19th Century. In 1943, to bring order to the untidy wartime proliferation of agencies, GSA was set up as a central procurement agency and was given charge of non-military construction. In this role, GSA has built everything from prisons to payment centers for Social Security; "pay up" centers for Internal Revenue; post offices for the old Post Office Department and museums for the Smithsonian Institution. The agency is responsible for security, maintenance, interior planning, and general management of most civilian facilities. In addition, GSA rents privately owned space, which now accounts for over a third of the GSA-managed federal work space.

In the general cutback of civilian construction funds that President Ford announced in this year's budget, GSA's new construction and major alteration outlays have been set at \$250 million. But \$150 million of that is already earmarked for construction of a new Government Printing Office in Washington.

## OTHER SIBLINGS

Two well-endowed agencies this year are the Energy Research and Development Administration and the U.S. Postal Service. ERDA will pour about \$1.5 billion mostly into nuclear fission and fusion facilities, and an increased, yet comparatively small amount, into solar energy conservation research. The Postal Service has budgeted about \$1.2 billion for buildings, but this includes land acquisition costs.

Other agencies that carry out construction include NASA, the space agency, which will spend about \$124 million in 1977, the Veterans Administration, with \$210 million for its hospitals and extended care facilities, the Tennessee Valley Authority, the Bureau of Indian Affairs, the National Park Service, and the Foreign Buildings Office of the State Department. This latter agency gained recognition in the 1950s and 1960s for its employment of many of America's best known architects. Edward Durell Stone's embassy in New Delhi was touted; Saarinen's design riled Londoners to most undiplomatic language in defense of Grosvenor Square. Other embassies were variously criticized and praised. But, in any case, they attracted public attention.

## THE RUINOUS CONNECTION

The Architect of the Capitol presides over the legislative branch enclave on Capitol Hill in Washington. The Architect's job is tradition-laden and prestigious, though not altogether envious. Building plans and management are overseen by the legislators in a swirl of standing and special committees and commissions, but the Architect takes the blame when a Rayburn House Office Building results. It would be wrong to assume from his title, moreover, that the Architect of the Capitol, or any of his staff, actually designs buildings. With few exceptions, federal agencies contract architectural design work out to private firms and individuals. It was not always this way. In fact, for much of our history, government architects performed this work.

The first federal architect was Benjamin Latrobe, who was also the only trained, full-time architect in the country at the time of his appointment in 1803. His job was to superintend construction of public buildings in Washington, which meant chiefly the White House and Capitol. Latrobe liked neither building's design—selected in competitions he hadn't entered—and modified the Capitol liberally, which put him in dispute with Congress, the winning dentist-designer William Thornton, and assorted officials. Forced out in 1812, Latrobe said, "government service is a ruinous connection."

Charles Bulfinch and Robert Mills ignored this warning and took up the position in turn. They were more fortunate in conceiving and executing some designs of their own. But legend has it that Mills lost the job over the cost of the Ionic columns on the Treasury Building.

Meanwhile, Congress authorized only a handful of buildings outside of Washington, and it was not clear who should design them. Mills grabbed the commissions for as many as he could and local architects got the leftovers. The Office of Construction established in the Treasury Department around 1850 quickly began preparing its own designs and its post-Civil War successor, the Supervising Architect's Office, designed most of the government's post offices, customhouses, fair buildings, and other non-military facilities from then until World War II.

As early as 1859, a building contractor in Texas prevailed on Senator Sam Houston to rail against government-supplied plans for a customhouse. By 1875, the American Institute of Architects was waging a campaign for legislation to give private architects a share of the work. In 1893, the AIA-sponsored Tarsney Act was passed. In contrast with current AIA policies, this law encouraged the government to select private architects through design competitions. The law was repealed in 1912, when Congress determined that the work of the Supervising Architect's office was less costly. Agitation for federal commissions for private architects subsided until the Depression years when, predictably enough, it broke out at fever pitch. The newly formed Depression agencies tended to form their own architectural sections, however, and the private architects made only limited headway until war preparations overwhelmed the government staffs. Civil service architects never regained their design role.

## SECOND-CLASS CITIZENS

Private architects are selected for GSA and most other civil and military jobs under a system little changed since its adoption in 1939. The "Brooks Bill" wrote the system into the statute books in 1972, an accomplishment for which Representative Jack Brooks was made an honorary member of the AIA. In the view of the AIA, architectural design performed by government agencies deprives "architects" of their livelihood. Actually, since in-house design expands opportunities for public architects, the AIA position makes sense only if public architects are regarded as second-class members of the profession.

The stated purpose of the Brooks Bill procedures is to select "qualified and competent" professionals for government design projects. To do this, it generally requires agencies to advertise design opportunities and to select, from those expressing interest, at least three finalists, ranked in order of preference. The agency negotiates with the first-ranked to try to agree on a "fair and reasonable" fee for the work. If negotiations fail, the agency turns to its second preference, and so on. By law, the fee is limited to 6 percent of the construction budget for the project. Trouble usually comes when the architect and agency start discussing what services have—and have not—been included.

As it was intended, the system effectively precludes any form of competition based on fee. In practice, it has precluded design-based competition, too. Only recently has GSA begun asking designers competing for a project award to submit technical proposals. Under GSA's conventional selection procedures, a regional or national panel of private architects initially screens all those expressing interest in a project and selects five to eight finalists, who are then ranked by an in-house GSA board. Selection and ranking are based on reviews of firms' or individuals' background and experience. All other agencies use in-house panels both to select finalists and to establish rankings. The Postal Service sends teams to finalists' offices to conduct numerically evaluated interviews. Others invite finalists to appear at the agency offices.

The National Park Service is the exception; it maintains its own design staff and contracts with private architects and engineers hired only for large projects. The Service is exceptional, too, in the consistently high marks critics give the design of its facilities. Perhaps because the Service's architects participate so extensively in the design of facilities they seem more willing to go out on a limb in selecting outside architects: it is, for example, the only government agency that has hired Venturi & Rauch (Franklin Court, P/A, Apr. 1976, p. 69.) The planning staff is conducting a unique master planning process for Yosemite National Park that has so far encouraged over 10,000 people and organizations to pore over detailed maps and documents and tell the Service how they think Yosemite should be run.

Other government agencies have architectural staffs, too. But they generally design only minor building alterations: most of their work involves programming, specification writing, and reviewing designs and working drawings submitted by private firms. Private architects frequently complain of the specifications being too restrictive and the design reviews nit-picking. In one recent selection interview, as the private architect tried to persuade the selection committee of his expertise in hospital programming, he was cut short and told that the agency already has a standard plan. The architect was asked only to concern himself with the building elevations.

## PORKBARREL ARCHITECTURE

One ostensible purpose of the Brooks Bill is to insulate the selection process from political pressure. Whether that happens or not, architects do not seem to believe it does. Experienced firms routinely contact their congressional representatives for assistance during the selection process. During the Nixon years, there were allegations that GSA commissions were bought with political contributions, and that appointments to the GSA Advisory Panels were made on the basis of political loyalties. Nevertheless, while state and local A-E and construction kick-back scandals made the newspapers and the courts in the early 1970s, federal building programs emerged unscathed. The GSA Administrator at the time, Arthur Samson, however, described his job as "so politically sensitive, it's unbelievable." The Supervising Architect back in 1875 similarly reported, "it is difficult, if not impossible, to separate the Office of Supervising Architect from political control." Politics is, of course, the American way. If it does not determine who gets hired and fired, it certainly influences the disposition of building funds.

Military installations tend to cluster in geographic areas represented by representatives and senators on the armed services committees; an analogous system works for civilian agencies. It is no accident that sizable building projects must run a gauntlet of Capitol Hill and White House approvals, and that federal office buildings are frequently named for local Congressmen.

Porkbarrel politics has a long and colorful, if not too honorable past. One former Supervising Architect recalled that "the prominence of the Congressman was the moving consideration" in deciding how much to spend on a building in a particular location. "The result," he said, "was as incongruous as putting a \$90 saddle on a \$20 burro." During a 1916 debate on porkbarrel, one Congressman admitted that his district contained a half dozen federal buildings much more lavish than they needed to be. But, he added: "the other fellows in Congress have been doing it for a long time and I can't make them quit. Now we Democrats are in charge of the House and I'll tell you right now, every time one of these Yankees gets a ham, I'm going to get a hog."

#### MEANING IN FEDERAL ARCHITECTURE

There is another side to the porkbarrel issue. The presence of a federal building in a far-flung town connected it symbolically with the rest of the Union, and gave the town a sense of importance. What the customhouse, assay office, and post office once were, the federal office building is now—a tangible symbol of nationality.

Thomas Jefferson recognized this special role of public buildings when he urged that they be patterned after Roman architectural models, in order to express visibly the nation's republican principles. Federal architecture has followed Jefferson's advice for most of its history, although it has borrowed freely from both the Greeks and the Romans. Occasionally, however, it added its own indigenous motifs, such as corn cob and tobacco leaf capitals atop the columns. There was a lapse in the latter 19th Century, when the Supervising Architect built in the prevailing eclectic styles of the Gilded Age. In 1900, the government returned to the classical, acceding again to popular taste, then spellbound by the Beaux Arts spectacle of the 1893 Chicago World's Fair.

Both public and private architects continued to turn out classical public buildings right through the 1950s. In the 1930s, International Style proselytizers argued that contemporary functions demanded a new architecture, but officials repeatedly pledged allegiance to the government's stylistic tradition. Modern architecture made its influence felt, however, and federal buildings took on an increasingly austere, starved classicism.

In 1937, Joseph Hudnut, Dean of Harvard School of Architecture, pointed out the fallacy of the traditional official style, observing that the Classic Revival had been embraced by Napoleon as well as Jefferson and had signified "sharply opposed ideals" to the two of them. A comparison of federal and fascist buildings demonstrates that there was a Government International Style in the 1930s that reflected antagonistic values. As Hudnut said, "Symbols obviously are treacherous materials."

An end of sorts came for classicism in 1962 when an ad hoc sub-cabinet committee issued a set of guiding principles for federal facilities designed in a "style and form which is distinguished and which will reflect the dignity, enterprise, vigor, and stability of the American National Government." But it added: "The development of an official style must be avoided."

When a Task Force on Federal Architecture convened in 1972 by the National Endowment for the Arts, reported its findings, it attempted to shift attention away from the symbolism of style to the meaning of federal buildings' use. The Task Force found that, in giving up their symbolic *style*, federal buildings had also abandoned their symbolic *roles* as reminders of national traditions and as federal participants in community life. It noted that federal facilities were being designed and managed to keep the public out—a strange "public" buildings policy for a national government priding itself on its openness. The Task Force recommended the government turn to adaptive use and mixed (commercial, cultural, and recreational) use in its buildings and facilities programs, in order to reclaim for them the meaning and prestige they used to bear.

Senator Howard Baker, a member of Task Force, introduced an adaptive/mixed-use bill in the Senate in 1975. Under the management of Senator James Buckley and with bi-partisan support, the bill passed the Senate and had been introduced in the House by Representatives Bella Abzug and Hamilton Fish.

Hudnut once wrote. "No architecture can protect a symbol . . . If we love a symbol we call it beautiful; if we hate it, no art can make it less hateful." Accessible adaptive use and mixed-use federal architecture probably cannot overcome jaundiced attitudes toward government, but it just might change the government's attitude. It was early 20th-Century pride in government, not affection for architecture, that prompted a Congressman to these remarks about the ornate federal buildings of his day:

"[The country boy] sees very little of the blessings of government beyond the post office . . . and if I had the power I would erect for every post office a building representative of the sovereignty and the glory of this great country . . . Is it worth nothing to inspire patriotism and love of country? . . . No youth or citizen ever looked upon a Federal building in which the business of his country was being conducted but that he became a better American."

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STATEMENT OF HON. ROBERT T. STAFFORD, U.S. SENATOR FROM THE STATE OF VERMONT

Chairman Ginn, members of the Subcommittee, I am honored to have this opportunity to testify in support of H.R. 15134, legislation that you, Congressman Walsh, and several members of the Subcommittee have introduced.

This is sound legislation. I urge that it be reported favorably to the House.

Mr. Chairman, this bill would achieve what I consider to be two significant goals: It would increase the flexibility of the Federal office building program by authorizing mixed and adaptive use, and it would augment the present national effort to assist persons who are physically handicapped. Both of these objectives are in the national interest. I urge speedy consideration so that this bill can become law during this Bicentennial Year.

Mr. Chairman, I was pleased to be a co-sponsor in the Senate of S. 865, legislation that is quite similar to the language in Title I of H.R. 15134. When S. 865 was passed by the Senate a year ago, I pointed out that this bill should produce real cost savings to the Federal Government, while providing more jobs, better use of energy, new urban vitality, and greater neighborhood continuity.

It will enable us to recycle some of our heritage, whether it is a grand old turn-of-the-century office structure, or an old, well constructed—and thoroughly undistinguished—warehouse that can be converted into necessary office space. The use of such buildings may return a greater sense of proportion and contact to the Government. We do not need brand new skyscrapers in every case to house every Federal agency. The rarified air of a 15th or 20th floor office is not essential to the operations of the Federal bureaucracy. A lower physical profile may prove wise. The purchase of buildings that have historic, architectural, or cultural significance, and their transformation into new office space, will save energy.

The complementary need to make our Federal buildings more inviting and accessible to the public is also embodied in this bill. The rental of space for shops and restaurants in Federal office buildings will benefit employees, and it will make the buildings more attractive to the public.

Where used, such mixed-use will be profitable to the taxpayer, and it will enhance the social, cultural, and economic environment in and near Federal office buildings. This is not a mandatory approach. It is offering greater flexibility in providing for the office needs of the Government.

I strongly support the House bill provisions which add a new Title II to the bill in order to revise and amend P.L. 90-480. Since coming to the Senate, I have served on the Subcommittee on the Handicapped of the Committee on Labor and Public Welfare. I have been deeply concerned about the problems of access to our public buildings for the handicapped persons. I think it important to remember that we are not talking about the traditional definition of that term when we are dealing with access to buildings. Experts have testified that on any given day, ten per cent of the population of this country falls into that category, because they are on crutches, pregnant, partially sighted temporarily, and for numerous other reasons. The 1968 law which this Title seeks to amend has had too many loopholes for too long. I commend the committee for closing them in this bill while allowing for a case by case review where compliance would face insurmountable difficulties or be of questionable value.

I trust that this provision will be enthusiastically received in the Senate.

In conclusion, Mr. Chairman, I reiterate my hope that your Subcommittee will act favorably on this bill. I can think of few things the Congress can do this year more important for the improvement of life in our cities and towns than the passage of H.R. 15134.

Thank you.

Mr. GINN. Our next witness this morning is Mr. Jack Eckerd, Administrator of the General Services Administration. He will be accompanied by Mr. Nick Panuzio of GSA.

We welcome both of you gentlemen to the subcommittee, and ask that you proceed as you see fit.

**TESTIMONY OF JACK M. ECKERD, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION, ACCOMPANIED BY NICHOLAS PANUZIO, COMMISSIONER, PUBLIC BUILDING SERVICES**

Mr. ECKERD. Thank you, Mr. Chairman and members of the subcommittee.

It is a pleasure to discuss H.R. 15134, which we feel is a very significant bill.

In the past, Federal buildings have been viewed—and rightly so—as cold, concrete edifices entered only by those who either worked there or who had business with the Government. Recent innovations in architectural style and design have helped to change this negative image somewhat, and the concepts embodied in this bill would go much further toward making Federal buildings and their occupants more a part of the community.

As the principal manager, builder, owner, and lessor of Federal buildings in the United States, the General Services Administration has a fundamental commitment toward bettering the total environment of America's cities and towns.

As you know, our Public Building Service is responsible for 10,000 federally owned or leased buildings. It has 1,700 construction projects underway, a \$1 billion annual budget, 22,000 employees, and an inventory of 250 million square feet of building space across the country. Obviously, we have a large stake in and an enormous responsibility for the improvement of our environment.

Our concern for the environment as it is affected by building is not new. In April 1972, we sponsored an International Environmental Conference on Building Construction and Use. Representatives from the United States, Canada, Japan, Mexico, and France produced ideas and made valuable recommendations about the impact of construction on our environment.

I mention our international conference because its purpose fully supported the concepts proposed in this legislation. First, this bill would make possible cooperative, private/public use of space in Federal buildings.

The GSA conference report stated in 1972 that:

The idea of multiple use buildings is growing, and in the consideration of the city as a "home" rather than a "marketplace," there is good reason to consider the use of the lower floors of Federal buildings for mercantile purposes.

Second, this bill would encourage, where practical, the renovation of older buildings so they could be converted to useful Federal space.

In this regard, our conference report recommended that "GSA should use its influence to maintain and create variety in terms of architecture and use." This would include consideration of preservation of historic buildings and areas for community-oriented, multipurpose public buildings.

We at GSA strongly support the concepts introduced in this bill. As mentioned, we have long promoted the concepts of historic preservation and the multiple use of Federal structures and, therefore, feel such a combination of activity would be well worth pursuing unless such mixing would not be feasible.

Cities have always had multiple-use planning. In many older neighborhoods apartments typically were built above stores that lined the street level. And recent examples of vertical mixing—that is some combination of retail, parking, office, recreation, and residential use in a single structure—can be found in the Sears Tower and the John Hancock Center in Chicago, in the United Nations Plaza in Manhattan, and in the Crystal City complex across the Potomac in Arlington. City planners have acclaimed these buildings for their potential in revitalizing core areas.

All too often, however, neither private nor public office buildings have been designed to contribute to the active movement of people or to encourage the interplay of varied activities. When the employees go home in the evening the surrounding streets are left empty and afterhours activity is discouraged. This is a serious problem in many downtown areas and this legislation provides an approach toward the solution.

We have commercial operations such as gift shops, bookstores, dry cleaners, florists, barbers, home furnishing stores, and so on, in many of our buildings. These were established for minority entrepreneurs through the Small Business Administration's 8(a) programs, and for handicapped persons as set forth in the Randolph-Shepard Act.

But these have not significantly contributed to the mix of activities that combine to give life and excitement to the neighborhood environment. On the contrary, these businesses primarily serve occupants of the building, and when these workers go home at night it reinforces the image of a downtown which is lacking in vitality.

There are many benefits to be gained from the multiple-use of Federal buildings—especially older, or seemingly obsolete, structures. Beyond the obvious advantages already mentioned, there are other important factors.

First is the issue of resource scarcity. For years we have assumed that we had limitless supplies of land, energy, and money. Recent events have made it clear that this is no longer a valid assumption.

The renovation and use of older buildings for the purposes stated in this legislation demonstrates the Government's commitment for better utilization of our Nation's resources.

Since renovation also tends to be more labor-oriented—per construction dollar, that is—than new construction, it could mean more jobs. A \$1 million investment in repair and alteration work could produce up to three times as many new jobs as \$1 million in new construction activity. This comparison cannot be taken literally in all

cases, but it does illustrate that possibilities exist through this legislation for substantial and effective payoffs in worthwhile employment.

There are also other benefits that would accrue from this bill. If enacted, it would, for instance:

Provide additional conveniences for Government employees.

Augment further the aims and intent of the Intergovernmental Cooperation Act.

Establish a viable partnership between the Federal Government and various sectors of the community.

Create job and business opportunities for the local community.

And relieve some of the burden borne by the local communities in preserving older structures.

With regard to title II which deals with the elimination of architectural barriers to the handicapped, GSA already is doing much in this area. Facilities for the handicapped are incorporated into designs of buildings constructed for long-term lease by the Government or when existing commercial buildings undergo extensive alterations to accommodate proposed Federal occupants.

We do have some concern that it would not be economically feasible to require elimination of these architectural barriers when, for example, we lease only 200 to 300 feet of space in a building for a short period of time, such as 3 years.

In these instances, the Government is not the sole tenant—usually not even the major tenant—and the short term of the typical lease gives hardly enough time to amortize the cost of alterations to provide absolutely barrier-free space at rentals which the Government could afford.

In regard to the multiuse portion of this bill, it would be naive to think there would not be problems or adjustments to be made. Security would have to be considered, but the question is not multiple use versus security—and we are confident that through quality design and planning this problem can be resolved.

We also would need to address other issues such as budgetary adjustments, payments in lieu of real property taxes, and changes in policy in such areas as maximum space utilization and fire safety.

But, as I mentioned at the beginning of my statement, we have faced the issue of multiple use of space for several years, and are well along in our planning for such a program.

Multiple use of Federal buildings and the attempt to preserve culturally significant buildings places the emphasis of the Federal building program on serving the total public interest.

In the past, the objective was simply to provide space for Federal agencies. Through the architectural provisions of this bill, GSA would be able to help preserve the important architectural heritage of our culture.

This act would make it possible for the Government to become a partner with the community in an attempt to meet public needs and goals—the very reasons for any Government program.

However, if such a program is to be completely successful, Government assumptions about building purposes must change so that the multiple use is not just allowed, but actively promoted.

It has proven successful for the Governments of Japan, Canada, and Sweden, and it can be successful for our Federal Government.

For all of these reasons GSA supports the concept of this legislation, and we welcome the opportunity to meet its requirements and challenges.

Now, if you have any questions we would be glad to answer them or furnish the desired information for the record.

Thank you.

Mr. GINN. Thank you very much, Mr. Administrator, for your statement.

Now, may I ask a question before we give that opportunity to other members of the subcommittee?

What effect, in your judgment, would enactment of this legislation have upon GSA's public building program?

Mr. ECKERD. Do you mean as far as the funding of it, sir?

Mr. GINN. Yes.

Mr. ECKERD. It all takes money, and, Nick, do you have anything to supply?

Mr. PANUZIO. It would probably affect two or three areas. It would certainly affect our planning process, so that as we are determining whether there is a need for space in a particular area, consideration would have to be given not only the consideration of actual office space for a Federal agency, but we would have to take into consideration the use of other services, such as retail stores, and so on, so the planning process would have to be changed somewhat.

It certainly would take into consideration, in effect, our leasing area and our security programs, so in terms of that we would have to see whether or not additional security would be needed, because the building would be open for more time.

Funding wise, it might be more expensive to provide somewhat—some of this type of space in the areas of our buildings, and initially, and in the long run it would probably pay for itself, and I think the Federal building fund would just, as we make a determination, whether we provide a building or not, we would have to see whether or not the fund is available through that process.

Certainly, all it really does to us is cause us to put in another chapter, in effect, of determining the need for space and, in particular, Government area.

It does, though, allow the Federal building to become something more for a local community than strictly a Federal building, and I think from that advantage point it does help.

Mr. GINN. Thank you.

Mr. Walsh?

Mr. WALSH. Thank you, Mr. Chairman.

I strongly support the legislation, but one of the concerns I have about opening it up for public use, and commercial use, is what is going to happen to the concessions that are in some of the public buildings now, that are operated by the blind and handicapped?

Mr. ECKERD. They would have priority.

Mr. WALSH. They would have priority?

Mr. ECKERD. Yes, sir.

Mr. WALSH. The second one relates to the question of payment in lieu of taxes.

I think this is a wonderful idea, and I am sure some of the former mayors on this panel agree with me, but what we need is more pay-

ment by the Federal Government for some of the property they own in local communities.

Do you see any problems with that at all? Would it be on a percentage basis?

The last thing we want to do is get in competition with private enterprise, and there is nothing wrong with downtowns that people will not cure, if we can get enough people coming downtown, working there, eating there, and participating in downtown activities, but we do not want to create any problems with private enterprises.

Do you see any danger in discouraging building downtown?  
I do not, but—

Mr. ECKERD. I think it could encourage others to get into more downtown building, because after all, the reason a large shopping center is successful is that one business feeds on another.

Mr. WALSH. That is right.

Mr. ECKERD. The traffic that is generated, and brought into an area by one business often ends up in another store, another business or another restaurant, so I think anything that could be done to promote activity downtown would insue to the other.

Mr. WALSH. You do support the concept of payment in lieu of taxes?

Mr. ECKERD. Yes, sir.

Mr. WALSH. My last question, and I am sure you have done this, but I want to ask, have you established criteria for architecturally significant buildings?

Mr. PANUZIO. Yes.

When you say "criteria," we have tried to establish patterns whereby our buildings do provide some significance in terms of their design, and so on.

It is one of the reasons sometimes our buildings are questioned in terms of cost, but most local communities you will notice, as you being a former mayor know, that there is an intent on the part of the local communities and planners to try and get the Federal building to be the center, where things are developed, so we do not try to get—

Mr. WALSH. That scares me a little bit, because I know of one community that built a parking garage at one time, it won five awards for architectural significance, and lost money from the day it opened, so I am concerned about that.

No further questions, Mr. Chairman.

Mr. GINN. Mr. Mineta?

Mr. MINETA. Thank you, Mr. Chairman.

Commissioner Panuzio says in the long run it will pay for itself.

What kind of a long run—what kind of time period are we talking about in terms of amortization, and the cost of this kind of approach?

Mr. PANUZIO. Twenty years.

Mr. ECKERD. We normally use 20 years, but actually in the private sector, 35 years is the normal depreciation period, 35 to 40 years.

Mr. MINETA. In terms of impact—you used the example of 300 square feet in a building as not being enough of an impact for you to make all these other requirements for physical accessibility to the physically handicapped—how would you measure that, by percentage of the total lease that is available, that you occupy before you start deciding whether or not it is economically feasible to make these investments?

Mr. ECKERD. We have not, too much, been faced with that problem, Mr. Mineta, to date, because we have been rather severely limited on our repair and alteration funds, and that has been rather drastically cut, and we will be for the next year. Therefore we simply do not have money available to do as much of this type of repair and alteration that we would like to be involved in.

Mr. MINETA. Many communities have either a safe building ordinance, or a dangerous building ordinance, where the cost or renovation or repair would exceed 50 percent of market value of the building that you are precluded from going ahead and making that kind of investment to put in all of the fire sprinklers, electrical code requirements, et cetera. What kind of rule of thumb do you think you would be using with this kind of bill being passed?

Mr. ECKERD. Are you talking about renovation now of a building?

I would feel myself—maybe Mr. Panuzio could further elaborate on that, but I feel myself that that would—what you would weigh it against would be what is it going to cost you. If for instance, we went to, say, the post office in St. Louis, we would obviously want to put all of the safeguards and all of the measures for the handicapped in that renovation.

When we had considered all of the possibilities and found out our costs, we would weigh that against the cost of a new building, and that would be our criteria.

Mr. PANUZIO. We would follow it in most instances, local ordinances, and so on, in areas where ordinances are such that you are talking about, Congressman, and with regard to whether or not you should go ahead with a building, and whether local codes are satisfied, well this is not a value. It is not—we do not want to keep it as such a value, but in most instances where we build in local communities we follow local ordinances.

I think there Mr. Eckerd's comments about the fact we would look into a building to determine what is its value, and its cost, the cost would be an important factor, and there are other areas where other considerations are considered in addition to cost.

Mr. MINETA. That is what I would like to get at.

Mr. PANUZIO. There are those, such as the St. Louis building, and the Washington post office, the place and nature, where the historical significance is, so there is a value that is added there, and how you consider it or weigh it, I do not know.

Mr. MINETA. That is what I was trying to get at, because Mr. Eckerd's statement says that generally renovation and rehabilitation costs will provide, let us say, three times as many jobs as new construction. That relates, of course, to the problem of ratio of costs involved, and if we have that kind of cost ratio between renovation and new building, then someone is going to say in terms of dollars and cents it is really not economically feasible to go ahead, and that would preclude us from going ahead on something of this kind.

Mr. PANUZIO. The reason that Mr. Eckerd did comment about the fact that more jobs are provided is not because of the greater cost involved in the older building, but the type of work, the labor intensity is greater, with more jobs in terms of painting, repair, refurbishing, more jobs in that area than in a new building, where a lot may be precast, and on other jobs the intensity does not have to tie in with the amount of dollars.

In fact, that is really a plus. Using remodeling of old buildings there is really a plus in the sense that you provide more jobs, more immediate jobs than you do, and we have found, as Mr. Eckerd testified, a number of times in regard to repair and alterations, this was an area where we can provide this.

Mr. ECKERD. With the cost today of going out and renting, which will run anywhere, basically now, for office construction, anywhere from \$8 to \$12 or \$13 a foot, depending on what part of the country, the cost of renovation, when you have the unused building, will almost inevitably—we have run surveys on this—come up considerably less, and you end up with useful space and a historic monument.

Mr. MINETA. In this kind of determination, how do you measure the vacancy rate or construction rate in the private sector for making the decision as to whether or not, yes, we will go ahead with this project or we will not?

Mr. PANUZIO. We have a team which goes into a community to determine that, and one of the things they measure is the amount of vacant space in an area, and the type of vacant space.

In other words, if they go into a community, and there may be a substantial amount of vacant office space, there is, in some of our larger communities, they will consider that as whether or not they are viable for us to go in and build the building.

If that space is not justifiable for what the needs are, what the courtrooms are, and so on, it is just so many of our speculative buildings and office spaces that are not available for an adjustment to that, then they will kind of weigh the pluses and minuses, but we do a thorough evaluation of the community, and that is where we also plug in this bill, if it were passed, we would plug in the consideration for retail space, and for other valuables as a part of that consideration.

It is a rather long process, which we really go in and do a thorough study of the community.

Mr. MINETA. In our metropolitan area since 1970 we have had pretty close to half a million net square feet annually constructed, and right now this is a report—well, close to a year now, the average vacancy rate has been about 19 percent, which is relatively low considering the new stock of office buildings being constructed.

Mr. PANUZIO. This is in what area?

Mr. MINETA. San Jose.

Mr. PANUZIO. OK.

The more vacancy rate actually in Federal buildings is substantially below that 19 percent. The 19 percent may have been developed by BOMA, I do not know, but the vacancy rate that we are in in Government areas is somewhat below that.

Mr. ECKERD. Seven percent. I believe it is 7 or 8 percent.

Mr. PANUZIO. So our vacancy rate in the Federal buildings is substantially lower than the vacancy rates of BOMA has put out around the country.

Mr. MINETA. Fine.

Thank you very, very much, Mr. Eckerd and Mr. Panuzio, and thank you, Mr. Chairman.

Mr. GINN. Our next member of the subcommittee that I would like to recognize has just returned to us from Kansas City, where he acquitted himself very well in presenting his very distinguished father to the Republican Convention, Mr. Goldwater.

Mr. GOLDWATER. Thank you, Mr. Chairman.

Mr. Eckerd, under the Public Buildings Act of 1959, does that include leased buildings?

Mr. ECKERD. I believe it does, yes, sir.

Mr. GOLDWATER. Well, I am interested in how you interpret section 104, subsection 16, which says, "that the Administrator shall establish a residential rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building," as it pertains to a leased building.

Mr. ECKERD. Yes, sir.

We have just gone through the process of using our outside appraisers, and have actually established, as you may know, what we call SLUC rate, and now we are entering into FAR, and we bill all agencies for space they use. We have put this on a basis of what is the going rate for that type of space in that particular community, or area of that town.

We have now established, and documented these rates in every area of the country.

Mr. GOLDWATER. Do you interpret that as giving you the authority to force a price upon a lease which is unrealistic in relation to its actual cost?

Mr. ECKERD. No, sir, no way we can do that.

Mr. PANUZIO. I believe that refers to the ability for us to charge several Federal agencies for that use of that space, and in somewhat a similar basis to what the private sector would be paying in the same area.

So it really is the administrative ability to charge the Federal agencies. It is not our ability to go in and force the private sector down in their prices, I mean, we still have the normal bidding procedure for determining lease prices, and that really is the judgment as to how we get our figures, and there is no way that we can force them into a lower rate by that.

Mr. ECKERD. We are simplistic in our requirements in this area, Mr. Goldwater, and we define the area we want, and the amount of space, and we put it out for competitive bid, and whoever comes in with the lowest cost, of course, or acceptable bid—

Mr. GOLDWATER. In reality, how would this program work if you have need for space at a certain locality, and you were going to lease the space from a private owner of a building; say, you need the entire building, but because of this requirement, the bottom floor would be reserved for commercial purposes, or a similar type of activity, would you negotiate the lease for the entire building, including those commercial activities which are nongovernmental in function, or would you just lease the space above the ground floor for Government requirements, and leave the leasing of that commercial space to the lessor?

Mr. PANUZIO. Yes. It is the second, the latter, which we would deal with more in terms of leasing. We would deal as I understand it, with the space that would actually be needed, but that we would try and get as a consideration an area reserved for this type of function.

For instance, some buildings that we rent now, we actually lease off space, but one of the considerations in our lease is that they provide space for a cafeteria for the Government employees within the building.

We do not actually lease the space, but a consideration for the person who is leasing must be that they have a cafeteria, and in this instance the same thing would take place. We lease the office space, but we would ask them to include consideration, not only for the cafeteria, but for other areas, as well.

Mr. GOLDWATER. But then you would have to go back to subsection 16, and the Administrator shall establish residential rates for such leased space equivalent to prevailing commercial rates.

Mr. PANUZIO. We would take the office space, and if the office space—the area next to it is going at a rate of \$7 a square foot on appraisal, and so on in the private sector, and we were putting in the Department of Agriculture, then we would take the amount of feet the Department of Agriculture has in that building, and we would charge them a flat rate standard level user charge rate somewhat equal to the amount that is—that is where he is establishing the rate.

The Administrator has the SLUC rate that he charges the Department of Agriculture, not the total leasing rate, and that rate that we charge the Department of Agriculture can be higher than the amount that we actually pay for the leased space.

Mr. GOLDWATER. How does that affect the ground floor commercial lease?

Mr. PANUZIO. That is something the lessor would still have the ability to negotiate with whoever was to lease that space.

Mr. ECKERD. I believe, Mr. Goldwater, we would be primarily involved with actual leasing space, and commercial enterprises would be in Government-owned buildings, and not where we are the lessee.

Mr. GOLDWATER. So you would interpret that subsection 16 to say you would have to provide that space at prevailing commercial rates in federally owned buildings, but in a privately owned building, the ground floor lease would be negotiated between the lessor and the lessee.

Mr. ECKERD. I would certainly prefer to see it that way, sir, not to get into that leasing business of the ground floor, where we are leasing ourselves. That is not our business.

Mr. GOLDWATER. Thank you, Mr. Chairman.

Mr. GINN. Thank you.

Mr. Holland?

Mr. HOLLAND. Thank you, Mr. Chairman.

Mr. ECKERD. I appreciate your testimony, and I am a cosponsor of this bill, and I intend to support it, but there is something that concerns me.

Your statistics over here about 1,700 construction projects and 10,000 leased buildings, and so on, 22,000 employees, and \$1 billion a year budget, and then it says "commercial activities, restaurant, foodstores," and so forth. There is an allegation in the country, and I think there is probably some substance to it, that the Federal Government is coming too much in competition with free enterprise and building developers, and that sort of thing, and what I want to know is how does GSA intend to respond to that charge, or if you intend to respond to it at all, publicly?

Mr. ECKERD. Well, as I say, our thrust would primarily be where we had built the building, and the building had been constructed.

We are talking about a lot of renovation to try to get a mix into that renovated building. We already own it, and these are all primarily

downtown buildings, and I think myself, as a retailer, which I am, anything that could be done to attract other people, whether it be a nightclub, or whether it be a retail business, or whether it be a restaurant, or anything else, would probably end up helping my business downtown. But the problem is to get people downtown.

Mr. HOLLAND. I understand your last remarks as supportable, but the charge is simplistic, and it is made with increasing frequency—how the Federal Government growth of building, and everything else is not necessarily benign by its nature, according to a lot of rhetoric, and now malignant. I am asking you, as head of GSA, what, if anything, are we going to do to convince the public, private enterprise, and the businessman and everyone else that we are not encroaching upon their prerogative through this type of legislation?

Mr. ECKERD. Well, of course, we have to separate, I think, leased buildings from owned buildings.

Mr. HOLLAND. We have to, but the public mind does not necessarily do it.

Mr. ECKERD. Well, of course, for a leased building, the local developer, whoever it is if he is going out leasing a part of that mix to the private sector, then we are not subject to criticism, in that area, in that case.

Mr. HOLLAND. I would say you would not be, but as a practical matter, we are, and I am asking you as an official in this administration, is it not about time that the Government started convincing the public that this is necessary, and it has been, and it is just not a proliferation of the bureaucracy?

Mr. PANUZIO. This really does that, though. This really takes the Government buildings formerly in effect, and gives the appearance of the big cold Federal bureaucracy moving in, and it opens it up, and it says to the private sector, "we are welcoming the private sector into Federal buildings," and we are not only generating and welcoming them in the Federal buildings, we are saying to them by being there they are also generating the private sector around them, so the Federal Government no longer becomes somebody moving in and taking over valuable land, and not paying taxes, and not doing anything to generate the private sector.

We are now saying the Federal Government is coming in, and in effect becoming a catalyst both to the developer in the private sector areas, to bring taxes through, payment in through taxes to the local government, and in effect being something of a generator, which I think people can accept and see.

I think what has turned people off is that the Federal bureaucracy always came into a community and became kind of a stonewall appearance, and just did not become a part of the local environment.

If the Federal Government has buildings which are open, and which they can come in, and now the public can, and use them for meetings, the same purpose generates a different kind of feeling on the part of the people in the community, and I think it breaks down some of these things you are talking about.

It is a hard selling job.

Mr. HOLLAND. You say that very well to the subcommittee, and I guess I am asking you, would you please tell the public.

Mr. MINETA. Would the gentleman yield?

Mr. HOLLAND. Yes.

Mr. MINETA. That is why I was asking the questions about percentage.

You have guidelines by which you do this, rather than, so to speak, force your will upon the community by Federal powers that are there?

Do we have some guidelines by which decisions are made as to—

Mr. PANUZIO. As to whether we build or lease?

Mr. MINETA. Lease, renovate or—

Mr. PANUZIO. Yes. Part of our prospectus development there is included in this consideration as to whether it is less expensive and better for the whole community for leasing—continuing to lease, or whether it is a point where we build a Federal building, and so on.

The guidelines are depending on the case, the size of the community, and so on, and the future growth of the area, and in an area where there is not going to be future growth, different guidelines take place.

If there is an area where we know it is going to have a greater amount of growth for Federal employees, say, the Denver area, for the Geological Survey, we know there is going to be this asset, and we are going to plug that.

It is not anyone saying it is a 5-percent type of thing, Congressman, it is just a kind of relationship to the area, but there is a determination, at least I have, and Mr. Eckerd has been very strong on this, having come from the private sector, we both feel very strongly that Government should not be all big and powerful, and wherever we have an opportunity to deal with the private sector, Mr. Eckerd has been very close to this, and he may want to comment—very close direction that we should be doing more to generate the work of the private sector, and do what we can with the private sector, because that is what the people in the street are saying.

Mr. ECKERD. And as a matter of fact, we have just commissioned a study, and it is not completed yet, in which we have compared the cost of our buildings with the cost of buildings in the private sector, and we know our buildings are more expensive, and we are documenting the reason why.

And, personally, sir, I am not at all sold, even though the number of employees—and, by the way, there are a couple of errors in there, it is not 22,000, it is 19,000—that we have right now, as you probably know, appropriation for new buildings are minimal, practically dried up, and the only thing we are doing now really is completing those that were put on line in the past years, and I am not at all sold myself that we should be building a lot more buildings. I really am not.

Mr. MINETA. Thank you.

Mr. ECKERD. I think this has been determined, once we get a little further along with the analysis of the leasing versus owning.

Mr. GINN. Do you have any further questions, Mr. Holland?

Mr. HOLLAND. Thank you very much.

Mr. GINN. At this time, the chairman would like to recognize a very important member of the full Committee on Public Works and Transportation, the gentleman I referred to in my opening statement who has expressed considerable interest in this legislation, Mr. Cleveland, of New Hampshire.

Do you have questions of the witness?

Mr. CLEVELAND. Thank you, Mr. Chairman.

I do have some questions, and they are going to involve title II of the bill and, for the record, title II of the bill reflects H.R. 11228, which was introduced by Mr. Wright and Mr. Roncalio and Mr. Walsh and myself. This bill is an outgrowth of hearings we had earlier in this Congress in regard to the matter of architectural barriers; and apparently in this case a slowness in response to the legislation that we put together some years ago to establish some standards in this area. So, I will be pursuing this aspect of the legislation with Mr. Eckerd and Mr. Panuzio. I see in your remarks you have discussed title II and, in fact, I think I will ask you first about those remarks because there is one part of your comments on title II that cause me a little concern.

You speak about where you lease only 200 or 300 feet of space in a building for a short period of time, such as 3 years, and you are not the sole tenant of the building—usually not even the major tenant—and the short term the typical lease gives hardly enough time to amortize the cost of alterations to provide absolutely barrier-free space at the rentals which the Government could afford. That disturbs me a little bit because if I understand your testimony and that of your associate, you were going to do more leasing rather than less, at least in some areas.

Mr. ECKERD. We are in the progress every year of more leasing versus building.

Mr. CLEVELAND. On the assumption that you follow that short term small space policy—this attitude would represent something of a loophole in our congressional desire to have these architectural barriers removed. I think if you were to insist that the premises that you lease do meet compliance, the word would get around pretty quick; and I think some of these landlords would start complying if they wanted you as tenants, and I assume some landlords do want you as tenants.

Mr. ECKERD. Well, sir, I think that was an exaggerated figure. It was an extreme figure—300 feet—because obviously if we are leasing 300 feet and we are paying even \$10 a foot for that space, if we are going to pay \$3,000 a year, it would be impossible for us to get a landlord for \$3,000 a year to put in \$10,000 or \$20,000 worth of ramps or other facilities for the handicapped.

Mr. CLEVELAND. But if you take that attitude just flat out, and if you were going to increase the amount of leasing that you do, this would be an escape clause of a substantial portion.

Mr. PANUZIO. Mr. Congressman, let me make this point. We have been very strong with regard to leasing in terms of any lease construction that we do, any substantial amount of leasing we do and have been very strong in insisting on the handicap provision being in that area and in most instance, if we have a choice on these small leases, it is clear to the people who are dealing with the Federal Government that there is our desire to do this.

One of our problems is in leasing in some 7,500 various locations in the country, like it or not, the private sector has not caught on to some of the physically handicapped requirements that are necessary, and there is not always when the agency needs something a rather quick type and small amount of space and so on, particularly, communities that may not have the ability to the private sector to provide that and

may not be available in the private sector, and if we include that as an absolute requirement on small amounts of space, we sometimes find ourselves without getting responsive bids and unable to provide the service the agency needs.

I think Mr. Eckerd has indicated very clearly that we certainly are not looking for loopholes in this instance at all.

Mr. CLEVELAND. Just a second; I did not accuse you of looking for—

Mr. PANUZIO. I know that. I am—

Mr. CLEVELAND. The suspicion sometimes exists that that may be the case, but I am not accusing you of that. I am simply stating as a matter of fact that if this is a policy that this small area and in short periods of time you are not going to require the absence of architectural barriers that in and of itself is a loophole, and I think you will have to concur with me on that.

