Testimony of

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on

Pending matters relating to the Federal-Aid Highway and Highway Safety Programs

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Mr. Chairman and members of the Subcommittee:

More than a decade ago, in compliance with the directives of Congress, the Federal Government in partnership with the States embarked on one of the major public works projects of all time. I refer, of course, to the construction of the National System of Interstate and Defense Highways. That system, though not yet complete, is already the largest and safest network of modern highways in the world, as well as the strong backbone of our industrial and defense transportation systems.

I need not dwell on the magnitude and importance of this accomplishment. This Subcommittee is well aware of it, having played a vital role in its inception and having contributed to its progress through its careful oversight of the program which carried it into effect.

The hearing this morning concerns both highway construction problems and highway safety matters. I shall cover in my own remarks our plans and proposals in both areas and review as well the problems about which the Subcommittee has asked to be informed. Following my statement, I shall ask Dr. Brenner, the Acting Director of the National Highway Safety Bureau in the Federal Highway Administration, to discuss the activities of his Bureau about which the Subcommittee has evinced interest. Mr. Bartelsmeyer, the Director of Public Roads, will also be available for questioning.

I turn first to the status of the Interstate System.

Status of the Interstate Program and the 1970 Cost Estimate

As you know, last year in the Federal-Aid Highway Act of 1968, Congress added another 1,500 miles to the Interstate System, bringing the total now authorized to 42,500 miles. As of March 31, 1969, 27,975 miles of that system had been open to traffic, another 5,050 miles were under construction, 7,347 miles were still in the design stage and 2,128 miles had not yet finally been designated.

Some portions of the uncompleted segments are in urban areas and will require the relocation of families and businesses. We expect the new relocation payments and assistance which were made available in the Federal-Aid Highway Act of 1968 to facilitate the completion of these urban routes. The new provisions will be particularly helpful when they become fully effective in all States next summer.

The Federal-Aid Highway Act of 1968 also amended section 104(b)(5) of title 23 to provide that the Secretary make a final revised estimate of the cost of completing the then designated Interstate System, taking into account all previous apportionments, and transmit the estimate to Congress by January 12, 1970.

However, in addition to authorizing an additional 1,500 miles, which I mentioned earlier, the Federal-Aid Highway Act of 1968 made other changes which will affect the cost of completing the Interstate System, particularly those costs related to the acquisition of highway rights-of-way and payments for replacement housing and for relocation assistance. Since the latter provisions of the Act are new to the program, the States and the Bureau of Public Roads have not had the experience needed for a detailed estimate of the cost involved. In the time available it would be difficult to respond meaningfully to the requirement that the Secretary, in cooperation with the States, prepare an estimate for submission by January 1970.

Accordingly, we recommend that the Secretary be permitted to satisfy the requirement of section 104(b)(5) by submitting a cost estimate in January 1970 based upon the estimated costs reported in revised table 5 of House Document Numbered 199, 90th Congress (which is set forth in Senate Report 1340, 90th Congress, 2nd Session), provided this table is further revised to take into account the cost of system adjustments

occurring after the 1968 estimate was completed, including adjustments resulting from the 1968 designation of an additional 1,500 miles, and the apportionments made to the States based upon the revised table in the 1968 estimate.

This procedure would permit the Secretary to submit an estimate for the use of Congress in approving apportionment factors for fiscal years after 1971, and permit Congress the flexibility needed to adjust the remaining program period to cover the increased costs to be expected from the system adjustments including the 1,500-mile addition. The Congress can then exercise its judgment in determining the need, number, and the time of submission for future estimates. Apportionment factors derived from an estimate prepared in this manner will be fair to all States for about three fiscal years.

Highway Beautification Program Authorizations

The Highway Beautification Act of 1965 authorized appropriations for fiscal years 1966 and 1967 for control of outdoor advertising and junkyards and landscaping and scenic

enhancement. These authorizations were extended through fiscal year 1970 by section 6 of the Federal-Aid Highway Act of 1968. To continue these programs after June 30, 1970, however, legislation authorizing additional appropriations will be required. For these purposes we recommend the authorization of 30 million dollars for fiscal year 1971 broken down as follows: $2.4 million for control of outdoor advertising under section 131 of title 23; $3.6 million for junkyard control under section 136; and $24 million for section 319(b), landscaping and scenic enhancement. We also recommend the authorization of $1,500,000 for administrative expenses necessary to carry out this program for that fiscal year.