Mr. PANUZIO. Our attempts in that leasing area is to provide, regardless of how large or small the amount of space, to provide, or to try and get space that does handle the area for the handicapped so that we do not give the impression out to anyone who was providing space to the Government that this is kind of a loophole that they can hang their hat on. We do not want that to exist.

It is a concern of ours in fact that there is a lot of private-sector space that does not take care of the handicapped; and in having to provide space on a quick basis for some agency without their being in the private sector, the space available to use, that is a concern of ours and it is not meant on our part to be an area of getting around it.

Mr. CLEVELAND. How does GSA define a handicapped person?

Mr. PANUZIO. We have to follow and have used the basic standards that are established. I do not know what you mean by defining the handicapped person. There is a whole series of people that we talk about in terms of the handicapped. It is not only people in wheelchairs. Much has already been established by legislation, which means the blind, it means a lot of people, for one reason or another, who are physically handicapped in one way or another; and we have been working with the Architectural Barriers Committee, and so on, and so our consideration of "handicapped" pretty well runs along that line of the Randolph-Sheppard Act, and other pretty well-defined considerations.

We could provide you with a detail as to all of the types, but we in our considerations of providing for the handicapped try to take into consideration all those that have been established in the past.

Mr. CLEVELAND. Well, I think I would like to have you do that for the record, Mr. Chairman.

Mr. GINN. Without objection, so ordered.

[The following was received for the record:]

"Physically Handicapped Person" means any individual who, despite a physical disability, can be expected, without assistance from another person, to visit and utilize a building or facility, including its services.

The new accessibility standard defines by exception. That is it will accommodate all but severe multiple disabilities and the mentally disabled.

Mr. CLEVELAND. Because there has been some question that you are including barrier-free in your new building, according to the needs of the handicapped persons as they are defined; and there is a question there, and that is—

Mr. PANUZIO. Glad to provide it.

Mr. CLEVELAND. Will you also respond to that question of whether or not you are including barrier-free—you are including the needs of the handicapped as your definition comes out?

Mr. PANUZIO. We will do that.

Mr. CLEVELAND. I recognize there is a problem with definitions here because, of course, under some definitions you have untold millions of handicapped people, and under other definitions, it is more narrow and you do not have as many.

What about the American National Standards—the standards of the American National Standards Institute? Are you still complying strictly with those? You accept those as—

Mr. PANUZIO. I believe we are; but I will verify that.

Mr. CLEVELAND. You are not sure and you will supply that for the record.

Mr. PANUZIO. I will for the record, provide it for you in detail.

[The following was received for the record:]

Yes, we currently prescribe ANSI A 117.1.

As has been noted above, the new accessibility standard provides a much more inclusive definition of physically handicapped.

GSA owns and/or operates approximately 10,000 buildings. One Thousand Three Hundred, Fifty-Six (or slightly more than 13 percent) of those have been reported as subject to, and in compliance with, Public Law 90-480. Other agencies have reported 13,108 buildings as subject to, and in compliance with, Public Law 90-480.

Mr. CLEVELAND. And an additional question that I would like to have you answer for the record, would be—if you are not using those standards, how do your standards differ from those? And my next question—and again you may want to submit the answer for the record—is what percentage of the buildings built by GSA meet those standards?

Mr. PANUZIO. You want a percentage—all of the ones we are building are actually meeting those standards, but you want a kind of consideration of our total inventory, where we meet them and so forth?

Mr. CLEVELAND. Total inventory.

Mr. PANUZIO. OK.

Mr. ECKERD. I am afraid that is going to be a discouraging figure, sir.

Mr. CLEVELAND. Exactly; and so that is one of the reasons we are here to ask the questions and to—I do not know exactly how we are going to do it and I will have to consult with the chairman of the subcommittee, obviously; but I would hope something could be written into this law that is going to serve notice on the private sector that if they want to do business as lessor with Uncle Sam, they are going to have to get in line, too, and I do not think it is unreasonable to do that, provided we give them adequate notice; and I hope we can work that out, Mr. Chairman.

Mr. GINN. Do you have any additional questions?

Mr. CLEVELAND. No.

Mr. GINN. The gentleman from Georgia, Mr. Levitas.

Mr. LEVITAS. Thank you, Mr. Chairman.

I appreciate your appearance here, Mr. Eckerd. The legislation, title I in particular certainly has a great deal of initial appeal to you, as

you read it, does a lot of good things; but I have frankly some reservations about title I, at least as it is now written; and I would like to explore some of these reservations.

First of all, let me deal with GSA as a lessor to private concerns.

At the present time, what is the extent of GSA's involvement as a lessor to general commercial tenants? I am not talking about the concession stands; I am not talking about the cafeteria space, which is ancillary to the operation of the Government.

Mr. ECKERD. It would be practically nil. The Pentagon would be your only good example, I guess, where we have free enterprise.

Mr. PANUZIO. That is about it.

Mr. ECKERD. Outside of the Pentagon, I think it would be practically zero.

Mr. LEVITAS. There is not at the present time an extensive expertise, then, or experience within GSA for dealing with commercial leasing market, I would imagine.

Mr. ECKERD. That is certainly correct, sir.

Mr. LEVITAS. Now, the point raised by my colleague from California, Mr. Goldwater, also concerns me somewhat.

In addition to the existing experience or expertise, and that is the inherent competition that this will bring about with private developers and people who have built private commercial buildings, to the extent that a retail establishment, let us say, a drug outlet with which you are familiar is looking for available space in a downtown area, to date presumably you would seek that space in an existing or new building which has been constructed by a private developer.

Under this new program, that private developer who has invested his own sector dollars in it will in effect be competing with the Government for your lease.

Now, does that not create some type of problems along the lines that Mr. Goldwater and Mr. Holland have raised?

Mr. ECKERD. I would not feel that I could really honestly answer that question, sir. It is conceivable that it could. Actually, I cannot conceive where we would be building ourselves a downtown building with the idea of putting a drugstore on the ground floor. I think we could, but—

Mr. LEVITAS. You say "we." Now meaning the GSA?

Mr. ECKERD. Yes, sir.

I think we would be probably looking for a hundred thousand square feet of space downtown, and if a person had more space than that available, we would make available ground-floor space that we could rent out to whoever he pleases, and he would have—no easy market—he would have to determine whether that would be durable or not. He is not going to invest his money unless he knows the real estate market, a commercial realtor or developer.

Mr. LEVITAS. Well, under the multiuse concept, which is embodied in this bill, there are two situations where GSA would in effect become competitive with available private sector office or retail space.

One would be where GSA builds a new building or acquires by purchase an existing building for governmental uses and with the mandate now that you give consideration to multipurpose use.

Second is where GSA leases an entire new building and then sub-leases to private retail concerns or commercial enterprise available

space. What I am suggesting is that this creates, at least in my mind, the concern that many people have that we are now having the Government compete with private enterprise in making available space for commercial undertakings; and I realize that this goes right to the thrust of the whole legislation; but do you have any feelings about that, Mr. Administrator?

Mr. ECKERD. Well, certainly downtown buildings and downtown real estate does not need a lot of competition in most large cities at least. Their problem is vacant stores now and—

Mr. LEVITAS. This might exacerbate that problem?

Mr. ECKERD. That is why I said I really would not proceed if we were developing new downtown buildings in a major area today and we look at that real estate market in that area and saw vacant stores around that area that we would feel it was the thing to do—to put that type of mix in that particular location.

Now, it could be for other purposes.

Mr. LEVITAS. The other problem that concerns me in this area is, and this is not just directed to GSA; I think it is inherent in government generally, in large organizations which do not have a profit motive incentive to be concerned with, that for the most part, when the Government has involved itself in operating those types of undertakings which are traditionally private enterprise in nature, it has not generally done a good job; the Government just does not do a good job as compared to the private sector.

Mr. ECKERD. I agree.

Mr. LEVITAS. Yet now GSA would be embarking on a very highly specialized, new endeavor, which is the leasing of private commercial space with all the considerations of not just who the residents are going to be, but providing maintenance and security and all of the other services, writing leases, commercial leases where, in many instances, I am sure, they are written on, some instances, a percentage basis.

Mr. ECKERD. Instant minimum, usually.

Mr. LEVITAS. Right.

I am just wondering whether or not this is not a rather radical new departure for the Government to embark upon without a track record that gives us any indication that the Government could do a good job of it.

Mr. PANUZIO. One of the things I think we are missing here, Congressman—and I have a background of having been a mayor of a local community, urban community, and I'm sure the Congressmen and the subcommittee will understand, too, there is not—we are overlooking one very big need.

There is a need to bring people into the downtown area, and you could have all of the vacant space in the world in the downtown area and you can have a lot of commercial space, but if you do not have a catalyst in that area to pull people into it, you are never going to generate the private sector in the ordinary city and urban community to do these things. You have got to have that added; and I think that is one of the things we of the Federal Government could provide and certainly we are not living to compete with the private sector; certainly if there is a way of lowering, as Congressman Goldwater is talking about, lowering the rates, getting it down and really in effect knocking out the private sector, that is not the intent.

The intent, I think, of the legislation is to provide a vehicle by which the Government can generate urban business, committing it to bring people to preserve some of these older buildings that are in the downtown area, to use them for different uses than we have been in the past; to in effect rebuild the downtown area so we do not see this urban sprawl that we have seen in the past; and urban planners are looking for that type of thing; and I think it is not—we would not hope we are competing with the private sector at all; and that is not our intention.

I am certain the Administrator has indicated that it is our intention more to help local communities where we do have to build federally, not only to provide the services of the Federal agencies that are coming in there but to generate and help and be a catalyst to the private sector as well, and now kind of open it up and make it more attractive for people to come downtown.

So I think it is a very hard thing to measure; but I think it is a very important function.

Mr. WALSH. Would the gentleman yield?

Mr. LEVITAS. Yes.

Mr. WALSH. I would like to say that at 5 o'clock all the present Federal buildings, State buildings, city buildings, become a very, very sterile influence on any downtown, and this is what we are trying to overcome.

Mr. LEVITAS. I understand what the purpose is. I am just raising this as a question, taking the downtown area of a present city which is already deserted at night and for the most part has a lot of vacant downtown space; and let us even use the example of St. Louis, which is very attractive, a very attractive situation, as Mrs. Sullivan has pointed out.

If the Federal Government comes in and, through theaters and commercial shops and restaurants and nightclubs in that facility, it is not going to in and of itself do much about the problem of the vacancy space across the street of the already deserted commercial building.

Mr. PANUZIO. I have to disagree with you only in the sense that we will take the St. Louis Post Office in the downtown area, and that was developed with some cultural aspects, arts, theater, other things, and an area that may generate not only the people using that building, but you will see a general lift and uplift of the area surrounding that in terms of restaurants in other areas.

There will be a natural tendency to see more people now coming downtown and, if they are coming downtown to a cultural event at the St. Louis Post Office and the Washington Post Office, something of this nature, regardless of the purpose, whether it is art or music, when they are coming downtown, this downtown area now has a spinoff, and this spinoff goes into the private sector in that general area around there, and I think that is—I think there is a way that that would happen.

Mr. LEVITAS. Let me move on to another point, because I do have other points I would like to cover.

Section 102(a) of the bill, and specifically subsections A(1) and A(2), have language that would require GSA to look to existing suitable buildings before acquiring a building, new facilities; and the two questions that I have got relating to that is, are these—one, would

the cost—the relative cost, overall cost to the taxpayer, be a factor in determination whether it is quite feasible and prudent in both instances or should it be written into the law that the cost to the taxpayer is a factor in determining what is feasible and prudent in considering an alternative to new construction?

Let me give you a background, Mr. Panuzio, something we have discussed previously.

Taking this situation in Atlanta where the Russell Building was being considered, and every vacant office building in town decided that this was a great opportunity to have their property made available to the Federal Government for an office building, and the question of cost, I think, has to be a factor. What is your view of that?

Mr. PANUZIO. Well, I think I read this to mean that it certainly is feasible and prudent and merits a taxpayer's consideration, which is very, very prominent there. We would certainly take into consideration whether it is feasibly better to use this space rather than to build space, and so on. In some instances, as I indicated before, the types of space needed for Government agencies is such that so-called commercial developed or areas developed for speculative purposes just cannot meet these needs of the Government agencies.

Mr. LEVITAS. But you would agree that the cost to the taxpayer—

Mr. PANUZIO [interposing]. Has to be a consideration.

Mr. LEVITAS. Has to be a consideration, not secondary or tertiary?

Mr. PANUZIO. Should be the prime consideration.

Mr. LEVITAS. I think that is an important point and perhaps the subcommittee might consider in marking up this bill and take a stronger look at this aspect before we finish with this legislation.

The last point I would like to make simply is to say that Mr. Cleveland has pretty much covered the concerns that I had relating to title II. I think it is important that GSA let it be known, or perhaps the Congress, let it be known that when Federal space is being leased from a private lessor and the public is going to be coming to use it and avail itself of a Federal service made available, that that availability means handicapped as well, and to say that we will make exception is to say this is, I think, an incentive for the private sector to do less than ordinarily they would do if they want to become available as lessors to the Federal Government.

Mr. CLEVELAND. I thank the gentleman from Georgia for those remarks. If he will yield—if the gentleman will yield—

Mr. LEVITAS. I would be happy to, Mr. Cleveland. I think you put it very aptly and one additional thing that should be placed again on the record—and I believe the fact that I am going to state it as a fact, and if it is not a fact, the gentlemen from GSA can tell me if I am wrong; but I have been informed at other hearings on this subject that if the original construction is designed so that the building will be barrier free, it can be usually accomplished by a very, very minimal expense, and that is not something where Uncle Sam is socking the private sector with outrageous expenses and God knows we have examples of that, but I have been told repeatedly that if you start from scratch, and you design your building so that the handicapped can have complete access, this is not adding to the cost.

Mr. PANUZIO. You are correct; and in many instances where we lease with the private sector in terms of where they start from scratch, and so on that is required on our part that it be barrier free.

Mr. CLEVELAND. Am I correct in my statement that new construction—

Mr. ECKERD. We have a figure that we will be glad to furnish, and I forget—it's considerable; under 1 percent, but we can supply it with these other figures.

[The following was received for the record:]

Cost of including accessibility features in new construction depends upon which standard is being applied and how thoughtful the designer is. Estimates range from  $\frac{1}{2}\%$  to  $1\frac{1}{10}\%$  additional cost based on an average construction cost of \$40 per square foot. For GSA the additional cost in Dollars during an average year could vary from \$1.3 million to \$3.1 million.

The cost of providing accessibility in existing buildings must be considered from two points.

First, the Architectural Barriers Act of 1968 requires incorporation of accessibility criteria when alterations are made to an element susceptible of improvement to accommodate the handicapped and then only when the need for alteration arises from some other cause. Under these circumstances it is difficult, if not impossible, to state the cost of accessibility in Dollars per square foot or percent of project costs. Alteration projects are estimated on a case-by-case basis, and no general statements can be made about cost.

However, the cost of altering a building for the sole purpose of providing accessibility is another matter entirely. Using crude data gathered from the MBO survey, costs are seen to vary from \$0.03 per square foot to \$33.00 per square foot; the average being \$8.00 per square foot. There are approximately 100 Million square feet of *Government owned* space in the existing GSA inventory which pre-date Public Law 90-480. The estimate of providing accessibility in those buildings is 87 Million.

Mr. CLEVELAND. That does add a note of urgency, made by the distinguished gentleman from Georgia, Mr. Levitas.

Thank you, gentlemen; and I think you are not going to insist on this, but you ought to be saying we insist on this.

Mr. PANUZIO. I hope we get that point across.

Mr. ECKERD. That's why we used the extreme figure of renting 300 feet of space that we were discussing—trying to point out that there are exceptions that we feel that just—

Mr. PANUZIO. The whole thrust of the program at GSA has been wherever possible under all considerations to push for the barrier-free consideration on all new buildings, all new construction, all major leasing, all lease construction; and there has never been the intent on our part that we want to get across to everyone that we feel it is cheaper to do it originally, and that wherever it is possible in all rehabilitation programs or anything else, it is a very simple consideration; and it plugs into our cost, and it is done. So we do not have anybody—have a feeling they have a way around this Federal Government.

Mr. LEVITAS. Specifically on that, Mr. Panuzio, when you put out an invitation to take bid for the 300-square-foot situation, what you are saying, as I understand, is that you do not want to make it an absolute requirement; that these obstacles not be there; but am I also correct in believing that for invitation to bid where there is at the same price a building which has the obstacle-free construction, that they will be considered in preference to that building which does not; is that correct?

Mr. PANUZIO. Right; right. And the point—if we have a community in which a small amount of space—and this is the extreme—if we have the small community of spaces needed quickly for the Federal agency, and we go out to the private sector, and they just do not have that

kind of space available for a small amount and to do it for a small period of time, they would have to spend such an exorbitant amount of money to bring the building up, we would not be able to do our mission and provide the space for the agency—other agency if we did not have the ability to waive it in that instance; but if there is ever a situation in which the barrier-free is there and somebody has not got it, we go to where it is provided, because that is our intention and slowly, and I think slowly as people do business with the Government, they will start—as Congressman Cleveland said, they will start being assured they have that in there, and in any new buildings, because they know it is less expensive.

Mr. GINN. We are running regrettably behind time, therefore, could you be so kind as to confine your questions to one more?

Mr. LEVITAS. I think what I will do, Mr. Chairman, because of the time—and I know we have other witnesses, is that I will take this up later with Mr. Eckerd. I am concerned about the noncompetitive provision in section 104, and given the fact that GSA does not have the ability and expertise in commercial leasing at the present time, what could come of that type of situation—

Mr. ECKERD. Where we negotiate?

Mr. GINN. Would you like to ask your question and have the answer submitted for the record?

Mr. LEVITAS. I think I would have just to ask this question and ask it be answered and that it be given a background that we have developed in this testimony about the lack of expertise and experience in the highly technical and specialized nature of leasing—how do you propose to deal with the proposition that will result from noncompetitive leasing and negotiated leasings in the situation that is covered by that particular subsection?

Thank you.

Mr. ECKERD. I personally hope we can bring competition into that, even though we may do that; and I would hope that we can in most cases be competitive.

Mr. GINN. Mr. Nowak, do you have questions of these witnesses?

Mr. NOWAK. I have no questions of the witness at this time.

Mr. GINN. The Chair has one final question which I think needs to be asked. That involves the leasing of restaurant space in a public building and the person holding the lease desires to serve alcoholic beverages.

What is the policy of GSA with regard to serving alcoholic beverages in a Federal building?

Mr. ECKERD. Only by special license.

Mr. PANUZIO. The Administrator has the ability to waive, in certain instances, for alcoholic beverages to be served in Federal buildings. That has been given out as an authority to the regional administrators in the 10 areas, to try and have it done at the local level or, at least, in local instances, and particularly on a case-by-case basis; but in most instances, it is a "no."

Mr. GINN. It is not something you necessarily encourage or that we have a Federal policy? You more or less give the authority to your local regional administrator?

Mr. PANUZIO. That's correct.

Mr. ECKERD. The only time they do is when someone wants to have a Christmas party.

Mr. GINN. The Chair certainly wants to thank you, Mr. Eckerd, and Mr. Panuzio, for your patience and your ability here today. Thank you very much.

Mr. GINN. The Chair would like at this time to recognize a very new member of the full Committee on Public Works and Transportation who added significantly to the work of our subcommittee, Mr. Henry Nowak, of New York, for the purpose of presenting our next witness.

Mr. NOWAK. Thank you, Mr. Chairman. I certainly appreciate this opportunity.

I have cosponsored the bill before us, and certainly it is one that will not only add to the betterment of our taxpayers but also make better use of our public facilities.

One excellent example of where this could be done for the benefit of the Government and its people is at the Theodore Roosevelt Inaugural Site in Buffalo, N. Y.

Speaking on this today from my district is Dr. Walter Dunn, Jr. Dr. Dunn is a noted historian who has been the director of the Buffalo and Erie County Historical Society since 1963, and who has served as the president of the New York State County Historians Association.

Before coming to Buffalo, Dr. Dunn served as the chief curator of the State Historical Society of Wisconsin.

He received his doctorate in history from the University of Wisconsin.

It is certainly a distinct pleasure for me to present to the subcommittee, Dr. Walter Dunn, Jr.

Mr. GINN. Dr. Dunn, the full text of your prepared statement will be made a part of the record at this point.

[Statement referred to follows:]

STATEMENT OF DR. WALTER S. DUNN, JR., DIRECTOR, BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY

At the heart of the proposed legislation is the compatible use of Federal buildings. Can a building be used for two unrelated purposes with all the inherent management difficulties possible with divergent objectives?

The example provided by the Theodore Roosevelt Inaugural National Historic Site (Wilcox House) in Buffalo, New York, is pertinent to this matter. From the beginning the assumption was made that the historical site would occupy only a portion of the building which was the site of the inauguration of Theodore Roosevelt on September 14, 1901, following the assassination of President McKinley at the Pan American Exposition. The legislation called for the purchase of the site and partial reimbursement for its renovation with the remainder of costs and the operation to be borne by the Theodore Roosevelt Inaugural Site Foundation. A subsequent Cooperative Agreement between the National Park Service and the Foundation called for the operation of the national historic site by the Foundation to be partially supported by revenue derived from the rental of the remainder of the building to a "compatible user."

A lease was signed by the Associated Art Organizations in September 1971 under the terms of which the art organization has operated an art gallery for the exhibition of the works of local artists at a minimum cost. The result has been of benefit to both organizations. The historic site has drawn a local and national clientele of tourists as well as a "required annual tour" for all 5th grade students in Buffalo public schools. The art gallery has drawn through its monthly changing exhibitions a continuing attendance from the Western New York region, and through the Foundation the House has been used as the site of numerous lunches, banquets, and other civic and private events all of which have contributed to the maintenance of the site at no expense to the Federal government and enhancing its popularity in the local area.

Although there has been some competition between the two agencies functioning in the House, each realizes the importance of the existence of the other in the continued success of the site.

In sharp contrast to the seven days a week and often twelve hours per day operation of the Theodore Roosevelt Inaugural Site one may consider the alternatives. As a national historical site, the building would have been open to the public a maximum of 50 hours per week at a cost of over \$60,000 based on National Park Service estimates, serving perhaps 10,000 visitors per year. As a volunteer staffed art gallery the site would have been open a maximum of 28 hours per week serving no more than 5,000 visitors annually, at a cost of approximately \$10,000. As a civic center of the area it would have served up to 5,000 persons per year, perhaps on a self sustaining basis though this is highly unlikely. Instead, the site has an annual visitation of over 26,000 with an annual budget of only \$40,600 per year at no cost to the Federal government.

Regardless of the financial advantages to be derived, the fact that the building is used for multiple purposes results in visitors coming for one reason and being made aware of the other functions. The persons invited to events in the evening are surrounded by the works of local artists and must pass through the historical portion of the House. Many have commented to me personally of the pleasure and the excitement of having an event in the Wilcox House as it is known locally. The outpouring of volunteer participation not only reduces the budget sharply and cuts the cost per visitor to a reasonable level, but results in a far greater return to the taxpayer of the money which he or she has invested indirectly. Compatible use is the best hope for the continued survival of cultural institutions today, and this legislation will go far in the accomplishment of that end.

#### TESTIMONY OF DR. WALTER S. DUNN, JR., DIRECTOR, BUFFALO AND ERIE COUNTY HISTORICAL SOCIETY

Dr. DUNN. Thank you.

I would like to briefly summarize my testimony which has been presented to the subcommittee and it is on file.

What I have to say is that multiuse of Federal buildings does work. The Theodore Roosevelt Inaugural Site is used by two agencies, used by the historical society itself, and it is also used by the Associated Art Organization which runs an art gallery.

We have what may be considered two competing uses and, in addition, the House has frequently been used for public events. The net result of this is that the house is operated at no expense to the Federal Government. Income is derived by leasing a part of the house to the art gallery which results in revenue which is used to defray the expense of the house.

Currently we are negotiating with GSA on the possibility of having Federal offices occupy part of the space in the house which I think would put it somewhat in the same experience line as the legislation we are now discussing.

One other fact I would like to bring out, that there has been some discussion of the fact that some agencies would not like to use restored space. I think that is one that might well consider the fact that most of the newer buildings result in windowless offices and also in large offices with many, many occupants in order to take advantage of the few outside windows. In older buildings, because of the low density and because of their construction, you do have the opportunity to provide the individual with a private or semiprivate office, and also with a window. And I think this is a very important morale factor.

I find in my own organization we could not ignore this, I am open for any questions.

Mr. MINETA. That was fine. Thank you very, very much, Dr. Dunn. Mr. Walsh, do you have any questions?

Mr. WALSH. Mr. Chairman, in the interest of time, I will forgo any questions.

Mr. MINETA. Mr. Cleveland.

Mr. CLEVELAND. No, sir.

Mr. MINETA. Dr. Dunn, thank you very, very much for your testimony. The example of the Wilcox House in Buffalo is probably an outstanding example that can be done with the full cooperation of the volunteer sector in the arts and cooperating with the private sector.

And, Henry, thank you very, very much.

Mr. NOWAK. If I could make one final comment, Mr. Chairman.

We have started preliminary negotiations with GSA to lease some of the available space in the upper part of this historical site. I think that after completion of the preliminary negotiations and when the required engineering studies are available the Federal Government could really save an appreciable amount of money by leasing this space or taking over some of the maintenance operations that are so costly in the total structure. This would save money that would have to be used leasing other spaces in the private sector—such as the more than 100,000 square feet in Buffalo, N. Y., that is now leased.

With the historical, attractive nature of the downtown site, it would be a very profitable means of utilization for both the Federal Government and the public in general. I certainly hope that the subcommittee will support this multiuse.

Mr. GINN. On behalf of the subcommittee, Dr. Dunn, and Congressman Nowak, we are very grateful for your being here this morning. Thank you very much.

Our next witness is the very distinguished Chairman of the National Endowment for the Arts, and sometimes known throughout the country as Nancy Hanks.

We at one time had a very famous train in my State named Nancy Hanks, so that name means an awful lot to us in Georgia.

Mr. LEVITAS. Will the gentleman yield?

Mr. GINN. Yes.

Mr. LEVITAS. Nancy Hanks is not only famous, as my colleague points out, for being the recipient as our distinguished Chairman of the National Endowment for the Arts, but is very well known for a train that used to run in our State, but also very famous as a Revolutionary figure, if I remember correctly.

And we are very proud of the name. And we, certainly in Georgia, are very familiar with it. We welcome you here today.

**TESTIMONY OF NANCY HANKS, CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS, ACCOMPANIED BY BILL N. LACY, DIRECTOR OF THE ARCHITECTURE AND ENVIRONMENTAL ARTS PROGRAM; AND LOIS CRAIG, STAFF DIRECTOR OF THE FEDERAL ARCHITECTURE PROJECT**

Ms. HANKS. Thank you very much, Mr. Chairman, and Mr. Walsh and other members of the subcommittee.

As Chairman of the National Endowment for the Arts, I also have a personal responsibility for the Federal design improvement program that began in 1972.

I am very pleased to appear here today to testify on behalf of H.R. 15134.

As the chairman may have mentioned, I have with me Mr. Bill Lacy, head of the architectural and environment arts program at the National Endowment for the Arts, and Lois Craig who is director of the Federal Architecture project.

I would like, if I might, to submit for the record three reports issued by the Federal architectural project, and also a report commissioned by the Endowment entitled "Arts and the Handicapped."

I think many of the comments this morning referring to the handicapped are extremely important in terms of access to buildings, and I am hopeful the work that the Endowment has done in this area will be of use to members of the subcommittee.

Mr. GINN. Without objection, the reports referred to will be retained in the subcommittee's file.

Ms. HANKS. Thank you.

Since our enthusiasm for this type of legislation providing for multiuse, barrier-free construction is so intense, we have managed to prepare more than 11 pages of single-spaced testimony.

I therefore would like permission from the members of the subcommittee and you, Mr. Chairman, to submit it for the record.

Mr. GINN. Without objection, so ordered.

[The following was received for the record.]

STATEMENT OF NANCY HANKS, CHAIRMAN, NATIONAL ENDOWMENT FOR THE ARTS

Mr. Chairman, it is a special pleasure for me to be here to testify on H.R. 15134, the "Public Buildings Cooperative Use Act of 1976." In doing so, I am wearing two hats today, one as Chairman of the National Endowment for the Arts and another as the person charged by the President with responsibility for the Federal Design Improvement Program.

As you know, in 1972, the President asked the National Endowment for the Arts to initiate a program to improve the Federal Government's design activities. One facet of that program was to be a revision and expansion of the Guiding Principles for Federal Architecture, issued in 1962. To carry out this aspect of the design program, we appointed at the President's request a task force composed of eminent private design professionals and two concerned members of Congress—Senator Howard Baker and Representative Frank Thompson. We also assembled a group of architects from 20 Federal agencies with major construction responsibilities to draw on their special knowledge as we conducted our research. I will discuss the excellent work of the Federal Architecture Task Force in a little while; but I would like to say now that the inter-agency group has proven to be an invaluable source of information, ideas, and enthusiasm. These Federal designers are professionals in the best sense of the word. They are expert and imaginative and they place the public interest in the forefront of their thinking. The agency representatives tell us that we in turn perform a valuable service to them and their agencies by providing a forum for the exchange of information and the crossbreeding of ideas.

Staff support to the Federal Architecture Task Force and inter-agency group is provided by the Federal Architecture Project. With me here this morning are Mr. Bill Lacy, Director of the Architecture and Environmental Arts Program of the National Endowment for the Arts and Executive Director of the Federal Architecture Project, and Mrs. Lois Craig, Staff Director of the Project.

The Federal Architecture Task Force, like the group convened ten years before that produced the Guiding Principles, made no attempt to define an appropriate style for Federal architecture. We have long since passed the period in our country's history when it was thought necessary for every public building to recall the glories of ancient Greece and Rome, although we rightly cherish the architectural legacy that period has bequeathed us. Instead, the Task Force broadened the focus of its work beyond the building itself to include the processes that produce the building and its impact on users, visitors, and its physical and socioeconomic environment.

In April 1974, the Task Force issued an interim report, entitled *Federal Architecture: A Framework for Debate*, containing its findings and a series of recommendations for improving Federal architecture. Since that time, at the direction of the Task Force, the staff of the Federal Architecture Project has prepared supplementary reports on two of the most important recommendations, recommendations which H.R. 15134 would implement: cooperative—or multiple—use, and recycling of buildings—or adaptive use. I would like to submit those two reports entitled *Federal Architecture Multiple-Use Facilities* and *Federal Architecture: Adaptive-Use Facilities* for the record. They state the case for cooperative use and recycling as forcefully as possible and describe our reasons for strongly supporting Title I of the bill.

I would also like to submit for the record a report entitled *Arts and the Handicapped: An Issue of Access*. It was prepared by Educational Facilities Laboratories under a contract from the National Endowment for the Arts, and it describes ways in which public arts facilities can be made fully accessible to the handicapped. The report is only one of several projects undertaken by our Architecture+Environmental Arts program to encourage the nation's design and construction communities to give more attention to the special needs of our less mobile citizens. With Endowment funds, a national information service on arts and the handicapped has been established and grant monies have been set aside to help pay for planning and designing accessible facilities.

I would like to highlight only a few points made in the reports I mentioned and to add some comments on the practical implications of this bill. As to most of its technical aspects, as well as to the desirability of specific provisions of Title II, I defer to the expertise of the General Services Administration, the Advisory Council on Historic Preservation, and the others testifying and reporting on this bill.

The basic problem in Federal architecture was summed up by Professor J. B. Jackson of Harvard in a quote used to introduce the multiple-use report: "No one in his right mind now goes into a public building except on business." The problem is one of both visual image and physical access.

The point is, our "public" buildings are like signs, advertising the kind of people and government we are. In this case, they are false advertising: our government is not distant and aloof; it is an open government, sensitive to the needs and desires of its people. But our buildings, those permanent, attention-getting symbols of the Federal presence, do not always show that.

Some people say that, as impenetrable as some of our buildings appear, most of the public has little need to visit inside them. Where our agencies conduct activities that require frequent contact with the general public, they should be conveniently located so that the public is made welcome.

If you read the recommendations of the Task Force as a whole, you will see these issues of public image and public access were very much on the minds of the Task Force members. They concluded that the Federal Government has an obligation to provide buildings, which demonstrate that government is not a remote control system run from Washington and which emphasize the Federal Government's accountability to its local constituencies by contributing to the improvement of their environment, socially, economically, and visually. And they further concluded that adaptive use and multiple use can be keys to helping the Government meet that obligation.

What the Task Force members were really talking about was creating a truly barrier-free architecture in our Federal public buildings. Architects have generally used the term "barrier-free" to describe design oriented specifically toward the handicapped. The Task Force pointed out that buildings can pose "barriers," both physical and visual, between government and all of our citizens.

Mr. Chairman, there are others here who are much more knowledgeable than I in the complexities of turning old buildings to contemporary uses. I will only make a few general observations.

Old buildings are like old friends. They connect us to our past. Yet at the same time, they are a vital part of our present because they assure us of a certain stability and continuity in times of rapid change. It is for just this reason that they should not be precluded from housing the Federal Government's activities. They very often perfectly fit the 1962 Guiding Principles description of an appropriate Federal architectural style as one "... which is distinguished and which will reflect the dignity, enterprise, vigor, and stability of the American national government."

Reuse of old buildings also accords with a lost American ethic which we are trying to recapture, one expressed in the New England proverb, "Use it up, wear it out, make it do, or do without." Our Federal Government's first building was nearly a century old by 1789, when George Washington took the presidential oath of office on its balcony and Congress met for the first time under the Constitution in its rooms. It had been the city hall of New York when the new government acquired it, remodeled it, and "made it do." So adaptive use was not a new idea when our Task Force proposed it; it was an old idea waiting around for modern necessities to "mother" its re-invention.

Renovating an old building in some cases can cost less per square foot of usable space. In July 1975, the National Trust for Historic Preservation held a conference on the economic benefits of preserving old buildings. Private developers and architects agreed that some well-managed re-used projects have been completed at less than half the cost of new buildings in the same areas. Part of the saving results from the greater speed with which re-use projects are completed. Borrowing costs are therefore lower, inflation has less impact on the costs of materials and labor, and rentals start flowing in sooner.

Adaptive use projects also can provide more jobs per construction dollar than new construction and the workers tell us that the jobs are more challenging and satisfying. Re-use cuts down the time it takes to complete environmental and other official reviews, and it rarely stirs up community opposition, the way new projects so often do. In fact, re-use projects are noted for revitalizing their surrounding neighborhoods, and that increases opportunities for private investment, brings in more revenues to local government, and heightens civic pride.

I am very pleased to see that this bill encourages recycling of those buildings which we do not normally think of as architectural landmarks. They, too, signify continuity, and, more importantly, are resources to be conserved if at all possible. Trolley barns have been turned into a successful shopping center in Salt Lake City; in Akron, grain silos, of all things, are now apartments and offices. An old commercial warehouse in Minneapolis was turned into a combination office building and retail shopping center. This year, it won one of the American Institute of Architects' coveted national awards. In fact, four out of the ten awards went to adaptive-use projects. This indicates the strength of the trend which, in the last year, has been reported not only in architecture magazines, but in *Time* and *Fortune* as well.

The Federal Architecture Task Force was thoroughly convinced that adaptive use office buildings would improve the public image of the Federal Government in communities across the Nation. The Task Force concluded that multiple use holds even greater potential for demonstrating a commitment to open and accessible government, local economic welfare, and sound urban land-use principles.

Under the provisions of H.R. 15134, multiple use could be included throughout the public building inventory. Needless to say, not every Federal building can support the entire range of uses; some, because of location or purpose, may be able to accommodate only regular office activities. Each situation is unique and will have to be evaluated in the context of its setting.

Multiple use is not a new idea, of course. It is simply a new name for a familiar principle of urban land use. As an editorial in *Architectural Record* magazine recently asked in support of the Senate version of this bill, "Why shouldn't the Government live over the store?" For centuries, cities featured a jumble of housing, shops, workplaces and social centers in close proximity. (Up until the 1850's, flower and vegetable vendors hawked their wares in the Capitol Rotunda, but this is a mixed use we do not recommend reviving.) Many people are now convinced that this mixture of uses was responsible for the charm, vitality, and attractiveness of city life. They are probably right. We should remember, however, that this mixture came about, not from any conscious attempt to make cities "charming," but rather as a solution to the problem of providing the necessities of life with a slow-moving transportation system. The transportation problem ought to strike a chord with us again today. We have just recently recognized the transportation and energy costs of our pattern of urban sprawl and segregated land uses. I don't think any of us doubt that the Federal Government must do whatever it can to contribute to reducing those costs.

Moreover, multiple-use buildings are often used more intensively, and that conserves urban land. In normal practice, our Federal office buildings stand empty after working hours and on weekends. Nightlife and weekend activities go on in other buildings. If the office and after-hours activities are accommodated in the same structure, however, the pressure on urban land and consequently on the open land surrounding our cities is lessened.

As with adaptive use, the resource and energy savings that can be attributed to multiple use are not as apparent as the straightforward commercial arguments in its favor. In a book published this year and aimed at private developers, the Urban Land Institute described several of these. Experience shows that mixed-use yields economies of scale in building and business operate expenses of up to 15 to 20 percent. It can stimulate revitalization of some commercial districts and prevent deterioration in others by protecting against overcommitment to one type of real estate use that may later become obsolete. Retail tenants of mixed-use projects draw upon a larger clientele than they would in an isolated location. Customers are attracted by the liveliness of the mixture of uses and feel more comfortable—and that stimulates sales. Finally, clustering varied activities in one intensively-used location instead of several dispersed sites increases security, reduces the costs to cities of furnishing essential services, decreases reliance on the automobile, and helps make mass transit feasible. ULI reports that developers discern a trend toward mixed-used and feel government has an important role to play in encouraging it—a role that includes ownership and operation of mixed-use buildings.

We know of one instance in which a midwestern town pleaded with the Federal Government to provide space for commercial activities in its new office building. The building was in the middle of a redevelopment tract which had been carefully planned as a pedestrian shopping area. All other new buildings in the area were required to include lower-floor shopping space. The town was very concerned that the Federal building, which occupied a large and strategic site, would impede the flow of shoppers. Federal officials had to inform town planners that no authority existed to allow stores in the building and it stands today as an isolated, forbidding presence on an otherwise lively street.

It was to just such complaints from businessmen that the Canadian Government responded with an ambitious multiple-use program. Told by merchants that its single-use office buildings were "dead spaces" in the swirl of city activity and were damaging to business in their neighborhoods, the Department of Public Works began designing new buildings with built-in space for stores and restaurants, and it established an office to actively market the space. The Department says it has had no complaints about its entry into the commercial rental market. Department representatives even participate in the activities of local merchants' associations.

The point is, that under H.R. 15134, the Federal Government would not be competing with private enterprise; it would be promoting it. Since the multiple-use authorities in the bill are permissive, GSA need only use them where it appears multiple use will be beneficial to the community. If it appears that local conditions make a multiple-use development in a particular instance unnecessary or unwise, then there should be no mixed-use allowed. But if it is appropriate, the Federal Government will be providing increased opportunities for retail business activity.

Unfortunately, leasing out space for commercial, cultural, educational, and recreational activities is not simply a matter of hanging out a sign saying, "space to let" and assigning leases on a first-come, first-served basis. Careful planning is required to make sure that the multiple-use program accomplishes its goal of enhancing the urban environment.

The Canadians admit quite candidly, for example, that their first multiple-use project got into difficulty. It was a new building in a depressed area with little existing daytime office or commercial activity. Commercial tenants were moved into the new building before the Government's office workers. With no available clientele, many of the small shops had to vacate. The Department of Public Works now pays careful attention to the problem of phasing in its tenants.

It is also important to ensure an appropriate mix of activities. Certain types of retail activities and restaurants act as drawing cards to passers-by to the benefit of other, less instantly alluring ones. These drawing cards have to be included in any substantial commercial scheme. On the other hand, some activities, though legal, might detract from the dignity of the Federal Government and offend a part of the public. They should be excluded.

The supply of and demand for commercial, cultural, educational and recreational activities have to be studied in each situation. Private owners do not execute leases with stores or other facilities that have little chance of economic survival, since frequent turnovers raise administrative expenses and discourage customers. Activities in the leased space in Federal buildings will have to be keyed to the demands of two groups—the general public and Federal office workers. Some facilities that might not otherwise be encouraged to lease based on a strictly

external market analysis might nevertheless be sought for the benefit of our civil service employees. Athletic and recreational facilities, for example, are too seldom provided in our office buildings, despite their potential contribution to employee health, morale, and effectiveness. Attention must be paid to the rates charged by private health facilities, because they may be too high to allow the bulk of the employees to enjoy their use. Moreover, as above, the Randolph-Sheppard program and Federal policy necessitate the individual study of leasing arrangements to identify optimal locations for the establishment of state-licensed, blind-operated vending facilities. Very often, such study may require an analysis of the economic viability and potential adverse impact on other purveyors in the private sector as well as consideration of the necessity to maintain high quality snack bar and food services for federal employees and the public.

Making public buildings inviting to the public involves more than just providing a mix of activities inside them. If pedestrians are to be attracted to them, as H.R. 15134 encourages, and as profit-seeking tenants demand, the buildings themselves have to be designed to act as magnets. Fountains, plazas that direct movement toward the building, prominent entrances, information kiosks, signs, and banners all can capture the attention of people passing by.

Building managers can increase this magnetic effect by programming activities in indoor and outdoor public spaces. The expense of these activities would be covered by an admission fee. Boston's City Hall, which does not incorporate multiple uses of the sort we are talking about, but which is a good example of a public building that actually welcomes the public, is the setting for a year-round festival. During the summer, its outdoor plaza, which was designed as a small amphitheater, is the scene of orchestra and jazz concerts, folk dance and ballet programs, sculpture exhibits, and an annual Fourth of July celebration. Indoors, there are painting, photography, sculpture, and tapestry exhibits, fashion shows, receptions, a Christmas Tree festival, and countless choral, band, and organ concerts. I know you all understand how such events can enliven a building—I've often stopped to listen to the concerts that your constituents present in the lobbies of the House Office Buildings and on the plaza and steps of the Capitol.

None of us want to make Federal buildings inviting to those who would disrupt the activities of their offices. Some people have expressed the fear that multiple-use Federal buildings will be more susceptible to disruption or bombing, since more people will be passing through them. That is a genuine concern. Careful attention to design, however, can allay these fears. The J. Edgar Hoover Building, which has been criticized by some as an example of a Federal building that detracts from the commercial and street environment around it, does, in fact, incorporate a circulation system for its visitors that prevents them from wandering into security-sensitive areas of the building. If this security problem can be solved in the headquarters of the FBI, I dare say it can be solved in the design of other new Federal buildings.

I would like to suggest only one small, but important revision in the multiple-use provisions of the bill. As presently written, only space on the major pedestrian access level can be leased on a long-term basis. This would preclude a two-level shopping area like the ground floor and mezzanine arrangement planned for the new Bank Board building. Since these two-level developments have been successful in many places, I would suggest that the bill be amended to permit leasing "on the major pedestrian access level and one contiguous level."

Although I have spoken of them separately, adaptive use and multiple use are best combined, with mutually beneficial results. Many rehabilitation projects are made economically feasible by including multiple uses in the adapted buildings. Multiple-use facilities gain patronage by being located in adapted old buildings which are both familiar and intriguing to the public.

Mr. Chairman, we are deeply gratified that the work of the Federal Architecture Task Force has borne this fruit. The National Endowment for the Arts strongly supports the adaptive and multiple use provision of H.R. 15134. We believe that they will reflect in our public architecture the same impulse to more open communication between the Government and the governed that we see in so many other areas of contemporary public affairs. Thank you for giving me the opportunity to speak to you on their behalf.

Ms. HANKS. And speaking very briefly, I guess the main purpose of the bill, as I read it, and as my associates think about it, is to make public buildings public.

Again certainly there are difficulties. Certainly questions raised by all members of the subcommittee this morning are very important ones that should be thought through very carefully but, certainly the main purpose—to make public buildings indeed, “public”—to make them good neighbors in the communities is I believe, is a laudable goal. And I hope very much that we can overcome the barriers to effectuate the purposes of the bill.

In connection with adaptive use, I believe the thinking of the Government has moved to follow the thinking of the citizens throughout this country as to how they view their cities.

You yourself, Mr. Ginn, and the city of Savannah have one of the outstanding examples of what can be done with a city in terms of preserving it for present-day use. We certainly share a long-time useful friend, Mr. Lee Adler, and he and his associates, and what they have done in Savannah, I think, leads the Nation in many ways to thinking in imaginative terms about adaptive use.

But this is happening all over the country now by private industry, and I think it is extremely important that the Government is now itself coming along, following public interests, not initiating it, to help with our buildings, to do what people want in their towns because, in many towns, of course, the Government buildings have a very significant impact.

Incidentally, I was very pleased that Mrs. Sullivan mentioned the old post office in St. Louis. It would appear to me that we have a very broad woman's movement in the country to preserve all the old post offices. And I know that your own subcommittee has been very seriously concerned with the one in Washington, and I know that you are pleased, as I was, that the General Services Administration cleaned it up for the celebration of our Bicentennial. And even the taxicab drivers now are talking about that wonderful old clean building on Pennsylvania Avenue. We hope very soon that they will be talking about what is going on inside of it.

The second point I have on adaptive use I think is important, and again our Government is following our public. We are not leading the way.

The General Services Administration has taken the leadership as a Government agency, and it has been wonderfully responsive to the citizens around the country.

The questions of multiple use are very complicated. I think this question of being concerned about competition with private enterprise is a very important one, indeed, but in my reading of the testimony in the Senate and in the discussions today, I believe that the Government agencies concerned have made it quite clear that they are not interested in competing with private industry.

I do not see any contention at all about how the Government will make money in connection with this operation.

The whole intent, rather, as the representatives from the General Services Administration indicated, and I thought made very clear, is that the effort here, particularly when you have a complex of Government buildings that deaden a city, is not competition with private enterprise, but rather to give private enterprise an opportunity to participate and benefit from tremendous numbers of people who are located in a particular complex, so I think the purpose of the bill is quite to the contrary.

I believe the subcommittee's comments this morning were very important, and I know that Mr. Eckerd would agree that there is no question that there is a great importance in public education.

The public must understand that this is for their benefit. But I am quite certain that this would be handled very well by the General Services Administration and other Government agencies responsible for public buildings. It all takes a bit of creative management.

I do think there are difficulties, as mentioned this morning, by the subcommittee members, when you have big Government and big organizations of any kind in this area, but when the whole purpose of the bill is to make the Government buildings part of the community, I think that the community will become involved in the Government activities in that area, and that this is an extremely important factor.

I would like to speak very briefly on barrier-free design. I have mentioned that this is a primary concern of the National Endowment for the Arts, and has been for some time.

We have a special committee of the National Council on the Arts, which is chaired by Phyllis Wyeth, the wife of James Wyeth, the artist. Mrs. Wyeth has prepared a report for us that the National Council has accepted, and we are working in cooperation with other Government agencies, including the general Services Administration, on this point.

Mr. Chairman, I would like to mention only two areas that I think might help in terms of the bill's effectiveness.

The first, perhaps, could be handled, if you would agree, in terms of language in the legislative history. The other might require a minor change in the bill's language.

The first, if I might mention, it is not clear in the legislation that courtyards and rooftops could be leased out on a long-term basis for multiple use. Some Federal buildings would provide a prime location for rooftop restaurants, et cetera, theaters, courts, and the like.

Courtyards, of course, could support sidewalk cafes and restaurants. My staff associates could give you examples of this, if you would like. I believe that can be handled just in the legislative history.

Second, there are several successful private multiple-use buildings that have installed shops on both the ground floor and mezzanine levels. At the present time, the bill would preclude this.

I believe the limitation is directed to leasing on the pedestrian access level, but I could be wrong on that. But it seemed in our reading that it was just the one level, and we felt we should raise that for your attention.

In closing, I would like to again say that our interest in the bill is to have all of our citizens get beyond the stairs and the doorways, and have an opportunity to really have access to what indeed should be public buildings.

Thank you very much for asking me to appear, and I would be happy to answer any questions you might have.

Mr. MINETA [presiding]. Thank you very, very much, Ms. Hanks.

I know you work a great deal with local governments, and I must say I, as a mayor of a city of 540,000, San Jose, Calif., was a beneficiary of the National Endowment for the Arts, and we thank you very, very much.

I was wondering did you ever find in terms of reluctance on the part of local officials to accept rehabilitation in lieu of new construction?

Ms. HANKS. Lois, would you be able to answer that question? I myself have not heard of any, but Ms. Craig—

Ms. CRAIG. No, I have not heard any.

In general, you see a very positive response from the business community which then also means a positive response from officials.

I think, for instance, in Seattle when there was something like \$2 million of public investment, it immediately attracted \$10 million in private investment. And that is in the rehabilitation of an area called the Pinehurst Square.

I cannot imagine local officials objecting to that, and I have not seen any evidence of it.

Mr. MINETA. Does the \$2 million consist of improvements in terms of fountains and malls and—

Ms. CRAIG. Yes.

Mr. MINETA (continuing). Paseos, this kind of thing?

Is that the kind of thing that they also would then support by these multiple-use buildings?

Ms. CRAIG. Frequently the two go together very well, and one of the things we discovered when we talked to the people in the Department of Public Works in Canada is that they had actually inaugurated their multiuse program in response to complaints from the business communities that the buildings created a dead space in the area that hurt businesses rather than helped them.

The other thing is to emphasize that, at least as we read the bill, it looks like the multiple-use provisions is optional and would depend on the support of local officials and the business community to bring it into play.

Mr. MINETA. This Bank Board building that you referred to having some problem, whether or not the bill would preclude the two level use, is that where—I am not familiar with the Bank Board building—

Mr. LACY. This is just across from the Old Executive Building, the Federal Home Loan Bank Building.

Ms. HANKS. Seventeenth Street.

Mr. MINETA. I have no further questions.

Mr. WALSH.

Mr. WALSH. Thank you.

Ms. Hanks, we appreciate the care and the work that has gone into the preparation of your statement, and I think that section 104 does take care of the concern that you have about the use of the space other than the access space on the first floor.

Paragraph 17 of section 104 reads:

To make available, on occasion, or to lease at such rates and on such other terms and conditions as the Administrator deems to be in the public interest, auditoriums, meeting rooms, courtyards, rooftops, and lobbies of public buildings to persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities, \* \* \*

I think that probably takes care of the concern that you expressed because I have the same concern, too.

Ms. HANKS. Yes.

Mr. WALSH. Rooftop restaurants in a public building might be one of the things that could be very attractive in downtown, but I think the legislation provides for that.

Ms. HANKS. I think that a particular concern in this connection, but not a major one, although we wish to point it out, is it does not seem to indicate any reference to the mezzanine.

Mr. WALSH. No.

But I think—

Ms. HANKS. This would cover it.

Mr. WALSH. I think probably for the record we can state that that is intended, that it is not to be restricted to any particular place.

Ms. HANKS. Thank you.

Mr. WALSH. The other question that I have might better be directed to your assistant, and that is, the present design of many of the Federal buildings, and I probably could have raised it with Mr. Eckerd, provides for a great deal of open space on the ground level. Many of the buildings are elevated. The HEW Building down here, for instance, is a good example of it. The new Federal building in Syracuse, where I moved in last Friday, is another example of that. There is no commercial space available on the first floor.

I am just wondering if this is going to result in a change of design in some of the Federal buildings, or if it is going to force that type of change in design?

Mr. LACY. May I answer?

I think that any time the Federal Government accepts or adopts a policy of this sort that it does inevitably influence the architectural design and the way architects begin to think about the Federal Government as a client. So I think you will see them beginning to plan for more commercial space.

I know we have just begun to look at the FBI building as a result of this legislation as having potential space on the lower level of that building for commercial activities that would enhance the pedestrian usage of Pennsylvania Avenue, and I imagine that Mr. Woodridge will comment on that in more detail in his testimony.

Mr. WALSH. I have no further questions.

Thank you very much.

Mr. GINN. Are there additional questions by any members of the subcommittee?

Mr. Levitas.

Mr. LEVITAS. None.

Thank you.

Mr. GINN. We certainly want to express our grateful thanks for your being here this morning. Thank you very much.

The Chair would like to announce at this time that under the rules of the House, we must gain permission of the House in order to resume our hearings this afternoon while the House is under the 5-minute rule.

And because of that, I must leave immediately to go to the floor to seek that permission. It may be granted and it may not. I am inclined to think that it will be since we are not marking up legislation but, in fact, seeking testimony.

Mr. Walsh, if it is agreeable with you and the other members of the subcommittee that we resume hearings at 2 p.m., provided that we get permission to do so—

Mr. WALSH. Perfectly agreeable with me, Mr. Chairman.

Mr. GINN. The Chair would like to apologize to the remaining witnesses for having to do this to you.

Thank you.

[Whereupon, at 12 noon, the subcommittee recessed, to reconvene at 2 p.m., the same day.]

#### AFTERNOON SESSION

[Whereupon, at 2 p.m., the subcommittee reconvened, Hon. Bo Ginn presiding.]

Mr. GINN. The Subcommittee on Public Buildings and Grounds will reconvene for the further consideration of H.R. 15134.

Before proceeding with our first witness for the afternoon, the Chair would certainly like to apologize to all of the witnesses who had to wait so long this morning and had to come back this afternoon. That is not the way we planned it, and the Chair in the future will invoke the 5-minute rule on some of our members who I think talked a little too long.

At this time, we would like to recognize Dr. Clement Silvestro, chairman of the Advisory Council on Historic Preservation.

We have other members who will be with us as soon as the load is over, and rather than hold you gentlemen any longer, we would like to proceed if it is all right with you.

#### TESTIMONY OF CLEMENT M. SILVESTRO, CHAIRMAN, ADVISORY COUNCIL ON HISTORIC PRESERVATION, ACCOMPANIED BY ROBERT R. GARVEY, JR., EXECUTIVE DIRECTOR

Dr. SILVESTRO. It certainly is, Mr. Chairman.

I have with me Robert R. Garvey, executive director of the Advisory Council.

Mr. GINN. Delighted to have you.

Mr. GARVEY. Thank you.

Dr. SILVESTRO. I want to say, Mr. Chairman, the Advisory Council appreciates this opportunity to provide its comments on title I of H.R. 15134.

You may know that the Advisory Council testified during Senate hearings in support of S. 865, a similar bill, which passed the Senate on August 1, 1975.

We have also provided the full committee our comments on H.R. 9187, the counterpart to S. 865, which was introduced in the first session of this Congress.

Let me say initially the Council strongly endorses this, and the Council strongly supports the historic preservation aspects of this bill.

Our experience with regard to the reuse of historically and architecturally significant buildings confirms the validity of the approach of this bill to the revitalization of urban areas, to energy and resource conservation, and to labor-intensive employment.

As the subcommittee is no doubt aware, the concept of reusing historically, culturally, or architecturally significant buildings for new purposes has gained considerable currency. And earlier witnesses this morning also testified to that fact.

While there are examples of Federal Government reuse of existing structures, most notably here in Washington, the Federal Government has not aggressively pursued adaptive use of old buildings to meet its current space needs. Favorable action on this bill would direct the Federal Government, through the General Services Administration, to take a positive approach to incorporating the useful elements of our past into our lives today.

Now, such action, we think, would fulfill the Government's duty to provide leadership in the conservation and preservation of our cultural heritage. It would also affirm the Government's commitment to an economy based on conservation rather than consumption.

Activities undertaken in response to this bill can and will be an example for other communities across the Nation.

The plans currently proposed by the National Endowment for the Arts to adaptively use the Old Post Office on Pennsylvania Avenue here in Washington are aimed, I think, at providing the Endowment with needed office space, providing a showcase for their activities, and indeed at contributing new vitality to the surrounding downtown area.

The Federal Government's creative reuse of an existing structure could have an important effect on revitalizing and enhancing not only individual structures but whole neighborhoods and communities.

A recent special report prepared by the Advisory Council surveyed construction costs involved in adaptive use projects and, you know, Mr. Chairman, in years past, this was one of the main stumbling blocks to reuse the proposals.

In part, the report concluded that based on construction cost data:

Adaptive use stands as an equally feasible alternative to meet the space needs of a tenant. \* \* \* Adaptive use projects not only reward the investors and the occupants, but also the community by being the primary ingredients of an urban conservation theme. This fresh new look at the urban fabric has the potential of redefining and reestablishing the promise of America's cities.

Mr. Chairman, in our comments on H.R. 9187, the identical bill to the Senate passed S. 865, we stated—

\* \* \* that immediate enactment of the bill is of primary importance and the Council unanimously supports the bill as proposed. Should the subcommittee, however, determine to amend H.R. 9187 then the Council believes that further consideration should be given to certain possible modifications.

As you now have before you a bill which differs from S. 865, I would like to highlight the principal issues of concern to the Council. Recommendations for specific language are contained in the testimony I have submitted for the record.

Of critical importance to effective implementation of the bill is the determination by the GSA Administrator, pursuant to section 102(a)(1), of whether it is "feasible and prudent" to utilize existing buildings of historical, architectural, or cultural significance. Similar language exists in section 4(f) of the Department of Transportation Act and has been the subject of extensive judicial interpretation.

The Council believes the concepts that have evolved under that act should be referenced in the legislative history for this bill. In addition, the determination should be adequately documented and take into account factors which are difficult to quantify—specifically the historical, architectural or cultural importance of existing buildings and their contribution to the community.

As the National Historic Preservation Act of 1966 charges the Advisory Council with the responsibility of advising Federal agencies on the public interests involved in their activities affecting historic resources, it seems appropriate that the comments of the Council be obtained by the Administrator to assist him in making such determinations pursuant to this section.

Another issue concerns section 102(b) which requires the Administrator to consult with various officials in carrying out his responsibilities under the act.

The present national historic preservation program is essentially a partnership between the Federal Government and the States. Pursuant to the National Historic Preservation Act, and at the request of the Secretary of the Interior, the Governor of each State has designated an official to serve as State historic preservation officer.

In furtherance of the preservation objectives of this bill, and in recognition of this partnership, the Council suggests that the State historic preservation officers be named in the list of officials to be consulted by the Administrator.

The next element of the bill of concern to the Council is the requirement to identify existing structures of historic, architectural, or cultural significance, and that question, I think, was alluded to this morning by previous witnesses.

The bill as proposed provides that the Advisory Council shall identify, within 60 days of the Administrator's request, any existing buildings within a particular geographical area that are "of historic, architectural, or cultural interest," and that would be suitable to meet the public building needs of the Federal Government.

The Council, of course, would be pleased to cooperate with the Administrator in the identification of available buildings on a reimbursable basis.

However, as our comments on H.R. 9187 and S. 865 indicated, the Council is concerned that limiting identification activities to the Council exclusively may fail to take advantage of a very real opportunity for GSA to initiate State and local involvement at the earliest stages of planning for a Federal building, and this is where we feel it is extremely important at these early stages.

The involvement and support of the local community is a basic objective of this bill, and it appears that every effort should be made to gain this support. Certainly the Advisory Council would work closely with local communities and State historic preservation officers to involve them in the process of identifying suitable buildings that could be adapted to meet Federal space needs.

However, the subcommittee may wish to consider amending the bill to provide that the Administrator has the responsibility to identify buildings of historical, architectural, and cultural significance, and that he be given maximum latitude in working with qualified organizations to accomplish his identification responsibilities.

Within this framework, it would be appropriate for the Administrator to consult with such organizations as the Department of the Interior, the National Trust, the National Endowment for the Arts, the Council on Environmental Quality, and the Advisory Council on developing an effective identification procedure that would maximize State and local involvement.

Finally, the Council would also like to suggest that further consideration be given to allowing the Administrator discretion in leasing space, and not restricting leasing to major pedestrian access levels only.

The use of other areas of buildings, such as rooftops for restaurants, may provide the opportunity to develop a feasible and prudent reuse project and could be regulated administratively rather than by statute. In this regard, the Council also suggests that the bill allow the Administrator to lease space to Government corporations and units of State and local governments.

I was happy this morning to hear Mr. Walsh make his statement for the record that the language of the bill as now written does provide authority for the Administrator to lease space on levels other than pedestrian entrances.

On behalf of the Council, I thank you for the opportunity to appear before you today.

I would like to submit the Council's comments on the substantive provisions of title I for the record.

Once again, the Advisory Council unanimously supports the proposed bill, and I would be happy to answer any questions you may have.

Thank you.

Mr. GINN. Mr. Chairman, I certainly want to thank you for your excellent statement.

Coming from an area or a district which incorporates Savannah, Ga., which was referred to earlier by Ms. Nancy Hanks, and you alluded to it when you talked about the historical benefits that accrue from it, we are proud of what has been done in Savannah. It has increased our tourism by some \$50 million alone simply because of the historical preservation that has taken place, not to mention that have accrued because of space needs and so forth.

So I am quite interested in the suggestions that you have made. I think they are sound and we will certainly see what we can do during the further considerations of the bill and in the markup to incorporate your ideas and suggestions.

Mr. Garvey, do you have any comments that you would like to make?

Mr. GARVEY. No, Mr. Chairman, but thank you.

I think the statement and the submitted testimony covers it.

Mr. GINN. It is an excellent statement.

Do our counsels have any questions?

Again I apologize to you folks for having you wait so long, but thank you, and it was well worth waiting to hear you.

Thank you.

[The following was received for the record:]

ADVISORY COUNCIL ON HISTORIC PRESERVATION,  
Washington, D.C., August 23, 1976.

HON. BO GINN,  
Chairman, Subcommittee on Public Buildings and Grounds,  
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to your request the Advisory Council on Historic Preservation is pleased to provide its comments on Title I of H.R. 15134 "The Public Buildings Cooperative Use Act of 1976."

During Senate hearings the Advisory Council testified in support of S. 865, a similar bill which passed the Senate on August 1, 1975. The Council also com-

mented favorably on H.R. 9187, the predecessor bill to H.R. 15134. The Council continues its strong support for this bill.

At its meeting on May 7th and 8th, the Advisory Council reviewed the provisions of Title I as then proposed and voted unanimously to endorse early enactment of the legislation. The Council finds that H.R. 15134 is consistent with the Congressional declaration of national historic preservation policy, articulated in the National Historic Preservation Act of 1966, that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people." The Council's experience with regard to the reuse of historically and architecturally significant buildings reflects the value of this approach to the revitalization of urban areas, to energy and resource conservation and to labor intensive employment.

Having stated this general support for H.R. 15134, the Council would like to address specific sections of the proposed bill which concern historic preservation. It is not our intention to suggest that the following recommendations alone warrant passage by your subcommittee of a bill that differs from S. 865, as passed by the Senate. Immediate enactment of this bill is of primary importance and the Council supports the bill as proposed. Should the subcommittee, however, determine to amend H.R. 15134, then the Council believes that further consideration should be given to the following recommendations.

Of critical importance to effective implementation of the bill is the determination by the Administrator of whether it is "feasible and prudent" to utilize existing buildings of historical, architectural or cultural significance. Similar language exists in section 4(f) of the Department of Transportation Act and has been the subject of extensive judicial interpretation. The Council believes the concepts that have evolved under that Act should be adopted for H.R. 15134. Furthermore, it is most important that the legislative history for H.R. 15134 reflect that determinations under section 102(a)(1) be adequately documented and take into account factors which are difficult to quantify—specifically the historical, architectural, or cultural importance of existing buildings and their contribution to the community. A pure cost—benefit analysis, based on dollar cost per square foot, may not accurately reflect the true costs to our society of utilizing or not utilizing an existing structure. In this regard, it should be noted that, pursuant to the National Historic Preservation Act of 1966, the Advisory Council is charged with the responsibility of advising Federal agencies on the public interest involved in their activities affecting historic resources. Therefore, it seems appropriate that the comments of the Council be obtained by the Administrator of the General Services Administration in order to assist him in weighing real social costs and making determinations as to the feasibility and prudence of utilizing existing historically, architecturally and culturally, significant structures.

Accordingly, subsection 103(2) of the proposed bill should be amended to read as follows: "(5) a statement by the Administrator, *including the comments of the Advisory Council on Historic Preservation, documenting and substantiating the economic and other justifications for not acquiring or purchasing a building or buildings identified by the Administrator pursuant to section 12(c) of this Act as suitable for such public building need; and;*"

The Council also notes that the present historic preservation program is essentially a partnership between the Federal government and the States. Pursuant to the National Historic Preservation Act, and at the request of the Secretary of the Interior, the Governor of each State has designated an official to serve as State Historic Preservation Officer. In furtherance of this partnership, the Council suggests that reference to the State Historic Preservation Officers be included in the bill.

Accordingly, subsection 102(b) should be amended to read as follows: "(b) In carrying out his duties under subsection (a) of this section, the Administrator should consult with Governors, areawide agencies established pursuant to Title II of the Demonstration Cities and Metropolitan Development Act of 1966 and Title IV of the Intergovernmental Cooperation Act of 1968, *the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer designated pursuant to the National Historic Preservation Act of 1966, and chief executive officers of those units of local government in each area served by an existing or proposed public building, and shall solicit the comments of such other community leaders and members of the general public as he deems appropriate.*"

The next element of the bill of concern to the Council is the requirement to identify existing structures of historical, architectural, or cultural significance. The bill, as proposed provides that the Advisory Council shall identify, within

60 days of the Administrator's request, any existing buildings within a particular geographical area that are of historic, architectural or cultural interest and that would be suitable to meet the public building needs of the Federal government in that area. The Council would be pleased to cooperate with the Administrator in the identification of available buildings on a reimbursable basis. However, the Council is concerned that limiting identification activities to the Advisory Council exclusively, fails to take advantage of a very real opportunity for the General Services Administration to initiate State and local involvement at the earliest stages of planning for a Federal building. The involvement and support of the local community is a basic objective of this bill and it appears that every effort should be made to gain this support at the earliest planning stages. Certainly the Advisory Council would work closely with local communities and State Historic Preservation Officers to involve them in the process of identifying suitable buildings that could be adopted to meet Federal space needs. However, the Council suggests that consideration be given to amending the bill to provide that the Administrator has the responsibility to identify buildings of historical, architectural, and cultural significance in a geographical area, and that he be given maximum latitude in working with qualified organizations to accomplish his identification responsibilities. Within this framework, the Council suggests that it would be appropriate for the Administrator to consult with such organizations as the Department of the Interior, the National Trust for Historic Preservation, the National Endowment for the Arts, the Council on Environmental Quality, and the Advisory Council on developing a process to identify historical, architectural, and cultural properties.

Accordingly, subsection 103(3) should be amended to read as follows: "(C) Whenever the Administrator undertakes a survey of the public buildings needs of the Federal Government within a geographical area, he shall [request that, within sixty days the Advisory Counsel on Historic Preservation established by Title II of the Act of October 15, 1966 (16 U.S.C. A70i)] identify any existing buildings within such geographical areas which are of historical, architectural, or cultural interest and which would be suitable, whether or not in need of repair, alteration, or addition, for acquisition or purchase to meet the public buildings needs of the Federal Government. *In carrying out this identification responsibility, the Administrator shall develop an appropriate identification process, in consultation with the Department of the Interior, the National Trust for Historic Preservation, the National Endowment for the Arts, the Council on Environmental Quality and the Advisory Council on Historic Preservation.*"

The Council would also like to suggest that further consideration be given to not limiting the Administrator's discretion in leasing space to only ground floors. In specific cases, the latitude to use other areas of buildings, such as roof tops for restaurants, may provide the opportunity to develop a feasible and prudent reuse project. The Council believes the leasing of space could be better regulated administratively rather than by statute. In this regard, the Council also suggests that the bill allow the Administrator to lease space to government corporations and units of State and local governments as appropriate.

Accordingly, subsection 102(a)(3) should be amended to read as follows: "(3) encourage the location of commercial, cultural, educational, and recreational facilities and activities, *and of units of government corporations and State and local governments, within or near public buildings.*"

In addition, subsection 104(a)(1) should be amended to read as follows: "(16) to enter into leases of space of any public building with persons, firms, or organizations engaged in commercial, cultural, educational, or recreational activities, *or with units of government corporations or State or local governments.* The Administrator shall establish a rental rate for such leased space equivalent to the prevailing commercial rate for comparable space devoted to a similar purpose in the vicinity of the public building. Such leases may be negotiated without competitive bids, but shall contain such terms and conditions as the Administrator deems necessary to protect the public interest;"

For your reference, we are enclosing a copy of the Advisory Council's recent Special Report, *Adaptive Use: A Survey of Construction Costs*. We trust that the information in this Report will be of use to your committee.

The Advisory Council appreciates the opportunity to comment on H.R. 15134. Once again, the Council unanimously supports the historic preservation aspects of the proposed bill.

Sincerely yours,

CLEMENT M. SILVESTRO,  
Chairman.

Enclosure.

# Report

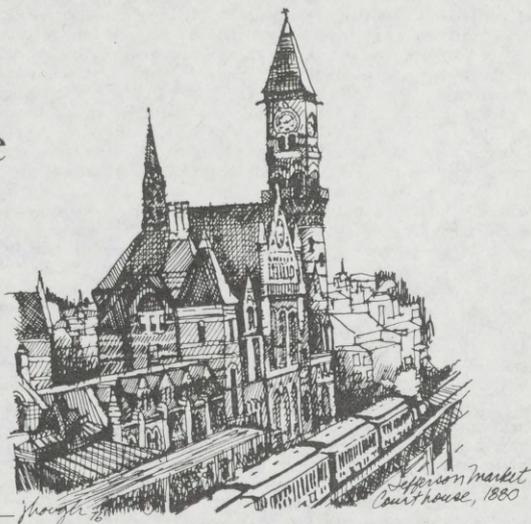
## Special Issue

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## Adaptive Use: A Survey of Construction Costs

The concept of historic preservation has gained broad popular support over the last decade, but, in a society oriented toward profit-making, the conservation of historic buildings cannot have the far reaching acceptance envisioned by its supporters unless it can be made economically feasible. To have the greatest impact, the reuse of historic buildings must be accepted and adopted by those responsible for shaping human settlements -- the architects, planners, city officials, real estate developers, and investment bankers. Various proposals designed to make preservation profitable have been suggested in the form of tax incentives, easements, the transfer of development rights, and funding assistance programs for historic properties, to name just a few. Generally, such efforts have been directed at providing public support or subsidy for preservation actions. However, one of the most successful solutions to date has been to work within the existing framework of the commercial real estate market and adapt vacant or underused buildings of historical or architectural value to fit the needs of contemporary tenants. Made marketable, these recycled buildings stay on the tax rolls and return a profit to their owners, frequently at a better rate than new construction.

The reuse or adaptive use of old buildings does not usually imply detailed restoration of the building's original appearance, although, in some cases, it may. More commonly, the practice is renovation or rehabilitation of the structure for a use other than that for which it was first designed. Regardless of how the project is carried out, the objective is the same -- to retain as much of the architectural integrity of the interior and exterior as possible, while conforming space to current needs and introducing modern mechanical systems to provide contemporary levels of comfort, convenience and safety for the new tenants.

Obviously, this is not a new idea; people have been "modernizing" buildings for centuries, whenever the architectural fashion changed, and "adapting" them to better serve new or added requirements of family or business. However, it has been only during approximately the last ten years that adaptive use has again become a real competitor to new construction, encouraged to a great extent by the success of the conversion of Ghiradelli Square in San Francisco. Once an obsolete and vacant chocolate factory, Ghiradelli Square blossomed into a lively and successful shopping complex and one of the most frequently cited adaptive use projects in the United States. With the growing concern for the natural environment in the late 1960's and early 1970's, the idea of recycling buildings took on new significance, applying the conservationist attitude to the man-made environment as well. But perhaps the single most important factor to further the cause was the change in the state of the economy in the mid-1970's. As fuel and material costs skyrocketed faster than labor costs, new construction, being oriented to intensive use of new materials, and heavy machinery, became prohibitively expensive for many.

Building permits were difficult to obtain in areas previously ripe for intensive development. When construction was undertaken, building supplies were not only very costly, but often slow to arrive. Rising costs of demolition also discouraged land clearance activities. Environmental concerns and "no growth" attitudes led to other obstacles such as suburban sewer moratoria. The energy crisis and the related economic situation encouraged many people to think about some of the long-overlooked benefits of urban living.

About the same time, planners and city officials began to acknowledge the failure of many of the grandiose schemes of urban renewal and slum clearance programs of the 1950's and 60's, and started studying alternative ways to deal with the problem. It was recognized that rehabilitation instead of demolition of sound but decayed structures offered a more economically and socially less disruptive means of renewing cities. Planners and city officials were coming full circle and joining with the environmentalists and the inhabitants of the neighborhoods that were originally slated for destruction to come up with new ideas such as neighborhood conservation and urban homesteading. By the mid-seventies, it became evident that conservation of the built environment had become a basic tenet of many community development programs.

By the mid-seventies, social policy, consumer tastes, and economics were beginning to come together in a way that made many businessmen consider recycled buildings as a viable alternative to meeting their space needs. Compared with new construction, adaptive use offers many plusses. Not only do recycling projects generally require less capital to start and take less time to complete, meaning less money tied up for a shorter period before rents start coming in, but they are by nature labor intensive projects, relying less on expensive heavy machinery and costly structural materials. Beyond the benefit to the developer, these factors produce social benefits by conserving resources and employing proportionately greater numbers of workers, consistent with national policies. This has been duly noted by the General Services Administration in endorsing proposed legislation that would establish a preference for the use of recycled buildings of historical or architectural significance for Federal office space. In doing so, they noted that adaptive use projects employ more laborers per structure than comparable new construction projects.

There are obvious benefits to reusing existent buildings, beyond pure costs and broader social values. Older buildings are frequently better built, with craftsmanship and materials that cannot be duplicated in today's market. Late nineteenth and early twentieth century buildings were constructed with care and lavish decoration, seldom possible in contemporary buildings. These structures have thicker walls, windows that open, higher ceilings, and other amenities not found in new buildings. Also, these buildings were designed to use natural light and ventilation, often being natural energy savers. In sum, old buildings provide more interesting and varied environments for people to live, work, shop and eat.

Adaptive use of historic buildings is finally being accepted by the broader world of government agencies, national professional organizations, city officials and lending institutions. An example of this occurred in the late 1960's by the movement of artists and sculptors into unused warehouses in Soho, New York City's Cast Iron District in lower Manhattan. These large spaces above ground floor loading platforms provided excellent and inexpensive studio spaces for artists. Unfortunately, certain zoning restrictions technically barred this activity. The city authorities, after applying rather ineffective punitive measures, finally accepted the situation, and changed the laws. Others began to move to this area and it became a lively neighborhood, complete with shops, restaurants, and art galleries. Eventually, through the interest generated by the residents, and architectural historians, the area was designated an historic district. What had been a neglected and dismal part of the city is now a revitalized neighborhood and an asset to the broader community.

In the Federal government sector, a number of recent programs and legislative enactments reflect the awareness of adaptive use as a desirable national policy. While the policy pronouncements of the National

Historic Preservation Act and Executive Order 11593, "Protection and Enhancement of the Cultural Environment," acknowledge the desirability of making historic buildings serve a sound contemporary use, the first program specifically directed at adaptive use did not originate until 1972. By an amendment to the surplus property transfer laws, the General Services Administration was authorized to transfer surplus Federal properties of historic value to State and local public bodies for revenue-producing activities, as long as the historic or architectural features of the building were maintained.

In 1974, the Housing and Community Development Act, administered by the Department of Housing and Urban Development, authorized funds that, at the discretion of the individual community, may be used for a variety of urban programs including neighborhood conservation, historic preservation and rehabilitation. Many communities have taken their grants to fund wholesale neighborhood rehabilitation programs, often including significant adaptive use programs. Also in 1974, the Amtrak Improvement Act authorized demonstration and planning funds for the adaptive use of significant railroad stations.

The National Endowment for the Arts is one of the Federal agencies most active in the encouragement of innovative neighborhood conservation and adaptive use projects. In response to a 1972 White House directive to the National Endowment for the Arts to review Federal architecture guidelines, the Endowment created a Federal Architecture Task Force. Significantly, one of the Task Force recommendations was that "Federal agencies should give priority consideration to adapting existing buildings for Federal use, particularly structures of architectural or historic significance." Also, as part of this review, an excellent special report was prepared, Federal Architecture: Adaptive-Use Facilities. This report clearly presents adaptive use as a new opportunity to improve and conserve the urban environment through original reuse concepts and, as such, gives a positive indication of what can be done by and with the assistance of the Federal government.

A variety of Federal programs lend themselves to the support of adaptive use efforts. In 1974, the Advisory Council published "Federal Programs for Assistance in the Adaptive Use of Railroad Stations," describing sources of assistance that may be used for a variety of adaptive use efforts. Copies of this report are available from the Council on request.

While governmental recognition of and support for adaptive use is encouraging, the real test is in the marketplace. If recycled buildings cannot compete for tenants with new construction, only public (or private) subsidy remains to finance the high cost of building operation and

maintenance. Fortunately, a well-conceived adaptive use project now can stand on equal footing with new buildings. Businessmen and bankers are realizing this and the results are impressive. In fact, the April 1976 issue of Preservation News was devoted to examples of banks, factories, office buildings, even railroads and entire towns being restored and recycled through the efforts of private corporations and businessmen.

While not unusual in Europe, it is refreshing to see American businesses working with communities to help conserve neighborhoods and significant urban landmarks. In 1976, a firm requiring additional office space is as likely to think about moving into a recycled warehouse or railroad station as to invest in a steel and glass structure that has just been erected. Increasingly, developers and lenders are willing to invest money into an adaptive reuse project such as recycling an abandoned hotel or former piano factory into contemporary apartments. Experience has shown there will be no difficulty in renting such apartments to tenants eager to live in the center of the city in a soundly constructed older building, with high ceilings, and unique architectural features, where each living unit is distinct from its neighbor.

This burgeoning interest of the business community was a determining factor in the National Trust for Historic Preservation's decision to sponsor a conference on the "Economic Benefits of Preserving Old Buildings" in Seattle during the summer of 1975. Co-sponsored by the City of Seattle and the Historic Seattle Preservation and Development Authority, and endorsed by the American Institute of Architects, the American Institute of Planners, the National Association of Home Builders, the National Association of Housing and Redevelopment Officials, and the Urban Land Institute, the conference was planned to appeal to those groups outside the established preservation community, with the intent of proving the soundness of financial investment in recycling old buildings. While no one would argue that renovation of an existent structure is always less expensive than new construction, it was concluded by Mrs. John W. R. Crawford, a developer of Larimer Square, Denver's adaptive shopping complex conversion, that the cost of renovation is usually one-third to one-quarter less than the cost of new construction "and the quality of the projects is frequently superior."

However, as Mrs. Crawford also noted, it is the actual statistics of such costs that are necessary to have if the bankers, city officials, and other decisionmakers are to be convinced of the real validity and marketability of adaptive use projects. The Advisory Council hoped to shed some light on this issue by providing cost figures for selected adaptive use projects and the comparative costs of new construction. The survey itself is prefaced by an explanation of the methodology employed, and followed by an analysis of the survey results. The projects studied are described more fully in the appendix, and further supported by a selective adaptive use bibliography.

## The Survey: Methodology

The survey was undertaken in an attempt to provide factual data on the costs involved in a selected group of adaptive use projects in the United States, carried out within recent years, and how they compare with new construction of the same general type. Although a great deal of statistical information is available on new construction costs, this same material is not readily accessible for adaptive use construction work. Thus, the objective was to provide a comparison without undertaking an extensive and lengthy research project.

In the initial phase of the study, it was decided to survey a broad range of architectural firms known to have completed adaptive use projects in various parts of the United States. Accordingly, a survey form was prepared, and distributed to approximately thirty architectural firms, requesting information on fifty reuse projects supervised by these firms. A copy of the survey form is appended.

In devising the format, projects costs were categorized as follows:

1. Land and Building Acquisition
2. Building Construction (Hard Costs)
  - a. Demolition
  - b. Architectural
  - c. Structural
  - d. Mechanical
3. Miscellaneous (Soft Costs)
  - a. Architectural Fees
  - b. Legal Fees
  - c. Financing Costs
  - d. Developer and Real Estate Fees

Both new construction and adaptive use projects involve all three categories of the above costs. Because land and building acquisition costs vary more from project to project than by class (new vs. reuse), comparison of these costs was determined to be least significant and, therefore, not pursued. Similarly, the miscellaneous costs -- architectural and legal fees, financing costs, and developer and real estate fees -- were found not to vary on the basis of whether the project was new construction or adaptive use. Therefore, these "soft costs" were not included in the survey. Thus, the survey was limited to collecting data concerning Category 2, the building construction costs, or "hard costs."

These "hard costs" were explained to the architects surveyed as being made up of the following four types of construction work:

1. *Demolition* includes structural demolition, removal of unwanted partitions, mechanical equipment of electrical service;
2. *Architectural* includes construction of all new partitions, wall and floor finishes, installation of elevators, exterior wall treatments and roofing (movable furniture excluded);
3. *Structural* includes reinforcement of foundations, floors, walls, and roof supports;
4. *Mechanical* includes installation of all electrical equipment, lighting, heating, air conditioning, plumbing, kitchen equipment, or fire protection equipment as applicable.

To further clarify the costs per square foot in each of the above categories, the data form asked that the architect indicate the degree of work required in the project in each of the above categories as being minimal, normal, or substantial, to be based on the architect's past experience on other construction projects.

In order to qualify for this survey, projects were required to satisfy these conditions:

1. The project must have been completed, and the cost figures given must represent all construction costs after total completion.
2. The adaptive use project must have involved construction largely within the shell of an existing building. Projects that involved construction of new additions to existing buildings were not surveyed. This assured that the costs would reflect adaptive use construction, not new construction.
3. The projects submitted must be included in a national publication, easily available for those seeking additional information on them.

Twenty-two architects responded to the questionnaire by providing information on thirty-six adaptive reuse projects. Under the criteria established, thirty-one of these projects qualified and were subsequently incorporated into the survey. Upon receipt of the data forms by the Advisory Council, all the costs submitted by the architects were updated to reflect costs for January, 1976, using cost indexes prepared by Dodge Building Cost Services, McGraw-Hill Information Services Company. The

projects were divided into five building types: office, retail, apartment, museum, and theater. Inserted in each list of adaptive use project costs are the costs for average new construction for similar building types based on a national average (1975 Dodge Construction Systems Costs).

Regarding this "average new construction cost," it must be emphasized that it does not mean this is necessarily comparable or equal construction. Average new construction is frequently typified by eight foot ceilings, painted gypsum board walls, acoustic tile ceilings, windows that do not open, standard space arrangements, and minimal detailing. Any new construction project which would come close to approaching the level of amenities and comfort provided by many old buildings might be as high as three times this average cost indicated. Thus, average new construction costs are inserted only to give context for the costs for the adaptive use projects and do not reflect the actual cost of providing space of similar visual quality and finish.

Also, on each cost data summary sheet are cost figures from the Robert Snow Means, Company, Inc., which publishes annually the Building Construction Cost Data, including data from over 7,500 building projects nationwide. Included in this survey are three cost figures from the Means book: the lowest per square foot cost for a building in a particular category; the median cost for all buildings in the category; and the cost for the most expensive building in the category. There are, therefore, five cost data summary sheets immediately following for each of the five building categories. Attached to each are brief descriptive sketches containing supplementary information on each project. These sketches are listed alphabetically within each building type.

All costs are based on January, 1976 indexes and are shown in dollars. The degree of work required in each category is defined as: (M) = Minimal; (N) = Normal; and (S) = Substantial. These letters will accompany each cost figure. Where data was not supplied by the architect, the space has been left blank.

Building Type: Apartment  
(Cost Per Square Foot)

	Demo- lition	Archi- tectural	Struc- tural	Mechan- ical	Total
Means - Lowest					9.40
Chickering Piano Factory 225,000 sf	M	N	M	N	11.87
Means - Median					21.11
Dodge - Average		11.64	3.72	7.71	23.07
The Cast Iron Building 96,000 sf	S	S	S	S	30.83
Means - Highest					96.66

*Chickering Piano Factory, Boston*

This masonry factory building was built in 1853 and included 220,000 square feet. No longer used for piano fabrication and \$280,000 in arrears in property taxes, the owners undertook an adaptive use project to transform the space into 90 percent residential and 10 percent studio space for the sum of \$2.4 million. The project was completed in December of 1974 by the architectural firm of Gelardin/Brunner/Cott, Inc., of Cambridge. It is currently 95 percent occupied by the Piano Craft Guild, an artists group which offered design suggestions during the building's redevelopment, and now administers a screening process for prospective tenants. (House and Home, February, 1975, p. 69-73.)

*The Cast Iron Building, New York City*

The McCreary department store was built in 1868 according to designs of New York's famous 19th century architect, John Kellum. The original building included 96,000 square feet, with a Renaissance facade of modillions, corner piers, a myriad of arches and Corinthian columns, all of cast iron. Damaged by fire in 1971, preservationists collaborated with the developer to find a feasible way to reuse the building economically. This adaptive use project, by the architectural firm of Stephen B. Jacobs and Associates of New York, includes 15 percent retail and 85 percent residential space, totally 107,923 square feet. The project was completed in June of 1974 for the sum of \$3.2 million and is currently 100 percent occupied. (Project Reference File, Vol. 5, No. 7, April-June, 1975, Washington: Urban Land Institute, 1975, and Cast Iron Architecture in New York, Margot Gayle, p. 162.)