The Highway Beautification Act of 1965 was intended to screen or relocate existing junkyards located within 1,000 feet of the Interstate and Federal-aid primary systems outside industrial areas. The estimated total cost of this program upon the date of passage of the Act was $121,518,000. The expenditures for fiscal years 1966 and 1967, when matched by State funds, totaled $12 million or 10 percent of the total anticipated cost. The number of junkyards screened or relocated totaled 1,600 or almost 10 percent of the junkyards involved. It is apparent that the estimate was a realistic one.

An important feature of the Act was the requirement that all States, Puerto Rico, and the District of Columbia enact legislation to control future junkyards adjacent to their Interstate and primary systems so that no additional Federal or State funds would be needed. Thus far, 41 States have enacted such legislation. We anticipate that the remainder of the States will do so before the conclusion of their next legislative session. Control is maintained in almost all instances by licenses or permits requiring annual renewal.

However, all States rely upon Federal-aid funds for relocating those junkyards in existence on the date of passage of the Highway Beautification Act (October 22, 1965), or for screening of those junkyards in existence on the date of passage of the respective State Acts. A delay in authorizing sufficient Federal-aid funds would force many States to allow numerous existing junkyards to remain which otherwise would be removed or screened. The authorizations for junkyard control are therefore urgently needed if the States are to continue this important program.

Thirty-two jurisdictions have now enacted outdoor advertising control legislation. A number of additional State legislatures have or will consider such legislation in 1969. The Department of Transportation has reached agreements, pursuant to section 131(d) of title 23, with 21 States on

size, lighting, and spacing standards consistent with "customary use" and on the definition of an unzoned commercial or industrial area. The Federal-Aid Highway Act of 1968 removed much of the doubt and uncertainty concerning the outdoor advertising provisions of the Highway Beautification Act and their implementation. The Federal Government should therefore be prepared to move forward, together with the States, in the program to remove nonconforming signs.

At the beginning of the program in 1965, the State highway departments had a total of only 265 persons engaged full time in highway landscape development work. The States now have nearly 650 persons so employed. Unless the authorization of funds is adequate for a realistic program, the States will encounter difficulty in employing, training and retaining staffs of qualified landscape architects and landscape engineers as well as in maintaining the desirable momentum that the program has now achieved.

We therefore strongly urge enactment of the authorizations we recommend to allow continuation of these important beautification programs which, despite the relatively short period of time since their inception, have met with notable success.

Extension of Penalty Provision

A proposal now before you, H. R. 2495, would amend section 131 of title 23 to postpone until 1972 the date upon

which the Secretary might impose a penalty in cases where a State had not made provision for "effective control" of outdoor advertising along the Interstate and primary systems.

Supporters of the bill have urged its enactment to give the States more time to meet Federal standards. We believe this legislation in unnecessary. Existing provisions of section 131 already vest the Secretary with authority to suspend for such periods as he deems necessary in the public interest the application of the penalty provisions to a State. For example, the Secretary already exercised this authority in June 1967, when he deferred the penalty provision of 131(b) from January 1, 1968 to mid-1969 to permit the various State legislatures ample time to enact appropriate legislation to control outdoor advertising.

Thirty States, the District of Columbia and Puerto Rico have already enacted outdoor advertising control legislation. All the remaining States except one, including those which may require amendment to their present laws, have regular legislative sessions this year. These States have sufficient opportunity to enact necessary legislation. A further delayed effective date is not needed and also would be unfair to those States which have already enacted the necessary legislation in good faith.

Moreover, were H. R. 2495 enacted, the delays which could be occasioned would greatly increase the cost of the program.

For example, additional advertising signs could -- and probably would -- be erected which would eventually have to be removed, thus requiring additional compensation from State and Federal funds. It is important, therefore, that the States act now to control the future erection of these signs if Congress' goals in establishing this program are to be met without unnecessary additional expense.

This proposal to postpone the removal date for two years also cannot be justified on the basis of inadequate Federal funds to carry out the program. Section 6(d) of the Federal-Aid Highway Act of 1968 (82 Stat. 817, 23 U.S.C. 131(n)) already provides that no sign is required to be removed where the Federal share of the required compensation is not available.

For these reasons we do not favor enactment of H. R. 2495.

Pilot Outdoor Advertising Program

Certain bills introduced in the 91st Congress would authorize up to $5 million for carrying out pilot projects to determine the best method of accomplishing the control of outdoor advertising prescribed by section 131 of title 23. This proposal would provide the Secretary with considerable latitude in studying the best and most economical methods of removing unlawful signs along the Interstate and the primary systems.

The proposed legislation would permit research into the several possible methods of acquiring and removing illegal signs and might result in an overall program saving. There is no guarantee that it would actually result in any savings, however.

Disposal of Abandoned Vehicles

Another problem in the highway beautification area concerns the disposal of abandoned motor vehicles. This is an immensely complex problem as to which there is no obvious, inexpensive and easy solution. While the Department has begun to look into what can be done in this area, we are not yet far enough along in our investigations to be able to offer sound or useful suggestions at this time. As soon as we are able to make intelligent recommendations, we shall submit them for your consideration.

Adding U.S. 52 in West Virginia to the Interstate System

H. R. 9446 would, by legislative direction, add all of U.S. 52 in West Virginia to the Interstate System and increase the authorized mileage of that system by that amount added by the bill.

We believe this measure is ill-advised. First, it departs from the sound practice directed in section 103(d) of title 23 of having the Interstate System routes selected by the joint action of the highway departments of the adjoining States subject to the Secretary's approval. This method has insured the development of the existing coordinated and efficient system. It would be a mistake to depart from it in favor of piecemeal designation at this time. We note that only last year Congress, in adding an additional 1,500 miles to the system to permit adjustments to increase the efficiency of the system, retained the joint designation procedures for selecting the routes for that mileage.

Second, we think that enactment of this and similar proposals which would increase the total Interstate System mileage are premature. In the supplement to the National Highway Needs Reprot submitted to Congress in July 1968, we recommended that the Interstate System first be completed to the limit established by statute before considering further extensions of its mileage.

We feel that all alternatives should be carefully explored before deciding whether the Interstate System should be expanded at the cost of many millions of dollars. Included among the studies being carried on as a basis for the biennial report to Congress (to be submitted in

January 1970 as required by Senate Joint Resolution 81 (P.L. 89-139, 79 State. 578)) a functional classification study which will bear directly on this question. That study, provided for in section 17 of the Federal-Aid Highway Act of 1968, requires consideration of the "establishment of highway system categories, rural and urban, according to the functional importance of routes, desirable as one of the bases for realigning the Federal highway programs to better meet future needs and priorities." The study is one of the essential steps towards the development of well supported recommendations regarding any future system designed to accommodate projected transportation needs.

Planning and Coordination of Lewis and Clark Trail Highway

House bills 6785, 6812, 7193, 7483, and 9014 are identical bills which would authorize the Secretary to expend up to $300,000 from general administrative funds to expedite the interstate planning and coordination of a continuous Lewis and Clark Trail Highway. The highway would traverse the approximate route of the Lewis and Clark Expedition of 1804-1806, in general conformity with the recommended plan set forth in the final report of the Lewis and Clark Trail Commission. We

have no objection to the proposals of the Commission. We think the additional financing authorized by these bills, however, is not necessary for the planning of the Lewis and Clark Highway because ample funding authority already exists.

The work involved in this contemplated planning can and should be carried out by the existing planning organizations and staffs of the various State highway departments and the Federal Highway Administration. Financing for such planning is already available under section 307(c) of title 23. That section provides that 1-1/2 percent of the sums apportioned for the Federal-aid systems for each fiscal year is available for expenditure by the State highway departments, for among other things, planning future highway programs.