Building Type: Museum  
(Cost Per Square Foot)

	Demo- lition	Archi- tectural	Struc- tural	Mechan- ical	Total
Clinton House 30,000 sf	.75 S	6.75 N	2.75 S	2.25 N	12.50
Means - Lowest (for new library)					15.98
San Francisco Museum of Modern Art - 65,000 sf	1.34 M	12.67 N	2.47 M	8.85 S	25.33
National Museum of Design - 55,000 sf	S	S	N	S	31.81
Means - Median (for new library)					41.53
Dodge - Average (for library)		16.66	13.28	18.75	48.69
Jefferson Market Library 21,866 sf	3.50 N	49.00 S	7.00 N	26.25 S	85.75
Means - Highest (for new library)					104.76

*Clinton House, Ithaca, New York*

The Clinton House, built between 1820 and 1832 in the classic revival style, was one of the first grand hotels in upstate New York. Of stuccoed brick construction, the design features six Ionic columns supporting a massive pedimented portico, centering the 120 foot facade which is capped with a ballustrade. The building is listed in the National Register of Historic Places. O'Brien and Taube, Ithaca architects, working with Historic Ithaca, Inc., created 30,000 square feet of space to be used for a museum, offices and retail use. Volunteer help was used, thus lowering costs. The \$370,000 cost was raised from local contributions, various foundations, and the National Trust for Historic Preservation. (Historic Preservation, January-March, 1975, p. 38.)

*San Francisco Museum of Modern Art, San Francisco*

Arthur Brown designed this steel frame building in 1934 to include 160,000 square feet. The renovation of 65,000 square feet of the

building included 20 percent office, 10 percent restaurant and 70 percent gallery space. The architectural firm of Robinson and Mills of San Francisco undertook the project which was completed in August of 1975 for the sum of \$1.35 million. (Architectural Record, January, 1972.)

*National Museum of Design, New York City*

This 1901 steel frame masonry building was the mansion of the Carnegie family and was designed in the neo-Georgian style by the firm of Bass, Cook, and Willard, and is now listed in the National Register of Historic Places as a National Historic Landmark. The adaptive use project transformed the 55,000 square foot building into museum space for the sum of \$1.75 million. The project was completed by the architectural firm of Hardy, Holzman and Pfeiffer Associates of New York in early 1976. (The New York Times, April 1, 1972.)

*Jefferson Market Library, New York City*

In 1875, the firm of Withers and Vaux designed this masonry courthouse building in a striking Victorian Gothic style. Using a variety of building materials, it features a nine-story tower which has long been a landmark of lower Manhattan. The architect, Giorgio Cavaglieri of New York, adapted this National Register listed building for use as the Greenwich Village branch of the New York Public Library, which included 21,866 square feet, for the sum of \$1.05 million. The project was completed in 1967. (Progressive Architecture, October, 1967, p. 175.)

Building Type: Office  
(Cost Per Square Foot)

	Demo- lition	Archi- tectural	Struc- tural	Mechan- ical	Total
Webster House 31,800 sf	M	M	M	M	3.74
Bank of Newburgh Building 3,900 sf	.53 N	6.57 N	1.06 M	3.50 S	11.66
Means - Lowest					12.10
China Basin Building 500,000 sf	.62 M	7.80 N	.62 M	7.94 S	16.98
Butler Square - 500,000 sf	.26 N	9.48 N	2.90 N	6.12 S	18.76
Grand Central Arcade 80,000 sf	.73 N	14.16 N	.44 N	4.77 N	20.10
Pioneer Building 88,550 sf	M	N	N	N	23.89
Dodge - Average		13.47	6.67	9.48	29.62
Teknor Apex Company 25,000 sf	M	N	M	N	30.06
Baltimore City Hall 203,000 sf	3.75 S	15.75 S	S *	13.50 S	33.00
Old Boston City Hall 40,000 sf	1.99 S	15.18 S	2.64 S	13.20 S	33.00
Actors Theatre 42,125 sf	.54 N	18.76 N	2.14 N	12.06 N	33.50
Means - Median					35.48
Saturday Review Building 27,657 sf		18.83	6.12	11.88	36.83
21 Merchants Row 25,000 sf	3.96	19.80	6.60	6.60	36.96
One Winthrop Square 105,000 sf	3.39 S	24.86 S	2.26 N	10.17 S	40.68
Blackwell House 6,348 sf	.57 M	21.13 S	2.26 N	19.55 S	43.51
Means - Highest					101.52

\* Structural costs included in architectural.

*Webster House, Boston*

This masonry residence was built in 1872 and designed by John Sturgis. This home, which was in excellent condition, was adapted to office space for the sum of \$90,000. The architectural firm of Childs Bertman Tseckares Associates completed the project in late 1972. The building is 100 percent occupied with a citywide average of 85 percent. (Bainbridge Bunting, Houses of Boston's Backbay, Cambridge: Harvard University Press, 1967.)

*Bank of Newburgh Building, Ithaca, New York*

This 1821 combination bank building and residence is thought to have been designed by Luther Gere, and features graceful Greek temple front with pediment and four pilasters. The wooden building, an important component of the DeWitt National Register Historic District, was adapted to office space by November of 1974 by the firm of O'Brien and Taube, Architects of Ithaca for the sum of \$45,000. (Ithaca Journal, December 2, 1974, page 3.)

*China Basin Building, San Francisco*

This 1920's concrete building was originally a food storage facility with 500,000 square feet. The building was adapted to include 520,000 square feet of office space. The project, costing \$1.7 million, was completed in late 1973 by the architectural firm of Robinson and Mills of San Francisco. It is currently 65 percent occupied, compared to a citywide average of 85 percent. (Architectural Record, December, 1975, p. 90.)

*Butler Square, Minneapolis*

Originally a warehouse, this 1906 building appears austere and simple, an effect produced by the skillful handling of scale and proportion by designer Harry Wild Jones. The nine-story red brick facade originally enclosed 500,000 square feet of space. Half of the masonry building was adapted to include 83 percent office, 16 percent retail, and 1 percent restaurant space. The project was completed in December of 1974 for the sum of \$3.84 million by the architectural firm of Miller, Hanson, Westerbeck, Bell, Architects, Inc. of Minneapolis. The building, listed in the National Register of Historic Places, is currently 60 percent occupied. (AIA Journal, April, 1976, p. 42.)

*Grand Central Arcade, Seattle*

In 1889 this masonry building was built to include 80,000 square feet. The building, listed in the National Register as part of the Pioneer Square Historic District, was adapted to include 58 percent office, 29 percent retail and 13 percent restaurant

space. The \$1.28 million project was completed by December of 1973 by the architectural firm of Ralph D. Anderson of Seattle. The building is currently 95 percent occupied which compares favorably to the city average of 85 percent. (Progressive Architecture, August, 1974, pp. 46-48.)

*Pioneer Building, Seattle*

Elmer Fisher designed this beautifully scaled masonry building in 1892 after fire badly destroyed most of Seattle's docks and business district in 1889. The Pioneer became the prestige address for the new Seattle, and is the centerpiece of the Pioneer Square Historic District, listed in the National Register. The building, which originally was a combination of office and retail space, was renovated to include 71 percent office, 12 percent retail and 17 percent restaurant space. The \$1.872 million project was completed in January of 1975 by the architectural firm of Ralph D. Anderson of Seattle. The building is currently 95 percent occupied, compared with a citywide average of 85 percent. (Fortune, May, 1975, p. 196.)

*Teknor Apex Company Offices, Pawtucket, Rhode Island*

This steel frame factory building was built about 1900 and included 20,000 square feet. The building was adapted to office space totaling 25,000 square feet by the architectural firm of Warren Platner Associates of New Haven, Connecticut. The project was completed in late 1974. (Architectural Record, January, 1975, pp. 111-115.)

*Baltimore City Hall, Baltimore*

This 1875 masonry building, designed by George Fredericks, is an early example of French Renaissance Revival in this country. Of bluestone, faced with cut marble, it features an imposing dome flanked by three-story wings detailed with elaborate pilasters, window keystones and semicircular archivaults, all capped by a mansard roof with marble dormers. The renovation of this National Register property cost \$6.7 million and includes 203,000 square feet of office space. The project, to be completed by October of 1976, is being undertaken by the architectural firm of Architectural Heritage-Baltimore Inc. and Meyers and D'Aleo of Boston. (Architectural Record, March, 1975, p. 37.)

*Old Boston City Hall, Boston*

This 1865 masonry city hall was designed by the firm of Bridley and Bryant in monumental Second Empire style, resembling the

Louvre in Paris. The building's 10,000 square feet of space was adapted to include 80 percent office, 10 percent retail and 20 percent restaurant space with a total floor area of 40,000 square feet. The \$2.25 million restoration of this National Historic Landmark was undertaken by the architectural firm of Anderson-Notter of Boston and was completed in late 1972. The building is 97 percent occupied when the citywide average is only 85 percent. (AIA Journal, April, 1976, pp. 38-39.)

*Actors Theatre, Louisville Warehouse, Louisville, Kentucky*

Gideon Shryock designed this brick and limestone bank building in 1836 in the Greek Revival style, which features an interior skylighted elliptical dome. Together with an adjacent masonry warehouse of Italianate design, the buildings have become the new home of the Actors Theatre of Louisville, offering 36,000 square feet of versatile space. The adaptive use project, totaling 42,125 square feet, includes 65 percent office, 5 percent retail, 5 percent restaurant and 25 percent assembly space. The architectural firm of Harry Weese and Associates of Chicago completed the project, listed as a National Historic Landmark, in late 1972 for the sum of \$1.035 million. (AIA Journal, August, 1974, p. 52.)

*Saturday Review Building, San Francisco*

This simple masonry building was built about 1910 for use as a Chinese cigar factory. The building was adapted to 27,657 square feet of office space by the architectural firm of Bull, Field, Volkman, and Stockwell of San Francisco. The project was completed in February of 1973 for the sum of \$736,200. (Architectural Record, August, 1973, pp. 99-100.)

*21 Merchants Row, Boston*

This historically significant masonry merchantile building included 25,000 square feet, and is in the heart of Boston's historic waterfront. The architectural firm of Childs Bertman Tseckares Associates of Boston adapted the building to include 80 percent office space and 20 percent restaurant. The project was completed in July of 1972 for the sum of \$725,000. The building is 100 percent occupied compared with a city average of 85 percent.

*One Winthrop Square, Boston*

This stone merchantile building was built in 1873 and designed by the firm of Fehmer and Emerson in the elegant French Second Empire style. Originally a quality apparel store, until 1972 it was home

of the Boston Record American newspaper. It originally had 100,000 square feet, but with its adaptation to 80 percent office and 20 percent retail space, the floor area totaled 105,000 square feet. The \$3.6 million project was undertaken by the architectural firm of Childs Bertman Tseckares Associates of Boston and was completed in August of 1974. The building is 100 percent occupied compared with a citywide average of 85 percent. (Economic Benefits of Preserving Old Buildings, Washington: Preservation Press, The National Trust for Historic Preservation, 1976, pp. 75-80.)

*Blackwell House Restoration, Roosevelt Island, New York*

This 1810 wood frame farm house includes 6,348 square feet. The adaptive use project transformed the building into office space for the sum of \$244,000 and was completed in late 1973. The architectural firm of Giorgio Cavaglieri of New York undertook the restoration of this National Register property. (Preservation and Building Codes, Washington: Preservation Press, The National Trust for Historic Preservation, 1975, p. 16.)

Building Type: Retail  
(Cost Per Square Foot)

	Demo- lition	Archi- tectural	Struc- tural	Mechan- ical	Total
Means - Lowest					6.48
Trolley Square 566,280 sf					18.65
Means - Median					21.11
Exeter Street Theater 37,000 sf	2.00	15.00	1.00	4.00	22.00
Park Square Court 120,000 sf	2.62 N	7.86 N	3.39 N	7.86 S	22.09
Dodge - Average		11.32	5.03	8.56	24.91
The Garage 55,000 sf	2.28 S	19.72 S	4.56 S	6.85 S	33.41
Southbridge Credit Union 6,017 sf	1.73 N	33.91 N	1.88 N	11.99 N	49.51
Design Research 20,000 sf	S	S	S	19.63 S	61.20
Means - Highest					75.60

*Trolley Square, Salt Lake City, Utah*

The masonry and concrete car barns were built by E.H. Harriman in 1908 for the Salt Lake City streetcar fleet. In their 314,620 square feet, several competing trolley lines were merged under one roof. The adaptive use project included 9.2 percent office, 69.3 percent retail and 21.5 percent restaurant spaces for the sum of \$5.81 million and was completed in September of 1975. The building is 75.4 percent occupied. The project was undertaken by the architectural firm of Architects/Planners/Alliance of Salt Lake City. (Project Reference File, Vol. 6, No. 3, January-March, 1976, Washington: Urban Land Institute, 1976.)

*Exeter Street Theater, Boston*

The architectural firm of Hartwell and Richardson designed the Romanesque style First Spiritualist Temple in 1885. Used as a motion picture theatre since 1914, the building was adapted to include 33 percent office, 33 percent restaurant and 33 percent motion picture theatre space by the firm of Child Bertman Tseckares Associates of Boston for the sum of \$800,000. The project, part of the Back Bay Historic District listed in the National Register, will be completed in October of 1976.

*Park Square Court, St. Paul, Minnesota*

This wholesale warehouse was built in 1885 and designed by a Mr. Stevens, to include 120,000 square feet. It features many fine masonry details including large arches at the entrance. The adaptive use project includes 50 percent office and 50 percent retail space. It cost \$1.25 million and was completed in late 1971 by the architectural firm of Bergstedt, Wahlberg, Bergquist and Rohkohl of St. Paul. It is currently 75 percent occupied, compared to an average for the city of 80 percent. (AIA Journal, January, 1975, p. 35.)

*The Garage, Cambridge, Massachusetts*

This masonry and concrete building was built in 1870 with major renovation in 1924 and includes 55,000 square feet. The adaptive use project, by the architectural firm of Architectural Design Development, Inc., of Cambridge, was completed in January of 1974. The new work included 82,000 square feet with 60 percent retail, 40 percent restaurant and entertainment space for the sum of \$2.4 million. It is currently 80 percent occupied which equals the occupancy rate for the city. (Architectural Record, December, 1974, pp. 110-111.)

*Southbridge Credit Union, Southbridge, Massachusetts*

This wood frame home was built ca. 1867 and included 6,017 square feet. The architectural firm of Bastille-Neiley of Boston adapted the building to bank space for the sum of \$161,600. The project was completed in late 1975. (Preservation News, August, 1975, p.12.)

*Design Research, Philadelphia*

In 1896 the firm of Peabody and Stearns designed the steel frame granite Van Renssalaer House on Rittenhouse Square. An eclectic collection of Georgian details, the building was adapted for use as a retail store to include 22,800 square feet by the firm of Architectural Resources, Cambridge, for the sum of \$1.2 million. The project was completed in October of 1975. (Architectural Record, July, 1975.)

Building Type: Theatre  
(Cost Per Square Foot)

	Demo- lition	Archi- tectural	Struc- tural	Mechan- ical	Total
Means - Lowest					12.15
Center Stage 90,000 sf	S	N	S	S	17.77
Simons Rock Art Center 10,500 sf	M	N	S	N	23.64
Means - Median					31.38
New York Shakespeare Festival - 63,280 sf	1.38 N	18.35 S	4.14 N	15.87 S	39.74
Good Shepherd Chapel 15,830 sf	.51 M	23.69 N	5.15 N	19.05 S	48.40
Dodge - Average		22.55	8.35	18.01	48.91
Means - Highest					68.96
Exeter Assembly Hall 10,350 sf	N	N	S	S	136.40

*The Center Stage, Baltimore*

The Loyola College and High School Complex, classic revival structures, was designed in 1856 by Thomas C. Kennedy. The structures, in the heart of Baltimore's Mt. Vernon Square cultural complex, were donated to Center Stage for use as a theatre. The 90,000 square foot buildings were adapted for use as a theatre by the firm of James R. Grieves Associates Inc., of Baltimore. The project was completed in December of 1975 for the sum of \$1.6 million. (Preservation News, March, 1976.)

*Simons Rock Art Center, Great Barrington, Massachusetts*

This wooden hay barn, built ca. 1900, included 10,500 square feet. The building was adapted for use as an art complex/theatre by the architectural firm of Hardy, Holzman and Pfeiffer Associates of New York for the sum of \$126,900. The project was completed in 1966. (Architectural Forum, January-February, 1967.)

*New York Shakespeare Festival Public Theatre, New York City*

This project involved three adjacent buildings constructed between 1854 and 1884 which demonstrate the evolution of 19th century building technique from solid stone to light iron. The exterior style is Italianate; the interior features elaborate cornice moldings, cast iron columns, and ornamented skylights. The masonry buildings were adapted to include 10 percent office and 90 percent rehearsal space for the sum of \$1.82 million. The project was completed in late 1971 by the architectural firm of Giorgio Cavaglieri of New York. (Architectural Forum, March, 1971, p. 49.)

*Good Shepherd Chapel, Roosevelt Island, New York*

This 1889 masonry church was designed by Frederic Clark Withers of brownstone Victorian Gothic trim to be reminiscent of an English Parish church. The architect, Giorgio Cavaglieri of New York, adapted the building, listed in the National Register, to be a community center for the sum of \$750,000. The project was completed in late 1975. (Preservation and Building Codes, Washington: Preservation Press, The National Trust for Historic Preservation, 1975, p. 18.)

*Exeter Assembly Hall, Exeter, New Hampshire*

This steel frame building was built in 1915 as the Assembly Hall for Phillips Exeter Academy. The architectural firm of Hardy Holzman and Pfeiffer Associates renovated the building which includes 10,350 square feet for the sum of \$900,000. The project was completed in late 1971. (Progressive Architecture, December, 1970, p. 62.)

## Results of the Survey

A number of general observations may be made on the survey data. The data confirm that, although adaptive use is not always cheaper than new construction, the cost of adaptive use falls within the range of new construction costs. It would seem, then, that adaptive use stands as an equally feasible alternative to new construction to meet the space needs of a tenant. Actual cost differences for any given project are, of course, going to vary with the amount of work needed to adapt a particular building to the desired use. The survey results provide some insight as to the relative cost of various components of that adaptation work.

The survey indicates that demolition costs inside the buildings being recycled are minimal, normally only one to four percent of the total project cost. Structural costs are also low, normally varying from about five to twelve percent of the total project cost, which is less than half the average expenditure for new construction. This reflects the fact that little structural work is normally required when re-using an old building. Architectural costs vary above and below the average for new construction. Generally, in projects where the maximum effort was made to re-use the existing interior and exterior materials, the costs are substantially below those for new construction. Conversely, where decisions were made to substantially alter the existing fabric, the costs rose.

Mechanical costs, like those for architectural, were both above and below those for new construction. Again, where the costs were low, normally complex climate control equipment and fire protection systems were not installed. Where the costs were high, extensive fire protection equipment was necessary due to the non-fireproof nature of certain old buildings. In addition, because many old buildings do not easily lend themselves to the installation of the tremendous quantity of ductwork and chases normally required with sophisticated mechanical equipment, mechanical equipment will likely remain an expensive item in adaptive use construction.

Since the survey shows that demolition and structural costs are minimal and represent areas where considerable savings can be made, it appears that the real determining factors of the overall cost of adaptive use construction will be in the architectural and mechanical work. Through ingenuity and inventiveness by the architect, the costs may be kept down.

These survey results support the opinion of Hugh Hardy, senior partner of Hardy Holzman Pfeiffer Associates, that the key to successful adaptive use is an inventive matching up of the new plan to the existing building.

This view is shared by the architect of the Cast Iron Building in New York City, who noted the challenge and opportunity of adaptive use: "Ultimately, the main difference between rehabilitation and new construction lies in the fact that the developer working with an existing structure must be alert for both unexpected and unique opportunities."

While the survey, as expected, did not show a uniform cost advantage for every adaptive use project over new construction, it does reflect the ability to provide varied and interesting space for reasonably comparable cost. In this regard, the reader is strongly urged to examine some of the published accounts of the various projects surveyed here. Appreciation of the quality of the finished product is essential to place the comparative cost figures in perspective. Amenities provided by these recycled buildings frequently produce sound economic benefits through higher occupancy rates and rents. George Notter, a Boston architect with an extensive adaptive use practice, summarizes the real economic aspects of adaptive use: "... more often than not, the total dollar expenditure for preservation, including the acquisition of the property involved, is about the same as new construction. Thus the plus factor is achieved by developing the potential assets into a final project of greater amenity -- one having the right location, more space in either height or volume, more area or more character, materials of special quality or a potential for time savings in construction."

So far the focus has been on the benefits of adaptive use for the developer and the occupant. It is important to consider adaptive use projects in broader policy terms, in their contribution to the urban framework. Two of the surveyed projects, a retail shopping center and an apartment complex, are particularly representative of the positive effects adaptive use projects can have on a community.

The Trolley Square project in Salt Lake City was completed for less than nineteen dollars per square foot and has rewarded the occupants with a rich array of interior visual and textural delights. The character and ambiance achieved there is the current goal of many new shopping center developments. Trolley Square is successful because it combines stores, shops and restaurants which appeal not only to the casual visitor, but also provide a market for regular visits by the residents of the neighborhood. The mix of retail stores and shops is an important ingredient to this popularity.

In addition to the services it offers to those who visit it, Trolley Square has stimulated the rejuvenation of the surrounding neighborhood. Typified by deteriorating housing stock, the area is now experiencing

revitalization with new people moving in and renovating houses throughout the area. The benefits of this project to the neighborhood and city as a whole extend well beyond those measurable in dollars and cents.

The second project is the Chickering Piano Factory in Boston, now an apartment complex with 116 studio and one-bedroom units, 52 two-bedroom units and six three-bedroom units. This formerly rundown factory building is now providing highly desirable housing for nearly 300 renters and was adapted for less than twelve dollars per square foot.

Thus, an urban commercial/industrial site, which was thought to be nonfunctional in today's city, has found new meaning through conversion to a new use as a housing project. One is only too painfully aware of the numerous obsolete commercial and industrial structures that, in disuse and decay, currently exert a blighting influence on our cities. Such creative reuse can have an obvious impact on the whole urban fabric.

The broader benefits to society from various adaptive use projects are just beginning to be felt. Fortunately, as public awareness of the inherent qualities of old buildings heightens, the costs for such projects seem to be becoming increasingly competitive with new construction. The entire construction market, which formerly encouraged the destruction of these buildings, is now responding to both public and economic conditions demanding the retention, development and resulting conservation of these valuable urban resources. Bruce Chapman, Secretary of State for the State of Washington, says,

"Urban conservation, then, is one of government's legitimately expanding fields of endeavor. The value of beautiful wilderness parks and scenic rivers is vitiated if our daily environment is one of cancerous schlock. The economic benefits of spectacular corporate monuments likewise are diluted when the American economy simply discards old buildings and neighborhoods and then finds itself paying the enormous costs of resulting social problems. Urban conservation is not just romantic indulgence in nostalgia. It is a physical restatement of long hallowed American values of frugality, good craftsmanship and community responsibility."

Therefore, although adaptive use projects can be undertaken and cost less than new construction, the real bonus comes at the conclusion of the project. There is no comparison to a project which creatively re-uses and adapts an old building, rich in decades of character and life, to a new building of only average construction. Adaptive use projects not only reward the investors and the occupants, but also the community by being the primary ingredients of an urban conservation scheme. This fresh new look at the urban fabric has the potential of redefining and re-establishing the promise of America's cities.

## Project Data

Architect \_\_\_\_\_ Project Name \_\_\_\_\_  
 Address \_\_\_\_\_ Address \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Data on Original Structure

Date Building Built \_\_\_\_\_ Original Use \_\_\_\_\_  
 Original Architect \_\_\_\_\_ Existing Floor Area \_\_\_\_\_ s.f.  
 Type of Construction: Masonry \_\_\_\_\_ Steel Frame \_\_\_\_\_ Concrete \_\_\_\_\_ Other \_\_\_\_\_

Data on Adaptive-Use Project

Building Classification: 1/  
 Office \_\_\_\_\_ % Site Area \_\_\_\_\_ s.f.  
 Retail \_\_\_\_\_ % Gross Building Area 2/ \_\_\_\_\_ s.f.  
 Restaurant \_\_\_\_\_ % Floor Area Ratio 3/ \_\_\_\_\_  
 Residential \_\_\_\_\_ %  
 Other: \_\_\_\_\_  
 \_\_\_\_\_ % Date Project Completed \_\_\_\_\_  
 Total 100 %

## Building Construction Cost:

Type of Work	Degree of Work Required <sup>4/</sup>			Square Foot Cost	Jan 1976 <sup>5/</sup> Cost
	Minimal	Normal	Substantial		
Demolition 6/	_____	_____	_____	\$ _____/s.f.	\$ _____/s.f.
Architectural 7/	_____	_____	_____	_____/s.f.	_____/s.f.
Structural 8/	_____	_____	_____	_____/s.f.	_____/s.f.
Mechanical 9/	_____	_____	_____	_____/s.f.	_____/s.f.
				Total \$ _____/s.f.	\$ _____/s.f.

Building Construction Cost \$ \_\_\_\_\_  
 Site Improvement Cost \$ \_\_\_\_\_  
 Total Construction Cost \$ \_\_\_\_\_  
 (Excludes building and  
 land acquisition)

Questions

1. Was the choice to adapt an existing building the client's prerequisite?  
 Yes \_\_\_\_\_ No \_\_\_\_\_ or the architect's decision? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Were considerations other than the absolute cost of the project important in the decision to adapt the existing building? Yes \_\_\_\_\_ No \_\_\_\_\_  
 What were some of those other considerations? \_\_\_\_\_
3. What is the occupancy rate for the building? \_\_\_\_\_ %
4. What is the current average occupancy rate in the same city? \_\_\_\_\_ %
5. How do the rental rates compare with rates in recently constructed buildings? Above \_\_\_\_\_ Nearly Equal \_\_\_\_\_ Below \_\_\_\_\_

For Additional Information See:

Publication Name \_\_\_\_\_ Date \_\_\_\_\_ Page \_\_\_\_\_

Notes:

## How to Complete the Project Data Form

1. The item, Building Classification, is to indicate the occupancy or usage of the building. If the project is solely office space, then enter 100% in the blank. If it is multiple-use, indicate the approximate ratio of each use as a percentage of the total.
2. Gross Building Area includes new-found floor area.
3. Floor Area Ratio is the gross building area divided by net site area.
4. Under the item, Degree of Work Required, please indicate with a check ( ) your answer based on past experience with adaptive-use projects. For example, in the category of mechanical work, minimal work would indicate that many of the existing systems were reused; normal work required would indicate the degree of work commonly encountered with adaptive-use projects; substantial work would indicate that highly complex H.V.A.C. systems, fire protection systems, and/or intrusion alarm systems were installed.
5. DO NOT complete information under January 1976 cost.
6. Demolition includes structural demolition and removal of mechanical, heating/air conditioning or other useable equipment.
7. Architectural includes all partitions, wall and floor finishes, elevators and exterior wall treatments. (Moveable furniture excluded.)
8. Structural includes reinforcement in foundations, floor and wall systems and roof support.
9. Mechanical includes installation of all electrical equipment, lighting, heating, air conditioning, plumbing, kitchen equipment, or fire protection equipment as applicable.

If information which you give needs additional clarification or definition, use the space provided under "Notes" for applicable footnotes.

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This study was prepared by Baird Smith, an architect, under the supervision of the Office of Intergovernmental Programs and Planning of the Advisory Council. The project originated as a research paper for the Graduate Program in Historic Preservation at The George Washington University, Washington, D.C.

ADVISORY COUNCIL ON HISTORIC PRESERVATION, ADDITIONAL COMMENTS  
CONCERNING THE BILL H.R. 15134

The Advisory Council would like to re-emphasize the importance to the implementation of this bill of the phrase "feasible and prudent" used in section 102(a)(1) in regard to the utilization of existing buildings of historical, architectural or cultural significance to meet federal space requirements. Specifically we would note the judicial interpretation given the phrase "feasible and prudent" under section 4(f) of the Department of Transportation Act. Section 4(f) basically provides that the Secretary of Transportation shall not approve the use of historic sites or public parklands for highway purposes unless there is no feasible and prudent alternative. In the case of *Citizens to Preserve Overton Park v. Volpe* (401 U.S. 412 (1971)), the Supreme Court interpreted this language to mean that parklands were afforded protection from destruction by a federal highway project under the feasible and prudent standard of section 4(f) "unless there were truly unusual factors present in a particular case or the cost of community disruption resulting from alternative routes reached extraordinary magnitudes."

The same logic should be applied to the reuse of historically, architecturally or culturally significant buildings under section 102(a)(1) of the proposed Act and the legislative history of the Act should reflect this by indicating that it requires extreme circumstances to justify a decision not to utilize a suitable existing structure identified to the General Services Administration by the Advisory Council under section 103(c). We believe it is important to recognize that revitalizing structures to serve federal space needs can produce benefits that go well beyond the cost-benefit analysis approach of utilizing or not utilizing an existing individual structure. Reuse of a single structure can be a catalyst to revitalize areas and neighborhoods.

This has occurred, for example, in the recent renovation of Faneuil Hall marketplace in Boston, Massachusetts. A newspaper account of August 27th (copy enclosed) reporting on the re-opening of the market stated "A major part of the ambiance [of downtown Boston] comes from the striking blend of old and new that has become the city's hallmark, and from the imaginative recycling of old buildings, in which Boston has become a pioneer. The result is often urban vistas and life rare in other American cities." The renovation of Faneuil Hall marketplace is an important element in the revitalization of the area called Dock Square which will include restaurants, boutiques, specialty stores and office space.

The physical and economic revitalization typified by renovation of Faneuil Hall can be replicated in other city centers throughout the country. Reuse of historically, architecturally or culturally significant buildings by the federal government could be a significant factor in the revitalization of many center city areas.

The Advisory Council appreciated the opportunity to express its support for H.R. 15134.

Sincerely,

CLEMENT M. SILVESTRO,  
Chairman.

[From The New York Times, Friday, Aug. 27, 1976]

A 'NEW' 1826 MARKET JOINS BOSTON'S DOWNTOWN REVIVAL

(By John Kifner, Special to The New York Times)

BOSTON, Aug. 26.—A 150-year-old granite Greek Revival marketplace built to sell meat and produce reopened today amid jovial crowds, bagpipers and jugglers as the latest in this city's remarkable downtown renaissance—selling meat and produce.

Boston's growing reputation as "the livable city" has been tarnished over the last two years by the tensions over court-ordered busing for school desegregation. Yet its downtown areas have continued to develop as centers of urban pleasure rivaling San Francisco's.

These sunny summer days, the grassy Esplanade along the Charles River is the preserve of sunbathers and joggers, while at night, strollers in the Back Bay hear concerts on Copley Plaza or impromptu bongo sessions on the steps of the public library, and others gather at the new park and restaurants on the renovated waterfront.

A major part of the ambiance comes from the striking blending of old and new that has become the city's hallmark, and from the imaginative recycling of old buildings, in which Boston has become a pioneer. The result is often urban vistas and life rare in other American cities.

At noon, office workers take their lunch outdoors on the broad brick plaza in front of the Stonehenge-modern City Hall, buying from a new array of food stands, including an outfit called "Blazing Salads." A Classical pianist competes with bluegrass fiddlers for the coins of passers-by on the Common. The narrow streets of the Italian North End district are crowded with people on their way to restaurants, espresso shops and pasta and port stores.

The blending of the old and new was typified today in the opening of the first stage of the long-awaited Faneuil Hall marketplace project. The area, called Dock Square, was where the ships unloaded their cargo and the city's marketplace from its beginning, farmers brought their produce.

Directly behind the new City Hall, Faneuil Hall itself—the name rhymes with "panel"—remains unchanged. One of the birthplaces of the Revolution, it has remained a meat market from its beginning, with a meeting room upstairs where, 200 years ago, hotheads plotted rebellion above the vendors of sausage, salt pork and venison.

The \$20 million renovation that opened today, at double the cost estimated when it was begun six years ago, was the Quincy Market, the most elaborate of the three later markets set up to house the overflow. It was built by Mayor Josiah Quincy in 1826.

The two other long, brick warehouses are also being renovated and are to house restaurants, boutiques, specialty stores and offices.

The area had been the city's wholesale marketplace until the late 1950's, when the meat and vegetable dealers were moved to new, outlying truck depots. Public markets, which in recent years have been saved or revived in cities from Seattle to New York, are a long tradition here. Just around the corner is the Haymarket, which on Fridays and Saturdays is thronged with bargain seekers and shouting pushcart men.

#### BAZAAR ATMOSPHERE

The buildings were at first to be torn down under an early urban renewal plan. However, the destruction was fought by preservationists and, among others, the local historian Walter Muir Whitehill and the Cambridge-based architects Benjamin and Jane Thompson, the creators of Design Research. The Thompsons designed the restoration, which was developed by the James Rouse Company of Columbia, Md., builders of new towns and suburban shopping centers, in their first city venture.

"The problems of the cities, how to create a new city center in practically every city in the country, is the greatest issue facing the country today," Mr. Thompson said today as the crowd thronged into the new marketplace.

What the Thompsons have created is a bazaar of small specialty food shops and restaurants inside the 550-foot-long building, which has a copper-clad, three-story-high rotunda in its center. Glass awnings shelter pushcart vendors on the brick plazas along the side, and the lower-story doors and windows are open, creating a flow back and forth from the street.

The dozen retail vendors that have stayed in the old building have had their rent stabilized for the next three years to keep them in the building, in one stainless steel display case surroundings. The other stores include several offering live herb plants, Chinese cooking supplies, kitchen utensils, cheeses, wine and coffee beans. Stands offer such items as kielbasie, pizza and raw oysters.

The effect is carefully calibrated to appeal largely to the young and the affluent who characterize the downtown area and whom the city needs to survive—a kind of Bloomingdale's sensitivity prevails. The shops will be like the kind now found among the Back Bay boutiques, at Harvard Square and in the shopping mall in suburban Chestnut Hill. Notably absent are the semi-hippie candle and poster outlets that have become a universal style in other restorations from Salt Lake City to Savannah.

#### FOOD IS THE CENTERPIECE

The building is centered on "the sight and smell of food, the cornerstone of human commerce," Mr. Thompson said.

The project seemed to win an instant acceptance, as thousands of people wandered among the stands and sat on the new benches outside.

The day was kind of celebration of the city. A plaque was installed near the statue of Samuel Adams, honoring Mr. Whitehill, whose "Boston: A Topo-

graphical History" is a classic of architectural sociology. When Mayor Kevin H. White was asked about protection from purse snatchers, he snapped: "If you are worried about handbag snatchers, you can live in the Berkshires."

A local artist named "Sidewalk Sam," who usually works in chalk on concrete, sketched a portrait of Josiah Quincy on construction board, saying that the medium was "more difficult because it's too smooth."

Bagpipers wailed, steel bands played on, and actors dressed as vegetables. Harry J. McCue, whose family has sold flowers at the marketplace for 40 years, looked at the crowds happily and said, "It's the city, it's the people's place."

Mr. GINN. Our next witness, Lawson Knott, was unable to remain for the afternoon session. He has submitted his statement for the record.

[The statement referred to follows:]

STATEMENT OF LAWSON B. KNOTT, EXECUTIVE VICE PRESIDENT OF THE  
NATIONAL TRUST FOR HISTORIC PRESERVATION

Mr. Chairman and members of the Subcommittee, my name is Lawson B. Knott, Jr., Executive Vice President of the National Trust for Historic Preservation.

Created by act of Congress in 1949, the National Trust is responsible, among other specific things, for facilitating public participation in historic preservation.

In behalf of the Board of Trustees officers, and the more than 100,000 members of the National Trust throughout the United States, I wish to express my appreciation for this opportunity to support the purposes and objectives of Title I, H.R. 15134 which is substantially identical to the Senate-passed bill, S. 865 and H.R. 9187, pending in the House, both of which have National Trust endorsement.

The National Trust endorses the amendments, which would be made, by Section 104 of Title I of the bill, to Section 210 of the Federal Property and Administrative Services Act of 1949, as amended. Proposed new paragraphs (16) and (17) would authorize commercial, cultural, educational or recreational uses of space on the major pedestrian access level and other areas of public buildings. However, we believe that the provisions of (17) which would preclude "activities that will not disrupt the operation of the building" should be equally applicable to the uses which (16) would authorize.

Although not directly pertinent to the historic preservation aspects of the bill, the subcommittee will undoubtedly wish to consider the potential impact on the cost of structural and other security measures attributable to making part of the space in Federal buildings available for non-Federal uses on the Government rental structure. The proposed requirement (Section 104(a), Title I) that rental rates for such Government space be equivalent to prevailing commercial rates for comparable commercial space, could cause such rental rates to fall short of recovering all related Federal costs. Therefore, I suggest it may be appropriate and desirable to expressly authorize the Administrator of General Services to base rental charges on comparable commercial rates, notwithstanding the cost to the Government of making such space available for commercial uses.

Of direct interest to the National Trust are the amendments which would be made by Section 103 of the bill to the Public Buildings Act of 1959. Under these amendments, the Administrator of General Services, when undertaking a survey of public building needs within a geographic area, would be required to request Advisory Council on Historic Preservation to identify existing buildings within such areas, of historic, architectural, or cultural interest suitable, whether or not in need or repair, alteration, or addition, for acquisition to meet the public buildings needs of the Federal government. In addition, where such buildings are identified, but a public building project proposed by the Administrator of General Services does not propose their acquisition, the prospectus must include a statement of the economic and other justifications for not acquiring such buildings.

Generally speaking, we believe that enactment of the bill would encourage renovation of historic and other existing buildings for Federal use and produce many benefits; that recapturing some of the beauty of the past would make our cities more liveable; that Federal leadership in such a program would significantly influence the same course of action at the state and local levels; and would, where economically viable, provide a desirable alternative to new construction. However, for the reasons set forth in Chairman Silvestro's letter of August 11, 1976, to Committee Chairman Jones, we support the Advisory Council on Historic Preservation's recommendations for amendment of subsections 2(a)(3), 2(b),

3(2), and 3(3) of H.R. 9187 [Sections 102 (a)(3), 102(b), 103(2), 103(3) of H.R. 15134] to better assign and fix responsibility for the functions described.

We have not made an indepth analysis of the effect of amendments that enactment of Title II, H.R. 15134 would have on the 1968 Act (82 Sts. 718, as amended, 42 U.S.C.A. 4151-6) requiring ready access to public buildings by physically handicapped persons. However, it appears, in the absence of appropriate amendment of that act, that the stated purposes and objectives of Title I of H.R. 15134 might be adversely impacted.

To illustrate, Section 102(a)(1) and (2) of Title I requires preference be given to acquisition and use of historic and other existing structures only if such use would be "feasible and prudent compared with available alternatives." Capital expenditures required to bring such structures into conformity with requirements for accessibility by the physically handicapped well might cause their overall cost to exceed, in some instances, the cost of available alternatives, thus defeating to that extent, the purposes and objectives of Title I.

Conversely, if the proposed amendment substituting the language "to insure whenever possible" for the language "as may be necessary to insure" in the appropriate provisions of the 1968 act contemplates consideration of economic factors, this amendment conceivably could curtail the applicability of the 1968 act to buildings acquired under Title I in those instances where related costs would render Title I acquisitions infeasible or imprudent compared to other available alternatives. We respectfully suggest that such an unfortunate result could be avoided by broadening the proposed amendment to expressly require that buildings acquired under Title I which do not conform to the 1968 Act be brought into conformity therewith but that the costs of so doing be excluded from the "feasible and prudent" test required by Title I.

The language of the proposed amendments reading "to insure whenever possible" seems to us to be too broadly stated since it is not clear whether the words "whenever possible" contemplate that economic, physical and other pertinent factors will be considered in determining the possibility question. We suggest the inclusion of language specifying what factors will be considered in this regard and the relative weight to be accorded to each.

We suggest, also, that the amendments to Title II be broadened to limit required modifications of historic structures acquired under Title I to bring them into conformity with the 1968 act to such modifications as are feasible without impairing, in the opinion of the Advisory Council on Historic Preservation, their historical, architectural or cultural integrity.

A clarification of the authority vested by Section 6 of the 1968 Act (42 U.S.C.A. 4156) to modify or waive standards issued under the Act on a case-by-case basis, upon a determination "that such modification or waiver is clearly necessary" specifying (1) standards for determining what "is clearly necessary", and (2) statutory procedures for resolving differences in this regard between the requesting and the determining agency heads well might provide an adequate alternative method of accomplishing the purposes of the clarifying amendments previously discussed.

We would be pleased to assist the subcommittee staff in drafting such legislative language or explanatory material for inclusion in the report as the subcommittee may deem necessary or desirable to give effect to such of our suggestions it may endorse.

Thank you, Mr. Chairman. That concludes my statement.

Mr. GINN. Our next witness is Dr. Ernest A. Connally, Associate Director for Professional Services, National Park Service. He is an old friend of mine. And we are delighted to have you appear before us.

#### TESTIMONY OF DR. ERNEST A. CONNALLY, ASSOCIATE DIRECTOR FOR PROFESSIONAL SERVICES, NATIONAL PARK SERVICE

Dr. CONNALLY. Thank you very much, Mr. Chairman.

I appreciate the opportunity to come and express the views of the National Park Service and the Department of Interior on this bill, H.R. 15134. It is a very creative bill, we think, Mr. Chairman, and

the Department of Interior endorses certainly the objectives of title I of that bill.

I have a prepared statement, Mr. Chairman, which I offer for the record, and I would like to discuss with you the contents of it.

Mr. GINN. Without objection, your entire statement will appear in the record at this point.

[Statement referred to follows:]

STATEMENT OF DR. ERNEST ALLEN CONNALLY, ASSOCIATE DIRECTOR, PROFESSIONAL SERVICES, NATIONAL PARK SERVICE

Mr. Chairman, I am Ernest A. Connally, Associate Director for Professional Services, of the National Park Service. I wish to express to the subcommittee our appreciation for being asked to speak on this proposed bill on behalf of the Park Service.

The National Park Service endorses title I of H.R. 15134 for its commitment to the preservation, and continued current use as public buildings and office space, of buildings of historic, architectural, or cultural significance.

The provisions of title I reinforce the purposes of the National Historic Preservation Act of 1966, and the Executive Order 11593 of 1971, concerning "Protection and Enhancement of the Cultural Environment," two of the foundation stones of the Park Service National Historic Preservation Program.