We assume, of course, that the proposed authorization was not intended to cover any part of the overhead costs of the Lewis and Clark Trail Commission, which we understand has submitted its final report as stated in the bill. For these reasons, we do not believe the additional financing which would be authorized by these bills is necessary for the planning of the Lewis and Clark Trail Highway.

Installation of Utility Lines Along Federal-Aid Highways

A matter about which the Committee has asked for information is our policy respecting the accommodations of public

utilities within highway rights-of-way. That policy is embodied in Policy and Procedure Memorandum 30-4.1, issued on November 29, 1968. It was formulated after consultation with the Joint Liaison Committee of the American Association of State Highway Officials and the American Right-of-Way Association, utility industry representatives, State highway departments, and meetings on three occasions with this Committee. This afforded opportunity to responsible representatives from the utility industry, the States and Federal Government to participate in the policy development.

As you know, under the Federal-aid highway program, it is the responsibility of each State highway department to maintain the rights-of-way of Federal-aid highway projects to preserve the integrity, operational safety and function of the highway. The manner in which utility facilities cross or otherwise occupy the right-of-way can materially affect the appearance, safe operation and maintenance of the road. Consequently, the use of right-of-way by utilities must of necessity be regulated by highway authorities. It is to this end that the PPM is directed. It gathers together in one document a variety of directives that have been issued by Public Roads on this general topic during the past several years. It also establishes new provisions which reflect the growing emphasis by highway authorities and the Congress on safety and preservation of the natural beauty of the countryside.

Its major objective is to insure the development and preservation of safe roadsides on Federal-aid highways. Our policy does not deny the use of highway right-of-way to utility facilities. Rather, it regulates the manner in which such use may be exercised. Moreover, it concerns the installation of new facilities, not the relocation of existing ones. However, where existing utility facilities constitute a serious hazard to the highway user, our policy encourages appropriate corrective measures by the responsible highway authority to correct the situation.

Some members of the utility industry have expressed concern about a few provisions of the policy, namely: (1) the authority of utilities to install their facilities on public highways (PPM, section 2), (2) the provisions for accommodating utilities within freeways other than Interstate highways (section 6e), and (3) the scenic enhancement provisions (section 6g). Their concern seems to stem from a misunderstanding of the scope and objectives of these provisions which I should like to clear up at this time.

First, with respect to installing utility facilities on the rights-of-way, the several State highway departments and the Bureau agree that joint highway-utility occupancy of rights-of-way is in the public interest where this joint use is compatible with the free and safe movement of traffic, preservation of natural beauty objectives and local, State and Federal legislative requirements.

Second, application of the AASHO policy for accommodating utilities within Interstate highways to all Federal-aid freeway projects is required in all States. This has been Public Roads' policy since October 15, 1966. Extension of the AASHO criteria for Interstate highways to all Federal-aid freeways is both logical and rational. In fact, AASHO extended it for application to all freeways, not just Federal-aid freeways, on February 14, 1969. The funding of a highway project should not dictate the safety standards by which the highway is constructed. Freeway construction is reserved for those specific situations requiring the movement of large volumes of traffic in an efficient manner with a high degree of safety and full control of access. We also note that since the utilities policy with respect to freeways was announced on October 15, 1966, there has not been an occasion for us to withhold or suspend Federal-aid participation because of noncompliance with the policy.

Third, the scenic enhancement provisions of the policy have been developed in keeping with section 138 of title 23 as amended by the Federal-Aid Highway Act of 1968, and with the goals of the President's Council on Recreation and Natural Beauty. Section 138 declares it to be national policy that special effort be made to preserve the natural beauty of the countryside and public park and recreation

lands, wildlife and waterfowl refuges, and historic sites. The President's Council has also recommended actions to assure that utility plant sites and transmission lines do not detract from the appearance of the countryside.