The National Park Service offers the following suggested amendments to title I, as a means of insuring internal consistency between the proposed bill, and existing Federal preservation legislation.

Section 102(b) requires the Administrator of the General Services Administration to consult with various individuals in the course of carrying out his duties under the act. The National Park Service suggest, that the Secretary of the Interior, the advisory council on historic preservation, and the appropriate State historic preservation officer be included among those to be consulted.

Under the National Historic Preservation Act of 1966, the Secretary of the Interior has the responsibility of expanding and maintaining the national register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture.

The National Register is more than a list. Registered properties receive a measure of protection under Federal law. The National Register is, therefore, a central instrument in the Federal planning process.

The National Register is expanded in cooperation with the States. In each State, as defined in the Act of 1966, the Governor has appointed a State historic preservation officer, who conducts surveys within his State, of historic, architectural, and cultural significant properties or sites, and he makes nominations to the National Register. The final determination rests with the Secretary of the Interior, of course, but the States have developed working inventories of properties from which nominations are made.

Therefore, the inclusion of the Secretary of the Interior and the State Historic Preservation Officer will insure the needed coordination between the Public Buildings Cooperative Use Act, and existing Federal preservation legislation, Executive orders and regulations.

Section 103(3) (c) requires the Administrator of the General Service Administration, to request the Advisory Council on historic preservation to identify existing building for possible re-use by the Federal Government. The National Park Service suggests that the Administrator be required to identify such buildings himself: but that in carrying out this responsibility, he be required to develop, in consultation with the Advisory Council, an appropriate identification process, including consultation with the Secretary of the Interior concerning areas and buildings of historic, architectural, or cultural significance.

The Secretary of the Interior, rather than the Advisory Council, is the appropriate authority to consult in the process of identifying significant buildings for possible re-use.

We wish to submit for the record, our recommendations for amending the bill to conform to our remarks here today.

This concludes my prepared statement, Mr. Chairman, and I stand ready to answer any questions you may have.

NATIONAL PARK SERVICE RECOMMENDED AMENDMENTS TO H.R. 15134 SUBMITTED  
AUG. 25, 1976

(1) Section 102(b) should be amended on Page 3, Line 10. Insert after "1968" and ahead of "and", the following: "the Secretary of the Interior, the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer designated pursuant to the National Historic Preservation Act of 1966,"

(2) Sec. 103(c) should be amended at line 12 in the newly proposed subsection (c) by deleting all language after "shall" on line 12, including words through line 15 "(U.S.C. 470i)." Words remaining will begin at "identify", and following.

(3) The same Sec. 103 should be further amended by adding to line 20 after "Government." the following addition: "In carrying out this identification responsibility, the Administrator shall develop, in consultation with the Advisory Council on Historic Preservation, an appropriate identification process, which shall include timely consultation with the Secretary of the Interior concerning areas and buildings of historic, architectural, or cultural significance."

Dr. CONNALLY. The brief problem that faces the Federal Establishment in historical preservation today is harmonizing various programs so they do not work at cross purposes to each other.

In our view, it makes no sense for the Department of Interior to be out here today working away at sort of a unilateral way with the historical preservation program, grants-in-aid, and all of those others, if other provisions of Government work nullify that.

So, in the last 10 years, we have seen some very significant developments, I think, Mr. Chairman, in Federal law and regulations. One agency cannot do it alone. Other agencies who have other primary missions can assist that effort in various ways just as our main effort can assist other kinds of activities of other departments.

So, in this case, I think that the historic preservation responsibility, which has been centered in the Department of Interior, can assist the GSA and the GSA programs can then further the objectives of our programs in a collateral way.

The policy was expressed as a national objective in the National Historic Act of 1966, which stated the public policy that our surviving historic resources, the cultural foundations of the Nation is the way it is phrased, should be kept in continued use as a living part of our community life and development. That is a new approach to historic preservation and does not emphasize setting things aside for museum purpose or exhibit purposes, but it is based on the principle of retention and continued productive use so that those resources give our communities a stability and a sense of continuity, that we can recognize essential to our well-being.

Further, since that act was passed 10 years ago, we see that it has very practical aspects of it, too, that by revitalizing worthy old buildings that come down from the past, you can revitalize inner cities and thereby make mass transportation, make it more effective and thereby save energy.

It has all kinds of manifestations for life. So that is our main purpose, Mr. Chairman, is to promote that program, and with those objectives in mind, so title I reinforces that purpose by making it a matter of policy for the General Services Administration to take initiative to go out and find those buildings and to use them.

This also is, of course, consistent with the National Environment Protection Act and other legislation which simply states that we have other values to consider when Federal projects are undertaken, and the old cost-benefit ratio, that there are other things to be taken into

account. Some of those quantities can be quantified by forming mature judgment, and you can identify them, and we all know things like that when we see them.

This measure would also reinforce Executive Order 11593, which was issued by the President in 1971, which gives instruction to the head of all Federal agencies to act in a spirit of stewardship in taking care of the historic properties under their administration or jurisdiction and also to conduct their programs in such a way that they are conducive to the preservation or the retention and use of historic properties that are not owned by the Federal Government.

So, Mr. Chairman, it seems to me this is just another step forward in this coordinated approach that is being taken now that is a very constructive one, I think.

We have two amendments to offer. They have to do rather with details somewhat of the program administration. I believe counsel has a copy of those. And we recommend they be considered in the markup.

Section 102(b) requires the Administrator of the General Services Administration to consult various individuals, Governors and other people at the local level about carrying out his duties in connection with this act.

I suggest that the Advisory Council on Historic Preservation and the Secretary of the Interior be included there, too.

The Advisory Council's main function is advice on policy and regarding a policy or process, and the advice of the Advisory Council would be very appropriate. I think that is consistent with the Executive order I just mentioned and with the act of 1966, and in more detail it really ought to be the Secretary of the Interior.

The national historic preservation program authorized under the act of 1966 is carried out by the Secretary of Interior. He has the final authority to maintain and expand the National Register of Historic Places, for instance, but at his request the Governors of the States appoint officials within each State to carry out the duties of that act in the State, so it is a voluntary act on the part of the States.

So the State historic preservation officers really are the key individuals at the State level who could advise the Administrator on districts or individual buildings that he might want to consider for use as Federal office buildings.

I am suggesting that they might be mentioned in the act, but I do feel uncomfortable if they were mentioned in the act without the Secretary of the Interior being mentioned, too, simply because their function is voluntary on the part of the States, and the law vests the ultimate responsibility in the Secretary of the Interior.

So if the Administrator consults with the Secretary of the Interior, he gets that advice from the States anyway, because we turn around and talk to them. But it might appear to be laying a Federal responsibility a bit heavily on the States otherwise.

So I would suggest the Secretary's name ought to appear in that paragraph.

The National Register is the basic instrument in the whole process. It is not just a sentimental list of heirlooms. It is really a central instrument in Federal planning.

There is a degree of protection from Federal activities under law given to properties that are registered and properties that are eligible

include districts such as the central part of Savannah—that is the largest one, which also bears the title of Honorary National Historic Preservation, and it is the largest landmark, too, and sites, structures, and objects that are important in history, architecture, archeology, and culture.

The National Register has now grown to a size of 12,000 entries. Of those 12,000 entries, 1,000 are historical districts of one kind or another so there is already a published list which comes out monthly in the Federal Register for notice to Federal agencies. So these already are available to the Administrator, the whole contents of the National Register.

It will be a good deal larger than that ultimately. So the first thing we will want to do is consult with the National Register. Then if he is looking at areas where he does not find what he needs, he can consult us and in turn the State or his regional administrators, directed to the State historic preservation officers, because they are the ones that maintain the working inventory from which the nominations are made.

The register is expanding primarily by the nonomations from the States so this is the way that we keep it as close to the local level as possible.

The other matter, Mr. Chairman, is that about getting specific advice on areas to be examined on individual properties and the wording the bill, as it stands now, says that the Administrator shall request, within 60 days, the Advisory Council to give that advice.

I suggest again that the Advisory Council's proper role is to advise on public policy and process for the individual properties.

Of course, the Administrator can consult whomever he wants to, and you could put a whole list of them in this bill, but I suggest you do not need to name all of them in law. He can consult them anyway, and there is no reason why he cannot consult National Trust or Endowment for the Arts, or anybody else he wants to.

I mention the Secretary of the Interior because that is the official relationship, and he is the one who maintains the National Register, and that is the national definition of what is historic or anything he determines to be eligible is historic, and on recommendation from Federal agencies, he can consider it appropriate and make that determination, too.

And then if the State is working with our office for the Secretary, that is fine, and the State's working inventory that have some which will never be registered, so that is really the official mechanism, I suggest, for identifying historical eligibility.

I would be glad to answer any questions you would have, and if you would care to hear them, I would be glad to offer some observations on title II.

Mr. GINN. Yes.

Let me ask you a question before you offer those observations, Dr. Connally.

Dr. CONNALLY. Yes, sir.

Mr. GINN. How long have we had the National Register system?

Dr. CONNALLY. The origin of the National Register was back in 1960 when we first began to identify national historical landmarks under the Historical Act, cited in the act of 1935.

The early ones identified back in 1935 ended up somewhat like the Wilcox House that you heard Dr. Dunn speak about this morning,

and actually it finally came into Federal ownership, and a private organization administers it for us.

But, since 1960, we have been formally recognizing historical properties of significance to the Nation as a whole. That is those eligible for the Registry of National Landmarks.

When the act of 1966 was passed, it stated as its purpose right up in the italic at the top the purpose to provide for the preservation of additional historic properties throughout the Nation. That is to say, those of less than national significance—those that would be important at the State or local level.

It called for expansion of a National Register. The National Register already existed in the list of Registry of Landmarks.

So, it expanded and now, primarily, it is by nomination of States which are properties of State or local significance.

The Secretary of the Interior still adds to the National Register when he formally identifies those properties that are significant to the Nation as a whole. Altogether there are four ways the property comes on the register.

Congress puts some on there, too, if they pass an act establishing a historic unit of the National Park System, and that automatically goes on the register. That is the highest recognition.

And under Executive Order 11953, the President has instructed the heads of Federal agencies to make their own nominations. They were not moving fast enough, and so each of them has a historic preservation officer who works with us very much like the States, but in coordination with the States. Their nominations are passed on by the State and then sent to us.

And those are the four ways that it is expanded, and this expansion has been going on to include properties of less than national significance since 1966.

Mr. GINN. You now have a total—

Dr. CONNALLY. Twelve thousand.

Mr. GINN. Twelve thousand.

Dr. CONNALLY. Yes, sir.

Mr. GINN. I guess there is no end to when this register will be completed.

Dr. CONNALLY. We have some estimates.

The inventories in a lot of States have actually a large number of properties in them, especially when one considers archeologists want to protect any site until it can be tested, until they have got some idea how important it is. So until they have done this, they want it protected.

In Florida there has been estimated to be 2,000 archeological sites, and those all want to come in the National Register. But of those archeological sites they are like—plus the buildings and districts that come on, our early estimate might run about 100,000 and that is about, for comparative purposes, about a quarter of the number of Great Britain, for example, but you see 1,000 of those are districts, and we do not really know how many buildings are in those districts. There might be 50 to 100,000, something in that range, in the 1,000 districts.

Mr. GINN. Mrs. Lloyd, do you have any questions at this point?

Mrs. LLOYD. Thank you very much, Mr. Chairman.

For what purposes do you envision these buildings being used?

Dr. CONNALLY. Well, it is my understanding that the whole purpose is for Federal office buildings primarily, with multiple use on the floors, as Mrs. Hanks pointed out, to make sure that the mezzanine was included, and I agree with that wholeheartedly.

I have lived, it seems to me, a lot of my adult life in institutions. I was at the University of Buffalo before I came to Washington, and the university—they have a way of escaping and setting you aside from the community, and you do this in Washington, too.

We live in a formal facade and the purpose, as I understand it, is to make the Federal program responsive to the needs of urban development within cities by making them more a part of the life of the cities and by locating in certain places to encourage private development.

Mrs. LLOYD. I was asking what purpose do you think they should be used for?

Dr. CONNALLY. Yes, ma'am. I agree completely with what I am saying, that this is what I understand, and I endorse that concept 100 percent.

Mrs. LLOYD. One thing I did not quite understand in your statement, on section 1033C, you state that the Administrator shall be required to identify the buildings himself, and that you felt that the Secretary of the Interior, rather than the Advisory Council, should be the appropriate authority to consult.

What role do you see the Advisory Council as playing?

Dr. CONNALLY. I suggest that the proper role for the Advisory Council would be to confer with the Administrator of GSA in a proposed process; that he would take a proposal to the Advisory Council consistent with the Historic Preservation Act of 1966, and say that is what he proposes to do and that the Council would examine that and give him their comments on it; that he would develop that refinement completed in consultation with the Council so that the Council would endorse a process by which he is going to go about it; and that part of that process would be consultation with the Secretary of the Interior then about areas that his district—where buildings are likely to be or individual buildings and, of course, anybody else that he wants to, but I think this is sufficient to be recognized in a statute.

Mrs. LLOYD. Thank you very much, Dr. Connally.

Thank you, Mr. Chairman.

Mr. GINN. It is my understanding that the Secretary of the Interior is not named, as you pointed out, in the Senate-passed bill.

Dr. CONNALLY. That is correct.

Mr. GINN. Do you have any background information as to why he was not named?

Dr. CONNALLY. No; I do not. I do not understand that, Mr. Chairman, at all. We were not asked to testify. We were not called as a witness. The Advisory Council testified, as I recall; but I do not recall that a departmental witness did, as such. You see, the Advisory Council sometimes is thought of as being part of the Interior Department because they are carried on our payrolls for administrative convenience but act as an independent Federal agency.

Mr. GINN. Well, I am quite interested in your suggestion and recommendations. We shall check those things out. We appreciate that very much.

Thank you.

I believe you said you had some brief observations on title II? Dr. CONNALLY. Well, I do, Mr. Chairman, if with your indulgence it might be well to get in the record—the more I think about it the more I realize a potential contradiction. I think it would be unfortunate if in this bill, if the very admirable provision or objectives of title I were somehow canceled out by a very strict interpretation of whatever language finally comes out in title II.

As I understand it, title II now is talking about new construction, primarily under the bill under the authority of the Secretary of Defense or HEW or the Secretary of HUD. If it is only new construction, well, I do not suppose there is any problem; but it sounds as if it is rather general. To me, we have in the National Park Service—and I speak for it not on a nationwide grant program, but as the appropriate administering agency, we have had some experience with the Architectural Barrier Act of 1968, and for new construction there is no problem. If you know what the requirements are in advance, you do not even make an alternative. You just do it that way; and we have done that in quite a lot of new construction recently in preparing for the Bicentennial.

We administered some of the more important societies connected with the American Revolution and built the new center in Philadelphia at Independence Hall, Lexington, Mass., and in Kings Mountain and Yorktown and some other places; and these were all built to satisfy the requirements of that act, and I think that I agree with Mr. Eckerd when he said this morning the differences in cost are probably negligible.

It would cost more to calculate—to work up one set of drawings one way or the other way and get bids on them and see what the differences were and it was not even necessary. It is negligible.

When we talk about restoring for new use worthy old buildings, in many cases, I think the problem is not too serious. It depends on individual cases. In instances of larger commercial buildings or loft buildings, where the interior arrangement would be completely done, if you have to put in new elevators anyway, I cannot imagine that that would really be much of a problem.

Take the case of St. Louis, the Wainwright Sullivan, one of the earlier skyscrapers and one of the most important buildings built in this country. That building was standing there vacant and, through the initiative of the National Trust, it was finally saved in the State of Missouri, but it—for executive offices of State agencies to be located in the city of St. Louis. That is a 10-story early skyscraper. Its entrance is right off the sidewalk. It seems to me it is just not going to be any problem there at all in having an automatic door opener and having elevators with doors with the proper width, and they have to put in new elevators, anyway, and that could be easily done.

So in cases of that kind, I would not foresee any extraordinary great expense or inconvenience; and it seems to me that it is a building of this kind in general that the GSA will be considering for Federal offices out in the cities. If we get into other things like the post office in St. Louis, which has been rather critically restored a long time ago—it got the amendment in the Administrative Services Act where we could make those monumental transfers at no cost, but we could not get the money; and now it is one of the elements of this bill; so today, we will have the problem solved; but that would be more

difficult because it is a very monumental building of granite steps, and it is not—you cannot make changes to that kind of very permanent monumental architecture; and it will have to be worked out in some way to get a ramp to go to the grade that will go to the basement where wheelchairs or paraplegics can come in at that level and come back up in elevators. It is that kind of situation where it would get more difficult, but it really gets impossible when you deal with museum-type history buildings, historic structures that are maintained in the public interest as a document of a period, just take them the way they were built authentically and correctly, as any bona fide historic document; and sometimes they simply do not lend themselves to that at all.

Take the case, for example, of the Abraham Lincoln Home in Springfield, Ill., or the Henry Wadsworth Longfellow Home in Cambridge, Mass., any number of properties that we administer.

These are houses, or museums, in the full sense of the word that just are not, in any way, that you can accommodate the strict requirements in the existing regulations—the appropriate Federal management regulations and the American National Standards Institute regulations that you can accommodate those standards in a building like that without doing violence to the integrity of the structure itself.

So we would have to make a judgment for 0.5 or 1 percent, or 1½ percent, or whatever the number is—do people do damage to very important, cultural resources for the other 99 percent of the population.

If we had to put a ramp as a required grade in front of the Lincoln House, that grade is 1-foot rise in 12 linear feet, 8.3 percent, we would go clear across the street, because the Lincoln House has several steps to get up to a kind of intermediate landing, which is so important to get to, but once you get to those doors there is a good escalation, so I fear if we get a Federal posture that produces regulations in great detail about what the grade of the ramp is, or how wide doors should be, all that kind of thing, we will have a great deal of difficulty in a lot of cases like that.

Now, in some cases—we mentioned this to overcome it, but in some cases, I do not see any solution. We did here in Washington at the Lincoln Memorial, and at the Jefferson Memorial.

Now, the Lincoln Memorial, of course, is one of those real monuments, all white marble, stands at the end of the Mall like a great big piece of abstract structure. No one wants to see that more, but we feel that handicapped persons ought to at least be able to get up into the chamber where the statue of Lincoln is.

There is no way that we could provide them access right up to the access of those great steps without spoiling the steps, it was our feeling that the integrity of the monument was more important to the 99 percent of the people than to the margin, so that the 1 percent or less could be accommodated.

What we did, we built a ramp at the rear, of a gradient, back to the side. We had to replace the planning into the marble base, and put an elevator in there so that they could come up into the chamber.

They can go up the steps, but down the side, at a convenient gradient inside, and come up into an elevator, and they could see the whole Mall—to the Washington Monument and the Capitol.

This cost \$1 million. But there are 3½ million people a year who come there, and it is one of the most heavily visited singlemost historic sites in the United States.

We had to do a similar thing at the Jefferson Memorial. They have to come inside and go up the elevator, and come out in the front, but they cannot go down to that lower platform—that big flight of steps.

But they can go up there and see the Tidal Basin, the cherry blossoms, and see the statue, and everything else, and we felt that was reasonable enough of a compromise, but we had to take the greatest pains to provide that kind of thing without damaging it, and those are very important to the monument, and it cost \$800,000 at the Jefferson Memorial, so it can be very expensive.

My concern is we must have some provision that there has to be a waiver in some cases, like the Lincoln Home, and the Longfellow House, and any number of others, where they simply cannot be just accommodated.

In our theaters, where they can see interpretation programs, that is new construction, and we do it, but some of those buildings, they do not lend themselves to this.

I have been informed by one of my staff yesterday that the State officials in Delaware were concerned about this, which has one of the oldest State Houses in the country, in Dover.

The second floor is quite interesting, but if they provided a ramp, you would have to go up some very steep colonial stairs to get to, if they put in a ramp it would require a gradient at every 30 feet where they can stop and rest before you go up, and if they put a ramp to the second floor, the entrance to it would begin outside the State of Delaware—it would start in Maryland, so there are some real problems when you get these very strict regulations like the proposed ones, locating door switches for the blind, you know, until the blind point out, "We do not need light switches the same way you do."

So, Mr. Chairman, all I am suggesting is that there is a lot of experience that the national trust and others can testify on this point, too.

I would hate to see the Federal Government get into a posture that we are all settled with very rigid, precise, arbitrary codes of regulation, even though the objective is worthy, because there are other considerations in this matter.

Mr. GINN. Dr. Connally, you make some very kind and excellent points, and I think all people who exercise reasonable commonsense would have to agree with the fact that some waivers in some instances would have to be effectuated.

In fact, it is my understanding that it is already existing in the law.

Dr. CONNALLY. Mr. Chairman, it is.

My staff who worked with the design, and in the procedures that exist under the existing law, it is really very difficult, and a difficult matter to get the waiver.

Mr. GINN. We will attempt to address ourselves to that.

Dr. CONNALLY. So when it gets too difficult, what one usually does is ignore it and, of course, we do not like to do that.

Mr. GINN. Mrs. Lloyd, do you have any questions?

Mrs. LLOYD. No, thank you.

Mr. GINN. Mr. Hagedorn, do you have any questions?

Mr. HAGEDORN. No.

Mr. GINN. Thank you very much, Dr. Connally, and we appreciate your being with us today.

Dr. CONNALLY. Thank you.

Mr. GINN. Our next witness is Mr. John Woodbridge, executive director of the Pennsylvania Avenue Development Corporation.

Mr. Woodbridge, please take the witness stand along with any of your associates that you would like to have with you, and we are delighted to have you here.

**TESTIMONY OF JOHN M. WOODBRIDGE, EXECUTIVE DIRECTOR, THE PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION, ACCOMPANIED BY DAVID BRIGG, LEGAL COUNSEL**

Mr. WOODBRIDGE. Mr. Chairman, I am John M. Woodbridge, executive director of the Pennsylvania Avenue Development Corporation.

It is with great pleasure that I appear before your subcommittee today to briefly discuss H.R. 15134. This is a bill:

To amend the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance through their use for Federal public building purposes, and to amend the act of August 12, 1968, relating to the accessibility of certain buildings to the physically handicapped.

Specifically, I would like to speak directly to title I of the bill: those portions entitled the "Public Buildings Cooperative Use Act of 1976."

I strongly support these provisions, and urge that this subcommittee and the House adopt the bill before adjourning.

As you are probably aware, the Corporation, under the mandate of Congress, has prepared the Pennsylvania Avenue Plan—1974. The Congress reviewed the plan and in May 1975 the plan was approved for implementation.

Authorization for initial implementation of the plan has recently been voted, and when appropriations are made available, implementation will begin.

The plan, since its early drafts, has urged the development of mixed use buildings within the area under the Corporation's jurisdiction. Because of the development area's location on Pennsylvania Avenue, we felt that any development which took place must appeal to a broad spectrum of the American public. The deterioration of the avenue made it imperative that the Corporation seek to rejuvenate its commercial and retail features and to reintroduce housing into an area that is now dead after dark and on weekends.

One need only look to the Corporation's southern boundary where the Federal Triangle sits, to see the formidable barrier created by massive Federal buildings which do not invite public participation.

After 6 p.m., the triangle becomes a desolate no man's land. It is not a public area in the true sense of the word. For some, it is a place to work; for others it is a stopping off point in the daily trek to and from the suburbs.

At no time, however, is it an area to which people come to enjoy its wealth of facilities. For example, the potential mixed use alterna-

tives of the magnificent old Post Office Building are clearly evident and the Corporation has always strongly supported its reuse in that fashion.

On its own, the Corporation, recognizing the benefits which could accrue to our area if dead buildings could be revitalized, has urged that Federal buildings in its jurisdiction become more inviting to the public.

The plan has called for retail businesses to be introduced into the Pennsylvania Avenue frontage of the J. Edgar Hoover Building. At present that building presents a two-block hiatus in retail and people activity at critical point along the avenue.

Because of its design, location, and potential drawing capacity for tourists, it presents an ideal place for ground level shops and restaurants which will combat and alleviate its monumental appearance. Its potential to contribute to, rather than detract from, the commercial and street environment is immense.

The Corporation has also urged that the International Tariff Commission Building at Eighth and F Streets NW., be developed to become more functional. Tourists and shoppers, who are attracted to that area by the National Portrait Gallery and several department stores, are confronted by a handsome but inaccessible Federal public building which offers no opportunities to be used. This bill could correct these situations.

Probably the Corporation's interest and support of this legislation is most directly linked to its proposed mixed use complex on the avenue between Seventh and Ninth Streets Northwest. There the Corporation proposes to incorporate retail, office, residential, and Government uses into a functional whole.

An underground storage area for the National Archives has been proposed; a location ideally suited because of its proximity to the Main Archives Building.

Also proposed are aboveground Archives offices interspersed with private offices, shops, and restaurants. Above this level would be a residential community providing unique intown living.

The Corporation has worked closely with the General Services Administration, especially with the Archives and the Public Buildings Service. One of the major roadblocks, however, has been the prejudice against Federal participation in mixed use facilities, which this bill seeks to correct.

Therefore, the Corporation would urge that the subcommittee strongly support the mixed use approach toward the use of Federal public buildings and spaces which encourage them to be "public."

The Corporation, although not directly affected, also urges the adoption of that portion of the bill which encourages the purchase of older buildings and their "recycling" into new office space for Federal agencies by the General Services Administration.

For too long our national policy on housing Federal offices has ignored structures of historical, architectural, and cultural significance in favor of gleaming new office buildings. Certainly, on its own, the corporation has recognized the value of the rehabilitation and reuse of these older structures in its own development area.

While adding a sense of style and proportion to potential development, their renovation and use can also be energy saving and labor

intensive. By enhancing the character of our national past, this policy helps foster urban continuity, more efficient use of our natural resources, and potential cost savings for Federal office housing.

Several elements of the bill should be clarified to permit the Government to take maximum advantage of its adaptive reuse and mixed use features.

I question whether this bill encourages the Administrator to give the same priority to meritorious older buildings when leasing office space, as must be given if direct acquisition of space occurs.

This echoes a concern of Nancy Hanks, chairman of the National Endowment for the Arts, speaking before the Senate Subcommittee on Buildings and Grounds, during its consideration of S. 865, a companion bill to the one being considered here.

If the policy set forth in this bill is one of preservation and adaptive reuse, then whether a particular building is utilized for Federal office space should not depend on whether GSA is to lease or acquire it.

Second, I feel that the "in lieu of real estate tax" proposal for mixed use facilities should be further clarified to give specific direction to the Administrator and to local taxing jurisdictions on how this payment will be computed. Other issues, such as maintenance and security of Federal buildings where mixed use activities occur, can be readily resolved by the Administrator after the passage of this legislation.

In conclusion, I commend the author and cosponsors of this legislation for its innovative, yet timely, concerns. I hope the House will act swiftly to approve this bill and the concepts it presently embodies.

Thank you.

Mr. GINN. Well, thank you very much, Mr. Woodbridge, for your statement.

Mrs. Lloyd, do you have any questions?

Mrs. LLOYD. I have no questions, Mr. Chairman.

Thank you very much, Mr. Woodbridge.

Mr. GINN. I have a couple of questions, Mr. Woodbridge.

Would you please elaborate on the proposed Archives Annex Building, since you have stated you have been working with GSA. Has GSA committed any public building funds to this project?

Mr. WOODBRIDGE. It was, as you know, our job, which was given to us by the Congress, to make a plan for a geographic area which included all the blocks on the northside of the avenue between Third and 15th Streets. When we began planning we went to everyone we could in the area, including GSA, and asked what programmatic needs or desires there might be for any kind of space, including Government space in the area.

We found that there was a long standing interest on the part of the National Archives in expanding its storage space. There also had been some discussion prior to our beginning work, of the possibility of an Archives Building somewhere in the area that we were involved with.

We said that we felt that it was inappropriate to construct another Federal building above ground in the area, but we were very interested in the possible combination of uses that could get the highest and best use of the land in our jurisdiction. We suggested the possibility of an underground facility and offered to explore the idea on our own. That facility would tie directly to the main building of the Archives,

and would in effect expand their stack space in a way that was convenient to the main building.

In carrying out detailed plans for the area as they appear in the report to the Congress, we finally came up with a scheme for above-grade development in the area which would have shops, offices, and housing, all built into one super block complex.

Although it is not formally a part of the Pennsylvania Avenue plan, we determined that it was feasible to put under that development three basement levels, which would also extend out underneath a public park immediately across the street from the Archives. Roughly 1 million square feet of storage space for the Archives could be provided. We have carried that project along as a possibility in our plans.

We have not made a commitment to it. The plan, as it was presented to Congress, says that the Archives proposal is a possibility. We think it is a highly desirable one, in that it fulfills a number of goals that we were trying to achieve for the area, and with our conversations with GSA and the Archives people, it is clear that it would be an enormously useful addition for them.

Mr. GINN. What would your proposed costs be on this, if I may interrupt at this point?

Mr. WOODBRIDGE. We do have a very preliminary cost estimate which I would be happy to submit for the record.

[The following was received for the record:]

MARKET SQUARE PROJECT CONSTRUCTION COST ESTIMATE

[Estimated construction costs as of Feb. 10, 1976]

Item	Square feet	Unit price <sup>1</sup>	Amount	Archives only
Housing.....	734,970	\$33.15	\$24,354,000	-----
Retail and office.....	170,973	31.00	5,300,000	-----
Parking.....	239,960	15.90	3,815,000	-----
Mechanical and circulation.....	215,714	35.90	7,744,000	-----
Commercial space and storage.....	39,772	33.15	1,318,000	-----
Archives offices above grade.....	336,915	35.90	12,095,000	\$12,095,000
Archives storage below grade.....	920,562	45.00	42,346,000	42,346,000
Total.....			96,982,000	54,441,000

<sup>1</sup> Unit prices from Scharf & Sons as of Jan. 14, 1976, except below grade Archives space which is from Tippetts-Abbett-McCarthy Stratton as of April 1974, increased by 15 percent; Unit prices include all overhead and profit; applicable taxes insurance; reflect union shop conditions; and are probable bid prices for date of estimate.

These construction costs are only a portion of the total project cost and in order to estimate the total project cost we would have to include the following items: Architect Engineering fee; Federal Agency Review; Survey & Tests; Reproduction costs; Invitation and Bid expense; Construction Management costs; Escalation of construction costs due to inflation; Contingencies; Reservations which include lamps and tubes, landscaping, fine arts, movable partitions, exterior lights, case and seals, others (carpets, etc.); Management and Inspection costs for the construction contracts; Material testing. These items plus the basic construction cost will raise the total project cost to approximately 150% to 175% of the construction cost. In addition, there will be land costs and financing costs.

It is our hope that, if this subcommittee saw fit to endorse such a proposal, there would be a mutual benefit to both private enterprise and the Corporation. The above-grade facility, which has been endorsed by the Congress in approving the plan, would be made more feasible by a more intensive use of the site.

In other words, if the Government, through GSA, were to participate with the Pennsylvania Avenue Development Corporation in its development activities, by constructing a Federal building in the area, obviously the cost of land development and land acquisition can be shared.

Mr. GINN. It is my understanding that you have with you architectural renderings of the proposed building.

Would you care to show it to the subcommittee, and explain to us what funds were used to take this project this far?

Mr. WOODBRIDGE. Well, let me say first that all the funds have been entirely drawn from the Corporation's authorized planning funds. We feel that we are expending those funds in the way Congress directed us to, by preparing plans for the highest and best use of the land within the development area.

We have both a photograph of a model which illustrates the above-grade development, and a diagram showing potential distributions of uses in the space. The model is presently on exhibit in the Smithsonian castle.

You are looking at this model over the National Archives, the axis up the middle being Eighth Street, with Seventh Street and Ninth Street on each side and Pennsylvania Avenue slanting across this corner here.

This portion of the development on the upper tier, all the way around the perimeter, would be residential. It would be a combination of apartments and townhouses built on a substructure, which provides office space and retail commercial space around the perimeter.

Now, the substructure above-grade would, of course, be available for lease by the Federal Government, but it was also conceived of as private office space. The plan does not stipulate who would get what.

In analyzing the possible locations for the National Archives we came up with a hypothetical breakdown of space, which is illustrated in this diagram.

The brown on top here would be residential space, with the orange indicated around the perimeter as retail shopping. There is also provision for some office space in the back portion of the project, which is considered private office space in this diagram.

The space that would be available for the Archives, which would satisfy the program needs that they gave us, would be accommodated in the front portion here, above grade, and in three levels below grade. The below-grade development would extend under the forward portion of the above-grade development, and also, out under the public park, which would front on Pennsylvania Avenue. This space would be connected by a tunnel to the main Archives Building.

Mr. GINN. We appreciate your showing us the plans, Mr. Woodbridge.

Let me ask you this. Is any consideration being given to locating the Archives Annex outside the city of Washington?

Mr. WOODBRIDGE. It was our understanding that—again, from talking to the Archives people, that there was a possibility of building a warehousing facility, in effect, in Suitland. Beyond that, I really could not say.

We felt that it was incumbent upon us to explore the possibility within our area, and to see if it was, first of all, physically possible.

Mr. GINN. As you well know, the Government Printing Office has a prospectus pending before this subcommittee now calling for a new Government Printing Office complex, and if that is approved, and ultimately funded and constructed, of course, that present facility would be vacant.

How would those buildings fit into possible use for the Archives Annex?

Mr. WOODBRIDGE. I am not that familiar with the interior of the Government Printing Office's existing building. Our understanding of the Archive's needs is that there is essentially a vast library stack and some related office space.

Mr. GINN. These are the kinds of questions we are most interested in seeking answers to, and I can fully understand you cannot be familiar with everything in the city.

I would encourage you to take a good look at that, because we have got to decide whether or not to build a new GPO facility, and if so, what ultimate use can be made of that present facility, and it may well be it can be suitable for what you are talking about.

Are there any other questions, Mrs. Lloyd?

Mrs. LLOYD. I would like to clarify something, Mr. Chairman.

I thought we were talking about the Pennsylvania Avenue Development Corporation, and the renovation of existing buildings in this area.

Mr. WOODBRIDGE. Yes, ma'am.

Mrs. LLOYD. Then this model looks to me like a new building entirely. I just want to clarify that, and I want to understand it.

Mr. GINN. You mean the plan they just showed us?

Mrs. LLOYD. Yes.

Mr. GINN. This is a rendering of the newly completed—

Mr. WOODBRIDGE. The model represents a new building although it does incorporate portions of some existing buildings. In the overall plan for the Avenue, we have incorporated the preservation and renovation of all of the designated landmarks in the area.

These include such buildings as the Willard Hotel and the Evening Star Building across from the old Post Office.

Mrs. LLOYD. This is just in conjunction with—

Mr. WOODBRIDGE. There are a number of historical buildings immediately surrounding this particular proposed development which will be preserved.

Mrs. LLOYD. One other thing, who owns—who has the title to the buildings on Pennsylvania Avenue, is it the Development Corporation?

Mr. WOODBRIDGE. The Corporation has the power to acquire by direct negotiations, or if necessary, by condemnation, any land within the geographical boundaries that Congress has set.

It is the proposal of the Corporation that any land acquired by it would remain Federal land, and would be leased back to private developers.

This is for two reasons. First, it is actually an incentive to private development because they do not have to buy and assemble land, but can more easily acquire it by long-term lease.

It would also maintain the interests of the Federal Government in this area, which have been clearly set forth by the Congress in setting up the Corporation initially.

Mrs. LLOYD. Thank you.

Mr. GINN. Any additional questions by counsel?

Well, thank you very much, Mr. Woodbridge, and Mr. Briggs for being with us today. We very much appreciate your support of the legislation, and your testimony.

Thank you.

Mr. GINN. We have as our final witness, Mr. Brent Oldham, deputy director of municipal planning for the District of Columbia.

TESTIMONY OF BRENT OLDHAM, DEPUTY DIRECTOR, DISTRICT OF COLUMBIA MUNICIPAL PLANNING OFFICE, ACCOMPANIED BY JOHN FONDERSMITH, DISTRICT OF COLUMBIA MUNICIPAL PLANNING OFFICE; AND ALVIN McNEIL, DISTRICT OF COLUMBIA PLANNING OFFICE

Mr. OLDHAM. Thank you, Mr. Chairman.

We have all had a long day and I am happy to represent the Mayor here today and who, incidentally, is breaking ground for a new public building in town.

I would guess that by any fair measure, Washington has its share of public buildings.

Mr. GINN. Would you identify your associates for us for the record?

Mr. OLDHAM. Yes; Mr. John Fondersmith and Mr. Alvin McNeil, both of whom are with the Municipal Planning Office.

Mr. GINN. If you would, I would appreciate your extending my warmest regards to Mayor Washington. He and I were born about 20 miles apart in south Georgia, and we both many times wonder how we got together from south Georgia to Washington.

Mr. OLDHAM. All right; be glad to.

Mr. GINN. If you would like to proceed, we will incorporate your statement in the record.

Mr. OLDHAM. All right.

[The statement of Mayor Walter Washington follows:]

STATEMENT OF HON. WALTER E. WASHINGTON, MAYOR OF THE DISTRICT OF COLUMBIA

Mr. CHAIRMAN. I appreciate the opportunity to present my views on the "Public Buildings Cooperative Use Act of 1976." This bill provides that the GSA Administrator shall:

(1) Acquire and utilize space in suitable buildings of historic, architectural, or cultural significance, where appropriate;

(2) Give preference to the acquisition and use of other buildings, where appropriate;

(3) Encourage the location of commercial, cultural, educational, and recreational facilities and activities within or near public buildings;

(4) Increase measures to make buildings financed with Federal funds more accessible to the handicapped (title 2).

I believe this is an extremely important bill, not only for what it will do directly, but also because of its symbolic value, because it is one of a series of actions which point in new directions for American society—the way we live and the way we manage our built environment.

This bill begins to deal with a number of issues:

(1) It says the Federal Government recognizes the need to reuse and recycle existing buildings when they have a useful life. By implication, it is another step in encouraging better use of the core areas of our central cities.

(2) It is another step in conserving our historic buildings and places;

(3) It begins to better deal with the daily needs of Federal workers, as well as the needs of visitors to Federal buildings;

(4) It demonstrates that the Federal Government recognizes the need to turn from the old concepts of single-use buildings and areas, to a policy of multiple-use buildings and areas which are more efficient in terms of energy and time, which reduce transportation costs, which provide a focus for urban life, and which are active and used for more than just the working day. By increasing life in our cities, we add meaning to urban life, and we can help reduce the opportunities for crime. Though other steps are needed, this is a move away from past notions of rigid separation of work, shopping and living areas.

(5) Finally, the bill provides in a small way, for additional economic development efforts by allowing location of retail sales and services in Federal buildings. Considering the fiscal needs of our central cities, every little bit helps.

I know you will receive much testimony on the national implications of the bill. I would like to focus my remarks on the situation in Washington, D.C. I want to give you some perspective, so you will realize some of the changes in thinking that are underway, and how this bill can allow for additional steps to improve Washington. I believe our past experience here has lessons for other cities, and that new directions being taken in city development policy in Washington will have broad implications as well. Of course, when we talk of creating a more efficient, safe, and exciting Washington, we affect not only the people of our city and region, but also the millions of Americans who come here each year from across the country.

#### PAST IDEAS OF CITY DEVELOPMENT

Let me give you a brief overview of where we have been. In this century, there have been several ideas about how Washington, especially the core of the city, should develop. There was the concept of the monumental city, outlined in the McMillan Commission Plan of 1902, and now largely realized in the rows of monumental buildings along the Mall, the Federal Triangle, and in adjacent areas. Another idea involved the "Tear It All Down and Start Over" approach, as in Southwest Washington. Unfortunately, we have found that these monumental complexes of buildings are sometimes more impressive in models and in aerial photographs than at street level—where the people are. The resulting areas are sometimes without much character or activity—without a soul if you like. These areas of the city are inefficient—used only during the working hours. The workers in these buildings lack the convenience of nearby commercial services. It's noticeable that many people prefer the bustle and excitement of places like Georgetown, Eastern Market, Georgia Avenue, and Adams-Morgan to some of the more monumental areas of the city.

#### NEW TRENDS

As these lessons have become apparent, there has been new trends in city building, especially over the last few years. We are now more concerned with retaining historic and useful buildings, promoting more street-level activity, and providing a mix of land uses.

Within the limits of existing legislation, the Federal Government has played an important role in this new trend in Washington. The Lafayette Square project marked a turning point. There the townhouses facing Lafayette Square were acquired and remodeled, and are used for both governmental purposes and as the location for special organizations, such as the National Trust for Historic Preservation. New office buildings were built behind the townhouses.

The Old Patent Office, once threatened with demolition, has been recycled to provide a home for the National Portrait Gallery and the National Collection of Fine Arts. The original Corcoran Gallery of Art was purchased by the Federal Government for office purposes some years ago, and recently recycled as the Renwick Gallery. Union Station was acquired and has been recycled as the National Visitors' Center. On the Mall, the Smithsonian Institution and the National Park Service have taken many steps to humanize the area, providing places to eat and to relax, retaining and improving old buildings and adding new ones, and providing the Folklife Festival.

We have an especially good illustration of the new approach for Federal buildings. At 17th and G Streets NW., just west of the Executive Office Building, the Federal Home Loan Bank Board is building a new headquarters building. They have been especially concerned with not creating another "eight-hour" office building. Accordingly, the first floor plaza and lobby space is designed to accommodate a skating rink, restaurant, and shops. They were able to do this because of their special enabling legislation. It is indicative of the type of ac-

tivities that can be provided in new Federal buildings under the provisions of the bill we are discussing today.

#### DIRECTIONS FOR THE FUTURE

With that background, let me discuss some further possibilities which this bill will make it possible to consider.

#### PENNSYLVANIA AVENUE PLAN AREA

No single project so illustrates the change of thinking about how to create more livable cities than the Pennsylvania Avenue Plan, recently authorized by the Congress. The original plans called for tearing everything down, and building a new office district. I am afraid the result would have been impressive but dull. That was one reason the original plans in the sixties invoked considerable opposition.

The District Government has worked closely with the Pennsylvania Avenue Development Corporation over the past several years in developing the new plan which calls for retaining historic buildings, such as the Willard Hotel, the Evening Star Building, the Apex Building, and the National Bank of Washington, and others. It calls for a mix of uses—offices, hotels, housing, shops, theaters. The aim is to make the Avenue a bridge between the Mall and Downtown, and active during the working day, in the evening, and on weekends and holidays. I believe you will be hearing more about that plan from the Pennsylvania Avenue Development Corporation staff. Let me mention some elements related to the plan which are especially pertinent today.

##### *Old Post Office*

The Old Post Office Building at Pennsylvania Avenue and 12th Street is technically outside the Pennsylvania Plan boundary, but in fact is important to the revitalization of the Avenue. Previous plans called for the buildings to be demolished. In the new spirit of which I have been speaking, the plans have been changed, and this impressive building is to be retained. It has recently been cleaned on the exterior. It has been proposed that the building be recycled to become a national arts center—a home for the National Endowment for the Arts, as well as a site for exhibits and meetings on the arts. The District has supported this concept, but we believe it is important that the building also include other activities—certainly a cafe and restaurant on the floor of the great interior courtyard, as well as private shops, and perhaps some offices of organizations connected with the arts. These uses, which would be made possible by this legislation, would help insure the use of the building after normal working hours.

##### *Federal Triangle*

We believe that greater "public" use should be made of buildings in the Federal Triangle, because of the strategic location of the Triangle between the Mall and Pennsylvania Avenue. These might be more public serving Federal uses, such as the new Visitor Information Center and Bookstore in the Commerce Building, or the Philatelic Shop, or the Aquarium.

##### *FBI Building*

There has been some concern about the blank space in activity pattern along Pennsylvania Avenue caused by the lack of public ground floor activity in the FBI Building. We have had some preliminary discussions with FBI staff regarding the addition of retail space along the front of the building. There are some problems and issues involved, but we hope this matter can receive further study. The legislation we are discussing would permit such uses to be established if necessary arrangements are found practical.

##### *Tariff Building*

At 8th and F Streets, the Old Tariff Building faces the National Portrait Gallery. We have suggested that this building eventually be recycled for museum use. It might also have some private retail space relating to the arts.

#### OTHER POTENTIAL DEVELOPMENTS

An example is the Keith Theater at 15th and G Streets. A program of public use could allow for retaining this impressive building, and its auditorium, in order to maintain additional downtown activity.

The Old Pension Building at 5th and F Streets is an important landmark. It has been discussed as the site for a center for the built environment when the

current court functions are relocated to the new District Court Building. Such a center might involve both public and private use.

There are several other old Federal buildings or complexes which occupy strategic sites in the central area of the city, and which might be recycled to serve more of a public use as a Federal building, or might also encompass some private use as called for in this bill. The Auditors Building Complex, overlooking the Washington monument grounds at 15th Street and Independence Avenue is an example. The old Navy Hospital Observatory Complex at 23rd Street and Constitution Avenue is another example.

#### THE NAVY WEAPONS PLANT

The redevelopment of the Navy Weapons Plant (Southeast Federal Center) is another Federal activity which will affect surrounding areas, and with which the District is concerned. The existing plan for the western sector of the Navy Yard calls for removing existing buildings and building a new office complex for some 20,000 employees. We see this concept as repeating in contemporary form, the approach of the Federal Triangle—creating a single purpose area that is somewhat isolated from the broader community. The District believes the Navy Weapons Plant development should become part of the city again, with some retail uses, access to the waterfront, and some housing. I am glad to say that the General Services Administration is now beginning a restudy of the original plan. We hope some new ideas can be considered.

#### SOUTHWEST EMPLOYMENT AREA

There are some areas of the new Southwest Washington where a concentration of Federal buildings have not provided for needed services and activity. The grouping of HEW buildings along and near Independence Avenue is such an area. Plans have been outlined for redesign of the area to allow for visitor and employee services, as well as visitor orientation. This is an example of a development which could increase convenience and activity.

#### THE CAPITOL COMPLEX

This bill would apply to the activities of the Executive Branch. As you know better than I, the Congress also has needs for more space, and the Architect of the Capitol has begun an intensive study of the future space needs of the Congress and how those needs can be accommodated. We hope that Congress will eventually adopt a sensitive plan—one that relates to and respects the surrounding residential neighborhoods while providing for the needed space. As part of that plan, there is the opportunity for the Congress to consider development of multi-use buildings, which will better serve congressional employees, as well as the visiting public.

#### DISTRICT AND PRIVATE EFFORTS

We are talking about a new approach to city building in Washington. I want to assure you that we are not depending on the Federal Government alone to take new steps. Both the private sector, and the District Government, are taking steps to create a more liveable and active city. We have several major complexes (Columbia Plaza, Watergate, L'Enfant Plaza) that are examples of mixed use development. Though far from perfect, they represent new directions. More recently, several office/retail complexes in Georgetown (Canal Square, Dodge Center, and the Foundary) are examples of mixed use. The District Zoning Commission has adopted a new "CR" zoning district which provides for a combination of commercial and residential space. This new district has been mapped in parts of the West End, and the first private development under this zoning will soon be under construction. We have rezoned other areas around downtown to encourage new housing, and are considering other such actions.

We are working to achieve a desirable mix of uses at other places in the city, especially in areas of new development adjacent to Metro stations. We are rethinking the concept of the Judiciary Square area as an area of single purpose government buildings. We believe some mix of uses must be provided.

#### SPECIFIC COMMENTS ON SECTIONS OF THE BILL

Let me make some specific comments on sections of the bill.

*Section 104(16).*—This subsection allows for renting space for commercial, educational or recreational purposes on the "major pedestrian access level" of public buildings. I suggest that some additional flexibility be allowed. In most

cases, space would be rented on the main level, but there may be cases where a mezzanine level, or some other level, would be suitable for lease without disturbing other functions.

*Section 102.*—I appreciate and support the provision calling for consultation with the Chief Executive Officer of the local government.

*Section 104(19).*—The provision for the GSA Administrator to make in lieu of property tax payments to the local government for private uses in public buildings is a key provision.

*Section 105 (7) and (8).*—The definition which allows day care centers and recreational facilities is an important step toward creating buildings which meet the needs of working people.

*Title II.*—I applaud the revised language in Title II which provides additional emphasis on providing access to public buildings for the handicapped.

I want to stress that these provisions are even more important as we design new buildings. In my testimony, I have stressed the recycling opportunities with older buildings, because we now know about these opportunities. However, as we design new buildings, we can apply these new ideas with even more effective results.

#### SUMMARY—AN IMPORTANT STEP

I have discussed how this bill could affect developments in the District of Columbia to give you an idea of how important this bill is to us. These changes would probably occur over an extended period. Some need more study. As we look for new ways to revitalize and better use our cities, old concepts must be reviewed and revised. Ideas that seem "far out" now may be routine in the future. In summary, therefore, I believe this is an important legislation, not only for the District but for cities across this country. It can be an important step in our efforts to make our cities better places to live and work.

Mr. OLDHAM. Our statement is in the record and, of course, we will be happy to elaborate on any points that will be made; and I would like to add in the record any additional information the subcommittee or staff would like to have.

I think if I could summarize really what our testimony would be all about—it is that we look at this particular piece of legislation as another opportunity to move Washington, D.C., and other cities along the way with new development, and thinking in terms of planning cities.

We are going through a pretty terrible experience in this city. The original idea that this was a monumental city and we build monuments up and down the mall and we went through a pretty heavy teardown and rebuild in Southwest Washington, and now we are coming around to the idea that if we are going to make this a viable city and an attractive city, not only for the citizens of Washington, D.C., but, of course, this belongs to all the people in the country, we would like to and we are moving in the direction of new thinking and development and that new thinking was the idea of mixed use, largely for buildings of all natures and the District government is going in this direction.

We know the Federal Government has done a number of things in this direction. We know, for example, that the old Patent Office has been turned into a gallery and we hope, for example, that the new Pension Building which is, incidentally—will be vacant when the court is opened, will be recycled for some multiple-interest use, and all of this is directed toward making the city, instead of the 8-hour day in which everybody works and goes home, that this becomes a city that is worth while and safe to live in, and to be both in the daytime, in the evening and on workdays; and in essence what we are saying is that we hope this bill will facilitate this type of mixed use and we are not looking for the Federal Government to do this alone.

We are making suggestions in connection with the Pennsylvania Avenue Development Corporation, with whom we are working very closely.

We have some ideas—we think about what might have happened to the Navy Yard out in Southeast Washington. Plans, we hope, will blend in with the neighborhood and not be again an 8-hour type of neighborhood; we are concerned, of course, with Congress' interest in providing more space as well, for Capitol Hill. We hope that that it can be merged into the neighborhood without violating the residential quality of that area so that, again, we will have a place where the people who work on the Hill can blend into the community, where the people actually reside. We in the District ourselves are taking steps toward developing this mixed use concept.

We are doing this in Georgetown, where we are developing commercial and residential zone concepts, hoping we can combine commercial and residential and amusement and recreation and rebuild this city in a way in which we think it would make it viable.

Now, we are in the same position, I guess, that GSA is in terms of authority. We cannot at the present time call upon the District of Columbia to lease or rent out space in public buildings. We have asked the City Council to seriously consider that type of action so we, too, can move along with new thinking, not isolating and building little islands of work and not islands of living, which we consider very important for the city.

This is in essence what we are trying to do.

Mr. GINN. Do you think that this legislation would be a step in the right direction, not only on the Federal level but to help you with what you are trying to do here in the city?

Mr. OLDHAM. Yes, sir.

Let me point out that the old Post Office Department Building, which is not actually in the Pennsylvania Avenue development plan that Mr. Woodridge just spoke about, is an old, beautiful building.

We in the city would not like to see it torn down. We know it has just been given a good bath on the outside, and we hope to give it a good job on the inside. There is a beautiful interior court which provides for a restaurant and cafeteria.

I read with great interest the National Planning Association statement yesterday about maybe our Metro would not be what we think it is going to be because mass transportation has not been what people had hoped it would be for big cities.

One of the reasons why the cities are empty in the evening is that we need to rebuild our cities and make them more viable for not only district residents and for regional residents, but our visitors that come here—and right now we have a great void in our city.

We have a mall on one side and a city on the other, and Pennsylvania Avenue splits down through the middle. We would like to remake this city with this type of multiple-use concept which is the new thinking; and all we are doing is not perfect, but at least I think we should try to examine some new ideas—new concepts in this multiple-purpose use; and we think H.R. 15134 would do just that.

Mr. GINN. The subcommittee greatly appreciates your being here, Mr. Oldham, on behalf of the Mayor of the District of Columbia, and the Municipal Planning Office. You are an excellent witness;

and if you have further comments to make, I would be glad to have you come up, and if you would like to rest your case on what you have said, then we will do so.

Mr. OLDHAM. I think we can talk to the staff more about it.

Mr. GINN. Well, thank you very much for being here. You are an excellent witness and we appreciate your associates being with you. Thank you again for your fine testimony.

The subcommittee will stand in recess until tomorrow morning.

[Whereupon, at 3:10 p.m., the subcommittee was recessed, to reconvene at 10 a.m., Wednesday, August 26, 1976.]

## PUBLIC BUILDINGS COOPERATIVE USE

THURSDAY, AUGUST 26, 1976

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS  
OF THE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION,  
*Washington, D.C.*

The subcommittee met at 10:07 a.m., in room 2167, Rayburn House Office Building, Hon. Bo Ginn (chairman of the subcommittee) presiding.

Mr. GINN. The Subcommittee on Public Buildings and Grounds will please come to order.

We are delighted today, as we were yesterday, to have some very distinguished witnesses here to appear before us on the subject of H.R. 15134.

Today, I believe the majority of witnesses will be presenting testimony on title II of the legislation, which amends the Architectural Barriers Act of 1968.

The legislation attempts to bring agencies named in that act into compliance with the law.

We are very hopeful that we will be able by 12 o'clock today, since we have permission to sit while the House is in session under the 5-minute rule, to complete the list of witnesses.

Therefore, I would say to the witnesses in the interest of time, if you would like to have your complete statement printed in the record and then refer to it in your remarks, it would certainly be agreeable to the subcommittee.

We are delighted to have as our first witness today one of our distinguished members of this Committee on Public Works and Transportation, our colleague from Pennsylvania, Robert Edgar.

Congressman Edgar is not only a cosponsor of this legislation, but also a member of our committee.

We are pleased to have you with us today, Bob.

Before you proceed, may I ask if Mr. Walsh has any opening remarks?

Mr. WALSH. Thank you, Mr. Chairman. I was very pleased with the results of yesterday's hearing. All of the witnesses were in favor of title I.

However, title II, the subject of the hearings this morning, did meet with some resistance.

I would hope that whatever critical comments were made to title II will be addressed in a positive way so we can correct the language.

I think that there is strong support for this legislation and I hope we can correct it and get it before the full committee.

I am delighted to invite Mr. Edgar. He is a valuable member of this committee. Thank you, Mr. Chairman.

Mr. GINN. Mr. Edgar, you may proceed as you see fit.

**TESTIMONY OF HON. ROBERT W. EDGAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA**

Mr. EDGAR. Thank you.

I would like unanimous consent to insert my remarks in the record at this point, and I will just refer to them very briefly.

Mr. GINN. Without objection, so ordered.

[The statement referred to follows:]

**STATEMENT OF HON. ROBERT W. EDGAR, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA**

Mr. Chairman, it is a privilege for me to appear today to support this legislation. The enactment of Title II of H.R. 15134 represents one of my highest personal legislative priorities. As a cosponsor of this bill, I would like to commend you, Mr. Chairman, for providing the leadership which expedited the scheduling of hearings on the bill. I am confident that this subcommittee will continue to be sensitive to the needs of the handicapped, and favorably report this bill without weakening amendments.

Title II of H.R. 15134 is virtually identical to a bill I introduced in April, H.R. 13174. My bill was based upon recommendations made by the General Accounting Office in their July 1975 study of the degree to which federal buildings were in compliance with the Architectural Barriers Act of 1968. This study documented systematic violations of the spirit and letter of the Act, and the corrective remedies proposed by the GAO are the substance of Title II of H.R. 15134, and the legislation which I introduced.

Oversight hearings on the effectiveness of the Act were conducted by the Investigations and Review Subcommittee of the Public Works and Transportation Committee last October. As a member of that subcommittee, I listened as GAO's Associate Director of Federal Personnel and Compensation, Mr. Clifford Gould, testified about the results of the GAO study. At that time, I joined a number of my colleagues on the subcommittee in expressing our deep personal regret that the best intent and ideals of the Congress were being ignored to the detriment of millions of disabled. I pledged to work for remedial legislation, and H.R. 13174 resulted from this pledge.

I am sure that the members of this subcommittee are familiar with the GAO study. Although most of the 314 buildings surveyed by the GAO were in various stages of compliance with the Architectural Barriers Act, not a single building was completely free of barriers. The GAO found serious deficiencies in the implementation of the Act by HEW, GSA, DOD, and HUD.

Mr. Chairman, I believe that provisions of Title II of H.R. 15134 would increase the necessary oversight by these federal departments to assure that federally financed buildings comply with the Act. Another important technical correction by this bill is to include Postal Service facilities under the Act. Also, H.R. 15134 takes an important step in requiring annual reports from the Administrator of GSA on the status of activities related to the Architectural Barriers Act. The accountability fostered by these reports will act as a deterrent to the neglect which allowed so many violations of the Act.

Last October, Mr. Chairman, I had the opportunity to spend a day confined within a wheelchair, accompanied by a number of government officials of my Congressional district. One needs to experience firsthand the frustrations of being dependent upon others for mobility before becoming truly aware and sensitive to the plight of our physically handicapped. It is certainly not a problem for just a few of our citizens. An estimated 18 million people are prevented from using buildings designed solely for the physically fit. It is clear to me that millions of the physically-handicapped could participate in productive jobs, in furthering their education, and finding recreational and cultural outlets if buildings were constructed to accommodate them. There are few, if any, of the handicapped who relish their dependence upon others. But physical barriers—in buildings, trans-

portation, and communication—deny to the handicapped many of the things which most of us take for granted, making our handicapped second-class citizens. The disabled have enough problems overcoming the invisible barriers of prejudice which deny them opportunities which they are physically capable of taking advantage.

There has been much concern about the cost of making buildings barrier-free, and this concern has contributed to the slow pace of compliance with the Act. I believe that the cost factor has been highly exaggerated in the past. I would like to bring to the attention of the subcommittee some provocative commentary discounting the cost issue which appears in a HUD report entitled "Barrier-Free Site Design":

"Frequently, the anticipation of extreme costs has stifled discussion and more thorough evaluation of the incorporation of considerations for the handicapped into new construction projects. Even greater anxiety is attached to the likely costs in correcting already-built situations. This apprehension continues, due mostly to the lack of research into the cost/benefit aspects of barrier-free construction. Recent studies have begun to bring information to this subject which indicates that earlier assumptions of costs were, in fact, exaggerated.

In a study undertaken by Perkins and Will, Architects, on the costs of barrier-free construction, an analysis of a questionnaire sent to local officials revealed two important points. First, that the cost to eliminate architectural barriers would not have been an important consideration to cities and counties that have undertaken projects that have proven to be restrictive to the handicapped. Second, that less than 10% of the architects surveyed, felt that a building constructed to be fully accessible to the handicapped would be prohibitively costly . . .

Of the 3 new existing structures studied, it was estimated that each building could have been constructed in such a way as to provide total accessibility for less than 1/10 of 1% of total construction costs. Likewise, 6 of the 7 hypothetical buildings studied could have been constructed barrier-free for less than 1/2 of 1% of the original construction costs. Although this study does not relate directly to costs of site accessibility, it may be surmised that the price of making a site barrier-free would be even less, since modifications to buildings are likely to be more extensive than site renovations . . ."

Mr. Chairman, I would like to take a minute or two to point out how provisions in H.R. 15134 close the loopholes which have made the implementation of the Architectural Barriers Act a national disgrace. A factor contributing strongly to the high rate of noncompliance with the Act is that the language provides no strong mandate to the federal departments charged with providing access to buildings within their respective jurisdictions. The bill before this subcommittee remedies this shortcoming by requiring each agency to prescribe standards, rather than making their responsibilities discretionary. I believe that the language from page 8, line 14, up to and including line 9 on page 9, is sufficient to assure that the GSA, HUD, and DOD will be more vigilant in carrying out their responsibilities under the Act.

Another fault with the language of the Act is that it excludes privately-owned residential structures from its provisions. Unfortunately, such structures leased to the government for subsidized housing programs do not have to comply with the Act's provisions. I do not believe that this was the intent of the Act. Lines 8-9 on page 8 of the bill will clarify the intent of Congress in this area. Other amendments made by the bill, suggested by the GAO, are the establishment of a system of continuing surveys and investigation to assure compliance with the Act's provisions, and the elimination of the exemption of Postal Service facilities from the Act. The first amendment should mean that GAO's study of the Act five years from now will not be a repetition of its July 1975 findings. The second amendment will correct an unintended legislative oversight. The postal Reorganization Act of 1970 exempted the Postal Service from federal laws dealing with public or federal contracts and property except certain laws enumerated in that Act. The Architectural Barriers Act was omitted from this list. Although the Postal Service has promulgated regulations that its facilities should be accessible, I understand that there have been problems with compliance. The amendment made by the last four lines of H.R. 15134 will make Congressional intent in this matter unequivocal.

Finally, the Act excludes buildings and facilities leased by the government which were not constructed or altered to government-drafted plans and specifications. This provision, according to the GAO, excludes many buildings which

were leased to the government without substantial alteration. The amendment made by lines 10-13 of page 7 will solve that problem by including such buildings.

Mr. Chairman, for those who may be unfamiliar with the history of Congressional action in increasing the accessibility of public buildings to the handicapped, I would like to briefly review this.

The Housing Act of 1964 fostered the construction of over 50,000 federally-subsidized housing units which are accessible to the disabled. The Department of Housing and Urban Development estimates that this spurred the construction of 200,000 additional barrier-free housing units by State and local housing authorities since 1969. Incidentally, all 50 states and the District of Columbia have enacted laws promoting the accessibility of public buildings. Without the cooperation of state and local governments, federal action, no matter how well-motivated, will have little success in making this nation reasonably barrier-free.

In 1965, Congress established the National Commission on Architectural Barriers to study the problem of building accessibility and recommend further action. Within two years, the Commission recommended that all buildings owned or leased by the federal government, or constructed with federal funds, be accessible to the physically handicapped. In response, Congress enacted Public Law 90-480, the Architectural Barriers Act of 1968. This Act mandated that with few exceptions, federally-funded buildings should be accessible. By the time this law was enacted, 34 states had taken similar legislative or administrative action to make public buildings accessible.

The Act was amended in March of 1970 to require that the Metro subway in the District of Columbia be covered by the Act. The Architectural Barriers Compliance Board was established by Section 502 of the Rehabilitation Act of 1973 to investigate and survey compliance with the Architectural Barriers Act. The Board was given additional related responsibilities such as making recommendations to the Congress and the President on matters with regard to the removal of architectural barriers, and to provide assistance and promote coordination of local governments in this area. Technical changes in the Board were made by the Rehabilitation Act Amendments of 1974. The most significant change was to give the Board the authority to withhold or suspend federal funds to any building which fails to comply with the Architectural Barriers Act.

Mr. Chairman, the action of this Committee in swiftly reporting a strong bill will reassure the handicapped community that the Congress is committed to more than empty rhetoric to solve the problems of the disabled. I know that you share my concerns and again I wish to congratulate you on your leadership. I appreciate the opportunity to testify today, and I pledge to work with you, Mr. Chairman, to expedite action on H.R. 15134 when the bill is considered by our full Committee.

Mr. EDGAR. Mr. Chairman and Mr. Walsh, and members of the subcommittee: I want to thank you for holding these hearings and in particular for including title II in this bill, H.R. 15134.

Back in April of this year I introduced H.R. 13174, which is a bill very similar to title II.

I introduced that bill as a result of two important events in my life.

The first event was having an opportunity as a member of the Investigations and Review Subcommittee of our Public Works Committee last October, to listen to testimony related to the GAO study and the evaluation of that study.

As we looked at the architectural barriers legislation in 1968, as we studied the problems it had, and as we looked at some of the possibilities for legislation, I carefully reviewed that study.

It was just coincidental that at the same time we were reviewing the updated comments by the GAO, a group of community people in my congressional district organized a program whereby some of us had the opportunity to spend half a day in a wheelchair riding around the small borough of Media, Pa.

As I went that day to get into the wheelchair and participate, I had no idea of the kinds of barriers that I would find myself confronted with.

I climbed into the wheelchair and began to be wheeled around the community.

I found myself having great difficulty getting up and down curbs.

I went to the local county courthouse and found that I could not get in.

There was no door that gave me access.

I went down the Main Street of the community and found that only the taproom and the State store selling liquor were accessible to the handicapped.

All of the five and dimes and the local grocery stores and all of the other community stores available to me were all closed out because either the doors were too narrow, or there was a step, or there were no ramps allowing me access to the building.

I also discovered inside one of the buildings after someone had to lift me into the building, that I could not use a pay telephone.

There was no way that I could reach my hand up and put the dime in the slot and hold the telephone to my ear. I was unable to dial that telephone, even after asking someone to hand down the receiver to me.

I went to the men's room in that public building.

The first problem I had was that the wheelchair just barely got through the opening and then when I got in I found that I did not have access to any of the facilities.

It just pointed out to me something that I had known in the back of my mind but had not really taken very seriously: That people who do have a handicap, particularly those in wheelchairs, are at a great disadvantage in trying to have access to some of the job opportunities, educational opportunities, governmental opportunities, opportunities for food and clothing and shelter.

I became very alarmed.

So, I came back and with my staff we put together legislation similar to title II of H.R. 15134, and introduced it.

I would like to point out to the subcommittee that one of the arguments that is used against enforcing barrier-free legislation is the economic cost.

Many times people say it is too expensive. They claim that the cost factor is just too much for anyone to force the post offices and other public buildings to be completely accessible.

I would like to draw the subcommittee's attention to a HUD report entitled "Barrier-Free Site Design," which I am sure most of your members have seen.

In that report there is a quote which I would like to share with you briefly.

It says:

Frequently, the anticipation of extreme costs has stifled discussion and more thorough evaluation of the incorporation of considerations for the handicapped into new construction projects. Even greater anxiety is attached to the likely costs in correcting already-built situations. This apprehension continues, due mostly to the lack of research into the cost/benefit aspects of barrier-free construction. Recent studies have begun to bring information to this subject which indicates that earlier assumptions of costs were, in fact, exaggerated.

In a study undertaken by Perkins and Will, Architects, on the costs of barrier-free construction, an analysis of a questionnaire sent to local officials revealed two important points. First, that the cost to eliminate architectural barriers would not have been an important consideration to cities and counties that have undertaken projects that have proven to be restrictive to the handicapped. Second, that

less than 10 percent of the architects surveyed, felt that a building constructed to be fully accessible to the handicapped would be prohibitively costly . . .

Of the three new existing structures studied, it was estimated that each building could have been constructed in such a way as to provide total accessibility for less than  $\frac{1}{10}$  of 1 percent of total construction costs. Likewise, six of the seven hypothetical buildings studied could have been constructed barrier-free for less than  $\frac{1}{2}$  of 1 percent of the original construction costs. Although this study does not relate directly to costs of site accessibility, it may be surmised that the price of making a site barrier-free would be even less, since modifications to buildings are likely to be more extensive than site renovations . . .

I would like to conclude by simply saying that I believe that title II should mandate to the Federal agencies a very strong commitment to have all new construction barrier-free and, where possible, to provide for renovation of existing buildings.

I also think that title II ought to include, as it does, some language which would not exclude privately owned residential structures from its provisions.

We lease and we rent buildings for the poor, the middle-income people, and I think we ought to encourage as strongly as possible accessibility of those facilities.

One final illustration.

When I was a pastor in the East Falls section in the city of Philadelphia, my church was sandwiched between two large predominantly black, predominantly low-income housing projects.

As I would ride around that community with a service called the policy clergy unit, we would find many elderly people on the 14th or 15th floor of a high rise apartment complex. We would discover that the elevators were not working, that the steps were completely inaccessible to even the police and firefighters who tried to protect the citizens in those high rise apartment dwellings.

If, in fact, we do have barrier-free programs that gear to the poor and to the middle-income person, I would hope that there would also be a strong impetus on the part of local, State, and national officials to make sure that once a facility is barrier-free and has access to the higher reaches of that building, that also maintenance of the facilities are cared for so that you do not have clogged and jammed elevators and senior citizens finding themselves in high rise 14th and 15th floors without access to the street, without access to groceries and other important things, to assure their survival.

I appreciate the opportunity to testify today.

I think the subcommittee has shown its leadership in holding these hearings and moving in the right direction.

I look forward to having a very strong bill reported out of your subcommittee so that we can mark it up in full committee and send it on to the full House.

That concludes my statement.

Mr. GINN. On behalf of the subcommittee, Bob, I certainly want to thank you for giving us some of your valuable time this morning to come and talk to us about title II of this legislation.

It is a fact that you are one of the prime movers behind barrier-free legislation.

In the short time that I have had the privilege of serving as chairman of the subcommittee you talked to me at least a dozen times about it and I am very grateful to you for sharing with us today your knowledge of the subject.

Mr. Walsh, do you have questions?

Mr. WALSH. Just an observation, Mr. Chairman.

I, too, would like to congratulate our colleague, Mr. Edgar, for a very forceful statement and for his strong support of this legislation.

You might be interested, Bob, to know I think it was 4 years ago I contacted the architect of the Capitol and told him or pointed out to him that the galleries are not available to the handicapped here in the House.

He assured me that he had the matter under study at that time and that they could get a wheelchair in some of the doors and park them up on top there.

But, I do not see any progress being made in making the galleries available to the handicapped and I think we could all get together in this case.

Thank you.

Mr. GINN. Mrs. Lloyd?

Mrs. LLOYD. I would like to thank Bob for being here and providing us with his experience.

I know no Member of Congress is more sensitive to the needs.

We congratulate you for your interest and your work in this legislation.

Thank you, Mr. Chairman.

Mr. GINN. Mr. Fary.

Mr. FARY. Bob, I wish to reiterate what has been said and I am happy to work with you.

Mr. GINN. Mr. Hefner.

Mr. HEFNER. Thank you, Mr. Chairman.

It is very precise testimony.

Did you say two of the places you found were accessible to the handicapped were the bar and liquor store?

Mr. EDGAR. The bar and liquor store were very accessible to the wheelchair.

They had the pressurized pads and you could ride the wheelchair on them and the doors were wide open. You could easily get into the taproom and the State store.

Mr. HEFNER. Thank you.

Mr. GINN. Bob, thank you for being with us this morning.

Mr. EDGAR. Thank you.

Mr. GINN. Our next witness is Mr. Clifford L. Gould, Associate Director, Federal Personnel and Compensation Division, General Accounting Office.

Mr. Gould, would you please take the witness stand?

I see you have an associate with you.

Would you please introduce him for the record?

**TESTIMONY OF CLIFFORD L. GOULD, DEPUTY DIRECTOR, FEDERAL PERSONNEL AND COMPENSATION DIVISION, GENERAL ACCOUNTING OFFICE, ACCOMPANIED BY HAROLD LEWIS, ASSISTANT DIRECTOR, FEDERAL PERSONNEL AND ACCOUNTING DIVISION**

Mr. GOULD. I am accompanied by Harold Lewis, Assistant Director, Federal Personnel and Compensation Division. Mr. Lewis had responsibility for the review of the implementation of the Architectural Barriers Act.

Mr. GINN. That was Harold Lewis?

Mr. GOULD. Yes.

Mr. GINN. We welcome you, Mr. Lewis.

I will ask you to proceed as you see fit.

Mr. GOULD. I would like to read my statement.

It is short.

Title II of the bill is responsive to recommendations in our July 15, 1975, report, "Further Action Needed To Make All Public Buildings Accessible to the Physically Handicapped."

We made a review during the period July through December 1974 to assess the effectiveness of Public Law 90-480, known as the Architectural Barriers Act of 1968. We inspected and analyzed 314 federally financed buildings and/or building plans in 66 geographical areas of 35 States and the District of Columbia. We performed the inspections using a checklist based on the ANSI standard to judge the buildings. Each of the Federal agencies included in our review had adopted the ANSI standard and made it applicable to all construction under their responsibility. All inspected buildings were constructed, altered, or leased after enactment of the Architectural Barriers Act in August 1968.

Enactment of the Architectural Barriers Act was a significant step toward insuring the accessibility of public buildings to the physically handicapped. However, we found that the act had only a minor effect on making public buildings barrier-free.

For an act to be effective, its requirements must be clearly stated. Implementing action was left to the discretion of the agencies named in the act. It authorized the agencies to prescribe whatever standards were necessary to assure access to handicapped persons, to waive the standards on a case-by-case basis, and to make surveys and investigations deemed necessary to assure compliance with established standards. These provisions amounted to a delegation of authority to carry out the congressional intent of the act rather than a statutory mandate. The determination of the standards' content, waiver of the established standards, or nature or number of surveys is purely discretionary. We believe that the lack of success in removing architectural barriers resulted, at least in part, from the permissiveness of the act's terms.

Another of our concerns related to section 1 of the act, which defines "building." Under the present definition most Government-leased buildings and all privately owned buildings leased to the Government for public housing are excluded from coverage.

The U.S. Postal Service, which was established after passage of the Architectural Barriers Act, is exempted. The legislative history of the act indicates a congressional intent that buildings and facilities of what was then the Post Office Department be covered. However, the Postal Reorganization Act of 1970 exempted the newly created Postal Service from application of any Federal law dealing with public or Federal contracts and property except for those specifically enumerated in 39 U.S.C. 410(b). Section 410(b) does not list the Architectural Barriers Act.

We recommended that Congress amend existing legislation to:

Impose a clear statutory mandate that Federal agencies named in the Architectural Barriers Act insure that public buildings are made accessible to the physically handicapped.

Include within the coverage of the act all Government-leased buildings and facilities intended for public use or in which the physically handicapped might be employed as well as all privately owned buildings leased to the Government for public housing.

Require that agencies named in the act establish a system of continuing surveys and investigations to insure compliance with prescribed standards.

Remove the present exemption of the U.S. Postal Service from coverage by the Architectural Barriers Act.

Specific language for clarifying the Federal laws was provided in our report.

Title II of H.R. 15134 is completely responsive to our recommendations for strengthening the Architectural Barriers Act. The legislation would impose a clear statutory mandate that Federal agencies named in the Architectural Barriers Act insure that public buildings are made accessible to the physically handicapped. The legislation would include within the coverage of the act all Government-leased buildings and facilities intended for public use or in which the physically handicapped might be employed, all privately owned buildings leased to the Government for public housing, and the Postal Service.

In addition, agencies named in the act would be required to establish a system of continuing surveys and investigations to insure compliance with prescribed standards. Lastly, an annual report to Congress is required on GSA's activities and those of other departments, agencies, and instrumentalities of the Federal Government on standards issued, revised, awarded, or repealed under this act and all waivers of such standards granted.

We urge that the subcommittee favorably consider adoption of the provisions set forth in title II of the bill.

This concludes my prepared statement. We will be happy to respond to any questions.

Mr. GINN. Thank you very much, Mr. Gould.

We are grateful for you coming here today and testifying so strongly on some of your recommendations which are encompassed in this legislation.

As you pointed out, in the original act we used the language "may." In this legislation we are substituting "shall."

We hope by so doing we will be able to move on with the job of removing barriers for the physically handicapped.

I personally want to thank you for your very, very strong statement.

Mr. WALSH, do you have any questions?

Mr. WALSH. Thank you, Mr. Chairman.

Mr. Gould, in your statement you said that you inspected and analyzed 314 Federal-financed buildings and/or building plans.

Did you find any of them in compliance with the Architectural Barriers Act?

Mr. GOULD. In our study we found buildings in varying stages of compliance.

We found no single building totally accessible. There were barriers in the parking lots, in the entrances to the buildings, in the accessibility of restroom facilities, and so on.

Mr. WALSH. Can you hazard a guess as to the total number?

Would it be less than, say, 25 percent in compliance?

Mr. GOULD. I think we could provide that for the record.

Mr. WALSH. You could provide that?

Mr. GOULD. We can provide that information as it relates to each specific item that is described by the ANSI standards.

Mr. WALSH. I think that would be helpful.

Mr. GOULD. We would be pleased to do so.

[The following was received for the record:]

U.S. GENERAL ACCOUNTING OFFICE,  
Washington, D.C., August 27, 1976.

HON. RONALD "BO" GINN,  
Chairman, Subcommittee on Public Buildings and Grounds,  
Committee on Public Works and Transportation,  
House of Representatives.

DEAR MR. CHAIRMAN: During my testimony at the hearings on August 26, 1976, concerning Title II of H.R. 15134, relating to the accessibility of certain buildings to the physically handicapped, Congressman Walsh asked me to provide information on how many buildings in our study had less than 25 percent compliance with the ANSI standard.

We found that no building inspected was completely free of barriers; however, most buildings were in varying stages of compliance with the ANSI standard. Restrooms; controls for heat, air conditioning, and lighting; identification of building areas; elevators; parking lots; and doors and doorways most often did not conform to the ANSI standard. Major barriers found from the parking lots to the building entrances included streets to cross, high curbs to negotiate, and steps to climb. Inside the buildings, major barriers included restrooms with unusable toilet stalls, water fountains that were too high, and elevators with controls beyond the reach of the physically handicapped.

The enclosure provides additional information summarized from our checklists completed during building inspections.

We hope this is responsive to Congressman Walsh's inquiry.

Sincerely yours,

CLIFFORD I. GOULD,  
Deputy Director.

Enclosure.

The ANSI Standard sets forth minimum design requirements for 16 different aspects of a building—such as grading, parking lots, walks, entrances, doors and doorways, and restrooms—to make it accessible and functional for the physically handicapped without loss of function or space for the general public.

Using ANSI Standard criteria we measured the progress of GSA, DOD, HUD, and HEW in achieving barrier-free buildings by inspecting 314 buildings constructed, altered, or leased after passage of the act. All buildings were not evaluated for every category because certain categories were not applicable to some buildings or undeterminable from building plans. For example, not every building had public telephones, ramps, etc., and some building plans did not show the exact height of every fixture. The following summary data has been taken from checklists completed during our inspections.

#### SITE DEVELOPMENT

Grading: 8 percent of the buildings did not have proper grading permitting access to normal entrances by the physically handicapped.

## Walks:

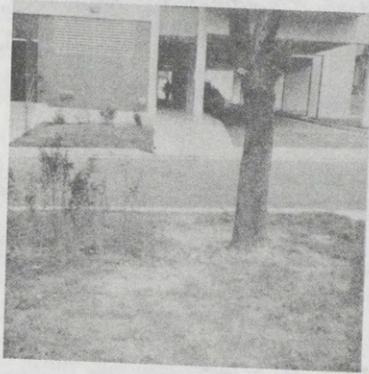
- 11 percent of the buildings had walks with gradients exceeding 5 percent,
- 36 percent of the walks did not blend to a common level whenever they crossed other walks, driveways, or parking lots, and
- 16 percent of the walks did not have adequate platforms at entrances to buildings.

Following are illustrations of typical walk conditions we observed.



NAVAL HOSPITAL--CHARLESTON, S.C.

Curb and walk at rear of building, serving several thousand outpatients a month, that would limit access to building (elevation of walk exceeds 5 percent).



GOVAN'S MANOR--HIGHRISE FOR THE ELDERLY--BALTIMORE, MD.  
Walk with a 2-inch curb and a gradient exceeding 10 percent precludes wheelchair traffic.

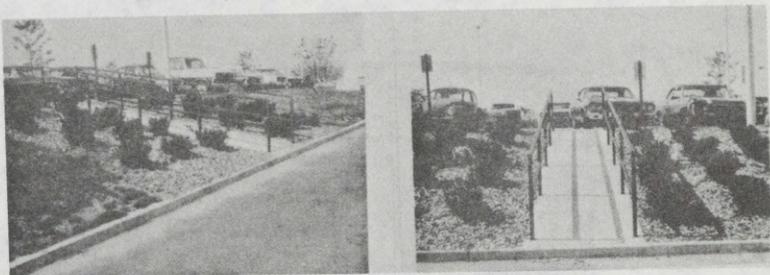
## Parking lots:

--79 percent of the buildings did not have parking with spaces designated for the physically handicapped,

--79 percent of the parking was located where the physically disabled had to wheel or walk behind parked cars, and

--51 percent of the parking did not have a clear, level path (void of curbs) from the parking lot to the building entrance.

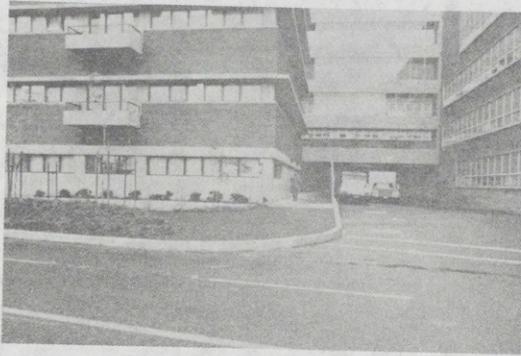
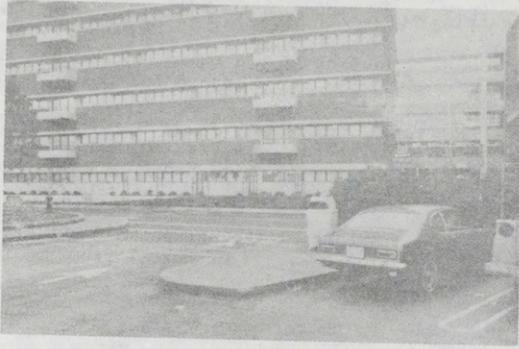
The following photographs depict typical parking lot conditions.



NAVAL HOSPITAL--NEW LONDON, CONN.  
Ramp with curb--from parking lot to building emergency entrance.



HARBORVIEW COMMUNITY MENTAL HEALTH CENTER--SEATTLE, WASH.  
Steps preclude access from rear parking lot to rear entrance.



HEALTH SCIENCES BUILDING-SCHOOL OF DENTISTRY-UNIVERSITY OF WASHINGTON-  
SEATTLE, WASH.

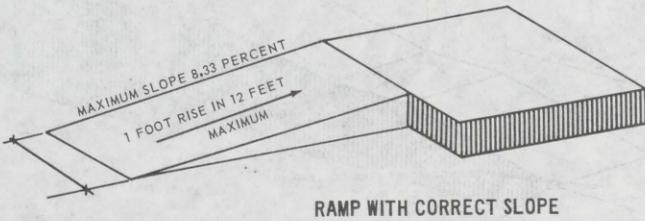
A three-lane road and a 9-inch curb preclude access to the building from the parking lot.

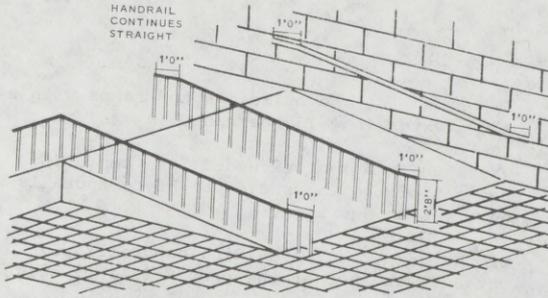
Buildings

## Ramps:

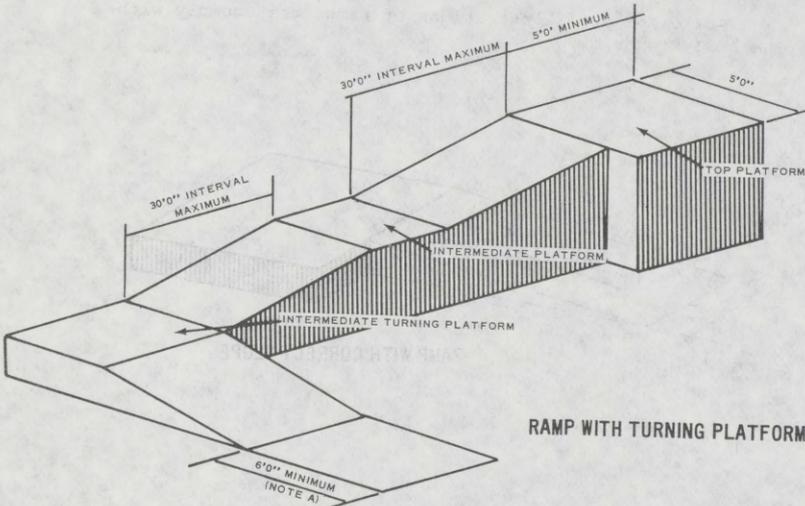
- 26 percent of the buildings had ramps with a slope exceeding 8.33 percent,
- where the gradient exceeded 5 percent, 35 percent of the ramps did not have handrails on on at least one side,
- of the 65 percent providing handrails, 67 percent were not at the proper 32 inch height,
- 73 percent of the handrails did not extend 1 foot beyond the top and bottom of the ramp, and
- 61 percent did not provide rest areas at 30-foot intervals when the grade exceeded 5 percent.

Following are illustrations of ramps that comply with the ANSI Standard.