It is costly to construct highways through public parks and to provide scenic overlooks, rest areas and scenic strips. The cost impact of section 138 is borne entirely by public highway funds. When utilities cannot avoid installing their lines through these areas they are being asked only to follow reasonable measures, including the placing underground of new communication and electric power lines (35KV or less), to preserve and protect the appearance of these areas developed for the benefit and enjoyment of the travelling public. There is little point in investing public highway funds to make an area attractive only to mar its beauty with utility lines.

In short, the message of this provision to utilities is the same as the message to highway officials under section 138, that is, to avoid construction within park areas wherever feasible and possible.

While we recognize the concern expressed by some utility companies, we do not share their fears that application of the policy will cause them undue hardship and great added expense in serving the public. We believe our policy sound

and well reasoned, recognizing fairly the interest of both the highway user and utility consumer. We are, of course, maintaining close contact with the AASHO/ARWA Joint Liaison Committee on operations under the PPM, particularly on those provisions of concern to utilities. Should situations occur involving undue hardships, unreasonable burdens or substantial added expense to the companies, we can make exceptions if necessary. But we think these matters would be best treated on the facts of each case and that no modifications of our general policy should be considered until more experience is gained with it.

Elimination of Grade Crossings Along the Route of the Washington to Boston High Speed Rail Project

There are a number of proposals before the Committee to eliminate or reduce grade crossing hazards along the route of the high speed rail demonstration projects between Washington and Boston. We have no objection to the approach taken by H. R. 8674 and H. R. 8955. These bills would apply only to public crossings and give the Secretary discretion to determine whether (1) the closing of the public crossing could be practicably effected prior to approving funds for improved protection, highway relocation, or grade separation, and (2) the State has entered into appropriate agreements with concerned local governments and railroads to cover non-Federal costs. The bills also do not mandate elimination of

all crossings, but recognize the availability of Federal-aid funds for projects on Federal-aid systems and authorize general funds off the Federal-aid systems for any type of public grade crossing improvement.

The other bills, H. R. 4808, H. R. 6276, and H. R. 7168, would eliminate all crossings, public and private, apply only between New York and Washington, and pay all costs out of general funds.

If a project of this type is to be undertaken, it should be accomplished along the full length of the project route. The hazards created by the high speed trains are the same from Boston to New York as from Washington to New York. For the information of the Committee, there are 43 public and 36 private grade crossings between Washington and Boston, Massachusetts. Ten of the public crossings are on the Federal-aid system, 4 in Maryland, 4 in Delaware, and 2 in Rhode Island. We agree with H. R. 8674 and H. R. 8955 that it is not appropriate to use public funds to provide grade separations at private crossings.

The elimination of all public grade crossings by complete separation would be the ultimate in safety. The cost of such an undertaking along the entire Washington to Boston route would be in excess of $30 million if expenditures on previous projects in the same area are representative. We think there are circumstances where that ultimate solution would be less feasible than the advanced type of protection

now planned as interim protection in Maryland and Delaware and is therefore not necessary in every case at this time.

We understand section 1(a) of H. R. 6674 and H. R. 8955 to authorize this approach, that is that the Secretary may permit Federal participation in the cost of projects "to reduce" as well as to "eliminate" hazards of ground level rail-highway crossings. So that there may be no misunderstanding on this point, we recommend that section 1(b) of these bills be amended to conform to the language of section 1(a) by changing line 5 on page 2 to read:

"(b) Each project to eliminate the hazards of such a crossing shall be . . .". (new language underscored)

The size of the program, both as to cost and the number of projects which would be undertaken, convinces us of the appropriateness of the proposals to use Highway Trust Funds where permitted by current law. This will provide a dual source of funding. Exclusive reliance on general fund financing would in all likelihood not permit an expeditious completion of the program. We also think the use of Treasury funds to the exclusion of Federal-aid funds on Federal-aid highways would establish undesirable precedents.

For the reasons stated we do not object to H. R. 8674 and H. R. 8955. However, inasmuch as a substantial portion of the costs involved in the legislation would be borne by general fund appropriations, and in light of current and forseeable budgetary constraints, we are unable to indicate whether or not such funding would be possible.