RAMP WITH APPROPRIATE HANDRAILS



RAMP WITH TURNING PLATFORM

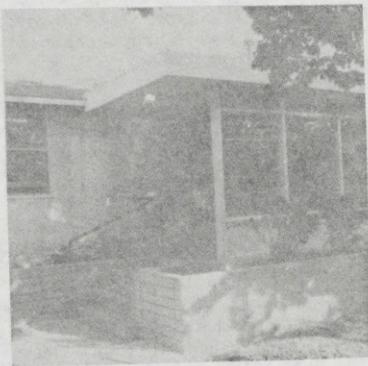
FROM "AN ILLUSTRATED HANDBOOK OF THE HANDICAPPED SECTION OF THE NORTH CAROLINA STATE BUILDING CODE." ILLUSTRATIONS COPYRIGHT 1974 BY RONALD L. MACE. PERMISSION GRANTED FOR USE.

A THE NORTH CAROLINA BUILDING CODE REQUIRES 5' 0" MINIMUM CLEARANCE AT THE BOTTOM OF THE RAMP, WHEREAS THE ANSI STANDARD REQUIRES 6' 0" MINIMUM CLEARANCE.

## Entrances:

--24 percent did not have at least one entrance usable by persons in wheelchairs.

The following photographs show unusable entrances.



PHARMACY/IMMUNIZATION CENTER--FORT MACARTHUR--SAN PEDRO, CALIF.  
Steps at front entrance and the absence of a level platform at rear entrance preclude access to building.



U.S. POST OFFICE--FT. GORDON, GA.  
Entrance not usable by persons in wheelchairs because of steps.

## Doors and doorways:

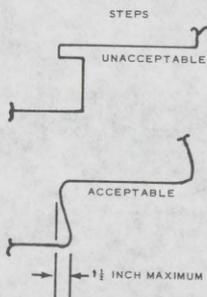
- 26 percent of the buildings had doors with less than a 32-inch clear opening.
- 16 percent had doors that were not operable by a single effort, and
- 12 percent had doorsills with sharp inclines or abrupt changes in level.

## Stairs:

- 27 percent of the buildings had steps with abrupt nosing,
- 64 percent had steps without 32 inch high handrails, and
- 20 percent had steps exceeding 7 inches in height.

Steps must be designed to preclude abrupt nosing which can trip individuals with artificial legs, long leg braces, or comparable restrictions.

The following illustrates acceptable and unacceptable steps.



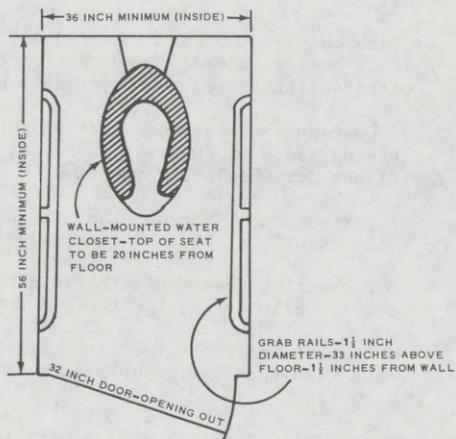
## Floors:

- 17 percent of the buildings had floors with slippery surfaces and
- 4 percent had floors where there was a difference in level between the corridor and adjacent rooms.

## Restrooms:

- 35 percent of the buildings did not have a least one restroom for each sex on each floor with facilities for the physically handicapped,
- 38 percent had restrooms that did not have ample turning space of 60-by-60 inches at door entrances for wheelchair traffic.
- 36 percent had restrooms that did not have toilet stalls at least 3 feet wide,
- 18 percent had restrooms that did not have toilet stalls at least 4 feet, 8 inches deep,
- 62 percent had restrooms with toilet stall doors less than 32 inches wide that did not swing out,
- 58 percent had toilet stalls with incorrectly mounted grab bars,
- 69 percent had toilets with water closet seats that were not 20 inches from the floor,
- 76 percent did not have lavatories usable by individuals in wheelchairs, and
- 74 percent did not have restrooms with at least one mirror mounted no higher than 40 inches; 64 percent did not have a least one shelf in the restroom mounted as low as 40 inches; and 90 percent did not have a towel dispenser mounted no higher than 40 inches from the floor.

The following illustrates a toilet stall for use by the handicapped that complies with the ANSI Standard.



#### Water fountains:

--34 percent of the buildings did not have at least one accessible water fountain on each floor and

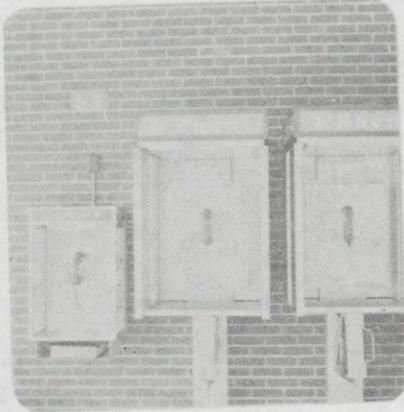
--77 percent had wall-mounted water fountains higher than 36 inches.

Public telephones:

--63 percent of the buildings did not have at least one accessible public telephone in each bank of telephones and

--99 percent did not have telephones equipped for persons with hearing disabilities.

An example of an accessible telephone equipped for persons with hearing disabilities is shown below.



UNIVERSITY OF NORTH FLORIDA--JACKSONVILLE, FLA.  
Lowered telephone equipped for persons with hearing disabilities.

## Elevators:

- 5 percent of the multiple-story buildings did not have elevators,
- 73 percent had elevators with call buttons higher than 48 inches from the floor,
- 95 percent had elevators with control buttons inside the elevators higher than 48 inches, and
- 47 percent had elevators with a cab size less than 60-by-60 inches.

## Controls:

- 73 percent had controls (switches, fire alarms, thermostats, etc.) located more than 48 inches above the floor.

## Identification:

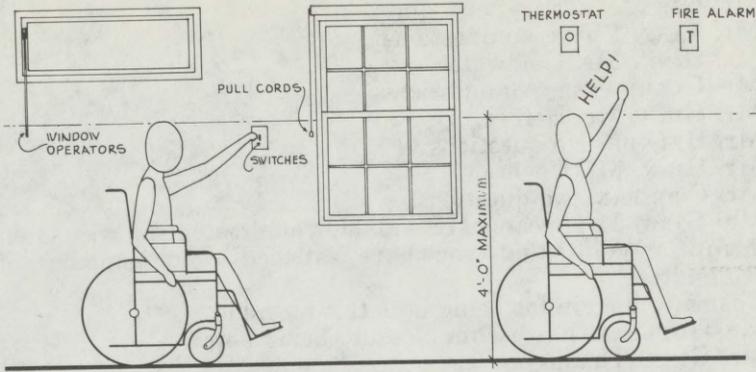
- 42 percent did not have raised or recessed letters or numbers to identify offices or rooms for the blind.

## Warning signals:

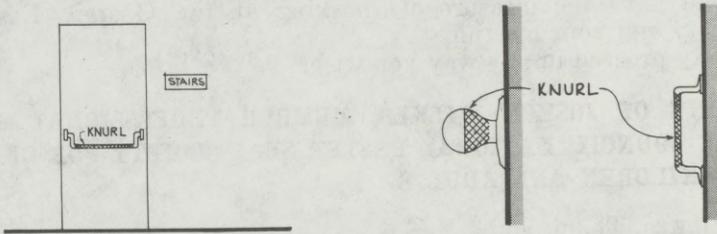
- 89 percent did not have simultaneous audible and visual warning signals.

## Hazards:

- 86 percent did not have knurled door knobs to warn blind persons of dangerous areas.



ILLUSTRATIONS OF APPROPRIATE CONTROLS,  
IDENTIFICATION, AND WARNING OF HAZARDS



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Mr. WALSH. No further questions, Mr. Chairman.

Mr. GINN. Mr. Fary, any questions?

Mr. FARY. I have no questions.

Mr. GINN. Mr. Goldwater.

Mr. GOLDWATER. No questions.

Mr. GINN. Mr. Hefner.

Mr. HEFNER. No questions.

Mr. GINN. Mr. Cochran.

Mr. COCHRAN. No questions.

Mr. GINN. It appears, Mr. Gould, your statement was so concise and to the point that you have satisfied every member of the subcommittee.

Thank you again for being here this morning.

Mr. GOULD. It has been a pleasure being here.

Mr. GINN. Thank you, sir.

Our next witness is representing an organization which is perhaps one of the best known organizations in the country for the great work that it has done.

The witness' name is Joseph Wilkes, member, Professional Advisory Council, National Easter Seal Society for Crippled Children and Adults.

Mr. Wilkes, it is a pleasure to welcome you here and to tell you that I will have the pleasure of speaking at the Georgia Easter Seal Society and your meeting.

You may proceed in any way you wish.

**TESTIMONY OF JOSEPH WILKES, MEMBER PROFESSIONAL ADVISORY COUNCIL, NATIONAL EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN AND ADULTS**

Mr. WILKES. Thank you.

I would like to read a brief statement.

I am here today to give testimony as a member of the Professional Advisory Council of the National Easter Seal Society for Crippled Children and Adults. It is a privilege to be given the opportunity to present a statement on behalf of this organization to your subcommittee.

For over 50 years, the National Easter Seal Society for Crippled Children has dedicated itself to providing rehabilitation services to children and adults with physical handicaps. These services relate not only to the individual, but also to the environment in which he functions. From its beginning, the National Easter Seal Society has recognized that the benefits received by handicapped persons from our treatment centers are fully realized only when these persons are able to participate in the mainstream of life in their communities.

No one can quarrel with this concept. The question is, how can we convert the concept to a reality in the lives of some 30 million Americans?

There is no doubt that a highly sophisticated response is needed on the part of both the public and private sectors in the country to bring this about.

Considerable advances have been made in recent years by Congress and by an increasingly effective partnership demanding coordination of public and private resources.

The widespread adoption of a National Policy for a Barrier-Free Environment, a copy of which I would like to submit into the record, is one example of the increased consciousness of the rights of handicapped persons for an accessible environment. The National Easter Seal Society takes pride in being the first of more than 150 organizations to adopt this policy which was submitted last year as a concurrent resolution in the U.S. House of Representatives by Congressman John Brademas, and in the U.S. Senate by Senator Jennings Randolph.

The policy reads in part:

Therefore, it shall be national policy to recognize the inherent right of all citizens to the full development of their economic, social, and personal potential regardless of their physical disability through the free use of the man-made environment.

The strength of this commitment is yet to be tested but it is generally recognized that an essential key to a totally barrier-free environment lies in the effective implementation of the laws, codes, and other ordinances which require accessibility in the building of our man-made environment.

This subcommittee's hearings reflect the growing concern for an assessment of the effectiveness of these laws. The National Easter Seal Society has followed and participated in the recent upsurge of interest in such assessment of laws which we helped enact on behalf of persons with handicaps.

Many members of this subcommittee, I understand, are already familiar with one particular project which was conducted in Iowa by that State's Governor's Committee on Employment of the Handicapped, its chapter of the American Institute of Architects, and its Easter Seal Society. The report of the findings of that study which is entitled "Accessibility, the Law and the Reality," as well as a followup study conducted on a national basis by the General Services Administration show conclusively that Federal agencies subject to mandate of the Public Law 90-480 have demonstrated either disregard or lack of awareness of its provisions for incorporating accessibility features in the design of their buildings.

The subcommittee, I am sure, is also familiar with the U.S. Comptroller General's report to the Congress on July 15, 1975, entitled "Further Action Needed To Make All Public Buildings Accessible to the Physically Handicapped."

This report concludes that GSA's efforts to carry out the congressional intent of the Architectural Barriers Act have not been successful. One reason cited for this lack of success is that specific design review procedures and systems of surveys and investigations have not been established to insure compliance with the act.

The urgency of correcting this situation cannot be overstated. Regulations, recently released by the Secretary of the U.S. Department of Health, Education, and Welfare for section 504 of the 1973 Rehabilitation Act demonstrate the degree to which lack of accessibility is correlated to an infringement of the rights of handicapped persons. It is generally recognized that section 504 is indicative of the intent of Congress to end the many instances of unfair, discriminatory treatment of handicapped persons, including the existence of environmental barriers which curtail handicapped persons from enjoying

opportunities for employment, recreation, education, transportation, housing, and other community services.

Another important provision in the 1973 Rehabilitation Act is the creation of the Architectural and Transportation Barriers Compliance Board for the purpose of strengthening compliance with Public Law 90-480. Among the functions given to the Board by Congress is insuring compliance with standards prescribed pursuant to the Architectural Barriers Act of 1968.

Acting as a distributing agent for the Compliance Board, the National Easter Seal Society's Information Center distributes materials aimed at acquainting the public with the Board's functions, including compliance with the standards prescribed under the Architectural Barriers Act. Thus, the private and public sectors have joined in an attempt to create a viable enforcement program.

But much more needs to be done to assure all physically handicapped people a barrier-free environment at least with respect to federally owned or financed buildings.

The Easter Seal Society endorses the provisions of H.R. 15134, title II, as substantial steps toward assuring access to Federal buildings and federally financed buildings for physically handicapped people.

These provisions reflect the recommendations of the GAO study that prescription of standards be mandatory and that GSA establish a system of investigations and surveys to insure agency compliance with prescribed standards.

We would like to suggest the need also for better coordination between the compliance roles of GSA and the Compliance Board. Both organizations have compliance responsibility but their interaction is not clearly delineated. Perhaps the Architectural Barriers Act should be amended to establish a formal relationship between these agencies beyond that involved in the membership of the GSA Administrator on the Compliance Board.

As both the House and Senate have recognized through the passage of architectural barrier legislation, rehabilitation of handicapped people depends as much on changes in the environment to assure mobility as it does on medical care and vocational and social services.

Of what use is improved medical rehabilitation of spinal cord injured people or vocational training of those with severe cerebral palsy or all the engineering devices an individual can use if he or she still cannot enter our Nation's buildings or traverse our Nation's roads? Making Federal buildings accessible is only a start, but it is surely an important one.

The positive symbolism of barrier-free governmental buildings on the private sector and on our transportation systems is not to be lightly dismissed. Obviously, your efforts are likely to make a real difference to the physically handicapped of our country and we commend you for them.

In conclusion, Mr. Chairman, let me express the appreciation of the Easter Seal Society for Crippled Children and Adults to you for providing us with the opportunity to speak in behalf of 30 million Americans who suffer some mobility problems. By addressing the issue of enforcement, this subcommittee has focused on an area

which we believe is critical to realizing the congressional intent behind the 1968 Architectural Barriers Act.

We commend you for calling national attention to the issue through these hearings, and assure you of the continued cooperation and support of the National Easter Seal Society.

Thank you.

Mr. GINN. Thank you very much, Mr. Wilkes, for your fine statement.

There is considerable interest in barrier-free legislation.

I have just been advised by the clerk of our subcommittee that there are some 15 different bills dealing with this subject before our subcommittee.

So, I think there is considerable interest in moving ahead with the job of trying to secure barrier-free Federal building usage, at least for the 30 million Americans who are in some way immobile.

Mr. Walsh, do you have any questions?

Mr. WALSH. Thank you very much.

Mr. Wilkes, we appreciate very much your strong support.

Mr. GINN. Mr. Fary, do you have any questions?

Mr. FARY. I have no questions, Mr. Chairman.

Mr. GINN. Mr. Goldwater.

Mr. GOLDWATER. Mr. Wilkes, why are we not making more of an effort to make the private sector aware of these findings and standards?

Mr. WILKES. It is my opinion that the private sector is becoming much more aware through a great many devices, some of which we have already touched on.

In architectural schools, for instance, there is a great interest in it.

Although it is a long-range hope that this will reflect on the buildings of the future, I think we are encouraged that there is an increasing interest in the private sector, for example, the use of curb cuts, which people are generally aware of.

Some people think they are for bicycles, but most people understand their real purpose.

I think we are hopeful that in the future we will see some advances.

Mr. GOLDWATER. That reminds me.

Over in Alexandria they cut the curbs and the kids really like them because they can do real good "wheelies" with their bicycles.

Mr. WILKES. Everybody assumes they are for that purpose.

Mr. GOLDWATER. I am wondering if, in fact the older, more established contractor firms and architectural firms are aloof to these modifications or are they taking an interest?

Mr. WILKES. No.

I think they are.

The Journal of the American Institute of Architects carries a great deal of information about it.

I think the average architect today is very aware of the situation and is desiring to do whatever he can within whatever limitations are placed upon him to make his building successful.

I do not think there is the ignorance of this condition that existed 10 years ago.

Mr. GOLDWATER. Do you know what percentage increase in cost will be brought about by fully implemented barrier-free buildings?

Mr. WILKES. It is a figure that will be very hard to pin down. We have talked to people in design of educational facilities and depending upon at what point they become involved in this question, it seems to be, as was indicated by the previous person, rather minimal additional cost.

It is a question of doing it at the proper time.

Making a building accessible after the fact can be somewhat costly.

But, we still feel that it is certainly justified.

Mr. GOLDWATER. Thank you.

Mr. GINN. Mr. Hefner.

Mr. HEFNER. Thank you, Mr. Chairman.

Is it not a fact that in some communities and some States they have building codes which mandate that these types of facilities be built at least in restrooms so they will be accessible to the handicapped?

Mr. WILKES. Yes.

That is true.

There is at the present time a certain confusion about the code requirements.

As you know, the Easter Seal Society has been influential in bringing about the needed revisions to the ANSI standards which we hope will be the accepted standards in their final form, we hope, in the early part of the year, and will be adopted universally.

It will remove some of the confusion that does exist on standards and code requirements that is present now.

Mr. HEFNER. Mr. Goldwater alluded to the fact that the private sector does not seem to be as aware as they should be of the devices and features which are available for the handicapped.

I think with 30 million Americans that are potential buyers of goods and services for the handicapped, that it would do the private sector well to be alerted to these facts.

In many cases, such as St. Petersburg, Fla., which is well-known for retirement, they have been doing this for many, many years.

The sidewalks of St. Petersburg have been more accessible in this respect than many other cities.

I would think that the private sector would certainly wish to pursue this as much as we would because there are many citizens handicapped in some way or another.

I would just like to thank you for an excellent statement, sir.

Mr. WILKES. Thank you, sir.

Mr. GINN. Mr. Cochran.

Mr. COCHRAN. No questions, Mr. Chairman.

Mr. GINN. Mr. Abdnor.

Mr. ABDNOR. I would say, Mr. Wilkes, I, too, had a resolution very similar to which you were speaking of.

I have always been very interested in this.

Something took place that I ran into out in South Dakota, where I come from, over the weekend.

I was addressing a convocation class of a very small college.

We have a number of small colleges.

The handicapped students are very, very minimal. This, I guess, applies to all the public schools there.

There are high schools, 100 or 200 schools. Many times they do not have any handicapped children at all in them.

This new requirement, new ruling, is going to give the schools 3 years to come up to compliance. Most of these schools are getting close to bankruptcy already.

I am just wondering how far you think this should go.

Certainly, I am an advocate of what you are trying to do, but there is a point where we do find, in very rare cases, you may be justified in not doing it.

I wonder what your thoughts might be.

Mr. WILKES. Well, part of the problem is that in many cases we are unaware of the need for these things and we say that there are only a very few handicapped persons because those are the only ones we see.

With the various institutions accessible to the handicapped we might find that there are more people needing them.

Mr. ABDNOR. I was speaking of towns of 500.

I am talking about 500, 600, 700.

Many times there are no handicapped.

Yet we are telling the school to do this.

I just wondered what your thoughts might be.

Like everything else, there is always an exception.

Mr. WILKES. Well, these matters are not, you know, necessarily black and white.

There are degrees of accessibility, although we would hope that institutions would become totally accessible.

An example that comes to mind is Gallaudet College in Washington, which has recently undergone a few rather low-cost changes to some of their buildings on campus which have made them accessible.

They may not have complete accessibility in all areas, but they have made the first step and some of their facilities that heretofore were not accessible are now accessible and to that degree they have made an improvement in the condition.

So, I think even a small community, if it takes a good look at the situation, can make an improvement commensurate with their ability to pay for it.

Mr. ABDNOR. That is true.

But, I was just wondering about that rare exception.

It is hard to write regulations to cover everything, I realize that.

I will not prolong this, but we have this little State of mine with less than 700,000 people.

We have seven institutions of higher learning. The enrollments are not large.

I wonder if maybe two or three of the colleges were singled out and did a good job with this it might be better—with the elevators and all the things they needed.

I think that would be better than requiring all seven.

The money is not available for it.

But, I guess it would be difficult to write a regulation just for my State.

It is just something I am wondering about.

I am certainly for what you are proposing and what you are doing here.

It is much needed and we will do everything we can.

If we can do a better job in a few places, it would be better than trying to do a poor job in several places.

Mr. WILKES. I would agree with you.

Mr. GINN. Mr. Holland, do you have any questions?

Mr. HOLLAND. No questions.

Mr. GINN. Mr. Wilkes, on behalf of the subcommittee, I again thank you for your excellent testimony and for being with us today.

Mr. WILKES. Thank you.

Mr. GINN. Our next witness is Hon. Gerrit Fremouw, Deputy Assistant Secretary for Facilities Engineering and Property Management, Department of Health, Education, and Welfare.

Mr. Secretary, we are delighted to have you with us this morning, and we ask, sir, that you identify your associate for the record.

**TESTIMONY OF HON. GERRIT FREMOUW, DEPUTY ASSISTANT SECRETARY FOR FACILITIES ENGINEERING AND PROPERTY MANAGEMENT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, ACCOMPANIED BY DONALD MILLER, CHIEF, ARCHITECTURAL DIVISION, OFFICE OF FACILITIES ENGINEERING AND PROPERTY MANAGEMENT, OFFICE OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE**

Mr. FREMOUW. I have with me Mr. Donald Miller, chief, Architectural Division of the Office of Facilities Engineering and Property Management in the Office of the Secretary of HEW.

Mr. GINN. We welcome you also.

Mr. FREMOUW. He is the author of the handbook which essentially expands the ANSI standards which we are using in HEW.

I have prepared a short statement which I would like to read, if I may, and incorporate into the record.

Mr. GINN. You may proceed as you see fit, Mr. Secretary.

You may have your complete statement inserted in the record or you may read it or deliver it, whichever you prefer.

Mr. FREMOUW. I am pleased to appear before the subcommittee to discuss a subject that is of great concern. I refer to the problems of the physically handicapped and more particularly to access by the physically handicapped to public buildings. We in HEW are totally committed to a goal of elimination of architectural barriers to the handicapped.

We are very much interested in the proposed revisions to the Architectural Barriers Act set out in title II of H.R. 15134. Not only do we serve as consultants to other Federal agencies in prescribing standards but we have a substantial facility program ourselves. HEW personnel occupy some 55 million square feet of space in 4,600 buildings throughout the country, which includes 1,500 Social Security district offices and 2,100 health and educational buildings. Additionally, the Department is providing financial assistance for the design and construction of approximately 2,000 health and educational facilities which are currently active and subject to the accessibility requirements. Additionally, there are 2,600 projects subject to the requirements that have been closed out and are now occupied. We are concerned about the accessibility in those buildings. So, Mr. Chairman, we thank you for the opportunity to present this brief statement to the members of the subcommittee on title II of this bill.

Title II would revise and strengthen the requirements of the 1968 law. The revisions would impact on the Department of Health, Education, and Welfare in two major areas:

1. Facilities leased by or on behalf of DHEW on or after January 1, 1977, would have to provide accessibility to the physically handicapped. The current law requires such accessibility only where leases involve construction or alteration in accordance with plans and specifications of the United States. If the lease does not involve construction or alteration, then the accessibility requirement does not now apply.

Let me insert something here that is not in the prepared statement.

This is of great concern to us because of our Social Security district offices throughout the country which must serve the elderly and handicapped.

It is our interface with the community.

It is very sensitive. We now have no tool with which to correct this condition.

The proposed revision would correct this condition to apply the accessibility requirement to all leases.

There may be some difficulty in certain parts of the country in obtaining leased space that is accessible to the physically handicapped. The lessor may insist that the space is available as is, or any necessary alterations would have to be paid for by the lessee. It seems to us that the cost to lease space will increase where alterations are necessary.

However, we defer to the General Services Administration for further consideration of this provision.

2. The Administrator of General Services, the Secretary of Housing and Urban Development, and the Secretary of the Department of Defense, in consultation with the Secretary of Health, Education, and Welfare, shall prescribe standards for the design, construction, and alteration of buildings to eliminate architectural barriers. The provisions of the current law already authorize the prescribing of standards without, in fact, requiring such standards. DHEW believes that as this is a matter that affects all Federal agencies and primarily affects the responsibilities of GSA, we defer to their views.

In August 1974, our regional engineering staffs conducted sample surveys of facilities located in our 10 regions to determine the extent of compliance/noncompliance with the accessibility requirements. Based on 100 percent compliance in each facility, we did not find any building that was totally accessible, although the nonconforming items were minor ones such as visual alarms, raised identification, controls, and public telephones.

That sample survey suggested to us that we should first seek substantial compliance with the accessibility requirements and a building lacking visual alarms is not necessarily a nonconforming one. Dollars are scarce and it seems to us that our first thrust should be to eliminate the major barriers, such as access, restrooms, and vertical transportation.

The estimated cost of correcting deficiencies and providing accessibility can be substantial. I am submitting for the record cost data prepared in the fall of 1975 relating to DHEW owned and leased facilities, as well as the 2,600 health and education facilities for which we provided financial assistance for construction.

Such costs would have to be increased 9 percent per annum to reflect the current costs at the present estimated rate of escalation.

The total present cost to eliminate barriers in HEW occupied space would be approximately \$81.5 million. This does not include approximately 15 million square feet of space occupied by HEW personnel in GSA-controlled buildings, such as our headquarters offices and some of our regional activities.

The cost to eliminate barriers at the design stage of new buildings is nominal, normally not more than one-half of 1 percent of the construction cost. In my personal opinion it will not run that high.

In HEW we have published a technical handbook on design standards for barrier-free facilities. The handbook includes the ANSI standards for client facilities for which HEW provides financial assistance, as well as more stringent standards for HEW-owned facilities. Copies are furnished for the record.

Mr. Chairman, we appreciate the opportunity to appear before this subcommittee and this concludes my formal statement.

We would be pleased to respond to any questions members of this subcommittee may have.

Mr. Miller, who has monitored the development of this handbook, can perhaps explain and expand on what this does over and beyond the ANSI standards.

Mr. GINN. Thank you very much, Mr. Secretary, for your statement.

You pointed out we have some 1,500 Social Security district offices in the country in addition to 2,100 health and education facilities.

Can you give us some idea on how many of those facilities are barrier-free now?

Mr. FREMOUW. None of them are completely barrier-free according to strict interpretation of the law or the regulations.

However, our survey has indicated that we are about 67 percent in compliance of the total requirement on the average of facilities.

Mr. GINN. Well, I think we all are reasonable people here.

Do you think it is possible, economically feasible, to make them 100 percent barrier free?

Mr. FREMOUW. I do, yes, sir.

Mr. GINN. Thank you.

Mr. Walsh.

Mr. WALSH. Just two questions, Mr. Chairman.

In the handbook you mention that nosings must not project beyond the face of the riser in connection with stairs.

I was under the impression that the nosing was projected out to keep people from hitting their heels against the back of the risers so they would not fall down the stairs.

Mr. MILLER. Mr. Chairman, the reason for not projecting the nosing is someone who has no feeling in the leg or paralysis in their leg would catch their foot on this projection.

Therefore, we require that.

Mr. WALSH. It does not require any additional handicap for anybody walking down the steps?

Mr. MILLER. No, sir.

The tread would be the same width whether it would be projected or not.

Mr. WALSH. Then you mention the telephones.

Is there any work being done with the public telephone companies, to make certain that they do provide booths that are available to the handicapped?

Mr. MILLER. We are attempting to do this, but I understand their mounting height for the coin slot is like 54 inches.

We consider that too high to accommodate most.

Mr. WALSH. What should it be?

Mr. MILLER. We feel it should be 48 inches.

Mr. WALSH. Thank you.

No further questions.

Mr. GINN. Thank you.

Mrs. Lloyd.

Mrs. LLOYD. I have no questions, Mr. Chairman.

Thank you.

Mr. GINN. Mr. Goldwater.

Mr. GOLDWATER. Yes.

Mr. Secretary, have you determined the increase in cost over the conventional structure for totally barrier-free Federal buildings?

Are you referring to the \$81.5 million we mentioned in the testimony?

I am sorry. I was not here for your testimony. I apologize.

If you were to go out and build a Government building and you were to implement all the things you have in your checklist, what percentage increase over the traditional way of doing it would this add to the cost.

Mr. FREMOUW. We have run a figure, and we estimate it would not exceed one-half of 1 percent.

However, this will depend on whether you need additional elevators where they are not normally provided.

For example, in a building of two or three stories you normally would not have an elevator.

If you put such things in, it can escalate the cost.

However, we feel that one-half of 1 percent is acceptable across the board if you average them all out.

Mr. GOLDWATER. I see you touched on this in your testimony.

Mr. FREMOUW. Yes, sir.

Mr. GOLDWATER. You say you are talking about 9 percent per year.

Mr. FREMOUW. That is the escalation cost of inflation.

We made the estimate in 1975.

We said this cost would be escalated by 9 percent since last fall when the estimate was made.

But, the extra cost of making it barrier-free over non-barrier-free across the country is one-half of 1 percent.

Mr. GOLDWATER. Are you finding some difficulty with manufacturers of, say, elevators or lavatory fixtures or things of that type who would have to redesign some of their equipment?

Mr. FREMOUW. No.

We have had no difficulty with them.

Mr. GOLDWATER. No resistance at all?

Mr. FREMOUW. No.

For example, right today we are initiating a project in conjunction with GSA for barrier-free office furniture where people work.

We are installing four different samples in the South Portal Building to test out which of these systems best satisfies our concept of open space planning and provide the least difficulty for the handicapped accessibility.

They do not have sharp edges. They have room for wheelchairs. They have the flexibility of raising and lowering the desk.

We have four different samples there.

Let me say that the office furniture community is very enthusiastic about this and very willing to come forward with some new designs that will satisfy the handicapped.

I think the private sector is very willing to go into this area if it will be paid for.

Mr. GOLDWATER. If there is a market for it?

Mr. FREMOUW. That's right.

Mr. GOLDWATER. Thank you.

Mr. GINN. Mr. Holland, do you have any questions?

Mr. HOLLAND. No questions.

Mr. GINN. Mr. Fary.

Mr. FARY. No questions.

Mr. GINN. Mr. Hefner.

Mr. HEFNER. Mr. Fremouw, all of us on this panel are familiar with district security offices, which we frequent quite often.

How many of those throughout the country did you say were barrier free?

What percentage?

Mr. FREMOUW. I would say that none of them were completely barrier-free when it comes to raised numbers on the doors and where you are.

Essentially, I think the majority of them are in compliance with ramps to get in and doorways and things of this nature; not in complete detail are they in compliance.

Mr. HEFNER. In many cases, as in the smaller counties or cities in my district, you have social security offices open maybe 2 days a week. Many of these are just office space that is rented from someone who has not taken into consideration any need for barrier-free facilities.

When you go into such an area where you open a social security office for 2 days a week, or a day and a half a week, or whatever, do you take into consideration the accessibility for the handicapped?

Mr. FREMOUW. Yes, sir.

That is a part of the criteria specified in soliciting proposals for the space by GSA.

We have that included in the criteria for the space. But, we do not have authority to go back and require them to change it.

Once we have it on the rolls, we are already leasing it.

This is what this new act will do; it will permit us to go back and require that the older space be brought into compliance with ANSI standards.

But we have been acquiring the last 2 years, under the SSI expansion of SSA, many new offices and that is one of the major criteria that we require for complete compliance.

Mr. HEFNER. I guess this has nothing to do with this legislation, but this subcommittee, the full committee, has addressed itself to the problem of access to transportation.

The barrier-free legislation is an admirable goal but there are other problems we are going to have with handicapped people simply getting to these facilities.

I just call that to the attention of the subcommittee because we are touching on this. We are not going to accomplish the goal we want, to make buildings barrier-free, if we continue to have the problem of barriers in the transportation needed to get to these locations.

This actually has little to do with the particular legislation we are considering but overall I think it is a concern and we ought to continue to try to make some strides in this particular subcommittee and in this Congress in that regard.

Thank you, sir.

Mr. GINN. The chairman of North Carolina makes a good point.

The Subcommittee on Surface Transportation is currently dealing with mass transportation legislation which attempts to deal with the problem of transportation for the elderly and handicapped.

Now, Mr. Secretary, we certainly want to thank you and Mr. Miller for being here this morning and for your excellent statement.

Thank you very much.

The Chair would like to pronounce that the regular quorum is underway on the House floor.

We will recess the hearings for approximately 15 minutes to give Members time to get over and vote, but we shall return and shall attempt to complete the hearings this morning.

Thank you.

[Short recess.]

Mr. GINN. The subcommittee will reconvene.

The other members of the subcommittee are on their way back to the meeting from voting, but in the interest of time we will go ahead and get underway with our next witness, Mr. Howard L. Metcalf, Chief of Construction Standards and Design, Department of Defense.

Mr. Metcalf, we welcome you to our subcommittee and ask you to proceed as you see fit.

#### TESTIMONY OF HOWARD L. METCALF, CHIEF OF CONSTRUCTION STANDARDS AND DESIGN, DEPARTMENT OF DEFENSE

Mr. METCALF. Thank you, Mr. Chairman.

I am delighted to be here.

You have my prepared statement, so I think that perhaps the best thing to do would be to summarize it in the interest of time.

Mr. GINN. Your complete statement will be inserted in the record at this point.

[The statement referred to follows:]

#### STATEMENT OF HOWARD L. METCALF, CHIEF OF CONSTRUCTION STANDARDS AND DESIGN, DEPARTMENT OF DEFENSE

Mr. Chairman, distinguished members of this committee I am pleased to appear before you today to discuss the Department of Defense position on Title II of H.R. 15134 which would amend P.L. 90-480 (51 USC 4154), an Act to insure that certain buildings financed with Federal funds are so designed and constructed as to be accessible to the physically handicapped.

The proposed amendments pertinent to the Department of Defense would do the following:

Sec. 201(4)(A) would require the Secretary of Defense to issue standards covering the design and construction of departmental facilities to make them accessible to the handicapped whereas in the present Act the Secretary is authorized to issue such standards but not required to do so.

Sec. 201(4)(B) would change the description of such standards from, "as may be necessary to insure" that physically handicapped persons have access to, "to insure whenever possible" that physically handicapped persons have access.

Sec. 201(5) would amend Section 6 of P.L. 90-480 which requires that the Secretary "conduct such surveys and investigation as he deems necessary" to insure compliance with published standards to require him to "establish a system of continuing surveys and investigations to insure compliance with such standards."

These amendments grow from a report dated July 15, 1975 by the Comptroller General of the United States to the Congress on "Further Action Needed to Make all Public Buildings Accessible to the Physically Handicapped."

The Department of Defense was pleased to appear before the distinguished Subcommittee on Investigations and Review to discuss that Comptroller General report and at that time the Department indicated its general concurrence with the reports recommendations.

At that time we suggested that the Congress might wish to change the language "shall establish a system of conducting surveys and investigations" to a more positive and direct approach, that is "shall conduct surveys and investigations. . . ." This would assure that the surveys were actually carried out and not just that a "system" was established. It would also remove a possible ambiguity as to whether or not the Secretary was required to establish a new system outside the already very adequate audit and inspection systems of the Department. We still recommend this change in wording, however, with the understanding that any required "system" could be established within our present organization, we would not seriously object to the proposed wording as it now stands.

The Department of Defense has already published standards on the design of buildings to make them accessible and we therefore have no objection to Sec. 201(4)(A) of the law which requires that this be done. Our first standard on this subject was published in the early 1960s and our latest on October 10, 1975. A copy of this latest is attached. I might point out that the basic standard for this type of design is the American National Standards Institute (ANSI) standard A117.1. Both the Army and the Navy have published standards expanding on the ANSI Standard and giving more detail. We have now suggested to the Military Departments that they combine their efforts to produce a Joint Service Manual on the subject which we expect to be very comprehensive in scope.

Our interpretation of the proposed Sec. 201(4)(B) is that the change in language does not constitute a substantive change in the meaning of the section.

Thus, the Department of Defense does not object to those portions of the bill directly affecting the Department of Defense.

However, a new section 7 is proposed to be added to P.L. 90-480 which would require the Administrator of General Services to prepare a comprehensive report to the Congress each year detailing the activities of the various Federal departments in carrying out the provisions of the Act. The Department of Defense does not object to a report as such, but this new requirement would be duplicatory and redundant to the report of the Architectural and Transportation Barriers Compliance Board (A&TBCB) which is required by the Rehabilitation Act of 1973 as amended (P.L. 93-112 and P.L. 93-516). We recommend that this committee, in the interest of efficiency, not require the preparation of a duplicatory report. Either of two actions to prevent this are available. One would be to delete the proposed new Section 7 of P.L. 90-480. The other would be to amend the rehabilitation act to delete the requirement for reports from the A&TBCB. At this time we recommend the simplest and most direct approach which is to delete the proposed new reporting requirement from this bill.

Since these proposed legislative changes have come about because of the report of the Comptroller General, we believe it would be appropriate to advise this committee of certain actions of the Department of Defense that have occurred in the year since the report was made. I would like to point out some actions that we can document and an impression that I have gained from daily work with the Military Departments and other agencies. The particular actions of importance are—(1) the publication of our policy of October 10, 1975 to which I have previously referred which goes well beyond the requirements of the Act in defining which of our buildings must be accessible; (2) the publication by the Army and Navy of manuals for design for accessibility and our beginning effort toward a

Joint Service Manual; and (3) our review of the Comptroller General's survey of certain buildings found not to be accessible. We have confirmed this lack of accessibility in certain cases. It appears that we have funds available for correction of approximately half of the conditions and our intention is to correct them very soon. We are also investigating means by which other structures which should have been accessible under our published standards but which are not, can be corrected.

The impression that I spoke of is one that I have that there is an increased awareness at all levels of management of the necessity to make buildings accessible to the handicapped. I believe that such organizations at the A&TBCB have served to focus top management attention on the problem and—when top management focuses on a problem—whole organizations tend to follow its lead. I believe that beginning with the FY 1978 construction program, the next one upcoming, we will have succeeded in directing the attention of the programmer and the designer toward requirements of the handicapped in the very earliest stages of conceptual design. I believe that this awareness will continue through the construction phase and I am optimistic that in the Department of Defense, very shortly, there will no longer be a problem of inaccessibility of our buildings to the physically handicapped. Thank you.

[Memorandum]

OFFICE OF THE SECRETARY OF DEFENSE,  
*Washington, D.C., October 10, 1975.*

For: Assistant Secretary of the Army (I&L); Assistant Secretary of the Navy (I&L); Assistant Secretary of the Air Force (I&L).  
Subject: Design for the Physically Handicapped.

Reference is made to the Report dated July 15, 1975 from the Comptroller General to the Congress entitled, "Further Action Needed to Make all Public Buildings Accessible to the Physically Handicapped."

This report made a number of recommendations to the Department of Defense for further action in this area with which your Departments generally concurred. Implementation of the recommendations will be principally by revision of DoD 4270.1M, the DoD Construction Criteria Manual, which is now in process.

In order that implementation not be delayed, a revised draft of the portion of DoD 4270.1M dealing with design for the handicapped has been prepared and is attached. While this draft may be modified slightly prior to final printing, no substantial change is expected and it should be considered the current statement of DoD policy in this area. Paragraph 5-6.1, "Provisions for Physically Handicapped," in the October 1, 1972 issue of DoD 4270.1M no longer governs.

Your attention is particularly invited to the new paragraph 5-7.6, "Assurance of Compliance," which requires, in accordance with the GAO Recommendation, that DD Forms 1391 for appropriate facilities contain a statement on design for the handicapped. This requirement is effective with the Fiscal Year 1978 Military Construction Program.

SIGMUND I. GERBER,  
*(for Perry J. Fliakas, Deputy Assistant  
Secretary of Defense Installations and Housing.)*

Attachment.

DRAFT SECTION OF DoD 4270.1M, THE DEPARTMENT OF DEFENSE CONSTRUCTION CRITERIA MANUAL EXPECTED TO BE PUBLISHED PRIOR TO DEC. 31, 1975

5-7.1 GENERAL

Increasing numbers of physically handicapped persons are being employed by industry and many physically handicapped civilians are employed by the DoD. In addition, the proportion of physically handicapped persons among military dependents and retirees probably does not vary significantly from the general population. Public Law 90-480 authorized the Secretary of Defense to prescribe standards of design and construction to assure that buildings were accessible to the physically handicapped. Subsequently, Public Law 93-516 added the Department of Defense as a member agency of the Architectural and Transportation Barriers Compliance Board whose principal function is to assure that Federal buildings are accessible to the handicapped. Beyond even these provisions of law, the Department of Defense has a moral responsibility to assure the handicapped access to our facilities wherever such facilities are available to dependents, retirees, or the public. Further, the handicapped worker pool represents a highly productive and valuable resource of which the Department should make full use.

## 5-7.2 STANDARDS

The American National Standards Institute (ANSI) Standard A117.1 (latest edition) shall be used for the design of all appropriate facilities. Modifications or improvements to this standard should not be accomplished without consultation with the Architectural and Transportation Barriers Compliance Board, Washington, D.C. 20201. All agencies are encouraged to send proposed modifications and/or improvements to the ANSI Standard to the DASD(I&H) for further transmittal to the Compliance Board. Not covered in the ANSI Standard is the design of auditoriums. Auditoriums for theaters, chapels, schools, etc., should have a portion (about  $\frac{1}{2}$ ) of one row of seats set aside for handicapped individuals. This area should be near an entrance and exit which is also accessible to the handicapped. The floor of the auditorium should be level in the area with a clear unobstructed width of row of at least 5 feet and preferably 6 feet. In small auditoriums this may be accomplished by reserving a space between the rear wall and last row of seats or between the first row of seats and the stage area provided that entrance and exit are available. In large auditoriums consideration should be given to providing more than one handicapped seating area with at least one near the center of the auditorium.

## 5-7.3 FACILITIES

All facilities which are open to the public, or to limited segments of the public, or which may be visited by the public in the conduct of normal business shall be designed and constructed to be accessible to the handicapped. All morale, welfare and recreational facilities, including non-appropriated fund facilities available to dependents or retirees shall be so designed. All hospitals and facilities for the care and rehabilitation of the sick and/or injured shall be so designed. All manufacturing facilities, administrative facilities, educational facilities or any other facilities where civilian workers may be employed including contractor-owned facilities where the Department of Defense is funding all or any part of such construction shall be so designed. In fact, every facility should be designed to assure access to the handicapped unless its intended use is specifically restricted to able-bodied military personnel. Examples of facilities where access to the handicapped is not required are barracks, BOQs, closed messes, or vehicle and aircraft maintenance facilities where all work is performed by able-bodied military personnel. Inclusion of handicapped design features should be considered even for these facilities wherever feasible. In the case of family housing modification of individual units as necessary should be on an individual unit basis to be accomplished on a high priority basis when the requirement is identified. Whenever a question exists as to whether or not accessibility to the handicapped should be included, the answer should usually be affirmative. The DASD(I&H) may be queried on this matter if doubt exists.

## 5-7.4 WHEN ACCOMPLISHED

All appropriate new construction shall be designed to be accessible to the handicapped. Whenever substantial modification or extension of an appropriate facility is accomplished, access to the handicapped shall be included as a portion of the project, even if provision of such access requires modification to parts of the facility not otherwise included.

## 5-7.5 PROVISION OF VENDING FACILITIES FOR THE BLIND

Awaiting HEW Guidelines. When available these will be published as a supplement to this manual.

## 5-7.6 ASSURANCE OF COMPLIANCE

It is highly likely that the DoD will be required to maintain an inventory of those facilities which are accessible to the handicapped. Therefore, the officials who are responsible for the technical adequacy of designs shall assure that the provisions of this section are carried out and that such action is recorded. For all new construction and substantial alteration projects a certification by such official stating that the project has met the requirements of this section, or if access to the handicapped was not included, the specific reasons why it was not will be maintained in the permanent project files. To assure that consideration is given

to design for the handicapped at an early planning stage all DoD Forms 1391 for appropriate facilities as listed in paragraph 5-7.3 above for the FY 1978 and subsequent Military Construction Programs shall contain a statement as to whether or not the facility will be accessible to the handicapped and if not, why not. If a waiver of these requirements is deemed necessary it should be requested from the DASD (I&H) with full particulars being set forth. It is anticipated that such waivers will be granted only in extraordinary circumstances.

Mr. METCALF. There are two sections of this bill which would affect the operations of the Secretary of Defense.

One is the one which would require him to publish standards on design for the handicapped rather than just authorizing him to do so as in the previous bill.

We have published such standards and we intend to continue to upgrade them and revise them as time goes by and we certainly support that section of the bill.

The other is a change in the description of the standards from the previous language "as may be necessary to insure" that physically handicapped people have access to our buildings, the new wording to be "to insure whenever possible" and we certainly have no objection to that.

There is another section which requires the Secretary to establish a system for conducting surveys and investigations to assure that the standards are being followed.

We would suggest that the subcommittee might prefer the words "conduct such surveys and investigations as he deems necessary" rather than to establish a system.

It is just a more positive approach, to do it, rather than set up a way to do it.

Those are the only sections which specifically affect the Department.

There is, however, a section which requires the Administrator of General Services to submit a report to the Congress each year on the activities of all the Federal agencies under this bill.

That section is very similar, almost exactly the same, as the section of Public Law 93-112 which requires the Architectural and Transportation Barriers Compliance Board to submit a similar report.

We, therefore, suggest that the subcommittee might wish to consider requiring only one report, either the one that would be required under this bill or the one that is required under Public Law 93-112, and we suggest that the simplest way to do this would be not to include this section in this bill, but to just go with the one that is already law.

That, in general, is our comment on the wording of the bill itself.

I think I would like to say that the Department of Defense certainly supports the requirement that our facilities be designed to be accessible to the handicapped and we have published a very strong statement to this effect last October, which is attached to my prepared statement, which sets forth our policy in this area.

We generally have adopted the ANSI standard as our criteria.

However, the Corps of Engineers of the Army has recently put together a manual which goes into much more detail than the ANSI standard and is more extensive.

The Architectural and Transportation Barriers Board staff has reviewed that manual and said they considered it to be very good and we have authorized the Army to use it.

We have suggested that the three services now get together and compile a joint manual that would cover all our facilities using that one as a basis.

I think that is all I have this morning, unless there are any questions.

Mr. GINN. We certainly want to thank you for being here, Mr. Metcalf.

We are encouraged to know of your interest and support for the legislation.

I am sure that such buildings as the Pentagon already would meet perhaps most of the specifications, but what about Army bases?

I have one in my district.

Are you aware of what steps out in the field they are taking to implement barrier-free facilities?

Mr. METCALF. First, I think I should point out that the Pentagon is a building belonging to the General Services Administration, not the Department of Defense.

In the field, the General Accounting Office conducted a survey last year and they found that our buildings were not as accessible as we would have thought that our standards at the time would have made them.

Mr. GINN. Actually, it has just been called to my attention that DoD buildings designed primarily for able-bodied military personnel are exempt.

Mr. METCALF. There are a number that are.

The law exempts any building which is designed primarily for able-bodied military personnel.

Mr. GINN. That is correct.

Mr. METCALF. That, of course, is most of our buildings.

However, we have published our own standard which is more restrictive than this.

We have said we will design it to be accessible unless it is exclusively for able-bodied military personnel.

Mr. GINN. I had reference to, of course, not barracks and things where you have only able-bodied men and women, but the office space where the civilian personnel work.

I suppose they are attempting to make those barrier-free.

Mr. METCALF. We are attempting to make all of them barrier-free; industrial facilities, administrative buildings wherever we would employ civilians, our recreational facilities, any facilities for the dependents of the military personnel.

In general, as I say, our requirement now is unless it can be shown that the building is designed exclusively for able-bodied military personnel, we will try to make it accessible to the handicapped.

We have a few facilities which are different than perhaps the other Government agencies have. We have some very small industrial facilities where maybe one or two people are employed above the first floor.

In this case, we question whether it would be economical to provide an elevator for that type of facility.

Other than that, we intend that they will all be accessible.

Mr. GINN. Mr. Walsh, do you have any questions?

Mr. WALSH. No questions.

Mr. GINN. Mr. Metcalf, we want to thank you for appearing before the subcommittee this morning.

Thank you very much for your testimony.

Mr. METCALF. Thank you.

Mr. GINN. Our next witness is Mr. Robert H. Coven, director, Office of Program Planning, Real Estate and Buildings Department, U.S. Postal Service.

Mr. Coven is accompanied by Mr. Louis E. Childers, Facilities Development Branch, Real Estate and Buildings Department, U.S. Postal Service, and W. Allen Sanders, assistant general counsel, Legislative Division, U.S. Postal Service.

Mr. Coven, we welcome you and your associates and ask you to proceed as you see fit, sir.

**TESTIMONY OF ROBERT H. COVEN, DIRECTOR, OFFICE OF PROGRAM PLANNING, REAL ESTATE AND BUILDINGS DEPARTMENT, U.S. POSTAL SERVICE, ACCOMPANIED BY LOUIS E. CHILDERS, FACILITIES DEVELOPMENT BRANCH, REAL ESTATE AND BUILDINGS DEPARTMENT, U.S. POSTAL SERVICE; AND CHARLES R. BRAUN, ASSISTANT GENERAL COUNSEL, SPECIAL PROJECTS DIVISION, U.S. POSTAL SERVICE**

Mr. COVEN. Thank you, Mr. Chairman.

I am Robert H. Coven, Director of the Office of Program Planning Real Estate and Buildings Department, U.S. Postal Service.

Mr. Childers is with the facilities development branch of the Real Estate and Buildings Department, and Mr. Charles R. Braun, assistant general counsel, special projects division, representing our legal department are accompanying me today.

We appreciate the opportunity to appear this morning to testify on H.R. 15134, the proposed "Public Buildings Cooperative Use Act of 1976."

The portion of this bill that would most directly affect the Postal Service is section 203, which would amend 39 United States Code, section 410(b) to add the Architectural Barriers Act to the list of laws specifically made applicable to the Postal Service by that section. Presently, the Barriers Act does not apply to the Postal Service as the result of 39 United States Code, section 410(a), which provides the Postal Service a general exemption from laws, outside of title 39, which deal with "public or Federal \* \* \* property, works, \* \* \* or funds \* \* \*"

The fact that the Postal Reorganization Act exempted the Postal Service from the Barriers Act certainly was not intended to, and did not, relieve the Postal Service from the legal responsibility to assure that facilities it constructs for use by the public or its employees include sufficient provision for access and use by handicapped persons.

The Postal Reorganization Act enacted provisions requiring the Postal Service—

One, to establish and maintain postal facilities designed to afford "ready access to essential postal services" to all postal patrons—including handicapped persons.

Two, to follow an employment policy generally designed to extend opportunity to the handicapped.

Three, to emphasize, in planning and building facilities, "the need for facilities \* \* \* designed to create desirable working conditions for its officers and employees"—including its handicapped employees.

This requirement enacted for all postal customers is expressed in the precise words of the Barriers Act provision for the handicapped alone: "ready access."

Pursuant to its statutory responsibility, the Postal Service is now following policies which are as favorable or more favorable to the handicapped than policies followed by the Federal agencies which are subject to the Barriers Act.

Until recently, the technical standards we have used have been those established by the American National Standards Institute, the very same standards used by those covered by the Barriers Act to give its general requirements technical content. However, the ANSI standards were last revised in 1961 and are somewhat vague and general. We have recently prepared new technical standards that take advantage of improvements in barriers removal architecture since 1961.

These new standards are more specific than the ANSI standards, and thus more likely to be followed properly by design engineers. On the whole, they are more favorable to the handicapped than the ANSI standards. The new standards are currently being followed in the design of large postal facilities. After further review and perfection, they will be placed generally into effect, for small facilities as well as large.

Since the Postal Service is already bound by similar or stronger legal requirements, and is improving its standards to be more favorable than the ANSI standards used by other agencies, we do not believe there is any need for legislation to apply the Barriers Act to the Postal Service. By the same token, we would have no objection to such a law.

However, because of the manner in which the Barriers Act is drafted, applying that act to the Postal Service would not be as simple a proposition as the present version of H.R. 15134 assumes. The provisions of the Barriers Act track the lines of existing general intra-Federal jurisdictional arrangements.

Sections 2-4 authorize the Administrator of General Services, the Secretary of Housing and Urban Development, and the Secretary of Defense, respectively (each in consultation with the Secretary of Health, Education, and Welfare), to prescribe standards to carry out the policies of the act with respect to buildings within the jurisdiction of each.

Section 6, which deals with modification and waiver of standards and with surveys and investigations, applies separately to each of these jurisdictions in turn.

The Postal Service manages a facilities program separate from each of these other jurisdictions. We have responsibility for some 30,000 facilities which we own or lease, most of a commercial or industrial character, unlike the typical Government office building managed by GSA. Therefore, if it were considered appropriate to place the Postal Service under the Barriers Act, it would necessary to provide

the Postal Service the same responsibilities with respect to postal buildings as are provided to the heads of the other agencies with respect to their own jurisdictions. We have attached to our testimony two examples of the kind of amendment needed to accomplish this result.

We would also like to comment on the amendment to the Barriers Act proposed by section 201(1), which would bring all leased buildings under the act regardless of whether they were constructed in accordance with Government plans and specifications.

The purpose of the present exclusion of leased buildings not constructed in accordance with Government plans was to avoid the costs of renovating used buildings at Government expense.

Structural modifications are ordinarily quite expensive and may rebound principally to the benefit of the private lessor rather than the Government lessee or the general public. In this case, the amendment would seem to apply even in the case of short-term leases, which could be even more expensive.

Rather than resorting to such an alternative inflexibly, we believe it is preferable to have the ability to consider other factors, which may affect the extent to which such a step is needed, such as whether or not the same services are available to the handicapped at other Government buildings close by.

Since new buildings can be designed properly at little or no extra cost, all new buildings may be required to be accessible without concern for cost.

But since renovation of buildings that are not accessible may be quite costly, due regard for economy should be shown, and costly renovation should be a last resort.

This concludes our prepared remarks and we would be happy to respond to any of your questions.

Mr. GINN. First, I want to thank you and your associates for being with us this morning.

Mr. Coven, we thank you for coming.

In my judgment the Postal Service facilities are used to a large degree by a greater number of American citizens than any other program of the Federal Government.

I do not know that I fully understand your position.

I understand you have no objections, but then you certainly have some recommendations.

Tell me in seventh grade language: Do you think the Postal Service should be included in this act or not?

Mr. COVEN. Our feeling in the matter, Mr. Chairman, is that it would make no difference.

Regardless of whether or not we are included in the act, we intend to follow it.

The basic problem that we have is that the way we are included in the act does not recognize the size of our program.

In other words, all we would like to have is equal rights with GSA and the Department of Defense.

Mr. GINN. I think you have a good point.

Certainly I will confer with Mr. Walsh and other members of the subcommittee and give very serious consideration to your recommendation in that area.

Mr. Walsh, do you have any questions or observations?

Mr. WALSH. Well, I am pleased at the attitude of the Postal Service. I just want to make sure again that you have absolutely no objection to being included under this act other than the increase in responsibilities that you seek.

Mr. COVEN. Other than the reservations I have expressed, no, sir. We certainly have no objection.

As I said before, since we are conforming with the provisions of the law now and intend to in the future, the fact that we conform legally or by postal policy is of little difference to us.

Mr. WALSH. Thank you very much.

No further questions, Mr. Chairman.

Mr. GINN. Thank you very much, Mr. Coven.

Do you or your associates have any additional remarks you would like to make?

Mr. COVEN. No. We have not.

Mr. GINN. With that, we want to thank you for being here and for working with us on this legislation.

We shall give serious consideration to your suggestions.

Mr. COVEN. Thank you, sir.

Mr. GINN. Our final witness today is Mr. Donald B. Myer, representing the American Institute of Architects.

Mr. Myer, we are delighted to have you with us.

Are you traveling alone or do you have associates with you?

Mr. MYER. I am not traveling alone.

Behind me is Miss Nichole Garra of the institute staff who will prop me up if I have a problem.

Mr. GINN. We are delighted to have both of you here and ask you to proceed as you see fit.

#### TESTIMONY OF DONALD B. MYER, AMERICAN INSTITUTE OF ARCHITECTS

Mr. MYER. Thank you.

It is a pleasure to be here.

I am Donald Myer. I serve as the chairman of the Historic Resources Committee of the American Institute of Architects and I am here testifying on behalf of the full institute.

I am also a practicing architect and registered here in the District of Columbia and serve as the Assistant Secretary to the U.S. Commission of Fine Arts.

With your permission, I will submit our written statement for the record.

Mr. GINN. Your statement will be made a part of the record at this point.

[The statement referred to follows:]

#### STATEMENT OF DONALD B. MYER, AIA, CHAIRMAN, COMMITTEE ON HISTORIC RESOURCES, THE AMERICAN INSTITUTE OF ARCHITECTS

Mr. Chairman, I am Donald B. Myer, AIA, a registered architect in the District of Columbia and Assistant Secretary of the U.S. Commission of Fine Arts. I also serve as chairman of the Committee on Historic Resources of the American Institute of Architects and I am here today on behalf of the AIA, the national society for the architectural profession, to bring you our enthusiastic support

for H.R. 15134. Title I of this legislation amends the Public Buildings Act of 1959 in order to preserve buildings of historical or architectural significance; Title II amends the Architectural Barriers Act of 1968, relating to the accessibility of certain buildings to the physically handicapped.

We feel that not only does Title I of H.R. 15134 offer a commonsense approach to solving space needs for the government, but it also offers a terrific opportunity for the federal government to lead in promoting historic preservation, adaptive use, mixed use, and new planning techniques as solutions to existing problems. There is the prospect, as well, of enriching, stabilizing, and visually enhancing the quality of urban life.

The proposed amendment offers the Public Buildings Act an exciting vitality that can result in better design, cultural continuity, and the mixing of commercial, recreation, and service uses with government offices. Making it all accessible to the handicapped, as has been done recently for the Lincoln Memorial, is an absolute necessity.

While on the subject of Washington, D.C., I would like to mention the area around the White House. Here one sees the blending of old and new, such as the recently built AIA Headquarters, which shares its site with the historic Octagon Building. One sees Lafayette Square, with its 19th century rowhouses, as a setting for the White House. This was an act of historic preservation which also provided a new, high-density-use facility for the government. If enacted, H.R. 15134 would make it possible to have a few shops or restaurants at Lafayette Square—or, for that matter, on the ground floor of the new FBI Building along Pennsylvania Avenue. Half a block west of the White House is the partially completed new headquarters for the Home Loan Bank Board, which will be a mixture of 20th century architecture adjacent to and including the mid-19th century Winder Building and will feature ground level shops, restaurants, and an ice skating rink.

The General Services Administration has been deeply involved with these projects and their leadership in this very new and sophisticated field should be encouraged. Enactment of H.R. 15134 would give GSA the opportunity to plan for the future of significant buildings, such as the Old Post Office on Pennsylvania Avenue. There are similar structures throughout the United States which frequently are the visual and historic focus of their communities. This legislation would give them a new lease on life.

The Advisory Council on Historic Preservation has been an effective guardian of our architectural and cultural heritage. By working in conjunction with National Park Service programs and other government components, they are in a position to lend sound, objective assistance to GSA and we are pleased to see their role so clearly delineated in the legislation.

I don't think that there is any argument about the enrichment of the visual environment which results from the blending of old and new structures into a carefully planned environment. It is like the texture of a fine carpet. As the United States comes of age in its third century, our profession encourages the cultural continuity of fine examples of architecture from every era. In December 1975 the AIA Board of Directors reaffirmed a national policy supporting the preservation of significant historic buildings amidst new development and we are delighted that Congress shares our belief that this will enhance the quality of American life.

Just as the mix of old and new creates a visual enrichment, the mix of uses lends an air of amenity and liveliness for pedestrians and employees which is frequently endangered in urban areas and missing from government projects.

The provisions of H.R. 15134 offer an opportunity for evolution of the visual and cultural environment. They also offer an opportunity for conservation of energy resources and have the not-insignificant potential advantage of equivalent cost when compared to new construction. As stated in the Advisory Council Report (Vol. IV, No. 4, June 1976), *Adaptive Use: A Survey of Construction Costs*: “\* \* \* adaptive use falls within the range of new construction costs. It would seem then, that adaptive use stands as an equally feasible alternative to new construction to meet space needs.”

The utilization of building materials which have already been manufactured and installed in existing structures produces an obvious savings in materials, manufacturing, and construction energy. Many buildings of stone and brick masonry constructed generations ago are often more durable and of considerably better quality than that which we can afford to build today. Buildings which represent a less extravagant technological age, with reasonable proportions of windows to solid walls, have demonstrated their economic soundness in terms of heating and cooling costs.

Also within this subject of conservation, I would like to refer to the May 25, 1976 report, *Historic Preservation Activities of the Federal Government in the Area of Housing and Community Development*, presented in a hearing before the House Banking Subcommittee on Historic Preservation and Coinage. I quote from Dr. Jann H. Gilmore, staff member of the subcommittee: "Today, preservation is not necessarily oriented toward inspiring future generations by displaying the real or imagined lifestyles of our forefathers, but rather, toward using old and valuable buildings in ways that contribute to today's society and today's needs. . . . A large number of terms have been used to describe current activities and this has resulted in some confusion and in fragmentation of actions. We would advocate that the term 'urban conservation' be considered as encompassing most approaches. It connotes both a concentration on the built-up areas of the Nation and an approach to carefully using the major elements of the existing environment. It also encompasses the more specific approach of historic preservation."

I would also like to state our support for Title II of H.R. 15134, which strengthens the provisions of the Architectural Barriers Act of 1968. It is the policy of the American Institute of Architects that all citizens, regardless of their physical disability, have the inherent right to full development of their economic, social, and personal potential through free use of the man-made environment.

In January 1974 the AIA, in cooperation with the National Easter Seal Society and the President's Committee on Employment of the Handicapped, sponsored a conference, the result of which was a national policy statement advocating barrier-free environments. This policy has been endorsed by more than 100 organizations and business concerns, ranging from the National Paraplegic Foundation to the Metropolitan Life Insurance Company, and is reflected in Senate Concurrent Resolution 11, approved by the Senate in May 1975. A companion resolution (House Con. Res. 134) is pending before the House Education and Labor Committee.

The conference also identified the need for a central coordinating body to assist groups and individuals who are working at the local, state, and national level. The National Center for a Barrier-Free Environment has subsequently been formed and is a non-governmental, cooperative effort on the national level which works toward assuring handicapped citizens their rights to full and free use of the environment.

An AIA award program, named for the late Senator E. L. Bartlett of Alaska, sponsor of the Architectural Barriers Act (Public Law 90-480), honors buildings that are especially accessible to the handicapped. Among the 1976 award recipients is a building recently in the news—the Crosby Kemper Memorial Arena in Kansas City.

We would like to see congressional passage of both House Concurrent Resolution 134, declaring barrier-free environments a matter of national policy, and Title II of H.R. 15134, which strengthens the 1968 Architectural Barriers Act.

In conclusion, Mr. Chairman, the AIA is pleased to have this opportunity to express our endorsement of H.R. 15134. Last year we testified in support of S. 865, a bill identical to Title I, which has since been passed by the Senate. At the Senate Committee hearings, we suggested that more thought be given to pedestrian amenities on the ground or access level. We are delighted that this suggestion was accepted by the Senate and also appears in the legislation before this Committee today.

We urge your approval of H.R. 15134 and encourage congressional action on these measures before the scheduled adjournment of the 94th Congress.

Mr. MYER. Briefly, I want to tell you that we are here supporting both title I and title II with great enthusiasm.

We feel the opportunity for the Federal Government to take a leadership role in reutilizing historic resources in this country is a fantastic one.

We feel that GSA has already demonstrated its ability to undertake many of the aspects involved with the proposals, particularly with respect to historic structures.

We are utilizing them and making them a part of the daily urban fabric of our cities. It is an incredibly important part of the visual urban environment.

As I will show you in several slides, in a moment or so, we have many examples throughout the country which have successfully worked in many ways already.

I would like to also stress our belief that the integration of recreation and certain types of commercial facilities within Government structures will be a great asset to pedestrian level life in our cities.

An example of such is the FBI building on Pennsylvania Avenue where we are now permitted only a monotonous granite, or concrete wall, we will be able to have shops and pedestrian services which will give us a livelier urban environment.

Finally, the idea of making all these things accessible to the handicapped is certainly a critical element for improving the environment for all of us.

With your permission, I would like to show a few slides.

Mr. GINN. Yes.

By all means.

We would be delighted to see them.

[Slide.] [Drawing of bicycles and word "Recycling."]

Mr. MYER. I believe you can see this.

It may be a bit dim, Mr. Chairman.

Basically, the point is that recycling, adaptive use, historic preservation, urban environment, are terms that are very much in the forefront today within the architectural profession.

We are deeply committed to this type of thing and we are delighted that the Congress is showing such a keen interest in joining in on something that will make human and cultural values in our urban areas much more significant and accessible to all.

Recycling, of course, is one of the key words that we know today.

[Slide.] [Magazine page with examples of recycled buildings.]

Mr. MYER. As we leaf through architectural magazines and other various types of journals, we see examples of buildings which have been refitted and readapted for contemporary use of new and different sources.

Here we see a building in Minnesota which has been converted to a new public use similar to the Old Post Office building on Pennsylvania Avenue here in Washington.

[Slide.] [Magazine page showing several recycled New England mills.]

Mr. MYER. Throughout the country, particularly in New England, we see small mill towns with structures which have been adapted to use as shopping centers and housing.

[Slide.] [Ghiradeli Square, San Francisco, Calif.]

Mr. MYER. One of the granddaddy adaptive uses, of course, is Ghiradeli Square in San Francisco, Calif., where a chocolate factory was turned into a lively complex of shopping and restaurant facilities.

[Slide.] [Another view, Ghiradeli Square.]

Mr. MYER. Again, an adapted use of a fine historic structure which helps to stabilize and visually enhance and economically permit a continued life for a very particular part of one of our important cities.

[Slide.] [The Cannery, San Francisco, Calif.]

Mr. MYER. Another example is the cannery, also in San Francisco.

An old cannery was converted to an in-town shopping center with a variety of architectural expressions.

[Slide.] [The Cannery.]

Mr. MYER. One of the important things is it integrated the old with the new, which, again, is another key slogan of this general movement we are dealing with.

[Slide.] [Landscape Square, Savannah, Ga.]

Mr. MYER. One of the great leaders in the field of historic preservation in the country, of course, has been Savannah, Ga., and here we look at one of the fine squares within that city, the point being that recycling and continued life and blending successfully the old and new historic and contemporary needs can be done with sufficient excellent planning so that the cultural and physical amenities can be incorporated in continuing and changing needs, and advantages to the people.

[Slide.] [Page of Savannah preservation plan showing design recommendations for new in-fill buildings.]

Mr. MYER. Here we have an excerpt from a book prepared for integrating the old and new in Savannah, which is one of the leaders in the field of developing historic areas.

[Slide.] [Page of Boston Society of Architects guide to city.]

Mr. MYER. Here we have on the left a map of downtown Boston showing the city hall complex, city hall structure, as it stands, being shown on the lower right. It is a bit brutal perhaps, definitely a contemporary structure in every way but, as you can see from the map, it has been designed to incorporate itself and the changing functions and needs of the city government in Boston to a historic heart of the city, which was practically designed by cows returning from pastures.

Unlike the very formal plan of Savannah, we have a very special cowpath type of natural development in Boston and it is important that the public facilities in the center of the city did incorporate new architecture with the old urban plan.

[Slide.] [City hall plaza, Boston Mass.]

Mr. MYER. Here we look from underneath the city hall and at several of the 18th- and 19th-century structures which were incorporated into the project as part of the project.

[Slide.] [Sears Crescent, Boston, Mass.]

Mr. MYER. There is no reason on Earth why fine buildings, such as here across from city hall in Boston, cannot be used for government offices, once refurbished and made accessible to the handicapped.

[Slide.] [Aerial view of Boston, Mass., waterfront.]

Mr. MYER. Here we have a wharf in Boston which was converted to use as housing.

[Slide.] [Old city hall, Boston, Mass.]

Mr. MYER. Similarly, the government moved out of the old city hall shown on the right of this slide in Boston, and this was converted to new office use.

[Slide.] [Port, Nantucket, Mass.]

Mr. MYER. Nantucket, Mass., is again an example where an old seaport was converted into new life by providing places for arts and crafts and pleasure and recreation.

[Slide.] [Piers, Nantucket, Mass.]

Mr. MYER. Originally this was a whaling port and is now moving into the 20th century with a totally new use.

[Slide.] [River Walk, San Antonio, Tex.]

Mr. MYER. Moving on in variety, of course, is San Antonio, Tex. We see the famous river created as really a drainage problem solution in the WPA days now lined with historic structures and the new dynamic urban fabric of the city.

Again, convents, various other types of structures, were adaptively reused to make this possible.

[Slide.] [River Walk, San Antonio, Tex.]

Mr. MYER. Even this drainage ditch in the urban center of the city was adapted for changing needs to promote and develop those resources within the city which could be advantageous to the human environment.

[Slide.] [Engineering center, Baltimore, Md.]

Mr. MYER. Here we have the engineering center in Baltimore which is now used for conferences and so forth.

This was once a grand home of a scale which would no longer be feasible for private individuals, at least very few.

The streetscape was kept on the front of the building and this is the garden court developed into a very pleasant adaptive use.

[Slide.] [Nineteenth century commercial buildings, Portland, Oreg.]

Mr. MYER. Portland, Oreg., in the Skidmore Fountain area, we have a number of very fine, big 19th-century structures shown here which involve very special cast iron detail. Things of this sort are worth preserving and are worth adding to our environmental package.

[Slide.] [Bracket detail, commercial building, Portland, Oreg.]

Mr. MYER. The old market buildings are now used as a parking garage.

It did not have to be torn down to become a parking lot.

We see a great many buildings torn down to provide parking.

Here is an example of one that is adaptively used as a parking garage itself.

[Slide.] [Interior of market building with parked cars]

[Slide.] [Wheat Row, Washington, D.C.]

Mr. MYER. Here in Washington, D.C., in the Southwest, Wheat Row was incorporated by an architect named Chloethiel Woodard Smith.

Here we had a whole section of the city being renewed and incorporated pieces of the old with it to achieve a richer fabric.

[Slide.] [Southwest Pepco Plant, Washington, D.C.]

Mr. MYER. A lesser known part of the Southwest, of course, is the old stone rectangle wall built for the railroad use in the 19th century.

Shown in this slide, as it has been given another lease on life as part of a new Pepco plant. Potomac Electric Power decided that they would preserve a piece of this historic wall as an early industrial artifact in the city of Washington.

So, it does not need to be houses and Government buildings and things that we are more accustomed to. We can save and reutilize some of our industrial heritage as well.

[Slide.] [Canal Square, Washington, D.C.]

Mr. MYER. Here in Georgetown, Canal Square, a series of old buildings were added to and renovated to become an office, shopping, restaurant complex of some architectural merit and charm.

[Slide.] [Architect's model of remodeled warehouse, Washington, D.C.]

Mr. MYER. Nearby on the Chesapeake and Ohio Canal in Georgetown, a gas company warehouse is being converted to an office building. This is another type of adaptive use.

[Slide.] [Chesapeake & Ohio Canal with 19th century industrial buildings, Washington, D.C.]

Mr. MYER. These carbarns on the canal in Georgetown were part of the trolley system in Washington, once.

Yesterday the Commission of Fine Arts reviewed designs for turning this into a shopping complex. Again, keeping the old industrial structures as part of a very rich dynamic urban fabric and adaptively using them.

[Slide.] [Inland Steel Building & Foundry Restaurant, Washington, D.C.]

Mr. MYER. Here we have an Inland Steel project on the canal which involved the refurbishing of the small Duval Foundry building as shown in the middle of the slide.

It had been a foundry originally. It was a veterinary hospital then and now it is a restaurant.

[Slide.] [Lafayette Square, Washington, D.C.]

Mr. MYER. General Services Administration, of course, was the contracting agent for the Lafayette Square project which we see here.

Lafayette Square, of course, is a 19th century residential section. It was basically the forecourt for the White House.

The White House is a relatively small building for a Presidential palace and the original nervousness about that was compensated for by a scheme developed in the 1920's, which you see before you.

[Slide.] [Cass Gilbert neoclassical design for Lafayette Square, Washington, D.C., ca. 1920.]

Mr. MYER. It was for lining Lafayette Square with a series of colonnaded classical facades which would have involved tearing down the Decatur House, St. John's Church, and the various other 19th century structures.

Through very special effort we got this—

[Slide.] [Modern view Lafayette Square, Washington, D.C.]

Mr. MYER [continuing]. Instead of this.

[Slide.] [Cass Gilbert scheme.]

Mr. MYER. We have a preservation project by the General Services Administration which increases the density of the use of the area, projects it into the 20th century functionally and makes possible the retention of the old with the new to give us a much richer environment than we might have had with the monotony of the scheme you see on the screen now.

The legislation before you, of course, would make it possible to have bookshops and restaurants on Lafayette Square instead of only Government office buildings, such as the one I work in with great pleasure.

[Slide.] [AIA Headquarters and the Octagon, Washington, D.C.]

Mr. MYER. Here we have the AIA headquarters itself, which incorporated the historic Octagon House with its new headquarters building, a controversial architecture project stylistically perhaps, but a successful preservation of the Octagon House, which is now a museum.

[Slide.] [Perspective drawing of expected appearance of Federal Home Loan Bank Board Building, Washington, D.C.]

Mr. MYER. On 17th Street, halfway between the Octagon House and Lafayette Square and facing the Old Executive Office Building, is the new headquarters of the Federal Home Loan Bank Board, which is now being constructed.

GSA, again, is serving as the construction agent.

Here we have a very interesting combination of uses, probably made possible because it is paid for by nongovernment funds.

Nevertheless, GSA in this project is demonstrating the incorporation of new construction with the preservation adaptive use and restoration of the Winder Building, which is a mid-19th century office building also on the site.

On the ground floor of the new structure will be offices, shops, and lively pedestrian amenities, including recreation, which you provide in the legislation.

In particular, there is an ice skating rink.

Above are the normal Government-type offices.

Well, here we have historic preservation, lively pedestrian amenities and Government needs all being met at once and I think it is a marvelous example of the type of thing that is being made possible by the proposed legislation.

[Slide.] [Old Post Office, Pennsylvania Avenue, Washington, D.C.]

Mr. MYER. A building such as the Old Post Office, on Pennsylvania Avenue, may move forward in a similar fashion with a mixture of uses.

[Slide.] [FBI Building, Washington, D.C.]

Mr. MYER. As I mentioned, the FBI building might have looked a little different if this legislation had been on the books several years ago.

[Slide.] [Lincoln Memorial, Washington, D.C.]

Mr. MYER. In conclusion, the Lincoln Memorial, which, of course, is one of our most successful pieces of architectural design in the country and is certainly one of our most historic and treasured elements of the Washington urban scene, has been adaptively converted to provide for handicap access.

In spite of its beauty, the monumental stairway leading up to the Lincoln Memorial made it totally inaccessible for a very large percentage of our population.

This was certainly not in the spirit of Mr. Lincoln and certainly not in the spirit of today's hearing.

Working together with the Commission of Fine Arts, and the National Park Service, it was determined that a series of ramps could be integrated into the base of the building without visually disrupting the existing Bacon-French design and providing complete access to an elevator so that all handicapped individuals would be able to have easy access, convenient access, and dignified access to this national monument.

[Slide.] [Drawing of ramps and walks, Lincoln Memorial, Washington, D.C.]

Mr. MYER. That completes my statement, Mr. Chairman.

Mr. GINN. Mr. Myer, we want to thank you for an excellent presentation.

You are certainly one of the best informed witnesses I have had the pleasure of hearing and you certainly know how to get close to the chairman's heart by selecting one of your slides from the most beautiful city in his district, Savannah, Ga.

We are very pleased with your presentation and certainly enthusiastically accept your enthusiastic support for this legislation.

Mr. WALSH, do you have any questions?

Mr. WALSH. I have no questions, except to say that we deeply appreciate the fine presentation you made here this morning and we welcome your strong support of this legislation.

Thank you very much.

Mr. MYER. Thank you, sir.

Mr. GINN. Mr. Hagedorn, do you have any questions?

Mr. HAGEDORN. I have no questions.

Mr. GINN. Well, apparently you have done an excellent job of satisfying all of our questions.

Thank you very much, Mr. Myer.

Mr. MYER. Thank you, sir.

Mr. GINN. This will conclude the hearings on this legislation and the subcommittee stands adjourned.

[Whereupon, at 12:05 p.m., the subcommittee adjourned.]

[The following items were received for the record:]

STATEMENT ON BEHALF OF UNITED CEREBRAL PALSY ASSOCIATIONS, INC., SUBMITTED BY E. CLARKE ROSS, DIRECTOR, GOVERNMENTAL ACTIVITIES OFFICE

Individuals with disabilities have a right to "barrier-free public facilities, including buildings, mass or subsidized alternative transportation services, and social, recreational, and entertainment facilities."—UPCA "Bill of Rights for the Handicapped."

"A new concept of mobility for the handicapped must be developed in our nation. This will include eliminating architectural and transportation barriers which keep the handicapped from functioning independently or from accepting employment. Legislation and regulations may be necessary to accomplish this."—UPCA "Legislative Policy Statement on National Health, Education, and Welfare Issues."

"The Architectural Barriers Act has had only a minor effect on making public buildings barrier free . . . no building inspected was completely free of barriers . . . A basic problem is that implementing action is discretionary with the agencies. The act's provisions amount to a delegation of authority rather than a Congressional mandate."—General Accounting Office "Further Action Needed to Make All Public Buildings Accessible to the Physically Handicapped."

INTRODUCTION

United Cerebral Palsy Associations, Inc. submits this written statement to endorse the oral testimony of our sister agency, the National Easter Seal Society for Crippled Children and Adults. UCPA applauds the House Subcommittee on Public Buildings and Grounds for promptly conducting hearings on H.R. 15134. In doing so, we wish to reemphasize the Easter Seal's primary contention that a highly sophisticated response is needed on the part of both the public and private sectors in the country to fully realize the goal of full participation by persons with disabilities in the mainstream of life in their communities.

COMMENTS ON H.R. 15134

*Mandatory accessibility*

Title II, Section 2, (A)(B)); (Title II, Section 3, (A)(B)); (Title II, Section 4, (A)(B)).

The General Accounting Office audit on implementation of the "Architectural Barriers Act of 1968" clearly documents the need for mandatory statutory accessibility requirements. UCPA strongly endorses the proposed language changes from "is authorized to prescribe such" to "shall prescribe" and "as may be necessary to insure" to "to insure whenever possible."

UPCA recommends that the phrase "whenever possible" be narrowly defined and explained in detail in the committee report to accompany H.R. 15134. UCPA volunteers to work with committee staff in drafting such report language.

*Applicability to leasing arrangements*

(Title II, Section 202).

The GAO report concluded that federally owned buildings had better facilities for the physically disabled than federally leased buildings. As such, UCPA supports Section 202 of the bill to extend accessibility requirements to buildings with any new lease or renewal of a lease entered on and after January 1, 1977.

*Compliance studies and monitoring*

(Title II, Section 5(C)), (Title II, Section 6).

Public Law 93-112, the "Rehabilitation Act of 1973," established the Architectural and Transportation Barriers Compliance Board to insure federal wide compliance with the Architectural Barriers Act. H.R. 15134 contains several provisions related to surveys, investigations, studies, and reporting which impact on the Compliance Board. However, the bill refers to the Administrator of General Services undertaking many of these responsibilities. UCPA recommends that these sections be revised to remain consistent with the statutory responsibilities of Public Law 93-112.

It should be strongly emphasized that the Compliance Board has already undertaken these responsibilities in a meaningful and substantive manner.

*Limited application*

As UCPA understands H.R. 15134, its provisions only relate to public buildings under the jurisdiction of the General Services Administration. If this is correct, UCPA recommends that H.R. 15134 be amended to apply to all federal programs.

## CONCLUSION

UCPA appreciates the concern and attention the Subcommittee on Public Buildings and Grounds has given to the issue of accessibility for persons with physical disabilities. We are hopeful our comments will be considered when H.R. 15134 reaches the mark-up stage.

DON'T TEAR IT DOWN,  
Washington, D.C., September 6, 1976.

Hon. BO GINN,  
Chairman, Subcommittee on Public Buildings and Grounds, U.S. House of Representatives, Rayburn House Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: Don't Tear It Down welcomes the opportunity to comment on Title I of H.R. 15134, "The Public Buildings Cooperative Use Act of 1976." During public testimony the Committee heard from a number of witnesses who expressed strong support for enactment of this bill. Those witnesses all represented national constituencies. As a local organization, we wish to express our full support for the bill.

For nearly six years now Don't Tear It Down and its predecessor group, Don't Tear It Down, Inc., have been working to save the Old Post Office building on Pennsylvania Avenue at 12th Street. For the last four years we have fully supported the proposal of the National Endowment for the Arts to turn the building into a working example of what federal office space should be; federal offices intermixed with uses which attract and excite the public. Section 104 of Title I would permit the Old Post Office to become what so many have imagined that it could be.

Enactment of H.R. 15134 would also result in changing the facelessness of many other federal buildings including particularly here in Washington the northern edge of the Federal Triangle along Pennsylvania Avenue. This area of monstrous federal structure, directly across from the area designated by Congress for redevelopment by the Pennsylvania Avenue Development Corporation, represents a most monolithic barrier between the monumental core of this city and the downtown business district. There is almost nothing within the Federal Triangle buildings to attract the general public, and yet thousands including workers and visitors, pass by them daily. The introduction of retail activity through section 104 on "the major pedestrian access level" of federal buildings could open these buildings up and invite the public in.

We believe that humanizing this area of the city would be a significant achievement. However, we would also observe that the General Service Administration will have to exercise intelligence, discretion and care in developing public uses within federal buildings. Congress must maintain careful oversight of this

increased responsibility of the GSA to insure that the spirit and intent of the law is carried out.

In 1974 and through 1975 Don't Tear It Down, Inc., was involved in a major controversy over the construction of the new headquarters of the Federal Home Loan Bank Board at 17th and G Streets, N.W. In order to construct the building, the General Services Administration, acting as agent for FHLBB, began to demolish several buildings on the site, some of which were landmark structures, in clear violation of the law. Don't Tear It Down, Inc., went to court to prevent this and obtained an injunction against demolition of the landmark buildings until the relevant statutes had been complied with by GSA. Architects retained by the Federal Home Loan Bank Board at the behest of Don't Tear It Down, Inc., were able to clearly demonstrate that the existing buildings on the site could have been utilized both efficiently and to advantage in the design of the new headquarters for this federal agency. Section 102(a)(1) instructs the Administrator of the General Services Administration to "acquire and utilize space in suitable buildings of historic, architectural or cultural significance" unless it is not "feasible and prudent." As an organization concerned exclusively with the protection and enhancement of the physical environment of the city of Washington, enactment of this provision of Title I would be a significant step toward assuring that the buildings of Washington are not willynilly destroyed in the name of additional space for federal agencies, but are accorded the thoughtful review and re-use that they deserve.

Don't Tear It Down wholeheartedly supports H.R. 15134 and urges immediate favorable action on the bill.

Sincerely,

LEILA J. SMITH,  
*President.*

DOWNTOWN PROGRESS,  
NATIONAL CAPITAL DOWNTOWN COMMITTEE,  
*Washington, D.C., August 31, 1976.*

Hon. BO GINN,  
*Chairman, Subcommittee on Public Buildings and Grounds, Committee on Public Works and Transportation, U.S. House of Representatives, Rayburn Building, Washington, D.C.*

DEAR MR. CHAIRMAN: We offer for the record of the hearings held August 25 and 26, 1976, our support for Title I of H.R. 15134, the "Public Buildings Cooperative Use Act of 1975." The passage of this legislation could do much to assist in the revitalization of older urban areas, particularly downtowns such as in Washington, D.C. There is in Downtown Washington, for example, the Old Post Office building in the Federal Triangle. Recently cleaned, its architectural attractiveness has been restored. A recognized landmark in both the technical and non-technical senses, it could, with the benefit of this legislation, bustle with craft shops, ethnic boutiques, and restaurants on its lower floors and in its atrium, with Federal offices (hopefully for the National Endowment for the Arts) above. With such creative reuse, the Old Post Office should serve as a bridge between the Mall and Downtown Washington for millions of visitors, residents, workers, and shoppers. Title I of H.R. 15134 would facilitate this positive improvement.

Another way that H.R. 15134 could help strengthen our nation's center cities, supporting other Federal action programs, is in its provisions for improving access and for facilitating improvements to areas around Federal buildings. In Downtown Washington, a number of Federal buildings and uses occur along the STREETS FOR PEOPLE pedestrian malls now nearing completion. Such encouragement and assistance for further mall improvements would be most welcome and helpful.

We urge prompt action to enact H.R. 15134 for the many positive benefits it could impart to the Federal Government and to other public and private bodies concerned with the revitalization of our cities.

A copy of our current annual report is enclosed for your information.

Sincerely,

THORNTON W. OWEN,  
*Chairman of the Board.*