New formula for apportioning State and Community highway safety program funds

Another important matter before the Committee is the adoption of a non-discretionary formula for apportioning State and community highway safety funds for fiscal year 1970. One new formula was recommended by former Secretary Boyd earlier this year.

That recommendation contemplated the division of those funds among the States in the ratio of traffic accident deaths in each State over a three year period to the nation-wide total of such deaths in that period. No State, however, would receive less than one quarter of one percent of the funds apportioned each year.

That death rate formula was based on the assumption that it would result in an allocation of funds to each State proportional to the magnitude of the most severe aspect of that State's highway safety problem. This formula also assumed that total fatalities reflect the magnitude of serious injuries and correlate approximately with minor injuries and property damage.

Since that death rate formula was recommended it has been criticized as being subject to negative interpretations. In light of this serious criticism we are considering an alternate formula which is now being reviewed in the executive branch. We expect to have a firm proposal to you in the near future.

Highway Safety Program Standards

Section 402 of title 23 provides that each State shall have a highway safety program designed to reduce traffic accidents and deaths. These programs must be approved by the Secretary in accordance with uniform standards promulgated by him. You will recall that the Secretary initially promulgated thirteen standards in 1967. These covered: periodic motor vehicle inspection, motor vehicle registration, motorcycle safety, driver education, driver licensing, vehicle codes and laws, traffic courts, alcohol in relation to highway safety, identification and surveillance of accident locations, traffic records, emergency medical services, highway design, construction and maintenance, and traffic control devices.

During 1968 additional standards were issued on pedestrian safety, police traffic services and the control and cleanup of hazardous debris. Work is going on to develop two more important standards: school bus safety and accident investigation.

A number of States already meet or exceed the performance levels prescribed in several of the standards. Other States are, as yet, unable to comply fully with any of the standards. While a remarkable beginning has been made by the States in implementing the Highway Safety Act of 1966, there is still a long way to go in achieving the Act's goal of substantially reducing the highway death toll.

The Act specifies no fixed timetable for full implementation of the standards. It does require, however, that each State must be implementing an approved highway safety program by the end of this year in order to remain eligible for Federal matching grant-in-aid funds. In addition, such non-complying States also face the possibility of the loss of 10 percent of their Federal-aid apportionment.

All States have submitted plans which have been reviewed by the Federal Highway Administration. Provisional approval has already been granted to programs of 41 States. Approval of the remaining States' programs awaits additional information from those States.

At the present rate of progress, we are reasonably confident that all States will have submitted acceptable programs by the end of the year and, therefore, no occasion should arise to invoke the penalty provisions. Needless to add, the penalty provision, which may be waived by the Secretary when determined to be in the public interest, will not be used indiscriminately. We think that the provision should be retained, however, as a helpful inducement to the States to implement programs in this vital area.

Funding

The effectiveness of the highway safety program of course depends in great measure on the resources committed to it. Total funds obligated since the start of the highway safety

program should amount to $92 million by the end of fiscal year 1969. This compares to $67 million authorized by the Congress for these programs in fiscal year 1967 and $100 million each for fiscal years 1968 and 1969. The lower level of actual obligations relative to the authorization level results from obligation limits imposed by the Congress of $25 million in fiscal year 1968 and $65 million in fiscal year 1969. The authorizations for fiscal years 1970 and 1971 were set at $75 million and $100 million respectively by the Federal-Aid Highway Act of 1968.

The full implementation by the States of the highway safety standards issued to date may require a higher level of funding. Because the resources of the States are limited they may not be able to make available the necessary resources in the time which the highway safety standards should become fully effective. The resources of the Federal Government available at this time for assisting the States to carry out the highway safety program are also limited. It is necessary, therefore, to derive methods for channeling the Federal grants into those programs which have the highest potential for improving highway safety conditions in the State.

Dr. Brenner, Acting Director of the National Highway Safety Bureau, will discuss in his testimony highway safety standards in greater detail, the progress made in carrying them out, and the funding problems which have arisen.

This completes my prepared testimony. I would like at this time to permit Dr. Brenner to present his own statement following which we will endeavor to answer any questions you may have about our programs.